Colorado Department of Public Health & Environment

U.S. Environmental Protection Agency Region 8

Colorado Environmental Performance Partnership Agreement – FY2006

Final Agreement

Colorado Department of Public Health and Environment

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APPROVALS

By signing this updated Colorado Environmental Performance Partnership Agreement (CEPPA) for FY2006, the Colorado Department of Public Health and Environment (CDPHE) and the U.S. Environmental Protection Agency (EPA) Region 8 jointly agree to continue the National Environmental Performance Partnership System for the next two federal fiscal years beginning on October 1, 2005 and continuing through September 30, 2007. The EPA commits funding to the CDPHE in amounts specified herein and as specified in fiscal applications submitted by the CDPHE before September 30, 2005 under the terms of the CDPHE's Environmental Performance Partnership Grant. In return, the CDPHE will expend the federal resources to carry out the environmental programs described herein for a one-year period. EPA Region 8 also agrees to carry out its roles and work as defined in the agreement and in work plans for a one-year period.

U.S. Environmental Protection Agency, Region 8

Robert E. Roberts,
Regional Administrator

Colorado Department of Public Health and Environment

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Executive Director

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CHAPTER 1 INTRODUCTION AND OVERVIEW TO THE ROLES OF EPA AND CDPHE

1.1 Background

This Colorado Environmental Performance Partnership Agreement (CEPPA) is an agreement that identifies and explains the key environmental priorities and goals in the State of Colorado, and the working relationship between the Colorado Department of Public Health and Environment (CDPHE) and the U.S. Environmental Protection Agency (EPA). The FY 2006 CEPPA continues the pattern established in the previous agreements to achieve the goals of the National Environmental Performance Partnership System (NEPPS). The NEPPS provides a framework for delineation of CDPHE and EPA roles in carrying out environmental laws in each state. It allows Colorado to identify key state priorities, allocate federal resources to the highest state priorities, and have some flexibility in finding ways to achieve mutually agreed upon goals. The EPA seeks to work jointly with the state to find the most effective ways to achieve national standards and goals while meeting state environmental priorities.

This CEPPA encompassed an agreement for federal FY 2006. The next CEPPA will be for a two-year period from FY 2007 through FY 2008. Both CDPHE and EPA Region 8 annually review the CEPPA for modifications and consideration of new priorities arise, new goals and objectives as amendments.

This has been a strong year for Colorado's environmental programs. CDPHE is well into implementing its strategic plan of which the environmental goal is to achieve a Sustainable Colorado through performance-based programs. Under this strategic direction, CDPHE has developed and began to implement a cross media permitting outcomes program, greening government for state agencies, and enhanced innovations program. In addition, CDPHE continues to implement and enhance its cross media enforcement program, Mercury Program, Environmental Problem Solving, indicators program, integrated data effort, and cross media compliance assistance efforts. CDPHE is seen as a leader in innovations for state regulatory agencies. Colorado's Sustainability Division is spearheading CDPHE's Environmental Management System (EMS) Permit Pilot Project, the first of its kind in the world, Internal EMS, and Stormwater Excellence Program. We continue to see the Environmental Leadership Program expand in scope and membership.

Colorado's air quality for 2003 continued to improve and remains exemplary regarding overall progress. In terms of the attainment and maintenance plans for particulate matter (PM10 and Carbon Monoxide , all maintenance plans are now approved and all nonattainment areas are now designated attainment. A number of Plan amendments will be prepared during this PPA cycle. These areas include Denver for PM10 and carbon monoxide During this past planning period the Steamboat Springs PM10 maintenance plan was also submitted to EPA and approval is expected early in the FY 2004 grant cycle.

The Denver metro area maintained ozone (smog) concentrations below the national 1-hour standard through 2003, though there were exceedances of the 1-hour standard measured on two different days in 2003. The new 8-hour ozone standard became effective in this past year. During the 2004 PPA cycle EPA Region 8 proposed a nonattainment designation for the eight-hour Ozone NAAQS for a significant portion of northeastern Colorado. However, in 2002, the State entered into a voluntary Early Ozone Action Compact with the EPA, the Regional Air Quality Council, the Denver Regional Council of Governments, the Colorado Department of Transportation and the Air Quality Control Commission, which deferred the effective date of the nonattainment designation to September 2005. Elbert, Larimer, Morgan, and Weld Counties joined the Compact in 2003. This Compact's Ozone Action Plan was approved by the Colorado General Assembly in 2004 and has been approved by EPA The strategies in the compact are being implemented during this and ensuing planning periods

In the water quality arena, the Water Quality Control Commission revised the Basic Standards and Methodologies for Surface Waters including adoption of a number of new numeric standards, many of which will protect drinking water supplies. Key programmatic accomplishments included submitting the SB 276 Report concerning Water Division business practices and future funding options to the general assembly; meeting or exceeding goals for existing wastewater and drinking water system inspections; continuing to meet permit backlog reduction goals; and increasing drinking water set-aside funding levels so as to strengthen program implementation.. The Water Division has continued support for watershed groups and successful management of the non-point source program.

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In the waste management area, significant progress continued in the cleanup of high priority RCRA corrective action sites. Colorado continues to exceed EPA national goals for environmental indicators for this universe. Indoor air remediation for the Redfield site was completed and the ground water cleanup is being implemented. EPA and the State worked collaboratively on developing the proposed NPL listing of the Standard Mine site in Gunnison County. A large amount of effort was devoted to federal facilities such as the Rocky Mountain Arsenal, Lowry AFB, the Pueblo Chemical Depot, and Fort Carson. Substantial cleanup progress is also continuing to occur at Rocky Flats, with project completion scheduled for late CY2005. With selection of the treatment technology, CDPHE is gearing up for permitting of the Pueblo chemical demilitarization project. Colorado celebrated our 20th Anniversary of authorization in the Hazardous Waste Program. New priorities have emerged and are being addressed such as asbestos contamination in soils.

1.2 Purpose

The Colorado Environmental Performance Partnership Agreement serves several purposes.

- It identifies the roles of and the relationship between the EPA and the environmental programs of the CDPHE.
- It identifies the major CDPHE management framework to address environmental problems in Colorado. The document describes the priority goals, objectives and key initiatives to address the problems, and establishes the environmental indicators and performance measure to evaluate progress.
- It is the document that defines Colorado's set of program commitments for which federal resources are made available to the CDPHE to manage environmental programs. It constitutes the full program plan for the CDPHE environmental Performance Partnership Grant (PPG) to the CDPHE and will be used to evaluate the success of the PPG.
- The CEPPA seeks to enhance public involvement regarding environmental issues and priorities in the state.

1.3 Scope

This CEPPA addresses the environmental programs within the CDPHE with emphasis on those that receive funding from the EPA. This CEPPA delineates those programs and activities that are grant commitments in Chapters 2 through 8. In addition, this CEPPA describes a number of programs and activities which are either not funded by or not required by federal law to be included in the Agreement These are included to demonstrate the comprehensive and integrated approach to managing these programs that is in place, and to enhance communications with stakeholders and the public. The fact that programs are described in this document that are neither funded nor mandated by EPA, does not translate into federal control of these programs if it would not otherwise exist.

This CEPPA specifically describes the work commitments to be completed during the work plan period of FY 2006 (October 1, 2005 through September 30, 2006). It is intended to provide a working framework for the agencies that incorporates existing Memorandums of Agreement, delegations and enforcement agreements but does not supersede them. The CDPHE will maintain the core programs required by federal and state statutes and rules, and reflected in program authorizations and other formal agreements. In addition, the core program requirements also relate to the maintenance of regional and national databases associated with the environmental health programs and the development of Quality Assurance Project Plans for specific program activities like monitoring or remediation. The CDPHE will fulfill the data entry, quality assurance and data validation requirements and will perform timely and complete updating of information by state and the EPA staff and managers.

In the FY2006 Agreement, the CDPHE will continue to develop, in close consultation with EPA Region 8, an EPA-Approved Quality Management Plan (QMP) that will address all of CDPHE's environmental programs. CDPHE and EPA will consult on the scope and content of the QMP. The EPA has provided QMP Guidance to the CDPHE, and will continue to provide technical support quality assurance plans. CDPHE will continue to obtain EPA approval of QAPPs for data collection and analysis work for which EPA provides funding and for which programs do not yet have approved QMPs.

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To provide a comprehensive description of the environmental efforts throughout the state, this CEPPA also includes EPA's efforts to support the state's environmental programs and to carry out its own federal responsibilities. In some instances, EPA works with other state agencies in Colorado to carry out its activities. The information provided on these activities with other agencies is only descriptive and should in no way imply a commitment on the part of those agencies or CDPHE. Nonetheless, CDPHE will coordinate with both EPA and other state agencies to address environmental problems. Where appropriate, CDPHE also will work closely with other state agencies, cities and county agencies to implement many of the programs described in this agreement.

1.4 Relationship Between EPA and CDPHE

There is a long-standing relationship between EPA and CDPHE to protect the environment in Colorado. The federal system of government, through a series of environmental statutes, delineates specific roles for federal and state agencies in the development and implementation of programs for environmental protection. Different statutes require different roles. For example, some programs established by federal legislation may be delegated to state agencies with requisite authority, resources and capability. Other programs cannot be delegated under federal law, like the federal Superfund program. Other environmental programs or initiatives have been developed at the state level independent of federal authorities. In addition, there are other initiatives that both agencies agree result in increased environmental protection in an efficient and cost effective manner. Often, the CDPHE and EPA play significant roles in these efforts and work to coordinate their approaches in Colorado.

1.5 Environmental Protection Agency Role

Under most of the programs covered by this CEPPA, the U.S. Congress gave the EPA the initial responsibility for development and implementation. Many of these statutes also contain Congressional preference for delegation of the program to the states when states demonstrate capacity to carry them out. The federal resources for program development and management are given to the EPA annually by Congress. The EPA has developed various mechanisms for implementation of the programs in partnership with the states. Given the evolving nature of this partnership, there will continue to be coordinated planning and priority setting between the EPA and Colorado. These joint activities will occur as part of the development of future partnership agreements and on a more long-term, strategic basis.

FEDERAL-ONLY ACTIVITY In some cases, implementation of environmental programs is primarily a federal role. Some examples include non-delegated programs, certain Indian Country issues, and interstate problems. Even so, many of these activities require support and activity by the CDPHE. One example is the Emergency Planning and Community Right-to-Know Act program that is directly implemented by the EPA, but relies heavily on state information and data.

DEVELOPMENT OF NATIONAL PROGRAM STRUCTURE AND STANDARDS The EPA is responsible, through its statutory management and rule-making authority, for determining the federal management structure for the program and minimum national standards. For many environmental programs, national standards have been set for the country. The EPA's role is to ensure that the efforts of all states are used to achieve baseline environmental quality throughout the country and require that states adhere to a minimum set of national environmental standards. In addition, the EPA facilitates resolution of interstate issues. Federal activity is geared to monitor consistency, national trends, and federal initiatives when standards are not met.

RESEARCH AND DEVELOPMENT Often, the standards and guidance, which are developed by the EPA, are the result of research and development, which it has undertaken and/or funded. Development and testing of innovative technologies and similar initiatives are valuable components of many environmental programs.

ASSISTANCE TO THE CDPHE The EPA often provides technical assistance that may not be available to a particular state program. For example, the EPA assists in building state capability to implement federal environmental programs by providing clear statements of policy and guidance, and delivering assistance and training on new regulations and national priorities. Additionally, the EPA will assist CDPHE when requested, by providing technical information from other states, reviewing proposed engineering treatment processes, researching data, conducting risk assessments, and facilitating peer review and peer matching. For EPA activities that will not require a major commitment of federal resources, EPA personnel will be available on an ongoing basis. For activities that will require a major commitment of EPA resources, that role will be described in the program-specific tables and work plans in the later chapters of this CEPPA.

ENFORCEMENT, COMPLIANCE AND ENVIRONMENTAL JUSTICE The EPA performs essential enforcement and compliance assurance functions in order to ensure the protection of public health and the environment, and to assure that polluters do not gain a competitive advantage over those regulated entities that comply with federal environmental regulations.

The core EPA functions include: setting national priorities, monitoring compliance on a national basis, assuring national consistency in the implementation and enforcement of federal environmental requirements, taking enforcement actions against regulated entities with significant noncompliance at facilities in several states or against sources where releases to the environment threaten the health or environment of another state or country, or where states do not address particular violations, the EPA offers incentives for violators to come into and remain in compliance, conducting compliance assistance for high-priority sectors and federally-implemented program, and evaluating state performance.

For national programs that are not delegated to the state and for new regulations and policies, the EPA will perform compliance assurance activities such as the development of compliance assistance materials and services tailored to promote compliance within high priority sectors. It will address compliance problems in federally implemented programs, and publicize and explain new regulatory requirements. In delegated programs, such materials and services should be delivered by the state.

The EPA will promote environmental compliance and pollution prevention in the federal sector through enforcement, technical and compliance assistance activities. Careful administration of compliance assistance, pollution prevention, and enforcement will be directed toward the overall goal of achieving increased compliance and reducing risk in all priority areas.

RESOURCES In addition to the programmatic and technical assistance provided, many of the programs covered by this CEPPA are partially funded by federal grants administered by the EPA. The EPA is accountable to Congress for the expenditure of these resources consistent with federal law and grant agreements.

SPECIAL PROJECTS/INITIATIVES The President, the Administrator of the EPA, or the Regional Administrator may identify particular initiatives or projects, which are a high priority. The EPA works with state agencies and others to implement projects or initiatives that the state is interested in pursuing.

CROSS-CUTTING INITIATIVES The EPA Region 8 office will be working with EPA Headquarters, the state, and local communities in several cross-cutting areas. The EPA has identified a number of cross-cutting areas within its strategic themes. These themes include ecosystem protection, pollution prevention, reinventing environmental management, environmental management systems, environmental justice, environmental accountability, partnerships and strong science and data. Cross-cutting activities found within these themes include community-based environmental protection, industrial sector compliance activities, integrated environmental data systems and funding to achieve equitable environmental results.

VERIFICATION OF STATE PERFORMANCE (OVERSIGHT) The EPA works jointly with the state to set forth the procedures for mid-year and end-of-year reviews, grant reporting requirements, and other assessments. Through the assessment process, the EPA works with the state to evaluate accomplishments, discuss progress, make adjustments to meet commitments in the current PPA and plan for future efforts. The EPA is ultimately responsible for ensuring that grant requirements, including program commitments have been met.

In cases where the EPA delegates implementation authority for environmental programs to a state, it must also ensure that the state meets the requirements of the delegation. This distinct oversight role is necessary for the EPA to carry out its unique federal responsibilities as reflected in the items above. The EPA will review the state's performance and evaluate it against national environmental statutes, regulations and pertinent fiscal/grant requirements (see Chapters 8 and 10: Fiscal and Oversight Chapters).

In instances of effective state performance, the EPA's oversight role lessens. In instances of less than satisfactory performance, the EPA's oversight role increases. In both scenarios, the EPA must ensure compliance with environmental laws and determine its level of activity accordingly.

1.6 CDPHE's Strategic Planning and Role in the CEPPA

The basis for Colorado's development of this CEPPA comes from a comprehensive state strategic planning process established by Governor Bill Owens. The CEPPA document affirms this direction. The CDPHE recently completed developing a strategic plan and critical investment areas to continue moving state environmental programs forward in the years to come. CDPHE's environmental target area is to:

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Create a sustainable Colorado by protecting, preserving, and improving the quality of life, environment and ecosystems through performance-based environmental programs.

The following are CDPHE's primary goals:

- Maintain and improve environmental protection on a cross media basis through the compliance assurance functions (compliance outreach, permitting, enforcement) of our environmental programs.
- Analyze and use information and science to make sound health and environmental decisions, and to guide strategic plans and priorities.
- Promote and encourage flexibility and incentives for environmental leaders through the use of environmental management systems and other tools in the regulatory process to continuously improve environmental outcomes.
- Conduct and oversee environmental cleanup projects that are protective of human health and the environment, coordinated and consistent with cross-media programs, standards and approaches, and respectful of local community needs and concerns.

For the majority of programs covered by this CEPPA, CDPHE is the primary implementing agency. Some of the roles described above have parallels at the local level.

DEVELOPMENT OF STATE PROGRAM STRUCTURE AND STANDARDS Colorado is responsible through its statutory and regulatory authority to determine the state management structure for the program. In addition, the state adopts its standards through the Colorado Administrative Procedures Act and requirements of implementing statutes. This is done through the various state commissions or boards: the Air Quality Control Commission, the Water Quality Control Commission, the Hazardous Waste Commission, and the Colorado Board of Health. CDPHE also received advice on sustainability, pollution prevention and leadership from the Governor-appointed Pollution Prevention Advisory Board.

RESEARCH AND DEVELOPMENT The state also may participate in research and development efforts relevant to its environmental programs.

PROGRAMMATIC AND TECHNICAL ASSISTANCE Due to the maturity of many of the programs described in this CEPPA, the state sometimes provides programmatic and technical assistance to the EPA. This is often done through agreements under which the state undertakes lead responsibility for particular projects or activities for which the EPA is primarily responsible.

RESOURCES The CDPHE commits its own financial resources to nearly all of the programs and activities described in this CEPPA.

SPECIAL PROJECTS/INITIATIVES The CDPHE may also undertake particular projects or initiatives that are a high priority for the state. The CDPHE works with the EPA and others to implement those projects or initiatives.

DIRECT IMPLEMENTATION For most of the programs and activities described in this CEPPA, CDPHE directly implements the program or activity. CDPHE will undertake the work when a program is not authorized by federal law. As CDPHE and EPA develop their priorities, CDPHE may identify priority work that the EPA cannot or will not undertake. CDPHE may then choose to do this work. Local health departments also directly implement a number of programs and activities and some reference is made to these in this CEPPA.

COMPLIANCE ASSURANCE AND ENFORCEMENT The state of Colorado has sufficient authority under state statute to perform essential compliance assurance and enforcement functions in order to ensure the protection of public health and the environment and to assure that polluters do not gain a competitive advantage over those entities that must meet state regulatory requirements.

1.7 Environmental Conditions in Colorado

This CEPPA is founded, in part, upon the current understanding of environmental conditions in Colorado. The CEPPA includes goals and objectives to address identified health and environmental problems in the state, particularly as they relate to the established roles and responsibilities of the participating agencies.

Sustainability - Colorado is and will be facing many challenges as the state continues to grow economically. As the population increases, the state will continue to be challenged to sustain the quality of life, environment and ecosystems which is one of the main reasons people want to live and work in Colorado. CDPHE continues to

strive towards creating a Sustainable Colorado through its programs, partnerships, and activities. CDPHE is enhancing its ability to collect and report information to the public on how its activities are resulting in direct benefits to the quality of life, environment, and ecosystems in Colorado. Succeeding in creating a sustainable Colorado through improving, protecting, and preserving Colorado's quality of life, environment and ecosystems will require CDPHE to develop and implement new and more effective tools and approaches.

Colorado's regulated entities in many sectors are striving towards becoming environmental leaders and a achieving an even greater commitment to community. We welcomed a number of new members to and expanded the scope of the State's Environmental Leadership Program and continue to work with other businesses, governmental agencies and communities to enhance and grow our program. Prevention pollution has been CDPHE's pollution control tool of choice since 1992 and CDPHE's incorporation of pollution prevention into regulations, compliance assistance, enforcement, and permitting activities is rapidly increasing. Prevention of pollution has effectively saved companies money, reduced risk and improved the environment and quality of life in Colorado. The environmental improvements described below are in part due to prevention. Reported toxics in the state are on the decline, primarily as a result of pollution prevention. CDPHE is beginning to measure and reduce its own environmental and resource impacts, and plans to expand its data capabilities and report on this to the public in FY 2006. CDPHE has also taken a lead role in implementing a state-wide environmental management system through a greening government program.

Air Quality - Colorado's air quality has greatly improved since air pollution monitoring began in the 1970s. When federal air quality standards first were instituted in 1970, Denver's air was in winter exceeded the standards on over seventy days. To correct this, the Air Quality Control Commission (AQCC) designated high pollution areas of the state as "non-attainment" with the U.S. Environmental Protection Agency's air quality standards. The AQCC instituted control measures to reduce pollutant levels below the standard.

By 2002, Colorado had accomplished a milestone that had seemed impossible in the 1970s. In 2002, EPA redesignated the entire State of Colorado as "in attainment/maintenance." Colorado was the first state in the nation to be violation free and to achieve this designation.

Credit for this achievement should go to those who helped make it occur, including:

- Automobile manufacturers who improved the emissions control systems on their vehicles to meet the high standards set by regulation;
- Businesses and industries that installed and maintained emissions control equipment;
- Homeowners who have cooperated with residential burning control programs;
- Those who have participated in voluntary programs to improve air quality; and,
- Municipalities and agencies that have reduced road sanding and improved street sweeping.

Denver Metropolitan Area Air Quality -- For several years the Denver the metropolitan area had not violated any of EPA's standards for the criteria pollutants. In the summer of 2003, ground-level ozone readings violated the EPA's new 8-hour ozone standard. In anticipation of violations, and to reduce ozone levels, the Denver - metropolitan area entered into an Ozone Early Action Compact with EPA in December 2002. The AQCC adopted an Ozone Action Plan in 2004. See page 6 for details.

Ground-level ozone should not be confused with the natural ozone layer high in the atmosphere. Stratospheric ozone protects the earth from the sun's ultraviolet rays. Ground-level ozone is a summertime pollutant formed when volatile organic compounds, carbon monoxide and nitrogen oxides mix and react in the presence of sunlight. Ground-level ozone is a lung irritant.

No exceedances of the coarse particle (PM10) standard have occurred since 1993. PM10 can reduce lung function and cause respiratory problems. In the Denver area most PM10 is caused by dust from roads. Increased street sweeping and the use of alternative deicers as a substitute for road sanding has reduced particulate concentrations.

No exceedances of the federal health-based fine particle (PM2.5) standard have occurred since monitoring began. The vast majority of these particles are generated from motor vehicle exhaust, power plants and wood burning. The particles can be inhaled deeply into the lungs and can cause damage to the respiratory system.

Fine particles also degrade visibility and largely are responsible for the "Brown Cloud." Denver often exceeds the state standard for urban visibility.

Rural Air Quality -- No rural areas violated federal air quality standards during the past year. The last violation of federal air quality standards in a rural area occurred in 1999 in Mount Crested Butte and was for PM10.

Visibility, an aesthetic air quality value, will continue to be a concern along the Front Range and in the Grand Junction area as the state moves to implement the Regional Haze Rule promulgated by the U.S. EPA. In 2002 an evaluation of long-term Denver monitoring data indicate a 23% improvement in the Brown Cloud as sulfur dioxide have declined over the past decade.

Water Quality - Based on existing data, 88% of stream miles assessed in Colorado meet the fishable criteria (criteria related to man-made contamination), while 99% meet the swimmable criteria. Additionally, 91% of lake acres assessed meet the fishable criteria, and 100% meet the swimmable criteria.

Potential public health problems of concern to Colorado's Clean Water Program include: chemical and pathogenic contamination of source waters used for public water supplies; illnesses caused by ingestion of contaminated aquatic organisms or agricultural products where the contamination is attributable to the habitat waters, sediment or irrigation water supply; and, gastrointestinal illnesses and other health problems (e.g., dermatitis, eye infections) that may result from water-based recreation.

Environmental problems of concern in surface waters include: discharges of pollutants in quantities that impair aquatic ecosystems; discharges that cause unsightly, odorous or harmful bottom deposits, surface scum or debris which may stimulate the proliferation of undesirable aquatic plants and organisms; dredge and fill activities that could impair aquatic habitat; and stormwater and non-point source runoff that may adversely impact in-stream uses. There currently are concerns over the impact of water quality on aquatic habitat conditions in the Lower South Platte, Arkansas and Colorado Rivers and over the decline of Colorado's native fishes in certain identified segments.

Ground water quality in Colorado ranges from excellent in mountain areas where snowfall is heavy and development is sparse to poor in certain alluvial aquifers of major rivers where surface and ground water are used and reused. Early mining operations have resulted in ground water contaminated with heavy metals and radionuclides. Shallow, unconfined aquifers in Colorado are susceptible to contamination from surface activities. Many have become contaminated, especially with nitrates and salts, from agricultural activities and from urban development, particularly along the South Platte downstream from Denver. Rapid development in mountainous areas located on top of fractured crystalline rock and in alluvial valleys has increased the threat of nitrates and pathogens in ground water from the use of individual septic disposal systems. Deeper bedrock aquifers tend to show higher levels of natural constituents but lower levels of surface contaminants, especially if the aquifers are confined.

Drinking Water – There are approximately 2000 active public water systems operating in Colorado. On average, 6% of public water systems in Colorado are in violation of health-based regulations each year, affecting about 11% of the population served. And, about 400 systems fail to monitor and/or report for one or more contaminant as required by the *Colorado Primary Drinking Water Regulations.* Monitoring results reported by public water systems indicate that the most common contaminants causing violations of drinking water regulations in Colorado are: microbiological as measured by total coliform, nitrate, turbidity, radionuclides, arsenic, fluoride, and selenium, while the most common violation in general is failure to monitor/report. Surface water is used by 15% of Colorado public water systems and provide drinking water to 86% of the population served. Ground water is used by 85% of the water systems but provide drinking water to only about 14% of the population served. In some localities, ground water is the sole source of drinking water. From an environmental standpoint, disposal of contaminated residuals from water treatment facilities, particularly for those removing radionuclides, is an emerging concern.

Hazardous Materials and Waste - The Hazardous Materials and Waste Management Division's (HMWMD's) priorities and work commitments reflect and respond to several basic environmental and programmatic areas.

The first priority is waste prevention, which includes the concepts of waste minimization and pollution prevention as the optimal solutions for most waste problems. In both the solid and hazardous waste arenas, the HMWMD emphasizes the use of technical assistance and resource/educational materials to increase the awareness and understanding of these concepts across the state.

In addition, information disseminated during inspections encourages effective waste management practices within the regulated community. The use of waste minimization and pollution prevention-based Supplemental Environmental Projects as a frequent part of enforcement actions has emphasized the importance of these concepts. The results of the HMWMD's waste prevention and minimization efforts can be demonstrated by a downward trend in the amount of waste generated by many Colorado businesses.

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In July of 2002, HMWMD began a Cathode Ray Tube Recycling Pilot Project under the impetus of HB-01-1106. This reuse / recycling pilot is aimed at minimizing the e-waste stream and its impact to Colorado's solid and hazardous waste management sites. The effort will continue and expand activities conducted through the Colorado Office of Energy Management and Conservation with the two state agencies coordinating resources for maximum impact.

A second priority area is compliance assistance and assurance. Activities in these areas form the basis of the traditional work effort of HMWMD each year. The division is dedicated to: the adoption of reasonable regulations and guidelines that safeguard the environment and public health; outreach to the regulated community and the public to assure awareness and understanding of such requirements; and routine inspections that evaluate compliance at a significant percentage of the regulated facilities each year and concerted efforts to achieve timely compliance and corrective action. In addition, at sites where the improper disposal of wastes or chemical spills may impact the environment or place the safety and health of the citizen in question, HMWMD is focused on achieving rapid stabilization, and environmentally sound and cost-effective clean-ups.

The third priority is protection. In many cases, the HMWMD must respond to contamination that is already present in the environment, and that poses a current or potential risk to human health. A majority of the HMWMD's work is in the Superfund, Hazardous Waste Corrective Action, Voluntary Cleanup and Federal Facilities Programs. The work involves design, execution of cleanup projects that are protective of human health.

The status and use of environmental indicators as program benchmarks has been under continual development and refinement at CDPHE. The CDPHE and EPA intend to determine whether and how an improved assessment of environmental conditions can be made.

1.8 Description of Environmental Programs

Each of the environmental divisions of the CDPHE has described their organization in detail and defines new organizational relations for the environmental programs listed. A listing of these programs is included here to emphasize the breadth of the efforts that are part of the CEPPA. Of the programs listed many are funded, in whole or in part, through the grant provided under this CEPPA. The environmental programs administered by each of the CDPHE environmental divisions are shown in the following table.

Colorado Department of Public Health and Environment Office of Environmental Programs			
Hazardous Materials and Waste Management Division Compliance Program Federal Facilities Program Remediation Program Radiation Control Programs Radon Program	**Air Pollution Control Division** Policy and Planning Program Mobile Sources Program Stationary Sources Program Technical Services Program Administrative and Business Services Program	**Sustainability Division** Pollution Prevention Environmental Leadership Environmental Customer Assistance Center Environmental Information and Environmental Justice Greening Government Self-Audit Law Program TRI/SARA Programs	**Water Quality Control Division** Water Quality Protection Section - Permits Unit - Compliance Assurance and Data Management Drinking and Wastewater Technical Services Drinking Water Permits Program Watershed Section - Assessment Unit - Monitoring Unit - Outreach & Assistance Unit
Cross Media Programs or Activities			
Cross Media Enforcement Team	**Cross Media Compliance Assistance Team**	**Cross Media Permitting**	**Cross Media Regulatory**
Policy development Supplemental	Sector-based cross media assistance	Environmental Management System	Environmental Management System

environmental projects Cross media inspections Municipal Policy Small business referral program Cross media impacts Self-Audit Program: ERP/SCORE Inspector training	Provide coordination, communication and training Workshop coordination Resource Conservation Challenge Stormwater Excellence Program	Permit Environmental Results Program / SCORE Pollution prevention in permitting Electronic permitting Permitting by rule General permits	Permit regulation Housed commercial swine feeding operations Pollution prevention in regulations
Environmental Problem Solving	**Internal Environmental Management System**	**Indicators**	**Strategic Planning / PPA**
Mercury Program - Switch removal - Consumer education - Dental - Hospitals - Other users / sources	Policy development Aspects / impacts Projects identified Project completion Measurement Education / awareness	Development Implementation Measurement Analysis / reassessment Review / modify	Region 8 Strategic Planning Effort Statewide Framework

CHAPTER 2 STRATEGIC DIRECTIONS, PRIORITIES, AND VALUES

This chapter includes CDPHE's strategic priorities, goals, objectives and priorities for the next year. The chapter also includes a discussion on CDPHE's use of indicators to inform policy decisions and allocate resources. Finally, the chapter includes an agreement between CDPHE and EPA Region 8 on the development, implementation and review of innovations in Colorado.

2.1 Strategic Directions

In 2004, CDPHE adopted the following Strategic Plan:

2.1.1 Mission Statement:

The Colorado Department of Public Health and Environment is committed to protecting and preserving the health and environment of the people of Colorado.

2.1.2 Vision Statement: Working together to make Colorado the healthiest place to live.

The CDPHE's Strategic Plan contains six target areas that reflect a commitment of service to its partners, stakeholders, the public and its workforce. The following target areas are relevant to this agreement with US EPA.

2.1.3 Environmental Target Area: Create a sustainable Colorado by protecting, preserving, and improving the quality of life, environment and ecosystems through performance-based environmental programs.

CDPHE is committed to continuous improvement in the quality of our air, water and land, in order to protect and enhance the quality of life for current and future generations of Coloradoans. We strive to accomplish this through encouraging improved environmental performance and pollution prevention, regulatory compliance, clean up, and technical assistance. By viewing the environment holistically, we can increase the efficiency and effectiveness of environmental protection in the state, and strive to measure this with performance-based outcomes.

CDPHE has created an enabling body within the environmental programs to assist others in implementing the strategic plan and goals named the Environmental Coordinating Committee (ECC). The ECC works with each of the cross media groups, including compliance assistance, enforcement, inspectors, and data, in implementing CDPHE's Strategic Plan. In addition the ECC is developing a training curriculum both for succession planning purposes and to prepare staff fro the challenges of the future.

The following are CDPHE's Environmental goals and examples of methods to achieve those goals:

2.1.3.1 Goal: Maintain and improve environmental protection on a cross media basis through the compliance assurance functions (compliance outreach, permitting, enforcement) of our environmental programs.

- Continue to develop and implement new approaches to achieve environmental protection and solve environmental problems.
- Ensure compliance with state environmental regulations for all facilities and associated personnel through implementation of an effective monitoring and enforcement program, as measured by the percent of facilities in compliance with permit, regulatory, or other requirements.
- Integrate assistance and pollution prevention elements into the compliance assurance program, as measured by the number of compliance assistance and pollution prevention workshops and trainees, and measurable pollution prevention in settlements of enforcement actions.
- Increase and integrate the use of pollution prevention, EMSs and other cross media options in compliance assurance activities, including SEPs.
- Involve local health departments in cross media inspections where an existing inspection program exists.
- Provide the regulated community and trade associations with compliance assistance and an opportunity to provide input on environmental regulatory programs.

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2.1.3.2 Goal: Analyze and use information and science to make sound health and environmental decisions, and to guide strategic plans and priorities.

- View information as an essential resource necessary to make sound environmental decisions.
- Measure the physical, chemical, and biological conditions of Colorado's environment to help set environmental goals and standards, and report results to the public.
- Conduct site-specific and long-term water quality monitoring efforts in support of regulatory activities including setting standards and permitting.
- Reduce potential exposure and the health impact of environmental contamination and remediation by providing CDPHE environmental program managers, other agencies, and the public with toxicological information to guide activities.
- Build and coordinate databases that facilitate the transfer, sharing and analysis of environmental and health data.

2.1.3.3 Goal: Promote and encourage flexibility and incentives for environmental leaders through the use of environmental management systems and other tools in the regulatory process to continuously improve environmental outcomes.

- Promote and encourage the use of environmental management systems by integrating such systems into the regulatory structure as appropriate.
- Maintain and improve environmental protection while increasing flexibility for the regulated community and providing the greatest flexibility and incentives to environmental leaders in Colorado.
- Develop a partnership between compliance assurance programs and the Environmental Leadership Program to encourage companies to adopt the environmental leadership model in meeting environmental standards, including the EMS Permit Pilot Project.

2.1.3.4 Goal: Conduct and oversee environmental cleanup projects that are protective of human health and the environment, coordinated and consistent with cross-media programs, standards and approaches, and respectful of local community needs and concerns.

- Ensure that cleanups performed on Superfund, Federal Facility, hazardous waste, and voluntary cleanup sites are protective of human health and the environment through the proper analysis of environmental and health risk data, as measured by the number of cleanups occurring in the state.
- Identify, implement and measure the use of pollution prevention in cleanup programs, and the redevelopment and reuse of remediated properties.
- Clean up those areas of the state that are out of compliance with air quality goals, as measured by the number of areas out of compliance and the number of air quality plans developed to establish a roadmap to clean air.

2.1.3.5 Other goals of CDPHE are to:

- Continue to build on CDPHE's nationally recognized reputation for successful innovation in environmental protection to achieve new levels of flexibility.
- Assure that our programs and processes continue to be open and accessible to participation by all.
- Provide the best service to the people of Colorado through recruitment, retention and training of the highest quality workforce.
- Serve as a valuable resource to all Coloradoans by providing timely and accurate information through strong communication and public education efforts.
- Provide a leadership role in response preparedness for intentional and naturally occurring public health threats and emergencies and emerging issues.
- Develop, maintain, and enhance comprehensive systems to achieve integrated and innovative approaches to addressing public health and environmental issues in Colorado.

2.2 Priorities

The following are CDPHE's key priority investment areas for FY 2006:

2.2.1 Community Preservation

The CDPHE will continue its commitment to community preservation. The three major Divisions of the Office of Environmental Programs will, along with the efforts in the Sustainability Division provide a comprehensive array of resources for communities to access and utilize. Such examples as Brownfields, grants to communities for water treatment facilities, pollution prevention grants, supplement environmental projects, and air program grants will assist communities in meeting capacity, infrastructure and data needs. As the CDPHE's data capabilities expand, the CDPHE will assist communities to better understand and respond to community problems and to assist in helping communities define their vision of a sustainable quality of life.

2.2.2 Sustainability, Pollution Prevention and Innovations

CDPHE will continue to develop and implement strong regulatory programs. In addition, CDPHE will promote the use of innovative technology, strategic partnerships, and proactive approaches such as environmental management systems, to prevent pollution on a cross media basis. Elements of this theme include:

- Supporting the development and use of innovative technologies,
- Integration of regulatory innovations (such as performance standards and cross media efforts),
- Promoting environmental management systems, including implementing the EMS Permit Pilot Project, and
- Developing market incentives (including regulatory, non-regulatory and administrative).

2.2.3 Compliance Assurance

CDPHE will continue to promote a strong, integrated and strategic compliance assurance program that uses the full range of available compliance assurance tools, including technical compliance and pollution prevention assistance and enforcement, on a cross media basis where possible. Elements of this theme include:

- Providing technical assistance with an emphasis on pollution prevention and assessing cross media impacts,
- Information dissemination,
- Using environmental indicators to identify compliance opportunities and determine where to focus resources, and
- Improving measures of success that focus on environmental outcomes.

2.2.4 Environmental Management Systems for Excellence

As CDPHE continues to implement its mission, we are committed to developing and enhancing our own expertise, skills, and management capability through CDPHE's internal environmental management system. This commitment ensures that CDPHE employees use consistent practices to communicate, reach decisions, and deliver the best environmental results. Elements of this theme include:

- Enhancing our environmental performance,
- Building our skills and expertise, and
- Integrating the management system approach into CDPHE's programs.
- Through an Executive Order issued in 2005, CDPHE, the Office of Energy Management and Conservation, and Department of Administration and Personnel are leading a statewide effort to increase efficiencies and green government through a systematic management approach.

2.2.5 Additional Priorities

CDPHE and EPA agree to continue implementing the following priorities:

- Mercury reduction,
- Attainment with national ozone standards

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- Improving air quality in Rocky Mountain National Park, and
- Compliance with national drinking water standards.

2.3 Core Values

As we move forward with the Strategic Plan, we will remain committed to CDPHE's core values:

- More prevention and protection, less process,
- Continual environmental improvement,
- Customer service,
- Innovation,
- Enhanced and effective communications – internally and externally,
- Employee satisfaction, motivation, and appreciation, and
- Professional respect and courtesy.

These core values will:

- Permeate the organization,
- Drive decisions; and
- Be measured.

2.4 Environmental Indicators and other Performance Measures

2.4.1 Development of Core Performance Measures

CDPHE is working on developing and refining a set of Core Performance Measures or indicators designed to inform the CDPHE's policy decisions and the allocation of resources. These measures will provide a focused set of environmental and programmatic results needed to clearly communicate changes in the state's public health and environmental conditions. In this process, the state will be using as the basis, the Core Performance Measures agreed to by the EPA and the Environmental Commission Organization of the States (ECOS). In addition, CDPHE would rely upon indicators to identify where additional or better data are needed. CDPHE's long-term goal is to improve the indicators and data that are used to guide the CDPHE's strategic plans, priorities, performance reports, and decision-making.

What are environmental indicators?

- Environmental indicators are scientific measurements that track environmental conditions over time.
- Indicators help measure the state of our air, water and land resources, the pressures on them, and the resulting effects on ecological and human health.
- Indicators show our progress in making the air cleaner, the water purer, and in protecting our land.

CDPHE will also measure the outcomes of the agency's actions and programs. For example, CDPHE will measure the changes in emissions, discharge quantities, and compliance rates as a result of its actions. CDPHE will develop other indicators to gauge the efforts and results of its programs including the goals and strategies provided above and below.

2.5 Strategic Investments and Innovations

This section is the innovations agreement between CDPHE and EPA Region 8. The agreement sets forth the parameters both agencies agree to when developing, implementing and evaluating innovative programs and

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projects in Colorado.

2.5.1 Investing in Innovation

CDPHE and EPA Region 8 recognize the need for resource investments to develop new strategies and new ways of doing business in order to meet emerging environmental protection challenges. This includes both sustaining and improving critical core program work and investing in new strategies to address emerging challenges.

2.5.2 Creating a Work Environment to Support Innovation

CDPHE and EPA Region 8 management will proactively support the following key practices to create and sustain an innovative work environment:

- Encourage environmental problem solving and collaborative efforts to achieve environmental results;
- With management approval, reward experimentation that is intended to improve our programs and human health and the environment;
- Communicate to agency staff and external stakeholders the opportunities and challenges of the agencies' innovation projects;
- Communicate between CDPHE and Region 8 before situations become elevated;
- Allow sufficient time for innovations to evolve and to be appropriately evaluated;
- Place innovative programs and projects on equal par with established traditional core programs; and
- Ensure that the innovations are measured appropriately and fairly.

2.5.3 Mainstreaming Innovation into Agency Processes

CDPHE and EPA Region 8 are committed to fully integrating innovation projects into the planning, resource allocation and evaluation processes of each agency and expressly as part of the agencies' CEPPA. With respect to the planning process, the agencies agree to take specific actions to foster innovations, including:

- Actively seek potential innovation projects and identify them as part of the ordinary program planning and CEPPA planning activities of CDPHE and EPA and agree upon resource allocations for these projects,
- Hold periodic meetings with staff to promote "bottom up" innovation and capacity building ideas, and
- Expressly incorporate planned innovation and capacity building projects into the agencies' annual plans, the CEPPA and related implementation plans.

2.5.4 Strategic Resource Investments and Divestments to Support Innovation

CDPHE and EPA agree that innovations require strategic resource investments and divestments. While maintaining support needed to fulfill core program functions, CDPHE and EPA will devote the necessary resources to fund and evaluate the innovations presented here.

2.5.5 Measuring Innovative Work

CDPHE and EPA are committed to measuring, evaluating, and learning from all innovation projects. To accomplish this, the agencies agree to the following:

- Each identified innovation will include a measurement and evaluation component;
- The agencies will strive to include environmental outcome measures whenever possible, but also may employ activity counts and other performance measures as appropriate; and
- The agencies may support projects that require longer-term measures or the creation of new types of measurement approaches if easily attainable short-term measures are not readily available.

2.6 Activities in FY 2006

The following are the innovative projects that the agencies agree CDPHE will undertake in FY2006.

2.6.1 EMS Permit Pilot Project

2.6.1.1 Introduction

CDPHE and EPA Region 8 are embarking on a project to pilot a regulatory system to incorporate an Environmental Management System (EMS) cross-media permit, into CDPHE's programs for certain regulated entities. At a time when governmental agencies are experiencing declining revenues and increasing responsibilities due to budgetary constraints, this project is anticipated to allow government to be more efficient and better leverage resources and garner greater environmental improvements. EPA was able to provide grant funding the pilot project, thus the project will be developed in partnership with EPA under the Joint EPA/State Agreement to Pursue Regulatory Innovation and through cooperation with EPA's Innovation Action Committee.

Federally authorized permits are required by federal statutes and regulations to meet specified substantive and procedural requirements such as required discharge or emission limits and opportunities for public involvement. CDPHE and EPA Region 8 will ensure that EMS permits developed pursuant to the pilot project continue to comply with all applicable federal statutory requirements. Where federal regulations constrain CDPHE's authority to test alternative approaches in EMS permits, CDPHE may request EPA amend the corresponding federal rules, or may make revisions to state promulgated, federally approved programs. EPA will consider, propose, and promulgate such rule changes in accordance with federal legal requirements governing rulemakings, such as public notice and opportunity to comment. Notwithstanding other provisions of this CEPPA, nothing in this EMS Permit pilot will limit CDPHE's ability to conduct inspections at, investigations of, or acquire information concerning facility in the program. This pilot project does not restrict EPA's authority or responsibility for overseeing delegated federal environmental programs or restrict federal enforcement or information-gathering authority. The facilities participating will have the ability to use the state's self-audit and immunity program if the only restriction from using the law is the fact the facility is required by the EMS permit to conduct an annual audit. EPA agrees to follow the self-audit privilege and immunity law agreement contained herein concerning the participating facilities' audits. CDPHE is the primary agency for inspection, oversight, and enforcement of the applicable environmental laws over the facilities in the EMS Permit Pilot (with the exception of the pretreatment program). EPA's intent is that EPA generally will not take any actions, including inspections, during the pendency of the Pilot against any of the Pilot facilities who are in compliance with their EMS permits. EPA expects CDPHE to fully carry out its responsibilities under the delegation/authorization agreements and enforcement agreements. If EPA becomes aware of a potential compliance issue with any of the Pilot facilities, EPA generally intends to refer that issue to CDPHE. CDPHE will take prompt, appropriate action and notify EPA of its action.

2.6.1.2 Goals

CDPHE's goals for an EMS permit program include:

- Using an EMS to deliver compliance-equivalent performance;
- Reliance upon an EMS with specific, CDPHE-approved performance improvement goals to achieve environmental performance through continual environmental improvement;
- The use of an EMS to produce compliance and continual environmental performance into the future;
- Continuation of our policy that offers rewards to good performers who successfully use or want to add an EMS to their environmental management approach;
- Community and stakeholder involvement in developing and assessing the EMS permit approach;
- The consideration of cross media impacts when making environmental decisions; and
- Exploring whether and how regulated organizations' EMS efforts can augment and/or replace some of government's environmental regulatory functions, including inspections through external third-party audits, minor permit modifications through the EMS tracking system, and reporting through the EMS data collection, problem identification, root cause analysis, and system modification processes.

2.6.1.3 Implementation

To pilot this innovative EMS approach, CDPHE is committed to issuing cross-media permits to several regulated facilities that can meet the above stated goals.

CDPHE's proposal includes developing whole-facility compacts with three facilities, including an aerospace facility, a semiconductor facility, and concentrated animal feeding operations in Colorado. CDPHE, in consultation with Region 8, will pre-screen facilities prior to acceptance into the pilot program. The facilities must

commit to continued environmental improvement and superior performance through the development and implementation of an EMS premised on the ISO 14000 standards. These systems envision a continual cycle of planning, implementing, reviewing and improving the actions that an organization takes to meet its environmental obligations. A CDPHE-approved EMS permit will be the required environmental permit(s) for the facility in this pilot initiative (but the traditional existing permits will remain in place unless or until the project is deemed successful and the EMS permit becomes the final permit).

Elements of the EMS permit pilot project include:

- A written environmental policy with commitments from top management to superior environmental performance; planning that takes into account environmental aspects and impacts; compliance with legal requirements; objectives and targets; and continual environmental improvement goals;
- Implementation efforts that focus on structure and responsibility, training and communication for employees, EMS documentation and control, operational control and emergency preparedness and response;
- Checking and corrective action procedures including monitoring and measurement, regular EMS audits and continual improvement goals as the central theme; and
- Commitments to continual environmental improvements and providing performance measurement data.

In addition, this project includes effective community involvement in the development of this initiative. Consistent with federal legal requirements, CDPHE will waive certain procedural requirements including traditional permits by taking necessary regulatory steps to define the EMS as the required environmental permit(s), streamlining reporting and monitoring requirements, and reducing or eliminating inspections, after an initial joint inspection with CDPHE and the auditor.

2.6.1.4 Measurements

Measuring environmental performance is critical to this pilot proposal. Performance measures may include:

- Environmental performance and pollution prevention (including, elimination of unintended environmental harm due to traditional processes);
- Environmental conditions;
- Compliance with environmental requirements;
- Pollution prevention indicators (include pollution prevention performance information and what stakeholders believe are the priority pollution prevention actions);
- Cost/benefit, including savings through elimination of traditional process; and
- Community involvement.

2.6.1.5 Schedule

CDPHE estimates it will complete the project by June 30, 2007. The schedule is dependent in part upon the state legislation passed in April of 2004. During the first year of the agreement, CDPHE completed the EMS permits and other elements of the program. CDPHE convened the facilities that are to implement the EMS permits along with a cross-section of local governments and community representatives from the facility location communities. The first year also included developing the methodology/links necessary to measure and evaluate the results.

For the second year of the project, CDPHE will continue measuring and evaluating the results of the early stages of EMS implementation and will make adjustments as necessary. All permits will remain in place until the completion of the pilot. When appropriate, CDPHE will apprise EPA Region 8 of any regulatory changes that may be necessary to redefine "permit" on a facility-specific basis or to make any proposed alternative compliance portions of the EMS federally enforceable. In the third year, CDPHE will prepare the report containing the results of this project.

2.6.2 Cross-Media Evaluations in Settlement Agreements

CDPHE and EPA Region 8 recognize that for enforcement to become as effective and efficient as possible in both garnering environmental benefits and using compliance assurance resources, cross-media impacts need to be considered during each step of the compliance assurance process. In support of this recognition, CDPHE will be developing an internal guidance document detailing how the state will address cross-media impacts in achieving

settlement with entities in the enforcement arena. EPA Region 8 agrees to work with CDPHE in reviewing, commenting on and approving this guidance document for CDPHE's compliance assurance program.

2.6.3 Regulatory Integration of Cross-media, Pollution Prevention, Environmental Management Systems and Environmental Leadership

CDPHE is committed to reviewing each environmental regulation being adopted or revised and each new regulatory program to ensure pollution prevention, EMS, and environmental leadership are incorporated and cross-media impacts are considered to the greatest extent practicable. CDPHE were able to propose and the Air Quality Control Commission adopted pollution prevention in Regulation No. 7 concerning oil and gas operations and will work to incorporate pollution prevention into Regulation No. 2, Part B concerning Housed Commercial Swine Feeding Operations. The Hazardous Waste Commission adopted federal incentives for leadership companies into regulation. The Sustainability Division, Air Pollution Control Division, Consumer Protection Division, Hazardous Materials and Waste Management Division, Water Quality Control Division, and Pollution Prevention Advisory Board will work together to propose integration approaches.

CDPHE has also been reviewing the state-only air and water quality housed commercial swine feeding operation regulations to determine any cross-media impacts the regulatory programs may cause. CDPHE will then assess whether changes are necessary and appropriate to the regulations, and propose the recommended changes to the respective commissions. CDPHE is also working with EPA headquarters to encourage EPA consider cross media impacts when developing or modifying federal CAFO regulations.

CDPHE and the PPAB reviewed the Water Quality Control Division's programs and is developing a plan to incorporate cross-media, pollution prevention, EMSs, and environmental leadership into the water programs and any regulations CDPHE is proposing to open in FY 2006. CDPHE will continue to review other divisions' programs in FY2006 and develop plans as time allows.

2.6.4 Stormwater Excellence Program

2.6.4.1 Introduction

CDPHE's WQCD and Sustainability Program have teamed up to develop, implement and assess a Stormwater Excellence Program on a pilot basis in cooperation with the regulated community and private compliance assistance providers. The following is a description of the different stages of this program and the agreement between EPA Region 8 and CDPHE on the implementation of the pilot program.

2.6.4.2 Goals

To provide guidance to the regulatory community that will assist them in achieving full compliance with State and local stormwater requirements for the construction industry, improving environmental quality, reducing the threat of enforcement liability, and establishing a framework to go beyond mere base compliance in construction site operation through implementation of an EMS program.

The concept of the Stormwater Excellence Program is to provide guidance to entities regulated under the Stormwater General Permit for Construction Activities on the development and implementation of a program containing the appropriate elements of an Environmental Management System (EMS), with a focus on permit compliance. The EMS-based program, including auditing by a third party, will include elements that will be in addition to the CDPS Stormwater Construction Permit requirements.

2.6.4.3 Implementation of Pilot Program

Stage 1: CDPHE, several regulated entities, and compliance assistance providers will work to develop and assess the elements of the program, including compliance assistance tools, pollution prevention, environmental management system guidance, training, metrics to evaluate the program, and procedures for CDPHE recognition of participating entities.

Stage 2: Upon completion and evaluation of the of the Stage I pilot program, CDPHE could end the program if positive results arre not demonstrated, or, following development of the applicable guidance, continue with a Stage II Pilot Program. The Stage II Pilot Program would include a one-year or more implementation of the program, followed by further evaluation and a determination of whether to continue with full implementation of the current program or modify the program.

This Memorandum of Agreement is entered into between the CDPHE, WQCD, and the EPA, Office of Enforcement, Compliance and Environment Justice, Region 8, hereinafter "parties."

2.6.4.4 Measurements

CDPHE will evaluate the success of the Stage I Pilot Program through review of documentation developed as a result of the Stage 1 Pilot Program implementation, including results of third-party audits, and through CDPHE field audit of some of the participating sites.

During Stage 2 of the Pilot Program, a methodology will be developed by which the long-term success of the program in meeting the stated objective may be measured. Examples of possible evaluation methods include surveying participating permittees and auditors, and evaluation of CDPHE oversight inspection results from participating sites. CDPHE will continue to conduct "spot checks" of participating sites, which would not exceed in number 10% of the total participating sites. The spot checks are to verify third-party auditor's performance in conducting audits, compliance with CDPS stormwater permit requirements, and conformance with the elements of the Stormwater Excellence Program.

2.6.4.5 Schedule

Stage 1 of the Pilot Program was initiated March 1, 2005. Stage 1 will continue for approximately six months. At that time, CDPHE will make a determination of how to proceed as discussed above. Based on initial results of the Stage 1 Pilot Program, it is expected at this time that the program will continue into Stage II.

2.6.4.6 Memorandum of Agreement Stormwater Initiative (effective February 21, 2005)

This Memorandum of Agreement is entered into between the Colorado Department of Public Health and Environment (CDPHE), Water Quality Control Division, and the U.S. Environment Protection Agency, Office of Enforcement, Compliance and Environment Justice, Region 8, hereinafter "parties."

WHEREAS, the parties recognize that CDPHE has primary responsibility for implementation of the Federal Stormwater program under the Clean Water Act as authorized by EPA, and that EPA retains its authorities and responsibilities under the Clean Water Act;

WHEREAS, the U.S. Environmental Protection Agency and CDPHE are dedicated to ensuring that the Stormwater program established under the federal Clean Water Act is effectively and efficiently implemented; and

WHEREAS, the parties desire to obtain compliance with stormwater program requirements and thereby promote their environmental protection objectives; and

WHEREAS, the parties want to advance compliance with stormwater regulations through the use of innovative technology, strategic partnerships, and proactive approaches such as environmental management systems and the Colorado Environmental Audit Privilege and Immunity Law.

NOW THEREFORE, it is hereby agreed as follows:

1. The parties encourage entities subject to the stormwater regulations to participate in a CDPHE initiative to achieve the above-referenced compliance and environmental goals.
2. The parties agree to cooperate in public meetings and/or training programs to educate attendees about the requirements of the stormwater regulations and the initiative.
3. CDPHE will convey to EPA a list of the entities participating in the state's initiative to facilitate a coordinated inspection and enforcement oversight effort between the parties. EPA agrees that it will not target such entities for inspection as a consequence of their participation in the initiative.
4. The parties do not, by this document, warrant or aver in any manner that participation in the initiative will result in compliance with the provisions of applicable state or federal laws, regulations, or permit conditions. Any person participating in the state initiative is solely responsible for compliance with the Clean Water Act, any permit, and any other applicable federal law or regulation.
5. Generally, construction site complains received by EPA Region 8 will be forwarded to CDPHE. CDPHE will take prompt, appropriate action and notify EPA of its action.
6. All planned Stormwater inspections shall be conducted as set forth in the EPA/CDPHE Inspection Plan.
7. Should EPA Region 8 identify a participating facility for inspection under a national enforcement initiative/case, before conducting the inspection, EPA will initiate consultation between the parties in an effort to resolve any concerns.
8. CDPHE intends to allow an entity with prior stormwater violations to participate, at CPDHE's discretion, in the initiative.
9. Initiative participants that qualify may avail themselves of the state's self audit and immunity program.

10. This agreement will be effective immediately upon the signature of both parties.

Either party may void this agreement upon written notice to the other.

2.6.6 Data Integration and Network Readiness Project

CDPHE received the EPA Network Readiness grant in 2002 and was notified of approval of the One Stop grant application for 2003. The funding from these two grants is being utilized to:

- Integrate data about facilities across many of the regulatory programs; and
- Streamline the flow of environmental monitoring data into our databases, and to improve our underlying databases.

The specific data integration projects are described below.

2.6.6.1 Facility Master Geodatabase (FMG) – Renamed ECOMAP

The Facility Master Geodatabase is a pilot project currently in development to integrate facility information into one of EPA's models (FITS II). Facility information from the following data sources will be matched and managed in a single database: Superfund, federal facility, RCRA Subtitles C and D, Brownfield's, State Voluntary Cleanup, Air Title V, and major NPDES permits. The FMG will:

- Build off progress already made by CDPHE in providing facility data by program and facility type;
- Be used to access underlying inspection, compliance and enforcement information from reports generated from the program specific databases;
- Mapping of the geodatabase facility elements to the EPA Facilities Registry System (FRS);
- Maintain up-to-date facility information from the underlying databases; and
- Provide this information to EPA through the CDX Node.

Status: The product was delivered in January of 2005. It is currently undergoing testing before implemented latter this year.

2.6.6.2 Environmental Chemistry Omnibus Post Office Project (ECOPOP) – Renamed ECODATA

The Environmental Chemistry Omnibus Post Office Project (ECOPOP) is a project to streamline the flow of the environmental monitoring data from the field and laboratories across the major CDPHE programs. The goals of the project are to:

- Standardize environmental monitoring data reporting across the programs;
- Greatly reduce the level of effort required to translate the data into the underlying databases;
- Standardize reporting from the lab; and
- Reduce reporting burden on the industry.

This project:

- Incorporates the needs of the programs utilizing the SDWIS/State, STORET, and EQUIS databases, and smaller systems needs such as state fluoridation, and drinking water wells regulated by Consumer Protection Division;
- Will create the commonality of data necessary for sharing data across programs;
- In the future may include a web-based search for monitoring sites and direct download of monitoring data to the user's system;
- Will increase the data immediately available to agency staff to evaluate existing conditions in an area; and
- Will afford efficiencies in sampling and analysis costs by allowing effective searches for ongoing monitoring in an area.

Status: The product was delivered in January of 2005. It is currently undergoing testing before implemented latter this year.

2.6.6.3 Node Project

CDPHE has developed a local node to transmit Facility Registry System (FRS) data for the State of Colorado to EPA through the Readiness Grant funds. CDPHE has been involved in national meetings and conference calls discussing node implementation, as well as discussions with other states on their successes in node implementation. CDPHE continues to seek to expand the Node to include other data flows, including from other state agencies. The project is being re-scoped to determine the ability to expand to other data flows such as receiving and transmitting electronic Discharge Monitoring Reports (E-DMR's).

2.6.6.4 Environmental Process Manager Position

CDPHE has created a new position to help with the coordination of data across the environmental programs. This position's efforts will be directed at managing the internal business processes of the organization so as to develop better data systems.

2.7 Innovations, Indicators and Data Integration Work Plan

Innovations			
Short Term Goals	Objectives	Timeline	Performance Measures
Continue to take a lead role in supporting, testing, and implementing innovations	Invest in innovation and capacity building by continuing to create a work environment that supports innovation including, mainstream innovation into agency processes, and identifying and carrying out strategic resource investments and disinvestments to support and measure innovative work	Ongoing	Develop, begin implementing, and measure the EMS permit project (grant funded)
			Implement ERP, including the SCORE project, into core programs as appropriate (i.e., small CAFOs)
			Integrate the Inspection Efficiency Cross-Media Project into core programs as appropriate
			Develop, discuss with EPA and implement into core programs a Cross-Media Evaluations in Settlement Agreement Policy
Encourage greater compliance and protection of public health and environment by promoting the regulated community conduct a greater degree of self-policing	Identify programs and areas where self-audit principles can be incorporated, such as: EMS Permit Project, SCORE and ERP, COMPASS Projects, and Environmental Leadership Program	Ongoing	Number of self-audit submittals provided to CDPHE
			Number of submittals qualifying for immunity or privilege
			Number resolved in a timely manner
			Measure relationship of audits to long-term facility compliance
Development and implementation of EMS permit pilot project	Completed: staff training, regulation, criteria and policy, assistance to facilities in developing EMSs, flexibility negotiated, continual improvement goals, measurements and baselines completed for 5 partner companies, multiple stakeholder meetings, audit program completed	Ongoing	Completed
	Assist partners with ongoing development and review of EMSs		Continue to assist the 5 partner companies further improve and develop EMSs with continual improvement goals
	Continue partnerships with NGOs, local governments, industry, and EPA		Convene at least 3 stakeholder meetings and compile comments during the final phase of project
	Conduct EMS audits midway through project	2006	EMS and compliance audits at each facility either by CDPHE, contractor or someone external to facility
	Develop report by December 31, 2006	Dec 31, 06	Develop assessment of program with stakeholders Submit to legislature and provide to all stakeholders final report

Innovations			
Short Term Goals	Objectives	Timeline	Performance Measures
Continue to develop and implement new and innovative approaches to achieve environmental protection and solve environmental problems	Continue to implement the Environmental Problem Solving program	Ongoing	See Chapter 3
Incorporate stewardship practices into environmental programs	Catalogue past, current and future pollution prevention and stewardship practices for each division	Ongoing	See Chapters 3 and 4
	Identify additional practices and incorporate	Ongoing	See Chapter 3
Incorporate stewardship practices into CDPHE policies	Catalogue past, current and future pollution prevention and sustainability practices incorporated into CDPHE policies	Ongoing	See Chapters 3 and 4
	Review environmental policies and identify sustainability opportunities and incentives	Ongoing	See Chapters 3 and 4
	Develop, implement, and measure Stormwater Excellence Program	FY2006	Stage 1, 2, 3
Provide businesses with a framework to implement sustainable practices through EMSs	Annually identify key business sectors with input from each divisions, TRI, EJ, etc. Set up partnerships with selected sectors and internal stakeholders	Ongoing	See Chapters 3 and 4

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CHAPTER 3 COMPLIANCE ASSURANCE[1] AND ENVIRONMENTAL STEWARDSHIP

CDPHE is moving towards developing a compliance assurance program that is cross media focused and consistent between the programs, where appropriate. In addition, CDPHE and EPA Region 8 are working towards the CEPPA incorporating all of the agreements between the agencies. This chapter begins to move the agencies in these directions.

3.1 Environmental Leadership and Stewardship

3.1.1 Environmental Leadership Program Memorandum of Agreement Between EPA and CDPHE

The CDPHE and EPA both share a commitment to recognize and reward environmental leadership in the protection of air, water, and land. To that end, EPA created the National Environmental Performance Track program and Colorado created the Colorado Environmental Leadership Program. These voluntary incentive and recognition programs encourage program members to focus on issues important to their communities, to take a creative approach to solving local problems, and to employ partnerships and network with neighborhood citizens to achieve environmental goals.

CDPHE and EPA believe we can achieve more by working together than by pursuing our goals independently. Coordinating efforts will enable us to increase the efficiency and effectiveness of our programs as we meet the challenges and opportunities that accompany growth and development of both programs.

Through this agreement, CDPHE and EPA commit to creating the best value for our customers by pledging to:

- Continue coordinating the application processes of National Environmental Performance Track and the Colorado Environmental Leadership Program so eligible applicants can apply to both programs simultaneously;
- Work with facilities to identify ways to streamline and facilitate the application process;
- Provide to eligible facilities the assistance necessary to apply and be evaluated expeditiously for acceptance into both programs;
- Develop incentives that reduce program members' administrative burdens, such as reduced reporting and expedited permitting, where feasible, in recognition of their high levels of performance (see Appendix A CDPHE Environmental Leadership Program Incentives);
- Coordinate the delivery of incentives to achieve maximum environmental benefit and minimize transaction costs;
- Identify for program members a high level, point of contact in each program;
- Produce marketing tools and coordinate recruiting and recognition events;
- Identify regulatory innovation opportunities that comply with State and Federal statutes/rules; and
- Communicate the measurable environmental results achieved by the National Environmental Performance Track and Colorado Environmental Leadership Program to each other and to the public.

These are just the first of many steps we at CDPHE and EPA will take to enhance our programs and reward members for their leadership in environmental protection. Our focus will be to clarify the roles and responsibilities of all partners as we work to align our program requirements and develop additional means to deliver recognition, flexibility, and incentives to our members. We look forward to developing a detailed work plan that further defines how our programs will work together.

This agreement was first entered into on April 21, 2002, and remains in effect unless amended by mutual consent.

[1] "Compliance assurance" encompasses compliance assistance, inspections, monitoring, reporting, record keeping, and enforcement elements of CDPHE's programs.

3.1.2 Gold Level Environmental Leadership Program

The Gold Level is the highest environmental recognition award given by the state. The Environmental Leadership Program's Gold Level recognizes companies, municipalities and organizations that perform above the existing "command and control" regulatory structure. Leadership members must have a comprehensive and operational environmental management system (EMS) and pollution prevention plan that contains goals and milestones to achieve continual environmental improvement. Initially, members are accepted into the Environmental Leadership Program for a three-year term. Prior to the end of the initial membership term, members will be evaluated by CDPHE and the term extended if continual environmental goals and other leadership criteria continue to be met.

At a minimum, participating facilities are required to meet specific entrance criteria, as follows:

- Three years of operation with no serious civil noncompliance;
- Five years of operation with no criminal violations;
- Department-approved environmental management system;
- Communications plan; and
- Commitment to continual improvement projects.

CDPHE has developed Program Criteria and Guidance for New or Renewing Applicants [document] that provides more detail on the above criteria. CDPHE will rely upon this document whenever it approves or reviews an EMS in any program, including EMSs in supplemental environmental projects and in the EMS permit pilot project. CDPHE has also developed and finalized an incentives policy and procedure. The program will collect data on environmental benefits and compliance rates and use the data to promote Environmental Leadership Program internally and externally. CDPHE has developed and is implementing a recognition program, including the use of a logo, including the facility on CDPHE's website, and an annual recognition program. CDPHE will be expanding the recognition elements of the program in FY 2006.

CDPHE also provides and will enhance training, mentoring and assistance for compliance and environmental improvements. In the future, CDPHE will develop additional levels within the program to meet CDPHE needs and associated training elements to assist facilities to enter the Environmental Leadership Program at various levels of leadership.

3.1.3 Silver Level Environmental Leadership Program

CDPHE's Silver Level ELP recognizes companies, municipalities and organizations for achieving significant environmental results in one or more of the following areas:

- Improving air and water quality;
- Reducing water and energy usage and waste generation;
- Energy Star achievements;
- Pollution prevention actions;
- Industry or organizational leader;
- Community outreach and education; and
- Other innovative measures that benefit Colorado's environment.

Businesses and organizations are nominated to the Silver Level of the program and are evaluated by the CDPHE environmental staff. Environmental Achievement Awards are valid for one year. During the one-year period, recipients have the right to use the Colorado Environmental Achievement Award logo for promotional and recognition purposes. Other benefits include partnership opportunities, mentoring, state-level recognition and networking.

CDPHE's goals with the Silver Level, in part is to identify those members who desire assistance, training, and mentoring for improved compliance and/or development of an EMS to enter the Gold Level of ELP. In the future, CDPHE will also develop training to assist these facilities in entering the Stewardship Level of ELP.

3.1.4 Other Environmental Leadership Program Efforts

CDPHE would like to implement additional levels of ELP to address areas of need within CDPHE, including developing a category that:

- Allows other CDPHE recognition programs to feed into ELP (e.g. Stormwater Excellence).
- Allows current Gold members to strive for a higher level of leadership and environmental results.
- Focuses on turning violators into leaders.
- Allows CDPHE to recognize partners that support ELP.

CDPHE is also planning to explore and implement, where feasible, the following:

- A partnership with the Stormwater Program in establishing a Stormwater Excellence Program for the construction industry;
- A partnership with Wastewater/Water Treatment Programs to establish a program to recognize facilities with stellar environmental performance;
- A partnership with the PEER Center in creating a series of workshops to help local government develop and put EMSs in place; and
- A partnership with PEER Center in creating an EMA Awareness Course for local governments.

Finally, CDPHE has developed an Internal Advisory Panel for ELP made up of compliance and permit staff within the air, consumer, waste and water programs. In addition, CDPHE will continue to utilize the Pollution Prevention Advisory Board as an external advisory board, but may invite other external entities to participate and provide advice to the Environmental Leadership Program.

3.1.5 Sustainability Within CDPHE

CDPHE is developing an internal EMS to improve CDPHE's business practices and to minimize its impacts on the environment. The EMS is designed to set clear objectives for environmental leadership and to meet those objectives by putting into practice environmental management programs to reduce its impact. The CDPHE EMS is based upon the ISO 14001 Standard and the principles of the Deming Cycle of Plan, Do, Check, Act, but extends beyond continual improvement to include sustainability.

The CDPHE EMS will be implemented in two phases. The first phase (currently underway) is focused on CDPHE's core administrative functions, which include laboratory services, administration and technology, and financial services. These are the functions that have the most opportunity for change or improvement from an environmental standpoint. Most of the administrative functions have a direct or indirect impact on the other functions of CDPHE, including the environment and health programs. This effort has been expanded to a statewide program through the Governor's Enhancing Efficiency and Greening Government Executive Order issued in 2005. Key projects of phase one include:

- Objectives and targets selected by the Internal EMS team;
- Paper reduction project to reduce paper usage by 38%;
- Conducting sustainability and environmental presentations and outreach; and
- Upgrading CDPHE's recycling program.

Phase two will expand the EMS to include the different environmental and health program functions. Although the environment and health program functions and services will not be fully incorporated into the EMS until phase two, it is important that representatives from each division are involved in the early stages of the EMS planning and development. Phase two will develop more slowly over the next several years.

CDPHE will also be looking to implement sustainability into the regulatory structure, programs and policies of the department.

3.1.6 Greening Government in the State of Colorado

The Governor issued an Executive Order in FY 2005 requiring state agencies to work to implement greening government policies and programs that enhances efficiencies and minimizes environmental impacts of state agencies. CDPHE, the Governor's Office of Energy Management and Conservation (OEMC), and Department of Personnel and Administration (DPA) are the three lead agencies in this endeavor. The efforts under the executive order will be further developed with a team comprised of representatives from each state agency and department.

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3.2 Environmental Problem Solving

CDPHE is committed to targeting its resources to address environmental problems within the state. With this strategy, CDPHE will continue to emphasize priorities within and across programs so that agency resources will focus on environmental issues that are necessary to meet program delegation as well as issues that are unique to Colorado. This strategy will focus on: (a) using data as a tool to determine priorities, (b) identifying environmental trends in Colorado, and (c) improving and enhancing CDPHE's delivery of environmental services with cost effective and innovative approaches. CDPHE in FY 2005 created a position to manage the Environmental Problem Solving and Mercury programs, which will allow CDPHE to more effectively implement both programs.

Targeting of resources in the environmental programs has traditionally been established by development of a framework of core functions based on statutory or regulatory structure. Priorities at both the national and state level have been established within that core function framework. This scheme for prioritization made sense in the early days of the programs when the problem areas were very evident and the core program functions were designed to deal with those problems. Today, many of the major problems have been addressed and the need in the core program areas has shifted from initial implementation to maintenance. Different approaches for resource allocation within programs and amongst programs should be developed based on evaluation of data that looks at both problem identification and solution development.

An example of CDPHE's environmental problem-solving approach is its comprehensive mercury reduction and elimination strategy. Addressing air emissions through pollution control equipment is one CDPHE strategy. Another is continuing to survey contaminants in freshwater fish, focusing primarily in areas of known or suspected contamination, or where biological effects were observed. The third part of the strategy is pollution prevention. The pollution prevention effort involves staff from the air, consumer protection, health services, sustainability, waste, and water programs working together to reduce mercury releases to the environment. The goal is to divert mercury out of the waste stream through means such as recycling and source substitution. Partnerships with the Automobile Recycling Association, local governments for household hazardous waste roundups, and dental offices are key to the success of the pollution prevention strategy. Selected projects thus far include a dental mercury reduction program, a partnership with scrap handling facilities to remove mercury switches from automobiles before they are shredded and sent to the steel mill in Pueblo, a partnership with the medical community to reduce and eliminate the use of mercury-containing products, pollution prevention with state agencies concerning mercury, outreach materials, and consumer product projects such as round-ups of thermostats and thermometers. Other projects that are being considered (as resources allow) include oil and gas industry, dairies, crematoriums, and other industries that use mercury-containing manometers. The environmental outcomes of this innovative effort will include measurable benefits to human health, air, water, and land.

3.3 Pollution Prevention

"Prevention" has been the highest priority for CDPHE, both in the public health and environmental protection arenas. CDPHE has undertaken significant efforts to make progress on the prevention front. Particularly in the last several years, the environmental programs within CDPHE have committed management, staff, and resources to systematically integrating pollution prevention and sustainability concepts into the core programs. Most of the projects discussed in Chapter 2 Innovations and throughout this Chapter 3 incorporate pollution prevention as critical components. In addition, each division has committed to incorporate pollution prevention components into its respective work plans. Each division chapter below will include pollution prevention and sustainability elements.

3.4 General Compliance Assurance and Enforcement Mission

CDPHE's mission is to protect and improve the health and environment of the people of Colorado. CDPHE's compliance assurance and enforcement program is responsible for statewide environmental enforcement and conducts compliance assistance and education for sources. This program is located throughout various programs within the air, water, waste and consumer protection divisions. Activities of this program include: environmental education; civil enforcement investigations and actions; investigation of environmental crimes (i.e.,

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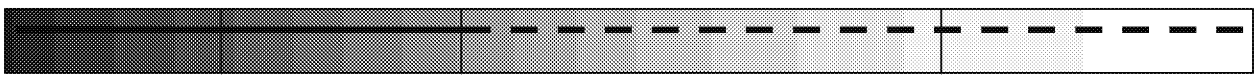
abandoned drums and waste tires and illegal dredge and fill activities); responding to environmental disasters; hazardous material incidents; and spills that threaten the environment. Integral to CDPHE's fulfillment of its mission is a commitment to a viable, efficient and effective compliance and enforcement program that can educate sources and residents as well as take enforcement actions as appropriate.

3.4.1 Approach

CDPHE and EPA Region 8 believe that a compliance assurance program, which respects state primacy in delegated programs and incorporates strong enforcement components, is crucial for successful environmental protection. CDPHE will continue to promote a strong, integrated and strategic compliance assurance program. The medium-specific organizational structure of environmental protection presents challenges to ensure that a strategy that solves a problem in one medium does not create a problem in another. It is necessary therefore to create integrated, cross-media strategies for addressing environmental problems, including in compliance and enforcement arenas.

Compliance assurance is represented by a spectrum of activities. On one end is enforcement. On the other end are those activities we perform to encourage regulated entities to go beyond compliance (P2, EMSs, Environmental Leadership, and others).

Compliance Assurance Spectrum



Enforcement Inspections Compliance Assistance Beyond Compliance

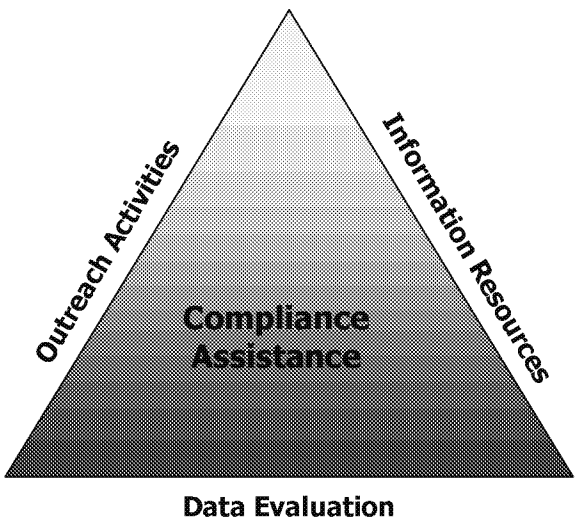
P2, EMSs, ELP, etc.

CDPHE's programs on the enforcement end of the spectrum (enforcement and inspections) are generally well developed and effective in all of the environmental divisions. In addition, the Cross-Media Enforcement Team has significantly improved inter-divisional coordination of enforcement. The "solid" program development is depicted as a solid line through the center of the spectrum on the diagram above – for the most part, these programs are fully developed and functional.

Continuing across the spectrum, the line becomes dashed at compliance assistance. Although each division currently provides significant compliance assistance to their regulated communities, it tends to be an *ad hoc* response to an actual or perceived need, not an overall CDPHE plan. CDPHE had yet to develop a holistic and systematic approach to compliance assistance.

Compliance assistance can be thought of as a self-supporting triangle. The legs of the triangle are: 1) outreach activities to the regulated communities; 2) informational resources that need to be available for both active and passive outreach (Web pages, guidance documents, etc.); and 3) compliance data analysis. Each leg is vital to the other two legs and vital for success. For instance, informational resources with no outreach and delivery are worthless. In turn, providing the wrong outreach to the wrong entities because the data was never consulted might be largely wasted effort.

Thus, in FY 2004 CDPHE created a Cross-Media Compliance Assistance Team. The purpose, goals, and work plan of this team is described in further detail below.



3.4.2 Commitment

CDPHE and EPA Region 8 are committed to:

- Coordination in inspections of priority areas and sectors,
- Coordination in providing outreach, assistance and the dissemination of information to individuals, communities, businesses, governmental agencies and educational institutions for priority areas and sectors,
- Timely and appropriate enforcement,
- Assessment of penalties that collect economic benefits and the necessary gravity component in order to deter future noncompliance,
- Consideration of cross-media impacts in all areas of compliance assurance,
- Improving measures of success that focus on environmental outcomes and seeking new measures of environmental improvement from compliance assurance efforts, and
- Mutual respect of one another's enforcement roles.

3.4.3 Basis of Compliance and Enforcement

Enforcement activities must be comprehensive, consistent, timely, and fair. Staff must be well trained and equipped. There must be appropriate enforcement activity to deter potential violators and maintain a level playing field. There must be follow through to assure that violations are corrected and will not recur.

CDPHE and EPA Region 8 believe that an effective compliance and enforcement program must be based upon:

- Requirements that are enforceable,
- Continuous education and outreach efforts,
- Ongoing monitoring and inspections to measure compliance,
- Identifying violations,
- Responding consistently to violations through compliance assurance and enforcement actions that require appropriate changes to achieve compliance, prevent and deter future noncompliance, promote going beyond compliance, and compel remediation of any harm caused by noncompliance,
- Clear articulation of local, state, and federal roles and responsibilities,
- Committing adequate staff resources, guidance, and training to compliance and enforcement, and
- Evaluating program results.

The environmental compliance and enforcement program are located in the air quality, consumer protection, hazardous materials and waste management, sustainability, and water quality divisions. The cross-media enforcement team is comprised of staff from each program. The team coordinates closely on enforcement policies, approaches and guidance. The increased coordination of staffs will provide CDPHE with the potential for a more effective compliance and enforcement presence. The cross-media enforcement team is primarily responsible for increasing the cross-media involvement and integration of the compliance and enforcement programs. The team members are also responsible for negotiating settlements of enforcement actions within their respective programs. The responsibilities include:

- Ensuring that cross-media and other department-wide concerns are considered and addressed in the negotiation of settlement agreements;
- Developing and coordinating a cross-media, whole-facility approach to compliance assurance and enforcement;
- Assisting in developing business sector initiatives and expertise within the department (e.g., energy, agriculture, metal finishing sectors);
- Developing coordinated compliance assurance and enforcement strategies, guidance and internal and external training; and

- Developing proposals for innovative regulatory and compliance assurance approaches that target the department's enforcement resources on actions that yield greatest protection and optimize environmental protection, while increasing flexibility for, and accountability of, the regulated community.[2]

The cross-media enforcement team is developing a comprehensive, coordinated framework and guidance to use in exercising CDPHE's enforcement authority and discretion in determining appropriate enforcement responses. A consistent approach is intended, in part, to enhance the fairness, consistency, predictability, deterrence value, and efficiency of CDPHE's environmental enforcement programs. The principles and policies developed by this team shall focus on designing appropriate model enforcement strategies and developing comprehensive assurance strategies.

In addition, the cross-media enforcement team is charged with ensuring the following are integrated into each division's compliance assurance programs:

- Pollution prevention and sustainability principles;
- Cross media, whole-facility approach to compliance assurance and enforcement;
- Comprehensive compliance assurance and enforcement strategies; and
- Innovative approaches that target CDPHE's limited enforcement resources on actions that yield greatest optimize protection by increasing flexibility for, and accountability of the regulated community.

- The cross-media enforcement team is:
  - Developing policies and guidance to ensure the consistent issuance, coordination, and negotiation of enforcement actions;
  - Working with the divisions to develop enforcement goals and strategies; and
  - Assisting in coordinating cross media compliance assistance to the regulated community in the areas of air, consumer protection, hazardous waste, solid waste, and water.

The cross-media enforcement team is charged with coordinating with their respective directors and program managers concerning the overall goals and missions of the programs, as well as potential compliance assistance and regulatory efforts that may require input from the compliance assurance and assistance programs.

In February 2003, a cross media compliance assistance team was formed to devote time to compliance assistance efforts on a cross media basis. The team is comprised of members from the air, consumer protection, hazardous and solid waste, sustainability, and water divisions. The team has shared information and ideas, and as a result, is targeting four sectors to work with on a cross media compliance assistance initiative in FY 2005 and FY 2006. The sectors identified by the team include: auto salvage, correctional facilities, surface coating and autobody. These sectors were selected because of existing compliance assistance needs, the number of cross media opportunities and issues (including opportunities with pollution prevention), the desire expressed by the sector and CDPHE expertise with the sector. CDPHE will notify and consult with Region 8 in selecting additional sectors.

During CDPHE's cross media compliance assistance initiative, the CMCA team could use the following tools and resources:

- Cross-media pollution prevention and compliance assessment tools;
- Provide participating entities with a cross-media baseline compliance and environmental assessment of each facility;
- Provide each operator with a plant specific compliance report and develop an industry-wide assessment;
- Provide compliance checklists to the operators to help educate and allow for self-certification of compliance;
- Provide an inspection waiver (for inspections not required by statute or regulation) to the participating facilities for the project period if the facility agrees to remedy noncompliance issues in a timely and appropriate manner or determine that the compliance assistance assessment is equivalent to an inspection or compliance evaluation consistent with federal policy;

[2] For example, CDPHE's Environmental Leadership Program, the COMPASS program, the SCORE project, and the EMS Permit Project (each discussed in Chapter 2 or 3).

- Provide one-on-one consulting and industry group training, as necessary;
- Conduct a follow-up assessment the following year after implementation to measure change in compliance rate; and
- Report on the environmental results to the project partners, CDPHE, EPA and on a sector-based project website.

3.4.4 Priorities and Strategies

In an effort to address a broad range of compliance assurance and enforcement issues effectively and efficiently, CDPHE and EPA Region 8 will work cooperatively to develop comprehensive and targeted compliance and enforcement priorities and strategies. This approach includes taking into account the following:

- Whether the source represents a significant risk to human health and the environment;
- The need to develop a strong cross media compliance assistance program;
- The ability to identify sources that require less oversight;
- The need to focus on statutorily regulated sources that have not obtained required permits or submitted required notifications;
- Sectors in which noncompliance is known to be widespread or where there are opportunities to achieve significant pollution prevention;
- Cross-media impacts on the environment;
- Piloting new ways of measuring compliance; and
- Promoting awareness and understanding of environmental management systems as tools to achieve and sustain compliance.

Regardless of how a compliance problem is targeted or which compliance assurance strategy is used to address it, enforcement is an essential complement to every compliance assurance initiative. With the threat of follow-up enforcement, regulated entities have heightened incentives to take advantage of programs designed to help them achieve (and go beyond) compliance.

3.4.5 Long Term Goals

Our intent is to move toward compliance and enforcement approaches that foster voluntary compliance and encourage creativity and innovation in achieving environmental goals. To that end, this agreement focuses on outcomes more than activities or processes. CDPHE and EPA Region 8 intend to achieve:

- A greater level of "pre-violation" regulatory compliance through more effective compliance assistance efforts;
- Prompt correction of violations and remediation of environmental harm that threatens Colorado's environment or citizens;
- Widespread compliance with environmental laws to protect human health and the environment;
- Improved pollution prevention in the regulated community; and
- The promotion of regulatory compliance and performance beyond-compliance through the use of environmental management systems and incentives.

3.4.6 Adequate Compliance Monitoring and Enforcement Capacities

The key elements of a compliance and enforcement monitoring program include:

- Inspection and compliance monitoring programs at the state and federal levels that adequately identify significant noncompliance,
- Maintaining a sufficient, qualified inspector field presence to effectively encourage regulated entities to comply with environmental laws and regulations, and
- Adequate investment in compliance assistance initiatives.

CDPHE and EPA Region 8 are committed to maintaining and improving the capacity to adequately monitor

compliance with environmental requirements. The authority and capacity to respond to noncompliance are crucial elements of a strong enforcement program. CDPHE and EPA Region 8 are committed to:

- Assessing penalties that neutralize the economic benefit of noncompliance and include and appropriate gravity component,
- Encouraging the inclusion of supplemental environmental projects in settlement agreements where appropriate, and
- Changing behavior and motivating the regulated community to prevent pollution.

We are committed to developing written state and federal enforcement policies with input from each other. CDPHE is committed to the use of streamlined and innovative enforcement tools.

3.4.7 Assistance as a Compliance Tool

As previously discussed, outreach and assistance are tools to promote compliance. CDPHE and EPA Region 8 will continue to explore and evaluate:

- Enhanced compliance assistance initiatives and strong follow-up enforcement, as is necessary, to achieve compliance, and
- Ways to better measure and articulate the results of such compliance tools.

CDPHE and EPA Region 8 will communicate on a regular basis regarding joint strategies to target sectors for compliance assistance and to measure and evaluate the success of such efforts.

3.4.8 Communications between CDPHE and EPA Region 8

We are committed to continuing to identify federal and state environmental enforcement priorities and to generating joint or coordinated compliance and enforcement strategies consistent with state primacy in delegated programs. We are committed to better communication in discussing and resolving:

- Issues related to EPA and CDPHE databases which include enforcement data;
- System-wide enforcement issues EPA may identify in Colorado;
- Issues relating to enforcement policies, regulations, and enforcement program development;
- Issues relating to state implementation of federal "significant violator" policies for EPA's water, air, and hazardous waste programs;
- Issues relating to enforcement priorities and compliance settlements;
- Issues relating to the value of CDPHE's program imperative to conduct cross media compliance and enforcement where pollution prevention is a significant benefit;
- Issues relating to flexibility to continue experimentation in new measures of success; and
- Alternative indicators of compliance and performance.

In an effort to improve the interaction between CDPHE and EPA Region 8 on enforcement-related matters, we are committed to continue to improve communications and coordination, whether through meetings and/or other methods.

3.5 Compliance Assurance and Enforcement Promotion Tools

A variety of compliance promotion tools are available to CDPHE and EPA Region 8. They can be used individually or in combination depending on the circumstances.

3.5.1 Inspection Efficiency Cross-Media

In an effort to use CDPHE's inspection staff resources more efficiently and make our regulatory programs more effective, APCD and HMWMD implemented in March of 2003, a pilot program using a subset of the Title V Sources and Large Quantity Generators. There are about 170 Title V Sources and about 140 Large Quantity Generators in Colorado. Both the Title V Sources and Large Quantity Generators are high priority facilities within

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their respective regulatory programs because of the size of their regulated activities relative to other facilities. As a result, CDPHE inspects these facilities frequently.

In a few cases (7 facilities in Colorado), facilities are both Title V Sources and Large Quantity Generators. However, in many more cases, facilities are, for example, a Title V Source, not a Large Quantity Generator, but still regulated by the hazardous waste program as a Small Quantity Generator. In this example, the facility would be regularly inspected by APCD, but infrequently inspected by HMWMD. The same scenario exists in reverse, when HMWMD inspects certain facilities frequently that are lower priority for APCD. It is this type of facility – high priority in one program, but low in the other - that was the target of the Cross-Media Inspector Efficiency Pilot. The project proved to be successful, and CDPHE is now incorporating it as a compliance promotion tool.

CDPHE will continue, where appropriate, adding cross-media coverage to the inspections we already perform. APCD and HMWMD inspectors continue to inspect high priority facilities against their own program's requirements, and will add an evaluation of certain key requirements of the other regulatory program. For instance, APCD inspectors inspect a Title V Source against the air regulations and also evaluate the source against a hazardous waste checklist. This completed checklist is forwarded to, and reviewed by, HMWMD inspectors. If the checklist responses are "normal", then HMWMD assumes that hazardous waste management at that facility is adequate and will not prioritize that facility for an inspection. If the results are "off-normal", then HMWMD will pursue either more information from the facility, or schedule an on-site inspection, as appropriate. The process works identically, but in reverse, for HMWMD inspections of Large Quantity Generators. CDPHE will add in water quality programs where appropriate and feasible, for example storm water requirements.

The inspectors have been cross-trained adequately enough to accurately complete the checklists; refresher training will occur on a regular basis. CDPHE will conduct cross media inspections on at least 50 facilities– 25 Title V Sources and 25 Large Quantity Generators – on an annual basis. This program could be expanded to include WQCD and CPD regulated facilities.

Upon EPA Region 8 review and concurrence with each specific cross-media inspection proposal (e.g. applicable facility type, inspection scope, inspector qualifications), CDPHE and EPA Region 8 agree that multiple inspections (i.e., air, waste and/or water) were conducted for each cross media inspection. EPA Region 8 has agreed that for air and hazardous waste inspections described above, multiple inspections have occurred for purposes of reporting inspections to EPA.

3.5.2 Small Business and Community Enforcement Referral Program

CDPHE has determined that the ability to refer small businesses[3] and small communities[4] to compliance assistance programs for cross-media assistance is an important compliance assurance tool for CDPHE to most efficiently and effectively use its enforcement resources. CDPHE and EPA Region 8 recognize that a small business or community may not have the resources or knowledge to ensure that it operate its sources in compliance with these requirements and traditional enforcement may not be the most effective way to bring a small business or community into compliance. As a result, the cross media compliance assistance team has agreed to provide compliance assistance to small businesses and communities and assist in bringing the small business or community into compliance with applicable requirements upon referral by the enforcement program. Where CDPHE's resources allow, the program is operated such that:

- If the enforcement program deems a referral of an entity to be appropriate, it refers an entity to the compliance assistance program via email or memorandum. The enforcement program agrees to use its enforcement discretion and refrain from initiating any formal enforcement action against the entity, provided that the offer of assistance is accepted by the business.
- Beginning upon the date of notification, the compliance assistance program has ninety days to contact the referred entity, provide compliance assistance, and provide the enforcement program evidence that the entity has returned to full compliance. This includes providing cross-media compliance assistance if the entity is in noncompliance with multiple programs. Depending upon the nature of the noncompliance, an extension can be granted, solely in the discretion of the enforcement program.
- If the business or community declines the offer of assistance, or fails to act in good faith to correct the problem, or fails to correct the problem within the ninety-day period, the enforcement program will, at its discretion, initiate formal enforcement action.

[3] "Small business" is defined as a business that is owned by a person or another entity that employs 100 or fewer individuals. Small businesses could be sole proprietorships, individuals, privately held corporations, farmers, landowners, partnerships and others. (CAA 507(c)(1)(A))

[4] Based upon EPA's enforcement guidance, a small community is one comprised of fewer than 2,500 persons.

- At the end of the ninety-day period, the compliance assistance provider shall provide the enforcement program with a report detailing the compliance assistance efforts and accomplishments. For example, the report should include whether controls were installed, what operational or housekeeping practices are being utilized, whether the source requires additional time to be in compliance, and any other information the inspectors should know.
- If the compliance issue(s) has (have) been resolved to enforcement program's satisfaction within the ninety-day period, no enforcement action will occur. A referral that results in compliance within the designated time period will be considered by CDPHE and EPA to be an enforcement action completed within an approved timeframe.
- If the entity is not deemed by the cross media compliance assistance team to be in compliance or has not entered into an enforceable agreement committing the entity to compliance within a reasonable period of time within the ninety-day period, the entity will be referred back to the enforcement program for the appropriate penalties and action. This action will be completed through a settlement agreement or the issuance of an order within ninety days of the entity being returned to enforcement. A returned referral that results in compliance within the designated time period will be considered by CDPHE and EPA to be an enforcement action completed within an approved timeframe.

3.5.3 Colorado Audit Privilege and Immunity Law

CDPHE and EPA Region 8 (collectively, the parties) hereby establish the following procedures and policies for administration of the Colorado Audit Privilege and Immunity Law (self-audit law). The parties agree to encourage greater compliance with laws and rules protecting public health and the environment by promoting a greater degree of self-policing in the regulated community. This Agreement is a companion document to be read in conjunction with the Colorado Attorney General's formal opinion of April 14, 2000, for implementation of the self-audit law.

CDPHE will evaluate and determine, on a case-by-case basis, whether the entity seeking immunity is eligible for protection under the self-audit law. Each request for immunity shall be timely filed in a separate audit file maintained by CDPHE, together with information about the nature and extent of the violation for which immunity is sought, including the requestor's justification for immunity, and CDPHE's basis for recognizing or disputing immunity. CDPHE will process all requests for immunity in a timely fashion. Both parties retain their independent authority under environmental protection laws as; however, the parties also agree that direct federal action is not contemplated regarding CDPHE's case-by-case determinations consistent with the factors in this Agreement. The parties further agree to use the consultation provisions below where there may be reason to believe that immunity may not be appropriate. In no case shall EPA selectively target or investigate Colorado entities solely on the basis that they have sought penalty immunity under the self-audit law.

CDPHE and EPA recognize that the self-audit law specifies CDPHE, as an initial matter, to consider certain factors to determine an entity's eligibility for privilege or immunity protection. If any one of the eligibility factors is not satisfied, the entity is not entitled to protection. In addition, under the self-audit law program, CDPHE has the discretion to evaluate certain other factors to determine whether privilege and immunity protection is justified and appropriate under the given circumstances of the case. If CDPHE determines that one or more of the discretionary factors apply to a particular case, CDPHE may use its judgment to determine if and to what extent protection under the self-audit law is appropriate.

EPA and CDPHE consider self-audit immunity submittals to CDPHE to be equivalent to an inspection or compliance evaluation and CDPHE shall appropriately document these submittals.

Existing Authority: Neither the self-audit law nor the program restricts EPA's authority or responsibility for overseeing delegated federal environmental programs or restricts federal enforcement or information-gathering authority. However, EPA agrees to exercise its oversight responsibilities with respect to the self-audit law through the procedures set forth in this Agreement. EPA will utilize this Agreement's joint review and consultation mechanisms to address any questions or concerns with respect to any person, company, facility or other entity that seeks to participate in the self-audit law program.

Assessment: The parties agree to jointly conduct a review of CDPHE's implementation of this Agreement as part of the annual CEPPA review. The parties will review CDPHE's record of resolved immunity claims, and information in that record shall provide the primary basis upon which the parties shall assess implementation of the self-audit and its effect, if any, on delegated federal programs. The parties will identify any concerns in implementation and appropriate options to remedy such concerns in writing. The parties will work in good faith to address any concerns identified in the joint evaluation.

Interim Consultation: EPA shall notify CDPHE of its specific concerns if it has reason to believe that immunity has been or may be granted for violations of law that may be inconsistent with the factors in this Agreement. CDPHE and EPA shall meet upon such notification to discuss those concerns, and if necessary identify and discuss mutually agreeable modifications to CDPHE's implementation of the self-audit law program.

State and Public Access to Information: The parties agree that CDPHE will interpret and implement its information gathering authorities pertaining to the self-audit law in the following manner:

Colorado has the authority to access factual information and data, even if such information is contained in an audit report. The self-audit law does not affect CDPHE's authority to enter any site, copy records, inspect, monitor, or otherwise investigate compliance. The self-audit law does not affect CDPHE's authority to verify the accuracy of information submitted by permittees and to verify the adequacy of sampling, monitoring, and other methods used to develop reported information, pursuant to CDPHE or federal law. No information required to be developed, maintained, reported, or to be made available or furnished to CDPHE or any regulatory agency can become privileged even if that information is contained in an audit report. Pursuant to the procedures set forth in §13-25-126.5, C.R.S., Colorado may obtain access to an environmental self-audit report where CDPHE has independent evidence of any criminal violation of an environmental law.

The self-audit law does not affect public access to non-privileged information under state and federal laws. All non-privileged information obtained by CDPHE is available to the public pursuant to state and federal laws that is not otherwise protected under the Colorado Open Records Act or the federal Freedom of Information Act. This information would include but is not limited to permit applications, permits, effluent data, and compliance data. This would also include any information contained in an audit-report, if CDPHE obtained the audit report because the privileged was waived, or determined not to apply. The audit privilege does not affect CDPHE's authority to investigate and provide written responses to citizen complaints.

In Camera Review: The parties agree that CDPHE will interpret and implement the *in camera* review process of the self-audit law (§13-25-126.5(5)(a), C.R.S.) in the following manner:

A court or administrative law judge may allow Colorado or any other requesting party to review *in camera* all or part of an environmental audit report if the requesting party demonstrates, based on independent knowledge, that probable cause exists to believe that an exception to the privilege exists or that the audit report itself is not privileged. Whether or not to hold a hearing on the issue of probable cause is within the discretion of the court or administrative law judge. If such probable cause hearing is held, there is no prohibition of relevant testimony from non-party witnesses on the question of whether probable cause exists, and unless otherwise ordered by the court or administration law judge any such probable cause hearing would be open to the public. Only the requesting party may obtain access to the environmental audit report during the *in camera* proceeding. No *in camera* proceeding is needed to authorize disclosure of information in Colorado's possession that is subject to disclosure under the Colorado Open Records Act or in cases where the privilege has been waived.

Only those who knowingly violate a court's order after an *in camera* review can be sanctioned under the self-audit law. Consistent with CDPHE's historic practice, Colorado will not seek to punish whistleblowers who obtain their information from any source other than the *in camera* review.

Agreement Modification: This Agreement may be modified by the parties to ensure consistency with State programs and federal requirements for program delegation. Any revisions or modifications to this Agreement must be in writing and signed by all parties in order to become effective. This Agreement shall remain in force and effect for each delegated federal program until such time as delegation is withdrawn by or is voluntarily transferred to EPA according to criteria and procedures set forth for each program by federal statutes and in the Code of Federal Regulations.

3.5.4 Environmental Results Program

The Environmental Results Program (ERP) is considered an extension of CDPHE's self-audit law program, but not all participants are necessarily able to utilize the self-audit law.

3.5.4.1 General Program Description

The Environmental Results Program (ERP) is a unique environmental performance initiative developed and first used by the Massachusetts Department of Environmental Protection (MADEP). CDPHE has incorporated this tool into its compliance assurance program. ERP features a cross media, sector-based regulatory approach that can ultimately replace facility-specific state permits with industry-wide environmental performance standards and annual certifications of compliance. Currently, CDPHE is utilizing it as a self-certification program. ERP applies

three innovative tools to enhance and measure environmental performance. These tools supplement CDPHE's traditional compliance assurance efforts:

- An annual self-certification of compliance by companies to increase self-evaluation and accountability;
- Compliance assistance from the agency through outreach and materials; and
- A new performance measurement methodology to track results, determine priorities and strategically target inspections and compliance assistance efforts.

The ERP tools include:

- Self-certification. ERP requires that a senior company official annually certify that the facility is and will continue to be in compliance with all applicable state air, water and hazardous waste management performance standards. CDPHE provides compliance assistance (see below) for facility managers so they can better understand the information that is the basis for their certification. Facilities that are not in compliance must file a compliance plan, which describes the corrective actions that the facility will take and a schedule to achieve full compliance.
- Compliance Assistance. CDPHE assists the self-certification process by providing compliance assistance for all ERP facilities. Compliance assistance includes sector-specific workbooks and workshops that clearly explain facilities' environmental obligations as well as sound environmental practices that go "beyond compliance".
- Performance Measurement. CDPHE will continue to experiment with evaluation methodologies that use random sampling and statistical analysis to measure the performance of ERP sectors and facilities. The methodologies should validate the performance of the program itself, and be used to target facilities for inspections and compliance assistance. The evaluation should track environmental business practice indicators (EPBIs), which are industry-specific performance measures that provide snapshots of facilities' environmental performance before and after certification and on a long-term basis.

Currently, ERP is being utilized by HMWMD for small quantity generators and is planned to be utilized by WQCD for small concentrated animal feeding operations (CAFOs). CDPHE is planning to continue to expand the program into other sectors and programs. EPA and CDPHE agree that the self-audits conducted under CDPHE's ERP may be used to offset inspection commitments on a case-by-case basis and pending EPA Region 8 review and concurrence with each specific ERP proposal (e.g. applicable facility type, audit scope, etc.).

3.5.4.2 Small Quantity Generators Self-Certification of Hazardous Waste Compliance (SCORE)

SCORE is an HMWMD program for small quantity generator (SQG) self-certification of compliance with hazardous waste regulations. The purpose of the program is three-fold:

- Use self-certification of compliance by facilities as an effective way to measure and improve compliance within the SQG universe;
- Continue to determine the type of compliance assistance most needed within the SQG universe; and
- Use a self-certification program as an effective and efficient use of HMWMD resources.

Historically, the compliance rate of SQGs is about 67%. Or, put another way, 33% of those inspected receive an compliance advisory. The primary causes of noncompliance include: ignorance of the regulatory requirements, ineffective regulatory control, and minimal deterrence. HMWMD determined it needed a more effective method to regulate the SQG universe to improve SQG's regulatory awareness and compliance. The SCORE project[5] included providing compliance assistance to the 76 participating facilities, requiring each facility to complete an exhaustive hazardous waste compliance checklist, and HMWMD inspectors following up with each facility with an identical checklist. Participants were provided enforcement amnesty for the pilot project period so long as the facility: 1) pursued compliance; 2) cooperated with HMWMD; 3) the noncompliance did not present any imminent or substantial danger to public health and environment; and 4) signed an enforceable agreement for compliance issues requiring more than six months.

HMWMD completed the inspections and report on the project in January of 2004.[6] The results indicate self-certification of hazardous waste compliance by SQGs is a very effective method of assessing compliance and it allows for a much more efficient and effective regulation of the SQG universe. Because of the success of the

[5] EPA Region 8 approved and CDPHE implemented the pilot project from April 2002 through September 2003.
[6] See The SCORE Pilot Project Final Report, January 2004, Hazardous Materials and Waste Management Division.

SCORE program, HMWMD will expand the program and eventually approach the Hazardous Waste Commission with the results and propose that new regulations be promulgated requiring each SQG to self-certify compliance every two years, in a manner similar to reporting requirements for Large Quantity Generators.

3.5.5 Cross-Media Supplemental Environmental Projects (SEPs)

CDPHE has developed and implemented a cross-media Supplemental Environmental Project (SEP) policy and program. EPA has reviewed and approved of the policy and agrees to use the state policy if necessary to review Colorado's SEP program. The policy allows CDPHE to negotiate SEPs in any state enforcement action on a cross-media basis. CDPHE will continue to refine its SEP program and collect data on the environmental benefits garnered through the implementation of the SEP policy. The data will be used to develop enforcement indicators and assess and improve the SEP program.

3.5.6 Municipality Policy

CDPHE recognizes that municipalities are in a unique position relative to any other regulated entity regarding the payment of cash penalties. If the entity has the ability to pay the penalty, CDPHE will provide it the opportunity to offset the entire penalty (civil and economic benefit) with a supplemental environmental project, if the entity can agree to and/or demonstrate the following:

- Agrees to return to compliance promptly and remedy any adverse impacts of noncompliance within a reasonable period of time;
- Has not been found to have committed serious violations, which are defined as follows:
  - Violations that are likely to cause or may have caused significant impact to human health or to the environment;
  - A pattern of violations that demonstrate management systems are not adequate to address environmental issues and ensure compliance; or,
  - Convictions for violations of environmental laws or out-of-court settlements of formal charges of such criminal violations.
- Demonstrates a good faith intention to maintain future compliance with all applicable environmental requirements, including, but not limited to, conducting periodic compliance audits; and
- Agrees to investigate pollution prevention, source reduction and resource conservation opportunities, and implement them, as determined to be feasible by the county or municipality and agreed to by CDPHE.

If a county or municipality does not satisfy all of the conditions for mitigation described above, CDPHE will not settle the entire penalty through a SEP, but may mitigate the penalty consistent with the degree to which the conditions are satisfied, and with the factors set forth in each division's penalty policy.

3.6 Compliance Assistance

CDPHE remains committed to achieving the highest level of environmental protection for its citizens by using a combination of traditional and innovative approaches to ensure compliance. Voluntary compliance is one of the keys to the success for CDPHE's regulatory programs, and educating the regulated community is essential for them to achieve compliance. While a traditional inspection program coupled with appropriate enforcement will remain an integral part of CDPHE's overall compliance strategy, compliance assistance activities are designed to promote compliance without the need for enforcement.

Each of the environmental programs has some level of compliance assistance activities. The Small Business Assistance Program was established specifically in response to the Clean Air Act Amendments of 1990, and is currently housed in the Air Pollution Control Division (Air Division). The Hazardous Materials and Waste Management Division (Waste Division) has also established a group specifically designed to provide compliance assistance to businesses – Generator Assistance Program. There is also a less formal, although broadly scoped, compliance assistance programs housed in the Water Quality Control Division (Water Division) and Consumer Protection Division. The Sustainability Division has two sustainability and pollution prevention assistance providers, the Small Business Ombudsman, and provides assistance on environmental management systems through the Environmental Leadership Program. In the mid-1990's, CDPHE established the Environmental Compliance Assistance Center, originally housed in the Information Center, to provide a consolidated cross media

environmental compliance assistance "single point of contact" for Colorado businesses. This center primarily provided phone advice, and when able, coordinated with the environmental divisions to host cross media compliance assistance seminars.

CDPHE has repeatedly heard from businesses, especially small businesses, that cross-media assistance and guidance is the most beneficial, both in terms of the more harmonized look of regulatory requirements, as well as the reduced number of visits necessary from CDPHE assistance providers. Additionally, having more than one assistance provider visit any single business is a duplication of resources.

CDPHE has and continues to enhance coordination between the various environmental compliance assistance activities housed in the individual environmental media programs. Some of the primary objectives in establishing an integrated compliance assistance program include:

- Pursuing a cross media approach to compliance assistance that includes assistance on continual improvement;
- Improving coordination between the divisions in the delivery of compliance assistance;
- Promoting strategic planning for compliance assistance, sustainability, and pollution prevention; and
- Focusing on industry sectors and cross media approaches for compliance assistance, sustainability and pollution prevention.

CDPHE established a Cross Media Compliance Assistance team that will work to meet the above objectives. The team is made up of compliance assistance providers from the air, consumer, sustainability, waste and water divisions. The team's work plan is included in the table attached to this chapter.

The following are the cross-media compliance assistance tools available to CDPHE in FY 2006.

3.6.1 Cross Media Compliance Assistance Team

There is a lot of support for developing more compliance assistance expertise within the Environmental Divisions and for developing cross-media compliance assistance capabilities between the various divisions. With this in mind, CDPHE created a Cross-Media Compliance Assistance (CMCA) Team in FY 2004. This team was convened and commissioned in the same manner as the successful Cross-Media Enforcement Team. The team works through the issues in the same general construct that the Cross Media Enforcement Team uses. The team is comprised of staff from the air, consumer protection, sustainability, waste and water divisions within CDPHE. The team has developed a work plan for FY 2006, which includes the projects and programs described below.

Team membership includes the Air Division, Consumer Protection Division, Waste Division, Sustainability Division, and Water Division and each program or unit within each division that provides or participates in compliance assistance, as determined appropriate by each division. Initially the team spent time understanding items such as:

- The programs within each division that provide compliance assistance;
- The type of assistance they provide;
- The structure and reasoning for the structure of each compliance assistance program;
- Areas where resources or information could be leveraged by providing cross media information (Web site links, guidance documents, inspections, etc.);
- The type of informational resources developed by each program; and
- Lessons each program has learned (what as worked, what has not worked, etc.).

Next the team:

- Formulated recommendations for cross-divisional and intra-divisional improvements for any aspect of compliance assistance;
- Presented those recommendations to management;
- Selected four sectors to implement cross media compliance assistance-based projects; and
- Worked through the recommendations that management accepted, designed and implemented the changes.

For FY 2006, the team plans to:

- Continue to meet on a regular basis to discuss techniques, cross media and multi media opportunities, learn from other states, and further formalize a cross media compliance assistance program;
- Continue to work in partnership with the Auto Salvage industry in providing multi and cross media compliance assistance, while encouraging them to continue to voluntarily remove mercury containing switches from automobiles;
- Continue to work in partnership with the Auto Body sector in providing multi and cross media compliance assistance, while encouraging the industry to implement pollution prevention practices;
- Continue to work in partnership with the Colorado Department of Corrections in providing multi and cross media compliance assistance, while encouraging the industry to implement pollution prevention practices;
- Continue to work in partnership with the Surface Coaters sector in providing compliance assistance, multi media guidance documents and pollution prevention assistance; and
- Further catalog in the field cross media opportunities and examples.

3.6.2 Sector-Based Compliance Assistance (COMPASS Projects)

The COMPASS Project was a sector-based pilot project completed in FY 2003, which has been integrated into CDPHE's programs as an available compliance assurance tool. This tool is designed to: 1) support the use of various compliance assistance sector-based methods of delivering compliance assistance and pollution prevention technical assistance to regulated facilities in each regulated medium, and 2) continue to build and utilize a cross-media data query capability which will allow CDPHE to quantify the environmental effects of regulatory and pollution prevention activities across the department.

CDPHE selects sectors based upon the strategic goals and objectives of the department. Once a sector is selected and determined to be interested in participating, CDPHE develops cross-media and pollution prevention assessment tools and provide the participating entities with a cross-media baseline assessment of each participating facility. As part of the baseline assessment, each operator will be provided with plant specific compliance report, as well as an industry wide assessment. Extensive one-on-one consulting and industry group training may be provided. A follow-up assessment the next year will be conducted to measure any change in compliance rate and CDPHE will report on those measures to US EPA and on CDPHE's website. Ultimately, CDPHE will work with interested members from each sector in developing and implementing an EMS and, as appropriate, entering into the Environmental Leadership Program. The sectors selected for FY 2006 are included in the work plan tables below and any future sectors will be selected in consultation with Region 8.

If CDPHE plans to conduct compliance assistance and not include the facility-specific compliance assistance visits as compliance evaluations equivalent to an inspection, the COMPASS Projects shall follow this general approach:

- CDPHE shall develop comprehensive compliance and pollution prevention checklists and guidance;
- CDPHE shall provide the facility with compliance assistance
- CDPHE shall conduct initial site visit and assist facility with completion of the checklist;
- The facility and CDPHE shall follow the small business and community referral program described above if CDPHE discovers any noncompliance, unless the noncompliance is considered criminal or to endanger the public health;
- CDPHE shall ensure the compliance checklist and audit information is placed in facility's file(s); and
- CDPHE shall track compliance rates through follow-up visits at 10% of the facilities.

EPA and CDPHE agree that compliance site visits will constitute an inspection for purposes of reporting to EPA for air, water and waste as long as they include all of the elements of an inspection for the applicable media program(s). For example, the visit must be conducted by compliance assurance staff qualified to conduct inspections in the applicable media program(s), adhere to the applicable media program inspection guidance, and result in an inspection report which documents enforceable findings of potential non compliance (if any).

CDPHE may also opt to follow the following compliance assistance approach:

- CDPHE shall develop comprehensive compliance and pollution prevention checklists and guidance documents;

- CDPHE shall provide the facility with compliance assistance;
- CDPHE shall conduct initial site visit and demonstrate use of checklist;
- The facility shall complete compliance checklist as a self-audit and submit to CDPHE;
- CDPHE shall process self-audit pursuant to Colorado Audit Immunity and Privilege Law (self-audit law) agreement in the above section;
- CDPHE shall ensure the compliance checklist and audit information is placed in facility's file(s); and
- CDPHE shall track compliance rates through follow-up visits as agreed upon with Region 8.

EPA and CDPHE agree that compliance site visits will constitute an inspection for purposes of reporting to EPA for air, water and waste as long as they include all of the elements of an inspection for the applicable media program(s). For example, the visit must be conducted by compliance assurance staff qualified to conduct inspections in the applicable media program(s), adhere to the applicable media program inspection guidance, and result in an inspection report which documents enforceable findings of potential non compliance (if any).

3.6.3 Small Business and Community Referral Program

See Section 3.5.2 above.

3.6.4 Environmental Customer Assistance Center

The Environmental Customer Assistance Center (ECAC) will continue to provide environmental information to the public and the regulated community. The attached table identifies the work elements in the FY 2006 Environmental Customer Assistance Center work plan.

3.7 Community-Based Environmental Protection and Environmental Justice Programs

These efforts are based upon the premise that all the concerned stakeholders in a community can and should have a role in solving environmental problems in communities. The people who live, work and have businesses in a geographic area have a common interest in preserving the environment and quality of life. The CDPHE and EPA Region 8 offices will be working to encourage community-based programs along with effective partnerships in several areas throughout Colorado. The community-based environmental protection concept promotes a "place-driven approach" rather than a "program-driven approach".

"Environmental Justice" means the fair treatment and meaningful involvement of all people regardless of race and income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. Fair treatment implies that no group of people including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local and tribal programs and policies.

In order to carry out the key priorities of community based environmental programs and environmental justice programs (CBEP), CDPHE will continue to rely upon the cross-media coordination and integration process. EPA and CDPHE will continue to develop this partnership in FY04 working on a number of joint priorities. In areas like Pueblo and Garfield counties, EPA and CDPHE will jointly work together to: coordinate communication on processes (such as SEPs); coordinate information on resources and studies that would be available; and, jointly develop measures of progress for incorporation in subsequent updates to this agreement. Additionally, EPA and CDPHE will continue to support the ongoing watershed projects in Colorado and emphasize meaningful stakeholder involvement. EPA and CDPHE will identify lessons learned and/or workshop opportunities in order to continue to further define CBEP and integrate CBEP into the many programs being implemented by EPA and CDPHE. EPA will continue to work with CDPHE in identifying potential CBEP projects.

Often there is a significant need for coordination between the environmental divisions as communities seek to solve environmental problems. For example, solving an air pollution issue may create a water quality problem. As CDPHE continues to work with proactive communities to address emerging problems, the big picture or ecological aspect of both the problem and the solution must be kept in mind. CDPHE has encouraged voluntary actions for some time. The emphasis during the next two years will be to coordinate community-based efforts on a cross media basis. Current efforts include:

- CDPHE and EPA working together to establish a collaborative list of community programs that are being developed around the state by both agencies;
- CDPHE and EPA exploring ways to use the Internet and other means to make these programs and projects more widely accessible to the public;
- CDPHE and EPA sharing information about workshops and training related to CBEPs;
- CDPHE and EPA continuing to evaluate ways in which to integrate environmental justice practices into the environmental programs and divisions; and
- EPA continuing to carry out the Northeast Denver Environmental Initiative (NDEI).

3.8 Compliance Assurance and Environmental Stewardship Work Plan

Goal: Environmental Leadership Program			
Subgoals	Objectives	Timeline	Performance Measurements
Implement and enhance CDPHE's recognition of, rewards for and incentives program for environmental leadership in the protection of air, water, and land	Coordinate efforts between CDPHE and EPA to increase the efficiency and effectiveness of ELP, PT and other state leadership programs	On-going	Successful implementation of MOU
			Number of facilities utilizing MOU
			Hours saved for facilities in application efforts
-- Improve, develop and implement CDPHE's Environmental Leadership Program	Implement and regularly review MOA or ELP policy with the environmental divisions	On-going	Environmental and resource benefits from implementation of MOU
	Develop and implement agreed upon incentives for environmental leaders		Environmental and resource benefits from implementation of incentives
	Internal ELP Advisory Group provides regular guidance and assistance to the ELP in developing, implementing, and modifying the program	On-going	Number of hours of participation
			Advise and recommendations provided
			Increase in referrals to program
	Utilize PPAB Committee plus other ELP members as external advisory board provides regular guidance and assistance to the ELP in developing, implementing, and modifying the program	On-going	Number of hours of participation
			Advise and recommendations provided
-- Expand membership in both the Silver and Gold levels of ELP, assist with the development of a Partnership Tier and Stewardship Tier for ELP	Implement and regularly review ELP program criteria, including criteria for EMS, program entry, review processes, continual improvement, and auditing	On-going	Use of criteria guidance
	Provide ELP presentations to businesses, industry trade groups and organizations		Number of presentations and attendees
	Develop additional Tiers (Bronze, Platinum levels) and begin to implement, as resources allow	FY 2006	See Chapter 4
-- Implement incentives program for ELP members	Review, approve or disapprove, and/or meet with the company on facility-specific incentives within 30 days of submittal of incentive request	On-going	Number of incentives received and provided
			Hours saved for facility
			Environmental and resource benefits from incentives
	Implement awarded incentives in a timely, consistent manner		Implementation of incentives

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	Track and ensure divisions comply with incentives, including reduced inspections		Adequate implementation of incentives
Incorporate sustainability and leadership practices into current regulations -- Review environmental regulations and laws and identify stewardship opportunities and incentives, including incorporating P2, EMSs, and leadership principles	Identify possibilities for air, waste and water regulations, including cross media livestock programs, supporting renewable energy and energy efficiency through receiving credits for SIPs, and others	On-going	Number of sustainability and P2 regulatory provisions included in environmental regulations
			Number of entities utilizing provisions (if possible)
			Environmental and resource benefits
-- Implement a program for Sustainability staff to accompany various CDPHE divisional inspectors on inspections	Draft, negotiate and present proposals for FY 2006	FY 2006	Number of visits
		On-going	Environmental and resource benefits from incentives
-- The program should be designed to open lines of communication/sharing of ideas between the Sustainability Program and compliance staff	Send response letter back to facility within 30 days of each P2 "shadow inspection"	On-going	Timely response
Incorporate stewardship practices into environmental programs and policies -- Catalogue past, current and future pollution prevention and sustainability practices for each division and CDPHE	Develop a compendium of pollution prevention and sustainability activities conducted by each of the environmental divisions as a part of their regular responsibilities	FY 2006	Number of activities by division
			Environmental and resource benefits from incentives
			Number of activities then transferred to other division
-- Review environmental policies and identify and incorporate additional sustainability opportunities, incentives, and practices	Identify and implement new practices and environmental and cost benefits from these practices	On-going	Environmental and resource benefits from incentives
			Number of new practices
Provide businesses with a framework to implement sustainable practices through EMSs -- Annually identify key business sectors with input from each divisions, TRI, EJ, etc. -- Set up partnerships with selected sectors and internal stakeholders	Identify sector(s) and work with partners	On-going	Sector and partners identified in timely manner
	Develop EMS tools for sector(s)		Number of tools
	Provide training to sector if appropriate		Number of attendees
	Transition sector members to ELP Program		Number of facilities into ELP
	Track and measure results		Environmental and resource benefits from incentives
Develop, implement and integrate internal EMS into CDPHE programs and processes	Develop necessary policies	On-going	Number policies developed
	Train personnel on internal EMS		Number of personnel trained
	Development of aspect and impacts		Aspects and impacts identified

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-- Develop, implement, and measure economic and environmental benefits of CDPHE internal EMS -- Implement FY2006 objectives and targets	Update and measure baseline for CDPHE		Baseline developed
	Development of objectives and targets		Development of objectives and targets
	Implement energy efficiency projects		Measure environmental, resource and cost benefits
			Track E-Star accomplishments for CDPHE
	Implement water conservation projects		Measure environmental, resource and cost benefits
	Implement recycling program		Measure environmental, resource and cost benefits
	Implement paper conservation projects		Measure environmental, resource and cost benefits See Sustainability Division for details.
	Implement Human Resources Division projects		Measure environmental, resource and cost benefits
Goal: Implement Environmental Problem Solving Approach			
Short Term Goals	Objectives	Timeline	Performance Measures
Continue to develop and implement new approaches to achieve environmental protection and solve environmental problems	Assess data to determine both the significance and scope of the problems affecting the well-being of Colorado"s citizens	On-going	Assessment completed and valid use of data Determine data gaps
	Identify environmental trends and respond with innovative ideas	On-going	Trends identified
	Improve and enhance CDPHE's delivery of environmental services with cost effective and innovative approaches that encourage environmentally sustainable economic growth	On-going	Projects may include oil and gas, livestock operations, migrant farm workers, crematoriums (mercury and silver emission), meth labs, depending upon assessment and resource availability
Environmental Problem Solving: Mercury Project Reduction of mercury entering the environment through pollution prevention (PBT project)	Assist with problem identification and outreach efforts	On-going	Number of people reached via outreach efforts
	Mercury Manager will lead the dental mercury team along with health division and establish partnership with Colorado Dental Assn. to reach dentists Continue to implement pilot project plan in Pueblo to significantly reduce mercury releases from dental offices through recognition and coordination with local POTWs	FY 2006	Partnership with CDA
			Number of dental offices reached and that install mercury capture systems in Pueblo
			Amount of mercury captured in Pueblo
			Development of recognition program and number of facilities recognized
	Promote medical mercury reduction by encouraging hospitals to join Hospitals for Healthy Environment and/or to implement mercury reduction projects	On-going	Number of hospitals joining H2E
			Amount of mercury removed from environment
	Continue mercury switch removal initiative	FY 2006	Number of switches removed at scrap handlers

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	working with scrap metal handlers Partner with scrap handling association and pilot a project in front range with handling operations		Amount of mercury removed from environment Change in stack test results at CF&I Number of facilities participating
	Expand and coordinate thermostat and thermometer exchange programs with locals in partnership with environmental organization	FY 2006	Number of thermometers and thermostats replaced Amount of mercury removed from environment
	Promote pollution prevention projects with Colorado crematoria to reduce mercury releases to the environment	FY 2006	Partnership with Colorado-based funeral associations; amount of mercury removed from the environment
Goal: Cross Media Enforcement Team			
Short Term Goals	Objectives	Timeline	Performance Measures
Implement cross media enforcement team	Continue to identify policies, programs and efforts that can be coordinated on cross media basis	On-going	Number of policies impacted or developed Resource and environmental improvements as a result
	Continue to implement CDPHE's strategic goal of achieving a sustainable Colorado through performance-based programs	On-going	Demonstration of environmental and compliance benefits through efforts
	Ensure implementation of goals and objectives stated below if they fall within this team's purvue, including increasing environmental benefits from enforcement and turning violators into leaders	On-going	Compliance with policies, goals and objectives Update goals and objectives
Integrate cross media inspections into programs	Integrate the Inspection Efficiency Cross-Media Project into core programs as appropriate – air and waste will continue and expand current program	On-going	Number of cross media inspections conducted Environmental benefits of inspections Compliance benefits of inspections Staff hours saved from cross media inspections
Protect public health and the environment through program improvements – compliance support in air, water and waste	Provide support and training to inspectors on a cross media basis (policy interpretation, settlement documents, assist in negotiation of settlements, enforcement database)	On-going	Number of trainings offered Number of staff reached
	The State will maintain a high level of expertise to ensure that high quality inspections consistent with national guidance and statutory requirements are being conducted	On-going	Inspections meet state and federal standards through random sampling

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Support public health and the environment by promoting compliance of regulated facilities and conducting enforcement actions related to all sources for air, water and waste -- Ensure enforcement actions are timely and appropriate in accordance with the MOUs	Follow appropriate enforcement response agreement (see Attachment A MOA Between CDPHE and Region VIII for Administration of the RCRA Hazardous Waste Program, Attachment B EPA's Policy on the Clean Air Act Compliance Monitoring Strategy, and Attachment C Water)	On-going	Actions are taken in a timely manner, in accordance with the attached MOAs and MOUs and policies
-- Require and document actions necessary to assure return to compliance consistent with the policies and MOUs in Attachments A, B, and C	Issue warning letters, compliance advisories, notices of violation, and compliance orders, request commission hearings and enter into settlement agreements, as appropriate to ensure a return to compliance	On-going	Environmental benefits from return to compliance through each action
			Timely return to compliance through each action
			Number of each action
			Amount of penalties assessed and collected
-- Document long-term maintenance of compliance after formal enforcement	Assess and determine whether to develop a reporting system to measure the long-term effectiveness of formal enforcement actions	FY 2006	Assessment and determination completed
		FY 2006	Implementation of system
		FY 2006	Use of data in assessing and improving programs
-- Take formal enforcement actions, such as administrative orders, judicial referrals and referrals to EPA as appropriate and within the time frames established in MOAs and policies, in Attachments A, B, and C	Include compliance schedules, assessment of penalties and escalation of enforcement action as appropriate for the violations and consistent with MOUs and policies, in Attachments A, B, and C	On-going	Environmental benefits from return to compliance through each action
			Timely return to compliance through each action
			Number of each action
			Amount of penalties assessed and collected
-- Enforcement follow-up and other activities will be conducted in accordance with the MOA between the State and USEPA/Region 8 to assure return to compliance	Include use of compliance schedules, stipulated penalties, follow-up inspections and compliance assistance and/or escalation of enforcement response as appropriate consistent with MOUs and policies, in Attachments A, B, and C	On-going	Environmental benefits from return to compliance through each action
			Stipulated penalties assessed and collected
			Measurement of repeat violations
-- Region 8 and CDPHE place a high priority on addressing enforcement "watch lists" which include unaddressed significant non-compliers	Review watch list	On-going	Number of facilities on watch-list with identified compliance issues
	Discuss unaddressed facilities with EPA		Return to compliance
	Coordinate with the Region on a plan to address them (which may include work-sharing)		Environmental benefits of return to compliance
Support protection of public health by responding to complaints	Respond to all complaints, including for federal and state-only programs, in a timely manner	On-going	Number of complaints and timeliness of response
	Work with the parties as appropriate to address the root cause of the compliant		Environmental benefits of addressing root cause of complaint

Protect public health and the environment through compliance inspections	Conduct the number and type of inspections as agreed upon between CDPHE and Region 8 pursuant to the air, water and waste program plans below in Chapters 5, 6, and 7 and considering the cross media programs that result in inspections	On-going	Number of inspections conducted
			Environmental benefits of inspections
			Compliance benefits of inspections
Support public health and the environment through testing and evaluation of sources	Conduct and require testing and evaluation of sources pursuant to the air, water and waste program plans below in an appropriate and timely manner	On-going	Number of tests and evaluations observed and conducted
			Environmental benefits from tests and evaluations
			Compliance benefits of tests and evaluations
Promote pollution prevention and EMSs as an alternative in inspection and enforcement activities	Identify, promote, and include, where appropriate, specific pollution prevention and EMS options for the facility to use to achieve compliance to meet the goal of turning violators into leaders	On-going	Number of settlements with pollution prevention and EMSs as the compliance method
			Environmental benefits of P2 and EMS compliance elements
Continued coordination between EPA and State to assure timely, joint review and uniform oversight of enforcement program -- Oversight reviews will be scheduled to provide feedback as part of the CEPPA Mid Year and End of Year reviews -- Make oversight an effective tool for improvement and minimize the redundancy of reports and reporting requirements -- Modify UEOS process, as appropriate, as a result of the Accredidation Project	EPA conduct mid and end of year enforcement file reviews to review state's timeliness of enforcement actions and appropriate assessment and collection of penalties	Nov 2005	Meet UEOS goals and objectives
	Quarterly or semi-annual coordination meetings to discuss the compliance and enforcement program	Quarterly	Meet UEOS goals and objectives
	CDPHE shall make available the penalty calculations, including economic benefit calculations where appropriate, and a description of any SEPs, for CDPHE enforcement actions during the fiscal year	On-going	Meet UEOS goals and objectives
	CDPHE divisions will revisit the Civil Penalty Policies to determine if the policy needs to be updated or if changes in the application of the policy need to take place	On-going	Meet UEOS goals and objectives
Efficiently utilize administrative resources in ensuring small businesses and communities return to compliance using a cross-media approach.	Refer small businesses and communities to compliance assistance providers for cross-media assistance as an enforcement tool, as appropriate.	On-going	Number entities that received compliance assistance from referrals
			Number referred entities returned to compliance within 90 days by compliance assistance
			Environmental and compliance benefits

	Return referrals to enforcement if compliance assistance cannot ensure compliance within designated timeframes.	On-going	Number of entities referred back to enforcement.
Develop, incorporate and implement Environmental Results Program into core programs and measure outcomes	Incorporate and implement ERP SCORE project into HMWMD's SQG program -- Develop and propose regulatory program to Hazardous Waste Commission -- Upon approval, implement program, including providing compliance assistance	FY 2006	Number of facilities submitting audits Compliance benefits Environmental benefits Staff resources saved
	Develop and implement ERP for small CAFOs in conjunction with Minnesota DEP -- Develop and propose regulatory program to Hazardous Waste Commission -- Upon approval, implement program, including providing compliance assistance	FY 2006	Number of facilities submitting audits Compliance benefits Environmental benefits Staff resources saved
Encourage greater compliance with laws and rules protecting public health and the environment by promoting a greater degree of self-policing in the regulated community	Implement the Self-Audit Law consistent with Colorado's statute and the above stated agreement	On-going	Number of self-audit submittals provided to CDPHE Number of submittals qualifying for immunity or privilege Number resolved in a timely manner Measure whether there is any relationship of audits to long-term facility compliance Environmental benefits Compliance benefits
Garner greatest environmental benefit from enforcement resources through supplemental environmental projects program.	Promote SEPs in every settlement agreement above $10,000 and those below $10,000, as appropriate, including donations to communities, in accordance with the Department-wide SEP policy and CDPHE's Municipality Policy	On-going	Percentage and number of settlement agreements in which SEPs are offered and then accepted Environmental and natural resource benefits Cost savings to facilities
	Solicit & research for other SEP ideas	On-going	Idea inventory
	Identify and include, where appropriate, specific options for pollution prevention and EMS SEPs	On-going	Number of settlements with pollution prevention SEPs Environmental benefits from pollution prevention SEPs
	Promote SEPs that address environmental issues, problems and concerns, including environmental justice	On-going	Environmental and natural resource benefits Cost savings to facilities Number of SEPs benefiting EJ issues Number of people benefited by EJ SEPs

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			Develop other qualitative measures for community benefits
	Quantify environmental benefits of each SEP	On-going	Maintain a system to measure environmental benefits
			Complete development of SEP website by completing the database with SEP information
Ensure that the unique concerns for municipalities are considered in CDPHE's enforcement activities.	Recognize that municipalities are in a unique position in enforcement proceedings regarding the payment of cash penalties Provide municipalities the opportunity to determine whether it has the ability to pay the penalty through EPA's Munipay Model	On-going	Number of municipalities offered and qualified to use EPA's Munipay Model
	If the entity has the ability to pay the penalty, CDPHE will provide it the opportunity to mitigate the entire penalty (civil and economic benefit) with a beneficial or supplemental environmental project through the Department-wide Municipality Policy.	On-going	Number of municipalities offered and qualified to use CDPHE's Municipality Policy.
Continue to take a lead role in supporting, testing, and implementing innovations.	Invest in innovation and capacity building by continuing to create a work environment that supports innovation including, mainstream innovation into agency processes, and identifying and carrying out strategic resource investments and disinvestments to support and measure innovative work.	On-going	Develop, begin implementing, and measure the EMS permit project (grant funded).
			Implement ERP, including the SCORE project, into core programs as appropriate (i.e., small CAFOs).
			Develop, discuss with EPA and implement into core programs, if appropriate, a Cross-Media Evaluations in Settlement Agreements Policy.
Cross Media Compliance Assistance Team			
Short Term Goals	Objectives	Timeline	Performance Measures
Cross Media Compliance Assistance Team shall develop a work plan, with goals, objectives and strategies, to achieve greater environmental and compliance benefits through compliance assistance	Coordinate compliance assistance efforts between programs, including sharing information, data, and referring facilities	On-going	Number of facilities provided cross media compliance assistance by media
	Develop and implement a sector strategy, including Compass type projects (see below)	On-going	See COMPASS below
	Cross train compliance assistance providers	On-going	Number of individuals trained and hours of training
	Continue to hold regular workgroup meetings to discuss cross media opportunities	On-going	Outcomes and outputs of meetings – post achievements on Department's website
Efficiently utilize administrative resources in ensuring small businesses and communities return to compliance	Refer small businesses and communities to compliance assistance program for cross-media assistance as an enforcement tool.	On-going	See Compliance & Enforcement above

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using a cross-media approach.	Return referrals to enforcement if compliance assistance cannot ensure compliance within designated timeframes.	On-going	See Compliance & Enforcement above
Identify and minimize where possible negative cross media transfers in compliance assurance activities.	Catalogue cross media transfers compliance assistance and inspectors are aware of from fieldwork.	FY2006 On-going	Number of examples identified Estimated environmental outcomes of activities modified Development of Department policy to continue regular reviews
Implement sector-based compliance assistance (COMPASS) projects as appropriate.	Implement sector-based project for Auto Salvage industry -- Begin implementation and comply with schedule -- Conduct cross media/multi media training for the sector -- Develop guidance materials and continue to improve -- Enter into and implement MOA with industry -- Develop measurement tools for environmental and compliance outcomes -- Report to industry and public on website	FY 2006	Number and percentage of facilities participating Environmental and natural resource benefits Compliance benefits Cost savings to facilities
	Implement sector-based project for Surface Coating industry -- Begin implementation and comply with schedule -- Develop guidance materials and continue to improve -- Develop measurement tools for environmental and compliance outcomes -- Report to industry and public on website	FY 2006	Number and percentage of facilities participating Environmental and natural resource benefits Compliance benefits Cost savings to facilities
	Implement sector-based project for Correctional Facilities -- Begin implementation and comply with	FY 2006	Number and percentage of facilities participating Environmental and natural resource benefits Compliance benefits

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	schedule -- Develop guidance materials and continue to improve -- Enter into and implement MOA with industry -- Conduct on-site compliance assessment and provide cross media training -- Develop measurement tools for environmental and compliance outcomes -- Report to industry and public on website		Cost savings to facilities
	Implement sector-based project for Autobody industry -- Begin implementation and comply with schedule -- Develop guidance materials and continue to improve -- Enter into and implement MOA with industry -- Develop measurement tools for environmental and compliance outcomes -- Report to industry and public on website	FY 2006	Number and percentage of facilities participating Environmental and natural resource benefits Compliance benefits Cost savings to facilities
	Implement sector-based project for the Concentrated Animal Feeding Operation (CAFO) industry through the Environmental Agriculture Program (EAP) -- Begin implementation and comply with schedule -- Develop guidance materials and improve -- Enter into an implement MOA with industry -- Develop measurement tools for environmental and compliance outcomes -- Report to industry and public on website	FY 2006	Number and percentage of facilities participating Environmental and natural resource benefits Compliance benefits Cost savings to facilities
Environmental Customer Assistance Center: Provide services to all stakeholders so that they can easily understand environmental issues; their environmental obligations; and, so that	Serve as an initial contact for those seeking environmental information.	On-going	Measure the delivery of services and types of information requested. Solicit, coordinate and follow-up with environmental divisions and others on requests for information and assistance.

all Colorado citizens and organizations can contribute to identification and prioritization of health and environmental protection needs and solutions in Colorado in the most appropriate ways.	Provide services to all stakeholders so that they can easily understand environmental issues; their environmental obligations	On-going	Continue to operate the Department's One Stop Environmental Permit Center.
			Communicate and follow through on requests for technical assistance and compliance assistance.
			Prepare and routinely update program contacts lists for circulation to regulated entities and the public.

CHAPTER 4 SUSTAINABILITY DIVISION

CDPHE is implementing its strategic goal of creating a "Sustainable Colorado". The Sustainability Division is focused on identify, designing, and implementing, projects and programs that will achieve that goal. In accomplishing this, the division will partner and collaborate with other divisions, agencies, governmental entities, businesses, and nongovernmental organizations.

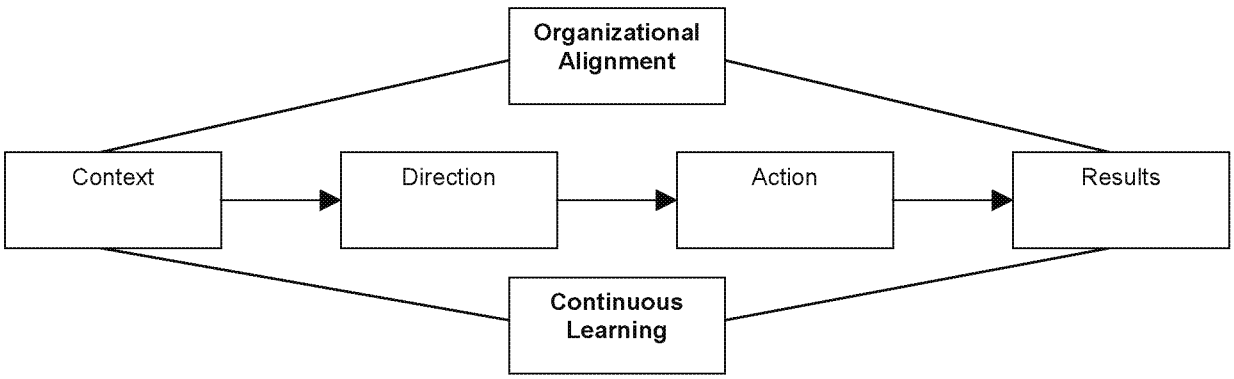
4.1 Strategic Direction

The Sustainability Division is charged with coordinating the integration of pollution prevention, environmental leadership, and cross-media initiatives within CDPHE. The Program promotes cross-media pollution prevention throughout the state. This program is equivalent to the other environmental divisions and reports to the Director of Environmental Programs. The following, as well as cross media efforts discussed in Chapters 2 and 3, is the work plan for the Sustainability Division.

The Sustainability Division recently completed a strategic planning effort focused on developing a work plan to implement CDPHE's Strategic Plan. The following is the result of these efforts.

Mission of Sustainability Division: Create a sustainable Colorado by protecting, preserving, and improving the quality of life, environment and ecosystems through performance-based environmental programs.

The following schematic portrays the Program's suggested approach to meeting its mission:



The following are the definitions of the above terms:

- Context – defining sustainability in a consistent manner
- Direction – develop a strategy and plan (focus on priorities and internal and external communications)
- Action – implement the plan
- Results – measurable results and benefits; catalogue successes
- Organizational Alignment – permeate the understanding of sustainability concepts and practices throughout the department
- Continuous Learning – lessons learned from experience leading to continuous improvement

The Sustainability Division has also developed elements for the definition of sustainability.

- Social
    - Citizen/employee well-being
    - Quality of life

    - Ethical practices
- Environmental
    - Minimize environmental impact
    - Natural resource protection
    - Continuous environmental improvement
- Economic
    - Citizen and stakeholder value
    - Economic development

One of the goals of the Sustainability Division is to improve and enhance communication within CDPHE and externally to other stakeholders. Internally, we will appeal to personal values, make a financial tie, foster meaningful involvement, find champions and connectors, and look for obstacles in advance. Externally, we will work with environmental health and safety professionals within facilities, to make financial ties for businesses, work with champions and change agents, learn to better work with sectors, and seek to identify actual or perceived obstacles and barriers for a facility to achieve sustainability.

4.2 CDPHE's In-House Environmental Management System (EMS)

The Sustainability Division is also leading CDPHE's efforts to develop an in-house environmental management system (EMS). The EMS has two phases. In Phase I, we will work within the department to develop an EMS for our core administrative functions, such as purchasing, contracting, information technology, and facilities management. The second phase will expand the EMS into our program functions (environmental and health functions) and will impact our program goals and objectives. Through the EMS, CDPHE continues to achieve successes in energy and water use reduction, waste minimization, enhancing electronic business operations, cost savings, and pollution prevention. We have been focusing on providing EMS and environmental training, outreach, and education to all of our employees and further integrating the EMS through all levels of our agency. The Paper Reduction Team is activity working to establish policies and procedures and with staff to achieve a goal of 38% paper use reduction by the end of 2006. Also, through the Internal EMS Team we will develop baselines, measurable goals, and plans for the department. While the in-house EMS is a multi-year effort, the next year will see a lot of progress, most of which will be driven and coordinated by Sustainability Division staff.

The second phase of the internal EMS is being implemented throughout the environmental divisions to achieve the Environmental Target Area of achieving a sustainable Colorado through performance-based programs. The performance-based programs are being developed using cross media and single medium approaches.

4.3 Environmental Agriculture Program

The department in FY2005 developed a cross media Environmental Agriculture Program (Ag Program) that incorporates air, water and waste agricultural related programs and efforts into a single program. The department has opted to place this program within the Sustainability Division. The Ag Program will focus on the following:

- Developing cross media regulatory, permitting, and compliance assurance programs for the concentrated animal feeding operations (CAFOs) and housed commercial swine feeding operations (HCSFOs);
- Streamline and simplify the regulatory and permitting programs for CAFOs and HCSFOs;
- Enhancing our existing compliance assurance program, including on the ground assistance;
- Assessing the existing nutrient management plan and best management practices to improve upon and consider the cross media impacts of the plans and practices;
- Work with the industry to develop and implement environmental management systems where appropriate;

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- Enhance the existing risk assessment review and approval process for HCSFOs; and
- Working with the agricultural industry to better assess the cause of nitrogen deposition in the Rocky Mountain National Park (RMNP) and minimize deposition from agricultural sources.

The Ag Program, in part, will depend upon partnerships with various organizations to achieve the above program elements. The partners will include: Colorado Livestock Association, Farm Bureau, Department of Agriculture, National Resources Conservation Service (NRCS), Colorado State University Extension, Governor's Office of Energy Management and Conservation, community and environmental organizations, and internal entities.

The Ag Program will work with its partners to meet various research goals, such as indentifying and supporting alternative technologies to prevent environmental impacts, composting, and impacts on RMNP.

4.4 Cross-Media and Other Pollution Prevention Efforts in the Upcoming Year

CDPHE's Sustainability Division is committed to continuing its work towards institutionalizing sustainability and pollution prevention on a cross media basis as an environmental management priority. Work will continue on all the major projects explained in detail above: the in-house EMS, Greening Government Executive Order, the EMS Permit Project, the COMPASS Projects, Stormwater Excellence Program, Environmental Results Program, cross media enforcement and inspections, sustainability and pollution prevention in regulatory programs, Environmental Problem Solving program, Mercury Program, and other initiatives. Efforts will also continue on many smaller cross-media projects including internal cross-media technical assistance, external technical assistance, consumer information, Sustainability Division staff participation in media-specific compliance inspections, and Sustainability Division staff participation in a new cross-media compliance assistance team. All of these efforts are summarized for easy review in the table below.

The enforcement negotiators and staff from the attorney generals office have also been trained on renewable energy supplemental environmental projects (SEPs) and are including renewable energy/energy efficiency SEPs in enforcement agreements. This project represents a powerful example of the cross-media coordination and enforcement/pollution prevention coordination efforts that are taking place within CDPHE. This program will continue the next year and into the future. CDPHE also negotiated over $700,000 of SEP funds be put towards prevention activities for VOCs to assist Denver in maintaining attainment with the ozone standard. In the next year, the Sustainability Division will work with the cross-media enforcement team to develop measurements and track the environmental benefits of SEPs.

4.5 Environmental Leadership Program

The Sustainability Division is responsible for the oversight of Colorado's Environmental Leadership Program (ELP). The ELP includes both Leadership and Achievement Award levels. The Sustainability Division is responsible for overseeing the development of CDPHE guidance and implementation of the Leadership program. The Sustainability Division also implements the Achievement Award program. Most of the awards at this level are given to stand-out pollution prevention efforts, and a number of the recommendations have come from the enforcement staff within the air, water, and waste divisions.

4.6 Pollution Prevention Advisory Board

Colorado's Pollution Prevention Advisory Board (PPAB) was established to provide overall policy guidance, coordination and advice to CDPHE on pollution prevention and the Environmental Leadership Program activities. CDPHE staffs the PPAB and provides the PPAB with monthly meeting support (including agenda, meeting logistics, minutes, and other timely documentation) as well as support for various subcommittee meetings and manages the pollution prevention grant program. The PPAB's Integration Subcommittee is dedicated to identifying opportunities and making recommendations for integrating cross-media, pollution prevention, and leadership principles into regulations and the Regulatory Subcommittee assists CDPHE in identifying opportunities to incorporate sustainability, pollution prevention, and leadership principles into regulations and programs. (See the table for more detailed information on the PPAB.)

4.7 TRI/SARA Program

The Sustainability Division coordinates, tracks and maintains the EPCRA/SARA Title III TRI and Tier II program and databases. CDPHE is in the midst of upgrading our evaluation of the TRI data as a way of 1) drawing correlations between our work and apparent environmental improvements and 2) as a way of providing important information to CDPHE's regulatory programs. The TRI Reports completed in FY 2003 and FY 2004 will be completed again in FY 2005. See the work plan table for more detailed information.

4.8 Self-Audit Program, Small Business Ombudsman and Environmental Justice Programs

The Sustainability Division coordinates these programs. Please see earlier narrative in Chapter 3 as well as the work plan table below for detailed information.

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4.9 Sustainability Division Work Plan

Sustainability Division Efforts (division wide efforts)			
Short Term Goals	Objectives	Timeline	Performance Measures
Participate and assist in leading CDPHE's Environmental Coordinating Committee	Enabling group within CDPHE for cross media, sustainability and innovations Employee training objective	On-going	Success in various internal programs
Continue to expand, enhance and update Sustainability Division's website and resources	Maintain and review website to identify partners, projects, successes	On-going	Number of hits Updated website
	Expand the Internet library and resource center	On-ging	Number of hits
	Provide access to information on new products, production process techniques, technical reports, fact sheets, case studies, articles, alternative raw materials, and other materials	On-going	Enhance materials available for permit engineers and inspectors to provide to regulated entities Enhance the website library to link to greater number and variety of sustainability materials and sources Number of internet hits
Increasing strategic and collaborative partnerships and enhance CDPHE's ability to leverage resources:	Coordinate programs focused on concepts of leadership and sustainability	On-going	Number of programs aligning with CDPHE objectives Number of participants in such programs
-- Participate in Colorado Environmental Partnership: leverage resources in providing education, assistance, and performance goals for industry, government and non-governmental organizations	Participate in selecting topics, find speakers, promote meetings, etc.		Number of programs aligning with CDPHE objectives Number of participants in such programs
	Continue to work towards CEP as on-ramp for ELP		Number of programs aligning with EMSs Number of participants in such programs
-- Collaborate with industry, not-for-profits, and governmental agencies in sustainability and energy education.	Coordinate with partners in the delivery of EERE information and the deployment of EERE technologies, including jointly applying for grants	On-going	Number of people reached Number of EERE projects Number of CDPHE policies with EERE Number of facilities where EERE accessible thru CDPHE
	Provide sustainability assistance and other support in partnership with CEBA, StEPP, CSBN, P3 Colorado, NEMPPA & UCD		
	Continue partnership with OEMC, DOE, and NREL on energy related projects.		

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Sustainability Division Efforts (division wide efforts)			
Short Term Goals	Objectives	Timeline	Performance Measures
Participate in National and State efforts to promote sustainability and cross media concepts, ideas, and programs and continue and enhance partnerships with -- Federal Govt:: R8, FOSTTA, NREL, DOE, DOA, OPEI, OPPTS, OAQPS, OSWER, OECA -- State & Local Partners: PPAB, ECOS, MSWG, DOA, OEMC, CDOT, SBDC, SB National Steering Committee, Office of Economic Development, Governor's Advocate Corp, P2 Locals, State Council on Transportation & Env't -- NGOs: Product Stewardship Institute, NPPR, Peaks-to-Prairies, Colorado Sustainable Business Network, P3 Colorado, NEMPPA, EC, TU, Sierra Club, ED, CEC, StEPP, CWA, Audubon Society -- Businesses & Assns: CLA, CMA, CHA, Colorado Dental Assn, Colorado Auto Recyclers, Automotive Service Assn, Small Business Assn, Printers and Imaging Assn, Korean Drycleaners Assn, Colorado Fabricare Assn -- EPA Resource Conservation Challenge – serve on OSWER's Steering Committee	Participate on ECOS's FOSTTA to advise EPA to promote and integrate sustainability, throughout EPA's programs Participate as Board member on Multi State Working Group (MSWG) to promote state programs that garner environmental performance Participate in ECOS semi-annual meetings and work groups to promote sustainability and cross media ideas, innovations, and efforts Participate as a Board member on CEP to align efforts with CDPHE Participate with Council on Transp & Envt to promote sustainability within CDOT Participate on NEPTs conference calls and meetings Providing advice and assistance to EPA's OSWER RCC Program	On-going	
Continue to evaluate and demonstrate effectiveness and environmental outcomes from activities	Measure and track environmental benefits from each project implemented to assess the effectiveness of Sustainability Division activities, including activities performed in concert with other environmental divisions, such as SEPs	On-going	Measurement system established
Encourage, award, and educate on the use of sustainability practices throughout Colorado	Provide education and training to business, state and local government, and employees on sustainability practices	On-going	Number of individuals reached Environmental and cost benefits if measurement is possible

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Sustainability Division Efforts (division wide efforts)			
Short Term Goals	Objectives	Timeline	Performance Measures
-- Recognize sustainability related activities	Hold Annual Awards Event for sustainability and prevention champions, ELP and EPA awards (150 attendees) through partnership with CEP, EPA, and others Judge nominations, develop awards, announce event with state-wide press release	Sept 2006	Number of attendees Number of entities recognized Quantity of benefits from entities recognized
-- Garner employee participation in environmental efforts	Hold fall CDPHE-wide Cherry Creek Cleanups along the creek designated for CDPHE	Sept 2005	Number of participants at spring Cherry Creek Cleanup around Earth Day (in April)
	Hold Earth Day celebration annually in conjunction with the Spring Cherry Creek Cleanup	April 2006	Number of participants at fall Cherry Creek Cleanup (in September)
	Hold America Recycles Day educational event	Nov 15, 2005	Number of participants Recycling increases within CDPHE
Develop Cross Media Data System	Indicators development and measurement	FY2006-2007	Completion depends upon receiving a NEIEN grant from EPA
	Electronic business		
	Database for cross media and sustainability measures		

Cross Media and Pollution Prevention Efforts			
Short Term Goals	Objectives	Timeline	Performance Measures
Reduction of mercury entering the environment through pollution prevention (PBT project)	Participate in Mercury projects: switch, dental, thermostat, hospital, thermometer, crematorium	On-going	See above in Chapter 3
Development and implementation EMS permit pilot project	Participate in EMS permit pilot project	FY2006-2007	See above in Chapter 2
Agriculture Project: Promote pollution prevention and EMSs/environmental leadership within agricultural industry	Provide P2 technology / work practices ideas, EMS information, and alternative energy information, as necessary	On-going	Number in the industry provided outreach assistance Number implemented EMSs Number joining ELP Amount of natural resources conserved and environmental impacts mitigated

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Cross Media and Pollution Prevention Efforts			
Short Term Goals	Objectives	Timeline	Performance Measures
	Serve as a liaison between agricultural sector and industry groups, EPA and CDPHE	On-going	Number of agricultural-related events attended Number of presentations provided to sector Environmental benefit/outcomes of liaison activities
	Implement chemical clean sweep – agricultural chemical roundup – if funding becomes available, including through SEPs	FY 2006	Number of chemicals collected Number of farms/facilities contacted Number of participants in effort
Environmental Education and Outreach Project: Promote energy and water conservation, sustainability, and other environmental issues to state employees and integrate into internal EMS	Continue to develop educational materials that include measures and steps state employees and other consumers can take to reduce energy and water usage, prevent air, water and waste pollution and promote sustainable practices; make the materials available on CO-TRAIN	On-going	Measure benefit of outreach activities including number of individuals reached Number of presentations Measure number of water and energy conservation and environmental goals selected and met Number of employees recognized for achieving environmental goals
	Provide education and training to CDPHE and other state employees on sustainability, including air, water, energy, waste, and cost savings, through classroom and CO-TRAIN	On-going	Number of employees receiving training or education
Provide outreach and technical assistance on sustainability concepts to CDPHE, businesses, the regulated community, and the public	Sector-based compliance assistance projects	FY2006On-going	See above in Chapter 3
	Develop partnerships with key sectors	FY2006/On-going	See above in Chapter 3
	Design, lead and/or participate in workshops, fairs, etc., to provide P2/ELP/Sustainability information to businesses and the public	On-going	Number of workshops and forums participated in Number of participants Number of Evaluation Forms completed (where applicable)
	Cross-training through shadow inspections: conduct 10 inspections annually	FY2006	Number of shadow inspections Number of inspectors trained
Implement CDPHE in-house EMS: maintain lead role in development and implementation of internal EMS, including development of	Coordinate efforts of EMS team, senior advisor, and management team(s)	Ongoing	Number of contacts with team, advisor and team Recommendations for improved coordination

Cross Media and Pollution Prevention Efforts			
Short Term Goals	Objectives	Timeline	Performance Measures
policies, coordination of training, coordination of aspects, objectives, and baselines development	Conduct gap analysis and improve documentation	FY2006	Documentation policy and procedures developed and implemented to ISO standard
	Develop EMS General Awareness training and presenting to new and existing staff	On-going	Number of staff receiving training Number of hours of training cumulative
	Assist in maintaining baselines for affected divisions	On-going	Baseline assessment Environmental impacts measured
	Coordinate the on-going procedure for aspects and impacts for CDPHE	On-going	Procedures developed Aspects identified
	Coordinate the on-going procedure for the identification of goals and objectives for CDPHE	On-going	Procedures developed Goals and objectives identified
	Implement selected projects in timely basis with clear measurable results, including: - Enhance CDPHE's recycling program - Coordinate, participate on CDPHE's paper reduction team: ensure teams develop and implement goals	On-going	Number of EMS projects implemented Environmental results/measurements of projects Cost savings from projects Conduct gap analysis of EMS Materials reclaimed, recycled, reused 38% paper use reduction by 6/30/06
Implement Governor's Greening Government Executive Order	Participate as one of 3 lead agencies in implementing Greening Government E.O.	On-going	Implementation of EO
	Hold regular meetings with other state agencies participating on the Greening Government team	On-going	Meetings and attendees
	Develop environmental policy	FY2006	Approval by Governor
	Develop baseline of environmental impacts (aspects and impacts)	FY2006	Baseline
	Develop inventory of existing greening government projects	FY2006	Adequacy of inventory
	Identify targets and objectives	FY2006	Targets and objectives
	Implement project to meet targets and objectives	On-going	Environmental outcomes
	Provide assistance to all state agencies	FY2006	Number of agencies assisted
	Provide education and training for state employees		Number of personnel trained

Cross Media and Pollution Prevention Efforts			
Short Term Goals	Objectives	Timeline	Performance Measures
	Develop environmental preferential purchasing policies for state agencies		Number of policies developed
	Develop a state-wide measurement tool and guidance		Tool developed and implemented
	Report on projects and efforts	FY2006	Report on website
Partner with the Air Pollution Control Division	Support APCD in Oil and Gas P2 efforts	FY2006	Environmental benefits Cost savings
	Work with Governor's Office of Energy Management and Conservation to enhance the use of EE/RE in Colorado in air programs (SIPs, etc.)	On-going	Kilowatt hours of renewable energy developed Kilowatt hours of traditional forms of energy saved Developed system to track air emission benefits
Partner with the Consumer Protection Division to identify opportunities to incorporate cross media and pollution prevention into their programs	Work with Consumer Protection Division to have them present to the PPAB and develop P2 plan.	FY2006	Meeting with PPAB
			Report with recommendations drafted
Partner with the Hazardous Materials and Waste Management Division to move toward a goal zero waste	Work with Solid Waste Program as lead program to develop and implement a zero waste vision and goal for Colorado.	FY2006	Vision developed and approved
Partner with the Water Quality Control Division to highlight or incorporate prevention in the water programs	Stormwater Excellence Program	FY2006-FY2007	Projects identified and begin to implement
	FOSTTA cross media CAFO project Work with EPA HQ to ensure future and existing CAFO regulations allow for consideration of and mitigation of negative cross media impacts	FY2006	See Chapter 2 above Success at federal level to regulate CAFOs on a cross media basis, including promoting composting and other prevention based solutions
	Develop P2 plan based upon PPAB meetings	FY2006	Plan completion and start to implement.
Cross-media Teams: continue to integrate sustainability concepts (including P2) into media divisions • Cross Media Enforcement Team • Cross Media Compliance Assistance Team	Participate in Cross-media Enforcement team	On-going	Progress on individual projects – see Chapter 3
	Participate in Cross-media Compliance Assistance Team	On-going	Progress on individual projects – see Chapter 3
	Participate in Environmental Indicators Team	On-going	Progress on individual projects – see Chapter 2

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Cross Media and Pollution Prevention Efforts			
Short Term Goals	Objectives	Timeline	Performance Measures
• Indicators/Measurement Team • Cross Media Inspector's Team • Cross Media Regulatory Team • Cross Media Permitting	Participate on Cross Media Inspector's Team	On-going	Progress on individual projects – see Chapter 3
	Identification and integration of P2 into regulations Cooperate with the PPAB in review of environmental regulatory programs, laws, and policies for sustainability opportunities and incentives	On-going	Number of regulations identified and proposals made to commissions Number of provisions included in regulations.
	Identification and integrations of P2 and sustainability into permitting	On-going	Number of permits where cross media considerations are included Environmental and economic benefits derived from sustainability and P2 in regulations Number of permitting programs with sustainability and P2
Consultation to Compliance Staff: promote P2 in enforcement programs	SEPs with P2 and sustainability measures	On-going	Number of SEPs with P2 elements Environmental and cost benefits of P2 SEPs
	Inspections with sustainability and P2 assistance	On-going	Number of inspections where state offered P2 assistance or materials
	Assist with updating SEP database for measurables	On-going	See Chapter 3 above
Participate on P2 Regional and National Programs -- P2 Locals meetings and coordination	Provide the opportunity for quarterly local P2 programs Help organize meetings, promote, establish agendas, bring resources as appropriate Coordination and sharing of resources	On-going	Number of meetings Number of local entities represented Number of participants Environmental measurements if possible
-- Participate in NPPR activities	Semi-annual meetings in Fall and Spring	On-going	Participation in sessions and presentations
	Conference calls/listserves of Healthcare P2 and sustainability groups		Participation and environmental measurements if possible
	Transfer of models to and from other states		Number of models or programs used in Colorado
-- Participate in Region VIII P2 Net activities	Quarterly conference calls Submit ideas for mini grants	On-going	Participation in meetings and on calls Environmental benefits from grants
	Collaboration with the regional P2/P2Rx Center		Participation in meetings and on calls

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Pollution Prevention Advisory Board Efforts			
Short Term Goals	Objectives	Timeline	Performance Measures
Assist the Pollution Prevention Advisory Board (PPAB) in providing the maximum environmental benefit to CDPHE and other stakeholders:	Provide monthly meeting support, as well as support for various subcommittee meetings (Grants, Regulatory, Integration, External, GHG, ELP, and Executive)	On-going	Provide agenda, meeting logistics, minutes, and other documentation in a timely manner
	Advising CDPHE on continual improvement projects (including beyond compliance)		
	Advising CDPHE on cross media compliance assurance (including permitting, compliance assistance, inspections, enforcement) programs		Each division presents to PPAB on programs, WQCD winter 2005, then assist in developing plan for division on implementation of ideas
	Advising CDPHE on internal and external outreach/ education programs		
	Development and implementation of state employee awards program for sustainability and P2 efforts		Awards presented Sustainability and P2 practices encouraged
	Continue developing and implementing CDPHE's Energy Efficiency and Greenhouse Gas Emissions Reduction Plan		Statewide greenhouse gas reductions Policies developed Employees educated
	Encouraging and advising on incorporation of sustainability and P2 into regulations		Regulatory committee – HCSFO regulations Water quality regulations
	Influencing legislative activities where appropriate		
	Developing and tracking indicators (health/environment) to measure effectiveness of sustainability programs		Indicators selected
Administer the P2 Grants Program from the P2 Fund (~$50,000 -$100,000 annually)	Update Grant Announcement Update grants database Announce grant availability to ELP members first as an incentiveAnnounce grant availability through email mailing and internet posting	Spring 2006	Timely entering into BIDS System Grant database updated Pre-proposal meeting held in timely manner (If grants are awarded through RFP process)

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Pollution Prevention Advisory Board Efforts			
Short Term Goals	Objectives	Timeline	Performance Measures
Assist and support PPAB in grant review and selection process	Provide updated score sheets & submit proposals to committee Support committee in review process Prepare committee's grant selections/documentation for PPAB ratification of grant awards Notify grant recipients and prepare news release	Spring 2006	Timely provision of score sheets Provide committee with support and information Timely preparation of committee grant awards and notifications (If grants are awarded through RFP process)
Develop project schedule with grant recipients, support grant recipients and track project performance, make project results available to the public and develop P2 Grant Program Brochure to be updated with each new grant cycle	Develop project schedule with grant recipients	On-going	Develop schedule within 30 days of grant award Number of hits to website
	Support grant recipients and track project performance		Ensure projects completed in timely manner Collect environmental and cost benefits
	Make project results available to the public		Make results available to public within 30 days of completion of each project Development and distribution of electronic brochure

TRI/SARA Program			
Subgoals	Objectives	Timeline	Performance Measures
Effectively and efficiently implement the EPCRA/SARA Title III TRI and Tier II programs Maintain the EPCRA/SARA Title III TRI and Tier II Databases	Receive and enter TRI and Tier II data from Colorado businesses (2500 facilities; 4000 reports)	On-going	Timely and effective entering of data
	Develop and maintain the TRI/Tier II database	On-going	Database is searchable and maintained
	Assess TRI fees, generate and mail bills, and monitor payments for 2004 data and submittals	Sept to Oct 05	Timely assessment of fees and mailing of bills
	Utilize EPA internet based system for receipt of TRI reports	July 2006	Electronic system
Provide information internally, and to public and facilities on program	Respond to inquires regarding TRI reporting and payment requirements from Colorado businesses	On-going	Respond in timely manner
	Respond to inquiries on information to the public and appropriate parties	On-going	

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TRI/SARA Program			
Subgoals	Objectives	Timeline	Performance Measures
	Generate chemical inventory reports for electronic transmittal to appropriate parties (LEPCs, CEPC, EPA, HMWMD Records Center, EMP)	December 2005	Timely completion of report Distribution of report
	Generate, distribute, and promote use of electronic annual TRI report	December 2005	Timely completion of report Number of hits on Internet Internal use of data and reports
Promote the use of SARA and TRI/Risk Screening (RSEI) data in CDPHE's strategic planning and policy decisions	Review TRI & RSEI data to identify sectors with relatively more significant environmental impacts Work with other environmental division (e.g., Cross Media Team) to incorporate TRI data in planning and decision-making	Fall of each year	Internal use of data and risk assessments Reduction in quantity reported in Colorado

Environmental Leadership Program			
Subgoals	Objectives	Timeline	Performance Measures
Identify, recognize, and provide incentives to businesses and municipalities that are going beyond basic compliance with environmental requirements and are developing sustainable business practices	Grow the ELP while maintaining credibility of program and members	On-going	Number of member events held Number of members participating Number of new services provided
	Provide member services and incentives (roundtables, workshops, networking opportunities, retreats, etc.)		
	Develop ELP e-Newsletter for members		
	Develop policies and administrative forms to support ELP (renewal, incentives, etc.)		
Promote ELP to potential members through marketing and outreach	Provide ELP outreach to companies, trade associations, etc., including a combination of at least 35 presentations, recruitment meetings, and site visits with potential applicants annually	On-going	Number of presentations Number of attendees Number of recruitment meetings
	Conduct seminars and/or provide training materials on EMS/ELP/P2/Sustainability to Colorado facilities and out of state entities	On-going	Number of presentations Number of attendees Number of entities reached

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Environmental Leadership Program			
Subgoals	Objectives	Timeline	Performance Measures
	Promote ELP programs internally and to local agencies for referrals	On-going	Number of referrals from state and local employees Number of contacts with state and local employees Number of new members as a result of internal referral Environmental, economic and resource benefits from internal referrals
Provide member services and mentoring Achievement Award members into ELP	Provide technical assistance and gap analysis for potential ELP members	On-going	Number of facilities provided assistance
			Environmental and resource benefits from assistance
	Provide EMS trainings, roundtables, workshops and other mentoring opportunities	On-going	Number of sessions and facilities attending
	Host a fall ELP/EMS training event for EAA/Gov. Challenge/CEP and other businesses and organizations	Nov 2005	Number of attendees
	Develop an annual ELP progress report	Dec 2005	Completion and electronic distribution of report
	Expand ELP Website	On-going	Number of hits on website
	Expand concepts of innovation including industrial ecology and environmental management systems with ELP members	On-going	Environmental and resource benefits from efforts
Implement Gold Level ELP	Work with divisions to develop media-specific incentives for companies in the Gold Level	On-going	Number of incentives developed Number of incentives implemented Environmental, economic and resource benefits of incentives
	Expand membership in the Gold Level: enroll a minimum of 2 new participants annually	On-going	Number of new applicants Number of EMSs assessed Number of new members Environmental, economic and resource benefits from all members

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Environmental Leadership Program			
Subgoals	Objectives	Timeline	Performance Measures
	Expand the recognition elements of the program for the Gold Level annually, including: Contact each ELP member and document successes Place successes on website with members' logos	On-going	Successes documented and measurements tracked Measurements on Internet site Number of hits on Internet site
Implement Silver Level ELP	Work with divisions to develop incentives for members	On-going	Number of incentives developed
	Conduct mentoring training (EMS) for members	On-going	Number of silver level members applying to gold level Number developing and implementing EMSs
	Continue to grow membership in Silver Level: enroll a minimum of 20 new participants in Silver Level annually	On-going	Number of new applicants Number of projects assessed Number of new members Environmental, economic and resource benefits from all members
	Partner with sectors to promote projects that qualify for Silver Level	On-going	Number of new applicants Number of EMSs assessed Number of new members Environmental, economic and resource benefits from members associated with selected sectors
Implement additional levels of ELP to address areas of need; as resources allow, ELP will develop the following categories: -- Bronze Level for Partners (trade and other organizations with whom we partner) -- Platinum Level for Sustainability -- Other levels as CDPHE determines appropriate	Work with divisions, internal and external advisory groups, and trade organizations to develop a program for Partners, including creating criteria, policies and incentives; obtain membership in this tier	FY2006-FY2007	Program established Stakeholder input Enroll three members Number of member organizations contacted or reached Number of member organizations participating in ELP Environmental, economic and resource benefits from members associated with organizations

Environmental Leadership Program			
Subgoals	Objectives	Timeline	Performance Measures
	Work with divisions, internal and external advisory groups, and trade organizations to develop a program for Sustainability level, including creating criteria, policies and incentives; obtain membership in this tier		Program established Stakeholder input Enroll one member Number of member organizations contacted or reached Number of member organizations participating in ELP Environmental, economic and resource benefits from members associated with organizations
Develop and continue partnerships that result in incorporating EMS and leadership principles into CDPHE programs and processes or otherwise furthering leadership principles	Implement CDPHE EMS guidance document, and develop EMS policy and guidance	On-going	Completion of guidance Implementation of policy
	Partner with Stormwater Program in establishing Stormwater Excellence Program for construction industry (see Chapter 2)	FY2006-FY2007	See Chapter 2
	Partner with Wastewater/Water Treatment Programs in establishing a program to recognize facilities with stellar environmental performance		As resources allow
	Partner with PEER Center in creating series of workshops to help local government put EMSs in place		Number of attendees at workshop
	Partner with PEER Center in creating an EMA Awareness Course for local governments		Number of local governments reached
	Continue to promote EMSs to other environmental programs and state agencies	On-going	Number of programs EMSs are utilized Number of activities involving EMSs
Leverage resources and partner with EPA Performance Track	Promote the programs through the MOU, including developing a list of potential members and determine which EPA and state should approach	On-going	Creation of list Number of entities identified and contacted Number of members obtained Environmental, economic and resource benefits from resultant members

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Environmental Leadership Program			
Subgoals	Objectives	Timeline	Performance Measures
Develop External ELP Advisory Group	Leverage through the PPAB and include other ELP members and other stakeholders	FY2006-FY2007	Creation of advisory group Number of recommendations and ideas
Develop Internal ELP Advisory Group	Hold regular meetings for internal staff to advise ELP on various elements of the program, including compliance reviews and issues	FY2006	Creation of advisory group Number of recommendations and ideas
Work with participants in Governor's Challenge to enter ELP Gold or Silver levels	Contact each company Review each company's EMS Assist in application development	On-going	Number of companies contacted Number of EMSs assessed Number of companies in ELP

Environmental Justice Program			
Subgoals	Objectives	Timeline	Performance Measures
Serve as intermediary between EPA and CDPHE on environmental justice issues	Participate, coordinate, and facilitate meetings between EPA, CDPHE and communities, as appropriate and necessary	On-going	Number of events facilitated Number of events participated Number of attendees Environmental outcomes of events
	Attend, coordinate and/or facilitate (as appropriate) community or other environmental justice meetings for companies that are located in areas where environmental justice is a concern	On-going	Number of events attended Number of events coordinated or facilitated Number of attendees Environmental outcomes of events
Participate on the Employee Diversity Advisory Council	Expand awareness with CDPHE of the advantages of a diverse workforce in order to better serve a diverse client base and participate in diversity trainings	On-going	Number and type of events coordinated or facilitated Number of attendees Environmental outcomes of events
Educate CDPHE staff	Participate in New Employee Orientation	On-going	Number of staff reached
Participate on the Environmental Health Disparities Workgroup	Raise awareness of health disparity issues within the environmental divisions.	On-going	Number of outreach materials published Number of meetings attended Environmental outcomes of meetings/events Final report

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Environmental Justice Program			
Subgoals	Objectives	Timeline	Performance Measures
Participate on EPA's environmental justice migrant farmer workgroup	Participate on related subcommittees Raising, discussing and addressing issues Expand program if receive funding	On-going	Number of meetings attended Number of attendees Success in addressing issues Environmental outcomes of events Final report
Participate on the Limited-English Proficiency Workgroup	Expanding CDPHE's ability to address limited-English proficiency issues	On-going	Number of documents translated Number of people assisted
Review documents that address environmental justice issues and inform CDPHE of emerging environmental justice issues as appropriate	Review documents and inform CDPHE Obtain information from: the EPA website, community newsletters, contacts and provide in meetings or correspondences as necessary	On-going	Number of documents reviewed Environmental outcomes of efforts

Small Business Ombudsman			
Subgoals	Objectives	Timeline	Performance Measures
Assist small businesses and small municipalities by increasing the efficiency and effectiveness of compliance assistance provided by CDPHE environmental divisions	Organize group of environmental assistance providers to discuss and implement effective and efficient ways of assisting small businesses and municipalities in meeting environmental requirements	On-going	Number of entities reached as direct outcome Environmental and compliance outcomes of efforts
Represent Colorado at a national level	Serve on the national 507 Steering Committee, including participate in monthly conference calls, review legislation and materials related to Colorado's program, and participate on subcommittees	On-going	Number of entities benefited as a result Environmental and compliance outcomes of efforts
Provide assistance and track assistance provided to small business and municipalities	Track calls and visits in the tracking database and input on bi-weekly basis	On-going	Number of calls received Number of entities assisted Environmental and compliance outcomes of efforts
	Provide timely response to small businesses – within 3 days of initial contact	On-going	Number of entities contacted within 3 days

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Small Business Ombudsman			
Subgoals	Objectives	Timeline	Performance Measures
	Send out surveys on small business outreach activities for completed SBAP assistance on a monthly basis Results will be entered in the database and analyzed to determine areas for improved efficiency or alternate outreach methods	On-going	Number of surveys sent Number of surveys entered into database
	Contact trade associations and small business representatives that SBAP has worked with and get comments and feedback	On-going	Contact within 30 days of SBAP contact
Serve as ombudsman for small business and municipalities.	Serve as an impartial resource for small businesses and municipalities that have complaints or concerns about fair treatment by the environmental divisions. Supply information to businesses and municipalities concerning their options and act as an impartial assistant in enforcement and permitting meetings and processes. Help to gather information that assists the divisions in understanding the businesses' and municipalities' actions.	On-going	Number of times assistance provided to businesses Number of contacts made with environmental staff Environmental outcomes of assistance efforts
	Meet with industry groups and other agencies to foster partnerships for sharing resources and information for the purpose of educating small businesses and municipalities on environmental requirements, P2, sustainability and environmental leadership (program)	On-going	Number of meetings held Number of partnerships created Environmental outcomes of partnership
	Review SBAP guidance documents prior to issuance and provide advisory opinions	On-going	Complete within 10 days of SBAP providing document
	Provide training and outreach on tools available for small businesses and the assistance available through SBAP	On-going	Participate in conferences or seminars and provide presentations as appropriate to further the small business programs
Provide assistance and advice to the Air, Water, Waste, and Consumer Divisions and senior management and commissions concerning small businesses and communities.	Review Water Quality Control Division's regulations, policies and guidance and provide advisory opinions to make the documents more small business friendly	FY2006	Gather list of all WQCD guidelines that may impact small businesses
			Number of WQCD guidelines and advisory opinions reviewed and written

Small Business Ombudsman			
Subgoals	Objectives	Timeline	Performance Measures
			Final report with recommendations
	Review new or modified guidances on an ongoing basis	On-going	
	Respond to requests from senior management/commissions to review policies, legislation, etc.	On-going	Review and make recommendations to the Small Business Community Flexibility Act
			Review SB 151 to ensure CDPHE's small business information is assessable to the public
Regulations reviewed to determine whether impact small businesses and provide information on the regulations to small business community	Ensure new and modified regulations that impact small businesses are reviewed, comments from the small business community are solicited, and the community trained	On-going	Obtain list of new regulatory programs for FY2006
			Maintain regulatory contacts within each Division and request notification of new and modified regulations
			Review new regulations and modifications to regulations that affect small businesses and municipalities and provide comments and suggestions within the regulatory timeframe
			Solicit comments on new regulations from small business organizations and municipalities and present to appropriate regulatory agency as small business community comments
			Provide training and outreach on new regulations as necessary in conjunction with the programs
Assist small businesses in obtaining funding for environmental controls	Interface with SBDC, SBA, DOC and state agencies that may have programs to financially assist small businesses in need of funds to comply	On-going	Update the databases of state agencies and private sector financial institutions that may have such funds
			Post information on funds available on the website and/or other method to disseminate
Support the small business Compliance Advisory Panel	Assist in ensuring the Compliance Advisory Panel is an effective resource for small businesses and CDPHE	On-going	Present guidance documents, projects and issues to the CAP for its advisory opinions
			Assist CAP in issuing the advisory report for FY04 and discuss with EPA.

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Small Business Ombudsman			
Subgoals	Objectives	Timeline	Performance Measures
			Make Recommendations to the Director for appointments after conferring with SBAP

CHAPTER 5 AIR QUALITY

5.1 Overview

Chapter 5 of the FY 2006 CEPPA addresses the protection of air quality in Colorado. The agency with primary responsibility for protecting the air resources of Colorado is the Air Pollution Control Division (Air Division) of CDPHE. This chapter includes:

- The Air Division's Mission, goals and major program objectives, organizational structure to support objectives, major program priorities, and ongoing Air Division program activities;
- Major program strategies and the program or environmental indicators used to measure success; and,
- Specific strategies to achieve the objectives for the coming fiscal year.

The Air Division's Work Plan is part of a series of integrated strategic documents that describe the interrelated activities of the EPA Region 8 and the CDPHE. These documents include:

The Colorado Department of Public Health and Environment Strategic Plan, which identifies six critical target areas that have been identified a necessary to meet CDPHE's mission. Under each of these target areas are the goals and objectives and outcomes the CDPHE uses to determine success in meeting the stated goals.

The 2003-2008 EPA Strategic Plan and the U.S. EPA Region 8 Regional Strategic Plan that reflect EPA's new perspective on the Agency's work and the work of its state partners.

Additionally, a significant amount of the Air Division's effort is conducted in close cooperation with local health agencies in Colorado. The Air Division may assist local agencies or contract directly with a local agency to assist in the implementation of delegated programs such as compliance monitoring and ambient monitoring. Where appropriate, the role of local health agencies is identified in this chapter work plan.

5.2 Mission and Critical Investment Areas

The Mission of the Air Division is stated below. In achieving this Mission the staff and managers of the Air Division will maintain consistency and coordination with CDPHE's other Programs, EPA and other partners and stakeholders.

> It is the Mission of the Air Pollution Control Division to provide our customers with excellent air quality management services that that when taken together contribute to: the protection of public health; the protection of the environment and ecosystem; and, continual improvement of the air quality-related aesthetic values such as odors and visibility or haze.

5.2.1 Mandates and Major Policy and Management Direction

Under the federal and state Clean Air Laws, a number of mandates are described. Some of these that the Air Division is implementing include: developing State Implementation Plan (SIP) revisions for areas exceeding the ambient criteria standards; implementing in a federally enforceable fashion all programs in the SIPs such as an Operating Permit Program automobile inspection and ambient monitoring programs.

This document serves as the vehicle to carry out the strategic policy directions relating to Air Division regulatory, technical, planning and business support activities. The narrative will also identify how the program initiatives will be measured and what the expected environmental indicators outcomes will be.

Major policy areas applicable under this document and the Air Division's Work Plan include:

- Assuring state and federal mandates are being met;
- Instituting new initiatives such as those assigned to the Air Division by the Colorado General Assembly;

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- Effectively managing program activities, including tracking progress, evaluating performance and identifying and acting on important opportunities; and,
- Ensuring local air quality problems are addressed that do not fall under Federal or other State programs.

5.3 Air Division Goals to Achieve the Mission

The Air Division focuses on three major goal areas to protect air quality in the state. Each major area has several sub-goal areas, which establish the specific areas where resources will be directed.

Goal 5.1: Achieve a level of air quality that protects and preserves human health. The key sub-goals include:

Sub Goal 5.1.1 Protect the National Ambient Air Quality Standards

Objective 5.1.1.1 Protect Ozone NAAQS

Objectives	Strategic means	Environmental indicators of results
5.1.1.1 Attain the 8-hr Ozone NAAQS by 2008	Implementation of Ozone Early Action Compact (EAC) Compliance with other current emission controls	Trends in emissions of ozone precursors in EAC Program area Emissions eliminated as a result of program implementation Trends in ozone ambient measurements in all areas of the state
5.1.1.1b Ensure there are no new Ozone Nonattainment areas	Compliance with other current emission controls Encourage, where appropriate, voluntary emission control activities	Same as above

Objective 5.1.1.2 Protect Other NAAQS (Carbon Monoxide, PM-10 and PM-2.5, Sulfur Dioxide, Nitrogen Dioxide, Lead)

Objectives	Strategic means	Environmental indicators of results
5.1.1.2 Maintain all current areas in attainment of NAAQS and ensure there are no new Nonattainment areas	Compliance with other current emission controls Encourage, where appropriate, voluntary emission control activities	Statewide trends in emission of criteria pollutants Emissions eliminated as a result of program implementation Trends in state-wide ambient NAAQS levels

Sub-Goal 5.1.2 Air Toxics - Protect citizens from exposure to air toxics

Objectives	Strategic means	Environmental indicators of results
Meet national goal of reducing the excess number of cancers are reduced by 75% by 2010 from 1993 levels and to ensure that 90% of toxic and hazardous emissions are subject to standards developed by the EPA. (EPA Objectives – By 2007 reduce emissions from MACT sources by 1.7 million tons By 2010 mobile source air toxic emissions will be reduced 1.1 million tons per year from 1996 levels of 2.7 million tons By 2010 all 260,000 buses manufactured between 1991 and 2000 will be retrofitted and all pre-1991 buses	1. Full implementation of MACT 2. Implementation of Integrated Air Toxics Strategies 3. Implementation of Mercury Reduction Programs 4. Implementation of Lead-based paint certification and abatement program 5. Implementation of asbestos certification and abatement programs	Statewide trends in emissions of air toxics including Mercury Emissions eliminated as a result of program implementation Trends in state-wide ambient air toxics measurements

will be replaced) Support EPA national goal of reducing childhood lead poisoning to 90,000 (from approx. 400,000 in 1999-2000)		

Goal 5.2: Achieve a standard of air quality in Colorado that protects the integrity of the natural ecosystem. Sub-areas include:

5.2.1 Acid deposition and related Air Quality Related Values

Objectives	Strategic means	Environmental indicators of results
Ensure all Class I areas in Colorado are protected from acid deposition impacts and other Air Quality Related Values are protected. Specific objective relating to reduction in increasing trend in nitrification of sensitive waters in Rocky Mountain National Park (RMNP) will be developed in FY 2005.	1. Implementation of Acid deposition program 2. Implementation of PSD program An interagency work group will be convened in FY 2005 to examine environmental impacts on RMNP, provide inventories and related products and to further technical and scientific understanding of the issues. There are no specific programs called for at this time	Statewide trends in emission of acid deposition precursors Emissions acid deposition precursors eliminated as a result of program implementation Trends in state-wide acidification measurements in ecosystem Other measures as identified through process

5.2.2 Stratospheric ozone protection

Objectives	Strategic means	Environmental indicators of results
Ensure programs to control of ozone depleting CFC compounds are maintained. (EPA objectives: By 2012, CFC-11 and CFC-12 have peaked at no more than 300-570 parts per trillion; and by 2012, all methyl bromide production and export permitted under Montreal Protocol will be phased out)	Implementation of CFC control programs	Statewide trends in usage of ozone depleting substances (ODSs) Emissions of ODSs eliminated as a result of program implementation International ambient monitoring programs showing maximum levels of ODSs worldwide

5.2.3 Climate change

Objectives	Strategic means	Environmental indicators of results
Ensure the Colorado carbon dioxide emission inventory is complete and trends in emission levels are identified. (EPA objective – EPA voluntary climate protection programs contribute 45 million metric tons of carbon equivalent to the annual national goal of 18 percent reduction in Greenhouse Gases Inventory	Implementation of voluntary greenhouse gas programs	EPA Annual greenhouse gas inventory reductions identified

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Goal 5.3: Achieve a level of ambient air quality that protects and preserves welfare standards for odors and visibility. Sub-areas include:

5.3.1a Urban Visibility – Ensure a decrease in the number of days the Colorado Visibility Standard is exceeded in the areas of applicability.

Objectives	Strategic means	Environmental indicators of results
Ensure an ongoing decrease in the number of days the Colorado Visibility Standard is exceeded in the Front Range areas of applicability	Compliance with current emission controls of visibility related pollutants Encouragement, where appropriate of voluntary emission control activities controls of visibility related pollutants	Ambient visibility index monitoring Statewide trends in emission of visibility affecting pollutants Emissions eliminated as a result of program implementation

5.3.1b Regional Haze (for Class I National Parks and Wilderness areas) – Ensure natural background visibility in all Class I areas by 2064 through the development of a Colorado Regional Haze SIP revision.

Objectives	Strategic means	Environmental indicators of results
Provide for the attainment of natural background visibility in all Class I areas in the United States by 2064 through the development of a state Regional Haze SIP revision	Development of Colorado Regional Haze SIP which includes enforceable intermediate milestones including: BART or equivalent for all sources over 250 tons per year Other measures for sources as needed including construction, dust and fire to meet Reasonable Progress goals for the state	Regional and statewide trends in emission of visibility-causing pollutants Emissions eliminated as a result of regional Haze Program implementation Trends in monitoring at IMPROVE monitoring stations

5.3.2 Odors

Objectives	Strategic means	Environmental indicators of results
Ensure all odor problems are addressed as expeditiously as practicable	Compliance with other current emission controls and requirements Encouragement, where appropriate of additional voluntary emission control activities	Total number of complaints reduced annually

The annual objectives are specified in Office of Air and Radiation document entitled, "FY 2006 Technical Program Guidance" also provide guidance for the programs. In the work plan tables that follow, the state performance measures outcomes are linked to the EPA guidance objectives for national priorities.

5.4 Organizational Structure of the Air Division

The Air Division is organized into five major program areas. These are listed below. Performance Partnership Grant funds are is utilized in all programs listed:

Air Pollution Control Division Director's Office				
Planning and Policy Program	Mobile Sources Program	Stationary Sources Program	Technical Services Program	Administrative and Business Services
Nonattainment planning & redesignation (including conformity determinations) High Pollution Advisory Programs for winter (CO and PM) and summer (O3) Community Based Programs in various areas of state Education and Outreach Environmental Assessment coordination Integrated Air Toxics efforts Regional Haze program planning	Alternate Fuels Program High Altitude Emissions Testing & Research Automotive Inspection and Readjustment (A.I.R.) Programs Diesel Emissions Control Program Oxygenated Fuels Program SIP Support program	Asbestos & Lead Programs Chloroflourocarbon (CFC) Program Mercury Program Operating Permits Program Construction Permits Program Compliance & Enforcement Small Business Assistance & Outreach Inventory & SIP Support Program	Ambient Air Quality Monitoring Program Air Pollution Modeling & Inventory Development Risk Assessment and Remediation Program Rural Acid Deposition and Visibility Research Program High Pollution Day Forecasting – summer/winter Prescribed fire/smoke management programs Quality Assurance Prograr	Fiscal policy Division annual work plan and budget development and monitoring Contract management Information Technology support

5.5 Air Pollution Control Division FY 2006 Priority Objectives and Work Plan

Annually, as part of the ongoing program planning process, Air Division Program Managers review national and state issues to identify areas for specific attention during the coming planning period. The list of priority objectives represents the major priorities for the coming period of the CEPPA and the state fiscal calendar. Highlighting these areas provide an opportunity for closer attention to these topics. This is followed by the ongoing work plan for all the Air Division Programs and follows the major goal areas described earlier in this Chapter.

FY 2005 Priority Objectives

Priority Topic (Region 8 and Colorado)	Activities (state only)	Milestone
Energy (Region 8 priority)	Participate in ongoing energy initiatives Participate in WRAP and WESTAR committees on regional haze SIP development and energy Begin implementation of Ozone EAC Promote renewable energy and energy efficiency projects in settlement agreements Participate in Four Corners Task Force with EPA, FLMs, New Mexico and other stakeholders: - Complete negotiation of MOU and work plan - Establish and participate in work groups (modeling and small engine standards)	Ongoing
Agriculture (Region 8 priority)	Continue implementation of HCSFO rules and monitor compliance issues Continue work with communities and local agencies in agricultural areas to ensure an effective process is in place to address community-based issues Participate in EMS Permit pilot project for CAFOs	Ongoing
Revitalization (Region 8 priority)	Continue to work with other CDPHE Divisions and stakeholders to ensure proper remediation or correction of any identified issue or problem	Ongoing
Direct implementation (Region 8 priority)	NA	
EMS Permit Pilot Project	Continue to participate in development and implementation of CDPHE's EMS Permit pilot program	Ongoing
Emergency Response	Assist with the continuing implementation of CDPHE Emergency Response Plan and national monitoring activities. Provide input on meteorological and forecasting issues and technical support to Crisis Management Center in the event of any releases of chemical, biological or nuclear agents	Ongoing
Nonattainment/Maintenance SIP Updates	SIP Updates will be completed for the following areas: Denver-Longmont CO Maintenance Plan	 Dec. 2005

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Priority Topic (Region 8 and Colorado)	Activities (state only)	Milestone
Ozone Early Action Compact for Denver metro region and portions of northeastern Colorado	Ozone Compact periodic update commitment will be developed and submitted to the AQCC. Implementation of measures will continue	Ongoing
AIR Program Updates	Continue Clean Screen implementation in Denver Enhanced Program modifications Begin Phase-out Basic Program in Larimer, Weld and El Paso counties	Ongoing Ongoing Jan 2007
Diesel I/M updates	Implementation of New Inspection Reporting Procedures	Ongoing
Clean Screen	See AIR Program	
High Emitter Program developed as a state-only program	Activities in this area including: - Participation in RAQC "Repair Your Air II Project " - Development of High Emitter Program Criteria	Ongoing
Regional Haze SIP (Region 8 and Colorado)	Technical work includes: analysis of IMPROVE data at Class I sites; updating emissions inventory to 2002 base year; participation in WRAP technical forums Policy work will include participation in WRAP policy forums and comment on EPA rulemaking on RH requirements and development of RHSIP SIP development outline and outreach effort Propose BART rule and continue analyses for subject source Continue to implement and work toward any existing reasonably attributable visibility impairment in Class I areas (See current Long Term Strategy)	September 2004 Ongoing Ongoing
Rural ozone	Begin work to identify data availability for continued study of key issues coming from WESTAR Ozone Conference	Ongoing
Rocky Mountain National Park Environmental Initiative (Region 8 and Colorado)	- Memorandum of Understanding negotiated between stakeholder agencies - Additional funds for monitoring will be available for source attribution - Agricultural outreach program focusing on Best Management practices developed - Program goal for nitrogen deposition established - Improved Ammonia inventory developed - Modeling analyses conducted to support emission reduction options (e.g. BART analyses for Regional Haze)	
Colorado Mercury Initiative	Air Division will continue to provide management and coordination for the various elements of the Colorado Mercury Reduction Program activities Propose Mercury Rule for utilities	Ongoing Before October 2006

Priority Topic (Region 8 and Colorado)	Activities (state only)	Milestone
Air Toxics focus (Region 8 and Colorado)	Focus on biodiesel vehicle use and emissions study Continue to work with EPA to: identify communities with disproportional risk to air toxics and develop strategies to reduce risks; attend meetings which will build capacity to identify and characterize air toxic risks; and seek voluntary reductions as appropriate. Work with our counterparts at the regional and local level to implement the Clean School Bus Program and Voluntary Diesel Retrofit Programs	Ongoing implementation of Colorado Air Toxics Strategy
NSR Update	Implementation of Revisions to Reg. 3 Parts A, B and C	
Compliance assistance and assurance	Participate in asphalt sector COMET EMS project development including EMS audits Participate on Cross Media Compliance Assistance Program, including sector projects and coordination between programs	Ongoing
Prescribed fire	Work plan element involves implementation of the portions of Regulation No. 9 relating to significant users of prescribed fire (SB01-214) also involves implementation of the portions of Regulation No. 9 relating to general open burning	Program report in April 2004
Community based activities	Continue to provide technical and process support (monitoring, emission inventories, or other air quality assessments for communities as needed.) Continue to monitor activities of T-REX construction project corridor and address problems as necessary	

5.6 Air Division Program Goals and Objectives – FY 2005 Work Plan

Goal 5.1: Achieve a level of air quality that protects and preserves human health.

- The key strategic targets to achieve this goal include: the continued implementation of Maintenance SIP revisions for Nonattainment Areas; the implementation of Ozone Early Action Compact for the Denver Metro area; the implementation of MOAs with other communities; ongoing state permit and compliance programs; and, encouragement, where appropriate, of voluntary emission control activities.

The key sub-goals goal include:

Sub-goal 5.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead **EPA 2003-2008 Strategic Plan Objective – Healthier Outdoor Air**		
Program Strategy	Performance measures	Milestone
MOBILE SOURCE PROGRAMS		

Sub-goal 5.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead **EPA 2003-2008 Strategic Plan Objective – Healthier Outdoor Air**		
Program Strategy	Performance measures	Milestone
5.1.1.1 Protect public health through operation of A.I.R. Program and Clean Screen Program – Regulation No. 11	Inspector training maintained Data collection and processing systems maintained Support field enforcement activities by Dept. of Revenue Monitor program quality and performance Provide support to customers, inspectors, auto entities and repair technicians Prepare and submit annual report to Air Quality Control Commission and Clean Screen Programs Rulemaking on Reg. 11 waiver limits	Ongoing Combined report due June 2006 Hearing in Nov. 2005
5.1.1.2 Protect public health through operation of Diesel Inspection and Self-certification Program – Regulation No. 12	Similar operation and training measures as A.I.R. Program (5.1.1.1) Conduct biodiesel survey	Ongoing
5.1.1.3 Protect public health through the operation of Oxygenated Gasoline Program – Regulation No. 13	Monitor and enforce program including identifying program costs and possible shortening / discontinuation of program Examine current Reg. 13 program- refine applicable areas Enforce current oxygen content and pump labeling requirements	Ongoing
5.1.1.4 Reserved		
5.1.1.5 Protect public health through development and participation in mobile source air quality improvement strategies	Provide support to development of state run high emitting vehicle and smoking vehicle programs - RAQC Programs - Auditor recommendations on potential hydrocarbon strategies under AIR Program - Public outreach Reduce emissions through fuel programs – area-wide assessment and report on RVP levels to AQCC as part of EAC Ozone Program. Prepare summary report on RVP Participate in MOVES model development and implementation	Ongoing
5.1.1.6 Support development implementation of mobile source strategies through technical studies and operation of testing equipment and facilities	Generate mobile source emission inventories and emission factors Operate and maintain Technical Centers Operate and maintain mass emissions testing facility	Ongoing
STATIONARY SOURCE PROGRAMS		

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Sub-goal 5.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead **EPA 2003-2008 Strategic Plan Objective – Healthier Outdoor Air**		
Program Strategy	Performance measures	Milestone
5.1.1.7 Protect public health through issuance of and operation of Construction Permits Program for stationary sources	Document and address modeled NAAQS violations resulting from new source permitting or other actions. Identify whether existing sources; stationary or area source growth is suspected of causing the NAAQS violation. Notify EPA of the modeled NAAQS violation and provide EPA with a copy of the results within 60 days of completion (40 CFR 51.112(a) and Section 110(a)(2) of the ACT). Permits issued to minor sources in Colorado Synthetic minor permits issued to applicable sources in Colorado PSD permits issued Permits issued to major sources in nonattainment areas Enter RACT/BACT./LAER determinations in EPA's clearinghouse database (RBLC) Prepare AIRS data entry and forward to Inventory Group Track PSD increment periodically to meet the requirement of 40 CFR 51.166(a)(4) Work with Region on NSR permit program evaluation and set target to respond within 90 days to EPA's evaluation report and implement recommendations as warranted.	Ongoing
5.1.1.8 Protect public health through operation of Operating Permits Program	Document and address modeled NAAQS violations resulting from new source permitting or other actions. Identify whether existing sources; stationary or area source growth is suspected of causing the NAAQS violation. Notify EPA of the modeled NAAQS violation and provide EPA with a copy of the results within 60 days of completion (40 CFR 51.112(a) and Section 110(a)(2) of the ACT). Ensure sources submit Title V applications for renewal Prepare AIRS data entry and forward to Inventory Group Continue development of program with EPA guidance (Part 70) and input from affected parties Continue to issue proposed, initial, renewal, and modified Title V permits. Implement recommendations from 2003 Title V Program Review, as warranted.	Ongoing

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Sub-goal 5.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead **EPA 2003-2008 Strategic Plan Objective – Healthier Outdoor Air**		
Program Strategy	Performance measures	Milestone
5.1.1.9 Protect public health through operation of Small Business Assistance Program	Evaluate and modify as needed Customer Relations Management Plan Industry workshops data collection and coordination Support Compliance Advisory Panel Participate in EMS Permit Project Update small businesses through site visits and technical assistance (MOU with Field Services Unit) Outreach and coordination with local health departments Provide consultations and site visits in accordance with MOU with Field Services Unit on enforcement referrals Participate in Cross Media Compliance Assistance Program – sector projects and coordination Develop End-of-year report on compliance assistance efforts	Ongoing June 2006
5.1.1.10 Support public health through program improvements – regulation and compliance support	Evaluate methods to incorporate P2 into regulations and permits as well as environmental assessments through participation in Compass and CMCA Programs Provide support and training to engineers and inspectors (policy interpretation, settlement documents, assist in negotiation of settlements, enforcement data base) Continue to monitor odor requirements and build partnerships to develop effective community and trade based odor control programs Revise Reg. No 1 on EPA requests Revise Reg. No. 2 relating to HCSFOs Revise Reg. No. 3 Parts A, B, and C Revise Reg. No. 5 to include BART reguirments for applicable sources Revise Reg. No. 4 incorpoating fireplace standards Develop Permit Fee Credit Revise Reg. 6 Parts A and B Revise Reg. 7 (tank procedures and other cleanup) Revise Reg. 8 on MACT and NESHAPS Revise Reg. 18 Acid Rain	Ongoing May 2005 June 2005 January 2005 and Feb. 2005 for Part C June 2005 June 2004 Ongoing Ongoing
5.1.1.11 Support public health through oversight of local health department contracts and inspections (Field Services, Asbestos and CFC Units)	Contracts negotiated Inspection review, assistance as needed, enter reports on AIRS, maintain tracking logs, monitor quarterly reports	Dec. 1, 2005 Ongoing

Sub-goal 5.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead **EPA 2003-2008 Strategic Plan Objective – Healthier Outdoor Air**		
Program Strategy	Performance measures	Milestone
5.1.1.12 Support public health through compliance inspections for industrial sources (major and minor) and final approval inspections	Operating and other final permits reviewed Perform stack testing, source audits and CEM certifications Perform oversight of underground tank inspections by Oil and Gas Commission Provide AIRS updates as necessary through: 1. Provide timely data to AFS as identified in the National Minimum Data Requirements (MDR's) on CMS sources evaluated or investigated, and on any other sources that are major according to CAA definition. 2. Coordinate with EPA to ensure that CMS sources are flagged in AFS for inspection, and to ensure that high priority violations are correctly identified in AFS. 3. Perform periodic reviews of AFS data to ensure required data have been entered correctly. Participate in Cross Media Compliance Assistance Program Compliance Monitoring Strategy submitted to EPA	Ongoing
5.1.1.13 Support public health through wood burning emissions control	Participate in High Pollution Advisory Program in Denver metro area Respond to and follow up on complaints	Ongoing
5.1.1.14 Support public health by conducting enforcement actions related to all stationary sources	Warning letters, compliance advisories, NOVs, compliance orders, AQCC hearings and Settlement Agreements (both state and local agencies)	Ongoing
5.1.1.15 Support public health through testing and evaluation of industrial sources	Conduct stack testing, source audits and CEM certifications Evaluate excess emission reports Conduct final approval inspections for facilities	Ongoing
5.1.1.16 Support protection of public health through operation of a stationary source emissions and facility data system	Maintain emissions and facility data system from new, revised and renewed APENs into data system Submit national emission trends report Develop capabilities to comply with new EPA reporting system – NET Participate in ongoing training provided on National Emission Inventory	Ongoing Ongoing
5.1.1.17 Support protection of public health through monitoring of local SIP commitments – Reg. No. 16 street sanding	Monitoring and assessing community SIP sanding reduction activities and reports	Ongoing
SIP activities or community-based program development		

Sub-goal 5.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead **EPA 2003-2008 Strategic Plan Objective – Healthier Outdoor Air**		
Program Strategy	Performance measures	Milestone
5.1.1.18 Support protection of public health through development of community based air quality programs in cooperation with local agencies or local governments	Continue Cripple Creek MOA implementation Continue Mt. Crested Butte MOA implementation Assist EPA Region * to develop Pueblo community-based initiative and ensure. Increased community awareness Assist and monitor community initiatives in San Luis Valley and Lamar (to support maintenance SIP) Assist Garfield County community-based initiative to address natural gas development concerns Identify other at risk areas through monitoring or other methods	Ongoing Ongoing Ongoing Ongoing Ongoing Ongoing
5.1.1.19 Protection public health through the development of maintenance SIPs and redesignation requests for current nonattainment areas in Colorado	Denver PM10 Maintenance Plan Denver-Longmont CO Maintenance Plans Update EAC to include periodic assessment	December 2005
5.1.1.20 Protect public health through monitoring transportation conformity of MPO and CDOT programs and projects – Regulation No. 10	Conformity determinations for Metropolitan Planning Org. (MPOs) areas along Front Range (Denver, Colorado Springs and North Front Range). Regulation Number 10 updated to reflect changes in Federal Rule	(Note: updated Transportation Conformity SIPs submitted by July 2005 will reflect revised EPA Transportation Conformity Regulations in 40 CFR 93 and Transportation Law –SAFETEA-LU) Pikes Peak Area Council of Governments – September 2004
5.1.1.20 Protect public health though the support of NEPA activities including review of air quality impacts disclosed in NEPA documents	Review and comment document/letters prepared for NEPA documents and follow up as appropriate	Ongoing
5.1.1.21 Protect public health through implementation of fire management and control programs	Implement prescribed fire program (develop MOU and issue permits for significant users of prescribed fire through implementation of state-only program through Reg. No 9 Implement general open burning program Conduct oversight to ensure that permitees implement best air quality protection practices in prescribed burning events	Ongoing

Sub-goal 5.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead

EPA 2003-2008 Strategic Plan Objective – Healthier Outdoor Air

Program Strategy	Performance measures	Milestone
5.1.1.22 Track indicators through monitoring, maintaining inventories and modeling	Implement ambient air monitoring program in accordance with 40 CFR Part 58	Ongoing
	The State will work with EPA to assess the impacts of the proposed changes to 40 CFR Part 58, and begin planning for the implementation of those changes (National Monitoring Strategy/Ncore Monitoring Network)	As needed Sept. 2005
	Operate and maintain gaseous/continuous sites statewide. Perform daily, weekly, monthly, quarterly, and semi-annual inspections, cleaning, and preventive maintenance per SOP schedules. Perform manual bi-weekly precision tests	As required Six months after end of calendar year
	Implement approved/required upgrades to gaseous precision systems for Nox and SO2 at Welby site	June 2006
	Conduct Special Gaseous Monitoring Projects	First three year inventory under CERR will be for the year 2002 and due June 2004
	Operate Particulate Monitoring System	
	Special Particulate Studies for Attainment Areas and Regarding Ambient Measurement Techniques	
	Operate and Maintain Meteorological Monitoring Equipment Including Acoustic Sounder (SODAR)	Annual update
	Modify and Update EPA AQS System	Annually
	Submit AQS SLAMS report electronically to EPA	
	Submit Ozone Fast Track Report, Anomaly Reports and 5-Minute SO2 Report to EPA	
	Produce Annual Air Quality Data Report	
	QA / QC Review and Report Project	
	Submit Annual Network Review to EPA that is oriented toward the new National Air Monitoring Strategy guidance. Review site files.	March 31, 2006
	Conduct High summer and winter pollution advisories and	
	prepare High Pollution Advisory Season and Summer Ozone Advisory Statistics	
	Development of an Integrated Approach / Methodology for Inventory Development	
	Inventory and modeling support to State SIPs and Ozone Early Action Compact	
	Continue Emergency Response Forecasting and Support to CDPHE Emergency Response Planning	

Sub-goal 5.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead **EPA 2003-2008 Strategic Plan Objective – Healthier Outdoor Air**		
Program Strategy	Performance measures	Milestone
5.1.1.22 Track indicators through monitoring, maintaining inventories and modeling	Develop and submit a quality management plan to EPA for review and approval Submit all ambient criteria pollutant data to the Air Quality System (AQS)	Sept. 30, 2006 Within 90 days after end of each quarter

Sub-goal 5.1.2: Reduce air toxics. Protect citizens from exposure to air toxics – Ensure that the excess number of cancers are reduced by 75% by 2010 from 1993 levels and to ensure that 90% of toxic and hazardous emissions are subject to standards. *(Note: Many of the programs or strategies listed in this section were described in detail earlier therefore they are only highlighted here. Where new areas are identified they are described in full.)* **EPA 2003-2008 Strategic Plan Consistent Objective – Healthier Outdoor Air**		
Program Objective	Performance measures	Milestone
5.1.2.1 Reduce air toxics through the ongoing operation of mobile source strategies		
Regulation No. 11 – A.I.R. Program Regulation No 12 – Diesel Inspection Regulation No. 13 – Oxygenated Fuels Program Smoking vehicles Clean fuels	Activities and milestones are described in earlier work plan tasks section 5.1.1. parts 1-6	Ongoing
5.1.2.2 Reduce air toxics through operation of stationary source control strategies-MACT implementation: Operation of Construction and Operating Permit Programs Small Business Assistance Program Compliance monitoring and enforcement of stationary sources Wood burning Control Program – High Pollution Advisory Program and state and local woodstove regulations Fire management and control programs	Activities and milestones are described in earlier work plan tasks section 5.1.1. parts 7-20	Ongoing
5.1.2.3 Support reduction of air toxics through	Revise Reg. No. 8 Parts A & E incorporating MACT and NESHAP	Semiannual MACT

Sub-goal 5.1.2: Reduce air toxics. Protect citizens from exposure to air toxics – Ensure that the excess number of cancers are reduced by 75% by 2010 from 1993 levels and to ensure that 90% of toxic and hazardous emissions are subject to standards. *(Note: Many of the programs or strategies listed in this section were described in detail earlier therefore they are only highlighted here. Where new areas are identified they are described in full.)* **EPA 2003-2008 Strategic Plan Consistent Objective – Healthier Outdoor Air**		
regulation update	rulemaking updates and development of cooperative federal/state work plan. To include: funding options, addressing 112(j) compliance deadlines, development and implementation of area source rules, development of information, incorporation of pollution prevention where appropriate, and analyses regarding air toxics Develop and implement area sources per EPA requirements	updates in June and Dec. 05
5.1.2.4 Reduce asbestos exposure to the public through operation of the Asbestos Program	Conduct 200 inspections for compliance with Regulation No. 8 and NESHAP Review notifications; issue abatement and demolition permits Process certification applications; issue certifications Initiate enforcement actions; timely and appropriate resolution of cases Conduct outreach activities Incorporate requirements in local health department contracts Conduct Rulemaking, as necessary Enter ACTS/NARS data for all asbestos NESHAP notifications and enforcement actions Lowry redevelopment oversight	Ongoing
5.1.2.5 Reduce occurrences of asbestos in schools **(CDPHE will implement activities as described in work plan narrative "TSCA Title IV Cooperative Agreement – FY06 Application,6/30/05)**	Implement the TSCA Asbestos-in-Schools Program according to federal and state rules Conduct 48 TSCA/AHERA inspections	Ongoing
5.1.2.6 Protect public health through implementation of a Lead-based paint certification and abatement program. Provide financial assistance to the Disease Control and Environmental Epidemiology Division's Lead Poisoning Prevention Program (LP3). (LP3 to perform database management activities related to the identification of populations at risk for childhood lead poisoning to aid APCD in identifying hotspots.	Issue permits and approval notices Conduct 20 inspections (state only) Process Certification applications Course audit Initiate enforcement actions Distribute educational material - LP3 Partner with local health departments Partner with state and local housing agencies Identify and focus enforcement and compliance assistance on populations at risk for childhood lead poisoning by maintaining the State's EBL surveillance database.	Ongoing

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Sub-goal 5.1.2: Reduce air toxics. Protect citizens from exposure to air toxics – Ensure that the excess number of cancers are reduced by 75% by 2010 from 1993 levels and to ensure that 90% of toxic and hazardous emissions are subject to standards. *(Note: Many of the programs or strategies listed in this section were described in detail earlier therefore they are only highlighted here. Where new areas are identified they are described in full.)* **EPA 2003-2008 Strategic Plan Consistent Objective – Healthier Outdoor Air**		
5.1.2.7 Support protection of public health by non-regulatory HAP source evaluations (coordination with CDPHE Environmental Epidemiology)	HAP source evaluations Respond to indoor air quality complaints	Ongoing
5.1.2.8 Support protection of public health through operation of a stationary source emissions and facility data system	Maintain emissions and facility data system, enter and quality control emissions data from new, revised and renewed APENs	Ongoing
5.1.2.9 Support protections of public health through development of mobile source toxics emissions inventory	Conduct motor vehicle mass emissions testing Generate mobile source emission factors Research additional source categories for Colorado Diesel Emissions Study	Ongoing
5.1.2.10 Develop integrated air toxics program	Continue review National Air Toxics Assessments data and comment on proposed rules and policy Continue to assess Colorado Integrated Toxics strategy and develop appropriate implementation plans Work with other Division programs to seek funding for additional monitoring and grant funding Develop an integrated approach / methodology for inventory development, modeling through EPA grant funding Finalize Colorado Diesel emissions and fuel sampling study Work with City and County of Denver on Air Toxics program efforts Develop comprehensive 2004 Colorado Air Toxics report Begin formal identification of toxics hot spots in Colorado Explore potential voluntary statewide diesel school bus retrofit program Continue joint participation with EPA and community stakeholders in Northeast Denver Project (Healthy Air for Northeast Denver) Continue Air toxics mapping Attend HAPS inventory training in order to complete 2005 HAP Emission inventories for point, non-point, non-road and on-road sources	Ongoing
5.1.2.11 Implement cross-media initiatives	Continue implementation of mercury reduction initiatives at Colorado Dept. Public Health and assist in development of Mercury TMDL In coordination with CDPHE development and implementation of: EMS Permit pilot project, Cross Media Compliance Assistance Program, Cross Media Enforcement Program, and Environmental Coordinating Committee	Ongoing Ongoing

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Sub-goal 5.1.2: Reduce air toxics. Protect citizens from exposure to air toxics – Ensure that the excess number of cancers are reduced by 75% by 2010 from 1993 levels and to ensure that 90% of toxic and hazardous emissions are subject to standards. *(Note: Many of the programs or strategies listed in this section were described in detail earlier therefore they are only highlighted here. Where new areas are identified they are described in full.)* **EPA 2003-2008 Strategic Plan Consistent Objective – Healthier Outdoor Air**		
5.1.2.12 Track program indicators through other program monitoring, maintaining inventories and modeling	Operate and maintain gaseous/continuous sites statewide Perform daily, weekly, monthly, quarterly, and semi-annual inspections, cleaning, and preventive maintenance per SOP schedules. Perform manual bi-weekly precision tests. Conduct Special Gaseous Monitoring Projects. Operate Particulate Monitoring System National Air Toxics Trends monitoring site in Grand Junction: Maintain and repair VOC/carbonyl and PM10/metals monitoring equipment. Install and maintain additional equipment as needed, for expanded monitoring, including chrome-6. Perform calibrations and audits on the equipment. Interpret and report data received from the analytical lab. Submit metals data to AQS within 90 days after the end of each quarter. Provide quarterly analysis updates. Perform monitoring according to the NATTS QAPP. Review and Update QAPP as necessary Operate and Maintain Meteorological Monitoring Equipment Including Acoustic Sounder (SODAR) Modify and Update EPA AQS System Produce Annual Air Quality Data Report QA / QC Review and Report Project Produce Annual Network Review. Review Site Files Development of an Integrated Approach / Methodology for Inventory Development	Ongoing As required Six months after end of calendar year Annually

Goal 5.2: Achieve levels of air quality in Colorado that protects the integrity of the natural ecosystem.

The key strategic targets to achieve this goal include: implementation of Acid Deposition Program Implementation of PSD program, implementation of CFC control programs, development and implementation of cross-media programs to reduce Mercury and, encouragement, where appropriate, of voluntary emission control activities to reduce Greenhouse Gas Intensity.

Sub goal 5.2.1: Protect environment from acid deposition damage - Ensure all Class I areas are protected from acid deposition impacts and other Air Quality Related Values are protected. **Sub goal 5.2.2**: Stratospheric ozone protection – Ensure programs to control CFC compounds are maintained. **Sub goal 5.2.3**: Climate change – Ensure carbon dioxide emission inventories are complete and trends in emission levels are assessed. **Sub goal 5.2.4**: Protect environment from Mercury contamination – **EPA 2003-2008 Strategic Plan Consistent Objective – Protect Ozone Layer and reduce Greenhouse Gas Intensity**		
Program objective	Performance measures	Milestone

Sub goal 5.2.1: Protect environment from acid deposition damage - Ensure all Class I areas are protected from acid deposition impacts and other Air Quality Related Values are protected.

Sub goal 5.2.2: Stratospheric ozone protection – Ensure programs to control CFC compounds are maintained.

Sub goal 5.2.3: Climate change – Ensure carbon dioxide emission inventories are complete and trends in emission levels are assessed.

Sub goal 5.2.4: Protect environment from Mercury contamination –

EPA 2003-2008 Strategic Plan Consistent Objective – Protect Ozone Layer and reduce Greenhouse Gas Intensity

Program objective	Performance measures	Milestone
5.2.1.1.1 Ensure acid rain minimized through operation of construction and operating permit programs	Permits issued to utilities	Ongoing
5.2.1.1.2 Ensure acid deposition emissions are minimized through testing and evaluation of industrial sources	Conduct stack testing, source audits and CEM certifications for utilities Evaluate excess emission reports for utilities	Ongoing
5.2.1.1.3 Ensure acid rain minimized though updates to Regulation No.18 as necessary	Revised regulation	Dec. 2002
5.2.1.4 Support technical assessment of Mt. Zirkel AQRVs	Process coordination and communication with EPA, USFS and USGS Develop a plan for assessing the ecological impacts of acid deposition in the State, especially as it may impact vulnerable, acid-sensitive ecosystems, with attention to possible cause-and-effect relationship between emission sources and impact areas. Support installation of Buffalo Pass SO2 monitor Conduct additional data analyses on Mt. Zirkel Respond to any format triggering of AQRV law Prepare report on Mt. Zirkel analyses and comparative studies	Ongoing
5.2.1.5 Support AQRV studies in Colorado	Complete CDPHE acid deposition web page Coordinate funding and communication between federal agencies and state	
5.2.1.6 Implementation of Rocky Mountain National Park Initiative	- Memorandum of Understanding negotiated between stakeholder agencies - Additional funds for monitoring will be available for source attribution - Agricultural outreach program focusing on Best Management practices developed - Program goal for nitrogen deposition established - Improved Ammonia inventory developed - Modeling analyses conducted to support emission reduction options (e.g. BART analyses for Regional Haze) - Focus additional attention to RMNP in regard to AQRV impairment	Ongoing

Sub goal: Ensure stratospheric ozone protection

Sub goal 5.2.1: Protect environment from acid deposition damage - Ensure all Class I areas are protected from acid deposition impacts and other Air Quality Related Values are protected. **Sub goal 5.2.2**: Stratospheric ozone protection – Ensure programs to control CFC compounds are maintained. **Sub goal 5.2.3**: Climate change – Ensure carbon dioxide emission inventories are complete and trends in emission levels are assessed. **Sub goal 5.2.4**: Protect environment from Mercury contamination – **EPA 2003-2008 Strategic Plan Consistent Objective – Protect Ozone Layer and reduce Greenhouse Gas Intensity**		
Program objective	Performance measures	Milestone
5.2.2.2.1 Support protection of stratospheric ozone through update to state CFC and climate change inventories	Updated CFC usage inventory for Colorado	Ongoing
5.2.2.2.2 Protect stratospheric ozone levels through minimizing emissions of CFCs from applicable sources	Equipment registration Inspections (both state and local agencies) Training and outreach (including pollution prevention)	Ongoing
Cross-media programs		
5.2.3.1 Ensure man-made climate change impacts minimized	Updated greenhouse emissions inventory for Colorado	Ongoing
5.2.4.1 Colorado Mercury Initiative developed through cross-media programs	CDPHE Strategic Programming process (see discussion in Chapter 2 of PPA Assist the Water Division development of Mercury TMDLs and ongoing assessment of emissions and deposition. If funds available, plan and implement, with EPA Region 8, a western states Mercury workshop	Ongoing 2006

Goal 5.3: Achieve a level of ambient air quality that protects and preserves standards for visibility and aesthetic concerns for pollutants that cause odors.

The key strategic targets to achieve this goal include: the continued implementation of Maintenance SIP revisions for Nonattainment Areas (specific strategies to reduce visibility impairing pollutants); the implementation of community-based programs; ongoing state permit and compliance programs; the development of a Regional Haze SIP with other states; and, encouragement, where appropriate, of voluntary emission control activities.

5.3.1a Urban Visibility (Denver AIR Program Area and Fort Collins) – Ensure a decrease in the number of days the Colorado Visibility Standard is exceeded in the areas of applicability		
Program objective	Performance measures	Milestone
5.3.1a.1 Reduce pollutants causing haze through the operation of mobile source strategies: Reg. No. 11 – A.I.R. Program Reg. No 12 – Diesel Inspection Smoking vehicles Clean fuels	Described earlier	Described earlier

5.3.1a Urban Visibility (Denver AIR Program Area and Fort Collins) – Ensure a decrease in the number of days the Colorado Visibility Standard is exceeded in the areas of applicability		
Program objective	Performance measures	Milestone
5.3.1a.2 Reduce pollutants causing haze through the operation of the stationary sources program objectives Operation of Construction and Operating Permit Programs Small Business Assistance Program Compliance monitoring and enforcement of stationary sources Wood burning Control Program – High Pollution Advisory Program and state and local woodstove regulations	Described earlier in work plan	Described earlier
5.3.1a.3 Support reduction of haze-causing pollutants through regulation updates	Described earlier in work plan	Described earlier
5.3.1a.4 Track program indicators through urban haze monitoring, inventories and modeling	Operate visibility monitoring network in Denver and Fort Collins (transmissometer and camera) High Pollution Day Forecasts in Winter Sample speciation and CMB modeling	Ongoing
	Operate and maintain gaseous/continuous sites statewide Perform daily, weekly, monthly, quarterly, and semi-annual inspections, cleaning, and preventive maintenance per SOP schedules. Perform manual bi-weekly precision tests. Conduct Special Gaseous Monitoring Projects. Operate Particulate Monitoring System Special Particulate Studies for Attainment Areas and Regarding - Ambient Measurement Techniques. Operate and Maintain Meteorological Monitoring Equipment Including Acoustic Sounder (SODAR) Operate Denver Visibility Cameras Air Quality Forecasting and Air Quality Index (AQI) Reporting	Ongoing As needed As required Six months after end of calendar year April 2005 First three-year inventory under CERR will be for the year 2002 and due June 2004.

5.3.1b Regional Haze (for National Parks and Class I Wilderness areas) – Ensure natural background visibility conditions in all Mandatory Class I Areas by 2064 through the development of a Colorado Regional Haze SIP revision		
Program objective	Performance measures	Milestone

5.3.1b Regional Haze (for National Parks and Class I Wilderness areas) – Ensure natural background visibility conditions in all Mandatory Class I Areas by 2064 through the development of a Colorado Regional Haze SIP revision		
Program objective	Performance measures	Milestone
5.3.1b.1 Continue Colorado Regional Haze SIP development process	Air Quality Control Commission Regional Haze process defined and milestones identified Update Colorado Long Term Strategy Continue coordination with surrounding states and EPA Region 8 on Regional Haze issues Continue technical and policy development of RH SIP issues. Provide the necessary modeling, emission inventory and data analysis needed to implement and support the Federal regional haze rule requirements pursuant to 40CRF 51.308. Develop comprehensive statewide 2002 emission inventory. Make improvements to other areas of the emissions inventory such as ammonia, fugitive dust and wildfires or Colorado. Estimate historical progress on regional haze. Identify products and information the state needs from the WRAP so that Colorado can complete its RH 308 SIP. Serve on the WRAP's technical forums. Provide technical support document that satisfies the Regional Haze Rule requirements for each of the Class I areas. Propose state BART facility analysis process Rule to AQCC	Ongoing Hearing in October, 2005
5.3.1b.2 Support Class I Attributable Visibility Impairment Visibility SIP	Analyze trends in Zirkel IMPROVE data and precipitation chemistry data to assess the impacts of new controls at Craig and Hayden power generation facilities Assemble and analyze IMPROVE monitoring data using statistical methods such as factor analysis, trajectory models, and chemical mass balance models. Develop computer programs to assist with processing of improve data for analysis Provide technical assistance to various visibility workgroups as requested Continue to work resolve certification issues Three-year review of federal land manager activities as required by SB 17 developed Participate in SIP calls	Ongoing
5.3.1b.3 Complete Class I Area analyses for RH SIP development	Develop Class I area analyses to define base line conditions (2000-2004), haze reconstruction, and source apportionment for all Class I areas in state for that period	Ongoing

5.3.1b Regional Haze (for National Parks and Class I Wilderness areas) – Ensure natural background visibility conditions in all Mandatory Class I Areas by 2064 through the development of a Colorado Regional Haze SIP revision		
Program objective	Performance measures	Milestone
5.3.1b.4 AQRV monitoring for Mt. Zirkel	Maintain close coordination with the USFS, EPA, and USGS Maintain ongoing communication with stakeholders and the public Support of the Buffalo Pass SO2 monitor installation. The Division will perform 2 calibrations/year and 1 audit/year Support of snowpack sampling in the Zirkel area through annual contract with USGS Keep current on AQRV Zirkel-related work by other agencies	Ongoing
5.3.1b.5 Continue implementation of effective fire and smoke management and prescribed fire program	Develop letter to MOU signatories indicating that the State is terminating the MOU Finalize and distribute 3-year vision of the SMP Develop and revise, as needed, Wildfire Response Plan. During wildfire events and large PF, assist land managers in conducting PM monitoring. Coordinate with PIO and meteorologist. Provide training and refresher course to TSP staff regarding operation of Division Data Rams and interface to satellite and web-based software. Discuss with EPA certification of our SMP Participate in the Front Range Fuels Partnership as appropriate Work with local communities and partnerships to address wildland fuels treatment as needed	Winter 05 Ongoing
5.3.1b.6 Track program effectiveness indicators through haze monitoring, inventories and modeling	- Coordinate with Federal agencies and private entities conducting visibility, lake chemistry and acid deposition monitoring and research in Colorado. Agencies and contractors, to varying degrees, are also involved in AQRV model development. - Assemble and analyze IMPROVE monitoring data using statistical methods such as factor analysis, trajectory models, and chemical mass balance models. Develop computer programs to assist with processing of improve data for analysis. - Analyze trends in Zirkel IMPROVE data and precipitation chemistry data to assess the impacts of new controls at Craig and Hayden power generation facilities	Ongoing
5.3.1b.7 Participate in Four Corners Task Force to assess impact of oil and gas development on regional haze and other areas	Participate in Four Corners Task Force with EPA, FLMs, New Mexico and other stakeholders: - Complete negotiation of MOU and work plan - Establish and participate in work groups (modeling and small engine standards)	Ongoing

5.3.3 Aesthetic problems caused by odor pollution by ensuring all odor problems are addressed as expeditiously as practicable		
Program objective	Performance measures	Milestone
5.3.2.1 Reduce pollutants causing odors through the operation of mobile source strategies: Regulation No. 11 – A.I.R. Program Reg. No. 12 – Diesel Inspection Smoking vehicles Clean fuels	Described earlier	Described earlier
5.3.1a.2 Reduce pollutants causing odors through the operation of the stationary sources program Operation of Construction and Operating Permit Programs Small Business Assistance Program Compliance monitoring and enforcement of stationary sources Wood burning Control Program – High Pollution Advisory Program and state and local woodstove regulations	Described earlier in work plan	Described earlier
5.3.1a.3 Support reduction of odor pollutants through regulation updates	Described earlier in work plan	Described earlier
5.3.1a.4 Track odor program indicators through compliance monitoring	Maintain complete complaint records and their resolution Coordination of compliance record-keeping with local agencies	Ongoing

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CHAPTER 6 WATER QUALITY CONTROL DIVISION

6.1 Mission

The Water Quality Control Division (Water Division) has the challenging and legally mandated responsibility of maintaining, restoring and improving the quality of the state's waters and assuring that safe drinking water is provided from public water systems for the people of the state. In short, our mission is to ensure that the state's waters attain and maintain that level of water quality necessary to protect designated beneficial uses and that all public water systems consistently provide Safe Drinking Water. In order to meet these responsibilities, Water Division staff implement delegated programs authorized by the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA).

6.2 Clean Water Act Program

A complete Clean Water Program consists of the following strategic functional elements: ambient water quality monitoring; water quality assessment; standards development (e.g. providing scientific support for adoption of standards and other control regulations by the Water Quality Control Commission); water quality management planning and Total Maximum Daily Load (TMDL) development; control mechanisms (including permitting, facility siting approval), engineering plan review and approval; compliance assistance (including facility planning and financial assistance); compliance assurance (including evaluation of self reported data, compliance sampling inspections, facility inspections and enforcement); and water quality restoration and enhancement efforts. Of course, each of these functional elements depends upon an internal management and administrative structure to provide a wide range of general support functions and services.

6.3 Safe Drinking Water Act Program

The Safe Drinking Water Program, which has historically been viewed as a separate entity from the Clean Water Program, is nonetheless, composed of similar program elements requiring staff with much the same underlying professional and technical expertise. Drinking Water Program strategic functional elements include: source water protection; regulatory development (i.e., developing treatment standards and performance requirements for public water systems for adoption by the Board of Health); control mechanisms (i.e., ensuring public water systems comply with promulgated treatment standards); data management; compliance assistance (including engineering plan review, sanitary surveys, capacity development, technical assistance and financial assistance through the Drinking Water State Revolving Fund (DWRF)); compliance assurance including compliance surveillance monitoring and compliance inspections (i.e., sanitary survey follow-up); and formal enforcement using civil or criminal authorities as appropriate.

6.4 Integrated Water Quality Management

In Colorado, many of the Drinking Water Program and Clean Water Program functional elements have been integrated with the Water Division's six operational units. This has been timely, particularly in view of the several new program elements which emerged following the 1996 re-authorization of the Safe Drinking Water Act (e.g., source water protection, water system capacity development, and the State Revolving Loan Fund (SRF) program) which rely upon groundwater and watershed sciences expertise, public water system operational knowledge, and a mature financial assistance program which has long been functioning within the Water Division's Clean Water Program.

The totality of these integrated program elements form a complete management program for ambient ground water and surface water under the Authority of the Clean Water Act and for drinking water provided by public water systems under the authority of the Safe Drinking Water Act. **Water Quality Monitoring** provides a picture of the current status and trends in Colorado's ambient water quality. **Water Quality Assessment** provides the scientific support for establishing the goal framework for ambient water quality as well as identifying impaired waters. Standards Development involves developing criteria, which are protective of designated uses for surface and ground water. **Water Quality Management Planning and**

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TMDL Development is the process of translating the standards into specific controls for identified water bodies in relation to the threats and impacts presented by point source discharges and non point source discharges that cause non-attainment with water quality standards. Water quality management planning may also result in source water protection strategies to ensure the safety of drinking water supplies while minimizing the costs for required treatment and monitoring. **Control Mechanisms** including permits, translate the standards framework (and TMDLs where they have been developed) into very specific terms and conditions for individual point source discharges under the CWA. Under the SDWA, control mechanisms include the mandatory primary drinking water regulations that apply to public water systems.

Compliance Assistance includes all of the activities to help regulated entities comply with applicable requirements. It includes the activities that go into assuring that regulated drinking water and pollution control facilities know what requirements must be met, and have the necessary facilities and financial and operational capabilities to maintain compliance with regulatory requirements. **Compliance Assurance** includes activities that detect and respond to non-compliance by regulated entities. **Water Quality Restoration and Enhancement** is the sum of activities that result in actual improvements of degraded ambient water quality including: non-point source projects, voluntary cleanup projects, pollution prevention projects, drinking water source water protection, education, and outreach efforts. **Data Management** includes the equipment, staffing and procedures that allow program staff to (1) understand and efficiently respond to the compliance status of regulated entities and to share compliance status with program partners and the public, and (2) to document ambient water quality for use in the assessment process regarding maintenance of water quality standards. **Regulatory Development** is the totality of the actions that result in the official adoption of regulatory requirements applicable to all public water systems under the Safe Drinking Water Act. **Program Planning and Reporting** is the essential functional element that provides for managing the programmatic resources necessary to accomplish program goals and objectives, and reports to the Governor, the legislature, the EPA, regulated entities and the pubic on the success of the program in meeting those goals and objectives.

6.5 Water Division – Organizational Structure

The Water Division, in total, consists of the following organizational units, which address in Colorado all of the above strategic functional elements of ambient water quality management under authority of the CWA and the provision of Safe Drinking Water under the authority of the SDWA. Table 6.1 provides a link between the Water Division's organizational units and the respective functional elements for which they are responsible.

The first unit listed is the **Administrative Section**, which provides Budget and Finance support, and certain administrative functions for the entire Water Division including both CWA and SDWA programs. The next three units are organized within the Water Division's **Watershed Section** and include the **Monitoring, Assessment** and **Outreach and Assistance Units**. The Water Division's **Water Quality Protection Section** houses the last three units, including the **Permits, Drinking Water and Wastewater Technical Services,** and **Compliance Assurance and Data Management Units** as well as the Water Division's **Drinking Water Program Manager**. The Drinking Water Program Manager coordinates all of the varied activities of the Drinking Water Program that overlap both Sections and directly oversees implementation of the Drinking Water Capacity Development Program.

In addition to the Water Division's formal organizational structure, coordination and communication within the Water Division is facilitated by the use of Watershed, Drinking Water Advisory and Ad Hoc interdisciplinary teams, as well as watershed coordinators. The Drinking Water Program Advisory Team, led by the Drinking Water Program Manager with representatives from the Drinking Water and Wastewater Technical Services, Compliance Assurance and Data Management, and Outreach and Assistance Units, provides policy, strategic planning and priority recommendations to Drinking Water Program management. Beyond the watershed and drinking water teams, the Water Division makes use of interdisciplinary teams to address ad hoc issues as they arise, including any stakeholder concerns that may arise.

Table 6.5.1 Water Division Organizational Structure and Associated Functional Elements

Administration Section	Supports both CWA and SDWA functions
Watershed Section	Functional Water Quality Management Elements
Monitoring Unit (CWA)	Provides surface water quality monitoring, including chemical,

	physical, biological and habitat sampling and field investigations; lakes water quality standards and assessments; statewide monitoring coordination; technical support for WET testing; bioassessments and water quality criteria development.
Assessment Unit (CWA)	Provides support for surface and ground water standards development; develops TMDLs; determines attainment with water quality standards and uses; develops status and trend analyses and reporting.
Outreach and Assistance Unit (CWA & SDWA)	Provides community-based Water Quality Management Planning and Financial Assistance (including watershed partnerships, non-point source projects, source water protection projects, drinking water and waste water facility grants and loans).
Water Quality Protection Section	Functional Water Quality Management Elements
Drinking Water Program Manager (SDWA)	Coordinates and manages the diverse elements of the Drinking Water Program and integration of programmatic, technical, and managerial expertise for all Drinking Water Program elements across all WQCD Units; Develops and implements the capacity development program for existing public water systems.
Permits Unit (CWA)	Establishes CWA Control Mechanisms including industrial and domestic discharge permits, stormwater permits, Biosolids authorizations, pretreatment control mechanisms, CAFO and HCSFO permits, CDPS groundwater discharge permits, and water quality assessments.
Drinking Water and Wastewater Technical Services Unit (CWA & SDWA)	Provides Compliance Assistance and Compliance Assurance functions for Drinking Water and Waste Water Facilities (including area-wide WW facility planning and DW capacity development, facility siting approval, engineering plan review, facility construction inspection, compliance sampling, sanitary surveys and inspections, comprehensive performance evaluation, spill response and enforcement case support).
Compliance Assurance and Data Management Unit (CWA & SDWA)	Provides Compliance Assistance and Compliance Assurance functions including evaluation of self-reported DW/WW facility monitoring data, enforcement of reporting, effluent limit/MCL and treatment technique requirements. In addition, provides Data Management functions including data base development, data entry, and compliance report generation for internal and public uses. Participates in Cross Media Compliance Assistance and Cross Media Enforcement programs.

Because of the integrated functional nature of the Water Division's units, the Division's organizational structure is best depicted separately for its CWA and SDWA programs. Note as demonstrated in Table 6.5.1, several of the Water Division's organizational units are involved in both CWA and SDWA programs. Figure 6.5.1 depicts the relationship of organizational units of the Water Division for implementation of the CWA program, while Figure 6.5.2 depicts the relationship of organizational units for implementation of the SDWA Program.

Figure 6.5.2 Organizational Chart for Clean Water Act Implementation

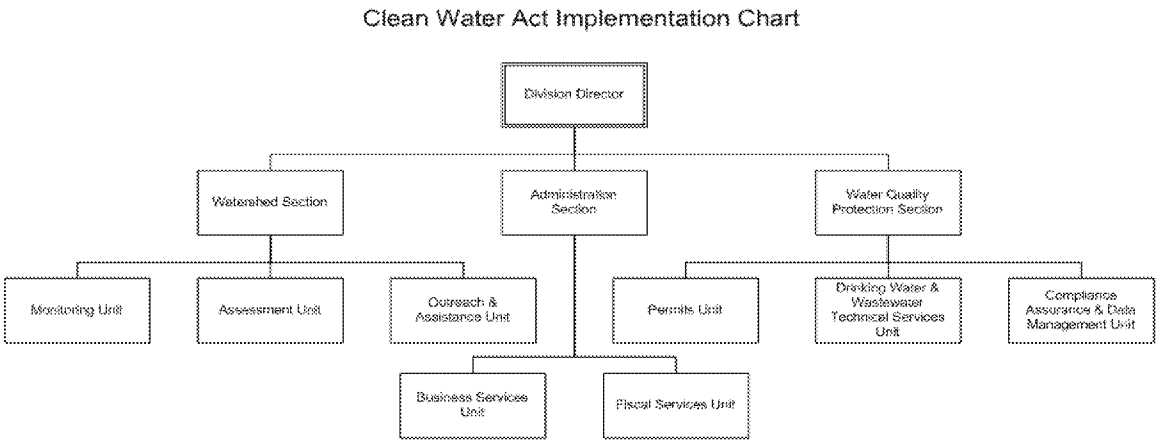
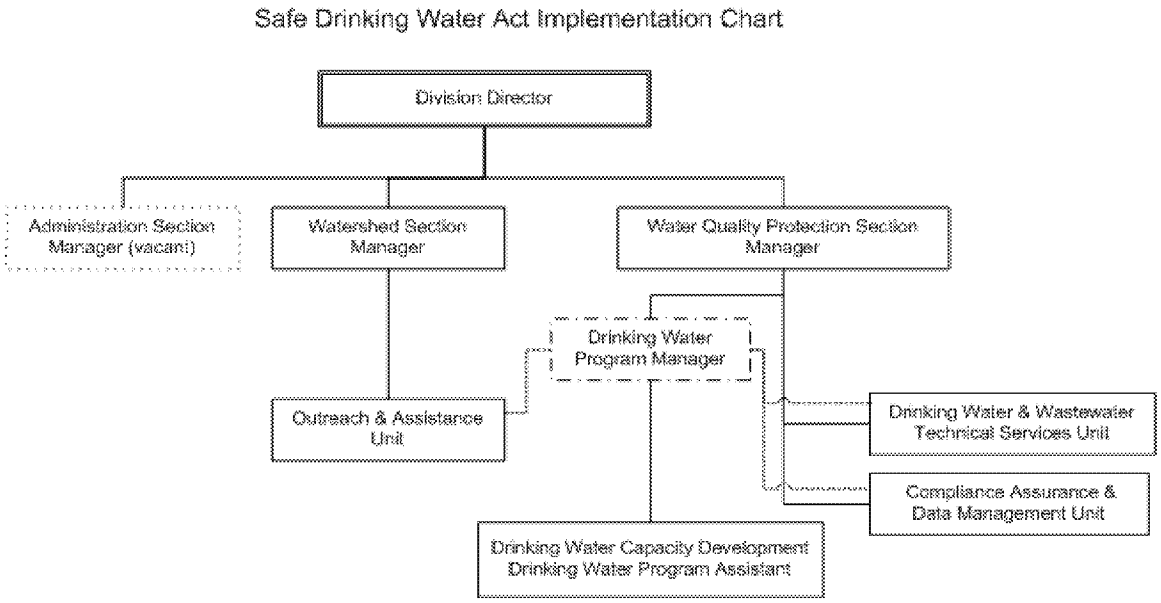


Figure 6.5.3 Organizational Chart for Safe Drinking Water Act Implementation



6.6 Clean Water Act – Water Quality Goals and Objectives FY 2005 Highlights

6.6.1 CWA Water Quality Monitoring

The Water Division will begin watershed scale monitoring in the San Juan, Dolores and Gunnison River Basins in FY 2005. Information collected will support the Colorado Standards and Classification Rulemaking hearing scheduled for FY 2005, and the next cycle of the 303(d) List and 305(b) report on water quality status and trends.

- Biological reference stations will be monitored and new stations will be added to increase the availability of bioassessment information to support potential biocriteria development, and standards and classifications.
- The Water Division will work with EPA in the development and implementation of a monitoring program that is consistent with EPA's March 2003 Monitoring Program Guidance, taking into account resource constraints and the need to foster a monitoring program that correlates well with the State's classification and standard setting process.

6.6.2 CWA Assessment and Standards Development

- The Assessment Unit will support a WQCC rulemaking hearing in the Basic Standards and Methodologies for Surface Water (6/2005) and an Issues Scoping hearing regarding the San Juan, Dolores, and Gunnison River Basins (10/2004).

6.6.3 Water Quality Management Planning and TMDL Development

- The Water Division will support completion of 40 TMDLs between 7/1/2004 and 6/30/2006 as required by the settlement agreement.
- Four watershed coordinators will link with existing community-based watershed efforts to assist in their development of water quality improvement strategies. They will provide technical assistance in planning, design, and implementation of non-point source and source water protection projects, and help and assistance obtaining financial assistance for such projects.

6.6.4 CWA Control Mechanisms

- The Water Division will continue to implement its NPDES Permit Backlog Reduction Plan.
- Improvements in automation and further streamlining in the entire permit process will be achieved to improve customer service and permit quality while meeting the permit backlog goals.
- The Water Division will perform an evaluation of its resources to support seeking delegation of the Biosolids program.

6.6.5 CWA Compliance Assistance and Compliance Assurance

The Water Division will perform inspections in accordance with the FY 2005 Wastewater Inspection plan submitted by the Technical Services Unit to EPA. Dedicated staff will sample wastewater effluent at locations throughout the state.

- Financial assistance will be made available to communities to meet the costs of wastewater treatment plant construction.
- Under the WPCRF, additional effort will focus on generating non-point source loan applicants to initiate the Funding Framework feature of this SRF.
- The Water Division will complete revisions to its Enforcement Management System to add specific provisions for stormwater, CAFOs/HCSFOs, and sanitary sewer overflows (SSOs) as well as a general update to the existing policy elements to ensure consistency with departmental enforcement processes and priorities.

6.6.6 CWA Water Quality Restoration and Enhancement Efforts

- EPA has approved Colorado's Source Water Assessment and Protection Program (SWAP). During FY 2005, the Water Division will integrate the Wellhead Protection Program plan with the SWAP Program plan and will initiate the protection phase activities.
- Nonpoint source remediation projects will be, to the extent possible, targeted to segments and water quality problems identified on the TMDL list.
- Audits of federal land management agencies will be continued to ensure consistency of their management practices with Colorado's Nonpoint Source Management Plan.

6.7 Safe Drinking Water Act Program Goals and Objectives and FY 2004 Highlights

Program-Related Goals and Objectives

The functional elements previously described and repeated below with their associated program activities could completely describe the entire Drinking Water Program. However, this Colorado Environmental Performance Partnership Agreement (CEPPA) is designed to establish expectations only for the portion of the Drinking Water Program that is funded through the Colorado Environmental Performance Partnership Grant (CEPPG). Accordingly, only those Drinking Water Program activities funded through the PPG, will be represented in any detail in the program description that follows below and in the next Section, titled: Water Quality Control Division Goals. References will be provided to appropriate sections of a separate

document that fully documents the activities of the entire Drinking Water Program: the Drinking Water Program Work Plan, State FY 2004.

6.7.1 SDWA Regulatory Development

The Water Division will continue to work with stakeholder groups to develop recommended regulatory and policy changes to implement requirements of the Safe Drinking Water Act relating to public water systems. The Water Division's goal is to adopt all new or revised primary drinking water regulations within the statutory time frame or EPA approved extension. The Water Division, through a stakeholder process, will recommend substantive revisions to the Colorado Primary Drinking Water Regulations to be presented to the Board of Health for action in late 2003.

6.7.2 SDWA Control Mechanisms

The Water Division will implement Colorado promulgated primary drinking water regulations by ensuring compliance with monitoring requirements, conducting on-site visits, and responding to MCL violations.

6.7.3 SDWA Compliance Assistance

The Water Division will implement the Source Water Assessment Protection (SWAP) program and the Well Head Protection (WHP) program. (Not PPG Funded – see Drinking Water Program work plan for details.)
The Water Division will implement a Sanitary Survey program to identify and resolve deficiencies at water systems that if unresolved could increase the risk that unsafe drinking water will be distributed to consumers.

The Water Division will review plans for new, or modifications to, existing public water systems.

The Water Division will continue to review vulnerability data submitted by public water systems seeking to reduce, where appropriate, the monitoring otherwise necessary under the Safe Drinking Water Act.

The Water Division, using it's assigned staff, third party providers and contractors will arrange for or conduct training for operators and managers of public water systems using funds from the SRF set-aside. (Not PPG Funded – see Drinking Water Program work plan for details.)

The Water Division will annually provide public water systems with a written summary of their monitoring requirements for the coming year.

The Water Division will continue the Colorado Strategy for Arsenic Reduction (CO-STAR) program to assist public water systems with finished arsenic concentrations above the revised MCL of 0.01 milligrams per liter to gain compliance by 2006.

The Water Division will develop and implement a capacity development strategy for new and existing public water systems. Colorado's Capacity Development Strategy for existing systems will be revised for State FY 04 and submitted for approval by EPA in accordance with the Safe Drinking Water Act. Arrangements with service providers and contractors will be formalized in order to implement appropriate elements of the capacity development program. (Not PPG Funded – see Drinking Water Program work plan for details.)

The Water Division will develop and implement a financial assistance program under the SRF provisions of 1996 Amendments of the SDWA. (Not PPG Funded – see Drinking Water Program work plan for details.) The Water Division will coordinate large and medium sized public water systems security vulnerability assessments and make security information available to small public water systems.

6.7.4 SDWA Compliance Assurance

The Water Division will conduct inspections of public water systems in support of formal enforcement actions and, as appropriate, for systems that fail to address significant sanitary deficiencies.

The Water Division, using Drinking Water and Wastewater Technical Services Unit assigned staff, will seek to collect and have analyzed samples for appropriate parameters from approximately 50 public water systems to verify the accuracy of self-monitoring information submitted by regulated entities.

The Water Division will work to formalize its enforcement escalation policy as part of a larger effort to draft a Drinking Water Enforcement Management System.

The Water Division will ensure that "systems of concern" are addressed such that they achieve compliance as soon as possible.

The Water Division will continue to participate in the Cross Media Enforcement Program.

6.7.5 SDWA Data Management

The Water Division will continue its implementation of internal audit recommendations relating to the improvement of self-reported data handling, data management, compliance evaluation and reporting to ensure timely and appropriate responses to MCL exceedances.

The Water Division will continue a major database conversion effort. The existing Database IV system will be completely transitioned to SDWIS-State. The conversion will require a major reassessment of data handling protocols across the Water Division's functional units.

6.7.6 SDWA Program Planning, Controls, and Reporting

The Water Division will actively manage completion of CEPPA goals by improving the line of sight between the Drinking Water Program work plan, Unit work plans, and individual performance plans and by implementing routine program assessment and reporting mechanisms.

The Drinking Water Program will prepare a written report to document FY 2003 accomplishments, activities, and future challenges.

6.8 CDPHE Strategic Themes

There are several new investments by the Water Division that relate to strategic themes, which have been embraced by all environmental programs within CDPHE.

6.8.1 Customer Service

Customer service, like the watershed approach, is not a separate element of the Clean Water Program. Rather it is a way of doing business that is designed first and foremost to serve the needs of the public. The field offices were created and have been maintained to better serve the needs of all the people to ensure that an experienced resource person is available to address programmatic issues being raised by outside phone callers and walk-ins.

Help desks have been established in each major program area to ensure that an experienced resource person is available to address programmatic issues being raised by outside phone callers and walk-ins. This investment is possible because of improved time management by other staff who, at any given time, are not serving in this capacity. In addition, this year the Water Division is initiating a dedicated customer service line to efficiently address "difficult" caller problems with no readily apparent programmatic connection. This line will be monitored constantly throughout the day by highly experienced personnel with a complete view of water quality management.

The Water Division will continue to implement a very successful interagency cooperative effort among the Water Division's Financial Assistance Program, the Department of Local Affairs, the Rural and Economic Development Administration and the Water Resources and Power Development Authority. This approach will be extended this year to the new drinking water revolving loan fund. The result should be an efficient "one-stop shopping" mechanism to develop the least cost combinations of grants and loans to assist communities in expanding or constructing needed drinking water or wastewater treatment facilities. This investment in up-front coordination saves communities, the Water Division and other agencies a great deal of time in the long run.

6.8.2 Compliance Assistance

Technical assistance will be provided to assist public water systems to prevent violations and, when appropriate, to those systems experiencing violations of primary chemical and bacteriological drinking water standards prior to initiating enforcement action. Such assistance, if unsuccessful, will be the first step in a process of escalating responses to non-compliance.

The Water Division will freely assist small communities in the use of the self-assessment guidance document for planning improvements necessitated by growth or planned development.

The Water Division will continue to play a role in implementing Colorado's Small Community Environmental Flexibility Act since most small towns with multiple public health and environmental compliance priorities are concerned with drinking water and wastewater issues. It is likely that this investment will be offset by reduced enforcement commitments.

The Drinking Water Program will incorporate environmental justice concerns into its program implementation goals and activities. Specifically, the Water Division has initiated an external work group process focusing on a disadvantaged community loan program as part of its next Intended Use Plan (IUP) development effort and will continue its involvement with EPA's migrant farm worker project.

The Drinking Water Program will participate, as appropriate, in the Cross Media Compliance Assistance Program.

6.8.3 Pollution Prevention

The Water Division will provide relevant targeted information to local municipal pretreatment authorities and to industrial users to encourage worthwhile pollution prevention projects.

The Water Division will conduct an effort to identify small to medium size industries which have the potential to significantly impact water bodies, or which have a history of non-compliance and provide them pollution prevention information and encouragement to employ pollution prevention concepts.

The Nonpoint Source Program is another example of preventing pollution by removing contaminant sources such as mine waste.

6.8.4 Emergency Response

The Water Division has updated its Emergency Response Handbook for 2003 to reflect: (1) "lessons learned" (primarily from the fire and drought activities of 2002), and (2) changes made to the CDPHE Internal Emergency Response Implementation Plan. The CDPHE Emergency Preparedness Advisory Committee coordinated this effort. The Management Team and Water Division Staff have been briefed on the framework and "concept of operations" as to how the plan works on both a call up and call down basis. The major effort at the Water Division/Department level for FY 2005 will be more training to ensure that these plans are fully operational.

A significant effort in FY 2003 and 2004, which will be ongoing in FY 2005, is emergency response preparation at the local public water system level. The Water Division's scope of work for this effort is outlined in the following table. An additional effort will include the development of a rapid two-way communication program to transmit information between the Water Division and the public water systems. In FY 2005 the Water Division will also begin scoping how to expand the local level preparation training with wastewater treatment systems.

Table 6.8.1 EMERGENCY RESPONSE PREPARATION AT THE LOCAL PUBLIC WATER SYSTEM LEVEL

(For Vulnerability Assessments (VA) and Emergency Operating Plans (EOP) (1/31/03)

PUBLIC WATER SYSTEM (PWS)	NUMBER OF PWS	FUNDING	REQUIREMENT	WQCD ROLE	PROGRAM/TOOLS
Greater than 100,000	10	$115,000/PWS $72,000/WQCD	Develop VA by 3/31/03 Develop EOP by 9/30/03	Coordinate dialogue on status and lessons-learned (meets bi-monthly).	VA: Sandia Labs' "Risk Assessment Methodology/Water (RAM-W)"
					EOP: WQCD hybrid methodology drawn from various sources (EPA, other states, etc.)
100,000-50,000	7	$240,800/WQCD	Develop VA by 12/31/03 Develop EOP by 6/30/04	Develop and deliver training on VA and EOP preparation.	VA: RAM-W or mini RAM-W; also Association of Metropolitan Sewerage Agencies' "Vulnerability Self Assessment Tool/Water (VSAT-W)"
50,000-3,300	108		Develop VA by 6/30/04 Develop EOP by 12/31/04		EOP: WQCD hybrid methodology drawn from various sources (EPA, other states, etc.)
Less than 3,300	2,000		No requirement	Make small systems aware of preferred VA and EOP resource materials.	VA: National Rural Water Association's "Security Vulnerability Self-Assessment Guide for Small Drinking Water Systems"

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Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
1. Ambient Water Quality Monitoring - Monitor chemical, physical and biological conditions of all state surface waters so that water quality decisions are well supported with adequate data.		
1.1 Monitor chemical, physical and biological conditions of all state surface waters so that water quality decisions are well supported with adequate data.	1.1.1 Conduct monitoring for all basins to support triennial reviews. 1.1.2 Pursue and continue development of a statewide ambient ground water monitoring plan.	1.1.1.1 Chemical data will be managed in local STORET for use in basin-wide assessments. 1.1.2.1 Initiate ambient ground water sampling for well head protection areas that have a ground water classification.
1.2 Development and Implementation of a Comprehensive Monitoring Strategy.		
1.2.1 Each Year, the number of States & Territories that have adopted and begun implementing a comprehensive monitoring strategy [including a State approach to putting data into STORET] consistent with national guidance. (I.e., March 2003 guidance Elements of a State Monitoring and Assessment Program, "10 Elements") (PAM # 2.2.1 44)	1.2.1.1To complete a final State monitoring and assessment program strategy based on EPA's 10 Elements guidance	1.2.1.1.1 a) Plan implemented on 10/01/05 b) Upload state water quality data into National STORET warehouse by 9/30/06

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
1.2.2 To expand the scope of monitoring and assessment activities in Colorado thru implementation of selected steps of the multi-year "10 Elements" plan within the constraints of Fed FY106 funding increase for the following program areas: Data Management, Biological Criteria and assessment, Habitat assessment, Water quality monitoring, Ground water, Wetlands and Fish tissue monitoring (PAM # 2.2.1 44)	1.2.2.1 a) To increase the amount of biological and physical habitat data entered into EDAS consistent with 10 Elements guidance b) To increase the reference site network for the development of aquatic life expected conditions (biocriteria) c) To increase the level of fish tissue monitoring and assessments for fish consumption advisories by sampling 10 waterbodies and a broader range of pollutants including mercury, pesticides and organics consistent with the state FY 05-06 monitoring plan. d) To improve STORET data management and provide additional GIS capacity development e)To investigate alternative methods of water quality sampling design f) To increase the level of water chemistry monitoring g) Develop a multiyear strategy for wetlands monitoring and assessment which identifies the resources needed to implement a comprehensive wetlands monitoring and assessment program	1.2.2.1.1 a) Purchase and use electronic data loggers for improved habitat data stream into EDAS for sediment and physical habitat by 9/30/06 b) collect and analyze macroinvertebrate and periphyton samples and measure physical habitat at additional sites by 9/30/06 c) Include fish tissue data and assessment in Fish Tissue Study report in 9/30/06 d) Install a new server for STORET. e) Investigate the utility and cost of probability-based sampling design for determining the status of Colorado's waters by 9/30/06 f) collect and analyze water samples from additional sites in the statewide monitoring network by 9/30/06 g) Meet with Regional EPA, and other federal and state agencies to clarify CWA roles including monitoring, assessment and reporting responsibilities under the present allocation of EPA funds and resources by 9/30/06.
National goal of net increases in wetlands of 100,000 acres per year	To provide a baseline of wetland acreage, track compensatory mitigation and gauge improvements of wetland conditions within Colorado	EPA will complete process for determining which state and federal agencies are presently providing these activities and will establish a schedule for reporting this information to EPA by 9/30/06.
2. Water Quality Assessment and Standards Development – Assess quality of state waters to support decision-making.		
2.1 Assess Whether Fish are Safe to Eat		
2.1.1 Percentage of the water miles / acres identified by States or Tribes as having a fish consumption advisories in 2002 where increased consumption of safe fish is allowed. (485,205 river miles, 11,277,276 lake acres) (PAM # 2.1.2 H)	2.1.1.1 To Monitor the status of fish consumption advisories on Colorado waterbodies (current and new postings)	2.1.1.1.1 Annual update of the National Fish Consumption Adv Listings

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
2.1.2 Percentage of lake acres & river miles where fish tissue will be assessed to support waterbody-specific or regional consumption advisories, or a determination that no consumption advice is necessary (PAM # 2.1.2 28)	2.1.2.1 To monitor and assess fish tissue data for mercury, (and where relevant selenium and arsenic) from 10 waterbodies, (reservoirs, lakes and rivers) consistent with the state FY 05-06 monitoring plan.	2.1.2.1.1 Include fish tissue data and assessment in Fish Tissue Study report in 9/30/06
2.1.3 Percentage of states that monitor and assess fish tissue contamination based on national guidance. (PAM # 2.1.2 29)	2.1.3.1 Continue to use the EPA national guidance as appropriate	2.1.3.1.1 Review monitoring & assessment methods by 9/30/06
2.2 Assess Quality of State Waters to Support Decision Making and Document Changes Over Time		
2.2.1 Protect and Improve Water Quality on a Watershed Basis - (A) Number of the Nation's watersheds where: water quality standards are met in at least 80% of the assessed water segments; and (B) all assessed water segments maintain their quality and at least 20 percent of assessed water segments show improvement above conditions as of 2002. (2,262 watersheds nationwide) (PAM # 2.2.1 A&B)	2.2.1.1 a) River, stream and lake segmentation will be available in a GIS environment b) Determine the distribution of water quality standards impairment by watershed c) Information from the 303(d) lists and M&E Lists will be managed in a Database that can be linked to GIS information. d) (Supplements 2.2.1 Measure L) Identify 6 potential water bodies to be monitored for the improvement or restoration of water quality to the applicable standards and uses. e) (Supplements 2.2.1 Measure L) Assess 3 water bodies for the improvement of restoration of water quality to the applicable standards and uses.	2.2.1.1.1 a) Rulemaking hearing in 12/05 to correct segmentation glitches discovered during reach indexing. b) Determine the number of 8-digit watershed where water quality standards are met in at least 80% of the assessed miles, by 9/30/06 c) Develop linkage between database for 303(d) and M&E List Information and reach indexed NHD coverage. d) If EPA funds are made available, coordinate with EPA and the Forest Service to carry out data analysis and additional monitoring as needed to measure improvement and determine current water quality status in at least 3 water bodies by September 2006. e) Assess 3 water bodies to determine water quality improvement or standards attainment by Summer 2006.
2.2.2 Percentage of waterbodies identified in 2000 as not attaining standards where water quality standards are fully attained. (21,632 waterbodies; 255,408 miles and 6.8 million acres (PAM # 2.2.1 L)	2.2.2.1 Document water quality improvement over time. .	2.2.2.1.1 Using the tools developed in Activity 2.2.1, by 9/30/06, determine how many of the impaired segments from the 1998 303(d) list are fully attaining water quality standards as of 7/1/05 (the data cutoff for the 2006 List).
2.2.3 Number of States, Interstate Agencies, and Territories that provide comprehensive integrated assessments of the condition of their waters consistent with sections 305(b) and 303(d) of the Clean Water Act and EPA's integrated assessment guidance. (56 State/Territories (PAM # 2.2.1 45)	2.2.3.1 Provide consistent and accurate assessment of the State's surface waters and provide the information to EPA and the Public.	2.2.3.1.1 a) Develop Colorado's Section 303(d) and Monitoring and Evaluation Lists in an open and public process and submit the 303(d) List to EPA by 4/1/06.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
2.2.4 Number of waterbodies identified by States in 2000 as being impaired by nonpoint sources or by both point & nonpoint sources that are fully restored (cumulative). [Estimated 6,264 waterbodies impaired solely or partially by nonpoint source (PAM # 2.2.1 56)	2.2.4.1 Develop the ability to track impairment by source as well as pollutant.	2.2.4.1.1. a) relying on help from EPA, convert to Assessment Database version 2 b) Using the tools developed in Activity 2.2.1, by 9/30/08, determine the number of waterbodies that are being impaired by nonpoint sources or by both point & nonpoint sources
2.3 Water Quality Criteria and Standards Development		
2.3.1 Number of States & authorized Tribes that have completed a review of water quality standards within three years of the previous triennial review under Section 303(c) of the CWA. (56 State/Territories, & 22 authorized Tribes (PAM # 2.2.1 38)	2.3.1.1 Continually review water quality standards and revise them if necessary in accordance with State and Federal statute and Water Quality Control Commission schedule.	2.3.1.1.1 a) ISIH Regs #32 and #36: 10/05 b) IFIH Reg #34 and #35: 11/05 c) Rulemaking Reg #34 & #35: 6/06 d) ISIH Regs #33 and #37: 10/06 e) IFIH Reg #32:& #36: 11/06 f) Rulemaking Reg #32 & #36: 6/07
	2.3.1.2 Resolve outstanding standards dissaprovals.	2.3.1.2.1 a) resolve tribs to the Lower Dolores in Reg #35 (6/06) b) Resolve Iowa Gulch in Reg #32 rulemaking (6/07)
2.3.2 Cumulative number of States that have adopted into their water quality standards and EPA has approved, nutrient criteria for fresh water (rivers/streams, lakes, and reservoirs. for streams and small river (PAM # 2.2.1 40)	2.3.2.1 Continue to implement the Nutrient Criteria Development Plan for Colorado September 26, 2002 Colorado Department of Public Health & Environment, or any revisions to this plan	2.3.2.1.1 Provide work products on the dates identified in the milestone schedule in Table 2 of Nutrient Criteria Development Plan for Colorado
2.3.4 Cumulative number of States that have adopted into their water quality programs for streams and small rivers, biological criteria designed to support determinations of attainment of water quality standard use designations standards. [Note: biological criteria may include quantitative endpoints or narrative criteria with quantitative implementation procedures or translators (PAM # 2.2.1 41)	2.3.4.1 To develop expected condition for aquatic life (biocriteria) for use in possible revisions to the aquatic life use classifications system and for assessing aquatic life use impairment.	2.3.4.1.1 Continue to work with technical experts and Region 8 with the overall state goal to consider revisions to the aquatic life classifications, at the 2010 RMH, based on expected condition for aquatic life (~ biocriteria)
2.3.5 Number of States and Authorized Tribes that have adopted the new fish tissue criterion for mercury (PAM # 2.1.2 31)	2.3.5.1 see Activity 2.3.1 for revisions to WQ standards	2.3.5.1.1 WQCC Basic Standards RMH in 6/10
3.0 Water Quality Management Planning and TMDL Development – Assure that the watershed approach becomes an effective organizing principle for improving water quality.		
3.1 Assure that TMDLs are developed for Waters where standards are not attained.		

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
3.1.1 Work with local watershed efforts to develop water quality improvement strategies	3.1.1.1 Utilize Watershed Coordinators to coordinate Division activities in the four regional basins (S. Platte, Arkansas/Rio Grande, Upper Colorado and Lower Colorado). Integrate watershed coordinator's local outreach activities with the monitoring and assessment units to develop the rationale (rulemaking exhibit) to support the triennial review standards	3.1.1.1.1 Completion of applicable basin rationale document to support the periodic triennial review process.
3.1.2 Update 604(b) work plans with designated regional water quality planning agencies to support the watershed approach	3.1.2.1 Support coordinated regional water quality planning in the four designated areas	3.1.2.1.1 Submittal of annual grant application and agency work plans to EPA for approval. Execution of purchase orders or contracts with planning agencies.
3.1.3 Maintain a water quality continuous planning process.	3.1.3.1 Implement activities identified in the Colorado Water Quality Management and Drinking Water Protection Handbook (WQCC Policy 98-2	3.1.3.1.1 Ongoing participation and interaction with stakeholder interests in water quality management.
3.1.4 Percentage of the TMDLs required for waters currently on the 303(d) list that are established or approved by EPA within 13 years of listing consistent with national policy. Annual targets will be based on state schedules or straight-line rates that ensure that the national policy is met (PAM # 2.2.1 52)	3.1.4.1 Continue to develop TMDLs for Colorado's impaired waters in accordance with EPA guidance and State policy.	3.1.4.1.1 Complete (or resolve) 40 TMDLs between 7/1/04 and 6/30/06.
3.1.5 Number of TMDLs approved by EPA or watershed plans to restore nutrient-impaired waters on a state impaired-waters list that contain provisions to enable trading. Provisions could include a range of practicable WLA/LA adjustments that would achieve the TMDL or incorporation of a state-approved trading framework that may be used to implement the TMDL (PAM # 2.2.1 55)	3.1.5.1 Work to restore nutrient impaired waters.	3.1.5.1.1 Continue to work with stakeholders on the Cherry Creek Reservoir TMDL
3.2 Water Quality Management Planning and TMDL Development - Employ the concept of voluntary cleanups.		
3.2.1 Seek opportunities involving locally based efforts to cleanup historic mining sites in targeted watersheds.	3.2.1.1 Provide technical and regulatory assistance in planning, permitting, design and implementation of local public-private cleanup initiatives.	3.2.1.1.1 Number of cleanup opportunities; Phase of implementation.
3.2.2 Emphasize wise management and protection of ground water resources	3.2.2.1Actively participate in the ground-water protection strategy protection work group	3.2.2.1.1 Staff person will participate in Regional meetings, conference calls and work products.
4.0 Permits Program - Colorado shall fully implement and enforce its delegated NPDES program including, as appropriate its general permitting.		

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
4.1 Complete comprehensive assessment of NPDES program integrity and, as appropriate, establish an implementation schedule. (PAM 69).	4.1.1 State specific commitments will be negotiated in support of Permitting for Environmental Results. Data quality for the NPDES Data Management Report and progress in areas for enhancement will be high priorities in FY 2006.	4.1.1.1 Where appropriate, involve EPA in the comment process for changes in CDPHE regulation/policy affecting its delegated NPDES permitting program.
	4.1.2 PER - Public Participation - The state could pursue opportunities to expand access to information via its website (e.g. public notices, draft permits final permits, requests for general permit coverage, enforcements actions, etc.)	4.1.2.1 Report at the end of year on progress the Division has made to expand access to information via the website.
4.2 Issue Process Water Permits		
4.3 Percentage of all NPDES permits that are considered current and, beginning in 2005, the percentage of high priority permits that are also current. (PAM 59)	4.3.1 90% of all permits (including general certifications) are current. 95% of the priority permits targeted for issuance are current by December 31, 2006 in accordance with Colorado's backlog reduction plan. If the number of expired permits is greater than 30% at any time, Colorado shall provide an overall permit issuance/backlog reduction plan showing how the state will expeditiously reduce the backlog to 10%.	4.3.1.1 Report the number and percent of facilities that have a discharge requiring an individual permit that: a) are covered by a current NPDES permit; b) have expired individual permits; c) have applied for, but have not yet been issued an individual permit, and d) have individual permits under administrative or judicial appeal.
	4.3.2 Develop and submit the Priority Permit List to EPA by October 1, 2006.	4.3.2.1 Report the # and % of priority permits that are current.
4.4 Number of dischargers with permits providing for trading between the discharger and other water pollution sources and the number of dischargers that carried out trades. (PAM 67)		4.4.1.1 Report: a) # of permits that provide for trading between the discharger and other water pollution sources; b) # of dischargers that carried out a trade.
4.5 Number of watersheds in which a watershed permit(s) has been issued and the number of States issuing NPDES permits using a rotating basin process. (PAM 68)		4.5.1.1 Report on the # of Water Quality Assessments that have been written for a watershed, incorporated into the permit, and the permit has been issued.
4.6 - Implement state CAFO regulations.		
4.7 Implement the Unified National Strategy for Animal Feeding Operations - March 9, 1999 to the maximum extent possible.	4.7.1 Implement the State's program to address animal feeding operations that are impacting water quality.	4.7.1.1 Provide progress report on implementation to EPA at end of year.
4.8 CAFO Inspections and Reporting.	4.8.1 Complete CAFO inspections in accordance with Colorado's IY 06 Inspection	4.8.1.1 Submit to EPA, by December 31, 2006, an electronic copy of the CAFO inventory.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
	Plan (July 1, 2005 - June 30, 2006).	4.8.1.2 Submit to EPA, by December 31, 2006, an inspection status report explaining the progress made toward inspecting CAFOs and progress toward inventory development.
		4.8.1.3 Report, at the mid-year (March 31, 2006) and end-of-year, the number and percent of CAFOs inspected in the state and the number and percent of total CAFOs inspected in the priority areas.
		4.8.1.4 Submit an electronic copy of all CAFO inspection reports conducted by the CAFO program staff to Region VIII Enforcement Unit.
		4.8.1.5 Participate in 2 joint EPA/State CAFO inspections. 4.8.1.6 An electronic copy of the current CAFO inventory and/or database will be submitted to EPA upon request.
4.9 Pursue delegation of federal authority to implement the Biosolids and Pretreatment programs in Colorado.		
4.10 Conduct a Biosolids management program, which facilitates, to the maximum extent possible, the beneficial use of Biosolids while assuring full protection of public health and water quality.	4.10.1 Colorado will conduct biosolids inspections in accordance with its IY 06 inspection plan (July 1, 2005 - June 30, 2006).	4.10.1.1 Report: a) % and # of NPDES permits that contain biosolids language. b) Maintain data in the Biosolids Data Management System (BDMS) or equivalent database. Submit the data electronically by May 1, 2006 for the preceeding monitoring year. 4.10.1.2 Report at the mid-year and end-of-year, a) # of site inspections biosolids inspections. b) # of facility evaluation biosolids inspections.
		4.11.1.2 Report on progress of obtaining Pretreatment Program delegation.
4.11 Conduct an Industrial Pretreatment Program that implements the requirements of the Colorado Pretreatment Regulations while not duplicating EPA programmatic efforts.	4.11.1 Colorado will conduct pretreatment inspections in accordance with its IY 06 inspection plan (July 1, 2005 - June 30, 2006).	4.11.1.1 Report the percentage if Significant Industrial Users in POTWs with Pretreatment Programs and % of known Categorical Industrial Users in non-pretreatment POTWs that have control mechanisms implementing applicable Pretreatment standards and requirements.
		4.11.1.2 Report on progress of obtaining Pretreatment Program delegation.
		4.11.1.3 Report, at the mid-year and end-of-year, a) number of pretreatment inspections at state permitted industrial users. b) the total number of state-permitted industrial users.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
4.12 Stormwater Permitting Program Implementation		
4.13 Continue to cover stormwater discharges under state-issued general and individual permits requiring stormwater management programs for Phase I and II municipal (MS4s) and industrial entities. (Note: assumes continued availability of general permits.) (PAM 61)	4.13.1 Issue or reissue, as required, the various stormwater permit types to assure adequate protection of the environment.	4.13.1.1 Report the number of stormwater sources associated with industrial activity, number of construction sites over one acre, and number of designated stormwater sources (including Municipal Phase I and Phase II) that are covered by a current individual or general NPDES permit or other enforceable mechanism that: a) are covered by each current stormwater general permit (e.g. industrial, construction, MS4); b) are covered by current individual stormwater permits (e.g. Phase I MS4s); c) and the # of expired general or individual stormwater permits.
		4.13.1.2 Provide information on compliance assistance activities and trainings conducted for permitted small MS4s.
		4.13.1.3 Submit an electronic copy of all Stormwater inspection reports conducted by the Stormwater program staff to Region VIII Enforcement Unit.
		4.13.1.4 Report, at the mid-year (March 31, 2006) and end-of-year the number of stormwater inspections.
4.14 Involve regulatory agencies and the public as necessary to effectively permit stormwater discharges.	4.14.1 Include EPA in the review process prior to issuing general permits for stormwater discharges and individual Phase I permits for large and medium size MS4s.	4.14.1.1 Report progress on: b) Include EPA in the review process prior to issuing general permits for stormwater discharges and individual Phase I permits for large and medium size MS4s.
		4.14.1.2 Report on the accessibility of the State program by the public and regulated entities (i.e. contact information, hotlines, web sites, etc.)
4.15 Implement a process for incorporating TMDLs with stormwater allocations into general permits.		4.15.1.1 Report on: a) # of EPA approved TMDLs with stormwater allocations. b) # of EPA approved TMDLs with stormwater allocations that have been incorporated into stormwater general permits.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
4.16 Stormwater Inspections and Reporting	4.16.1 Colorado will conduct stormwater inspections in accordance with its IY 06 inspection plan (July 1, 2005 - June 30, 2006).	4.16.1.1 Colorado commits to conducting 278 stormwater inspections with a target of conducting 356 inspections. Details of how the target of 356 inspections may be accomplished are included in the Division's IY 06 Inspection Plan. Report, at the mid-year (March 31, 2006) and the end-of-year, the number of stormwater inspections conducted.
		4.16.1.2 Audit 1 MS4 and report at the end-of-year.
5. Compliance Assurance (for pollution control facilities) - Maintain a high overall compliance rate with all water quality regulatory requirements.		
5.1Conduct Inspections of, and monitor self-reported data submitted by, the state's CDPS discharges, biosolids appliers, and pretreatment industries to positively determine the compliance status of regulated facilities and activities.	5.1.1 Conduct NPDES inspections described in the IY 06 (July 1, 2005 - June 30, 2006) inspection plan by June 30, 2006. Complete inspection reports for IY 06 and enter into PCS database by September 30, 2006. Submit draft inspection plan for IY07 by June 30, 2006 and finalize the plan within 15 days of receiving EPA comments. Colorado will identify and formally track significant violations detected during inspections to gain compliance. Colorado and EPA Region 8 may participate in a number of joint/oversight inspections at regulated facilities in FY 06. EPA will contact the state to schedule joint inspections at facilities identified in the FY 06 wastewater inspection program.	5.1.1.1 Report to EPA at midyear (March 31, 2006) and include in the State End-of-Year Report the number of each of the following inspections: - Majors, - Minors, - Stormwater, - CAFOs, - Biosolids, - CSOs and/or SSOs, - Pretreatment inspections including industrial users, Also, provide the status of inspection follow-up activities in the End of Year Report.
	5.1.2 Continue to conduct the DMR Quality Assurance program.	5.1.2.1 Follow up on all significant problems with DMR QA and provide EPA with a summary of follow-up actions.
	5.1.3 Address instances of WET failure with formal enforcement actions when a facility fails its WET test on a continuing basis and the facility is not under an enforceable schedule to determine the cause of the failures and to take appropriate action to return to compliance	5.1.3.1 Submit as part of the annual report, a summary of actions taken to address WET violations.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
5.2 Continue to implement the Sanitary Sewer Overflow (SSO) Response Plan in FY 2006.	5.2.1 Commit to target, to the extent possible, known dischargers with SSOs, especially those in priority watersheds in the State/EPA NPDES inspection plan and address 20% of the SSOs added to the SSO inventory since fiscal year 2003.	5.2.1.1 Report to EPA by September 30, 2006: a) an updated SSO inventory; b) the number of NPDES inspections targeted to identify SSOs; c) number and percent of SSO inspections in priority watersheds including the name of the priority watershed; d) the number and type of informal and formal enforcement actions taken in response to SSOs; e) the percent of enforcement actions in priority watersheds for SSOs; f) a list of SSOs addressed including a description of how 20% of the systems in the SSO inventory were addressed.
	5.2.2 Collection system capacity evaluation based on EPA questionnaire will be completed by one facility between 10 and 100 mgd.	5.2.2.1 Review submittal by June 30, 2006 and determine if prior SSOs since FY 03 are being addressed.
5.3. Compliance Assurance - Implement the federal and state laws, regulations and policies governing water quality in a timely, efficient and fair manner.		
5.3.1 Maintain a high overall compliance rate with applicable statutes and regulations	5.3.1.1 Evaluate all violations to determine an appropriate response and apply the provisions of the Enforcement Management System, Civil Penalty Policy and SEP Policy in all enforcement actions.	5.3.1.1.1 Implement the enforcement escalation policy for SSOs pending finalization of the SSO regulations.
		5.3.1.1.2 Continue to implement the draft Enforcement Response Guide for industrial stormwater; during FY 2006, finalize the state's ERG and Stormwater Compliance and Enforcement Strategy.
		5.3.1.1.3 Continue to implement and update as necessary the State's CAFO compliance and enforcement strategy and Enforcement Response Guide.
		5.3.1.1.6 On a quarterly basis complete the electronic explanation code sheets for the Watch List and forward to EPA Region 8.
		5.3.1.1.7 Address, through informal, or formal enforcement, action, as appropriate based on the revised EMS, 20% of the SSOs added to the SSO inventory since fiscal year 2003.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
5.3.2 Promote communication with EPA.	5.3.2.1 Quarterly meetings between CDPHE and EPA will be held to discuss current and projected enforcement cases, inspection commitments, work conducted in priority areas and sectors, and any other items as necessary.	5.3.2.1.1 Periodically report to EPA: a) final settlement agreements b) penalty calculations including justifications for adjustments and BEN for state enforcement actions concluded during the fiscal year. c) A description of any SEPs included in the state enforcement actions concluded in the fiscal year.
		5.3.2.1.2 Periodically submit copies of issued SSO, Stormwater, and CAFO enforcement actions to EPA to facilitate EPA's file reviews for the UEOS; documents will be transmitted in electronic format unless hard copies are requested by EPA.
5.3.3 Develop and maintain comprehensive database.	5.3.3.1 Ensure that all data requirements in PCS are being entered and reported to EPA's national data systems.	5.3.3.1.1For all domestic and industrial entities with NPDES permits, enter permit facility data, permit event data and inspection data into PCS.
		5.3.3.1.2 Enter SSO inspections into the PCS database.
		5.3.3.1.3 Enter inspections and enforcement actions at CAFOs with NPDES permits into PCS.
	5.3.3.2 Ensure that data that is not maintained in PCS is available to EPA.	5.3.3.2.1 CDPHE will provide EPA with an electronic copy of the stormwater permit tracking system on October 15, 2005, January 15, 2006, April 15, 2006 and July 15, 2006.
		5.3.3.2.3 State will submit the annual non-major facilities noncompliance report for the period of 1/01/2005 – 12/31/2005 in accordance with 40 CFR §123.45 (c) according to the date determined by EPA HQ and communicated to the State in early calendar year 2006.
6.0 Water Quality Restoration and Enhancement Efforts - Implement activities to improve water quality and attain water quality standards as affected by nonpoint source pollutants.		
6.1 Nonpoint Source Program Implementation - Assure that the Clean Water Act Section 319 funds address high priority projects consistent with the watershed approach.		

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
6.1.1 Continue to provide funding for non-point source priority projects to identify solutions to non-point source pollution.	6.1.1 a. Implement the updated Colorado Nonpoint Source Management Plan. b. Identify watershed plans to be developed for high priority watersheds. c. Prepare statewide project funding list for public hearing by the WQCC. d. Submit project implementation plans for EPA Region 8 approval. e.Assure projects meet all federal and state reporting requirements.	6.1.1 a. Updated program plan adopted by WQCC on 08/08/05. b. Number of watersheds and percent of assessed river miles with a completed watershed plan. c. Potential project sponsors and costs identified. d. Site-specific project implementation plans developed where sponsors are identified. e. Receive EPA Region 8 approvals. f. Complete GRTS biannual updates.
6.1.2 Number of watershed based plans (and miles/acres covered), supported under State Nonpoint Source Programs (section 319) since the beginning of FY 2002 that have been substantially implemented. (EPA PAM WQ27)	6.1.2 Continued implementation of completed watershed based plans to protect existing water quality standards and classifications, and to continue improvement of water quality where not attaining standards.	6.1.2 Actual number of watershed plans (with water miles/acres covered) with substantial implementation as identified by the State.
6.1.3 Number of water bodies identified by States in 2000 as being primarily NPS-impaired that are partially or fully restored (cumulative). (EPA PAM WQ15)	6.1.3 Determine improving water quality and progress towards attaining applicable water quality standards and classifications.	6.1.3 Actual number of water bodies identified by States that show water quality improvements or standards attainment.
6.1.4 Annual reduction in lbs/tons of nitrogen, phosphorus, and sediment from nonpoint sources to water bodies. (EPA PAM WQ14)	6.1.4. Determine nonpoint source pollutant loading reduction.	6.1.4 Nitrogen – 0 lbs. Phosphorus – Report actual load reductions Sediments – Report actual load reductions
6.2 Federal Lands Consistency Reviews - Nonpoint Source Program coordination with public lands agencies.		
6.2.1 Assure that the Nonpoint Source Program coordinates with public lands agencies.	6.2.1 Conduct federal consistency audits and arrangements with BLM and USFS.	6.2.1 Complete 2 consistency audits and associated reports.
6.3 Nonpoint Source Information & Education Implementation - Conduct I & E projects consistent with the I & E strategy and the watershed approach for all NPS programmatic categories.		
6.3.1 Continue to provide funding to statewide and locale-specific, state-targeted informational/educational efforts.	6.3.1 a. Develop strategy that ensures both statewide and project-specific high priority efforts as identified by the WQCD. b. Prepare statewide project funding list for public hearing by the WQCC. c. Submit project implementation plans for EPA Region 8 approval. d. Assure projects meet all federal and state reporting requirements.	6.3.1 a. Fund priority projects that implement top strategies. b. Potential project sponsors and costs identified c. Site-specific project implementation plans developed where sponsors are identified. d. Receive EPA Region 8 approvals. e. Complete GRTS biannual updates.
7.0 Financial Assistance - Provide administrative and technical services to water quality projects identified in the WPCRF IUP to assure compliance with the CWA.		

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
7.1 Identify water quality projects and provide appropriate financial assistance.	7.1 a. Submit IUP for approval in August 2005 by the WQCC. b. Administer WPCRF project loans identified and prioritized in the WPCRF Intended Use Plan (IUP) in compliance with the CWA and the operating agreement with EPA Region 8.	7.1 a. WQCC approval of IUP in October 2005. b. Report administration of WPCRF in 2005 Annual Report.
7.2 Assure project tracking with appropriate file management.	7.2 Track project data in a database and project files.	7.2 Conversion or downloading of data into the National Information Management Systems (NIMS).
7.3 Number and dollar value of projects financed with Clean Water SRF loans to prevent polluted runoff (cumulative). (EPA WQ16)	7.3 Determine effectiveness of federal loan capitalization funds in improving water quality.	7.3 Actual number and dollar value of projects.
7.4 Fund utilization rate [cumulative loan agreement dollars to the cumulative funds available for projects] for the CWSRF. (EPA PAM WQ23)	7.4 Determine annual utilization of available funds for investment in public wastewater treatment facilities and nonpoint source activities.	7.4 Calculated fund utilization rate of Colorado WPCRF.
7.5 Return on Federal investment [cumulative dollar amount of assistance disbursements to projects divided by cumulative Federal outlays for projects] for the CWSRF. (EPA PAM WQ24)	7.5 Determine effectiveness of federal investment in public wastewater treatment facilities and nonpoint source activities.	7.5 Calculated ratio of return on investment provided by Colorado WPCRF.
7.6 Number of States using integrated planning and priority systems to make CWSRF funding decisions. (EPA PAM WQ32)	7.6 Continued integrated wastewater facility and nonpoint source funding planning and prioritization to protect and restore applicable water quality standards and classifications.	7.6 Implemented through the Colorado joint agency Funding Coordination Committee.
7.7 Number of State revolving Fund programs that have developed output and outcome measures.	7.7 Determine effectiveness of financial investment in protecting and restoring applicable water quality standards and classifications.	7.7 WPCRF IUP to be amended in July 2005 by WQCC to include output and outcome measures.

Water Quality Control Division Goals – Part II Safe Drinking Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
1.0 SDWA Regulatory Development - Adopt Primary Drinking Water Regulations to Maintain Primary Enforcement Authority.		
1.1 Adopt regulations within statutory deadlines or EPA approved extension schedule.		

Water Quality Control Division Goals – Part II Safe Drinking Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
2.0 SDWA Control Mechanisms - Implement All Primary Drinking Water Regulations		
2.1 Implement all primary Drinking Water Regulations for which Colorado has been delegated primary enforcement authority.	2.1.1 Implement TCR.	
	2.1.2 Implement Inorganics.	
	2.1.3 Implement Organics.	
	2.1.4 Implement Lead and Copper.	2.1.4.1 By May 1, 2006. provide to EPA a report on the status of actions taken by community and NTNC water systems whose 90th percentile tap samples have exceeded the action level.
	2.1.5 SWTR – identify and resolve GWUDI.	2.1.5.1 Identify any additional actions and the time frames for completing assessments of groundwater under the influence of surface water, and the systems for which such assessments need to be completed.
	2.1.6 Implement IESWTR provisions.	
	2.1.7 Implement Public Notice Provisions.	
	2.1.8 Implement CCR Provisions.	
	2.1.9 Implement Radionuclides Rule.	
	2.1.10 Implement D/DBP Rule.	
2.3 Implement in cooperation with the Colorado Water and Wastewater Facility Operator's Certification Board, a certification program for public water systems that meets minimum EPA requirements (not PPG funded – see Drinking Water Program work plan).		
3.0 SDWA Compliance Assistance - Assist Regulated Entities to Consistently Provide Safe Drinking Water.		
3.1 Implement Source Water Assessment Program (SWAP) and Wellhead Protection Programs.	3.1.1 Acquire federal DWSRF set aside funding for program implementation.	3.1.1 Submittal of FY 2005-06 Wellhead Protection and Capacity Development Set-Aside Work Plans to EPA Region 8 by September 30.
	3.1.2 Develop annual program targets with EPA Region 8 on an annual basis	3.1.2 Submit narrative of anticipated program activities and estimated completions by March 31, 2006.
	3.1.3 Assist public water systems in identifying potential sources of contamination and developing source water protection strategies.	3.1.3 Provide technical and programmatic assistance to public water systems and local interests implementing source water assessment and protection activities.
	3.1.4 Implement coordinated program activities with Financial Assistance Program, Colorado Rural Water, and EPA Region 8.	3.1.4 Implement regular communication mechanism to insure coordination.
	3.1.5 Report program progress regarding program targets and actual completions.	3.1.5 Submit report in EPA-provided reporting matrix or electronic transfer protocol by October 2006.

Water Quality Control Division Goals – Part II Safe Drinking Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
3.2 Percentage of source water areas for community water systems that achieve minimized risk to public health. ("Minimized risk" achieved by substantial implementation, as determined by the State, of source water protection actions in a source water protection strategy.) (EPA PAM 2.1.1.F)	3.2.1 Reduce potential consumer exposure of community drinking water systems to various contaminants in raw water sources.	3.2.1 Number of source water areas with "minimized risk achieved by substantial implementation" of source water protection actions as determined by Colorado.
3.3 Percentage of source water areas for community water systems that have source water protection strategies in place and are being implemented (cumulative). (EPA PAM SDW9)	3.3.1 Determine number of community water systems with comprehensive source water protection strategies in place and implemented that reduce potential contamination of raw water supplies.	3.3.1 Number of source water assessment areas with comprehensive strategies in place. Number and types implementation phases.
3.4 Identify at the State level the most prevalent and threatening categories of existing/potential sources of contamination for surface and ground water for community water systems (annually). (EPA PAM SDW11)	3.4.1 Determine the types of categorical pollutants that are potentially increasing the risk of contaminating surface and ground water sources.	3.4.1 Identify the most prevalent and threatening categories of potential sources of contamination for surface and ground water sources.
3.5 Assist public water systems with the DWRF to build required infrastructure to ensure consistent provision of safe drinking water.	3.5.1 a. Submit IUP for approval in September 2005 by the BOH. b. Utilize the existing federal-state-local team approach to identify projects that address health and compliance issues for drinking water treatment and distribution systems. c. Administer DWRF loans identified and prioritized in the DWRF Intended Use Plan (IUP) in compliance with the SDWA and the operating agreement with the CWRPDA.	3.5.1 a. BOH approval of IUP in November 2005. b. Number of community and non-community, non-transient water systems and population served with no violations as a result of the Drinking Water SRF to be reported in the annual report. c. Percent of existing facilities seeking SRF funding that are evaluated for all three capacity elements (technical, financial and managerial).
3.6 Fund utilization rate [cumulative dollar amount of loan agreements divided by cumulative funds available for projects] for the DWRF. (EPA PAM SDW5)	3.6.1 Determine annual utilization of available funds for investment in public water system treatment facilities.	3.6.1 Calculated fund utilization rate for Colorado DWRF.
3.7 Number of DWRF projects that have initiated operations. (cumulative) (EPA PAM SDW6)	3.7.1 Determine number of drinking water facilities funded through DWRF that are attaining all drinking water standards.	3.7.1 Calculated number of DWRF project that are under construction or operational.
3.12 Operator Certification Reimbursement Grant Implementation (not PPB funded)	3.12.1 Begin and sustain progress on development of an electronic reference set of essential safe drinking water knowledge. Associated materials, and references to be capable of being sorted for multiple audiences (owners, managers, operators, etc.) facility	3.12.1.1 Identify regulatory information and corresponding guidance applicable to each of seven categories of drinking water systems, develop a model reference set for transient non-community water systems as a final product and as a template for the remaining six categories.

Water Quality Control Division Goals – Part II Safe Drinking Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
	complexity levels and technical, managerial and financial capacity topics.	3.12.1.2 Prepare a training curriculum around the reference material.
		3.12.1.3 Compile resources, and report on results for FY 2004.
3.13 Implement New/Existing Systems Capacity Development Program (Not PPG funded).	3.13.1 Convene Strategy Work group periodically, but not less often than annually to evaluate Capacity Development Program and modify Strategy.	3.13.1.1 Strategy revised as appropriate.
	3.13.2 Revise and implement the capacity work plan in accordance with the revised strategy.	3.13.2.1 EPA approves revised work plan.
		3.13.2.2 Report work plan accomplishments in the End of Year Report.
	3.13.3 Perform Comprehensive Performance Evaluations to assist surface water systems to identify performance-limiting factors.	3.13.3.1 Number of CPEs performed within the SFY.
	3.13.4 Conduct Non-community ground water site evaluations.	3.13.4.1 Number of evaluations performed within the SFY.
	3.13.5 Evaluate technical, managerial, and financial capacity of new community and non-transient non-community public water systems.	3.13.5.1 100% of all new community and non-transient community public water systems evaluated within the SFY.
3.14 Develop and Implement Drinking Water Security Program (not PPG funded).	3.14.1 Hold training sessions with water systems to ensure they comprehend their responsibility, and provide them with information to complete their tasks.	3.14.1.1 Number of sessions held and % of community systems participating as follows: Very Large, Large, Medium, Small, and Very Small.
	3.14.2 Develop and host training sessions on methodologies for conducting vulnerability assessments.	3.14.2.1 Number of sessions held and % of community systems participating as follows: Very Large, Large, Medium, Small, and Very Small.
	3.14.3 Develop and host training sessions on preparing or revising emergency response plans for systems with populations between 3,300 – 100,000.	3.14.3.1 Number of sessions held and % of community systems in this size range participating.
	3.14.4 Develop and host training sessions on implementing effective security plans.	3.14.4.1 Number of sessions held and % of community systems participating.
		3.14.4.2 Number and % of systems implementing an effective security plan.
	3.14.5 Develop a security information resource for water systems, and create two-way communication channels for delivering important security information and obtaining information on security incidences.	3.14.5.1 Time delay in delivering critical information to drinking water systems. Anticipate no more than 48 hours for delivery.

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Water Quality Control Division Goals – Part II Safe Drinking Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
	3.14.6 Conduct workshops for completing vulnerability assessments for smaller systems.	3.14.6.1 Participant response surveys of value of workshop. Number of sessions and number of participants.
	3.14.7 Obtain or develop a template of a vulnerability assessment for smaller systems.	3.14.7.1 Availability of template.
3.15 Eliminate sanitary defects at public water systems that could increase the risk that contaminated drinking water will be distributed to consumers.	3.15.1 Conduct effective sanitary surveys of public water systems in accordance with the approved FY 06 sanitary survey plan, including completion of written reports within 90 days of conducting fieldwork.	3.15.1.1 The technical services unit will perform Sanitary Surveys of 20% of CWSs with a groundwater source, 33% of CWSs and NCWSs with a surface water (including groundwater under the direct influence of surface water), considering any "unplanned" surveys, which will be necessary for violation follow-up.
		3.15.1.2 Provide EPA by June 30th of each year, a list of all (CWS & NCSW) sanitary surveys the state is planning to perform in the next fiscal year.
		3.15.1.3 Identify to EPA by June 30th of each year, any CWSs, that have not had a sanitary survey within the last five years, or any NTNC systems, that have not had a sanitary survey in ten years.
		3.15.1.4 CPD in cooperation with local health agencies will conduct sanitary surveys at 70% of the non-community ground water systems and 20% of US Forest Service systems.
	3.15.2 Resolve significant violations discovered during sanitary surveyor inspections.	3.15.2.1 Report the percent of systems with significant deficiencies detected during TSU inspections that are resolved.
3.16 Ensure that new or modified public water system treatment facilities are constructed in accordance with design criteria or acceptable variances thereto.	3.16.1 Review plans for all new or modified treatment facilities within 45 days of receiving a complete submittal.	3.16.1.1 Report the number of plan reviews completed and the percent of reviews completed within 60 days total review time.
3.17 Design; in cooperation with work group, operator-training programs to address need to know information (not PPG funded see Drinking Water Program work plan).	3.17.1 Ensure drinking water systems have opportunities to participate in appropriate training to properly manage and operate their systems.	3.17.1.1Evaluate and report the effectiveness of training based on participant surveys.
3.18 Ensure Colorado public water systems are aware of the monitoring requirements applicable to their system each year.	3.18.1 Minimize the incidence of monitoring violations resulting from systems' not understanding or not being aware of their monitoring requirements.	3.18.1.1 Report at the end of the state fiscal year the number of and percent of systems notified not later than January 15, 2006, of their monitoring requirement for the coming year.
4. Compliance Assurance – Synthesize, coordinate and apply appropriate assistance tools, informal enforcement, formal enforcement and penalities to ensure timely correction of violations, and deterrence.		

Water Quality Control Division Goals – Part II Safe Drinking Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
4.1 Maintain a high overall compliance rate with all drinking water regulatory requirements. PAM 2.1 Protect human health by reducing exposure to contaminants in drinking water.	4.1.1 Monitor self-reported data submitted by the state's drinking water supplies, to ensure that reported data meet all existing federal and state requirements; ensure reported data are accurately entered into the state's data system; and that violations are determined and responded to. Measure State outcomes against National targets. (Note: Colorado reports the sum of all population types to the national database, which is the data source used by EPA. Many states report only the residential populations for community water systems. Therefore, performance measures for this objective calculated using Colorado data from SDWIS/FED may be inconsistent with the measures calculated for some other states	4.1.1.1 (PAM 2.1.1) Percentage of the population served by community water systems that receive drinking water that meets all applicable health-based standards through effective treatment. Strategic target is 95%.
		4.1.2.1 (PAM 2.1.1A) Percentage of the population served by community water systems that receive drinking water that meets health-based standards with which systems need to comply as of December 2001. Strategic target is 95%.
		4.1.3 (PAM 2.1.1 B) Percentage of the population served by community water systems that receive drinking water that meets health-based standards with a compliance date of January 2002 or later. (Covered standards include: Stage 1 DBP, IESWTR. LT1 and arsenic.) Strategic target is 80%.
		4.1.4 (PAM 2.1.1 C) Percentage of community water systems that provide drinking water that meets health-based standards with which systems need to comply as of December 2001. Strategic target is 95%.
		4.1.5 (PAM 2.1.1 D) Percentage of community water systems that provide drinking water that meets health-based standards with compliance dates of January 2002 or later. (Covered standards include: Stage 1 disinfection by- products/interim enhanced surface water treatment rule) Strategic target is 80%.
	4.1.2 Sample and analyze treated water from at least 50 public water systems to ensure the results obtained support the self reported data submitted by the public water system or to support enforcement cases.	4.1.2.1 Report the number of public water systems sampled during the state fiscal year.
4.2 Implement the federal and state laws, regulations and policies governing drinking water systems in a timely, efficient and fair manner.	4.2.1 Complete the revision of the Enforcement Management System (EMS), taking into account CDPHE and Division policies.	4.2.1.1 Implement the draft Enforcement Escalation Policy.
		4.2.1.2 Finalize and fully implement the draft drinking water Enforcement Escalation Policy by September 30, 2006.
	4.2.2 Monitor compliance with outstanding Administrative Orders and escalate pursuant to policies.	4.2.2.1 Provide EPA with compliance status information in response to a quarterly list of systems that are under active enforcement.

Water Quality Control Division Goals – Part II Safe Drinking Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
		4.2.2.2 Implement the draft Civil Penalty Policy for systems that have failed to comply with an Enforcement Order.
4.3 Respond appropriately to all instances of non-compliance.	4.3.1 Identify all instances of self-reported data leading to non-compliance and implement the Enforcement Escalation Policy where a M/R violation is detected.	4.3.1.1 Identify and respond to M/R violations within 30 days of occurrence.
	4.3.2 Identify all instances of self-reported data leading to non-compliance and implement the Enforcement Escalation Policy where an MCL is exceeded.	4.3.2.1 Identify and respond to all acute MCL violations immediately upon discovery.
		4.3.2.1 Identify and respond to non-acute MCL violations within 30 days of receipt of data.
	4.3.3 Identify all instances of non-compliance and implement the Enforcement Escalation Policy to ensure timely responses to treatment technique requirements.	4.3.3.1 Ensure that treatment technique violations and associated enforcement actions are reported to ODS within 90 days of the end of the calendar quarter in which the violation occurred or identified; compliance status of systems that are not complying with filtration requirements will be discussed at the FFY 2006 first quarter EPA/State Quarterly Enforcement meeting.
		4.3.3.2 Provide copies to EPA of enforcement actions issued to systems for violations related to filtration. Copies of actions will be provided to EPA Region 8 by November 1, in electronic format unless EPA requests a hard copy.
4.4 Take action to address those PWSs that are identified and confirmed to be significant non-compliance (SNC).	4.4.1 Aggressively manage the quarterly SNC list, provided by EPA, to identify planned actions and to inform EPA of past quarter's accomplishments.	4.4.1.1 EPA commits to providing the WQCD, CADM unit manager a written SNC report during the first week of July, October, January and April of each year.
		4.4.1.2 Annotate the Quarterly SNC list, and indicate what actions are planned for each SNC. Return the annotated form to EPA within 30 days of receipt.
		4.4.1.3 Where appropriate, conduct sanitary surveys or technical assistance visits (with written reports) at PWSs, which are SNCs.
		4.4.1.4 Implement the State's Enforcement Escalation Policy; Ensure enforceable compliance schedules are in place for all SNCs within 6 months of the date that the PWS becomes a SNC unless the facility has returned to compliance.
	4.4.2 Prioritize enforcement activities in order to meet the National Enforcement benchmarks for FY 04-07.	4.4.2.1. Address through formal enforcement 100% of SNCs at large and medium systems before they become Exceptions.

Water Quality Control Division Goals – Part II Safe Drinking Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
		4.4.2.2. Address through formal enforcement at least 90% of microbial SNCs, 85% of nitrate, lead and chronic contaminant SNCs, at small systems before they become Exceptions.
4.5 Provide information to facilitate EPA oversight of all state formal enforcement actions.	4.5.1 Whenever possible and appropriate, the State and EPA will transmit enforcement-related documents via electronic mail.	4.5.1.1 Provide EPA a copy of all settlement agreements, both administrative and judicial. Include penalty calculations where appropriate, documenting gravity calculations and economic benefit calculations and any penalty justifications. These need to be provided no later then October 31, 2005 for actions taken in state fiscal year 2005, and by October 31, 2006 for actions taken in state fiscal year 2006.
	4.5.2 Quarterly meetings between CDPHE and EPA will be held quarterly and on an as-needed basis to discuss compliance issues affected by EPA database changes, current and projected enforcement cases, inspection commitments, and any other items as needed.	4.5.2.1 Provide written summary of action items resulting from any meetings convened, as appropriate.
5. SDWA Data Management - Develop and Implement a State Drinking Water Program database that will accurately portray system capacity, compliance and enforcement information.		
5.1 Maintain the Federal database.	5.1.1 Continue implementation of SDWIS/State. Migrate data from the legacy data system and implement various rules in SDWIS/State according to the project plan and available resources such that all PWS compliance monitoring data will be available through SDWIS.	5.1.1.1 Project milestones are met through state fiscal year 2006.
	5.1.2 State sanitary survey activities will be accurately recorded and reported to EPA.	5.1.2.1 The State commits to entering all sanitary surveys performed in the previous State fiscal year into SDWIS/FED by October 1, 2006. The State will include a list of sanitary surveys and technical assistance visits performed in FFY 2005 in the end-of-year report.
		The State will submit a list of all public water systems with the date of the last sanitary survey at each system in the draft inspection plan that is submitted annually on June 30.
	5.1.3. Ensure that inventory, sanitary survey, compliance, enforcement, and required sample data are reported to EPA.	5.1.3.1 Provide EPA with quarterly progress reports identifying potential impacts of SDWIS/Fed modernization and SDWIS/State implementation on the State's ability to report required data elements to EPA.

Water Quality Control Division Goals – Part II Safe Drinking Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
		5.1.3.2 EPA and the State will discuss ODS implementation and data flow issues and the effect these problems can have on data reflected in reports run out of ODS.
		5.1.3.4 Ensure that violations of the SWTR resulting from systems' not filtering when required to filter, are reported to EPA; if the SDWIS software prevents the state from uploading the data, the state will transmit the violation information to Region 8 via E-mail.
		5.1.3.5 Ensure that all violations are reported to EPA in the quarter following their occurrence or within 90 days.
6. Clean Water Act and Safe Drinking Water Act Integration Measures. Integration of two federal water quality regulations to better assess public water supply standards attainment and protect public health.		
6.1 Percent of surface waters that are: a) used as a drinking water source by a community water system and designated for public water supply use that b) are monitored biennially for attainment of that use. (EPA PAM SDW18)	6.1.1 a) Determine number of surface water segments used as a drinking water source. b) Determine attainment of public water supply use designation.	6.1.1 a) Complete stream segment reach indexing (Activity 2.2.1.a) and linkage to ADB to identify surface water segments designated for public water supply use b) Assist EPA to correctly identify locations of drinking water intakes c) Utilize data in STORET to determine location of monitoring sites for 2006-2007 d) Calculate percentage of surface water segments with a water supply use designation that are monitored biennially by 9/30/08
6.2 Percent of surface waters that are a) used as a drinking water source by community water system that are b) listed as impaired for a drinking water use for which there is an EPA approved TMDL to address impairment and c) the percent of these impaired waters that have been fully restored. (EPA PAM SDW19)	6.2.1 a) Determine number of surface water segments used as a drinking water source. b) Determine surface water segments that are listed as impaired for drinking water use. c) Determine surface water segments listed as impaired for drinking water use that have been fully restored.	6.2.1 a) Complete stream segment reach indexing (Activity 2.2.1.a) and linkage to ADB to identify surface water segments designated for public water supply use b) Assist EPA to correctly identify locations of drinking water intakes c) Identify surface water segments used for community systems that are listed as impaired. d) Identify the number of surface water segments used for community systems that were listed as impaired in 1998 that have been fully restored by the 2006 (data cut off - 7/1/05).

Water Quality Control Division Goals – Part II Safe Drinking Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
6.3 Identify waters used by community water systems as a source of drinking water for which a) States/Tribes, have wherever attainable, adopted water quality standards with public water supply as a designated use, or b) for which States/Tribes have adopted water quality standards that provide and equivalent level of human health protection. (EPA PAM SDW16)	6.3.1 Assure that segments that are used as sources for community systems have the appropriate human health water quality standards	6.3.1 a) Assist EPA to correctly identify locations of drinking water intakes b) Determine if surface water segments used for community systems are classified a domestic water supply use. c) Propose domestic water supply use for any segment used by community systems.
6.4 Percent of surface waters that are used as a drinking water source by community water systems that have, wherever attainable, a) water quality standards with public water supply as a designated use or b) water quality standards that provide an equal level of public health protection. (EPA PAM SDW17)	6.4.1 Report on segments that are used as sources for community systems that have the appropriate human health water quality standards.	6.4.1 Calculate percent surface water that are used as sources for community systems that have the appropriate human health water quality standards.

CHAPTER 7 HAZARDOUS MATERIALS WASTE MANAGEMENT DIVISION

7.1 HMWMD Organization and Programs

HMWMD is comprised of several programs that regulate sites and facilities through a combination of traditional elements; i.e., licenses, certifications, permits and inspections; followed as needed by a variety of enforcement activities and options. These regulatory programs include Colorado's equivalents of the EPA's Resource Conservation and Recovery Act solid and hazardous waste programs, the Nuclear Regulatory Commission's radioactive materials program, and the Food and Drug Administration' s x-ray / mammography risk and quality control programs.

To enhance the HMWMD compliance programs, the Division also maintains vital and growing compliance assistance and pollution prevention components in addition to the more traditional compliance assurance activities. These efforts are integrated with similar activities in other divisions to improve consistency and effectiveness in all compliance assistance and compliance assurance efforts. HMWMD has established a variety of resources for providing technical assistance and regulatory guidance through trainings, workshops, published materials, compliance aids, the Division homepage and the customer technical assistance phone line.

In a second major group of programmatic elements, HMWMD has several clean-up oversight programs and community involvement components. The strength of these programs lies in the expertise of the staff, their ability to use creative and problem-solving approaches and a willingness to work in a collaborative fashion with other agencies and with facility representatives to achieve a common goal. The Division's strength is increased by the close interaction of similar clean-up efforts in different programs, although each is driven by a different set of regulations and laws. HMWMD works continuously to increase consistency among remediation requirements and to expedite the clean-up process for the regulated community. See the organization chart following this section.

HMWMD concentrates on performance-based measures for planning and implementing activities in all its programs. HMWMD places its priority on the parity of approaches to cleanups under all of its various programs and on improving the processes used for conducting cleanups. This approach is evident in the implementation of the Voluntary Cleanup Program and the adoption of Corrective Action Plan process in the Hazardous Waste Program. Recently, the Radiation Management staff has been coordinating remediation oversight at several sites with the Superfund and Hazardous Waste program staff.

In February 2005, the fourth annual report required by SB-00-177 was delivered to the Colorado General Assembly. This report underscores the efforts on-going in HMWMD for improving efficiency and effectiveness within the hazardous waste program. The 2005 report documented the continued emphasis on compliance assistance, expanding on HMWMD's efforts of past years.

The Radon Hotline is a customer service effort provide by this Division. Radon information dissemination, outreach and presentations upon request are provided by HMWMD, using EPA grant dollars, and are augmented by participation and training efforts contributed by state and local personnel. In an effort to expand the public outreach of the radon grant, this year the number of grants have been increased from nine to twenty, covering new areas of the state not previously targeted. Additional radon reinvigoration projects by the HMWMD include mass mailings of radon information targeted to all schools, newspapers, and homebuilders and information distribution coordination with daycare center inspectors.

The Colorado Brownfields law provides modest tax credits for environmental remediation done in connection with redevelopment, and is geared to boost marginal redevelopment projects. In addition, this law provides limited spending authority for the Department's use at sites which are not covered by RCRA or CERCLA and for which there is not a responsible party. HMWMD seeks to leverage these limited funds with federal and private partnerships at appropriate sites. Efforts continue to take advantage of federal legislation that allows the use of Section 128(a) funds to enhance state response programs by promoting Brownfields concepts and approaches at RCRA facilities and other contaminated sites. HMWMD works through a variety of Brownfields programs in conjunction with local governments to prioritize new sites and implement cleanup activities.

Table 7.1 Hazardous Materials & Waste Management Division Organization

Work Unit	Core Functions					
Director's Office	Community Relations	Compliance Coordination	Emergency Planning & Preparedness	ASTDR / HSEES Grant	CRT Pilot Project	
Administration	Fiscal Management	Human Resources Services & Training	GIS & Scientific Data Management	Network Support Services	Records Management & Administrative Services	
Compliance Program	Hazardous Waste Permitting, Compliance, Enforcement, & Corrective Action	Solid Waste Permitting Compliance, Enforcement, & Corrective Action	Regulatory Development	Financial Assurance (for all compliance elements)	Data Management for haz waste, solid waste, and radiation programs	
Federal Facilities Program	Defense Facilities Remediation & Restoration	Rocky Flats Oversight	Federal Facilities Corrective Action	Federal Facilities Permitting and Compliance		
Radiation Management Program	Radioactive Materials Licensing, Compliance, Enforcement, & Corrective Action	X-ray/ Mammography Facility Compliance, Enforcement, & Corrective Action	Regulatory Development	Testing and Certification of Service Companies, Qualified Inspectors and Experts, etc.	Radon Intervention Grant Activities	Radiological Response
Remediation Program	Superfund remediation lead and support agency	Preliminary Assessment, Site Investigation,	Voluntary Cleanup Program	Brownfields Revolving Loan Fund	Targeted Brownfields Assessments	Superfund O&M

7.2 HMWMD Successes Under the CEPPA

The HMWMD has enjoyed many successes under the CEPPA. This section presents several recent examples.

(1) Since 2000, with the passage of SB-00-177, HMWMD has had stable funding for hazardous waste corrective action and compliance and enforcement. By broadening the fee base for the hazardous waste program, long term funding was stabilized. A USEPA / Region 8 Capability Assessment for the Colorado Hazardous Waste Program, performed in 2002, recognized significant improvement in the program and determined that the Division was capable of continuing to run a fully authorized program. In recent End-of-Year Reports, EPA has agreed that all necessary program elements are in place and functioning at a high and efficient level.

The Hazardous Waste Control Program has made substantial progress in the area of safe waste management. HMWMD's program now has exceeded national targets for having operating permits and post-closure permits in place. HMWMD has also made substantial strides in Hazardous Waste Corrective Action. Colorado now exceeds the GPRA goals for the national indicators on Human Exposures and Ground Water

Releases. In 2004, Colorado's program received an Environmental Achievement Award from EPA for achieving these national clean-up goals two years ahead of schedule.

(2) Progress continued under the Rocky Flats Cleanup Agreement and has ensured that the Rocky Flats plant will be cleaned up and closed by the target date of late-2005. Significant progress continues on decommissioning and decontamination and demolition of buildings used in the manufacture of plutonium triggers for nuclear bombs.

(3) The Remedial Program continues work and success in the Superfund Program. In FY 05, these successes included support of the construction at the Vasquez Boulevard / I -70 and Shattuck Chemical sites, construction of water collection systems in Virginia Canyon and the Big 5 Tunnel in Idaho Springs, state operation of the Summitville water treatment plant, and state support of the proposed listing of the Standard Mine. Colorado continues to do a good job of setting and then meeting EPA SCAP targets in the program. In the Voluntary Cleanup program, CDPHE has worked closely with EPA on the Rico and Gates Rubber sites, which have both stirred a great deal of public interest.

(4) The latest round of Brownfields grants announced by EPA, included grants awarded to Colorado Department of Labor and Employment for UST brownfields, Park Hill Community Redevelopment for Dahlia Square and the City of Lakewood for brownfields assessments.

7.3 Cross-Cutting Themes

Across the programs within HMWMD, there are several cross-cutting areas of activity and effort. These include customer service, compliance assistance, compliance assurance, pollution prevention, and community-based environmental protection. While not always specifically discussed in the HMWMD workplan tables presented later in this chapter, these themes or concepts have a high priority in everything HMWMD accomplishes. The following sections describe some of the Division's efforts in these areas.

7.3.1 Customer service

On-going customer service efforts include:

- The full-time customer / technical assistance function in HMWMD provides technical and public assistance for all HMWMD programs during business hours.
- A nationally published, dedicated radon information line with an 800 number available long distance inquiries.
- The records center is open to the public for document reviews all day every working day.
- Extended and improved and continuously updated information on the division's Home Page.
- Environmental records searches
- Voluntary Clean-up reviews and assistance functions
- Field assistance, consultative services and training on chemical hazards for emergency response agencies.
- The post-UMTRA efforts of HMWMD have had excellent success in customer service. More than 2500 radiological surveys and records checks were performed in the Grand Junction area with a 1-day turn around. Over 1300 reports on contamination history have been provided to interested landowners for specific properties, also with a 1- to 2-day turn-around. Approximately 3000 phone calls and 1000 walk-ins are managed each year. All of this is accomplished with a staff of two people.

7.3.2 Compliance Assistance and Assurance

For the several years, the various HMWMD programs have undertaken a number of both traditional and innovative Compliance Assistance efforts.

- During FY05, HMWMD provided compliance assistance training sessions that reached over XXXXX people.
- Compliance guidance documents and bulletins have been published on a wide range of topics and are available at no cost to the public on the HMWMD Homepage and as printed materials. These documents are also available on CD-ROM for attendees at training sessions. HMWMD has begun evaluating the distribution of contacts (correspondence, phone inquiries, website "hits", etc.) to direct development of new guidance.

- Guidance documents and compliance documents were developed and / or updated to provide regulatory interpretations to be used by the regulated public and by HMWMD inspectors. Recently finalized corrective action guidance documents have proven useful tools for hazardous waste cleanups in Colorado.
- HMWMD continues its full-time customer assistance availability and a 1-800 number for contacts from outlying parts of the state. This service continues to see heavy use from the public.
- HMWMD has continued to update and improve the Division's web page. The web page continues to show a trend of increased use.
- With the successful results of the SCORE project, the Division demonstrated that Small Quantity Generator (SQG) self-certification can better and more completely regulated the SQG universe and improve compliance rates. Currently, HMWMD is implementing a follow–up project, "SCORE 2", that requires SQG self-certification within the auto-body sector.
- Consumer Protection Division (CPD) and HMWMD have continued to provide a significant level of technical assistance to emergency response agencies and school districts in the area of chemical hazards. In past years, the most severe situations identified were school laboratories. As these have been addressed the effort has been refocused toward other situations where then hazards are chemical in nature and toward training response agency personnel.

  The Consumer Protection Division has the statutory responsibility to conduct regulatory inspections of schools in counties without local health agencies. Currently, this includes twelve (14) counties throughout the State (Alamosa, Conejos, Costilla, Elbert, Garfield, Gilpin, Grand, Gunnison, Jackson, Mineral, Moffat, Rio Blanco, Rio Grande, and Saugache), which involves a total of approximately 100 schools.
- HMWMD has continued the Generator Assistance Program or GAP. This program is designed to provide, upon request, an on-site compliance audit for any hazardous waste generator in Colorado. These GAP site visits are performed by inspectors, but in a compliance assistance mode. In fact, participants are assured that discovered violations will not result in enforcement provided there are no imminent and substantial threat to health and environment at the facility and provided that the facility agrees to a prompt return to compliance. Thus far, HMWMD has performed about 60 Gap site visits. These site visits are being entered into RCRAInfo as "compliance visits" or CAVs.

7.3.3 Pollution Prevention

Pollution prevention continues as a central theme in many Division activities.

- Pollution prevention activities were negotiated as Supplemental Environmental Projects (SEPs) as part of penalty settlements in several significant enforcement cases. Such projects included replacement of outdated systems to improve materials usage and reduce waste and replacement of equipment that requires the use of chemicals that end up as hazardous wastes streams. Also, assistance to other facilities with similar problems, education and outreach on environmental issues and spill and leak prevention equipment and improvements are included in some SEPs that are considered pollution prevention based. HMWMD efforts on SEPs in settlement agreements have been consistent with the CDPHE agency-wide SEP policy.
- Inspectors communicate pollution prevention concepts and, when possible, specific ideas to regulated entities routinely during inspections. Training efforts also emphasize pollution prevention as an effective environmental management tool.
- Pollution Prevention activities are coordinated with EPA's Resource Conservation Challenge (RCC) as Colorado's priorities and resources allow. The RCC focuses on four priority areas: Priority Chemical reduction; 35% recycling rate of the municipal solid waste stream; beneficial reuse of secondary materials such as foundry sands fly ash, etc.; and green initiatives with an emphasis on electronic wastes.

7.3.4 Community-based Environmental Protection

There are many remediation sites that invest time and effort into soliciting and resolving the concerns of the community that surrounds them. Strong examples of the right way to achieve community involvement include several examples from HMWMD.

- At sites such as the ASARCO/ Globeville and Vasquez Boulevard sites, the continuing health studies and the removal of contaminated soils from a large part of the neighborhood requires constant community support, cooperation and involvement. As the project goes forward the remediation team and the community have become a partnership that works better with each successful clean up.

- The air sampling study around the Rocky Mountain Arsenal (RMA) was conducted in response to community concerns and has produced a new level of acceptance for the remediation that is on-going on that site. The community-based RMA Medical Monitoring Program is another example of developing and implementing an information-based program in response to community health concerns.
- Extensive community involvement has become associated with several recently discovered indoor air contamination sites. At these sites, investigations show that indoor vapors have resulted from the volatilization of solvents contaminating the ground water in the areas around the Colorado Department of Transportation (CDOT) headquarters buildings and Redfield Riflescope/CDOT Region VI buildings and the closed facilities at the Lowery Air force Base. Continued public participation at these and similar sites is needed to educate the community on the complex issues and to reassure the community that remedial efforts are underway to mitigate any resulting exposures.
- Implementation of HB-02-1408 and HB-03-1358 have extended citizen involvement and community interaction in the area surrounding the Cotter Uranium Mill near Canon City, Colorado. This is new work in that it extends community outreach beyond the scope of the Lincoln Park Superfund Remedial Action Plan and Natural Resource Damage Suit efforts associated with Remedial Programs efforts. Increased levels of community involvement in the Canon City area include efforts to insure that the local community receives adequate information regarding both the license renewal and superfund cleanup activities. More frequent meetings cover Superfund, Natural Resource Damage Suit and Radioactive Materials Licensing topics; so all questions can be answered at a single event. A community advisory group has been formed to discuss issues of interest in more detail, foster a common understanding of these issues, and devise acceptable solutions where appropriate. The Community Involvement Plan for the site is currently being revised.
- The Left hand Canyon Watershed sites near Boulder also require extensive community involvement. The addition of this site to National Priorities List raised a number of local concerns and issues. HMWMD staff has produced fact sheets, provided access to reports, records and information, conducted site tours and held meetings for public, news media and elected officials.
- The Voluntary Cleanup efforts at the former Gates Rubber Plant in Denver, has created an unprecedented level of public involvement for this program. CDPHE has attended several public meetings held by a variety of parties, and has been the focal point for coordinating data and information generated by EPA, Gates, and Cherokee. One community group is advocating the creation of a Community Advisory Board for the program, and may introduce legislation next year. CDPHE is monitoring this activity.

7.4 HMWMD Goals and Objectives for this FY2006 CEPPA

7.4.1 Hazardous Waste Program Goals

HW General Program Management and Partnership

HW 1 Implement an efficient and effective hazardous waste regulatory program with adequate fiscal and personnel resources.

HW 2 Develop a partnership between the State and EPA that improves the program. Support this partnership and achieve efficient implementation of a hazardous waste program that reflects goals and objectives of both the State and EPA including appropriate work sharing.

HW 3 The State and EPA will work together to determine progress in identifying and achieving environmental indicators. Actions necessary to achieve environmental indicators will be planned and tracked. Determination documentation for those facilities "under control" will be provided by the State to EPA; EPA will, in turn, provide guidance for what constitutes "adequate documentation".

HW Operating Permits and Closure/Post-Closure Permit Goals

HW 4 Issue operating permits, closure plans, and post-closure permits that include conditions necessary to assure that hazardous wastes are managed in ways that protect public health and environmental quality.

HW 5 Develop mechanisms to improve state-to-state cooperation on permitting of promising innovative waste remediation technologies and encourage the development of such technologies.

HW Compliance Monitoring and Enforcement Goals

HW 6 Ensure protection of public health and the environment by achieving compliance at regulated hazardous waste facilities through implementation of an effective monitoring and enforcement program. Detect and deter violations through inspections and enforcement actions and promote compliance with hazardous waste.

- HW 6.1 Ensure that annual inspection requirements are achieved and that inspections are of high quality. Inspection of treatment, storage and disposal facilities will meet the statutory requirements.
- HW 6.2 Maintain a high level of expertise to ensure that quality inspections consistent with national guidance are being conducted.
- HW 6.3 Promote compliance of regulated facilities by ensuring that enforcement actions are timely and appropriate. Actions necessary to assure return to compliance (RTC) and consistent with the Enforcement Response Policy will be documented.

HW Corrective Action Goals

HW 7 Clean up releases of hazardous waste that threaten the public or the environment.

HW Pollution Prevention and Compliance Assistance Goals

HW 8 Implement a compliance assistance program that increases the compliance rate within HMWMD's regulated communities.

HW 9 Implement a pollution prevention program that encourages reduction of the amount and toxicity of wastes generated through waste minimization, treatment, and recycling of hazardous wastes, thereby reducing the risks associated with waste management. Methods for tracking and quantifying the accomplishments of these efforts will continue to be developed.

HW 10 Integrate compliance assistance, waste minimization, pollution prevention, waste diversion, and recycling into all program activities and support waste minimization efforts statewide.

7.4.2 Solid Waste Program Goals

SW 1 Implement an efficient and effective solid waste regulatory program with adequate fiscal and personnel resources.

SW 2 Integrate waste minimization, pollution prevention, waste diversion, and recycling into all regulatory and remedial activities and support waste reduction statewide.

SW 3 Provide regulatory assistance to businesses and local governments.

SW 4 Provide education and outreach concerning solid waste issues.

- SW 4.1 Provide information on alternative technologies to local government officials and landfill owners/operators.
- SW 4.2 Encourage and support local government decisions that extend existing disposal alternatives and capacity beyond landf4lling to composting, recycling, etc.
- SW 4.3 Educate individual citizens about waste reduction strategies with an initial emphasis on recycling and reduction of household hazardous waste generation.
- SW 4.4 Encourage local programs to exclude household hazardous waste from disposal in municipal landfills.

SW 5 Develop an appropriate and sustainable set of performance indicators for solid waste and initiate tracking and reporting efforts in support of the same.

SW 6 Enhance solid waste regulation and policy development through consultation with stakeholders.

SW 7 Support voluntary regional waste management solutions and systems, encouraging rural areas of the state toward regional concepts.

SW 8 Maintain interagency coordination and interaction to assure consistency and avoid duplication of regulatory impact.

7.4.3 Rocky Flats Oversight Goals

RF 1 Assure that the site of the former Rocky Flats Plant is cleaned up and made safe and assure protection of public health, safety, and the environment during clean-up.

RF 1.1 Implement integrated and coordinated state regulatory oversight and communication programs for Rocky Flats.

RF 1.2 Provide rigorous independent monitoring and enforcement of the Rocky Flats plant and vicinity to achieve compliance with state environmental regulations and requirements, to protect the health and environment of Colorado;

7.4.4 Superfund Program Goals

SF 1 Manage projects to achieve cleanups that are: protective of human health and the environment, on schedule, cost effective and reflect community concerns.

SF 1.1 Provide timely actions in support of EPA's Superfund Comprehensive Accomplishments Plan targets.

SF 1.2 Implement operation and maintenance plans for all sites with long term state responsibilities after remediation, to insure adequate protection of human health and the environment through isolation of contaminants, or treatment to appropriate standards.

SF 2 Identify as many of the unknown contaminated sites which may pose a risk to human health and the environment through polluted soil and water as possible, and adequately characterize the sites to either disprove environmental concerns or facilitate appropriate cleanup actions to remove these risks.

SF 3 Optimize public participation and community outreach capabilities and opportunities for all remedial and regulatory programs. Community support of cleanup decisions expedites remediation by eliminating delays due to public concern and litigation.

7.4.5 Voluntary Cleanup and Redevelopment Goals

VC 1 Respond to the owners of as many sites as possible to facilitate redevelopment and transfer of contaminated properties, while assuring that adequate cleanup is performed for the proposed land use.

VC 1.1 The program will efficiently review cleanup applications and insure that all approvals are protective of human health and environment.

VC 1.2 Implement MOA with EPA to enhance communication about sites and to provide assurances to the applicant via the MOA.

7.4.6 Uranium Mill Tailings Remediation Goals

UM1 Manage projects to achieve cleanups that are: protective of human health and the environment, on schedule, cost effective and reflect community concerns.

UM1.1 Continue ground water studies and projects and to resolve remaining problems and to protect human health and the environment as related to contaminated ground water at Title I sites

UM 1.2 Assist local governments in managing tailings that were not remediated by the UMTRA Program, as authorized by HB 97-1248.

7.4.7 Radiation Program Goals

RA 1 Increase radon awareness. Assure that Colorado homes continue to be tested for radon, with intervention to reduce radon risk if a test result calls for action.

RA 1.1 Increase awareness to 87%; increase in testing to 27% and increase mitigation of homes with elevated radon levels to 12%. Work toward adoption of more radon-resistant building codes.

RA 1.2 Strengthen radon public health activities in Colorado's zone 1 (high radon potential) counties.

The Radon Intervention Grant is used to develop effective, efficient activities for the state with emphasis on raising awareness of radon issues, increasing testing rates and encouraging mitigation in response to elevated radon levels. Homeowners, local governments, realtors and builders will continue to be target groups for communicate about radon testing and radon-resistant new construction.

Radon 1 - Local Government Initiatives

- RA 1.1 - The City of Fort Collins will be conducting a radon survey to determine the effectiveness of passive radon systems installed under the new Fort Collins Radon Resistant New Construction (RRNC) ordinance, and will continue encouraging testing and mitigation through media advertising and low-cost radon test kit sales. They will provide information to citizens, zero interest loans for radon mitigation, radon pamphlets to every home buyer when they execute a contract to buy real estate (as required by city ordinance), conduct construction inspections of radon reduction systems required to be installed in new single-family homes, and encourage builders to install radon-reduction systems in multi-family homes and commercial buildings.
- RA 1.2 – The San Juan Basin Health Department will provide radon proficiency training to four environmental health specialists and one Colorado State University (CSU) Extension Agent. They will produce a minimum of 15 various media radon awareness messages (newspaper, radio, web page) and conduct 5 radon awareness workshops for the general public (three in La Plata County, one in San Juan County and one in Archuleta County). They will conduct a continuing education session for the local realtor association on Dealing with Radon in Real Estate Transactions and conduct an educational session for the Home Builders Association with an emphasis on prevention. They will provide post testing meetings for radon information, communication and education for residential follow-up and mitigation questions. They will create 500 radon kits and supply them to residents who have successfully completed a 1½-hour radon awareness workshop. They will also provide technical assistance to homeowners and document and generate a report on radon testing results.
- RA 1.3 – The Alamosa County Nursing Service will train public health staff in a National Environmental Health Association (NEHA) certified radon measurement course. Staff will provide educational and promotional activities including, newspaper articles and inserts, presentations to realty agencies, county commissioners and land use personnel, construction companies, community groups, public housing offices, other interested parties and to the general public on radon exposure, prevention, testing and mitigation. Written materials will be made available through Public Health Nurses at the Nursing Service and they will manage a lending library system of video taped materials for construction companies, realty agencies and other groups. Materials will be provided in Spanish and English when possible. Twenty-five radon test kits and training will be provided free of charge to citizens. Public information on mitigation systems and radon resistant new construction will also be provided.
- RA 1.4 – The Boulder County Health Department will conduct educational outreach to 150 real estate agents by mailing a packet of real estate radon information and a short-term test kit. They will target 15 residences with existing radon mitigation systems to evaluate whether the systems were properly installed and test said homes, then deliver evaluations to homeowners. They will follow up on homes that were evaluated during the 2002-2003 grants to determine if the repair recommendations were implemented. They will provide educational outreach/information to the community on RRNC techniques as well as testing and mitigation of existing homes. They will also incorporate radon-testing data into the Boulder County Radon GIS Database.
- RA 1.5 – The Custer County CSU Extension Office (CSUEO) will provide a presentation on radon to the general public and test kits to attendees or self study program participants. A database will be compiled with testing results and developed into a presentation using GIS technology. They will share with realtors the data gained from the public testing program, and inform the realtors about the availability of test kits. They will offer continuing education credits for realtors to encourage them to attend the program. Press releases and news stories will be made available using information from the public program. Custer County Newsletter will provide a forum to discuss radon testing on a monthly basis. A web page in Custer County about radon will be created. A display with test kits and information will be conducted at the Custer County Fair. Radon magnets will be created for distribution.
- RA 1.6 – The Denver Department of Environmental Health will make radon testing a priority in underserved areas with high percentages of minority groups. They will expand radon awareness/education to include parent-teacher organizations, real estate agencies, schools, property managers and developers. They will create an innovative, new flyer in both Spanish and English explaining when it is necessary to mitigate and the different mitigation systems available. They will contact neighborhood newsletters to advertise and promote radon awareness and offer free testing services. They will make presentations and provide bilingual brochures at 15 DPS middle school classrooms and offer free radon testing to the schools and encourage mitigation when necessary. Bilingual flyers offering free radon testing will be sent home to parents of elementary and middle school children in target neighborhoods. They will contact neighborhood associations in target neighborhoods offering radon presentations at their scheduled meetings. Data will be GIS mapped

and submitted. For participants expressing interest, they will deliver and set up monitoring devices, retrieve devices after proper exposure time, and mail devices to the lab for analysis. They will continue to assist those with high levels with retesting and mitigation services.

- RA 1.7 – The Fremont County Environmental Health Services will purchase and distribute radon test kits for residential testing. Information will be gathered and used to generate a GIS map of Fremont County test results. This information will be made available to the public. A press release will be written to discuss the overall results of the radon testing.
- RA 1.8 –The Las Animas-Huerfano Counties District Health Department will order and distribute radon test kits, printed materials and posters. They will conduct public service announcements via radio once per month, twice a day, November-May, via three newspapers throughout the year covering a "look for us" campaign at local fairs and rodeos, regular announcements and a special for radon awareness month. They will also prepare a power point presentation to be used in classroom instruction (local high school science classes and junior college) civic organizations, realtors and building suppliers. They will set up information booths at local businesses, health fairs, county fairs and festivals. They will also conduct a mailing to local realtors and building inspectors.
- RA 1.9 – The Moffat County CSUEO will educate 5,000 residents of NW Colorado about the health risks associated with radon by promoting testing and mitigation utilizing a variety of media sources, including television, newspaper, radio and walk-by displays. They will deliver three public radon education programs for homeowners, realtors and builders, make available 100 short term and 20 long term test kits and materials and encourage and support radon testing in 50 additional NW Colorado homes. They will display radon education materials at the 2006 Moffat County Fair, reaching approximately 2,000 visitors and will market and utilize the new "CSUCU Healthy Homes Radon Outreach Package" that will consist of a power point presentation CD, a radon test kit, and publications to be delivered via a statewide desktop training format, as well as through local programs. They will collect radon test data by zip code and make this information available to local stakeholders, the media, etc., and collect statistics related to the number of radon-resistant homes being constructed in NW Colorado counties. They will also monitor and report the number of homes that are being mitigated in NW Colorado.
- RA 1.10- The CSU Montezuma County Extension Office will offer radon awareness programs to local health agencies and to four corner residents. They will promote radon awareness by utilizing local papers, radio stations and public events. They will sell radon test kits and "Protecting Your Home From Radon" books at the extension office, as well as providing radon awareness materials and follow-up assistance on request, including the CSU "Healthy Homes Radon Outreach Package" which includes a power point presentation on CD, a radon test kit, and publications. They will host one-day realtors radon awareness workshop and develop a radon educational display to be used at the Montezuma County Fair. They will also track the number of test kits and outreach packages sold and use the data to inform stakeholders and media of on going radon educational efforts. They will track and report the number of homes being mitigated.
- RA 1.11- The Pueblo City-County Health Department (PCCHD) will train two employees in radon measurement who will conduct no less than 7 presentations on indoor radon to neighborhood groups, Homebuilders Association, Housing and Human Services Agency, and others. Public service announcements and articles will also be submitted to local media to increase public awareness on indoor radon. 200 radon test kits will be given to families living in low socio-economic neighborhoods. They will assist the public with mitigation and referrals. Educational materials and literature about radon will also be distributed to neighborhood groups, Homebuilders Association, Housing and Human Service Agency, PCCHD front lobby, and listed on the PCCHD website.
- RA 1.12- The CSU Summit County Cooperative Extension will have four radon workshops for 150 Summit County Government Employees (60% of the workforce) who will be radon advocates throughout the county in areas where they live and work. They will partner with agencies that serve ethnic and minority families to host two radon awareness workshops in their communities. Bilingual assistant will be used to co-teach workshops. They will also set up displays at the Summit County Builder's Home Show on radon resistant construction, and Frisco and Dillon Farmers Markets with test kits and educational materials for the general public.
- RA 1.13- The Jefferson County Department of Health and Environment will investigate radon in well water by sampling 25 private wells in Jefferson County. Testing will also be done for $radium_{226}$, $uranium_{total}$, and gross alpha/gross beta.

- RA 1.14- The City of Thornton and the Greater Metro Telecommunications Cable Access Network will work with the CDPHE to produce a 30-minute cable television special about radon on all government access cable channels (31) in the Denver metro area. The program will educate the public on radon, health impacts, testing and mitigation. The program will use on camera interviews with experts on radon, video footage shot at the Colorado School of Mines, footage of a typical homeowner utilizing a test kit and illustrations on mitigation systems. The program will be video streamed on the CDPHE website and copies will be used for presentations and distribution.
- RA 1.15- The Center for Environmental Research and Technology will develop an educational video that discusses the "how and why" of radon resistant new construction as it is most appropriately applied in Colorado. They will develop and provide a power point presentation that discusses alternatives and associated costs for use at public meetings. They will develop health risk factors to provide an easier means for local health departments to provide a cost-benefit analysis. A continuing education program on radon for physicians in conjunction with the Osteopathic Foundation & Family Medicine Center will be developed and a pilot program will be delivered to physicians for continuing medical education.
- RA 1.16- Southeastern Land and Environment will conduct outreach to Baca, Bent, Kiowa and Prowers counties focusing on public awareness and residential testing. Free test kits and literature will be made available at five public health offices. Demonstrations on test kit use and follow up phone calls are available. Presentations to education groups, hospital staff and government employees will be conducted. Local papers will continuously run a community announcement and twice per year additional advertisements will be placed. One local radio show will be conducted educating the public on testing, results and mitigation. Community service announcements about radon will also be continuously run.
- RA 1.17- The Weld County Public Health and Environment will promote radon awareness and encourage home testing. They will create a traveling display and various media publications to be used throughout the county. During Radon Action Week, National Radon Action Month and Earth Day will have a display at the Greeley Mall and another location (TBD) with test kits, deliver press releases and public service announcements to local media and send news bulletins to local realtors, schools and daycare centers. They will have a display with test kits at the Home and Garden Show, Weld County Fair and the Children's Fair. They will create a handout to be distributed to citizens at the City of Greeley Clean-Up Events and will also promote availability of display and staff to do presentations to local realtors, schools, daycares and other community groups.
- RA 1.18-The Lincoln County Public Health will distribute radon information at community gatherings such as the county fair. They will publish radon information in local newspapers and will provide a power point presentation to local senior groups. They will also distribute short-term radon detection kits to community members. A database will be kept of test results.

Radon 2 - Education

- RA 2.1 – The Colorado School of Mines-Denver Earth Science Project will offer two teacher training courses on "Do You Know Your 3 R's? Radiation, Radioactivity and Radon" in Golden and Durango. Each teacher will receive complete curriculum, which includes science background information, a kit with classroom activities and a number of handouts relating to the subjects, including reprint issues of magazines and newspapers, and a study guide of locations on the web.
- RA 2.2 - Colorado School of Mines Museum will be completing the radiation and radon exhibits that began 4 years ago and create a written tour (to be used by student guides) through the mine and radiation corner displays. The exhibit consists of displays as well as a faux mine and displays where visitors can learn about the health dangers of radon. They will learn about the health hazards to uranium miners from radon decay products and the importance of measuring radon in their homes.

7.5 Summary of Program Assessment Process

7.5.1 Hazardous Waste Program

EPA will perform a mid-year and end-of-year review of all aspects of the hazardous waste program. The mid-year review will be less rigorous, but the end-of-year review will be complete and comprehensive. EPA will use either the UEOS or the State Review Framework to review the inspection and enforcement program elements. EPA will use the Program Oversight elements, defined in 2004 by both EPA and the Region 8 states, to oversight the permitting, closure, post-closure, and corrective action program elements.

7.5.2 Solid Waste Program

Currently, EPA does not authorize Colorado's solid waste program. Therefore, other than a general review, EPA has no oversight role.

7.5.3 Rocky Flats Program

The Rocky Flats facility is a Superfund site, a permitted hazardous TSD, and a hazardous waste generator site. As such, it is being remediated under both Superfund and hazardous waste authorities. EPA has taken the lead on the Superfund aspects, while the Division has the lead on the hazardous waste aspects. Oversight of the hazardous waste program activities that are implemented by HMWMD at the facility will be oversighted by EPA as part of their review of the Hazardous Waste Program.

7.5.4 Superfund Program

Currently, EPA does not have the authority to delegate this program to states. EPA and state roles are delineated in federal regulations. Generally, EPA is the lead agency, making the final decisions on listing a site on the National Priority List (NPL) and on remedial action. Either EPA or the state can assume a lead role on the various Superfund activities leading up to final remedy selection, such as site investigations, feasibility studies, remedy design and construction. One agency takes on the lead role and the other a support role. These roles are jointly defined site-by-site.

The exception to these roles occurs on four sites, where the state has taken judicial action. These are: the ASARCO/Globe, Eagle, Lincoln Park/Cotter, and Idarado sites. At these sites, the state has the role of primary implementer.

EPA and the state, through the Superfund Memorandum of Agreement (SMOA), have constructed a very workable system of state/federal oversight. In FY2003, the parties reviewed the SMOA. After minor modification, EPA and CDPHE signed the revised SMOA in 2004.

To aspects of oversight will occur: 1) EPA and the state will conduct joint annual program review; and EPA will conduct a review of state activities in accordance with federal Superfund grant regulations.

7.5.5 Voluntary Cleanup and Redevelopment Program

Minimal amount of federal funding is used for program management and administrative functions. This funding comes from the Brownfields State Response Program grant. EPA and the state, through a Memorandum of Agreement, have constructed a very workable system of state/federal interaction. CDPHE and EPA will review the MOA to determine whether the new Brownfields legislation requires any aspects of the MOA to be changed.

EPA will conduct a review of state activities in accordance with federal Brownfields grant regulations.

7.5.6 Uranium mill tailings Title I and Title II

EPA has no oversight role of this program

7.5.7 Radiation Programs – Radon Intervention Grant

EPA will conduct an annual program review and EPA will conduct a review of state activities in accordance with federal Superfund grant regulations.

7.6 Environmental Indicators

Remediation:

- Number of Superfund, Uranium Mill, and Voluntary Clean-up sites under remediation and status;
- Total contaminated area remediated for each site.

Compliance and Federal Facility Programs:

- Number and percent of hazardous waste facilities with human exposures under control.
- Number and percent of hazardous waste facilities with migration of contaminated ground water under control.

7.7 Accountability

The preceding text in Chapter 7 is provided as a description of the types and scope of environmental activities being conducted by the various programs within HMWMD. It contains examples of successes and achievements but is not intended as a comprehensive list of work completed. The chapter's text also includes activities and programs that are not driven by EPA / CEPPA funding nor by EPA program requirements. These items should not be viewed as part of any future EPA program assessment and are not work plan commitments.

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HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION WORK PLAN

Hazardous Waste Programs

Mission: To ensure that all hazardous wastes are handled and managed in ways that protect the public and the environment from the time of generation until final disposal or destruction. (Note: The Compliance Program and the Federal Facilities Program in the Hazardous Materials and Waste Management Division together implement the hazardous waste regulatory program).

HW I - General Program Management and Partnership		
HW 1: Long Term Goal Implement an efficient and effective hazardous waste regulatory program with adequate fiscal and personnel resources.		
Short Term Goals	Objective	Measures
HW 2: Short Term Goal - Develop a partnership between the State and EPA that improves the program. Support this partnership and achieve efficient implementation of a hazardous waste program that reflects the goals and objectives of both the State and EPA including appropriate work sharing.	**Authorization** The State will pursue timely and complete authorization for new rules and progress toward overall authorization goals. (HW-1-1).	The State expects to submit the following new revision applications in FY06: • RCRA Cluster XV (SPA26)
	EPA will work toward a timely review of authorization applications submitted and improve the overall pace of authorization and authorization flexibility.	*EPA will complete reviews of five (5) applications currently in house.*
	Program Improvement The State continues to evaluate the Hazardous Waste Control Program and seeks to make further program improvements as appropriate.	Continued implementation of SCORE 2 and GAP.
	EPA, in conjunction with CDPHE and as resources allow, will perform RCRA Subtitle C financial assurance file reviews in FY06, which will determine the overall RCRA operator compliance with financial assurance requirements. The State and EPA R8 will review identified concerns and determine which concerns need follow-up, which agency will follow up, and how follow-up will be conducted.	
	Data Management The State will maintain timely, accurate, and complete data in RCRAInfo.	The State will strive to have data in RCRA Info by the 15th day of the month following activity. The EPA EOY Report will be used to measure HMWMD's success.

HW I - General Program Management and Partnership		
		The State will ensure that data is reported to RCRAInfo accurately and completely reflecting the status of the RCRA universe.
	The State will continue to work with EPA to ensure that RCRAInfo reports used to track the progress of activity are accurate.	RCRAInfo reporting will include all key measures of operating, closure and post-closure permitting; corrective action; and compliance monitoring and enforcement components of the HW program at a level sufficient to support program evaluation efforts.
	EPA will assist the State in assuring that the RCRAInfo data is current and accurate and reflects EPA HW activities as well as State activities.	
	EPA will work with the State to resolve "universe" issues .	
	EPA will also provide training and technical assistance when requested.	
	The State and EPA will jointly create and generate RCRAInfo reports that are of benefit to the program.	
	Public Involvement. The State will continue to involve the public as required by statute and regulation or MOA. This includes a system to respond to requests for information and complaints or concerns from the public. (HW-3-9)	CDPHE will: • Consider participation as appropriate on EPA site-specific teams to evaluate environmental justice concerns. • Consider reporting efforts of public participation in reaching minority and low-income communities. • Consider the use of citizen advisory boards as specific situations warrant. • Participate in meetings with environmental groups as appropriate to consider environmental justice issues.
	Resource Level The State will maintain adequate resources to implement the program.	EPA EOY Report

HW I - General Program Management and Partnership		
	Financial Accountability The State will adequately account for grant dollars.	EPA EOY Report
	Program Guidance / Agreements The State and EPA will jointly develop and maintain MOA, EA, Quality Assurance Plan and other operating Guidance.	

HW I - General Program Management and Partnership		
Short Term Goals	Objective	Measures
HW 2 (Cont'd) Develop a partnership between the State and EPA that continues and improves the program	**Strategic Planning** The State and EPA will jointly plan and prioritize program goals, objectives and activities that address state and federal priorities and initiatives. Activities include EPPA development, Beginning Year Plan (BYP), inspection strategies, planning meetings, etc.	EPA and the State will hold regular meetings to share information, identify and solve problems and engage in short term planning efforts.
	Coordination of Joint Activities The State and EPA will maintain a high level of cooperation between State and EPA staff to assure successful and effective administration of the program including evaluation of desirable technical support and targets for joint efforts / work sharing.	EPA and the State will hold regular meetings to share information, identify and solve problems and engage in short term planning efforts.
	Program Communication Maintain frequent and open communication between State and EPA on routine matters, changes in program capability, legislation and resources levels, emergency situations and other key activities as described in the MOA.	Examples of key activities include final decisions re variances / waivers, enforcement actions, biennial report summarization, final permits, etc.
		EPA and the State will hold regular meetings to share information, identify and solve problems and engage in short term planning efforts.
	Training and Technical Assistance The State and EPA will jointly identify training and technical assistance needs.	The State will develop and implement a staff training plan that results in well-qualified staff and ensures that mandatory training needs are met.

HW I - General Program Management and Partnership		
Short Term Goals	Objective	Measures
		EPA will make training and technical assistance available to the State and will work toward improving the capability to provide high quality training and technical assistance. Technical assistance will be made available through EPA staff, EPA research labs and EPA contractors.
	EPA will conduct oversight of State program activities as appropriate.	*EPA EOY Report*
HW 3: Short Term Goal – The State and EPA will work together to determine progress in identifying and achieving environmental indicators. Actions necessary to achieve environmental indicators will be planned and tracked. Determination documentation for those facilities "under control" will be provided by the State to EPA; EPA will, in turn, provide guidance for what constitutes "adequate documentation".		

HW II
Operating Permits and Closure/Post Closure Permit Goals

HW Operation Permit Universe Information:
There is only one (1) land disposal facility operating within the State; as of the end of FY 04, this facility has the required permit. There are thirteen (13) treatment / storage facilities operating in the State; as of the end of FY 04 all required operating permits have been issued. Currently, there are no (0) operating combustion units within the State. Pueblo Chemical Depot has submitted a permit application for additional proposed units; but these permits are "on hold" pending the Army's technology decision.

Short Term Goals	Objective	Measures
HW 4: Short Term Goal: Issue operating permits, closure permits, and post closure permits that include conditions necessary to assure that hazardous wastes are managed in ways that protect the public health and environmental quality.	**Operating Permit Activities.** The State will demonstrate progress toward achieving operating permits (OP) program goals, objectives and activities identified in jointly developed strategies that reflect State and EPA OP priorities.	The Key Measure of the OP process is: • OP200 – final determinations / renewal determinations. Supporting Measures include: • OP100 – review activities resulting in a determination or notice of deficiency: • OP240 – permit modifications; and • Emergency Permits.
		The following output is planned for FY06: **Compliance Program** • No (0) treatment, storage and disposal facilities are anticipated to require an operating permit, final determination or renewal. **Federal Facilities Program:** • One (1) treatment, storage and disposal facility is anticipated to require operating permit final determination or renewal. (Ft Carson permit renewal)

HW II **Operating Permits and Closure/Post Closure Permit Goals**		
Short Term Goals	Objective	Measures
HW4: cont'd	Permit maintenance; permit modifications, and emergency permits will be processed as required.	
	EPA will conduct operating permit activities according to the joint permitting process described in the authorization memorandum of agreement.	
	EPA will provide technical assistance where requested.	
HW Closure Universe Information: There are or have been thirty three (33) treatment/storage/disposal facilities with land disposal units on the closure track, and seventy-six (76) land disposal units at these facilities. Ten (10) of the 76 land disposal units still require approved closure plans. Many more still need closure certification and agency verifications. Sixty-seven (67) treatment/storage/disposal facilities have treatment or storage units on the closure track. Most of these treatment or storage units had their closure plans approved. Three (3) of the four (4) treatment/storage/disposal facilities with combustion units have completed the closure process.		
HW 4 (cont'd) Issue operating permits …. .	**Closure Activities –** The State will demonstrate progress toward achieving closure (CL) program goals.	The Key Measure for closure activities is: • CL360 - Closure plan approval. • CL380 - Closure verification • CL370 - Closure certification
		The following outputs are planned for FY05: **Compliance Program and Federal Facilities Program:** • No (0) treatment / storage units will receive closure plan approval • No (0) treatment / storage units will receive closure verification • No (0) closure certifications will be approved.
	EPA will participate in closure determinations through joint activities and providing technical assistance where requested	

HW II **Operating Permits and Closure/Post Closure Permit Goals**		
HW Post Closure Universe Information There are Fourteen (14) facilities in the post-closure universe in the state as of the end of FY04. Thirteen (13) facilities have received the required post-closure permits or other approved controls are in place. The remaining facility has controls in place that will be evaluated to determine if it meets requirements for alternative mechanisms for post-closure.		
Short Term Goals	Objective	Measures
HW 4 (cont'd) Issue operating permits … .	**Post-Closure Activities –** The State will demonstrate program progress toward achieving post-closure (P-C) program goals, objectives and activities that reflect State and EPA P-C priorities.	The Key Measure is: • PC200 – final post-closure permit determinations/ issuances. Post-Closure plan approvals, or other approved controls for all applicable units at facilities in the GPRA post-closure universe. Supporting measures are: • PC200 – other final post-closure permit determinations / issuances. • PC010 – post closure permit call-ins.
		The following major outputs are planned for FY 06 **Compliance Program and Federal Facilities Program:** • One (1) post-closure permits will be renewed (CSU Landfill) • No other final or other post-closure permit determinations / issuances are expected. • No (0) post-closure permit call-ins are expected.
	The State will update facility-specific strategies that lay out when each remaining TSDF is expected to have all post-closure controls in place.	
	EPA will participate through joint activities and by providing technical assistance as requested.	

HW II **Operating Permits and Closure/Post Closure Permit Goals**		
HW 5: Short term Goal Develop mechanisms to improve state-to-state cooperation on permitting of promising innovative waste remediation technologies and the development of such technologies.	HW 2.1.3 Participate in Interstate Technology and Regulatory Cooperation Workgroup.	
EPA will conduct oversight of State operating, closure, and post-closure permitting activities.		

HW III **Compliance Monitoring and Enforcement Goals**		
HW 6: Long Term Goal Ensure protection of public health and environment through achieving compliance of regulated facilities by implementation of an effective monitoring and enforcement program. Detect and deter violations through inspections and enforcement actions and promote compliance with hazardous waste requirements.		
Outcome Measures: Return to compliance after enforcement is an important measure of the effectiveness for the enforcement and inspection program. Informal and formal enforcement actions issued in the reporting year are used as the basis for this measure. The measure is the percentage of compliance requirements that are met during the reporting year that they fall due. This measure is expected to be 80% or more in FY 2006.		
Short Term Goals	Objective	Measures
HW 6.1: Short Term Goal Ensure that annual inspection requirements are achieved and that inspections are of high quality. Inspections of treatment, storage and disposal facilities will meet the statutory requirements.	All federal, state, and local facilities will be inspected. Inspections of state and local facilities will be conducted jointly with EPA, with EPA acting as the lead in the inspections.	During FY 06, 100% of the compliance inspections required by statute will be conducted. Also, inspections projected for Table X of the MOA between EPA/Region 8 and EPA/OECA will be conducted.
	All active land disposal facilities will be inspected. All those in post-closure will be inspected if they were not inspected during FY 2004-05.	
	Ground water monitoring inspections will be conducted at active land disposal facilities that have not had such inspections in the previous two years.	

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HW III **Compliance Monitoring and Enforcement Goals**		
	All treatment and storage facilities will be inspected if they were not inspected during FY 2005.	CDPHE will submit to EPA, by 11/15/05, an inspection work plan for FY06, which includes the names of TSD and LQG facilities.
	Other Priority Inspection Areas - Permit Evaders - Mineral Processors	A minimum of twenty percent (20 %) of all large quantity generators (LQGs) will be inspected during FY06.
HW 6.2: Short Term Goal Maintain a high level of expertise to ensure that quality inspections consistent with national guidance are being conducted.	High quality inspections will be conducted in accordance with national guidance to be reviewed jointly by the State and EPA in the annual assessment.	EPA EOY Report; EPA State Review Framwork Evaluation
EPA Region 8 will continue to implement the CERCLA Off-Site Rule (OSR). EPA will continue to coordinate closely with the state in this implementation.		
HW 6.3: Short Term Goal Promote compliance of regulated facilities by ensuring that enforcement actions are timely and. Actions necessary to assure return to compliance (RTC) and consistent with the Enforcement Response Policy will be documented.	Informal actions will be taken as appropriate within the timeframes established in the HMWMD Enforcement Response Policy.	Compliance Advisories (informal enforcement mechanism) will be used as appropriate for the violation and consistent with the Enforcement Agreement.
	Document long- term maintenance of compliance after formal enforcement.	A reporting system to measure the long-term effectiveness of formal enforcement actions will be developed.
	Formal enforcement actions, such as administrative orders, judicial referrals and referrals to EPA, will be taken as appropriate and within the time frames established in the MOA and the HMWMD Enforcement Response Policy.	Formal enforcement actions will include the use of compliance schedules, assessment of penalties, and escalation of enforcement action as appropriate for the violation and consistent with the Enforcement Response Policy.
	Enforcement follow-up and other activities will be conducted in accordance with the MOA between the State and EPA / Region 8 to assure return to compliance.	Follow-up will include compliance schedules, stipulated penalties, follow-up inspections, and compliance assistance and / or escalation of enforcement responses as appropriate and consistent with the Enforcement Response Policy.

HW III **Compliance Monitoring and Enforcement Goals**		
		The State and EPA will share any information that is collected regarding the environment and / or public health benefits achieved through inspection and enforcement activities.
EPA and the State will work jointly to assure that the review of enforcement actions is timely and appropriate in accordance with the Enforcement Response Policy. Actions necessary to assure return to compliance (RTC) and consistent with the Enforcement Response Policy will be documented.	*EPA will conduct mid-year and end of year file reviews to document the progress CDPHE has made on timeliness of enforcement actions and the appropriate assessment and collection of penalties, including gravity, economic benefit and multi-day penalties.*	The State and EPA will have regular coordination meetings to discuss the compliance and enforcement program. EPA's EOY Report and EPA's State Review Framework Evaluation will be used to judge the quality of HMWMD's Program.

HW IV **Corrective Action Goals**		
Corrective Action GPRA Universe Information: There are seventy (70) TSD facilities in the State subject to corrective action. Of those facilities, all have been assessed, according to the RCRA data management system.		
Short Term Goals	Objective	Measures
HW 7: Long Term Goal Clean up releases of hazardous waste that threaten the public or the environment.	**Corrective Action Identification and Ranking** The State will demonstrate progress toward achieving corrective action program identification ranking goals, objectives and activities that reflect State and EPA priorities.	The Key Measures for corrective action progress are: • CA 050 –assessment completed; • CA 070 – determination of need for RFI; and • CA 075 – corrective action universe ranking.
		The following outputs are scheduled for FY05 by both **Compliance Program and Federal Facilities Program:** All assessment and ranking activities have been completed; therefore, no activities are planned
	EPA will provide technical assistance in identification and ranking activities as appropriate.	

HW IV **Corrective Action Goals**		
GPRA Corrective Action Universe Information: There are thirty-three (33) facilities in the GPRA Corrective Action Baseline. All 33 have had the CA process started with at least a RCRA Facility Investigation (RFI) imposed (CA100) for at least one area. Twenty-seven (27) have had RFIs approved (CA200) for at least one area. Twenty-four (24) have had a remedy selected (CA400) for at least one area. Sixteen (16) have had a remedy construction completed (CA550).		
HW 7: Long Term Goal Clean up releases ….	**Corrective Action Progress** The State and EPA will demonstrate progress toward achieving corrective action program goals, objectives and activities that reflect State and EPA priorities. Emphasis will be placed on high-ranked facilities.	The Key Measures for Corrective Action are the following activities: • CA100 – Initial RCRA Facility Investigation (RFI) imposed; • CA100 – Subsequent RFI imposed; • CA150 – RFI work plan approved; • CA200 – RFI approved • CA300 – Corrective Measure Study (CMS) work plan approved; • CA350 – CMS approved; • CA400 - Remedy Selection • CA500 – Corrective Measure (CM) work plan approved; • CA550 - Corrective Measures implemented (CMI), construction completed

HW IV **Corrective Action Goals**		
Short Term Goals	Objective	Measures
HW 7: Long Term Goal Clean up releases ….	**Corrective Action Progress (Cont'd)**	The following key outputs are scheduled for FY06 at GPRA facilities: **Compliance Program:** Initial RFI imposed – None (0) Subsequent RFI imposed – None (0) RFI work plan approved – Six (6) RFI approved – Two (2) CMS work plan approved – Thirty-five (35) CMS approved – Eleven (11) Remedy selected (unit level) – Eleven (12) Remedy selected (facility level) – One (1) CM work plan approved – Eleven (11) pl CMI Construction Completed (unit level) – Nine (9) CMI Construction Completed (facility level) – Two (2) **Federal Facilities Program:** Initial RFI imposed – All have been imposed; none (0) Subsequent RFI imposed – None (0) RFI work plan approved – None (0) RFI approved – Five (5) CMS work plan approved – None (0) CMS approved – One (1) Remedy selected (unit level) – Four (4) Remedy selected (facility level) – None (0) CM work plan approved – None (0) CMI construction completed (unit level) – None (0) CMI Construction Completed (facility level) – One (1) planned

HW IV **Corrective Action Goals**		
Short Term Goals	Objective	Measures
	EPA will conduct corrective action activities at EPA-lead facilities and will conduct joint activities and provide technical assistance, as appropriate. Specifically EPA has assumed the lead for corrective action at two (2) facilities, both are anticipated to become a state- lead facility.	*EPA plans the following outputs during FY 06* *Initial RFI imposed – None (0) planned* *Subsequent RFI imposed – None (0) imposed* *RFI approved – One (1) planned* *Remedy Selected – One (1) planned* *CMI construction completed – None (0) planned*
Stabilization Universe Information Twenty (20) of the thirty-one (31) high-ranked CA baseline universe facilities are in the stabilization universe. That is, the stabilization measures evaluation (CA225) resulted in a finding that stabilization measures are appropriate or are not required. Stabilization measures have been imposed (CA600) at nineteen (19) of the facilities. Stabilization construction completion (CA650) has occurred at fifteen (15) facilities.		
HW 7: Long Term Goal Clean up releases ….	**Stabilization Activities (Interim Measures)** - The State will demonstrate progress towards achieving stabilization program goals, objectives and activities that reflect State and EPA priorities. Emphasis will be on increasing the number of facilities at which current human exposures and releases to ground water have been controlled and on facilities that are ranked as "high".	The Key Measures are the following stabilization activities: CA225 - Stabilization Measures Evaluation CA600 - Stabilization Implemented CA650 - Stabilization Construction completed
	Stabilization Activities (Interim Measures) Cont'd	The following stabilization outputs are planned for FY05 **Compliance Program** Stabilization Measure Evaluations – None (0) planned Stabilization implemented – One (1) planned Stabilization Construction Complete – None (0) planned **Federal Facilities Program** Stabilization Measure Evaluations – None (0) planned Stabilization implemented – None (0) planned Stabilization Construction Complete – None (0) planned

HW IV **Corrective Action Goals**		
Short Term Goals	Objective	Measures
	EPA will conduct Stabilization activities at EPA-lead facilities and will conduct joint activities and provide technical assistance, as appropriate.	*EPA plans the following outputs during FY 06* • *Stabilization Measure Evaluations – None (0) planned* • *Stabilization implemented – One (1) planned* • *Stabilization Construction Complete – None (0)*
HW Indicator 2 The State will continue to evaluate the number and percentage of facilities with human exposures under control (CA725). Note: The definition of "under control" is in USEPA Region 8 RCRAInfo Definition Table, and in EPA guidance (2/5/99) for RCRA corrective action environmental indicators.		
GPRA Corrective Action Universe Information: There are Thirty-three (33) facilities in the GPRA Corrective Action Baseline. Twenty-nine (29) of these 31 are under control with regard to human exposure as of the end of FY05.		
HW 7: Long Term Goal Clean up releases ….	The state will work to get human exposure under control at facilities subject to corrective action. Documentation will be submitted to EPA for all facilities that have achieved this environmental indicator.	The Key Measure is the number of GPRA Baseline facilities at which human exposures are under control. For FY05, the following Key outputs are planned: **Compliance Program** Two (2) facilities are projected to achieve this environmental indicator **Federal Facilities Program** No (0) facilities are projected to achieve this environmental indicator
	The State will update the facility-specific strategies, identifying when each high –ranked corrective action facility presently not under control is anticipated to meet this environmental indicator and to develop plans to achieve all projected Environmental Indicators.	The cumulative total in Colorado at the conclusion of FY 06 will be 94%.
EPA has a national goal of having human exposures controlled at 95% of the GPRA Baseline facilities by FY 2005 (HW-11-24)	*EPA will work to get human exposures under control at EPA-lead facilities and will provide technical assistance as appropriate.*	*No (0) additional EPA-lead facilities are projected to achieve this environmental indicator in FY 2006.*

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HW IV **Corrective Action Goals**		
Short Term Goals	Objective	Measures
	EPA will update facility-specific strategies, identifying when each high –ranked corrective action facility presently not under control is anticipated to meet this environmental indicator and to develop plans to achieve all projected Environmental Indicators.	
HW Indicator 3 The State will continue to evaluate the number and percentage of facilities with ground water releases under control (CA750). Note: The definition of "under control" is in USEPA Region 8 RCRAInfo Definition Table, and in EPA guidance (2/5/99) for RCRA corrective action environmental indicators.		
GPRA Corrective Action Universe Information: There are Thirty-three (33) facilities in the GPRA Corrective Action Baseline. Twenty-eight (28) of these 31 are under control with regard to ground water releases as of the end of FY05.		
HW 7: Long Term Goal Clean up releases ….	The state will work to get the migration of contaminated ground water under control at facilities subject to corrective action. Documentation will be submitted to EPA for all facilities that have achieved this environmental indicator.	The Key Measure is the number of GPRA Baseline facilities at which migration of contaminated ground water are under control. For FY05, the following Key Outputs are planned: **Compliance Program** Three (3) facilities are projected to achieve this environmental indicator **Federal Facilities Program** No (0) facilities are projected to achieve this environmental indicator
	The State will update the facility-specific strategies, identifying when each high –ranked corrective action facility presently not under control is anticipated to meet this environmental indicator and to develop plans to achieve all projected Environmental Indicators.	The cumulative total in Colorado at the conclusion of FY 06 will be 94%.

HW V **Pollution Prevention & Compliance Assistance Goals**		
HW 8: Long Term Goal Implement a compliance assistance program that increases the compliance rate within HMWMD's regulated communities.		
Short Term Goals	Objective	Measures
	Continue to develop and use resources for compliance assistance.	
	A routine schedule of compliance assistance seminars, workshops and training sessions will be established. Trainings provide compliance guidance to attendees.	Presentation of hazardous waste compliance assistance seminars, workshops, and/or training sessions: • Estimate 15 to 20 sessions with 1000 attendees.
	Site visits will be made to provide compliance assistance to selected individual businesses that request assistance or that are identified during routine hazardous waste inspections.	Implementation of the Generator Assistance Program (GAP).
HW 9: Long Term Goal Implement a pollution prevention program that encourages reduction of the amount and toxicity of wastes generated through waste minimization, treatment, and recycling of hazardous wastes, thereby reducing the risks associated with waste management. Methods for tracking and quantifying the accomplishments of these efforts will continue to be developed.		
	A schedule of pollution prevention seminars, workshops and training sessions will be established. These events will often be included with compliance assistance and outreach efforts.	Done in conjunction with compliance assistance.
	Distribute pollution prevention information and guidance documents in response to specific requests.	Done in conjunction with compliance assistance.
	Distribute pollution prevention information with requests for EPA identification numbers.	
HW 10: Long Term Goal Integrate compliance assistance, waste minimization, pollution prevention, waste diversion, and recycling into all program activities and support waste minimization efforts statewide.		

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HW V **Pollution Prevention & Compliance Assistance Goals**		
	Develop and implement compliance assistance elements within the inspection and enforcement processes.	Provide direct compliance assistance in inspections: • Estimate 50 inspections in FY05.
	Provide pollution prevention training to hazardous waste inspectors and permit writers.	
	Distribute pollution prevention information and guidance documents in response to specific requests.	• Done in conjunction with compliance assistance.
	Distribute pollution prevention information with requests for EPA identification numbers.	
	Provide pollution prevention training to hazardous waste inspectors and permit writers.	
	Support and maintain the technical assistance phone system.	• Estimate 3000 responses during FY05.
	Provide field assistance, consultative services, and trainings on chemical hazards for emergency response agencies as requested.	
	On the CDPHE homepage, provide updates in the hazardous waste activities and access to current compliance assistance and pollution prevention materials and documents.	• Maintain homepage information and track usage by Division customers • Estimate 600,000 contacts during FY05
EPA has a goal of reducing the most persistent and bio-accumulative toxic chemicals (PBTs) in the hazardous waste streams by 50% by 2005 as compared to a baseline year of 1991	PBT profiles for Colorado prepared by EPA will be used to focus waste minimization and reduction efforts including the use of SEPs and will be coordinated with those of CDPHE Pollution Prevention efforts.	Reduction of PBT chemicals in wastes will be tracked using TRI data for Colorado.

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HW V **Pollution Prevention & Compliance Assistance Goals**		
Short Term Goals	Objective	Measures
EPA has a goal of reducing the most persistent and bio-accumulative toxic chemicals ….	*EPA will provide information to the State, as it becomes available, regarding the measurement of PBT chemicals in the waste streams, implementation techniques and any other information regarding achieving these goals.*	EPA and CDPHE will continue joint evaluation of the hazardous waste generation data contained in the State Profile Report to identify opportunities to improve the overall utilization of the Profile.
EPA also has a goal of increasing by 25% the amount of hazardous waste safely recycled relative to the amount safely recycled in 1993.	If EPA defines what information supports their national goal, the State will make its best effort to make that information readily available to EPA.	
EPA will continue to support the environmental Compliance Assistance Center (ECAC) for all auto service businesses that request compliance assistance information. The center is based in Colorado and is available to all states.		

Solid Waste Program

Mission: To protect the environment and human health through efficient, equitable and ethical implementation of Colorado's solid waste statute and regulations; to assist citizens and local governments in providing integrated solid waste management that is effective and safe, through promotion of waste minimization, recycling and environmentally sound disposal practices and in promoting the effective cleanup of unauthorized and contaminated disposal sites.

Solid Waste Program Goals		
SW Indicator 1: The amount of solid waste generated by region and per capita will be tracked and reported.		Solid waste volumes will be posted on the CDPHE Home Page.
SW 1: Long Term Goal Implement an efficient and effective solid waste regulatory program with adequate fiscal and personnel resources.		
SW 2: Long Term Goal Integrate waste minimization, pollution prevention, waste diversion, and recycling into all regulatory and remedial activities and support waste reduction statewide.		
SW 3: Long Term Goal Provide regulatory assistance to businesses and local governments.		
SW 4: Long Term Goal Provide education and outreach concerning solid waste issues.		
Short Term Goals	Objective	Measures
SW 4.1 Provide information on alternative technologies to local government officials and landfill owner/operators.	Continue forums on waste issues.	Formal events, such as trainings given or participated in with facility owners / operators and / or the general public will be cataloged.
	EPA will provide access to national training and information (e.g., publications, satellite forums) on household hazardous waste, financial assurance, and other solid waste issues.	
SW 4.2 Encourage and support local government decisions that extend existing disposal alternatives and capacity beyond landfilling to composting, recycling, etc.	Encourage and assist local government with networking solid waste management issues. Provide technical assistance and information when requested and through stakeholder outreach processes.	
SW 4.3 Educate individual citizens about waste reduction strategies with an initial emphasis on recycling and reduction of HHW generation.	Prepare or purchase informative materials that identify alternatives to waste disposal and eliminate/minimize toxic household wastes.	Keep website up-to-date with good comprehensive information that citizens can utilize.
SW 4.4 Encourage local programs to exclude HHW from disposal in Municipal Solid Waste (MSW)	*EPA will provide access to national training and information (e.g., publications, satellite forums) on household hazardous waste, financial assurance,*	Coordinate with the hazardous waste program in developing HHW collection/diversion events, alternatives to throwing HHW in the trash, etc.

Solid Waste Program Goals		
landfills.	*and other solid waste issues.*	
SW Indicator 2: The amount of solid waste recycled by region and per capita will be tracked and reported.		Solid waste volumes will be posted on the HMWMD Home Page.
SW Indicator 3: Number of waste sites and kind of waste management, treatment and disposal mechanisms in use in the state will be tracked and reported as well as their compliance status. Also, the remaining disposal volume and longevity of each site and type of site composite will be tracked.		
SW 5: Long Term Goal Develop an appropriate and sustainable set of performance indicators for solid waste and initiate tracking and reporting efforts in support of the same.	Improve industrial / commercial waste minimization and pollution prevention efforts and support composting and recycling.	HMWMD will continue to refine the data available to measure progress toward its goals. HMWMD will use the data to document volumes and related information and track trends. Total solid waste volume data will be maintained on the HMWMD Webpage. Data for calendar years 1995 to 2004 is available and will be updated annually. Recycling, scrap tire and composting data will be added by mid 2005 and continued into the future.
	Further develop and support the goals of the RCC, as priorities and resources allow.	
	EPA will provide technical assistance on the standardization of recycling measurement methodologies.	
	EPA will increase waste reduction through: (a) the on- farm composting pilot;(b) the resource 2000 C&D project;(c) the WasteWise program; and (d) the ski industry project.	
	EPA will strengthen recycling markets through (a) the Recycling Development Incubator with EcoCycle; (b) Region 8 States Round Table on recycling Market Development and sustainability.	
SW 6: Long Term Goal Enhance solid waste regulatory review, and solid waste regulation and policy development through consultation with stakeholders.		
SW 7: Long Term Goal Support voluntary regional waste management solutions and systems especially encouraging rural areas of the state toward regional concepts.		
SW 8: Long Term Goal Maintain interagency coordination and interaction to assure consistency and avoid duplication of regulatory impact.	Investigate areas where coordination of existing activities and programs within CDPHE and with other local, state and federal agencies can improve efficiency, streamline processes and increase customer assistance with minimal or no increase in program cost.	Participate in stakeholder processes related to NORM/T-NORM guidance materials, policy, and new regulations.

Solid Waste Program Goals		
	Cooperate with OEC, DOLA, and CHFA in the implementation of HB-93-1318 so that loans, grants and studies address local and state solid waste needs and priorities.	
	EPA Region 8 is placing increased emphasis on its implementation of the CERCLA Off-Site Rule (OSR). A draft policy was reviewed and commented on by the States. EPA reviewed those comments and incorporated many of them into the final policy, which was shared with the States. It is EPA's intention that it will serve as the basis for the Region's implementation of the OSR. Implementation will be coordinated with the States. CDPHE has not yet reviewed the language.	

Rocky Flats Program

Rocky Flats Goals & Objectives		
RF 1: Long Term Goal Assure that the site of the former Rocky Flats Plant is cleaned up and made safe and assure protection of public health, safety, and the environment during clean-up.		
Short Term Goals	Objective	Measures
RF 1.1 Implement integrated and coordinated state regulatory oversight and communication programs for Rocky Flats.	Provide regulatory oversight of the remaining Rocky Flats accelerated actions through Project Completion, anticipated in the fall of 2005. CDPHE will continue to serve as Lead Regulator in the Industrial Area and to coordinate with EPA in the Buffer Zone and in Site-wide issues.	
	Participate in topic-specific decisions by appropriate technical and decision-making staff from involved organizations, such as DOE, Kaiser-Hill, EPA and local governments; topics to include surface water management, environmental monitoring, clean up, administration and reporting, etc.	
	Work with DOE and EPA to develop and finalize a Comprehensive Risk Assessment once all accelerated actions are completed, a Remedial Investigation/Feasibility Study (RI/FS), a Proposed Plan and eventually a Corrective Action Decision/Record of Decision (CAD/ROD).	
	In conjunction with EPA and DOE, develop a post-closure long-term stewardship regulatory agreement that will dovetail with the final CAD/ROD.	
	Evaluate policy options, cost estimates, relative priorities, and comparative risk analyses relating to stabilization, consolidation, remediation, and decommissioning activities at Rocky Flats Environmental Technology Site.	
RF 1.2 Provide rigorous independent monitoring, enforcement, and cleanup of the Rocky Flats plant and vicinity to achieve compliance with	Integrate the State's environmental monitoring program with that performed by the Rocky Flats Environmental Technology Site to finalize a post-closure Integrated Monitoring Program.	

Rocky Flats Goals & Objectives		
state environmental regulations and other requirements to protect the health and environment of Colorado.	Conduct routine and intermittent monitoring of environmental pathways or media; report the results.	
	Conduct independent surveillance over the following activities: surface water discharges; radioactive materials management; air emissions; hazardous waste management; facility deactivation, and decontamination and decommissioning.	
	Oversee completion of remediation and decontamination / decommissioning projects to achieve a level of cleanup by DOE that achieves the Vision and protects public health and the environment.	Assist in the implementation of the Vision for the site and oversee operations that may impact public health or the environment.
	Make environmental monitoring data available for scientific analysis by others.	Continue to develop, utilize, and make available a reliable Scientific Database Management System for Rocky Flats data and reports including linkage with other pertinent state and federal databases
	Provide objective and accurate information to the public to allow credible, representative public involvement.	Evaluate and interpret environmental and health information associated with contamination and environmental releases at the plant.
	Encourage the Site to maintain comprehensive and integrated environmental management systems post-closure.	
	Increase public understanding and awareness of environmental issues at Rocky Flats.	Coordinate with the Rocky Flats Citizens' Advisory Board and the Rocky Flats Coalition of Local Governments.
		Communicate program activities to special groups, other agencies, and the public.
		Improve coordination and communications with local governments through more structured contacts and information transfer.
		Participate in public forums.
	EPA will act as lead regulator in the Buffer Zone. Coordinate with State on Site-wide issues.	*Integrate Federal, State and local requirements in a manner that does not result in duplicative oversight.*

Rocky Flats Goals & Objectives		
	EPA will assure that DOE utilizes its decreasing site budget in the most effective manner.	*Work with State and DOE in developing an annual site budget, which gives priority to activities that reduce, that reduce risk and site mortgage and meets requirements of RFCA.*
		Assist DOE in the review of DOE orders and procedures as well as regulatory requirements to determine necessary and sufficient requirements for the site.
		Provide technical assistance to DOE in areas such as wetlands delineation, surface water management and the National Pollution Discharge Elimination System

Superfund Program

Mission: To manage projects to achieve cleanups that are protective of human health and the environment, on schedule, cost effective and reflect community concerns. To identify sites that pose an unacceptable risk to human health and the environment, and work towards completion of response actions at these sites. There are currently 22 National Priority List (NPL) Superfund sites which potentially or are known to be contaminating the environment and many other sites that do not rise to the level of NPL listing.

Superfund Program Goals		
SF Indicator 1 The number of sites under remediation and their status. The number of acres at these sites where human exposure risk has been controlled or where beneficial use has been restored.		
SF 1: Long Term Goal Manage projects to achieve cleanups that are: protective of human health and the environment, on schedule, cost effective and reflect community concerns.		
Short Term Goals	Objective	Measures
SF 1.1 Provide timely actions in support of EPA's Superfund Comprehensive Accomplishments Plan targets.		
SF 1.2 Implement operation and maintenance plan for all sites with long term state responsibilities after remediation, to insure adequate protection of human health and the environment through isolation of contaminants, or treatment to appropriate standards.	Monitor institutional controls at Denver Radium sites	
	Continue operation/maintenance of water treatment plants at Argo Tunnel (Clear Creek) and Summitville.	Discharge standards as prescribed in permit-like agreements.
	Monitor groundwater at Chemical Sales and Sand Creek sites	Perform monitoring in accordance with approved schedule.
	Continue cleanup and reporting to EPA on all State-lead sites: Eagle Mine, ASARCO Globeville, Lincoln Park, Summitville, Chemical Sales, Clear Creek, Sand Creek, Captain Jack and Uravan.	Appropriate EPA SCAP targets.
	EPA will continue as lead for the other 11 NPL sites.	
	EPA and the State will jointly act to list additional sites on the NPL, as appropriate.	
SF 2: Long Term Goal Identify as many of the unknown contaminated sites that may pose a risk to human health and the environment through polluted soil and water as possible, and adequately characterize the	The Division will implement a site discovery program to identify sites that have potential for releasing hazardous substances to the environment.	In FY06, HMWMD will devise and implement a work plan, acceptable to EPA that will identify inactive sites with this potential.

Superfund Program Goals		
sites to either disprove environmental concerns or facilitate appropriate cleanup actions to remove these risks.		
SF 3: Long Term Goal Optimize public participation and community outreach capabilities and opportunities for all remedial and regulatory programs. Community support of cleanup decisions expedites remediation by eliminating delays due to public concern and litigation.		

Voluntary Clean-up and Re-development Program

Mission: Our goal is to respond to the owners of as many sites as possible to facilitate redevelopment and transfer of contaminated properties, while assuring that adequate cleanup is performed for the proposed land use.

Voluntary Clean-Up and Re-Development Program		
VC 1: Long Term Goal Respond to the owners of as many sites as possible to facilitate redevelopment and transfer of contaminated properties, while assuring that adequate cleanup is performed for the proposed land use.		
Short Term Goals	Objective	Measures
VC 1.1 The program will efficiently review cleanup applications and insure that all approvals are protective of human health and environment.	Process 50 applications per year.	Number of applications processed.
VC 1.2 Implement MOA with EPA to enhance communication about sites and to provide assurances to the applicant via the MOA	Ensure that each site requiring coordination under the MOA, receives such coordination.	

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Uranium Mill Tailings Remediation Act (UMTRA) Program

Mission: The goal of this program is to eliminate or reduce to an acceptable level of risk human exposures to and affect from uranium mill tailings; i.e., (1) the radon levels associated with the tailings properties by removing the tailings and disposing of them in a permanent, safe disposal facility and (2) contaminated groundwater by either through use of institutional controls (alternate water supplies) or by performing remedial action as necessary.

UMTRA Program Goals		
Indicator 1 The number of sites under remediation and the number of acres at these sites where human exposure has been controlled or where beneficial use has been restored.		
Short Term Goals	Objective	Measures
UM 1: Long Term Goal Manage projects to achieve cleanups that are: protective of human health and the environment, on schedule, cost effective and reflect community concerns.	Design and construct expansion of Gunnison potable water system and local land use control.	Construction completion
	Continue monitoring all disposal cells to assure they are performing as designed.	Participate in all DOE annual site inspections.
UM 1.1 Continue ground water studies and projects and to resolve remaining problems and to protect human health and the environment as related to contaminated ground water at Title I sites.		
UM 1.2 Assist local governments in managing tailings that were not remediated by the UMTRA Program, as authorized by HB 97-1248.		Perform all surveys, prepare property reports ,and respond to all requests for information within 2 business days.

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Radon Intervention Grant

Mission: The Radon Intervention Grant is used to develop effective, efficient activities for the state with emphasis on raising awareness of radon issues, increasing testing rates and encouraging mitigation in response to elevated radon levels. Homeowners, local governments, realtors and builders will continue to be target groups for communicate about radon testing and radon-resistant new construction.

Radon Intervention Grant Goals for FY05			
RA 1: Long-term goal Increase radon awareness. Assure that Colorado homes continue to be tested for radon, with intervention to reduce radon risk if a test result calls for action.			
Short-term goal	**Objectives**	**Performance measures**	**Milestones**
RA 1.1 Increase awareness to 87%; increase in testing to 27% and increase mitigation of homes with elevated radon levels to 12%. Work toward adoption of more radon-resistant building codes.	Contract through the grant for products and services that improve radon awareness, testing, and mitigation in Colorado.	Number and/or percent of homes that have been mitigated for elevated radon levels.	Number of homes that have been mitigated for radon.
	Provide current information to homeowners, real estate agents, buyers, sellers, and builders about radon testing and mitigation.	Percentage of homes tested for radon.	Number of homes that have been tested for radon.
RA 1.2 Strengthen radon public health activities in Colorado's zone 1 (high radon potential) counties.	Work with volunteer municipalities and counties to adopt construction standards to reduce radon in residential, school, and public buildings.	Number of homes in each county that have been built using radon-resistant features.	
	EPA: *EPA will offer assistance in public outreach efforts, help coordinate activities of the state and the Western Regional Radon Training Center, provide support for the contracts with counties and partners that have been established and offer manpower at events.*		
	EPA: *EPA will also forward relevant information from HQ or other entities to the state. Guidance will be provided as needed on the information.*		
	EPA: *EPA will also provide support to the state in the creation of radon-related policy statements or programs such as the radon proficiency program.*		

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Radon Intervention Grant Goals for FY05			
	EPA: *EPA will review annual reports submitted by the state and offer a response that assures that the work plan agreed to is being followed and goals are being met.*		

CHAPTER 8 – FISCAL AND GRANT CONSIDERATIONS

8.1 INTRODUCTION

The purpose of this chapter is to describe the FY06 allocation of available EPA resources under the CEPPA. This chapter refers only to the fiscal resources and allocations while chapters 3 through 7 describe environmental goals, objectives, environmental indicators and program performance measures. Table 8.1 provides a list of elements consolidated into the single Performance Partnership Grant (PPG).

The grant policy guidelines allow the allocation of EPA grant dollars within or across media and programs. It provides the state with more flexibility to invest some of the federal grant dollars in innovative capacity building initiatives such as pollution prevention, compliance assistance and assurance, customer service, data integration, smart growth, community-based and environmental justice strategies. The grant will also enable the state to target more federal resources to its most serious environmental problems.

8.2 BACKGROUND

The National Environmental Performance Partnership System (NEPPS) allows states to propose goals and objectives based on state environmental problems and priorities. In April 1996, the U.S. Congress authorized Performance Partnership Grants. The PPG increases state flexibility in reallocation of federal environmental grants. The NEPPS allows states to receive a consolidated environmental management grant in lieu of several categorical program grants. The CDPHE was one of the first states awarded a consolidated environmental grant. Total availability of grant dollars and Colorado's cost share are the same under the consolidated grant as they would have been using categorical grants.

The EPA Guidance includes the following elements relevant to this CEPPA:

- - description of environmental goals
- - description of quantifiable environmental objectives
- - program plan of action
- - environmental results expected
- - program performance measures
- - list of activities showing schedule of accomplishments
- - set of core program commitments.

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8.3 REVENUE SOURCES AND RESOURCE ALLOCATIONS

Resources for the environmental programs within the CDPHE come from multiple sources. These include, state general funds, cash funds from permit, license, emission fees, and various federal grants from several agencies. The CEPPA represents the total shown in Table 8.2.

The CDPHE has identified several program grants for inclusion in the 2006 PPG, which refers to the period from October 1, 2005 through September 30, 2006. The estimated federal dollar resources and cost share associated for all EPA grants; i.e., including indirect cost charges, are summarized in Table 8.1.

CDPHE is requesting an estimated $8.83 million at the time of application from EPA for the FY06 PPG. The PPG guidance allows Colorado to incorporate other eligible grants, including competitive grants during the year if other federal resources become available. The PPG will be amended by CDPHE and EPA in these instances.

In the case of competitive grants, the state may develop and submit a proposal for approval by EPA Region 8 or EPA headquarters for the particular competitive grant program. For others, EPA and the state may renegotiate and revise the goals and program commitments in the current CEPPA as necessary. For each additional award made during the year, an appropriate amendment to the CEPPA will be made to reflect and account for the additional funds and work to be conducted. Upon approval of additional funds, Colorado will submit a formal grant amendment to request additional funds in the PPG and EPA will amend the PPG award to include those funds.

Table 8.1 summarizes the allocation of PPG funds within CDPHE for environmental programs.

Table 8.2 summarizes the overall allocation of funds within the CDPHE environmental programs.

8.4 FINANCIAL MANAGEMENT AND REPORTING

The PPG guidance and regulation states that PPG recipients must maintain accounting and financial records that adequately identify the source (i.e., federal funds and match) and application of funds provided for PPG activities. Colorado maintains records that contain relevant information such as obligations, non-obligated balances, outlays, expenditures and program income. Colorado PPG funds will be tracked to the total effort or cost incurred for the PPG work, not necessarily to individual categorical sources of funding.

Table 8.1 Estimated federal PPG resources													
Division	Resource	Rollforward			PPG			State match			Grand total		
		FY03	*FY04	FY05	FY04	*FY05	FY06	FY04	FY05	FY06	FY04	FY05	FY06
APCD	CAA 105 - other	N/A	*484,651	N/A	2,391,271	2,186,307	2,164,067	2,800,001	2,800,001	2,800,001	5,191,272	4,986,308	4,964,068
	Asbestos./TSCA	N/A	* 0	N/A	133,916	129,734	197,646	48,734	62,541	65,882	182,650	192,275	263,528
HMWMD	Hz. Waste	N/A	* 30,307	N/A	1,111,865	1,057,286	1,046,636	396,827	387,557	387,557	1,508,692	1,444,843	1,434,193
WQCD	CWA 106	N/A	*385,323	N/A	1,797,454	2,060,577	1,866,478	670,261	670,261	670,261	2,467,715	2,730,838	2,536,739
	Dr. Water	N/A	* 0	N/A	1,389,273	1,135,349	1,274,323	496,701	471,866	471,866	1,885,974	1,607,215	1,746,189
	Gr. Water	N/A	* 0	N/A	200,000	200,000	200,000	0	0	0	200,000	200,000	200,000
	Non Pt. Src.	N/A	* 0	N/A	537,253	524,400	517,615	383,333	383,333	383,333	920,586	907,733	900,948
Other	Lead	N/A	* 0	N/A	298,993	291,840	335,582	0	0	0	298,993	291,840	335,582
	Radon	N/A	* 24,148	N/A	339,042	312,200	313,799	345,000	318,200	321,020	684,042	630,400	634,819
	Exec. Dir. Office Sust. Programs CPD-School Chemicals/Other	N/A	*158,069	N/A	657,168	843,539	916,741	104,000	104,000	104,000	761,168	947,539	1,020,741
	Carry-Over Amt.					*1,082,498			*635,753			1,718,251	
TOTAL		N/A	*1,082,498	N/A	8,856,235	9,823,730	8,832,887	5,244,857	5,833,512	5,203,920	14,101,092	15,657,242	14,036,807
	EPA In-Kind												

*Rollforward funds for FY 03-04's agreement are carried-over into the FY05-06 two-year grant agreement. Rollforward funds for FY05 are not applicable due to the PPG being a two-year agreement. FY04 EPA and State match figures are based upon State Amendment #1. FY06 amounts are based upon FY05's final programmatic allocations from EPA (will be amended at a later date).

Table 8.2 Funding support for CDPHE Environmental Program (in millions $)												
	Cash Funds			General Fund			Est. fed. PPG			Est. fed. Non-PPG		
	FY04	FY05	FY06	FY04	FY05	FY06	FY04	FY05	FY06	FY04	FY05	FY06
APCD	11.9	12.6	12.55	0	0	0	2.98	2.76	2.7	0.8	1.1	1.18
HMWMD	7.6	8.2	8.6	0.51	0	0	1.20	1.09	1.35	13.2	10.1	10.2
WQCD	5.0	5.5	3.95	0	0	1.88	4.16	3.82	3.85	**1.5	**8.32	**8.88
Other	0.1	0.1	0.1	0	0	0	0.48	1.16	.93	0	0.1	0.1

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****WQCD est. federal non-PPG for FY03 and FY04 did not reflect funds from the Colorado Water Resources and Power Development Authority (used to administer the State Revolving Loan Programs). FY05 estimates have been adjusted to include those funds, as well as any additional federal special project funds.**

****WQCD est. federal non-PPG for FY03 and FY04 did not reflect funds from the Colorado Water Resources and Power Development Authority (used to administer the State Revolving Loan Programs). FY05 estimates have been adjusted to include those funds, as well as any additional federal special project funds.**

CHAPTER 9 STAKEHOLDER AND PUBLIC INVOLVEMENT

9.1 CDPHE Outreach

The CDPHE is committed to an open and thorough public participation process as necessary. That goal can be reached through current strategic planning and priority setting process. It is a challenge and a commitment that will carry on through the next several years. The focus has been shifted from the draft / react model to a truer partnership and consultation in the drafting of the CEPPA.

All CDPHE Environmental Programs must engage in an annual planning and updating process with the executive and legislative branches of state government and with Region 8 EPA. Major goals, priority issues for each division, cross cutting themes were presented to a number of groups. The process of identifying goals and priorities and the developing division work plans is the essence of the program development process at the CDPHE. The division work plans become the foundation and core of the CEPPA.

A number of partners and stakeholders are consulted during this planning process. Some of these groups included in this process include: the Colorado Board of Health (BOH), the Colorado Air Quality Control Commission (AQCC), the Colorado Hazardous Waste Commission (HWC), the Colorado Water Quality Control Commission (WQCC), the Pollution Prevention Advisory Board (PPAB), local health agencies, and industry and trade groups and associations. Continuing efforts will be to incorporate the early outreach concept on a comprehensive basis so that it works and aligns with the overall work plan development process

Prior to the first drafting efforts, each division reviewed their major goals, objectives and commitments from the last CEPPA with their stakeholders at public meetings and working sessions. The staff was soliciting recommendations about changes and improvements. The input received at these meetings was included in the initial discussions with EPA Region 8 staff and in the writing of a new draft CEPPA. Each division contributed efforts to provide opportunity for early input.

The Sustainability Program made presentations and received comments concerning the CEPPA to the PPAB and EPA Region 8, and on select projects to the BOH, AQCC, HWC and WQCC. The staff also met with and discussed parts of its work plan with interested stakeholders from the public, private and governmental arena. Nongovernmental groups the staff met with include: Environment Colorado, Sierra Club, Western Resource Advocates, Colorado Environmental Coalition, Trout Unlimited, Environmental Defense, Audubon Society, Colorado Mining Association, Colorado Livestock Association, Colorado Asphalt Pavement Association, Colorado Auto Salvage Association, American Bar Association, Hazardous Waste Roundtable, and Colorado Farm Bureau. Governmental agencies the staff met with include the: Department of Corrections, Department of Agriculture, Office of Energy Management and Conservation, Department of Transportation, and local agencies. Finally, the staff met with a myriad of regulated facilities to discuss certain elements of the Sustainability Program work plan.

The Hazardous Materials and Waste Management Division made presentations and received comments concerning the CEPPA at meetings of the HWC, the Colorado local health department directors, the Colorado local environmental health directors, the PPAB, BOH, and the Hazardous Waste Roundtable. The staff within the division also held a series of small group discussions with individuals who represent the regulated industry, local governments, the environmental activist groups, and concerned communities and citizens across the state.

The Air Pollution Control Division made presentations and held work sessions with the AQCC. Additionally, during this process, other stakeholders have been involved.

In the Water Quality Control Division, Stakeholder Involvement Plan, there are a number of stakeholder groups that have traditionally demonstrated an interest in water quality issues in Colorado. The Water Quality Forum is one such stakeholder. The members of the Forum represent a broad spectrum of stakeholder interests in the state including industrial, environmental, agricultural, recreational and state, federal, and local governments. The division will provide the forum with an early draft of the CEPPA and seek their input throughout the process.

Other groups the division works with in relevant issues include the WQCC, the Colorado Mining Association, the Colorado Association of Commerce and Industry, the League of Women Voters, the Sierra Club, local health departments, local government, the general public, etc. The WQCC meets monthly and the WQCD director will include information during August on the development of the CEPPA in his monthly presentations concerning the division. Such presentations are announced in the published agenda for each meeting.

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Representatives of one or more of these organizations attend WQCC meetings each month. These representatives carry information concerning both the WQCC and the WQCD back to their organizations.

9.2 Public Comment and Review

The CDPHE and Region 8 EPA have worked to involve stakeholders in the development of the document. A database of over 300 individuals and organizations has been maintained and has been used as the initial mailing list to notify the stakeholders of the document's availability.

A thirty-day public comment period will begin on August 3, 2005. It is anticipated that the full document will be either available on CDPHE web site or upon request at CDPHE. Comments or questions on the CEPPA or other related areas should be sent to the following address:

Air Pollution Control Division, attn. Ray Mohr – CEPPA (email: ray.mohr@state.co.us)

Colorado Department of Public Health and Environment

4300 Cherry Creek Drive South

Denver, CO 80246-1530

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The draft FY 2005 CEPPA draft is available through Internet access through the State of Colorado Homepage at:

http://www.state.co.us/gov_dir/CDPHEhom.asp/environ.asp

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CHAPTER 10 OVERSIGHT & ASSESSMENT

10.1 Background

Although a number of programs are delegated to the states, the EPA remains responsible and accountable to the President, the Congress and the public for progress toward meeting national environmental goals and for ensuring that federal statutes are adequately enforced and federal funds are spent appropriately. The EPA has the responsibility to oversee the conduct of delegated, inter-governmental programs to ensure that adequate protection is being provided across the country. In addition, the EPA has the responsibility to conduct evaluations of state performance under assistance agreements (grants) to ensure that they are being utilized to achieve national goals, requirements, and mutually-agreed upon state and EPA priorities.

Oversight of state and tribal environmental program performance is a core function of the Environmental Protection Agency. Program oversight is the process by which Region 8 carries out its responsibilities for periodically assessing, ensuring, and documenting that federally authorized programs are conducted by states and tribes adequately and in conformance with authorization agreements. Program oversight also encompasses continuing programs for which EPA funding is provided. Grant oversight focuses on deliverables, or action item commitments, and performance measures in grant work plans, and includes a fiduciary responsibility to ensure that grant funds are accounted for and used appropriately by recipients. EPA Region 8 has documented the oversight procedures it uses for most programs in the Regional Compendium of Standard Operating Procedures for Oversight(the Oversight Manual). The manual can be found on the Region 8 website at http://www.epa.gov/region08/states/guidance.html. EPA will follow those procedures during FY 2006. The OECA/ECOS State Review Framework will be used by Region 8 to evaluate the FY2006 RCRA, Air, and NPDES enforcement program performance with results reported in 2007. Authorized or delegated programs that are not included in this edition will use previously established procedures during FY 2006 and will complete documenting their procedures for the next edition of the manual.

In the Colorado Performance partnership Agreement, program outcomes are measured by environmental indicators or markers of pollution in the environment. Indicators are such measurements as ambient air quality levels. Ultimately, indicators of such features as changes in exposure burden and/or changes in ecological conditions could be used. The major types indicators being used in the current CEPPA include the following examples:

SUSTAINABILITY

- Trends in environmental impacts in environmental justice areas.
- Reduction in pollution, waste, and resource use internally within CDPHE.
- Reduction in pollution through prevention activities.

AIR QUALITY

- Trends in air quality for each of the six criteria pollutants around the state.
- Trends in number of "good" days state wide based on the Air Quality Index
- Trends in urban or rural visibility monitoring where data is available.
- Trends in Statewide trends in emission of Ozone precursors
- Statewide trends in emission of criteria pollutants
- Statewide trends in emissions of air toxics including Mercury

WATER QUALITY

- Percentage of stream miles meeting standards for designated uses.
- Percent of lake acres meeting applicable standards and supporting designated uses.
- Number of public water systems and populations served experiencing various types of MCL violations.

HAZARDOUS WASTE

- Hazardous waste compliance rates.

- Return to compliance after enforcement.
- Progress at Superfund sites.
- Toxic releases based on TRI report.

10.2 Federal Oversight Under the National Partnership System

Under the partnership system, greater emphasis is being placed on performance-based evaluations, differential oversight and greater participation by the state in evaluating performance and determining solutions. In doing so, the focus of oversight is on identifying and solving problems and taking action, to deliver more effective and efficient environmental protection. Such an approach necessitates a continuing strong EPA presence, a workable state-EPA relationship, and continuous dialogue and communication between the EPA and the state.

Performance-based evaluations

The EPA is placing greater emphasis on state performance in achieving overall program results and accomplishments and less on the completion of individual products or activities. In doing so, The EPA and the state have developed clear goals, objectives and performance measures to clarify requirements and expectations and the criteria for success. This framework is found in the individual program work plans in Chapters 3 through 7. The performance measures include both outputs to be completed (activities and products) and outcomes to be achieved (results). In determining overall performance, both the measurement of outputs and outcomes is necessary in determining the level of success in accomplishing the goals and objectives. Efforts are increasing to balance the use of output and outcome measures and to focus evaluations on the effectiveness and results of the work accomplished.

Differential Oversight

The EPA and the CDPHE are also working to implement a system of differential oversight in which the level of EPA oversight of state work activity corresponds to the level of the state's performance as determined during the most recent evaluation process. For example, in instances of effective state performance, EPA's oversight level lessens in frequency and detail. There is greater focus on reviewing outcomes and results than the accomplishment of individual activities. In instances of less than satisfactory performance,

EPA's oversight level increases and more detailed reviews of the accomplishment of activities and specific requirements may need to be conducted in order to determine and correct the cause of the problem. The differential approach to oversight is intended to provide an incentive to state programs to increase performance so that both federal and state resources can be used to address critical problems. Differential oversight should not be construed to mean that the state's and the EPA's commitment to protect public health and the environment is being reduced. Maintaining a protective environmental program is a base level requirement under state and federal laws.

State Involvement

A system of partnership also stipulates greater state involvement in the evaluation process. The state is increasingly becoming involved in its overall program evaluation by identifying problems and solutions and working with the EPA in determining its level of performance and the appropriate level of EPA oversight.

10.3 Types of Oversight

Oversight is broadly defined as the combination of activities conducted by the EPA to ensure that state programs adequately meet delegation requirements and fiscal responsibilities. The EPA oversight consists of a variety of approaches.

Base Program-wide Reviews

The base oversight activity will be an annual program-wide review conducted jointly by the CDPHE and the EPA. The major component of this review is a formal assessment of the state's performance in meeting commitments contained within the CEPPA. However, as part of the EPA's oversight responsibilities, additional information on the implementation of delegation requirements may also be gathered to determine overall performance. In doing so, the state will be evaluated against requirements in delegation and other agreements, and the Core Performance Measures agreed to by the EPA and the Environmental Commission Organization of the States (ECOS). Additionally, assessment of base level program performance will be guided by performance measures drafted jointly by CDPHE and EPA during 1996, which

identify the key federal requirements contained in statutes, regulations, operating guidance, delegation agreements, and other agreements between CDPHE and EPA.

The intent of this review is to assess the overall performance of programs and systems. More in-depth reviews of specific activities may be conducted on a limited basis to examine potential or ongoing problem areas.

After-the-fact Reviews

After-the-fact reviews include, for example, reviewing completed permits, inspection reports, and enforcement actions, will occur periodically as part of the EPA's oversight role. These reviews occur throughout the year to track progress and to ensure that delegation requirements are being met and federal statutes and regulations are being enforced. After-the-fact reviews will be the focus of the EPA's ongoing oversight rather than case-by-case intervention. The number of after-the-fact reviews will be limited and will be at a level commensurate with state performance.

Real-time Review –

These are reviews of state work products that are under development, for example, draft permits or closure plans. These reviews should only be used on a selective basis to address programs with less than adequate performance or in cases where the state may request assistance.

An annual, formal evaluation of state performance is required for recipients receiving federal assistance. Although the primary purpose of the evaluation is to identify progress in accomplishing the commitments in the CEPPA, the evaluation is also essential in planning, priority-setting and continuous improvement efforts. Evaluation of delegation requirements not found in the CEPPA may also occur as part of the program-wide review.

This CEPPA contains a binding set of commitments in the form of program goals, objectives and performance measures. these are found in Chapters 3 through 7. The information found in other chapters, such as priorities, roles and funding allocations, will also be used as supporting documentation in the program-wide evaluation.

10.4 Evaluation Plan : Annual Base Program-wide Review

An annual, formal evaluation of state performance is required for recipients receiving federal assistance. Although the primary purpose of the evaluation is to identify progress in accomplishing the commitments in the CEPPA, the evaluation is also essential in planning, priority-setting and continuous improvement efforts. Evaluation of delegation requirements not found in the CEPPA may also occur as part of the program-wide review.

This CEPPA contains a binding set of commitments in the form of program goals and priorities and performance measures. These are found in Chapters 3 through 7. The information found in other chapters, such as priorities, roles and funding allocations, will also be used as supporting documentation in the program-wide evaluation.

Principles

The guiding principles to be followed by CDPHE and EPA in performance evaluations:

- The EPA and the state will use the CEPPA as a management tool to continuously track the progress of work accomplished.
- The work plans contained within the CEPPA together act as the vehicle for expressing performance expectations under the CEPPA, forming the fundamental basis for awarding funds and annually evaluating state performance.
- The performance measures contained within the work plan matrices are the criteria which will be used to report on and evaluate the progress of achieving the goals and objectives in the CEPPA.
- The state will implement and follow all delegation requirements, whether stated in the CEPPA or not, to ensure adequate protection of public health and the environment. Review of delegation requirements will be part of the annual evaluation.
- As much as feasible, the state and the EPA should engage in joint analysis of identified problems to determine their nature, cause and the appropriate solutions.
- Throughout the project period, the state and/or the EPA will immediately communicate to each other any problems or issues identified and will work together to solve them or refer them to top management.

- The CDPHE and/or the EPA will immediately communicate any necessary changes to the CEPPA. These changes may result from a change in priorities or incorrect assessment of work to be accomplished or new funding for additional work. The change must be sent to the EPA state program manager and approved by the appropriate the EPA program.

Evaluation Process

The CDPHE and EPA regional office will undertake a joint evaluation of commitments and accomplishments from the Performance Partnership Agreement at the end of the fiscal year. The evaluation will consist of the following steps:

Step 1:

At the conclusion of the federal fiscal year (September 30, 2006), both CDPHE and EPA will prepare draft reports on their work accomplished over the previous federal fiscal year. The reports will combine program and enforcement accomplishments. During preparation of the drafts, program-to-program discussions may begin on the accomplishment of the goals and objectives. CDPHE and EPA will exchange the draft reports by mid-December 2006.

Step 2:

A. CDPHE and EPA program and enforcement managers will conduct face-to-face meetings to review their respective findings. They will discuss how to align the drafts, and report results (both positive and negative) to their respective Senior Managers.

B. During mid- to late January 2007, there will be joint meetings of CDPHE and EPA Program Directors with the appropriate Senior Managers of the two agencies as necessary to discuss results. If there are any outstanding issues, Senior Managers will resolve them by the end of January or early February 2007.

C. By December 31, 2006, CDPHE will produce the End-of-Year report as required by the PPG. This report will be based on staff assessments. CDPHE Programs will begin to schedule face-to-face meetings with EPA counterparts.

Evaluation follow-up

During the first quarter of 2007, the final End of Year Assessment report along with other reports including the Unified Enforcement Oversight Survey will be distributed to all the EPA and state managers to be used to prioritize future work efforts and track the resolution of issues. Changes to the CEPPA may be necessary to address new issues or priorities. Serious, ongoing performance problems may necessitate grant conditions, sanctions or other actions by the EPA.

March – April 2007 - Programs conduct individual midyear reviews to check-in on progress, review and set priorities and plan for future work.

May – June 2007 – At a minimum a program-level face-to-face meeting is held to discuss significant program issues, set joint priorities and develop plans and strategies to accomplish program objectives in the coming PPA period.