APPROVALS

By signing this updated Colorado Environmental Performance Partnership Agreement (CEPPA) for FY2009 and the subsequent FY 2010 update, 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, 2008 and continuing through September 30, 2010. The EPA commits funding to the CDPHE in amounts specified herein and as specified in fiscal applications submitted by the CDPHE before September 30, 2008 under the terms of the CDPHE 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 the two-year period.

U.S. Environmental Protection Agency, Region 8

Carol Rushin,
Acting Regional Administrator

Colorado Department of Public Health and Environment

James B. Martin,
Executive Director

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Colorado Department of Public Health & Environment

U.S. Environmental Protection Agency Region 8

Colorado Environmental Performance Partnership Agreement – FY2009-2010

CONCURRENCE DRAFT FY 2009-10 Agreement/Update -

Colorado Department of Public Health and Environment

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U.S. Environmental Protection Agency, Region 8	Colorado Department of Public Health and Environment
_____	_____
Carol Rushin, Acting Regional Administrator	James B. Martin, 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 2009 and FY 2010 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 2009 and FY 2010. Both CDPHE and EPA Region 8 will annually review this CEPPA for modifications and consideration of new priorities arise, new goals and objectives as amendments.

This has been a strong year for Colorado 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. CDPHE is spearheading the Environmental Management System (EMS) Permit Pilot Project, the first of its kind in the world, an Internal EMS, and Stormwater Excellence Program. We continue to see the Environmental Leadership Program expand in scope and membership.

Colorado's air quality monitoring for 2007 (most recent year for valid data) has generally continued to improve. 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. The specific area will be Denver for Ozone (the 1-hour and 8-hour standards are addressed separately).

The Denver metro area maintained ozone (smog) concentrations below the national 1-hour standard through 2008, During the 2008 ozone season, several violations of the 8-hour ozone standard occurred.. The State continues to implement the Early Ozone Action Compact. EPA has deferred the effective date of the nonattainment designation to September 2007. The Compact Ozone Action Plan was approved by the Colorado General Assembly in 2004 and has been approved by EPA. In 2008, the state will be developing and proposing for approval in September of 2008 an Ozone SIP revision that will demonstrate compliance with the previous 8-hour ozone standard.

The Water Quality Control Division is continuing to improve its ability to provide "Quality Water for Public Health and the Environment." In that regard, the Division has successfully obtained additional FTE from the General Assembly and has expanded its use of drinking water set-aside funds to hire additional FTE and implement compliance assistance-related projects. These positions were justified based on the need to improve service to the public and regulate entities, implement new federal rules, and to provide an adequate level of protection of water quality in the face of increasing workload driven principally by growth and more robust reporting of spills and other acute incidents. The Division has completed a substantial reorganization that will result in better alignment of work in its three major program areas (Watershed, Drinking Water, and Clean Water Facilities). Also, the Division has voluntarily sought and received evaluation under the Colorado Performance Excellence program and has committed to addressing identified areas for improvement, including the development of a comprehensive strategic plan that will be completed by the end of calendar year 2008.

The Division continues to complete total maximum daily loads (TMDL) for impaired streams and the analysis thereof has identified situations where implementation of the TMDL will require conditions in stormwater and process water permits. This is a first for the Division and may lead to other scenarios where implementation of a TMDL will require additional controls on stormwater discharges through permits. The Division has also developed a permits guidance document to better ensure the protection of agricultural beneficial uses through control of total dissolved solids in discharges. This issue, as with most major emerging issues addressed by the Division, was developed through a work group convened under the auspices of the Water Quality Forum – a multi-stakeholder group that meets regularly to exchange information and air concerns with respect to Colorado's water quality management 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 CDPHE 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. Completion of the Rocky Flats cleanup occurred on October 13, 2005; the integrating contractor's Completion Report was accepted by DOE on December 7, 2005. With selection of the treatment technology, CDPHE is gearing up for permitting of the Pueblo chemical demilitarization project. Colorado celebrated the 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 2007 and FY 2008 (October 1, 2006 through September 30, 2008). 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 this 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 the CDPHE environmental programs. In this 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 the CDPHE environmental programs. CDPHE and EPA will consult on the scope and content of the QMP before the end of December 2008. The EPA has provided QMP Guidance to the CDPHE and will continue to provide technical support quality assurance plans. A draft Quality Management Plan for CDPHE will be developed during this grant period (FY09) will be submitted to EPA for review by September 30, 2009. The Plan will outline steps to be taken, respective roles defined and scope of key areas to be included in the QMP. When the new QMP is approved, EPA may grant CDPHE the authority to approve internal Quality Assurance Project Plans (QAPP)for data collection and analysis work. 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 efforts to support the CDPHE environmental programs and to carry out federal responsibilities. In some instances, EPA works with other state agencies in Colorado to carry out 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 must 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.

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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. EPA and CDPHE agree to follow the State Review Framework elements one through thirteen in reviewing and assessing state compliance activities and programs. The review will be done once every three years beginning in FY 2007 for programs determined to be adequate, the next review occurring in FY 2010.

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 energy, agriculture, revitalization, mercury, and ensuring adequate investment in state capacity. Other cross-cutting areas 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 reviewing state and EPA accomplishments and issues annually and at the end of the two-year PPA cycle, 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 CDPHE 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 oversight role lessens. In instances of less than satisfactory performance, the EPA oversight role increases. In both scenarios, the EPA must ensure compliance with environmental laws and determine its level of activity accordingly.

1.6 CDPHE 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 developed 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:

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

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The following are the primary goals of CDPHE:

- 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, Water Quality Control Commission, Hazardous Waste Commission, and 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 state 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 the department 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 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 of Colorado Environmental Leadership Program and continue to work with other businesses, governmental agencies and communities to enhance and grow the program. This includes the department creating the Stormwater Excellence Program and looking to develop other excellence programs. Prevention pollution has been the State pollution control tool of choice since 1992 and the incorporation of pollution prevention into state 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 2007. CDPHE has also taken a lead role in implementing a state-wide environmental management systems through the Governor's Greening of State Government Program.

Air Quality - Colorado air quality has 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 areas where Ambient Standards were being violated as non-attainment. For these areas, the AQCC approved control plans (State Implementation Plans) 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 EPA standards for the criteria pollutants. However, during the period of 2007 through 2008, ground-level ozone readings did exceed the EPA 8-hour ozone standard on eight different days and the Rocky Flats site did go to violation . This violation prompted EPA to revoke the deferred nonattainment designation and require a SIP revision Ch In 2008, the state will be developing and proposing for approval in September of 2008 an Ozone SIP revision that will demonstrate compliance with the previous 8-hour ozone standard. Chapter Five of this document includes discussion about the development of this plan.

No violations 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.

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 and Fort Collins (locations of the two monitoring stations) often exceeds the current state visibility standard.

Visibility, an aesthetic air quality value, will continue to be a concern along the Front Range. Colorado has maintained efforts monitor for visibility in Denver and Fort Collins over the past several years. This past year, the state submitted a portion of the Regional haze SIP revision which addressed the impairment of visibility in the Class I areas in the state. In 2009, the state will be completing work on this Plan.

Water Quality - Based on data compiled for the 2008 Integrated Report, approximately 58,000 river miles met the federal Clean Water Act "swimmable" goal, and over 47,000 river miles met the Act's "fishable" goal. Of the river miles assessed,

3000 miles did not meet the "swimmable" goal and about 11,000 miles did not met the "fishable" goal. For lakes a total of 40,000 acres met the "fishable" goal, with 79,000 acres meeting the "swimmable" goal. Approximately 43,000 lake acres failed to achieve the "fishable" goal, but all lakes assessed met the "swimmable" goal.

Potential public health problems of concern to the Colorado 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 sediment or irrigation water supply; and gastrointestinal illnesses and other health problems (e.g., dermatitis, eye infections) that may result from water-based recreation in waters where standards are not attained.

Environmental problems of concern in surface waters include waters listed as impaired for pollutants, principally those listed for selenium in the Colorado and Arkansas River Basins; dredge and fill activities that could impair aquatic habitat; and non-point source runoff that may adversely impact in-stream uses. There continue to be 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 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. 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 high levels 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 1987 active public water systems operating in Colorado. On average, 7% of public water systems in Colorado are in violation of health-based regulations each year, affecting about 3% of the population served. On average, about 700 systems fail to monitor and/or report for one or more contaminant as required by the *Colorado Primary Drinking Water Regulations.* The number of systems that fail to monitor and/or report each year has risen as new monitoring requirements are established. 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, including groundwater-under-the influence-of-surface water, is used by 25% of Colorado public water systems and provide drinking water to 87% of the population served. Ground water is used by 75% of the water systems but provide drinking water to only about 13% 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 priorities and work commitments of the Hazardous Materials and Waste Management Division (HMWMD) reflect and respond to several basic environmental and programmatic areas.

The first priority is waste prevention. If waste is never generated, then waste management issues and potential contamination issues resulting from the waste also never occur. The HMWMD strategy for waste prevention is to utilize the concepts of waste minimization and pollution. 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 waste prevention and minimization efforts can be demonstrated by a downward trend in the amount of waste generated by many Colorado businesses and the downward trend in the number of hazardous waste generators in the state.

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 work is in the Superfund, Hazardous Waste Corrective Action, Voluntary Cleanup and Federal Facilities Programs. The work involves design and 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 and Consumer Protection Division Compliance Program Federal Facilities Program Remediation Program Radiation Control Programs Radon Program High School Chemistry Labs	**Air Pollution Control Division** Policy and Planning Program Mobile Sources Program Stationary Sources Program Indoor Environments Program Technical Services Program Administrative and Business Services Program	**Office of Environmental Integration and Sustainablility** 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** Clean Water Facilities Program - Permits Section Drinking Water Program - Compliance Assurance and Data Mgmt Section - Engineering Section - Special Programs Unit Watershed Program - Environmental Data Unit - Standards Unit - Restoration & Implementation Unit Administration Program Outreach & Program Assistance Unit -Information Management Unit -Business Services Unit -Fiscal Serv ices Unit
Cross Media Programs or Activities			
Cross Media Enforcement Team	**Cross Media Compliance Assistance Team**	**Cross Media Permitting**	**Cross Media Regulatory**
Policy development Supplemental environmental projects Cross media inspections Municipal Policy Small business referral program Cross media impacts Self-Audit Program: ERP/SCORE Inspector training	Sector-based cross media assistance Provide coordination, communication and training Workshop coordination Resource Conservation Challenge Stormwater Excellence Program	Environmental Management System Permit Environmental Results Program / SCORE Pollution prevention in permitting Electronic permitting Permitting by rule General permits	Environmental Management System Permit regulation Housed commercial swine feeding operations Pollution prevention in regulations High school chem. labs

Environmental Problem Solving	Internal Environmental Management System	Indicators and Outcomes	Strategic Planning / PPA
Mercury Program Pharmaceuticals in the Environment	Policy development Aspects / impacts Project completion Measurement Education / awareness	Development Implementation Measurement Analysis / reassessment Review / modify	Region 8 Strategic Planning Effort State Review Framework

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Chapter 2 Strategic Direction and Priorities

This chapter describes the strategic direction, goals, objectives and priorities of CPDHE for the next two years. The chapter also includes a discussion on CDPHE 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

Over the next 10 years, it is estimated the state's population will grow from 5 million to 6.5 million, and at the same time the percentage of senior citizens will increase. To be successful in its work, CDPHE must anticipate and be prepared for the demands of changing population demographics, as well as impacts from climate change and emerging health issues/diseases.

CDPHE must be poised to anticipate, respond to and oversee new and existing environmental challenges, such as energy development, ozone, climate change, drinking water compliance and public health and environmental emergencies. To help meet the numerous challenges CDPHE faces in balancing the protection of the health of the state's environment and its people, CDPHE adopted the following strategic plan in 2007:

2.1.1 Mission Statement

The mission of the Colorado Department of Public Health and Environment is to protect and improve the health of Colorado's people and the quality of its environment.

2.1.2 Vision Statement

Colorado will be the healthiest state with the highest quality environment.

The department will continue to work closely with our local public health and environmental health partners to make Colorado the healthiest place to live, as well as a place that offers its residents and visitors the highest quality environment. The department will serve as the recognized leader that sets the agenda for public health and environmental quality in the state. The Colorado Department of Public Health and Environment will be a model of efficiency in governmental processes by using creative and innovative means to achieve desired health and environmental improvements.

2.1.3 Objectives

CPDHE aims to achieve its vision and accomplish its mission by focusing on the following key objectives specific to environmental protection:

1. Having an effective climate change strategy
2. Having an effective emergency response system to address communicable disease, epidemics, and other public health and environmental emergencies
3. Protecting and improving air and water quality across the state
4. Eliminating health inequities in Colorado

The following are the strategic goals and direction of CDPHE in meeting these objectives:

2.1.3.1 Having an effective climate change strategy

Establish a program to encourage carbon capture and sequestration

Develop a regulatory framework for mandatory reporting of greenhouse gas emissions for large stationary sources

Pursue initiatives to adapt to the effects of climate change

Support new technologies for cleaner coal

2.1.3.2 Having an effective emergency response system to address communicable disease, epidemics, and other public health and environmental emergencies

- Provide a leadership role in response preparedness for intentional and naturally occurring public health threats and emergencies and emerging issues.
- View information as an essential resource necessary to make sound environmental decisions.
- 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 Protecting and improving air and water quality across the state

- Develop and implement plan elements to achieve and maintain national health-based air quality standards, including those for ozone and particulate matter pollution, within federal planning periods
- Conduct site-specific and long-term water quality monitoring efforts in support of regulatory activities including setting standards and permitting.
- Maintain and improve environmental protection while increasing flexibility for the regulated community and providing the greatest flexibility and incentives to environmental leaders in Colorado.
- Continue to develop and implement new approaches to achieve environmental protection and solve environmental problems.

2.1.3.4 Eliminating health inequities in Colorado

- Assist small population public drinking water systems in meeting drinking water standards that are protective of human health
- Measure the physical, chemical, and biological conditions of Colorado's environment to help set environmental goals and standards, and report results to the public.
- 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 and utilization of environmental and health risk data.
- Identify, implement and measure the use of pollution prevention in cleanup programs, and the redevelopment and reuse of remediated properties.

2.1.3.5 Other goals of CDPHE are to:

- 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.

2.2 Priorities

The following are key priority investment areas for CDPHE in FY 2009 and FY 2010

2.2.1 Compliance Assurance and Enforcement

CDPHE's compliance assurance and enforcement program is responsible for statewide environmental enforcement of environmental laws and includes compliance assistance and education for sources. 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 function of compliance assurance and enforcement is located throughout various programs within the air, water, waste and consumer protection divisions. Compliance assurance activities include: environmental education; civil enforcement investigations and actions; investigation of environmental crimes (i.e., abandoned drums and waste tires and illegal dredge and fill activities); responding to environmental disasters; hazardous material incidents; and spills that threaten the

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environment. Integral to this program is CDPHE's commitment to educate sources and residents on environmental laws as well as to take enforcement actions as appropriate.

The key elements of CDPHE's compliance and enforcement monitoring program include:

1) Inspection and compliance monitoring programs at the state and federal levels that adequately identify significant noncompliance.

2) Maintaining a sufficient, qualified inspector field presence to effectively encourage regulated entities to comply with environmental laws and regulations.

3) 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.

The shared commitment of CDPHE and EPA Region 8 specific to compliance assurance and enforcement include:

1) Coordination in inspections of priority areas and sectors;

2) Timely determination whether the source represents a significant risk to human health and the environment.

3) Coordination in providing outreach, assistance and the dissemination of information to individuals, communities, businesses, governmental agencies and educational institutions for priority areas and sectors;

3) Timely and appropriate enforcement:

4) Assessment of penalties that collect economic benefits and the necessary gravity component in order to deter future noncompliance;

5) Consideration of cross-media impacts in all areas of compliance assurance;

6) Improving measures of success that focus on environmental outcomes and seeking new measures of environmental improvement from compliance assurance efforts;

7) Mutual respect of each agency's enforcement roles;

8) Identification of sources that require less oversight;

9) The need to focus on statutorily regulated sources that have not obtained required permits or submitted required notifications.

10) Encouraging the inclusion of supplemental environmental projects in settlement agreements where appropriate; and,

11) Changing behavior and motivating the regulated community to prevent pollution.

To be effective, CDPHE and EPA Region 8 agree that compliance and enforcement programs must be based upon requirements that are enforceable and include the following: continuous education of staff and sources (i.e., outreach efforts); ongoing monitoring and inspections to measure compliance; identification of violations in a comprehensive, consistent and timely manner; consistent responses 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; commitment of adequate staff resources, guidance, and training to compliance and enforcement; and a process to evaluate program results.

2.2.2 Community Based Environmental Protection

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".

In addition, the CDPHE will continue its commitment to community preservation. The divisions of the Office of Environmental Programs will 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 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.

2.2.3 Climate Change Action Plan Initiative

Primary tasks for the initial phase of the Colorado Climate Action Plan include assessing the costs and benefits associated with an array of greenhouse gas reduction strategies, including cleaner non-renewable energy technologies, standards, tax incentives, subsidies, marketable trading mechanisms, as well as measures pertaining to efficiency and conservation. In addition, Colorado is participating in the 37-state greenhouse gas registry, through which the states will track their greenhouse gas emissions. Colorado also is officially serving as an observer in the Western Climate Initiative, a regional market-based trading program that currently includes 6 Western States and 2 Canadian Provinces. CDPHE is working with other State departments and offices to submit a first draft of the State's strategic plan for reducing greenhouse gas emissions to the Governor with the intent to begin implementing this plan by launching legislative initiatives and regulatory reforms. In the next year CDPHE will refine the State's Greenhouse Gas Inventory and will pursue additional strategies to reduce greenhouse gas emissions using both voluntary and regulatory mechanisms.

2.2.4 Other Priorities

CDPHE and EPA agree to the following priorities:

- Mitigating environmental impacts from energy development
- Improving air quality including attainment of national ozone standards
- Compliance with national drinking water standards.

2.3 Core Values

As we move forward with the Strategic Plan, we will remain committed to CDPHE 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 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 projects in Colorado.

2.4.1 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.

2.4.2 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.

2.4.3 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.

2.4.4 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.

2.4.5 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.

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Chapter 3 OFFICE OF ENVIRONMENTAL INTEGRATION & SUSTAINABILITY

3.1 Overview

The Office of Environmental Integration & Sustainability was created January 1, 2008 to centralize and enhance CDPHE's oversight of cross-cutting and non-traditional environmental protection programs and initiatives. The office works closely with the environmental divisions to assure that programs and initiatives are coordinated with and integrated into traditional environmental protection efforts in an efficient and effective manner. The programs carried out under the office fulfill the goals of CDPHE by serving three vital functions: 1) promoting innovative efforts to develop and implement environmentally sustainable practices in Colorado; 2) integrating environmental sustainability and innovative concepts into department activities and regulatory programs; and 3) building partnerships to achieve improved compliance, and encourage beyond compliance outcomes, and to foster environmental leadership among Colorado businesses, the public and government entities.

3.2 Structure

The principal functions of the Office of Environmental Integration & Sustainability fall into the following categories:

Integration	**Sustainability**	**Non-Traditional**
Environmental Agriculture Program	Climate Change	Pollution Prevention Program
Energy Development (Oil & Gas)	Greening Government	Pollution Prevention Advisory Board
Business Information Management	Environmental Leadership Program	Small Business Ombudsman
Supplemental Environmental Projects	Partnerships	Self Audit Law
Cross-Media and Sector Initiatives		EMS Permit Program
Emerging Environmental Issues		
Environmental Justice		
SARA Programs		

Many of the activities under the Office of Environmental Integration & Sustainability have components that serve the purposes of more than one of the three categories listed in the table above. In general, functions are identified in a particular category for organizational convenience as follows: 1) the "integration" category includes functions that relate to multiple traditional environmental program areas (e.g., air, water and waste) and require a coordinated or collaborative effort to maximize effectiveness; 2) the "sustainability" category includes functions whose primary focus is to promote and achieve a sustainable future for Colorado's natural environment and its people; and 3) the "non-traditional" category includes functions where the emphasis is on using alternative tools or approaches that go beyond traditional regulatory requirements and over time can be integrated into existing programs.

3.3 Program Area Objectives and Goals

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3.3.1. Integration

The Office of Environmental Integration & Sustainability serves CDPHE in a coordinating role relative to complex environmental issues and management challenges that cut across the roles and responsibilities of the traditional media-specific programs. The efforts of the office help to facilitate collaboration between individual environmental programs to more effectively address potential public health and environmental impacts. Cross-cutting programs are multi-faceted, complex and can experience heightened attention from the public and/or the media.

3.3.1.1 Environmental Agriculture Program

The Environmental Agriculture Program brings together staff from the Air Pollution Control and Water Quality Control Divisions and the program manager of the Office of Environmental Integration & Sustainability into a single, cross-media program. The agricultural program administers the entire regulatory suite of air and water quality regulatory programs specific to animal feeding operations, including writing permits for concentrated animal feeding operations and housed commercial swine operations; conducting site inspections; developing and implementing policies and regulations; providing compliance assistance; and conducting compliance assurance activities.

3.3.1.2 Energy Development

The Office of Environmental Integration & Sustainability is coordinating implementation of CDPHE'S consultation responsibilities regarding Colorado Oil and Gas Conservation Commission (COGCC) decision making. Consultation responsibilities are trigged by: 1) requests for variances to environmental rules for oil and gas development; 2) requests for an increase to well density; or 3) local government requests for consultation.

In fulfilling this role, the OEIS will coordinate the environmental reviews conducted by CPDHE's Water Quality Control, Air Pollution Control, and Hazardous Materials and Waste Management Divisions for drilling permits meeting one of the three triggers listed above. CDPHE recommendations will be submitted to the COGCC for consideration in the review of applications for drilling permits.

The Office of Environmental Integration & Sustainability also coordinates CDPHE's input on potential oil shale development in Colorado.

3.3.1.3 Business Information Management

In line with CPDHE's mission to protect public health and the environment, the department's environmental programs have the need for an information-sharing environment that connects data from all environmental programs to internal users, the regulated community and the Colorado public. The environmental programs are updating their information systems to implement new and proven technologies that work with EPA and other states in their data integration efforts. The National Environmental Information Exchange Network (NEIEN) and EPA's associated grant program provides a mechanism and funding for states to standardize data exchange processes across the nation and to streamline data reporting procedures. The environmental programs have been using funding provided by a series of EPA Data Exchange Network grants to upgrade data system infrastructures and to implement data projects that will ensure CDPHE's successful continued participation on the National Environmental Information Exchange Network.

Some of the initiative areas that CDPHE is working on include the following:

- Exchange Network Node Project
- Cross Program Facility System
- Cross Program Reporting System
- Development or migration of environmental program systems
- Electronic Government
- Electronic Records Management

3.3.1.4 Supplemental Environmental Projects

The Office of Environmental Integration & Sustainability serves a coordinating role regarding CDPHE's oversight of Supplemental Environmental Projects (SEPs). SEP agreements are negotiated during enforcement settlements and result in beneficial environment or public health projects that a violator is not otherwise legally required to perform. SEPs are formed solely within CPDHE's discretion, but at a minimum, require violators to achieve and maintain compliance with all applicable regulations. All settlements include appropriate monetary penalties related to the environmental damage and financial gain the violator has received as a result of the violation.

To help guide the SEP process, the environmental divisions developed a SEP policy. The policy prohibits, for example, the use of a SEP to help meet actions required by any federal, state, or local law, regulation, administrative or court order or permit. Further, SEPs cannot include actions that the violator may be required to perform as injunctive relief, as part of a settlement or order in another legal action, or by state or local requirements.

For municipalities, a separate SEP policy was developed. CDPHE recognizes that municipalities are in a unique position relative to any other regulated entity regarding the payment of cash penalties. If a municipality 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 criteria set forth in CDPHE's municipal SEP policy. If a county or municipality does not satisfy all of the conditions for mitigation, 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.

3.3.1.5 Cross-Media and Sector Initiatives

CDPHE is committed to targeting its resources to address environmental problems within the state. The Office of Environmental Integration & Sustainability helps to coordinate a forum for communication, resource sharing, and innovative problem solving among the various health and environmental disciplines at CDPHE and with the regulated community. The focus of this effort is to encourage environmental staff to work with the regulated community to identify and resolve environmental problems of a cross-media nature. Using this approach, CDPHE continues 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 focuses on: (a) use of data as a tool to determine priorities, (b) identification of environmental trends in Colorado, and (c) enhancement of CDPHE's delivery of environmental services using cost effective and innovative approaches.

Many of CDPHE's cross-media initiatives are managed by staff working within single-media environmental divisions (air, water, waste and consumer protection). CDPHE's cross-media compliance assistance and enforcement teams, for example, use different approaches to determine resource allocation within programs and to evaluate data that looks at both problem identification and solution development.

The cross-media enforcement 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. This team is primarily responsible for increasing the cross-media involvement and integration of the compliance and enforcement programs and for negotiating settlements of enforcement actions within their respective programs. The responsibilities of the cross-media team 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.
- Developing proposals for innovative regulatory and compliance assurance approaches that target CDPHE's enforcement resources on actions that yield the greatest protection and optimize environmental protection, while increasing flexibility and accountability to the regulated community.

CDPHE also supports a cross media compliance assistance team that is dedicated to conducting compliance assistance

efforts on a cross media basis. Like the enforcement team, the cross-media compliance assistance team shares information and ideas on how to work with on a cross media compliance assistance basis with regulated sectors. Some of CDPHE's current or anticipated cross-media projects include: continued support of mercury switch removal in the auto salvage sector; mercury inventories in school labs and proper disposal of mercury containing equipment; implementation of the Environmental Results Program approach in several sectors; cross-media compliance assistance activities; and the implementation of the Rocky Mountain National Park Nitrogen Deposition Reduction Plan.

At times, cross-media compliance assistance projects result in cross-media inspections. 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 and are valid inspections for purposes of reporting inspections to EPA.

Another cross-media initiative being used by CDPHE environmental programs is the Environmental Results Program (ERP). ERP drives improvements in the environmental performance of regulated groups by linking compliance assistance with compliance self-certification and measuring results in a statistically valid manner.

ERP applies three innovative tools to enhance and measure environmental performance. These tools supplement CDPHE 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.

Currently, CDPHE is utilizing ERP as a self-certification program. EPA and CDPHE agree that the self-audits conducted under CDPHE 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.).

3.3.1.6 Emerging Environmental Issues

Housed within the Office of Environmental Integration & Sustainability is CDPHE's staff professional on emerging environmental and health issues such as mercury pollution, pharmaceuticals in the environment and other emerging contaminants or pollutants that have not been effectively addressed by traditional regulatory programs. In addition, this position addresses the cross-cutting issues associated with the potential environmental influences of disease transmission, asthma, radon, asbestos, and other environmental triggers that cause health-related impacts. Included in this role are duties related to analyzing the relevance and importance of environmental and public health impacts caused by unregulated pollutants and/or emerging contaminants to determine and implement critical policy and program direction for CDPHE.

3.3.1.7 Environmental Justice

CDPHE works to integrate awareness of environmental justice issues into existing environmental programs at all levels, with the goal of achieving environmental justice for all people, regardless of race, color, national origin, or income. Because some minority and low-income communities may often be exposed disproportionately to environmental risks, CDPHE works to increase awareness at the staff level on this issue to better protect these communities from adverse public health and environmental impacts. The Office of Environmental Integration and Sustainability works on this cross-cutting issue by supporting open and transparent stakeholder meetings, and encouraging the participation of broad stakeholder groups in the development of environmental laws, regulations, and policies.

3.3.1.8 SARA Title III (EPCRA) Programs

The SARA Title III programs provide for the collection and tracking of information regarding the use, storage, production and release of hazardous chemicals using the annual Tier II Hazardous Chemical Inventory report, and the annual Toxic Release Inventory report.

3.3.2 Sustainability

CDPHE strives to assure that its environmental protection efforts will achieve a sustainable future for Colorado's natural environment and its people. CDPHE is committed to examining the actual and potential environmental impacts associated with state government's activities and services in order to continually improve environmental performance. CDPHE does this by focusing on areas where the biggest impacts can be made within state government such as efforts on water conservation, energy and paper use, state fleet and solid waste. Externally, one of the goals of the Office of Environmental Integration & Sustainability is to build partnerships to achieve improved compliance and encourage beyond compliance environmental outcomes, and to foster environmental leadership among Colorado businesses, the public, and government entities.

3.3.2.1 Climate Change

Adequately addressing climate change presents the central sustainability challenge of the 21st Century. In November 2007, Governor Bill Ritter, Jr. issued the Colorado Climate Action plan which identifies initiatives that the State of Colorado will undertake to reduce greenhouse gas emissions by 20% from 2005 levels by 2020. In April 2008, the Governor issued Executive Orders D 004 08 (Reducing Greenhouse Gas Emissions in Colorado) and D 010 08 (Colorado's Agricultural Carbon Offset Program). The Climate Change Manager coordinates and implements the initiatives for which CDPHE has responsibility as set forth in the Colorado Climate Action Plan and the Executive Orders.

3.3.2.2 Greening Government

In April 2007, Colorado's Governor Bill Ritter, Jr., signed the Greening of State Government Executive Orders D011 07 and D012 07. These orders charge state departments, agencies and offices to take a position of leadership in reducing state government's environmental footprint. The Greening Government Executive Orders set goals for all Colorado state government to reduce energy consumption, increase the use of renewable energy sources, increase the energy efficiency and decrease the environmental impact of the state vehicle fleet, implement environmental purchasing standards and reduce waste and increase recycling. The Office of Environmental Integration & Sustainability directs and oversees progress towards CPDHE's Greening Government goals.

3.3.2.3 Environmental Leadership Program

CDPHE and EPA share a commitment to recognize and reward environmental leadership in the protection of air, water, and land. This commitment, including mutually agreeable goals, was formalized in a Memorandum of Agreement between CDPHE and EPA dated April 24, 2002. The Environmental Leadership Program is a statewide environmental recognition and reward program administered by CDPHE's Office of Environmental Integration & Sustainability. The Environmental Leadership Program offers benefits and incentives to members that voluntarily go beyond compliance with state and federal regulations and are committed to continual environmental improvement. on April 21, 2002, and remains in effect unless amended by mutual consent.

3.3.2.4 Partnerships

In order to carry out the goals and objectives of the Office of Environmental Integration & Sustainability, the office utilizes a number of partnerships to promote sustainability and to protect, preserve and enhance environmental protection and public health. Through these partnerships, the program leverages resources in ways that help to strengthen the effectiveness of CDPHE efforts by building a foundation of grassroots support, and empowering individuals, organizations and communities to participate actively in environmental decision making and problem-solving.

3.3.3 Non-Traditional Program

In addition to the roles of the Office of Environmental Integration & Sustainability in advancing sustainability and serving in a coordinating capacity relative to cross-cutting issues related to traditional environmental regulation initiatives, the office

provides leadership in developing and implementing environmental protection initiatives that go beyond media-specific, regulatory approaches. If successful, the alternative environmental protection approaches developed over time can in many instances be integrated into existing programs.

3.3.3.1 Pollution Prevention Program

The goal of the Office of Environmental Integration & Sustainability's Pollution Prevention Program is to make pollution prevention the environmental management tool of first choice in Colorado. The Pollution Prevention Program does this by promoting and supporting long-term process improvements and best management practices that reduce or eliminate waste before it is generated in household, government, commercial and industrial scenarios. Program staff is becoming increasingly involved in the EPA Green Suppliers Network Lean and Clean assessments.

3.3.3.2 Pollution Prevention Advisory Board

The Office of Environmental Integration & Sustainability serves as staff to CDPHE's Pollution Prevention Advisory Board which has been in place since 1992. The board provides overall policy guidance, coordination, and advice to CDPHE on pollution prevention and environmental leadership activities. In addition, the board administers recycling and pollution prevention grant programs on an annual basis.

3.3.3.3 Small Business Ombudsman

The Small Business Ombudsman serves as a troubleshooter and a liaison between the department's environmental programs and small business owners and managers. In addition, the ombudsman serves an oversight role to CDPHE's Small Business Assistance Program and renders advisory opinions as to whether regulations, policies, and guidance appropriately consider the concerns of small businesses.

3.3.3.4 Self Audit Law

The Colorado Environmental Audit Privilege and Immunity Law enacted in 1994, provides that all state civil and administrative penalties and penalties for criminally negligent violations of Colorado environmental laws may be waived if such violations are voluntarily disclosed as the result of an audit conducted by or for the entity. The audit law is codified at section 13-25-126.5 of the Colorado Revised Statutes (audit privilege); section 13-90-107, C.R.S., (testimonial privilege); and section 25-1-114.5, C.R.S., (penalty immunity). The Office of Environmental Integration & Sustainability coordinates CDPHE's implementation of this law and notifies EPA in accordance with the terms set forth in the Protocols for Implementation of the Colorado Audit Privilege and Immunity Law, Memorandum of Agreement and CDPHE's Self-Audit Policy.

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 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 the implementation of this agreement as part of the annual CEPPA review. The parties will review the record of CDPHE 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 implementation by CDPHE 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 authority to enter any site, copy records, inspect, monitor, or otherwise investigate compliance. The self-audit law does not affect CDPHE 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 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 the historic practices of CDPHE, 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.

3.3.3.5 Environmental Management System Permit Program

From 2004 – 2007 CDPHE piloted an Environmental Management System (EMS) permit with five Colorado businesses. Since completion of the pilot project in June 2007, CDPHE has analyzed and continues to refine the EMS permit program. The EMS Permit Program is an option available to Colorado's gold level environmental leadership companies that allows program members to integrate environmental permits into their existing environmental management system, in addition to allowing for operational flexibility and cross-media considerations if adequately demonstrated to be as protective of public health and environmental standards.

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3.3 Office of Environmental Integration & Sustainability Work Plan

INTEGRATION			
Environmental Agriculture Program			
Subgoals	Objectives	Timeline	Performance Measures
Implement air quality (odor) and water quality regulatory activities related to Colorado's animal feeding operations.	Draft permits, conduct inspections, provide compliance assistance, draft regulatory revisions as needed, conduct compliance assurance (enforcement) activities, including drafting informal enforcement actions and/or referrals for formal enforcement.	Ongoing	Refer to Chapter 6, Water Quality Control Division for specifics related to the protection of surface water.
	Implement Water Quality Control Commission's Animal Feeding Operations Control Regulation 81.	FY 2009	Develop guidance documents and information. Hold stakeholder meetings.
Coordinate the Agricultural Air Quality Technical Workgroup.	Review technical air quality data resulting from agricultural activities to evaluate regulatory needs and concerns.	Ongoing	# meetings held # of air quality recommendations put forth by the workgroup lbs./tons of direct air pollution reduction practices put into place as a result of workgroup meetings and discussions.
Coordinate the Rocky Mountain National Park (RMNP) Agricultural Subcommittee.	Develop incentives to promote implementation of ammonia reduction best management practices (BMPs).	Sept. 30, 2010	# meetings held # of ammonia reduction activities implemented lbs. ammonia emissions reduced
	Develop outreach materials to educate agricultural producers and citizens on agriculture's contribution to nitrogen deposition in RMNP.	Ongoing	

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INTEGRATION			
Environmental Agriculture Program			
Subgoals	Objectives	Timeline	Performance Measures
	Develop information on agricultural trends specific to livestock and crop production in Colorado for the period of 2008 – 2025.	Feb. 2009	
	Work with CSU to field test ammonia BMPs at dairies and feedlots.		
	Work with USDA Natural Resources Conservation Service to incorporate ammonia BMPs into technical standards and service advisories.	Sept. 2009	
	Work with the Air Pollution Control Division to improve Colorado's Ammonia Inventory.	Dec. 2009	
	Participate in regional discussions about RMNP air quality concerns.	FY2009	
	Seek resources (grants) to support BMP research, outreach, etc.	FY 2010	
	Evaluate technical research data from air quality monitoring studies.	Ongoing Ongoing	
Increase agricultural composting at animal feeding operations.	Integrate CDPHE's Solid Waste Unit compost regulations into on-site inspection procedures.	Sept. 30, 2009 (end inspection year) Sept. 30, 2010 (end inspection year)	# animal feeding operations contacted # inspections seeking compost information # animal feeding operations composting

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INTEGRATION			
Environmental Agriculture Program			
Subgoals	Objectives	Timeline	Performance Measures
		Ongoing	
Serve as a liaison between agricultural sector and industry groups, EPA and CDPHE staff	Meet on issues as needed and share information/expertise on agricultural sector.	On-going	# of requests from internal and external customers.

INTEGRATION			
Energy Development (Oil and Gas)			
Subgoals	Objectives	Timeline	Performance Measures
Establish and oversee the process for the CDPHE review and evaluation of drilling permits as provided under HB 1341.	Review permit applications to assess whether the proposed permit will satisfy applicable requirements for the protection of the public health and environment.	Ongoing	Successful consultation with COGCC to protect public health and the environment.
Develop a process to track and analyze the timeliness of reviews by CDPHE, for drilling permits meeting one of the three triggers stated above.	Provide statistics for evaluating resource needs and timeliness of CDPHE reviews.	Ongoing	Functional tracking system that provides essential information for the management of the consultation process.
Input into federal decision-making regarding potential oil shale development to assure that public health and environmental impacts are addressed.	Provide input into Bureau of Land Management activities related to potential commercial oil shale development.	Ongoing	Timely input regarding BLM's EIS and regulation development regarding oil shale.

INTEGRATION
Business Information Management

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Subgoals	Objectives	Timeline	Performance Measures
Participate in National, State, and local efforts to support information integration and exchange	Participate in National Environmental Exchange Network activities.	Ongoing	
	Participate in State Data stewardship efforts.	Ongoing	
More effectively share information with EPA, other States, and inside the state.	Upgrade to Node Version 2.0	July 1, 2009	New Node in production (Dependent on receiving grant funds).
	Upgrade existing Data Exchanges	July 1, 2009	Current Data Exchanges (FRS, TRIS and SDWIS) in production on new node (Dependent on receiving grant funds). Data Exchanges currently under development (WQX, P2) in production (Dependent on receiving grant funds).
	Implement NEI data Exchange	December 31, 2009	NEI data exchange in production
More effectively share facility information across programs.	Continue development of the EcoMap Facility Master system.	September 30, 2010	Connections with six program systems in production.
More efficiently share compliance information across programs.	Develop EcoQuery cross program facility reporting system.	June 30, 2009	Reporting of cross-program facility compliance information from three program systems.
Implement Electronic Government solutions for the environmental programs	Develop framework for the submission of electronic reports	June 30, 2009	Framework developed and tested with development started on program submission.
Manage environmental programs physical and electronic records in more effective and accessible methods.	Develop requirements for the storage, reporting and life cycle management of electronic records.	March 31, 2009	Requirements document developed and ready for contracting
	Implement new records center system.	September 30, 2010	System developed and in production for one program.

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INTEGRATION			
Supplemental Environmental Projects			
Subgoals	Objectives	Timeline	Performance Measures
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.
Support and advise Cross-Media Enforcement Team (CMET) on SEP related issues	Review SEP and Eligible Governmental Entity policies annually and make recommendations to CMET	Annually	# of reviews of policies
Increase efficiency of SEP program	As requested by environmental divisions: coordinate directly with the enforcement action respondent to present SEP policy and assist in finding appropriate SEP ideas; analyze and evaluate SEP proposals; and review SEP Completion Reports.	On-going	Coordinated SEP ideas with # of entities # of SEPs evaluated # of SEP Completion Reports reviewed
	Administer SEP idea database; develop and administer the department's SEP website; track environmental outcomes from SEPs		# of new SEP ideas included in database # of hits on SEP website Environmental outcomes from SEPs

INTEGRATION

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Cross-Media and Sector Intiatives			
Subgoals	Objectives	Timeline	Performance Measures
Coordinate cross-media enforcement efforts as appropriate and ensure consistent enforcement across the environmental programs.	Continue to identify policies, programs and efforts that can be coordinated on cross-media basis.	Ongoing	Number of policies impacted or developed.
	Assist SEP Coordinator in quantifying benefits from Supplemental Environmental Projects (SEP).	Ongoing	Environmental and natural resource benefits from SEPs.
Assist with CDPHE innovations and cross media approaches.	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	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
	Stormwater Excellence Program		For details refer to Water Quality Control Division Chapter 6.
	Environmental Results Program		For details refer to Water Quality Control Division and Hazardous Materials and Waste Management Division Chapters 6 and 7.
	Correctional Facilities	FY 2009/2010	# projects implemented lbs. pollutants reduced

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INTEGRATION			
Cross-Media and Sector Intiatives			
Subgoals	Objectives	Timeline	Performance Measures
Integrate successful initiatives into traditional environmental programs.	Integrate Environmental Results Program into environmental divisions.	Ongoing	# EPR projects implemented lbs./tons pollutants reduced
	Integrate mercury reduction initiatives into mercury rulemaking activities.	FY 2010	# initiatives integrated

INTEGRATION			
Emerging Environmental Issues			
Subgoals	Objectives	Timeline	Performance Measures
Reduce pharmaceuticals in the environment.	Help to organize pharmaceutical take back program during the Channel 9 News Health Fair. Establish pharmaceutical take back programs for hospitals and veterinarians. Assist with the problem identification and outreach efforts surrounding PIE	October 17-19, 2008	# of participants lbs./tons pollutants reduced For details refer to Hazardous Materials and Waste Management Division Chapter 7. # projects implemented lbs. pollutants reduced
Reduce mercury in the environment.	Develop Supplemental Environmental Project (SEP) ideas and programs for reducing mercury in Pueblo area. Set-up mercury recycling programs (CFCs, thermometers, auto switch, etc.)		lbs. of mercury releases reduced # of citizens reached # of projects implemented and resulting environmental outcomes

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INTEGRATION			
Emerging Environmental Issues			
Subgoals	Objectives	Timeline	Performance Measures
Develop processes and systems to address emerging contaminants.	Coordinate with appropriate health divisions to address health and environmental issues.		# of programs/projects implemented # of environmental outcomes
	Assess data to determine both the significance and scope of the problems affecting the well-being of Colorado"s citizens		Assessment completed and valid use of data Determine data gaps
	Identify environmental trends and respond with innovative ideas		Trends identified
Participate in the 2009 Behavioral Risk Factor Surveillance Survey	Include approximately 40 environmental questions in health survey	FY 2009	# questions added to survey # of survey respondents # and type of environmental practices being implemented & corresponding environmental outcomes.

INTEGRATION			
Environmental Justice			
Subgoals	Objectives	Timeline	Performance Measures
Serve as an intermediary between EPA and CDPHE on environmental justice issues	Participate, coordinate, and facilitate meetings between EPA, CDPHE and communities, as appropriate and necessary	Ongoing	# of events facilitated/coordinated # of events participated # of attendees Environmental outcomes of events
Participate on the Environmental Health Disparities Workgroup	Raise awareness on health disparity issues within the environmental divisions	Ongoing	# of meetings attended Environmental outcomes of meetings/events
Review documents and policies that address environmental justice issues and inform CDPHE of	Review documents/polices and inform CDPHE; obtain information from EPA website,	Ongoing	# documents/policies reviewed

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INTEGRATION			
Environmental Justice			
Subgoals	Objectives	Timeline	Performance Measures
emerging environmental justice issues as appropriate	community newsletters, contacts and provide in meetings or correspondences as necessary		Environmental outcomes of efforts

INTEGRATION			
SARA Programs			
Subgoals	Objectives	Timeline	Performance Measures
Effectively and efficiently implement the EPCRA/SARA Title III TRI and Tier II programs including all associated databases.	Receive and enter TRI and Tier II data from Colorado businesses (10,000 facilities; 15,000 chemicals)	FY 2009	Timely and effective data entry. Final report at end of FY 2009.
	Develop and maintain the TRI/Tier II database	Ongoing	Database is searchable and maintained.
	Assess TRI fees, generate and mail bills, and monitor payments for annual data and submittals.	FY 2009	Timely assessment of fees and mailing of bills.
	Utilize EPA internet based system for receipt of TRI reports. Utilize automated system in 2009.	Sept. 2009	Electronic System
Provide information on program internally, and to public and facilities.	Respond to inquires regarding TRI reporting and payment requirements from Colorado businesses.	Ongoing	Respond in timely manner
	Respond to inquiries on information to the public and appropriate parties.	Ongoing	Respond in timely manner

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INTEGRATION			
SARA Programs			
Subgoals	Objectives	Timeline	Performance Measures
	Generate chemical inventory reports for electronic transmittal to appropriate parties (LEPCs, CEPC, EPA, HMWMD Records Center, EMP)	Dec. 2009	Timely completion and distribution of reports.
Develop SARA Chemical reporting system	Develop requirements for new system.	June 30, 2009	System requirements Specifications developed and prioritized. (Dependent on receiving grant funds)
	Implement new tracking system	March 31, 2010	System developed and in production based on the System requirements specifications. (Dependent on receiving grant funds)

SUSTAINABILITY			
Climate Change			
Subgoals	Objectives	Timeline	Performance Measures
Agricultural offset demonstration project	Initiate a demonstration project whereby farmers can sell offsets from greenhouse gas reduction efforts or carbon dioxide sequestration in a bilateral trade with those wishing to offset greenhouse gas emissions	FY 2009	Demonstration project is complete such that offsets are sold to purchasers in bilateral trades # of offsets/trades set-up lbs. of greenhouse gas emissions reduced
Agricultural offset market	Establish the design for an overall agricultural carbon offset program that enables farmers and ranchers to sequester carbon and reduce	FY 2010	Stakeholder outreach meetings

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SUSTAINABILITY			
Climate Change			
Subgoals	Objectives	Timeline	Performance Measures
	greenhouse gas emissions on agricultural lands and sell the resulting carbon credits		White paper on design Market mechanism established # of trades occurring lbs. Of greenhouse gas emissions reduced.
Transportation initiative	Design a transportation initiative to reduce greenhouse gas emissions	FY 2009	Evaluation of tailpipe emission standards Decision item on tailpipe emissions standards Evaluation of Plug-In Electric Hybrids Evaluation of other transportation initiatives, including measures to reduce vehicle miles traveled
Greenhouse gas emissions reporting	Propose regulations to the Air Quality Control Commission to require entities meeting specified thresholds to report their greenhouse gas emissions	FY 2009	Set threshold Draft regulations Propose regulations to AQCC
Decision on membership to the Western Climate Initiative	Monitor the Western Climate Initiative's design for a cap-and-trade program and make assessment regarding Colorado's participation as a partner	FY 2010	Participate on conference calls regarding scope, electricity, reporting, allocations and offsets # of meetings attended Briefings on program design to

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SUSTAINABILITY			
Climate Change			
Subgoals	Objectives	Timeline	Performance Measures
			interdepartmental climate change team Decision item on participation
Support utility efforts to meet greenhouse gas reduction goal of 20% below 2005 levels by 2020	Support Xcel's Electric Resource Plan before the Public Utilities Commission	FY 2009	Provide CDPHE testimony for PUC hearing on Xcel's ERP

SUSTAINABILITY			
Greening Government			
Subgoals	Objectives	Timeline	Performance Measures
Implement Governor's Greening Government Executive Order	Participate as a lead agency in implementing Greening Government Executive Order	FY 2009	Annual report on Greening Government projects that were completed during FY 2009.
	Attend and participate in regular meetings with other state agencies participating on the Greening Government team.	FY 2009	Participation at meetings.
	Identify targets and objectives for annual Greening Government Projects	FY 2009	Setting Targets and Objectives and report results at the end of FY2009.
	Implement projects to meet targets and objectives.	FY 2009	Environmental outcomes.
	Provide assistance to all state agencies.	FY 2009	# of agencies provided assistance.

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SUSTAINABILITY			
Greening Government			
Subgoals	Objectives	Timeline	Performance Measures
	Develop and provide education and training for state employees	FY 2009	# of personnel trained.
	Develop measurement tool for waste reduction and recycling activities	FY 2009	Tool developed and used.
	Report on projects and efforts	FY 2009	Report on Greening Government website.
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	Ongoing	# of individuals reached Environmental and cost benefits if measurement is possible

SUSTAINABILITY			
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	Ongoing	# of member events held # of members participating # of new services provided
	Provide member services and incentives (roundtables, workshops, networking opportunities, retreats, 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	Ongoing	# of presentations # of attendees # of recruitment meetings

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SUSTAINABILITY			
Environmental Leadership Program			
Subgoals	Objectives	Timeline	Performance Measures
	Conduct seminars and/or provide training materials on EMS/ELP/P2/Sustainability to Colorado facilities and out of state entities	Ongoing	# of presentations # of attendees # of entities reached
	Promote ELP programs internally and to local agencies for referrals	Ongoing	# of referrals from state and local employees # of contacts with state and local employees # of new members as a result of internal referral
Provide member services and mentoring Achievement Award members into ELP	Provide technical assistance and gap analysis for potential ELP members	Ongoing	# of facilities provided assistance
	Provide EMS trainings, roundtables, workshops and other mentoring opportunities	Ongoing	# of sessions # of facilities attending
	Develop and annual ELP progress report	Annually by December 31ST	Completion and electronic distribution of report
Implement Gold Level ELP	Work with divisions to develop media-specific incentives for companies in the Gold Level	Ongoing	# of incentives developed # of incentives implemented
	Expand membership in the Gold Level; enroll a minimum of 2 new participants annually	Ongoing	# of new applicants # of EMSs assessed # of new members
	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	Ongoing	Successes documented and measurements tracked Measurements on internet site # of hits on internet site

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SUSTAINABILITY			
Environmental Leadership Program			
Subgoals	Objectives	Timeline	Performance Measures
Implement Silver Level ELP	Work with divisions to develop incentives for members	Ongoing	# of incentives developed
	Conduct mentoring training (EMS) for members	Ongoing	# of Silver level members applying for Gold Level
	Continue to grow membership in Silver Level; enroll a minimum of 2 new participants in Silver Level annually	Ongoing	# of new applicants # of projects assessed # of new members
Implement Bronze Level ELP	Continue to grow membership in Bronze Level; enroll a minimum of 5 new participants in Bronze level annually	Ongoing	# of new applicants # of EMSs assessed # of new members
Implement additional levels of ELP to address areas of need; as resources allow, ELP will develop the following categories: --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	Ongoing	Program established Stakeholder input solicited # of members enrolled # of member organizations contacted or reached # of member organization participating in ELP
Develop and continue partnerships that result in incorporating EMS and leadership principles into CDPHE programs and processes or otherwise furthering leadership principles	Continue to promote EMSs to other environmental programs and state agencies	Ongoing	# of programs EMSs are utilities # 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	Ongoing	# of entities identified and contacted # of members obtained

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SUSTAINABILITY			
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	Ongoing	Creation of advisory group # of recommendations and ideas
Develop Internal ELP Advisory Group	Hold regular meetings for internal staff to advice ELP on various elements of the program, including compliance reviews and issues	Ongoing	Creation of advisory group # of recommendations and ideas

SUSTAINABILITY			
Partnerships			
Subgoals	Objectives	Timeline	Performance Measures
Colorado Environmental Partnership (CEP)	Participate in selecting topics, find speakers, promote meetings, etc. Continue to work towards CEP as on-ramp for the Environmental Leadership Program	Ongoing	# CEP members joining ELP # of collaborative events held
Denver Green Print	Participate in meetings and decision making as applicable.	Ongoing	# of ideas/projects leveraged from Denver Green Print
Collaborate with industry, not-for-profits, and governmental agencies in sustainability and energy education including entities such as:	Continue partnership with Governor's Energy Office, DOE, and NREL on energy related projects.	Ongoing	# projects or initiatives resulting from partnerships

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SUSTAINABILITY			
Partnerships			
Subgoals	Objectives	Timeline	Performance Measures
-- Federal Govt: R8, NREL, DOE, OPPTS -- State & Local Partners: PPAB, DOA, Governor's Energy Office, Office of Economic Development. -- NGOs: Product Stewardship Institute, NPPR, Peaks-to-Prairies, Colorado Sustainable Business Network, EC, ED, StEPP, Audubon Society, ICLEI, CASBA. -- Businesses & Assns: CLA, CMA, Colorado Auto Recyclers, Automotive Service Assn, Small Business Assn, Printers and Imaging Assn, Colorado Restaurant Association.	Serve as a board member or active participant in meetings and activities		Environmental outcomes of efforts

NON-TRADITIONAL			
Pollution Prevention Program			
Subgoals	Objectives	Timeline	Performance Measures
Track environmental metric information across the environmental programs.	Implement a system for tracking and reporting Pollution Prevention and Outcome metrics	September 30, 2009	Outcomes System in production and exchange information.
Support EPA Green Suppliers Network (GSN) Lean and Clean assessments in Colorado.	Provide "Clean" component to GSN Lean and Clean assessments and develop Colorado Association for Manufacturing Technology (CAMT) P2 capacity.	On-going	Participate in GSN assessments as requested and train CAMT staff in P2 techniques during assessments.
Make pollution prevention the environmental management tool of first choice.	Integrate pollution prevention techniques into regulations, inspections and permit processing to eliminate pollution at the front-end of manufacturing processes.	On-going	# of regulations that integrate pollution prevention. # of inspectors and permit writers that promote pollution prevention during inspections and permit processing.

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NON-TRADITIONAL			
Pollution Prevention Program			
Subgoals	Objectives	Timeline	Performance Measures
Garner employee participation in environmental efforts	Hold CDPHE-wide Cherry Creek Cleanups along the creek designated for CDPHE	Spring and Fall 2009 and 2010	# of participants # trash collected

NON-TRADITIONAL			
Pollution Prevention Advisory Board			
Subgoals	Objectives	Timeline	Performance Measures
Assist the Pollution Prevention Advisory Board (PPAB) in providing the maximum environmental benefit to CDPHE and other stakeholders.	Provide meeting support, as well as support for subcommittee meetings.	Ongoing	Provide agenda, meeting logistics, minutes, and other documentation in a timely manner.
	Implement state employee awards program for Greening Government efforts.	October 2008	Awards presented
Administer the P2 Grants Program from the P2 Fund (~$50,000 to $100,000 annually)	Assist and support PPAB in grant solicitation, review and selection process.	FY 2009	Selection of new grantees
	Provide technical assistance to grantees. Track project progress and outcomes.	FY 2009	Environmental benefits of P2 grants
Assist and support PPAB and the Assistance Committee in implementation of the Recycling Resources Economic Opportunity Grant Program and the Advanced Technology Grant Program.	Assist in the development of criteria for grants. Announcement of grant solicitation. Assist in the application evaluations	July 2009	Criteria developed Grants announced and awarded

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NON-TRADITIONAL			
Pollution Prevention Advisory Board			
Subgoals	Objectives	Timeline	Performance Measures
	Support grant recipients and track project performance, make project results available to the public	Ongoing	Projects completed in a timely manner. Results available to public within 30 days of completion of each project. Environmental and cost benefits.

NON-TRADITIONAL			
Small Business Ombudsman			
Subgoals	Objectives	Timeline	Performance Measures
Assist small businesses 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.	Ongoing	# of entities reached as direct outcome. Environmental and compliance outcomes of efforts.
Represent Colorado at the national and regional level.	Serve on the national 507 Steering Committee or SBO/SBAP Planning Committee, including conference calls, legislative review and materials related to Colorado's program.	Ongoing	# of entities benefited as a result. Environmental and compliance outcomes of efforts.
Provide assistance and track assistance provided to small business.	Refer small businesses to technical resource in the SBAP.	Ongoing	# of calls received and referred to SBAP. # of entities assisted. Environmental and compliance outcomes of efforts.

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NON-TRADITIONAL			
Small Business Ombudsman			
Subgoals	Objectives	Timeline	Performance Measures
	Provide timely response to small businesses – (within 3 days of initial contact)	Ongoing	Timely response
	Send out surveys on small business outreach activities for completed SBAP assistance on a monthly basis. Results will be analyzed to determine areas for improved efficiency or alternate outreach methods.	Ongoing	# of surveys sent and analyzed.
	Contact trade associations and small business representatives that SBAP has worked with and get comments and feedback.	Ongoing	Contact within 30 days of SBAP assistance. Conduct follow-up activities and relate suggestions back to SBAP.
Serve as a resource for small businesses	Serve as an impartial resource for small businesses that have complaints or concerns about fair treatment by the environmental divisions. Supply information to businesses concerning their options and act as an impartial assistant in enforcement and permitting meetings and processes.	Ongoing	# of times assistance provided to business. # of contacts made with environmental staff. Environmental outcomes of assistance efforts.
	Review SBAP guidance documents prior to issuance and provide advisory opinions.	Ongoing	Complete within 10 days of SBAP providing document.
	Provide training and outreach on tools available for small businesses and the assistance available through SBAP.	Ongoing	Participate in conferences or seminars and provide

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NON-TRADITIONAL			
Small Business Ombudsman			
Subgoals	Objectives	Timeline	Performance Measures
Provide assistance and advice to the Air, Water, Waste, and Consumer Divisions and senior management and commissions concerning small business needs related to compliance flexibility.	Review division regulations, policies, and guidance and provide advisory opinions to make the documents more small business friendly.	Ongoing	# of guidelines and advisory opinions reviewed and written
	Review new or modified guidance documents on an on-going basis	Ongoing	# of policies revised to include SBO comments
	Respond to requests from senior management/commissions to review policies, legislation, etc.	Ongoing	Recommendations to the Small Business Community Flexibility Act.
			Ensure CDPHE small business information is assessable to the public
Review regulations to determine impact on small business and provide information on the regulations to small business community	Ensure new and modified regulations that impact small businesses are reviewed. Solicit commented from the small business community and submit to EPA.	Ongoing	Obtain a list of new regulatory programs
			Maintain regulatory contacts with each division and request notification of new and modified regulations
			# of new regulations modified that affect small business
			# of provided comments and suggestions within the regulatory timeframe and coordinated SEAP response to applicable regulations.

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NON-TRADITIONAL			
Small Business Ombudsman			
Subgoals	Objectives	Timeline	Performance Measures
			Comments solicited on new small businesses regulations from trade associations,; present back to appropriate regulatory agency as small business community comments
Assist Small Businesses in obtaining funding for environmental controls	Interface with SBDC, SBA, DOC and state agengies that may have programs to financially assist small businesses in need of funds to comply	Ongoing	Post information on funds available on the website and/other method to disseminate
Support and coordinate the Small Business Compliance Advisory Panel	Assist in ensuring the Compliance Advisory Panel is an effective resource for small businesses and CDPHE.	Ongoing	Presenting guidance documents, projects and issues to CAP for its advisory opinions
			Assist CAP in issuing the advisory report and discuss with EPA
			Make recommendations to the Director for appointments after conferring with SBAP

NON-TRADITIONAL			
Self Audit Law			
Subgoals	Objectives	Timeline	Performance Measures
Maintain the Self-Audit Policy and partner with EPA	Abide by the Memorandum of Agreement and the EPA Self-Audit Policy	On-going	# of Entities submitting Self-Audit Requests

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NON-TRADITIONAL			
Self Audit Law			
Subgoals	Objectives	Timeline	Performance Measures
Maintain internal contacts with each CDPHE division	Coordinate Self-Audit submittals to appropriate divisions	On-going	Closed Self-Audit requests. Open Self-Audit requests.
Continue to expand, enhance and update the Self-Audit website.	Provide access to information as appropriate	On-going	# of internet hits.

NON-TRADITIONAL			
EMS Permit Program			
Subgoals	Objectives	Timeline	Performance Measures
Educate management and staff on EMS Permit Program		Aug. 31, 2008	Support to move forward with implementation of the program.
Integrate EMS Permit Program into environmental divisions.	Determine value of EMS Permit approach versus incentives under the Environmental Leadership Program and other regulatory approaches.	Dec. 31, 2008	Environmental benefits to citizens of Colorado, the regulated community and public health. Administrative benefit to CDPHE
Revise EMS Permit Program Regulation	Revise regulation for consistency with statutory changes Hold stakeholder meetings as appropriate	FY 2010	

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CHAPTER 4 AIR QUALITY

4.1 Overview

Chapter 4 of the FY 2009-2010 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 as neccessary to meet the mission of CDPHE. Under each of these target areas are the goals and objectives and outcomes the CDPHE uses to determine success in meeting the stated goals. Additionally, Department programs are intending to expand this strategic plan over the coming year.

The FY2006-11 National EPA Strategic Plan and the U.S. EPA Region 8 Regional Strategic Plan that reflect the new perspective on EPA work and the work of its state partners.

Additionally, a significant amount of the Air Division 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.

4.2 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 other CDPHE 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 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.

4.2.1 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 outcomes will be.

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

- Assuring state and federal mandates are being met;

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- Instituting new initiatives such as those assigned to the Air Division by the Colorado General Assembly;
- 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.

4.3 Air Division's Major Goals – State-wide

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

Sub Goal 4.1.1 Protect the National Ambient Air Quality Standards

Objective 4.1.1.1 Protect Ozone NAAQS

Objectives	Strategic means	Environmental indicators of results
4.1.1.1 a Attain the 8-hr ozone NAAQS by 2010.	Participate in development of new ozone plan identifying added control measures to attain standard by 2010 Submit plan to AQCC in 2008 Assure compliance with other current emission controls Implement any new voluntary controls by summer of 2008 Draft new regulations as needed	Statewide trends in emission of ozone precursors Emissions eliminated as a result of program implementation Trends in state-wide ambient ozone measurements Permits issued and Inspections and enforcement actions taken Regulations proposed and adopted by the AQCC
4.1.1.1b 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 4.1.1.2 Protect Other NAAQS (Carbon Monoxide, PM-10 and PM-2.5, Sulfur Dioxide, Nitrogen Dioxide, Lead)

Objectives	Strategic means	Environmental indicators of results
4.1.1.2 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 4.1.2 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 will be replaced) Support EPA national goal of reducing childhood lead poisoning to 90,000 (from approx. 400,000 in 1999-2000)	1. Work with EPA to establish implementable MACT area source program 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 6. Implementation of diesel retrofit programs 7. Implement diesel school bus retrofits if funds are available	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

Goal 4.2: Achieve a standard of air quality in Colorado that protects the integrity of the natural ecosystem. Sub-areas include:

4.2.1 Acid deposition and related Air Quality Related Values

Objectives	Strategic means	Environmental indicators of results
4.2.1.1 Ensure all Class I areas in Colorado are protected from acid deposition impacts and other Air Quality Related Values are protected. 4.2.2.1.2 Specific objective relating to reduction in increasing trend in nitrification of sensitive waters in Rocky Mountain National Park will be developed in 2007.	Implementation of acid deposition program Implementation of PSD program Implement nitrate deposition reduction plan in Rocky Mountain National Park including voluntary measures to reduce critical loadings	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

4.2.2 Stratospheric ozone protection

Objectives	Strategic means	Environmental indicators of results
Ensure that programs that regulate the usage and disposal 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 (ODS) Emissions of ODS eliminated as a result of program implementation International ambient monitoring programs showing maximum levels of ODS worldwide

4.2.3 Climate change

Objectives	Strategic means	Environmental indicators of results
Ensure the Colorado climate change emission inventory is complete and trends in emission levels are identified. Assist Department and Governor's Office in implementing Climate Control Action Plan elements. (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 Intensity	Implementation of voluntary GHG reduction programs Assist the Department and Governor's task force in development of transportation and other air emissions reduction strategies, per the governor's Nov 2007 Climate Action Plan and subsequent Executive Order	Assist in characterizing fleet transportation environmental emission footprint Identification of target emission reduction goals Updated emissions inventory for the State

Goal 4.3: Achieve a level of ambient air quality that protects and preserves welfare standards for odors and visibility. Sub-areas include:

4.3.1a 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 impacting pollutants Encouragement, where appropriate, of voluntary emission control activities controls of visibility impacting pollutants	Ambient visibility index monitoring Statewide trends in emission of visibility affecting pollutants Emissions eliminated as a result of program implementation

4.3.1b 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: Establish a RFP process to determine added strategies in 2008 BART or equivalent for all subject sources Other measures for sources as needed including minor and major stationary sources, area and mobile sources, construction activities, dust and fire to meet Reasonable Progress goals for 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 Establishment of 2064 goals and RFP trend

4.3.2 Odors (State-only program – not in any applicable SIP)

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 2007 Technical Program Guidance" also provides 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.

4.4 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	Indoor Environment 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 Climate Change Planning	Alternate Fuels Program High Altitude Emissions Testing & Research Automotive Inspection and Readjustment (A.I.R.) Programs Diesel Emissions Control Program Oxygenated and Clean Fuels Programs Application of remote sensing technologies - High emitter program - Clean Screen Program Smoking vehicle programs SIP development support	Operating Permits Program Construction Permits Program Compliance & Enforcement Small Business Assistance & Outreach Inventory & SIP Support Program Oil and Gas Unit	Asbestos & Lead-based Paint Programs Chloroflourocarbon (CFC) Program Woodburning 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 Program	Fiscal policy Division annual work plan and budget development and monitoring Contract management Information Technology support

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4.5 Air Pollution Control Division FY 2009 and FY 2010 Priority Objectives

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 both for the Air Division and in collaboration with our partners here at the Department, other local , state and federal levels for the first period of this 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 2009 Priority Objectives

1. Overarching Priorities (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 Participate in energy development activities with other local, state and federal agencies including the oil shale programmatic development and oil and gas development either in EISs or with the Colo. Oil and Gas Conservation Commission throughout Colorado Promote renewable energy and energy efficiency projects in settlement agreements Establish and participate in work groups (modeling and small engine standards) Participate in community based efforts to address impacts of oil and gas activities in Garfield and other possible counties in western Colorado	Ongoing
Agriculture (Region 8 priority)	Continue work with communities and local agencies in agricultural areas to ensure an effective process is in place to address community-based issues relating to air quality	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	
2. Multi-pollutant Strategies	Activities (state only)	Milestone

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Emergency Response (Colorado)	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 Participate with EPA and other state, and federal agencies in developing COOP (continuation of operations) activities	Ongoing
Rural ozone	Continue to participate in ozone transport analyses and monitoring activities.	Ongoing
Rocky Mountain National Park Environmental Initiative (Region 8 and Colorado)	Continue to implement Rocky Mountain National Park Agreement - Programmatic goal in Agreement for nitrogen deposition assessed - Improved Ammonia inventory techniques investigated - Develop contingency plan with EPA and NPS	Ongoing July '09
Participate in Four Corners Forum with EPA, FLMs, New Mexico and other stakeholders.	Participate in meetings and other activities Continue to evaluate emission reduction options	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	Ongoing
2. NAAQS and SIP priorities	Activities (	Milestone
Nonattainment/Maintenance SIP Updates (Region 8 and Colorado)	SIP Updates/maintenance plans will be completed for the following areas: Canon City PM10 Maintenance Plan Colorado Springs CO Maintenance Plan Greeley CO Maintenance Plan Pagosa Springs PM-10 Maintenance Plan Telluride PM-10 Maintenance Plan Prepare Ozone NAAQS designation request	 Nov. ''08 November '09 Same Same Same Feb. '09
Ozone SIP revision for northern Front Range and portions of northeastern Colorado	Ozone SIP Revision will be prepared for Hearing in front of the Air Quality Control Commission which will possibly include regulation updates (possibly Regulation 3, 7, 11, 13 and others)	September 2008

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AIR Program Updates for Ozone SIP Clean Screen and High Emitter Programs	Continue Clean Screen implementation in Denver Enhanced Program modifications Activities in this area including: - Implementation of HB 06-1302 - Repair Your Air II Project	Ongoing Ongoing
Regional Haze SIP (Region 8 and Colorado)	Continue to work on completion of Regional Haze SIP issues including: - - BART completions - Reasonable Progress and Long Term Strategy Chapters - Continue to coordinate with other states and WRAP on RPO or interstate matters	RH SIP proposal in September 2009 BART updates in Dec. 2008 Ongoing
NSR Update	Implementation of Revisions to Reg. 3 Parts A, B and C	
3. Air Toxics and Transportation	Activities (state only)	Milestone
Colorado Mercury Initiative	Update Colorado Mercury Rule to address the vacated federal rule. Specifically, monitoring, record keeping and reporting for the Colorado Hg Rule	Ongoing
Air Toxics focus (Region 8 and Colorado)	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 EPA and our counterparts at the state and local level to implement the Colorado Clean Diesel Program Work with EPA to establish an implementation plan for area source MACTs.	Ongoing implementation of Colorado Air Toxics Strategy
Diesel Emission Reduction Activities	Pursue and develop collaborative programs for DERA funding request	Ongoing
Community based activities	Continue to provide technical and process support (monitoring, emission inventories, or other air quality and risk assessments for communities as needed.)	Ongoing
4. Monitoring, modeling and permitting	Activities are described in PPA work plan	

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4.6 Air Division Program – FY 2009-2010 Work Plan

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

The key strategic measures to achieve this goal include: the continued implementation of the State SIP including 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:

Colorado Sub-goal 4.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead		
EPA 2006-2011 EPA Strategic Plan Objective1.1 – Healthier Outdoor Air		
Program Strategy	Performance measures	Milestone
MOBILE SOURCE PROGRAMS		
4.1.1.1 Protect public health through operation of A.I.R. Program and Clean Screen Program – Regulation No. 11	This Rule was removed, in part, from the SIPs by the Air Quality Control Commission in December 2005 and has been submitted to EPA for approval (pending). Current program activities relate to continuing program and implementation of HB11302: - Inspector training/certification 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 Implement HB 06-1302 – Including Clean Screen/High Emitter Components Update Reg. 11 to reduce ozone precursors	Ongoing Annual report to Commission, June 2009 Dec. '08
4.1.1.2 Protect public health through operation of Diesel Inspection and Self-certification Program – Regulation No. 12 (State only)	Similar operation and training measures as A.I.R. Program (5.1.1.1) Work with our counterparts at the regional and local levels to implement the Continue Clean School Bus Program and Voluntary Diesel Retrofit Programs	Ongoing
4.1.1.3 Protect public health through the operation of Oxygenated Gasoline Program – Regulation No. 13	This Rule was removed from the SIPs by the Air Quality Control Commission in December 2005 and is being submitted to EPA for approval October 2006. This is currently a state-only program	Ongoing
4.1.1.4 Reserved		

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Colorado Sub-goal 4.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead		
EPA 2006-2011 EPA Strategic Plan Objective1.1 – Healthier Outdoor Air		
Program Strategy	Performance measures	Milestone
4.1.1.5 Protect public health through development and participation in mobile source air quality improvement strategies	- Implement HB 06-1302 High Emitter Component Provide support to development of state run high emitting vehicle program acceptable to U.S. EPA - Implement 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 Ozone SIP development. Participate in MOVES model development and implementation Participate in EIS reviews as needed and Division cooperative project like Four Corners Task Force	Ongoing
4.1.1.6 Support development implementation of mobile source strategies through technical studies and operation of testing equipment and facilities	Participate in cooperative Ethanol Study with NREL Provide mobile source emission inventories and emission factors Operate and maintain Technical Centers Operate and maintain mass emissions testing facility	Ongoing
STATIONARY SOURCE PROGRAMS		
4.1.1.7 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) –EPA FY09 priority – Air Permitting #3. 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) within 30 days following permit issuance, including the "application	Ongoing Continue ongoing annual level of activity of: June 30, 2009 500 Minors 200 Syn minors 5 PSD

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Colorado Sub-goal 4.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead		
EPA 2006-2011 EPA Strategic Plan Objective1.1 – Healthier Outdoor Air		
Program Strategy	Performance measures	Milestone
	acceptance date" and "date of permit issuance 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. Update NSR procedures re: Part B, RACT clarification, portable sources, and oil and gas condensate	
4.1.1.8 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. Prepare and submit TOPS data to the Region for entry into EPA's national database. .	Continue ongoing level of activity
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	Ongoing level of activity

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Colorado Sub-goal 4.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead		
EPA 2006-2011 EPA Strategic Plan Objective1.1 – Healthier Outdoor Air		
Program Strategy	Performance measures	Milestone
	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	
4.1.1.10 Support public health through program improvements – regulation and compliance support	Continue to evaluate methods to incorporate P2 into regulations and permits Provide support and training to engineers and inspectors (policy interpretation, settlement documents, assist in negotiation of settlements, enforcement data base) Revise NSR and PSD revisions as needed Continue to monitor odor requirements and build partnerships to develop effective community and trade based odor control programs as a state-only program Revise Reg. 3 – Change in Emission Fees Revise Regs 1, 3, 7, 11 and 13 to reduce Ozone precursor emissions	Ongoing Ongoing Ongoing Ongoing Reg. No 2 hearing June '08 September '08 December '08
4.1.1.11 Support public health through oversight of local health department contracts and inspections (Field Services, Asbestos and CFC Units)	Contracts negotiated annually Inspection review, assistance as needed, enter reports on AIRS, maintain tracking logs, monitor quarterly reports Ensure proper certifications (odor & opacity) in place for local agency staff	Ongoing
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 in Denver metro area 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.	Ongoing

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Colorado Sub-goal 4.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead		
EPA 2006-2011 EPA Strategic Plan Objective1.1 – Healthier Outdoor Air		
Program Strategy	Performance measures	Milestone
	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	Jan. 2009
4.1.1.13 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 Coordinate with WESTAR and EPA in identifying PM2.5 and HAP emission contributions from minor source wood boilers and identifying possible control measures if necessary.	Ongoing
4.1.1.14 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
4.1.1.15 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
4.1.1.16 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 EPA reporting system – NET Participate in ongoing training provided on National Emission Inventory By March 31, 2009, register for authorization to use the new Emission Inventory System that is part of the NEI reinvention.	Ongoing Ongoing March 2009
4.1.1.17 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 – PLANNING AND POLICY PROGRAM		
4.1.1.18 Support protection of public health through development of community based air quality programs in cooperation with local	Continue to participate in modified Cripple Creek MOA assessment Continue to participate in Mt. Crested Butte MOA assessment	Ongoing Ongoing

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Colorado Sub-goal 4.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead		
EPA 2006-2011 EPA Strategic Plan Objective1.1 – Healthier Outdoor Air		
Program Strategy	Performance measures	Milestone
agencies or local governments	Assist EPA Region 8 to develop community-based initiatives Assist and monitor Natural Events Action Plans and other community initiatives in San Luis Valley, Lamar (to support maintenance SIP) and Grand Valley – Grand Junction area Provide assistance to Garfield County community-based initiative to address natural gas development concerns Work to Identify other at risk areas through monitoring or other methods	Ongoing Ongoing Ongoing Ongoing
4.1.1.19 Protection public health through the development of maintenance SIPs and redesignation requests for current nonattainment areas in Colorado	Prepare Ozone SIP for Northern Front Range Prepare Canon City PM10 Maintenance Plan Prepare Maintenance Plans for the following areas: Colorado Springs – CO Greeley – CO Pagosa Springs – PM10 Telluride – PM10 Prepare Ozone designations for new O3 NAAQS Assess need for SIP revision for drill rigs Monitor Section 110(a)(2) SIPs for O3 and PM2.5	Dec. '08 Nov. ''08 November '09 Same Same Same Feb. '09 Ongoing Ongoing
4.1.1.20 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. Conformity Rulemaking on Reg. 10 Conformity determinations North Front Range MPO Denver Regional MPO	(Note: updated November '08 September '08 July '08 December '08
4.1.1.21 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 Environmental review and comment	Ongoing

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Colorado Sub-goal 4.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead		
EPA 2006-2011 EPA Strategic Plan Objective1.1 – Healthier Outdoor Air		
Program Strategy	Performance measures	Milestone
5.1.1.22 Protect public health through development of a Health Department-wide alternative commuting program (this would be a pilot or model program patterned after EPA's "Best Work Places for Commuters" and will be for state agencies to pattern similar programs after)	Program Plan Report: - Baseline evaluation (current participation, program effectiveness) - Marketing and education - Programs implemented and monitored - Program evaluation and recommendations	January 2009
4.1.1.23 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 Implement local delegation component of program	Ongoing September 2007
MONITORING, EMISSION INVENTORIES AND MODELING – TECHNICAL SERVICES PROGRAM		
4.1.1.24 Track indicators through monitoring, maintaining inventories and modeling	- Implement ambient air monitoring program in accordance with 40 CFR Part 58 *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)* - Operate and maintain monitoring sites statewide. Perform daily, weekly, monthly, quarterly, and semi-annual inspections, cleaning, and preventive maintenance per SOP schedules. Perform manual bi-weekly precision tests - Develop a Quality Assurance Management Plan (QAMP) and submit to EPA - Revise Quality Assurance Project Plan (QAPP) and submit to EPA - Operate ambient air monitoring network in accordance with QAPP - Modify and Update EPA AQS System - Per Quarterly CFR schedule, submit AQS SLAMS report electronically to EPA - Submit Ozone Fast Track Report, Anomaly Reports and 5-Minute SO2	Ongoing Done as needed Update Monitoring Plan annually by July 1 Updated as needed

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Colorado Sub-goal 4.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead		
EPA 2006-2011 EPA Strategic Plan Objective1.1 – Healthier Outdoor Air		
Program Strategy	Performance measures	Milestone
	Report to EPA - Produce Annual Air Quality Data Report - QA / QC Review and Report Project including new requirements for SPM stations - Per CFR schedule, submit Annual Network Plan to EPA that is oriented toward the new National Air Monitoring Strategy guidance. Review site files. - 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 including Ozone SIP - Develop Monitoring Network Plan and submit per CFR schedule - Continue Emergency Response Forecasting and Support to CDPHE Emergency Response Planning - Implement NCORE monitoring station as approved by EPA Maintain awareness of requirements for monitoring for new ozone Rule and Lead Rule Maintain awareness of new requirements for Exceptional Event Begin first 5-year cycle Network Assessment. Required to be completed by July 1, 2010.	January 1, 2009 Due July 1, 2009 per CFR schedule Ongoing Ongoing Ongoing NCORE sites identified by July 1, 2009 Monitoring Plan update Ongoing Ongoing Ongoing Begin Gathering Data." MILESTONES/DATE: "9/30/09.
4.1.1.22 Track indicators through monitoring, maintaining inventories and modeling	Per Quarterly CFR Schedule, submit all ambient criteria pollutant data to the Air Quality System (AQS)	

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Sub-goal 4.1.2: 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
4.1.2.1 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 Research and evaluate mobile source toxic emission reduction and prevention strategies	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
4.1.2.3 Support reduction of air toxics through regulation update	Revise Reg. No. 8 Parts A & E incorporating MACT and NESHAP 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 Work with EPA to establish a plan for area source MACT adoption and implementation process	Semiannual MACT updates in June and Dec. Proposal developed – Feb. '09

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Sub-goal 4.1.2: 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**		
		Plan drafted by July 2009
4.1.2.4 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 data into a database for all asbestos NESHAP notifications and enforcement actions Regulation Number 8 public hearing on updates	Ongoing November '08
4.1.2.5 Reduce occurrences of asbestos in schools (CDPHE will implement activities as described in work plan narrative "TSCA Title IV Cooperative Agreement – FY09 Application date June 30, 2008)	Implement the TSCA Asbestos-in-Schools Program according to federal and state rules Conduct 48 TSCA/AHERA inspections	Ongoing
4.1.2.6 Protect public health through implementation of a Lead-based paint certification and abatement program. Where possible, 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
4.1.2.7 Support protection of public health by non-	HAP source evaluations	Ongoing

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Sub-goal 4.1.2: 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**		
regulatory HAP source evaluations (coordination with CDPHE Environmental Epidemiology)	Respond to indoor air quality complaints	
4.1.2.8 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
4.1.2.9 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
4.1.2.10 Develop integrated air toxics program	Continue review National Air Toxics Assessments data and comment on proposed rules and policy Continue to develop Colorado Integrated Toxics strategy and develop appropriate implementation plans Work with other Division programs to seek funding for additional monitoring and grant funding (such as DERA grants) Complete additional diesel school bus retrofits contingent upon receipt of DERA funds Improve oil and gas related emission inventories with additional docus on diesel truck traffic 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 as part of Colorado Diesel Program (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	Ongoing During FY09
4.1.2.11 Implement cross-media initiatives	Continue implementation of mercury reduction initiatives at Colorado Dept. Public Health and assist in development of Mercury TMDL Continue coordination with other CDPHE programs in development and implementation of: Cross Media Programs, and Environmental Coordinating Committee	Ongoing Ongoing

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Sub-goal 4.1.2: 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**		
4.1.2.12 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 Continue 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 Assist Garfield county in special monitoring study 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 Ongoing

Goal 4.2: 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.

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Sub goal 4.2.1: 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 4.2.2: Stratospheric ozone protection – Ensure programs to control CFC compounds are maintained.

Sub goal 4.2.3: Climate change – Ensure carbon dioxide emission inventories are complete and trends in emission levels are assessed.

Sub goal 4.2.4: Protect environment from Mercury contamination –

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

Program objective	Performance measures	Milestone
4.2.1.1.1 Ensure acid rain minimized through operation of construction and operating permit programs	Permits issued to utilities	Ongoing
4.2.1.1.2 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
4.2.1.1.3 Ensure acid rain minimized though updates to Regulation No.18 as necessary	Revised regulation	Dec. 2002
4.2.1.4 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 Coordinate with EPA on carbon channel replacement for older carbon speciation samplers	Ongoing
4.2.1.5 Support AQRV studies in Colorado	CDPHE acid deposition web page Coordinate funding and communication between federal agencies and state	Ongoing

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Sub goal 4.2.1: 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 4.2.2**: Stratospheric ozone protection – Ensure programs to control CFC compounds are maintained. **Sub goal 4.2.3**: Climate change – Ensure carbon dioxide emission inventories are complete and trends in emission levels are assessed. **Sub goal 4.2.4**: Protect environment from Mercury contamination – **EPA 2003-2008 Strategic Plan Consistent Objective – Protect Ozone Layer and reduce Greenhouse Gas Levels**		
4.2.1.6 Implementation of Rocky Mountain National Park Initiative	- Memorandum of Understanding between stakeholder agencies continued and contingency plan developed in cooperation with NPS and EPA - 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	July '09 Ongoing
Sub goal: Ensure stratospheric ozone protection		
4.2.2.2.1 Support protection of stratospheric ozone through update to state CFC and climate change inventories	Updated CFC usage inventory for Colorado	Ongoing
4.2.2.2.2 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		
4.2.3.1 Ensure man-made climate change impacts minimized	Updated greenhouse emissions inventory for Colorado Work with EPA throughout finalization of federal Greenhouse Gas Rule to assist in technical matters Continue to coordinate with efforts to implement Governor's GHG initiative	Ongoing
4.2.4.1 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.	Ongoing

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Goal 4.3: 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.

4.3.1a 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
4.3.1a.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.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
4.3.1a.3 Support reduction of haze-causing pollutants through regulation updates	Described earlier in work plan	Described earlier
4.3.1a.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

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4.3.1a 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
	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. Operate Particulate Monitoring System 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 First three-year inventory under CERR will be for the year 2002 and due June 2004.

4.3.1b 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
4.3.1b.1 Continue Colorado Regional Haze SIP development process	- Develop SIP strategic plan to coordinate planning efforts for ozone and Regional Haze Complete BART determinations for CEMEX and Martin Drake Propose draft Regional Haze SIP to Air Quality Control Commission Regional Haze for approval including: - Reasonable Progress Goals - Updated Long Term Strategy - Consultation with surrounding states, Federal Land Managers and EPA Region 8 Regional Haze Hearing Provide technical support document that satisfies the Regional Haze Rule requirements for each of the Class I areas.	September 2008 September 2008 September 2009 November- December 2009 Same

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4.3.1b 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
4.3.1b.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
4.3.1b.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.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

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4.3.1b 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
4.3.1b.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	Fall Meeting Ongoing
4.3.1b.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. Coordinate with EPA on replacement of older channel sampler for carbon speciation on IMPROVE network - 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
4.3.1b.7 Participate in Four Corners Task Force and other areas to assess additional measures to meet 308 Rule requirements including: - impact of oil and gas development on regional haze and other areas - other measures as identified	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

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Program objective	Performance measures	Milestone
4.3.2.1 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
4.3.1a.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
4.3.1a.3 Support reduction of odor pollutants through regulation updates	Described earlier in work plan	Described earlier
4.3.1a.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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4.7 PPA Program Cutback Options for FY09-11 – (Proposed)

FOR THIS FY09-10PPA UPDATE, THE TARGET FIGURE FOR POTENTIAL REDUCTIONS IN PPA FUNDING HAS BEEN ESTABLISHED AS 319K FOR DIVISION WORK PLAN DEVELOPMENT. THE RATIONALE THE AIR DIVISION WILL APPLY TO ACHIEVE THESE REDUCTIONS IS BASED UPON PRESERVING MAJOR STRATEGIC PROGRAMS TO THE GREATEST EXTENT POSSIBLE. AREAS OF CURTAILMENT WOULD BE, TO THE EXTENT PRACTICABLE, THOSE AREAS NOT SPECIFICALLY REQUIRED BY STATUTE OR ARE OF LIMITED VALUE. THE FOLLOWING MEASURES IDENTIFIED FOR CURTAILMENT OR ELIMINATION WOULD BE CARRIED OUT ONLY IF A CONGRESSIONAL ACTION TO RESTORE FUNDS IS NOT APPROVED. THIS LIST IS A POTENTIAL SET OF ACTIONS THE DIVISION MAY TAKE TO ACCOMMODATE MAJOR EPA FUNDING REDUCTIONS, AND, THE DIVISION MAY PURSUE OTHER MEASURES. IN THE EVENT OF THIS OCCURRENCE, THE DIVISION WILL CONFER WITH EPA REGARDING THE MEASURES THE DIVISION DECIDES TO CURTAIL OR ELIMINATE

General Program area	Description
Ambient monitoring activities	Eliminate three ozone monitors in central part of Denver. These monitors are not in the area of highest concentration and do not add to our understanding of the spatial and temporal extent of the Denver Metro area ozone problem. Reduce PM10 monitors where appropriate. A number of PM10 sampling sites in the state are not identifying any continuing ar emerging air quality problems and, in fact, have been well below the level of the NAAQS for several years Monitors proposed for shutdown including non-ozone monitors, will be identified to EPA prior to closure
Reduced inspection and enforcement actvities	Performance of inspections and related enforcement may be reduced which may result in some level of inspection and enforcement backlog
Reduced permitting activities	Performance of permit Processing may be reduced, which would result in some level of permit application backlog
Curtail work on air toxics except for continued implementation of MACT requirements	The air toxics work done by Division staff would be eliminated except for review of MACT sources and required ambient Monitoring activity. This cutbacks would involve planning, technical assistance and special purpose monitoring activities.
Discontinue monitoring of Maintenance SIP Planning efforts	The state would not initiate maintenance plan update activities for PM10 and CO maintenance areas
Discontinue participation in transportation conformity efforts with the MPOs	The Air Division would not participate in conformity determinations initiated by the MPOs in Denver, Fort Collins/Greeley and Colorado Springs
Rocky Mountain National Park Nitrogen Deposition Initiative	The Air Division would cease efforts to further develop the Deposition initiative and would not develop work product like a contingency plan

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Regional Haze SIP implementation	The Air Division would cease additional work on the RH SIP (technical refinements, further SIP development and implementation would proceed at a slower pace)
Fuel programs	RVP and Oxyfuel program surveillance
RAQC pass-through funding for SIP development	SIP support and stakeholder process will be discontinued and the Air Division will assume that effort
Local agency Pass-through funding for inspections and monitoring	This would result in less inspections and related compliance activity by state staff who would have to cover loss in work load (see second item). It would also result in lesser operation of current monitoring network with less valid data being collected.

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CHAPTER 5 WATER QUALITY CONTROL DIVISION

5.1 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, the Division's 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), the Safe Drinking Water Act (SDWA), and Colorado statutes.

5.2 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.

5.3 Safe Drinking Water Act Program

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 Water Quality Control Commission); 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); 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.

5.4 Water Quality Control Division – Organizational Structure

The Water Quality Control Division, in total, consists of the following organizational units, which address all of the above strategic functional elements of water quality management under authority of the CWA and the provision of safe drinking water under the authority of the SDWA. Figure 5.1 shows the Water Division's current organizational chart.

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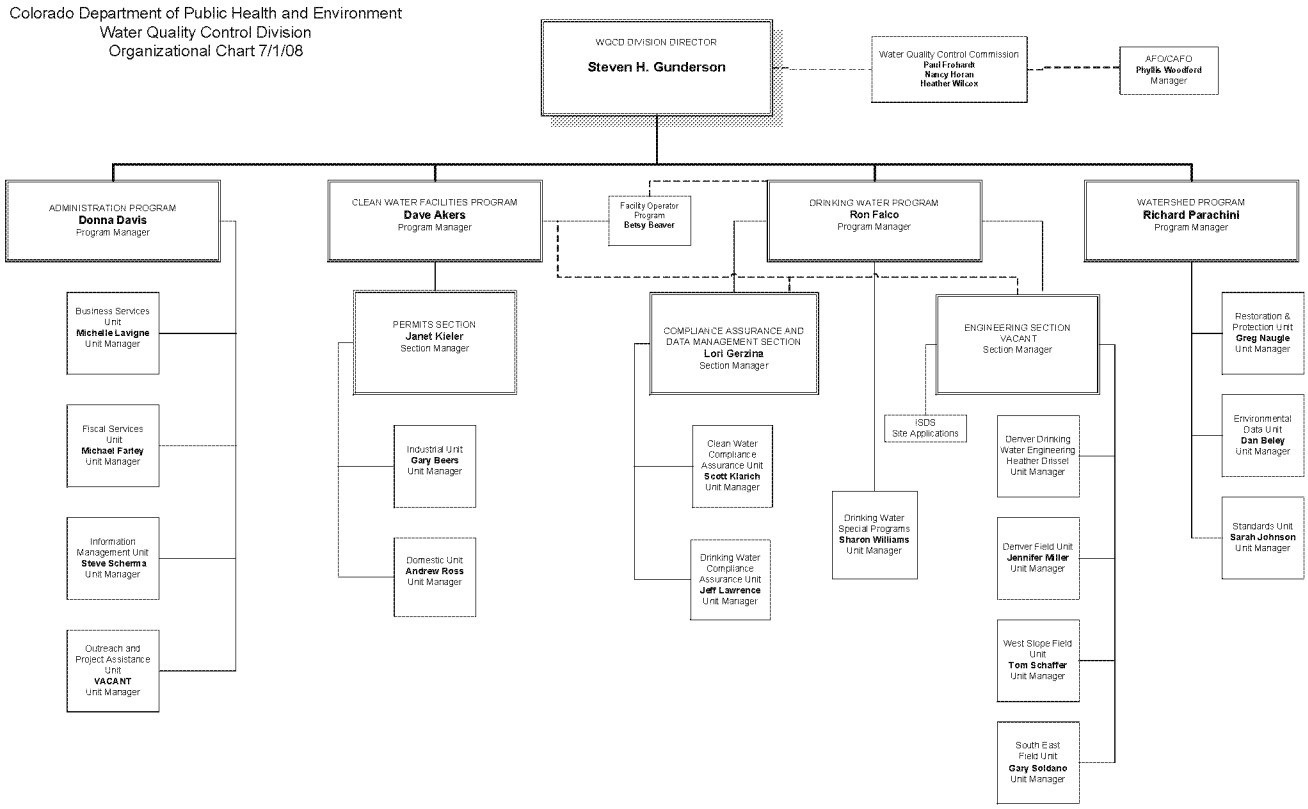
Figure 5.1



5.5 Water Quality Control Division Challenges for FY 2008-2010

The Regulated Community

The size of the regulated community for which the Water Quality Control Division is responsible is daunting. For example, there are over 100,000 stream miles in the state with designated water uses and standards assigned to them. The Division has issued over 2400 water discharge permits to municipalities and industries and approximately 5000 stormwater permits. There are nearly 2000 active public drinking water systems in Colorado, with 20% of these systems serving 80% of the population. Colorado has drinking water systems and wastewater treatment systems in parts of the state where they didn't exist a generation ago. In addition, new federal requirements, both with respect to the Clean Water Act and Safe Drinking Water Act, have imposed challenges on both the Division and its regulated community. Small communities with resource limitations present especially difficult challenges meeting these requirements.

How Does the Division Address These Challenges?

- Compliance Assistance. The Division helps dischargers and water systems by answering regulatory and technical questions, conducting training, etc.
- With respect to dischargers, there are a variety of regulatory processes that can provide time to comply, including Temporary Modifications to standards and compliance schedules in permits.
- Enforcement when necessary.
- Dischargers can seek site-specific standards based on local conditions.

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- Low Interest and Zero Interest Loans through the Power Development Authority. One concern here is that the federal contribution to the Water Pollution Control Revolving Fund has been cut by Congress by approximately 50% in 3 years.
- State Grants. In 2006, the Legislature restored $1.5 million to both the State Wastewater and Drinking Water grant programs, but they were eliminated again in 2007.
- Source Water Protection. Colorado is blessed by being the headwaters for most of the nation. As development occurs at higher elevation and elsewhere in the state, efforts in communities, with the help of the Division to protect the watershed of drinking water systems is being accelerated.
- Water Quality Improvement Fund. State House Bill 06-1337 established a fund for addressing various water quality issues, including providing grants for stormwater projects, designing, construction, or upgrades of domestic wastewater treatment plants, and non-point source projects. The Fund consists of penalties collected as a result of violations in accordance with the Colorado Water Quality Control Act.

Resource Needs for the Division

State Senate Bill 03-276 required that the Division consult with the WQCC, BOH and interested parties in addressing a list of identified questions that addressed implementation of the Clean Water Act and Safe Drinking Water Act at the State level. After an extensive outreach and stakeholder process, the Division issued the SB 276 Report, which answered the identified questions and also projected a resource gap between the Division's available staffing and resources at the time and what was needed to fulfill that gap in demand. In the 2006 and 2007 legislative sessions, the legislature provided a total of 22 FTE (10 drinking water, 12 clean water) using a combination of fee and general funds. In 2007 the Division provided an updated estimate of resource needs as required by the General Assembly under footnote 109 to the Long Bill.

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TABLE 5.1

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.	1.1.1.1Chemical data will be managed in local STORET and its replacement when appropriate, for use in basin-wide assessments.
	1.1.2 Pursue and continue development of a statewide ambient ground water monitoring plan.	1.1.2.1 Continue to sample ambient ground water. 1.1.2.2 Participate in GWPC 1.1.2.3 Assess and coordinate regarding ground water quality and associated issues with other state agencies.
1.2 Development and Implementation of a Comprehensive Monitoring Strategy.		
1.2.1 Number of states and territories that have adopted and are implementing their monitoring strategies [The 10 Elements] in keeping with established schedules (FY07 WQ7; FY08 WQ5T; FY09; FY09 Action; FY09WQ5).	1.2.1.1 a) Continue implementing Colorado's Water Quality Monitoring and Assessment Strategy (The 10 Elements) 2004-2014. b) Update The 10 Element strategy for EPA as necessary to reflect current conditions. c) Develop annual feedback loop with EPA R8 to report/discuss progress of The 10 Elements implementation.	1.2.1.1.1 a) Enhanced annual monitoring plan fully developed by June 30. b) Annual feedback loop with EPA R8 [on The 10 Elements] in place by mid-year update. c) Electronic data flow improvement between WQCD, LSD (lab), and STORET ongoing. d) Upload state water quality data into national STORET warehouse by 9/30/07. f) Participate in the transition efforts from STORET to the Water Quality Exchange (WQX). g) Updated state SOPs for the QAPP by 6/30/2010.

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Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
1.2.2 Develop categorical grant application and workplan for the SFY09 Monitoring Initiative to advance specific portions of The 10 Elements strategy. Coordinate with EPA staff to develop categorical grant application for the SFY09 Monitoring Initiative. (FY09 Action)	1.2.2.1 a) Develop detailed Monitoring Initiative workplan. b) Study methylation processes in lakes and reservoirs. c) Determine risks associated with consuming fish contaminated with arsenic. d) Additional laboratory analyses of stream and reservoir water samples to expand scope of chemical and biological data. e) Ambient ground water monitoring to expand scope of GW data. f) Request In Kind Services for Flowing Waters Probabilistic Survey. (See separate categorical grant for more details.)	1.2.2.1.1 a) Workplan developed in Fall 2008. b) SFY09 Monitoring Initiative tasks completed by Sept 30, 2009. c) Summarize results in annual 305(b) Report. d) Workplan and application for FFY09 Monitoring Initiative in Fall / Winter 2008.
1.2.3 Assist in developing a comprehensive statewide wetland program strategy.	1.2.3.1 Participate in the development a comprehensive statewide wetland program strategy with EPA and the other state "implementing agencies."	1.2.3.1.1 Follow-up meetings scheduled by EPA such that roles and responsibilities of the various state and federal agencies are clarified and a comprehensive statewide program is developed.
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 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 (FY07 FS-2: FY08 FS1a and FS1b)	2.1.1.1 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 annual state monitoring plan.	2.1.1.1.1 a) Include fish tissue data and assessment in annual Fish Tissue Study Report. b) Issue or rescind FCAs where appropriate. c) Update on National List of Fish Advisories.
2.2 Assess Quality of State Waters to Support Decision Making and Document Changes Over Time		

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Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
2.2.1 Protect and Improve Water Quality on a Watershed Basis - By 2012, improve water quality conditions in 250 impaired watersheds nationwide using the watershed approach (cumulative). (FY07 PAM 2.2.1; FY08 SP-12 FY09 SP-10, SP-11, SP-12, WQ-10)	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) Identify 10 or 12-digit HUC watersheds where improvements have been demonstrated.	2.2.1.1.1 a) Maintain linkage between database for 303(d) and M&E List Information and reach indexed NHD coverage. b) FY09 – 1 watershed (second of 2012 target) c) FY12 – tentative target of 4 watersheds. (Target is cumulative from FY2008 through FY2012)
2.2.2 Number and 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) (FY07 Measure L; FY08 SP-10; FY09 SP-10).	2.2.2.1 Document water quality improvement over time. .	2.2.2.1.1 Using the tools developed in Activity 2.2.1; continue tracking how many of the impaired segments from the 1998 303(d) list are fully attaining water quality standards as of 4/1/10 (the data cutoff for the 2008 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 (FY07 WQ-10:; FY08 WQ7; FY09 Action))	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 Develop Colorado's 2008 Section 303(d) Listing Methodology in an open and public process.
		2.2.3.1.2 Develop the 2010 Integrated Report by 4/1/2010
	2.2.3.2 Prepare for the 2010 Integrated Report.	
2.2.4 Utilize Assessment Database (ADB) and GIS to record monitoring and assessment decisions (FY07 WQ11; FY08 WQ7; FY09 Action; FY09 WQ7).	2.2.4.1 Continue to update ADB/GIS with assessment data.	2.2.4.1.1 Updated ADB and GIS by 4/1/10 (with Integrated Report)

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Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
2.2.5 Number of waterbodies identified by States in 2000 (or subsequent years) as being primarily nonpoint source impaired that are partially or fully restored (cumulative). [Estimated 6,264 waterbodies impaired solely or partially by nonpoint source (FY07 WQ-16; FY08 WQ10; FY09 WQ10))	2.2.5.1 a) Develop the ability to track impairment by source as well as pollutant. b) Identify candidate water bodies and document successes based on the 1998 303(d) list and subsequent 305(b) or integrated reports and completes nonpoint source projects. c) Determine improving water quality and progress towards attaining applicable water quality standards and classifications.	2.2.5.1.1 a) Using the tools developed in Activity 2.2.1, continue to determine the number of waterbodies that are being impaired by nonpoint sources. b) Submit a minimum of one draft success story for EPA consideration in FY2009 based on the 1998 303(d) list, the second toward the target of a minimum of four draft success stories submitted by FY2012.
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 (FY07 WQ 5a; FY08 WQ3aT; FY09 WQ 3a))	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) Scoping Hearing Reg #31: 10/08 b) Formulation Hearing Reg #38: 11/08 c) Rulemaking Reg #38: 6/09 d) Scoping Hearing Regs #34 & 35: 10/09 e) Formulation Hearing Reg #31: 11/09 f) Rulemaking Reg #31: 6/10
2.3.2 Number and percentage of states on schedule to adopt nutrient criteria into their WQS (FY07 WQ-2b; FY08 WQ 1bT; FY09 WQ 1a & 1b)	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 tasks identified in milestone schedule.
2.3.3 Number of states that have adopted biocriteria used to determine use attainment or "incorporated in water quality programs to support determine of attainment" (FY 09 Regional Goal #5)	2.3.3.1 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.	2.3.3.1.1 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).
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 Support the development and implementation of watershed restoration plans.		
3.1.1 Update 604(b) work plans with designated regional water quality planning agencies to support the watershed approach.	3.1.1.1 Support coordinated regional water quality planning in the four designated areas	3.1.1.1.1 Submittal of annual grant application and agency work plans to EPA for approval. Execution of purchase orders or contracts with planning agencies.

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Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
3.1.2 Number of water segments known to be impaired or threatened based on Colorado 1998 303(d) list for which State and EPA agree that the waterbody is fully restored, partially restored, or initial restoration planning is complete (FY07 WQ-33; FY08 SP-10, SP-11, WQ21).	3.1.2.1 Continued completion of restoration planning and implementation to improve water quality in waterbodies not attaining water quality standards.	3.1.2.1.1 a) Targeted number of water segments fully restored in FY09 (SP-10): 4; b) Targeted number of water quality impairments restored in FY09 (SP-11): 4; c) Targeted number of water segments for which water quality restoration planning is complete in FY09 (WQ-21): 12.
3.1. 3 Improve water quality conditions in impaired watersheds nationwide using the watershed approach (cumulative) (FY07 WQ32: FY08 SP-12).	3.1.3.1 Identify 10 or 12-digit HUC watersheds where improvements have been demonstrated.	3.1.3.1.1 a) FY09 – 1 watershed b) FY12 – tentative target of 4 watersheds. (Target is cumulative from FY2008 through FY2012)
3.1. 4 Number and national percent of approved TMDLs that are developed by States or EPA on a schedule consistent with national policy (FY07 WQ-13a & 13b: FY08 WQ-8a & 8b)	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 Submit approximately 21 TMDLs for approval by EPA between 7/1/2008 and 6/30/2009.
4.0 PERMITTING PROGRAM - COLORADO SHALL FULLY IMPLEMENT AND ENFORCE ITS DELEGATED NPDES PROGRAM.		
4.1 Complete a comprehensive assessment of NPDES program integrity and, as appropriate, establish an implementation schedule.	4.1.1 Continue to implement action items identified from EPA's Permitting for Environmental Results strategy.	4.1.1.1 In accordance with WQ-11: the Division will report on the number of follow up actions completed as result of a comprehensive assessment of NPDES program integrity.
		4.1.1.2 The Division will initiate a stakeholder process during FY09 for the development of procedures and guidance related to chronic WET.
4.2 Issue Process Water Permits		

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Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
4.3 Continue to address concerns regarding backlog in the NPDES program.	4.3.1 82.5% of all permits (including non-stormwater general permit certifications) are current at the end of FY 09. This commitment will be renegotiated for FY 10. . 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%. The Division recognizes that the 82.5% commitment is not consistent with the national goal of 90% and will continue to work toward addressing the issues that prevent the Division from being able to sustain a commitment of 90% current.	4.3.1.1 In accordance with WQ-12a: the Division will report the percentage of all non-tribal NPDES permits that are considered current. The Division will update EPA's Permit Management Oversight System (PMOS) for individual and non-stormwater general permits. EPA will use ICIS information for individual non-stormwater permit counts.
4.4 Achieve environmental results though the timely issuance of high priority permits.	4.4.1 95% of the priority permits targeted for issuance are current as of the end of each federal fiscal year. An exception is, when there are less than 20 priority permits, all but one priority permit will be issued	4.4.1.1 In accordance with WQ-19a: the Division will report on the Number and Percentage of scheduled "high priority NPDES permits" that are current. The Division will develop a list and update EPA's on the status of these permits through EPA's PMOS database.
4.5 Number of dischargers with permits providing for trading between the discharger and other water pollution sources.		4.5.1.1 In accordance with WQ-20: the Division will report on the Number of dischargers with permits providing for trading between the discharger and other water pollution sources
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 Inspection Plan for the period of October 1-September 30 of each year.	4.8.1.1 Submit to EPA, by December 31st and June 30th of each year, an electronic copy of the CAFO inventory and/or database.
		4.8.1.2 Submit to EPA, by December 31st and June 30th of each year, an inspection status report explaining the progress made toward inspecting CAFOs and progress toward inventory development.

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Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
		4.8.1.3 Report, at the mid-year (March 31of each year) 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 Participate in 2 joint/oversight EPA/State CAFO inspections in addition to any other oversight inspections that may be conducted.
		4.8.1.5 Provide electronic copies of all inspections conducted under the state's inspection plan to EPA at the time that the inspection is sent to the operator/permittee. This shall include inspections that are substituting for a planned inspection.
		4.8.1.6 Provide, in the FY 09 and FY 10 end of year reports, information on compliance assistance activities and trainings conducted for AFO/CAFO operators and /or agricultural organizations.
4.9 Pursue delegation of federal authority to implement the Biosolids and Pretreatment programs in Colorado.		
4.10 Conduct a Biosolids management program, which implements the requirements of the Colorado Biosolids Regulations while not duplicating EPA programmatic efforts.	4.10.1 Colorado will conduct biosolids inspections in accordance with its inspection plan for the period of October 1-September 30 by September 30th of each year.	4.10.1.1 Report at the mid-year and end-of-year, a) Number of site inspections biosolids inspections. b) Number of facility evaluation biosolids inspections.
	4.10.2 Pursue delegation of the Biosolids program from EPA.	4.10. 2.1 Report on progress of obtaining Biosolids 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 annual inspection plan for the period of October 1-September 30 by September 30th of each year.	4.11.1.1 Report the percentage of 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 (WQ-14 a and b).
		4.11.1.2 Report on progress of obtaining Pretreatment Program delegation.

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Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
		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.
4.12 Stormwater Permitting Program Implementation		
4.13 Implement a fully functional stormwater program, including the Storm Water Phase 2 Regulations - December 8, 1999, to the maximum extent possible.	4.13.1 Issue permits and provide compliance assistance and training to clarify permit requirements.	4.13.1.1 Report the number of facilities covered by individual or general permit under the following categories (reported separately). a) Number of MS4s; b) Number of industrial stormwater facilities; c) Number of construction stormwater facilities; Provide information on compliance assistance activities and trainings conducted for permitted small MS4s.
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 on process to include EPA in the review of general permits for stormwater discharges and individual Phase I permits for large and medium size MS4s prior to issuance.
		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 individual and general permits.		4.15.1.1 Report on: a) Number of EPA approved TMDLs with stormwater allocations. b) Number of EPA approved TMDLs with stormwater allocations that have been incorporated into stormwater general permits.

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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 **Stormwater Inspection Approach:** In accordance with the inspection plan, implement year one of a 5-year oversight program (FFY 2008-2013) on the adequacy of MS4 Construction Site Oversight Programs. Field screening, program review, full audits, and appropriate enforcement action will be used to bring about adequate implementation of all MS4 CSOPs. Result will be near-100% inspection coverage of construction sites within MS4s, within the 5-year term. Phase I MS4s will be held more accountable based on the expectation that these programs have already been audited and should be fully functional. The Division will reduce its inspection resources for construction and other industrial storm water facilities to the MS4 Construction Site Oversight Program. 5% of construction permits <u>outside</u> of MS4s (110 sites – a mixture of 2/3 Phase I and 1/3 Phase II sites) will be inspected. Complaints will be the highest priority and non-filers and oil and gas construction will remain a priority. 5% of non-construction industrial permits will be inspected. In an effort to ensure a strong field presence in the construction storm water area, EPA will conduct up to 40 additional construction storm water inspections within Colorado during FY09. EPA will attempt to target the majority of the inspections outside of MS4 areas, with the exception of those inspections conducted in support of national and regional initiatives. Where possible, EPA will provide notice to the state in advance of the inspections. EPA will conduct inspection follow up and enforcement for those facilities inspected. be inspected. **INDUSTRIAL:** Inspect 5% of industrial permits per year for 5 years.	4.16.1.1 Report, at the mid-year (March 31st of each year) and the end-of-year, the number of stormwater inspections and MS4 audits conducted. Submit copies of stormwater inspections received by the Division from a local agency during a calendar quarter to EPA by no later than the 20th day of the month following the end of the quarter.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
5. Compliance Assurance (for pollution control facilities) - Maintain a high overall compliance rate with all water quality regulatory requirements.		
5.1 Conduct Inspections of and/or monitor self-reported data submitted by, the state's CDPS discharges to positively determine the compliance status of regulated facilities and activities.	5.1.1 Conduct NPDES inspections described in the inspection plan for the period of October 1-September 30 of each year. Complete inspection reports and enter into ICIS database by December 31st of each year. Submit draft industrial, municipal, stormwater, and CAFO inspection plan for the coming federal fiscal year (October 1-September 30) by September 1st and finalize the plan within 15 days of receiving EPA comments. Selected major facilities will be inspected in accordance with Colorado's self-certification program as described in Chapter 2 of this PPA and detailed in the above-referenced inspection plan. 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 during the inspection year. EPA will contact the state to schedule joint inspections at facilities identified in the wastewater inspection program.	5.1.1.1 Report to EPA in the State End-of-Year Report the number of each of the following inspections: - Majors, - Minors, - CSOs and/or SSOs, 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 End-of-Year Report, a summary of actions taken to address WET violations.

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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 until such time as the SSO regulations are finalized.	5.2.1 Colorado will continue to implement its SSO Response Plan for FY 09 and FY 10.. 5.2.2 Colorado will address one medium municipal system (>10 MGD - < 100 MGD) and its associated satellite systems to ensure that the system has an appropriate operation and maintenance system and adequate capacity to handle current and projected flows. The system will be addressed in accordance with one of the criteria included in EPA's ECEJ Guidance for FY 2009.	5.2.1.1 Provide to EPA by October 15th of each year, a) an updated SSO inventory; b) the number of NPDES inspections targeted to identify SSOs; c) the 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; and e) the percent of enforcement actions in priority watersheds for SSOs, and f) a list of SSOs addressed. Copies of all SSO inspections and enforcement actions will be submitted to EPA.
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, Enforcement Escalation/Response Guides, Civil Penalty Policy and SEP Policy in all enforcement actions.	5.3.1.1.1 Implement the Division's SSO Response policy.
		5.3.1.1.2 Continue to implement the draft Enforcement Response Guide and Stormwater Compliance and Enforcement Strategy for industrial stormwater.
		5.3.1.1.3 Continue to implement and update as necessary the State's CAFO compliance and enforcement strategy and Enforcement Response Guide.
		5.3.1.1.4 Percent of major dischargers in Significant Noncompliance (SNC) at any time during the fiscal year.
		5.3.1.1.5 On a quarterly basis complete the electronic explanation code sheets for the Watch List and forward to EPA Region 8.

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Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
		5.3.1.1.6 In the interest of conserving resources, Colorado agrees to EPA being the lead agency on all 404 enforcement actions that have associated CWA section 402 violations, except where EPA determines that combined cases may not be in the best interest of the litigation. Colorado will have the opportunity to join the 402/404 case if it is a judicial referral.
		5.3.1.1.7 EPA will perform inspections in support of national wet weather enforcement cases and will provide the state with notice of the inspection in advance if possible. At the state's discretion, it may attend the inspection in an observer/consulting role. EPA will conduct inspection follow-up and enforcement for those facilities it inspects. The state will be given the opportunity to join any national case that includes violations discovered as a result of any EPA inspection in Colorado or, where no national case is filed, the state will be given the option of joining if the case is filed as a judicial referral. Where the state has joined EPA in a national referral case, the state will inspect sites targeted after any consent decree is final.
5.3.2 Promote communication with EPA.	5.3.2.1 Facilitate EPA oversight.	5.3.2.1.1 As agreed to between Colorado and EPA Region 8, the WQCD will report to EPA: a) final settlement agreements; b) upon request, penalty calculations including justifications for adjustments and BEN for state enforcement actions concluded during the fiscal year; and c) a description of any SEPs included in the state enforcement actions concluded in the federal fiscal year.

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Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
		5.3.2.1.2 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.
	5.3.2.2 Ensure that SSO and CAFO violations are addressed to achieve the deterrence goals of the national wet weather strategies through effective injunctive relief and appropriate penalties.	5.3.2.2.1 Provide draft SSO and CAFO penalty calculations to EPA for review and comment.
5.3.3 Develop and maintain comprehensive database.	5.3.3.1 Ensure that all data requirements in PCS or ICIS are being entered and reported to EPA's national data systems.	5.3.3.1.1 For all domestic and industrial entities (except the stormwater sector) with NPDES permits, enter permit facility data, permit event data and inspection data into PCS or ICIS.
		5.3.3.1.2 Enter SSO inspections into the PCS/ICIS database. Enter SSO violations into PCS as single event violations.
		5.3.3.1.3 Enter inspections and enforcement actions at CAFOs with NPDES permits into PCS/ICIS. Approved Nutrient Management Plans will also be tracked in PCS.
	5.3.3.2 Ensure that data that is not maintained in PCS or not entered into ICIS during the state's transition period are available to EPA.	5.3.3.2.1 CDPHE will provide EPA with an electronic copy of the stormwater permit tracking system by March 31, 2009 and September 30, 2009, or until stormwater permits are entered into ICIS. Quarterly, until stormwater permits data are entered into ICIS, provide EPA with a current number of industrial and construction stormwater permits. (October 15, 2008, January 15, 2009, April 15, 2009 and July 15, 2009.)
		5.3.3.2.2 State will submit the annual non-major facilities noncompliance report for the previous calendar year in accordance with 40 CFR §123.45 (c) according to the date determined by EPA HQ and communicated to the State in early in the calendar year, tentatively April 30, 2009 unless the state elects to maintain ICIS in lieu of reporting..
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.		

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Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
6.1 Nonpoint Source Program Implementation - Assure that the Clean Water Act Section 319 funds address high priority projects consistent with the watershed approach.		
6.1.1 Continue to provide funding for non-point source priority projects to identify solutions to non-point source pollution.	6.1.1.1 a) Update the Colorado Nonpoint Source Management Plan by 2010. 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. f) Report project specific progress into GRTS. g) Utilize EPA State Grant Performance Measures template for service area specific requirements.	6.1.1.1.1 a) Begin stakeholders process for updating the Management Plan by 2009. b) Encourage local entities to develop watershed plans in high priority watershed. Report number of plans or the number of requests for assistance generated by 6.1.2 on an annual basis. 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. g) Track and report on applicable performance measures.
6.1.2 Annual reduction in lbs/tons of nitrogen from nonpoint sources to water bodies. (FY07 EPA PAM WQ15 (I, R); FY08 WQ 9a)	6.1.2.1 Determine nonpoint source pollutant loading reduction for nitrogen.	6.1.2.1.1 Nitrogen –. Report actual load reductions in GRTS as project-specific information.
6.1.3 Annual reduction in lbs/tons of phosphorus from nonpoint sources to water bodies. (FY07 EPA PAM WQ15 (I, R); FY08 WQ 9b)	6.1.3.1 Determine nonpoint source pollutant loading reduction for phosphorus.	6.1.3.1.1 Phosphorus – Report actual load reductions in GRTS as project-specific information.
6.1.4 Annual reduction in lbs/tons of sediment from nonpoint sources to water bodies. (FY07 EPA PAM WQ15 (I, R); FY08 WQ 9c)	6.1.4.1 Determine nonpoint source pollutant loading reduction for sediment.	6.1.4.1.1 Sediments – Report actual load reductions in GRTS as project-specific information.
6.2 Federal Lands Consistency Reviews - Nonpoint Source Program coordination with public lands agencies.		
6.2.1 Assure that the Nonpoint Source and SWAP Programs coordinates with public land agencies regarding potential water quality impacts of land use decisions and implementation	6.2.1.1 Conduct federal consistency audits and arrangements with BLM and USFS.	6.2.1.1.1 Complete 2 USFS national forest or BLM district consistency audits and associated reports on protection or restoration of water quality standards and classifications.

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Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
7.0 Financial Assistance - Provide administrative and technical services to water quality projects identified in the WPCRF IUP to assure compliance with the CWA.		
7.1 Identify water quality projects and provide appropriate financial assistance.	7.1.1 a) Submit IUP for approval 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. c) Track project data in a database and project files.	7.1.1.1 a) WQCC approval of IUP. b) Report administration of WPCRF Annual Report. c) Conversion or downloading of data into the National Information Management Systems (NIMS).
7.2 Fund utilization rate [cumulative loan agreement dollars to the cumulative funds available for projects] for the CWSRF. (FY07 WQ-24 T, R; FY08 WQ-17; FY09 WQ-17T)	7.2.1 Determine annual utilization of available funds for investment in public wastewater treatment facilities and nonpoint source activities.	7.2.1.1Calculated fund utilization rate of Colorado WPCRF.
7.3 Number of people served by projects that protect or restore waterbody uses that impact human health per million dollars of CWSRF assistance provided for that purpose (FY07 WQ-25: FY08 WQ-18T; FY09 WQ-18).	7. 3.1 Identify population benefiting from federal investment in protecting or restoring waterbody uses.	7. 3.1.1 Calculated population per million dollars invested.

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.	1.1.1 Timely submit primacy applications or apply for extensions.	1.1.1.1 Submit final primacy application for the Groundwater Rule by November 7, 2008.
		1.1.1.2 Prepare the primacy application for the Lead and Copper Rule minor revisions for submittal in early FFY 2010.
2.0 SDWA Control Mechanisms - Implement All Primary Drinking Water Regulations		

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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)
2.1 Implement all primary Drinking Water Regulations for which Colorado has been delegated primary enforcement authority.	2.1.1 Report on the status of EPA-identified requirements of the surface water treatment rule	2.1.1.1 By November 15, 2008, provide to EPA a list of all systems that are required to filter under the SWTR but are not yet filtering. Report the violations to SDWIS-FED. For systems on compliance schedules, provide the schedule from the enforcement document. If any system is not under a compliance schedule, provide a rationale and proposed action and time frame for securing compliance.
	2.1.2 Report on the status of EPA-identified requirements of the arsenic and lead & copper rules.	2.1.2. 1Timely respond to Region 8 information requests related to special interest arsenic and lead and copper information.
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.	3.1.1.1 Submittal of FY 2008-13 Wellhead Protection and Capacity Development Set-Aside Work Plan Amendments to EPA Region 8 by September 30.
	3.1.2 Assist public water systems in identifying potential sources of contamination and developing source water protection strategies.	3.1.2.1 Provide technical and programmatic assistance to public water systems and local interests implementing source water assessment and protection activities.
	3.1.3 Implement coordinated program activities with Outreach and Project Assistance Unit, Colorado Rural Water, and EPA Region 8.	3.1.3.1 Implement regular communication mechanism to insure coordination.
	3.1.4 Report program progress regarding program targets and actual completions.	3.1.4.1 Submit report to EPA identifying cumulative number of CWSs with a plan in place and substantial implementation of that plan and the population served by those CWSs by September 30.
3.2 Percent of community water systems and populations served by community water systems where risk to public health is minimized by source water protection. (FY07 Measure F; FY08 SP-4aT & 4bT; FY09 SP-4a)	3.2.1 Reduce potential consumer exposure of community drinking water systems to various contaminants in raw water sources.	3.2.1.1 Five (5%) percent of community water systems where "minimized risk is achieved by substantial implementation" of source water protection actions, as determined by Colorado.

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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)
3.3 Percent of the population served by community water systems where the risk to public health is minimized through source water protection (FY09 SP-4b).	3.3.1 Reduce potential consumer exposure of community drinking water systems to various contaminants in raw water sources.	3.3.1.1 Eight (8%) of population served by community water systems where "minimized risk is achieved by substantial implementation" of source water protection actions, as determined by Colorado.
3.4 Assist public water systems with the DWRF to build required infrastructure to ensure consistent provision of safe drinking water.	3.4.1 Submit IUP for approval by the WQCC.	3.4.1.1 WQCC approval of IUP.
	3.4.2 Utilize the existing federal-state-local team approach to identify projects that address health and compliance issues for drinking water treatment and distribution systems.	3.4.2.1 Number of community and non-community, nontransient water systems and population served with no violations as a result of the Drinking Water SRF to be reported in the annual report.
	3.4.3 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.	3.4.3.1 Percent of existing facilities seeking SRF funding that are evaluated for all three capacity elements (technical, financial, and managerial).
3.5 Fund utilization rate [cumulative dollar amount of loan agreements divided by cumulative funds available for projects] for the DWRF. (FY07 SDW-7 (T;I) FY08 SDW-4T; FY09 SDW-4)	3.4.1 Determine annual utilization of available funds for investment in public water system treatment facilities.	3.4.1.1 Calculated fund utilization rate for Colorado DWRF.
3.6 Number of DWRF projects that have initiated operations. (cumulative) (FY07 SDW – 14 (I, R) FY08 SDW-5T)	3.5.1 Determine number of drinking water facilities funded through DWRF that a) initiated construction, and b) return to compliance.	3.5.1.1 a) Calculated number of projects initiated (R); b) Calculated number of projects that return systems to compliance.
3.7 Eliminate sanitary defects at public water systems that could increase the risk that contaminated drinking water will be distributed to consumers.	3.6.1 Conduct sanitary surveys at public water systems as required by Primary Drinking Water Regulations, an eight part survey once every three years for all subpart H community surface water systems (except for outstanding performers) and	3.6.1.1 The State will enter into SDWIS/STATE, the most recent sanitary survey date completed since January 1, 2006 for all Subpart H Community Water Systems which have received a survey consistent with the eight part requirements of 40 CFR 142.16(b)(3) by January 31, 2009

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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)
	every five years for all other subpart H systems in accordance with the approved sanitary survey plan, including completion of written reports within 90 days of conducting fieldwork. Timely complete sanitary survey reports.	3.6.1.2 In accordance with 40 CFR 142.15(a)(5), the State shall submit to the Region 8 Drinking Water Unit a list of all Subpart H Systems that have had a Sanitary Survey meeting the eight part requirements of 40 CFR 142.16(b)(3) during calendar year 2008 by the end of January, 2009. The State may meet its obligation for such a list by entering the completion date of each required Subpart H System survey into SDWIS/STATE. The State shall submit to the Region 8 Drinking Water Program an evaluation of its program for conducting Subpart H System Sanitary Surveys in accordance with 40 CFR 142.16(b)(3) during calendar year 2008 as required by 40 CFR 142.15(a)(5) by February 15, 2009.
		3.6.1.3 Provide in the end-of-year report, the number and percentage of systems not surveyed within required timeframes in each of the following categories: a) Groundwater systems not surveyed in the last 5 years; b) Community surface water systems not surveyed in the last 3 years; and, c) Non-community surface water systems not surveyed in the last 5 years. The goal is that there will be fewer than 10% of systems in each category not surveyed within the required time frames, except for community surface water systems, where the goal is 6%.
4. Compliance Assurance – Synthesize, coordinate and apply appropriate assistance tools, informal enforcement, formal enforcement and penalties to ensure timely correction of violations, and deterrence.		
4.1 Water Safe to Drink – Percent of population served by community water systems that receive drinking water that meets all applicable health based drinking water standards	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	4.1.1.1 Percent of community water systems that provide drinking water that meets all applicable health-based drinking water standards. Strategic target is 90%.

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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)
through approaches including effective treatment and source water protection. Regional Target is 90%. 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.	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.	4.1.1.2 Percent of the population served by community water systems that receive drinking water that meets all applicable health-based drinking water standards through effective treatment and source water protection. Strategic target is 90%.
		4.1.1.3 Percent of "person-months" (i.e. all persons served by community water systems times 12 months) during which community water systems provide drinking water that meets all applicable health-based drinking water standards. Strategic target is 95%.
	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 Maintain the Enforcement Management System (EMS), taking into account CDPHE and Division policies.	4.2.1.1 Revise the Enforcement Escalation Policy to include new drinking water rules: Groundwater Rule and LCR minor revisions for submittal to EPA in FFY 2010.
4.3 Take action to address those PWSs that are identified and confirmed to be significant non-compliance (SNC).	4.3.1 Aggressively manage the quarterly SNC list to identify planned actions and to inform EPA of past quarter's accomplishments. The date that a system becomes a SNC is defined by the SNC definitions published by EPA for each rule, regardless of the "SNC" and "Exception" dates generated by the Federal database and listed on the quarterly SNC lists. The new EPA Enforcement Response Policy	4.3.1.1 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.
		4.3.1.2 Where appropriate, conduct sanitary surveys or technical assistance visits (with written reports) at PWSs, which are SNCs.

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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)
	(ERP) that defines SNC on a system-based approach will be evaluated when it is released, and the State will cooperate with OECA in developing the new approach. EPA will pilot the new approach in FY09 and work with the States prior to establish a new SNC management process prior to replacing the current SNC system. The state can make no commitment to management of the new SNC system without additional information on the ERP and further discussions with EPA.	4.3.1.3 Implement the State's Enforcement Escalation Policy; Ensure enforceable compliance schedules are in place for all SNCs within eight months of the date that the PWS becomes a SNC unless the facility has returned to compliance.
	4.3.2 Provide information to facilitate EPA oversight of all state formal enforcement actions.	4.3.2.1 Provide EPA a copy of all final settlement agreements, both administrative and judicial, upon issuance or EPA request. Upon request make penalty calculations and supporting documentation available to EPA.
		4.3.2.2 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.
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 State sanitary survey activities will be accurately recorded and reported to EPA.	5.1.1.1 The State commits to entering all sanitary surveys performed within 90 days of completion of field work in the previous inspection year into SDWIS/FED (by December 31, 2008 for inspections conducted in FFY 2008.)
	5.1.2 Ensure that inventory, sanitary survey, compliance, enforcement, and required sample data are reported to EPA.	5.1.2.1 Upload all violations, enforcement actions and applicable return-to-compliance codes into SDWIS at least quarterly.
		5.1.2.2 Ensure that all enforcement actions are linked to violations in SDWIS to avoid orphan exceptions, except for the approved orphan actions identified in FY09 guidance.

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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)
		5.1.2.3 By August 15, 2009, ensure all PWSs' lacking lat/long and mad code data have been identified, corrected and submitted for quarterly reporting process to update SDWIS/FED.
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 waterbody impairments identified by States in 2002, in which there is a community water system intake and the impairment cause is for either a drinking water use or a pollutant that is regulated as a drinking water contaminant for which there is a TMDL (FY08 SDW-10a; FY09 SDW-10a).	6.1.1 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 for which there is a TMDL.	6.1.1.1 Identify the number of surface water segments used for community water system intakes that were listed as impaired in 1998 for drinking water use where a TMDL has been completed.
6.2 Percent of waterbody impairments identified by States in 2002 in which there is a community water system intake and the impairment cause is for either a drinking water use or a pollutant that is regulated as a drinking water contaminant, for which the waterbody impairments have been restored (FY08 SDW-10b; FY09 SDW-10b).	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.	6.2.1.1 Identify the number of surface water segments used for community water system intakes that were listed as impaired in 1998 for drinking water use or a pollutant that is regulated as a drinking water contaminant where a TMDL has been completed and have been restored on an annual basis.
6.3 Percent of community water system intakes for which source water was assessed for drinking water use during the most recent reporting cycle (FY09 SDW-9).	6.3.1 Report program progress regarding surface water supply use classification.	6.3.1.1 Report the percentage of community surface water system intakes assessed for drinking water use and identified in the current year basin triennial review, when compared to the cumulative statewide total.

Water: PWSS Program

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ACS Code	Measure	Source of Data	Comment
2.1.1	Water Safe to Drink: Percent of the population served by community water systems that receive drinking water that meets all applicable health-based drinking water standards through effective treatment and source water protection.	SDWIS	HQ will pull the data at the end of the fiscal year. Rolling 4 quarters (4Q of previous FY and the 1, 2, 3Q of the current FY)
A	Percent 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.	SDWIS	
B	Percent 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.	SDWIS	
C	Percent of community water systems that provide drinking water that meets health-based standards with which systems need to comply as of December 2001.	SDWIS Relates to PART Measure P-PWSS-2: Percent community water systems in compliance with drinking water standards.	
D	Percent of community water systems that provide drinking water that meet health-based standards with a compliance date of January 2002 or later.	SDWIS Relates to PART Measure P-PWSS-2: Percent community water systems in compliance with drinking water standards.	
F	Percent of source water areas for community water systems that achieve minimized risk to public health.	States manually report this measure to the Region.	The actual number of CWSs with substantial implementation of a SWP Plan is not tracked by SDWIS. CO, MT, ND and UT all track this measure. However, SD and WY are not currently tracking the number of CWSs meeting this measure. In the states that are tracking this measure, it is not being done in SDWIS but the states have individual databases that have this information available or that can be generated.
SDW-1a	Percent of community water systems (CWSs) that have undergone a sanitary survey within		States manually report this measure to the Region.

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	the past three years (five years for outstanding performers) as required under the Interim Enhanced and Long-Term 1 Surface Water Treatment Rules.		

Water: UIC Programs

ACS Code	Measure	Source of Data	Comment
SDW-9 (a, b, c, d)	Separately for each class of well, the percent of Class I, II, III wells identified in significant violation, and Class V wells identified in violation, that are addressed by the UIC program.	Form 7520-2A	Info not available until at least 45 days after end of reporting period
SDW-10	Percent of identified Class V Motor Vehicle Waste Disposal wells that are closed or permitted.	Form 7520-2B	Info not available until at least 45 days after end of reporting period

Water: CWA Section 106 Grants

ACS Code	Measure	Source of Data	Comment
L	Number, and national percent, of those waterbodies identified in 2000 as not attaining standards where water quality standards are restored. (cumulative)	WATERS	States submit data supporting measure L--integrated 305b/303d reports or 303d lists--every other year…OW will report on changes to measure L quarterly.
WQ-2 (a,b)	Number of States that have (a) adopted EPA-approved nutrient criteria into their water quality standards, or (b) are on schedule with a mutually agreed-upon plan to adopt nutrient criteria into their water quality standards. (cumulative)	Regional ACS report	For WQ-2a, the target is 0, so the state does not have to report for this measure. For WQ-2b, CO, MT, UT should provide a brief update on the status of their activities related to nutrient criteria. (This is new). WY does not need to report—EPA will take the lead.
WQ-5a	Number, and national percent, of States that within the preceding three year period, submitted new or revised water quality criteria	WATA	EPA lead. States are not responsible for reporting this measure.

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ACS Code	Measure	Source of Data	Comment
	acceptable to EPA that reflects new scientific information from EPA or other resources not considered in the previous standards.		
WQ-7	Number of States that have adopted and are implementing their monitoring strategies in keeping with established schedules.	S.106 Monitoring Initiative Workplans	States should submit an annual progress report (email is acceptable) to their EPA Monitoring and Assessment contact, stating progress and accomplishments on items listed in their 106 Monitoring Initiative Workplans.
WQ-13b	Number of TMDLs, and national percent, that are established by states on schedule consistent with national policy. [FY 06 WQ-12 relates to all TMDLs; FY 07 WQ-13b relates to state TMDLs]	NTTS	The Region enters data in NTTS when State TMDLs are approved
WQ-18a	Number, and national percent, of non-tribal NPDES permits that are considered current.	PCS or ICIS-NPDES for MT, SD, UT	
WQ-19 (a, b, c)	Number, and national percent, of Phase I and Phase II stormwater permits that are issued and current for: (a) industrial stormwater general permits; (b) construction stormwater general permits; and (c) MS-4 general and individual permits.	PCS or ICIS-NPDES for MT, SD, UT	
WQ-21a	Number, and national percent, of Significant Industrial Users (SIUs) in POTWs with Pretreatment Programs that have control mechanisms in place that implement applicable pretreatment requirements.	SIUs= PCS, or ICIS-NPDES for MT, SD, UT CIUs = Internal tracking system	
WQ-22a	Percent of major dischargers in Significant Noncompliance (SNC) at any time during the fiscal year.	PCS or ICIS-NPDES for MT, SD, UT	Note: HQ-OECA to provide state-specific data.
WQ-29a	Number, and national percent, of high priority state NPDES permits that are issued as scheduled.	PCS or ICIS-NPDES for MT, SD, UT	
WQ-30a	Number of permits providing for trading between the discharger and other water pollution sources. (cumulative)	PCS or ICIS-NPDES for MT, SD, UT	
SS-2	Number, and national percent, of CSO permits	PCS-CSO Report Database or ICIS-NPDES for	

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ACS Code	Measure	Source of Data	Comment
	with schedules in place in permits or other enforceable mechanisms to implement approved Long Term Control Plans (LTCPs). (cumulative)	MT, SD, UT	

Water: Nonpoint Source Program

ACS Code	Measure	Source of Data	Comment
WQ-16	Number of waterbodies identified by States (in 2000 or subsequent years) as being primarily NPS-impaired that are partially or fully restored. (cumulative)	WATERS	See 1 below.
WQ-27	Number of watershed-based plans supported under State Nonpoint Source Management Programs since the beginning of FY 2002 that have been substantially implemented. (cumulative)	STATES	See 2 below

1. By "fully restored," EPA means that all designated uses are now being met. By "partially restored," EPA means either of the following two conditions are being met:

a) A water body that has a use that is initially impaired by more than one pollutant, but after restoration efforts meets the criteria for one or more (but not all) of those pollutants, or

b) A water body that initially has more than one use that is less than fully supported, but after restoration efforts one or more (but not all) of those uses becomes fully supported.

Since the main referent for this measure will be State 303(d) or Integrated Reports, States which did not submit 2000 303(d) lists may substitute the 1998 list for their base year. "Water bodies" therefore refer to 303(d)-listed segments or Category 4 or 5 waters on the Integrated Report. The measure is not meant to include

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only water bodies restored by 319-funded projects, but instead counts all primarily NPS-impaired water bodies that a state restores subsequent to the base year of 1998/2000. The water must have been impaired as of the year 1998/2000.

Waters listed after 1998/2000 which are then delisted from the 303(d) list (for some or all pollutants) or which move from categories 4 or 5 to category 1 or 2 may also be counted against this measure. In other words, although 1998/2000 is the base year, the 303(d) lists for those years need not be the only referent lists.

Please note that a water cannot be counted simply because it has been delisted from a state 303(d) list, or moves from categories 4 or 5 to 1 or 2, for reasons other than actual restoration (e.g., it is determined that it was inappropriately listed in the first place, it has a TMDL done for it, etc.).

A water will not be counted towards this measure if no specific management activities have been taken (by any party) within the watershed to improve water quality. Furthermore, a given water cannot be counted twice under this measure if it goes from impaired to partially restored, and then from partially restored to fully restored. Any given water may only be counted once under this measure.

For a water to be counted as "partially or fully restored," it must be described by a story on EPA's NPS Success Story Website (http://www.epa.gov/owow/nps/Success319/). On the Success Stories web site, the heading "Stories about partially or fully restored water bodies" is the section that refers to this measure. Without such a story, the water will not be counted against this measure. A story may include more than one water body, where appropriate.

Success stories submitted for the States (or Tribes) must include the following:

- Title
- Problem
- Project highlights
- Results
- Partners and funding
- Photos and/or Table/graph/chart
- Contact information
- GRTS project number(s) (where applicable)
- Date delisted from 303(d) list, or list date it will be delisted (i.e. next 303(d) list)

The determination of whether or not a water is "primarily" NPS-impaired will be left to the best professional judgment of the States. EPA does not expect that the State should do a detailed analysis when making a judgment on whether a given water is "primarily" NPS-impaired, when a precise determination would be exceedingly difficult (such as, for example, when a single listed water moves through both permitted MS4 areas as well as through non-permitted areas).

2. Watershed-based plans are plans which include the "nine components" described in the "Nonpoint Source Program and Grants Guidelines for States and Territories" (October 2003) available at: http://www.epa.gov/fedrgstr/EPA-WATER/2003/October/Day-23/w26755.htm

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These plans are primarily geared towards restoring impaired waters, though they should also address unimpaired but threatened waters as necessary.

“Substantially-implemented” means either of the following two things:

a) Those actions called for in the initial plan (i.e., prior to any later adjustment to the plan that may be deemed necessary) specifically geared towards remediating the impairment(s) have been implemented. The plan in this case must include the nine components for watershed-based plans outlined in the NPS grants guidelines.

b) Sufficient management measures and practices called for in the plan have been implemented to achieve the load reductions that are needed to meet WQS, even if the plan comes close to – but falls short of – including all nine criteria articulated in the NPS grants guidelines.

In the case of condition “b,” EPA and States may define what it is to be “close” to meeting the nine criteria. Furthermore, in terms of demonstrating that the implementation actions have met the load reduction target, if the State has a load reduction model it trusts that predicts that whatever actions that have been implemented should be sufficient to reach the load reduction target -- and the Region agrees with the State's judgment -- then this will be sufficient for meeting the bar of “substantially-implemented” for purposes of tracking against this measure. EPA reserves the right to ask the State to provide its evidence that the plan has met the second criterion for being a “substantially-implemented” plan.

Since watershed management typically necessitates an adaptive approach over time, watershed plans may never be fully implemented. Therefore, the term “substantially implemented” is being used.

Substantially-implemented plans are reported twice a year -- once by April 1 for a "mid-year" number, and once in September 1, for an "end-of-year" number.

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CHAPTER 6 HAZARDOUS MATERIALS WASTE MANAGEMENT DIVISION

6.1 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 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 their 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. Please 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, for instance, in the equivalency of the Voluntary Cleanup Program and the Hazardous Waste Corrective Action Plan process. In addition, the Radiation Management staff coordinates remediation oversight at several sites with the Superfund and Hazardous Waste program staff.

In February 2008, the seventh annual report required by SB-00-177 was delivered to the Colorado General Assembly. This report presents the extensive efforts in HMWMD for improving efficiency and effectiveness within the hazardous waste program. The 2008 report documented the continued emphasis on compliance assistance, expanding on HMWMD efforts of past years.

The Radon Hotline is a customer service effort provided 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, roughly twenty grants to local governments, extension offices and partners will be distributed. Additional radon reinvigoration projects by the HMWMD include mass mailings of radon information targeted to all schools, newspapers, realtors, homebuilders and daycare center inspectors. Annual surveys of measurement results, mitigation providers, schools and builders are now being conducted in order to provide an accurate assessment of outreach impact in Colorado as requested in the EPA radon reinvigoration strategy. A public education video created for Colorado is also being shown several times a day on all metro area public access cable stations.

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 6.1 Hazardous Materials & Waste Management Division Organization

Work Unit	Core Functions					
Director's Office	Community Relations	Compliance Coordination	Emergency Planning & Preparedness	ASTDR / HSEES Grant	Policy Advisor	
Administration	Fiscal Management	Human Resources Services & Training	GIS & Scientific Data Management	Network Support Services	Records Management & Administrative Services	
Solid and Hazardous Waste Program	Hazardous Waste Permitting, Compliance, Enforcement, Compliance Assistance, P2 & Corrective Action	Solid Waste Permitting Compliance, Enforcement, Compliance Assistance, P2 & Corrective Action	Regulatory Development	Financial Assurance (for all compliance elements); Land Revitalization	Data Management for haz waste, solid waste, and radiation programs	
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; Superfund O&M	Preliminary Assessment, Site Investigation,	Voluntary Cleanup Program	Brownfields Revolving Loan Fund; Targeted Brownfields Assessments	Defense Facilities Remediation & Restoration	

6.2 Successes Under the CEPPA

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

(1) HMWMD has had stable funding for hazardous waste corrective action and compliance and enforcement since 2000. In May 2006, the fees were increased in a manner that should provide adequate funding through FY09. In recent End-of-Year and State Review Framework Reports, EPA has agreed that the Division is capable of implementing a fully authorized program and 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 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. Historically, Colorado has met or exceeded the 2005

national environmental indicators for Human Exposures and Ground Water Releases. Colorado is also exceeding the national GPRA goals for the new remedy selection and remedy construction 2008 environmental measures.

(2) The EPA announced Brownfields grants were awarded to the Town of Jamestown and the Colorado Brownfields Revolving Loan Fund. The Colorado Brownfields Revolving Loan Fund received an additional $1,250,000 which will further capitalize the fund.

(3) The Brownfields program assisted six property owners with assessments and cleanups on properties that had been former meth labs. The property owners had purchased the property without knowing that these houses had been used for meth production.

(4) In cooperation with the air division, the Brownfields program performed asbestos cleanups for the Town of Deer Trail and the Town of Eads. In both of these towns, the deterioration of abandoned buildings on their main streets had become a source of asbestos exposure to the community. The asbestos cleanups removed the asbestos exposures and provided opportunity for revitalization.

6.3 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.

6.3.1 Customer service

On-going customer service efforts include:

- The full-time technical assistance function in HMWMD to provide technical assistance to the public for all HMWMD programs during business hours.
- A nationally published dedicated radon information line with a 1-800 number available for 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.

6.3.2 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 the first six months of FY08, HMWMD provided 25 compliance assistance training sessions that reached over 1,394 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 evaluates the distribution of contacts (correspondence, phone inquiries, website "hits", etc.) to direct development of new guidance.

- Guidance documents and compliance documents have been developed and / or updated to provide regulatory interpretations for the regulated public and HMWMD inspectors. Solid waste representatives are participating in the development of guidance and information related to the switch from analog to digital TV. The information focused on the ability to upgrade TVs and the recycling aspect of TV disposal. The information was developed and distributed in the form of a fact sheet, outreach during Earth Day and posting the fact sheet on the Division's web page. Solid waste is also developing a two year outreach plan to visit different communities around the state and host availability sessions coupled with town hall meetings to gain a better understanding of community needs and information gaps. This information will be used to develop topic specific outreach and information transfer plans.
- HMWMD continues its full-time customer technical 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 regulate the SQG universe and improve compliance rates. Currently, HMWMD is implementing full-scale self-certification (aka, Environmental Results Program or ERP) projects in the auto-body, dry cleaner, and SQG sectors. These efforts include air quality self-certification checklists and hazardous waste checklists.
- The 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 (12) counties throughout the State (Alamosa, Conejos, Costilla, Garfield, Gilpin, Grand, Jackson, Mineral, Moffat, Rio Blanco, Rio Grande, and Saguache), 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 threats to health and environment at the facility and provided that the facility agrees to a prompt return to compliance. In FFY07, HMWMD performed 11 GAP site visits. These site visits are being entered into RCRAInfo as "compliance visits" or CAVs.

6.3.3 Pollution Prevention

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

- 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. Goals and objectives for pollution prevention, the RCC, and waste minimization are presented in the table at the end of this chapter.
- 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 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.

6.3.4 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.

- Over the past several years, extensive public outreach has occurred near the Clean Harbors Deer Trail hazardous waste landfill associated with their hazardous waste permit renewal and issuance of a radioactive materials license to the owner/operator of the facility.
- Extensive community involvement has continued regarding the proposed Chemical Demilitarization facility being built at the Pueblo Chemical Depot. Monthly public meetings are held regarding the permit in association with the Citizen's Advisory Council. In addition, Division public involvement staff spends considerable time with citizens and civic groups in the Pueblo area distributing information on the chemical demilitarization project.
- In 2008 CDPHE and EPA worked extensively with the Town of Creede to list the Nelson Tunnel on the National Priorities List. For many years the local community had opposed Superfund listing of the site. However, by targeting a smaller area for superfund listing while promoting voluntary cleanups elsewhere in the basin, community support was gained. The outcome met the needs of the community regarding both potential stigma and the fear that local miners would be held liable for the cleanup, while addressing the major contamination source in the watershed.

6.4 Goals and Objectives for this FY2009 and FY 2010 CEPPA

6.4.1 Hazardous Waste Program Goals

<u>HW General Program Management and Partnership</u>

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 identify and achieve 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".

<u>HW Operating Permits and Closure/Post-Closure Permit Goals</u>

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 will 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 laws and regulations.

- 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 in an efficient and effective manner.

HW 8 Provide regulatory assistance and technical expertise to all parties responsible for cleaning up releases of hazardous waste at their facilities. This consists of frequent communication and the sharing of our expertise in correspondence, guidance documents, or policy.

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 using BRS and TRI data (HW Profiles).

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

6.4.2 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 solid waste and materials management facility owners/operators.
- SW 4.2 Encourage and support local government decisions that extend existing disposal alternatives and capacity beyond landfilling to composting, materials recovery and 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.

6.4.4 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.

6.4.5 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, testing and mitigation of homes with elevated radon levels. 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 communicating about radon testing and radon-resistant new construction. Distribution of funding to local health departments, cooperative extension offices and other entities at the local level will ensure coverage throughout Colorado. Annual surveys will be conducted on measurement results, mitigation providers, builders and schools as requested by the EPA Radon Reinvigoration Strategy.

A survey of measurement results for 2007 indicated that 18,807 tests were conducted statewide with results ranging from 0-605.8 PCi/L, with 6,289 or 33.4% of the test results ≥ 4 PCi/L. A survey of mitigation providers for 2007 indicated that 8,597 mitigations systems were installed statewide. This is a 47.7% increase over mitigations conducted in 2006. In 2007, the CDPHE Radon website received 11,267 web hits, the radon hotline received 1,508 phone calls, and CDPHE distributed 28,456 pieces of literature related to radon via mail, conferences, presentations and community outreach activities.

6.5 Summary of Program Assessment Process

6.5.1 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, as appropriate. For the Inspection and Enforcement program elements, the State Review Framework (SRF) will be used every three or four years. Depending on the SRF findings, appropriate levels of oversight will be employed in the interim years. 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.

6.5.2 Solid Waste Program

Currently, EPA does not authorize Colorado's solid waste program. Therefore, other than a general review, EPA has no oversight role. In the Joint End-of-Year Report, the Division and EPA will describe the types of activities conducted during each year.

6.5.3 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.

6.5.4 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.

6.6 Environmental Indicators

Remediation:

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

Solid and Hazardous Waste Program:

- 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.

6.7 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.

6.8 HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION WORK PLAN

6.8.1 Hazardous Waste Work Program

Mission: To ensure that all hazardous wastes are handled and managed in ways that protects the public and environment from the moment of waste generation until final disposal or destruction.

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 mandatory rules and progress toward overall authorization goals.	**FY09:** • RCRA Cluster XVIII (SPA 29) – No new rules were required for adoption. **FY10:** • RCRA Cluster XIX (SPA 30) – The State expects to submit a new revision application for any mandatory rules.
	EPA will work toward a timely review of authorization applications submitted and improve the overall pace of authorization and authorization flexibility.	
	Program Improvement The State will continue to evaluate the Hazardous Waste Control Program seeking to make further program improvements as appropriate.	Continued implementation of self-certification programs and GAP site visits.

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HW I - GENERAL PROGRAM MANAGEMENT AND PARTNERSHIP		
	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. In FY 2009, the State and EPA R8 will review identified concerns and determine which concerns need follow-up, which agency will follow up, and appropriate compliance and enforcement.	
	Data Management The State will maintain timely, accurate, and complete data in RCRAInfo.	The State will 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.
		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.	

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HW I - GENERAL PROGRAM MANAGEMENT AND PARTNERSHIP		
	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.	Joint EOY Reports
	Financial Accountability The State will adequately account for grant dollars.	Joint EOY Reports
	Program Guidance / Agreements The State and EPA will jointly develop and maintain the MOA (annually re-certify), EA, Quality Assurance Plan and other operating Guidance.	
	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, Annual National targets, 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.

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HW I - GENERAL PROGRAM MANAGEMENT AND PARTNERSHIP		
	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 The State and EPA will maintain frequent and open communication 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 program that results in well-qualified staff and ensures that mandatory training needs are met.
		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.	Joint EOY Reports

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HW I - GENERAL PROGRAM MANAGEMENT AND PARTNERSHIP		
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".		See "Table HW IV" below.

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HW II
Operating Permit and Closure/Post Closure Permit Goals

HW Operation Permit Universe Information:
There is only one (1) commercial land disposal facility operating within the State; as of the end of FY08, this facility has the required permit. There are twelve (10) operating commercial and non-commercial treatment / storage facilities operating in the State; as of the end of FY08 all required operating permits have been issued, but 1 unit at 1 facility (Ft. Carson) still needs to be added to that permit. Currently, there are no (0) operating combustion units within the State. The Pueblo Chemical Depot has submitted a permit application for additional proposed units related to their chemical demilitarization facility. As of the end of FY08, the draft permit for that facility has just concluded its public comment period and comment responses are being prepared. The facility has not yet been fully funded by Congress.

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: **FY09:** • One (1) treatment, storage and disposal facility is anticipated to require and operating permit final determination (PCD Chem Demil). In addition, one (1) TSD facility is anticipated to require permit renewal (Veolia). The 1 unit (OD unit) at Ft Carson will be added to their permit. **FY10:** • No (0) treatment, storage and disposal facility is anticipated to require operating permit final determination or renewal
	Permit maintenance; permit modifications, and emergency permits will be processed as required.	Permit modifications and emergency permits will be processed as received and required.

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HW II **Operating Permit and Closure/Post Closure Permit Goals**		
	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: FY09 and FY10: • 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	

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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. The Division has lead for 11 of these facilities. Ten (10) of the 11 state-lead facilities have received the required post-closure permits or other approved controls are in place. The remaining facility is abandoned with no viable owner/operator. The state is monitoring this facility.

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: • PC300 – other final post-closure permit determinations / issuances. • PC010 – post closure permit call-ins.
		The following major outputs are planned: **FY09:** • One (1) post-closure permit will be renewed (CSU Landfill) • No (0) other final or other post-closure permit determinations / issuances are expected. • No (0) post-closure permit call-ins are expected. **FY10:** • No (0) post-closure permits will be renewed • No (0) other final or other post-closure permit determinations / issuances are expected. • No (0) post-closure permit call-ins are expected.

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HW II **Operating Permits and Closure/Post Closure Permit Goals**		
	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 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 FY2009.		
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	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 FY09 and FY10, 100% of the compliance inspections required by statute will be conducted. Also, inspections projected for Table X of the MOA

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HW III **Compliance Monitoring and Enforcement Goals**		
facilities will meet the statutory requirements.	All active land disposal facilities will be inspected. All those in post-closure will be inspected every other year (every two years).	between EPA/Region 8 and EPA/OECA will be conducted. CDPHE will submit to EPA, by November 15 of each year, an inspection work plan for the upcoming federal fiscal year, which includes the names of TSD and LQG facilities.
	Ground water monitoring inspections will be conducted at active land disposal facilities that have not had such inspections in the previous two years (every three years).	
	All treatment and storage facilities will be inspected every other year (every two years).	
	Other Priority Inspection Areas - Permit Evaders - Mineral Processors	A minimum of twenty percent (20 %) of all large quantity generators (LQGs) will be inspected during each fiscal year and 100% of all LQGs will be inspected every 5 years.
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 Framework 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.	

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HW III **Compliance Monitoring and Enforcement Goals**		
	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.
		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.
	Other national enforcement priority areas: - Financial Assurance	During FY06-FY08, an assessment of financial assurance status was conducted for RCRA facilities in Colorado. For FY09, continue the national financial assurance initiative by working with EPA to determine compliance of operators, and to accomplish any follow-up on identified concerns jointly using standard compliance and or enforcement tools.
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.

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HW IV
Corrective Action Goals

Corrective Action GPRA Universe Information: There are seventy (70) TSD facilities in Colorado subject to corrective action. Of those facilities, all have been assessed - the RFA is complete **(CA050)**, and all have been prioritized **(CA075)**, according to RCRAInfo.		
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 planned: **FY09 and FY10:** 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.	
GPRA Corrective Action Universe Information: There are thirty-three (33) facilities in the GPRA 2008 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;

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HW IV Corrective Action Goals		
		• CA400 - Remedy Selection • CA500 – Corrective Measure (CM) work plan approved; • CA550 - Corrective Measures implemented (CMI), construction completed • CA999 – Corrective Action complete
HW 7: Long Term Goal Clean up releases ….	**Corrective Action Progress (Cont'd)**	The following key outputs are planned: **FY09:** • No (0) initial RFIs imposed. • No (0) subsequent RFIs imposed. • Four (4) RFI work plans approved. • Eight (8) RFI reports approved. • Sixteen (16) CMS work plans approved. • One (1) CMS report approved. • Sixteen (16) remediaes selected at the unit level. • No (0) remedies selected at the facility level. • Eighteen (18) CM work plans approved. • Seventeen (17) CMI construction completed at the unit level. • No (0) CMI construction completed at the facility level. • Four (4) corrective action completed.

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HW IV Corrective Action Goals		
		FY10: • No (0) initial RFIs imposed. • No (0) subsequent RFIs imposed. • Five (5) RFI work plans approved. • One (1) RFI reports approved. • No (0) CMS work plans approved. • No (0) CMS report approved. • One (1) remedy selected at the unit level. • No (0) remedies selected at the facility level. • Twenty (20) CM work plans approved. • Twenty (20) CMI construction completed at the unit level. • No (0) CMI construction completed at the facility level. • No (0) corrective action completed.
	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.		

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HW IV **Corrective Action Goals**		
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: FY09: • No (0) Stabilization Measure Evaluations. • No (0) Stabilization Implemented. • No (0) Stabilization Construction completed. FY10: • No (0) Stabilization Measure Evaluations. • No (0) Stabilization Implemented. • No (0) Stabilization Construction completed.
	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 08* *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 Fourty-five (45) facilities in the 2020 Corrective Action Universe. Thirty-seven (37) of these 45 are under control with regard to human exposure as of the end of FY08.		

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HW IV **Corrective Action Goals**		
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 Output is the number of GPRA Baseline facilities at which human exposures are under control (CA725). The following Key Outputs are planned: **FY09:** • Three (3) facilities are projected to achieve this environmental indicator **FY10:** • Two (2) 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 FY09 will be 89% and at the end of FY010 will be 93%.
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 FY07 or FY08.*
	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 Fourty-five (45) facilities in the 2020 Corrective Action Universe. Thirty-seven (37) of these 45 are under control with regard to ground water releases as of the end of FY08.		

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HW IV **Corrective Action Goals**		
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 (CA750). The following Key Outputs are planned: **FY09:** • Three (3) facilities are projected to achieve this environmental indicator **FY10:** • Three (3) 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 FY09 will be 89% and at the end of FY10 will be 96%.

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 each federal fiscal year.

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HW V **Pollution Prevention & Compliance Assistance Goals**		
	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.		
	Develop and implement compliance assistance elements within the inspection and enforcement processes.	Provide direct compliance assistance in inspections: • Estimate 20 inspections in each federal fiscal year.
	Provide pollution prevention training to hazardous waste inspectors and permit writers.	

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HW V **Pollution Prevention & Compliance Assistance Goals**		
	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 each federal fiscal year.
	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 over 1,000,000 contacts during each federal fiscal year.
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.
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.

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HW V **Pollution Prevention & Compliance Assistance Goals**		
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 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.		

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6.8.2 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.		Solid waste volumes will be posted on the CDPHE Home Page.
SW 1: Long Term Goal Implement an efficient and effective solid waste and materials management regulatory program with adequate fiscal and personnel resources.		
SW 2: Long Term Goal Integrate waste minimization, pollution prevention, waste diversion, materiasl management and recycling into all regulatory and remedial activities and support waste reduction statewide with a focus on municipal solid waste, industrial materials recycling, and electronic waste.		
SW 3: Long Term Goal Provide regulatory assistance to businesses and local governments on all aspects of waste management and disposal.		
SW 4: Long Term Goal Provide education and outreach concerning solid waste and materials management 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. Participate in at least training events with Colorado SWANA, ITRC or other solid waste affiliated organization.
	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	Encourage and assist local government with networking solid waste management issues. Provide	Initiate and maintain local government communication forum starting with local availability and town hall

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Solid Waste Program Goals		
that extend existing disposal alternatives and capacity beyond landfilling to composting, recycling, etc.	technical assistance and information when requested and through stakeholder outreach processes.	meetings at different locations in Colorado.
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.	Continue to revise and update the website with up-to-date comprehensive information that citizens can utilize.
SW 4.4 Encourage local programs to exclude HHW from disposal in Municipal Solid Waste (MSW) landfills.	*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.*	Coordinate with the hazardous waste program in developing HHW collection/diversion events, alternatives to throwing HHW in the trash, etc. Evaluate the potential of using regional collection centers.
SW Indicator 2: The amount of solid waste diverted and 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, related information and track trends. Total solid waste and materials management data will be maintained on the HMWMD Webpage. Data for calendar years 1995 to 2007 is available and will be updated annually. Recycling, scrap tire and composting data will be added annually.
	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 has been working with the Colorado Dept of Transportation on waste minimization projects.	

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Solid Waste Program Goals		
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 compost, recycling, medical waste, avian influenza, surface impoundment guidance materials, policy, and new regulations.
	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 working with all R8 states to advance their solid waste programs and agendas.	

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6.8.3 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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6.8.4 Radon Intervention Grant

Mission: The Radon Intervention Grant is used to develop effective, efficient activities that increase the awareness of radon health risks in Colorado. Emphasis is placed 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 information about radon testing and radon-resistant new construction. Distribution of funding to local health departments, cooperative extension offices and other entities at the local level will ensure coverage throughout Colorado. Annual surveys will be conducted on measurement results, mitigation providers, builders and schools as requested by the EPA Radon Reinvigoration Strategy.

Radon Intervention Grant Goals			
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, testing and mitigation of homes with elevated radon levels. 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.	Number of homes and schools built radon resistant and number of local governments adopting radon resistant new construction building codes

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Radon Intervention Grant Goals			
	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.		
	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.		

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CHAPTER 7 – FISCAL AND GRANT CONSIDERATIONS

7.1 INTRODUCTION

The purpose of this chapter is to describe the FY09 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 sustainability, climate change, oil and gas, compliance assistance and assurance, customer service, data integration and school chemicals. The grant will also enable the state to target more federal resources to its most serious environmental problems.

7.2 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 federal funds 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.

7.3 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 other agencies. The CEPPA represents the total shown in Table 8.2.

The CDPHE has identified several program grants for inclusion in the 2009 PPG, which refers to the period from October 1, 2008 through September 30, 2009. 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 $9.607 million at the time of application from EPA for the FY09 PPG. The FFY09 requested amount also includes an estimated $850,082 in FFY07 and FFY08 carry-over amounts. The PPG guidance allows Colorado to incorporate other eligible grants, including competitive grants during the year if other federal resources become available (if this occurs, the PPG will be amended by CDPHE and EPA).

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.

7.4 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 7.1 Estimated Resources												
Division	Resource	Fed Roll-Forward Request		FY 2007			FY 2008			FY 2009		
		FY 05-06	FY 07-08	EPA	STATE	TOTAL	EPA	STATE	TOTAL	EPA	STATE	TOTAL
APCD	CAA 105 - other	93,677		1,829,436	2,800,001	4,629,437	2,342,129	2,800,001	5,142,130	2,102,535	2,800,001	4,902,536
	Asbestos./TSCA			129,548	48,733	178,281	126,797	48,252	175,049	126,813	48,251	175,064
HMWMD	Hz. Waste	10,527		1,012,272	380,797	1,393,069	1,001,974	380,829	1,382,803	1,000,877	380,829	1,381,706
WQCD	CWA 106	250,000		2,127,894	670,261	2,798,155	1,963,301	670,261	2,633,562	2,367,476	670,261	3,037,737
	Dr. Water			831,057	463,733	1,294,790	1,065,902	464,801	1,530,703	621,567	464,801	1,086,368
	Gr. Water			200,000	0	200,000	112,323	0	112,323	200,000	0	200,000
	Non Pt. Src.			509,507	383,333	892,840	451,045	383,333	834,378	517,611	459,254	976,865
Other	Lead			505,538	0	505,538	165,368	0	165,368	423,105	0	423,105
	Radon	12,597		304,696	312,000	616,696	287,444	295,000	582,444	299,642	307,366	607,008
	Exec. Dir. Office Sust. Programs CPD-School Chemicals/Other	145,781		1,013,393	104,000	1,117,393	1,048,748	91,700	1,140,448	1,097,881	104,000	1,201,881
	.Carry-Over	512,582	Est 850,082	512,582	248,716	761,298				850,082	521,018	1,371,100
TOTAL				8,975,923	5,411,574	14,387,497	8,565,031	5,134,177	13,699,208	9,607,589	5,755,781	15,363,370

Roll-forward funds for FY05-06 (two-year agreement) rolled into the FY07 grant. Roll-forward funds for FY07-08 (two-year agreement) when approved will be rolled into the FY09 grant. FY09 amounts are based upon FY08's final programmatic allocations from EPA and include over-apply amts. from the Lead Program in the amount of $256,684.

Table 7.2 Funding support for CDPHE Environmental Program (in millions $)												
	Cash Funds & Reappropriated Funds			General Fund			Est. fed. PPG			Est. fed. Non-PPG		
	FY07	FY08	FY09	FY07	FY08	FY09	FY07	FY08	FY09	FY07	FY08	FY09
APCD	**12.89**	**14.20**	**14.29**	**0**	**0**	**0**	**2.74**	**2.63**	**2.65**	**1.17**	**1.0**	**1.0**
HMWMD	**7.8**	**8.86**	**10.38**	**0**	**0**	**0**	**1.32**	**1.29**	**1.30**	**9.1**	**9.0**	**8.9**
WQCD	**3.9**	**5.08**	**5.21**	**2.7**	**2.5**	**2.58**	**3.5**	**3.53**	**3.70**	**9.8**	**9.7**	**9.7**
Other	**0.1**	**0.1**	**0.10**	**0**	**0**	**0**	**0.92**	**1.05**	**1.15**	**0.1**	**0.2**	**0.2**

CHAPTER 8 OVERSIGHT & ASSESSMENT

8.1 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). EPA will follow those procedures during FY2009. The OECA/ECOS State Review Framework (SRF) was used by Region 8 to evaluate the RCRA, Air, and NPDES enforcement program performance beginning in FY2006, with results first reported in 2007. The national SRF guidance has been revised during 2008. Updated procedures for FY2009 oversight of RCRA, Air, NPDES, and Drinking Water enforcement programs (including program-specific Oversight Plans) were provided in a May 7, 2008 letter from Mike Gaydosh to Jim Martin and will be incorporated into the next revision of the Oversight Manual. EPA and CDPHE agree to implement those updated procedures for FY2009 oversight of RCRA, Air, NPDES, and Drinking Water enforcement programs with the exception of the after-the-fact file review activities described in the updated procedures. During the 1st quarter of FY2009, EPA and CDPHE will discuss the purpose and scope of planned after-the-fact file reviews for FY 2009 oversight and will determine how that activity will be implemented for FY 2009. Authorized or delegated programs that are not included in this edition used previously established procedures during FY2007 and FY 2008 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 of indicators being used in the current CEPPA include the following examples:

OFFICE OF ENVIRONMENTAL INTEGRATION AND SUSTAINABLILTY

- 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.

8.2 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

At the national level, EPA is working with the states 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 State Review Framework (SRF) 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. If the findings of the SRF indicate a need for differential oversight, then EPA will make a recommended corrective action in the SRF report, and the corrective actions required will be included in the individual program work plans included in Chapters 3 through 7 of the CEPPA.

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.

8.3 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 to examine potential or ongoing problem areas identified in the most recent SRF evaluation. Section 9.4 describes the principles of the annual review in more detail.

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 on an issue identified in the previous SRF, 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 and necessary to follow-up with any issues identified in the previous SRF.

Real-time Review –

These are reviews of state work products that are under development, for example, draft permits or closure plans. These reviews are only used on a selective basis to address programs with less than adequate performance or in cases where the state may request assistance or if required by national program guidance. The SRF establishes the baseline upon which off-year oversight activities of compliance and enforcement activities are developed cooperatively between the Region and the State.

8.4 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 1 and 3 through 7. Other 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), 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.

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, 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.

C. By December 31, 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 the calendar year, the final End of Year Assessment report along with other reports including the State Review Framework for RCRA Subtitle C, CAA Stationary Sources and CWA NPDES programs and the Uniform Enforcement Oversight System (UEOS) for PWSS Program will be distributed to all the EPA and state managers to be used to prioritize future work efforts and track the resolution of issues identified in the SRF (UEOS for PWSS) or un-met CEPPA commitments. 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 - Programs conduct individual midyear reviews to check-in on progress, review and set priorities and plan for future work.

May – June – 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.