Colorado Environmental Performance Partnership Agreement

FY2016-2017

Colorado Department of Public Health & Environment

U.S. Environmental Protection Agency Region 8

COLORADO
Department of Public
Health & Environment

APPROVALS

By signing this FY 2016-2017 Colorado Performance Partnership Agreement (CEPPA), 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, 2015 and continuing through September 30, 2017. The EPA commits funding to the CDPHE in amounts specified herein and as specified in fiscal applications submitted by the CDPHE before September 30, 2015 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 two-year period. EPA Region 8 also agrees to carry out its roles and work as defined in the updated agreement and work plans for the two-year period.

Colorado Department of Public Health
and Environment

Larry Wolk, MD, MSPH
Executive Director and Chief Medical Officer

U.S. Environmental Protection Agency
Region 8

Shaun L. McGrath
Regional Administrator

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

1.1 Background

The 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 2016-2017 CEPPA continues the pattern established in the previous agreements, to achieve the goals of the National Environmental Performance Partnership System (NEPPS). The FY 2016-2017 CEPPA also reflects joint efforts to create authentic or genuine multiyear grant workplans in accordance with EPA/state progress in implementing multiyear EPA National Program Manager (NPM) Grant Guidance.

The NEPPS provides a framework for delineation of CDPHE and EPA roles in carrying out environmental laws in the state. It allows Colorado to identify key state priorities, allocate federal resources to the highest state priorities and have appropriate 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 and recognizing resource limitations.

This CEPPA covers two federal fiscal years, FY 2016-2017. For financial and programmatic flexibility, Colorado has also requested a two-year budget and project period to align with associated workplan commitments. The two-year budget and project period will begin on October 1, 2015 and end on September 30, 2017. If needed, Colorado may ask for a one-year time extension in order to close financial and administrative aspects of this grant. Colorado and the EPA may revisit, review, or reopen this multiyear agreement and workplan should mutually acceptable conditions or circumstance warrant. These may include:

- New initiatives or actions from the Governor, State Legislature, State Courts, Federal Courts, U.S. Congress (e.g., statutory changes, regulatory changes, policy changes, Executive Orders, or legal decisions/court orders).
- Significant budgetary changes that impact CDPHE/Region 8 programs (e.g., program elimination, addition, restructuring, or emergency responses to natural or man-made disasters).
- Unanticipated events that significantly impact CDPHE program strategies/activities (e.g., emergency response to natural or man-made disasters).

1.2 Purpose

The Colorado Environmental Performance Partnership Agreement serves several purposes.

- It identifies the roles of and the relationship between EPA and the environmental programs of CDPHE.
- It identifies the major CDPHE management framework to address current environmental problems and avoid future issues in Colorado. The document describes the priority goals, objectives and key initiatives to address the problems, and establishes the environmental indicators and performance measures to evaluate progress.
- It is the document that defines Colorado's set of program commitments for which federal resources are made available to CDPHE to manage environmental programs. It constitutes the full program plan for the CDPHE environmental Performance Partnership Grant (PPG) to 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.

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1.3 Scope

The CEPPA addresses the environmental programs within CDPHE with emphasis on those that receive funding from EPA. The CEPPA delineates those programs and activities that are grant commitments in Chapters 3 through 7. 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.

The current CEPPA specifically describes the work commitments to be completed during the work plan period of FY 2016-2017 (October 1, 2015 through September 30, 2017). The work plans described are based upon the levels of federal funding shown in Table 7.1. Any decrease in available federal funding will necessitate a work plan review, including reprioritization and possible reductions in the number, and/or scope, of work commitments. Significant reductions in allowable federal funding may require prioritization of critical programs and the possible elimination of program elements and corresponding work commitments.

The CEPPA 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. 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. CDPHE will fulfill the data entry, quality assurance and data validation requirements and will perform timely and complete updating of information by state and EPA staff and managers.

To provide a comprehensive description of the environmental efforts throughout the state, the CEPPA also includes EPA efforts to support 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 public health and 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 protection of public health and the environment. 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, 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 the CEPPA, the U.S. Congress gave 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 EPA annually by Congress. 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 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.

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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 CDPHE. One example is the Emergency Planning and Community Right-to-Know Act program that is directly implemented by EPA, but relies heavily on state information and data.

DEVELOPMENT OF NATIONAL PROGRAM STRUCTURE AND STANDARDS 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. 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, 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 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.

TECHNICAL ASSISTANCE EPA often provides technical assistance that may not be available to a particular state program. For example, 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, 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.

WORKSHARING EPA will work to identify opportunities for enhanced worksharing and resource and workload flexibility in instances where budget reductions may negatively impact state programs.

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

The core EPA functions include: setting national priorities, monitoring compliance on a national basis, assuring national consistency in the implementation and enforcement of federal environmental requirements, taking enforcement actions against regulated entities with significant noncompliance at facilities in several states or against sources where releases to the environment threaten the health or environment of another state or country, or where states do not address particular violations, 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, 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.

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. State RCRA, CWA, CAA and PWSS enforcement program performance will be evaluated as described in the Region 8 State Enforcement Performance Oversight Protocol and as described in the state-specific State Oversight Plan. EPA and CDPHE agree to follow the revised State Review Framework elements one through five in reviewing and assessing state compliance activities and

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programs. The review will be done once every four to five years beginning in FY 2007 for programs determined to be adequate. The most current review of FY 2010 performance occurred in FY 2011 and was completed in 2012. The next SRF review of FY 2015 performance is scheduled to take place in FY 2016.

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 EPA. 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. 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. 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) 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 PPA cycle, grant reporting requirements and other assessments. Through the assessment process, EPA works with the state to evaluate accomplishments, discuss progress, make adjustments to meet commitments in the current PPA and plan for future efforts. EPA is ultimately responsible for ensuring that grant requirements, including program commitments, have been met.

In cases where 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 EPA to carry out its unique federal responsibilities as reflected in the items above. EPA will review CDPHE performance and evaluate it against national environmental statutes, regulations and pertinent fiscal/grant requirements (see Chapters 7 and 8: 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, EPA must ensure compliance with environmental laws and determine its level of activity accordingly.

1.6 CDPHE Role in the CEPPA

For the majority of programs covered by this CEPPA, CDPHE is the primary implementing agency. Some of the roles described 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, Solid and 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 EPA. This is often done through agreements under which the state undertakes lead responsibility for particular projects or activities for which EPA is primarily responsible.

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

SPECIAL PROJECTS/INITIATIVES CDPHE may also undertake particular projects or initiatives that are a high priority for the state. CDPHE works with 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 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 Description of Environmental Programs

This CEPPA includes a wide breadth of efforts administered by each of the department's environmental divisions. Listed in the table below are many of the programs funded, in whole or in part, through the grant provided under this CEPPA. Programs are described in the following chapters.

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Colorado Department of Public Health and Environment Office of Environmental Programs			
Hazardous Materials & Waste Management Division	**Air Pollution Control Division**	**Division of Environmental Health & Sustainability**	**Water Quality Control Division**
Hazardous Waste Program Radon Program	Policy & Planning Program Mobile Sources Program Stationary Sources Program Compliance and Enforcement Program Indoor Environments Program Technical Services Program Administrative Program	Sustainability Unit • Environmental Leadership Program • Supplemental Environmental Projects Coordination • Pollution Prevention • Health Equity & Environmental Justice • SARA Programs • Small Business Ombudsman • State Recycling and P2 Grants • Greening Government • Medication Take-Back • Self Audit Law Environmental Health Programs • School Laboratory Inspections Environmental Agriculture Program	Clean Water Program • Compliance & Enforcement Unit • Permits Section • Watershed Section Safe Drinking Water Program • Local Assistance Unit • Compliance Assurance Section • Engineering Section • Field Services Section Administration Program • Grants & Loans Unit • Business Services Unit • Fiscal Services Unit • Community Development and Partnership Section

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Chapter 2 STRATEGIC DIRECTION AND PRIORITIES

This chapter describes the overarching strategic planning guiding the work of CDPHE and EPA and identifies shared priorities for the term of the CEPPA. It also describes the CDPHE and EPA joint commitment to advance these priorities through implementation of innovative and non-traditional practices when faced with resource reductions or emerging environmental conditions.

2.1 CDPHE Strategic Plan 2011 - 2016

To be successful in its work, the department must be poised to anticipate, respond to and oversee new and existing environmental challenges, such as expanding energy development, ozone, climate change, stresses on clean water, drinking water compliance, legacy mining, milling and industrial operations and public health and environmental emergencies.

In 2011, to help meet the numerous challenges to protecting the health of the state's environment and its people, the department adopted the CDPHE Strategic Plan 2011-2016 (Plan). The Plan was prepared in compliance with HB10-1119 (SMART Act), which increases legislative oversight and seeks to tie actual departmental performance to the state budget development process.

The Plan maps the department's strategy and describes what it must do to carry out its mission to and achieve its vision. The Plan includes the following major elements:

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.

2.1.3 Strategic Map

The Strategic Map summarizes the department's strategy for the next five years.

2.1.3.1 Central Challenge

The department's central challenge is to align priorities and resources to improve and sustain public health and environmental quality. This challenge serves as the focal point for the department's strategies and guides what the organization needs to do to support its mission.

2.1.3.2 Strategic Priorities

The Strategic Map lists five strategic priorities, or performance-based goals, critical for meeting the central challenge. These include:

- Achieve Targeted Improvements in Colorado's Winnable Battles
- Promote Programmatic Excellence
- Strengthen the Integrated Public and Environmental Health System
- Foster a Competent, Empowered Workforce
- Create a More Efficient, Effective, Customer-Oriented Department

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2.1.3.3 Cross-Cutting Strategic Priorities

The Strategic Map lists three cross-cutting strategic priorities, considered to be foundational to meeting the central challenge, and the implementation of which must be imbedded in all other strategic priorities. These include:

- Promote Health Equity and Environmental Justice
- Use Performance-Based Measures and Evaluation to Continuously Improve Effectiveness and Prioritize Resources
- Strengthen Internal and External Communication

2.1.3.4 Strategic Objectives

Strategic objectives have been identified to guide progress towards the success of each strategic priority. The strategic objectives are evaluated annually to guide the work of the department. During the current state fiscal year, focus has been placed on the following:

- Develop and Implement Strategies to Achieve Winnable Battles
- Promote Policies that Support Winnable Battles
- Achieve Clear, Specific, Measurable Goals
- Strengthen Cross-Departmental Collaboration/Integration
- Meet Regulatory and Statutory Requirements
- Implement the Public Health Improvement Plan
- Create and Support Healthy, Sustainable Communities
- Attain, Retain and Recognize Talented and Diverse Employees
- Provide Professional Development and Advancement Opportunities
- Develop a Leadership Succession Plan
- Deliver Excellent Customer Service
- Employ LEAN Methodologies to Improve Business Processes
- Secure Sustainable, Diversified Funding

2.2 CDPHE Winnable Battles

To keep pace with emerging public health challenges, to address the leading causes of death and disability, and to improve, protect and preserve Colorado's environment and natural resources, the department initiated an effort to achieve measurable impact quickly in a few areas. Colorado's 10 Winnable Battles are public health and environmental priorities with large-scale impact on health and the environment, and with known, effective strategies to address them. For maximum effectiveness and efficiency, Colorado's 10 Winnable Battles were chosen with consideration of national and local goals including the CDC's Winnable Battles, the Seven Priorities of EPA's Future and local public health and environmental priorities.

Colorado's 10 Winnable Battles are:

- Clean Air
- Clean Water
- Infectious Disease Prevention
- Injury Prevention
- Mental Health and Substance Abuse
- Obesity
- Oral Health
- Safe Food
- Tobacco
- Unintended Pregnancy

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2.3 EPA Strategic Plan FY 2014-2018

The FY 2014-2018 EPA Strategic Plan creates a focus for EPA to develop and use creative, flexible, cost-effective, and sustainable actions to deliver significant benefits in support of its mission to protect human health and the environment. These actions will embody EPA's core values of science, transparency, and the rule of law.

2.3.1 Strategic Goals

The Plan identifies five strategic goals that target measurable human health outcomes and describe how they will be achieved.

- Addressing Climate Change and Improving Air Quality
- Protecting America's Waters
- Cleaning Up Communities and Advancing Sustainable Development
- Ensuring the Safety of Chemicals and Preventing Pollution
- Protecting Human Health and the Environment by Enforcing Laws and Assuring Compliance

2.3.2 Cross-Agency Strategies

The Plan also establishes four cross-agency strategies designed to change the way EPA works, both internally and externally, to achieve the outcomes articulated in the Plan.

- Working Toward a Sustainable Future
- Working to Make a Visible Difference in Communities
- Launching a New Era of State, Tribal, Local, and International partnerships
- Embracing EPA as a High-Performing Organization

2.4 CDPHE and EPA Shared Priorities

CDPHE and EPA share common goals of clean air; clean water; clean land; healthy, sustainable communities; and compliance with environmental laws. From these common goals, shared priorities have been identified for emphasis during the term of the CEPPA.

2.4.1 Environmental Justice

CDPHE established a commitment to environmental justice by identifying a cross-program objective in its 5-year Strategic Map to promote health equity and environmental justice. Department leadership supported the creation of the Health Equity and Environmental Justice Collaborative in 2012. The collaborative is overseen by a Steering Committee comprised of representatives from each division; all are tasked with coordinating health equity and environmental justice goals and objectives for CDPHE. In addition, work groups have been formed around strategic work plan goals and include over 75 members dedicated to embedding health equity and environmental justice concepts throughout our programs and activities. CDPHE's commitment continues as our new Department Implementation Plan retains health equity and environmental justice as a main priority of focus and will guide improvements in future years.

CDPHE will advance environmental justice goals through the following activities:

- The department will consider the adoption of a comprehensive health equity and environmental justice policy to guide activities/programs.
- The department will ensure that a meaningful opportunity for community input from low income and minority populations is provided early in regulatory processes through a robust stakeholder involvement process.
- When the department takes enforcement actions it will promote the use of SEPs which directly benefit disproportionately impacted low income and minority communities (e.g. the community SEP process will be considered for large enforcement settlements with willing violators).
- CDPHE will meet regularly with EPA to discuss environmental issues of mutual concern

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- EPA will provide CDPHE access to environmental justice information tools, provide information to CDPHE on environmental justice grants and provide environmental justice training for CDPHE staff.

2.4.2 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 environmental health and sustainability 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 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:

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

- Coordination in inspections of priority areas and sectors.
- Timely determination whether the source represents a significant risk to human health and the environment.
- Coordination in providing outreach, assistance and the dissemination of information to individuals, communities, businesses, governmental agencies and educational institutions for priority areas and sectors.
- Timely and appropriate enforcement.
- Assessment of penalties that collect economic benefits and the necessary gravity component in order to deter future noncompliance.
- Consideration of cross-media impacts in all areas of compliance assurance.
- Improving measures of success that focus on environmental outcomes and seeking new measures of environmental improvement from compliance assurance efforts.
- Mutual respect of each agency's enforcement roles.
- Identification of sources that require less oversight.
- The need to focus on statutorily regulated sources that have not obtained required permits or submitted required notifications.
- Encouraging the inclusion of supplemental environmental projects in settlement agreements where appropriate.
- 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

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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.

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For the Clean Water Act Program, the Water Quality Control Division and EPA Region 8 will continue to work together to implement the EPA Administrator's Clean Water Action Plan that lays out three priorities:

- Target compliance assurance resources to the most important water pollution problem
- Strengthen oversight of the states
- Improve transparency and accountability

This effort continues and principally involves the Water Quality Control Division and EPA Region 8 identifying priorities for deploying respective resources and agreement on work sharing to achieve the greatest level of water quality protection/improvement. This approach will ultimately redefine the framework for prioritizing compliance and permitting actions and will require more significant change to the EPA/state approach to permitting and compliance assurance.

2.4.3 Community-Based Environmental Protection

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, 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 CDPHE data capabilities expand, 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.

2.4.4 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

2.5 Strategic Investments and Innovations

This section sets forth the parameters both agencies agree to when developing, implementing and evaluating innovative programs and projects in Colorado.

2.5.1 Investing in Innovation

CDPHE and EPA Region 8 recognize the need for resource investments to develop new strategies and new ways of doing business in order to meet emerging environmental protection challenges. In light of impending reductions in federal and state funding, new strategies and new ways of doing business are needed to sustain and improve critical core program work as well as to address emerging challenges.

2.5.2 Creating a Work Environment to Support Innovation and Non-Traditional Program Implementation

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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;
- Encourage creative thinking that achieves program goals in non-traditional ways.
- 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 and non-traditional projects;
- Communicate between CDPHE and Region 8 to identify and collaboratively address issues early in the process;
- Allow sufficient time for innovations and non-traditional projects to evolve and to be appropriately evaluated;
- Place innovative programs and non-traditional projects on equal par with established traditional core programs; and
- Ensure that the innovations and non-traditional projects are measured appropriately and fairly.

2.5.3 Mainstreaming Innovation into Agency Processes

CDPHE and EPA Region 8 are committed to fully integrating innovation and non-traditional 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 and non-traditional projects, including:

- Actively seek potential innovation and non-traditional 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, non-traditional projects, and capacity building ideas, and
- Expressly incorporate planned innovation, non-traditional projects, and capacity building projects into the agencies' annual plans, the CEPPA and related implementation plans.

2.5.4 Strategic Resource Investments and Divestments to Support Innovation

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

2.5.5 Measuring Innovative Work

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

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

2.6 Quality Management Plan

The department has an approved Quality Management Plan (QMP) and has been collecting and managing data under that plan. Department staff is actively updating this plan so that it may be renewed by the end of 2015.

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Once the Department plan is renewed, the environmental divisions will be required to update their existing plans to match with the Department plan.

2.7 Energy Development - Oil and Gas Consultation

The Department obtained responsibility to consult with the Colorado Oil and Gas Conservation Commission (COGCC) on public health, welfare, safety and environment during the 2008 rulemaking hearings. The consultation responsibilities are triggered 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 Oil and Gas Liaison coordinates the environmental reviews conducted by the Water Quality Control, Air Pollution Control and Hazardous Materials and Waste Management Divisions for drilling permits meeting one of the three triggers listed above. The Department recommendations are submitted to the COGCC for consideration in the review of applications for drilling permits or well density requests.

The Oil and Gas Liaison is involved with Department energy related projects and serves on the STRONGER Board of Directors assisting in reviews of other state oil and gas regulatory programs. This position also coordinates CDPHE's input on potential oil shale development, reviews BLM oil and gas development plans and conducts oil and gas outreach meetings to discuss environmental and public health issues with local governmental officials and the general public.

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Chapter 3 DIVISION OF ENVIRONMENTAL HEALTH AND SUSTAINABILITY

3.1 Overview

Colorado is a truly great place to live with clear skies, distinct geography and world-class recreational opportunities. These attributes continue to keep Colorado as one of the fastest growing states in the nation. Yet population increase brings along challenges in sustaining Colorado's high quality of life, environment, and unique ecosystems. The work of the Division of Environmental Health and Sustainability (the division) helps advance our vision of a sustainable Colorado through the implementation of programs and activities as well as through engaging strong partners. In addition, the division continues to enhance its ability to collect and report information to the public on how activities result in direct benefits to our state.

The division is comprised of several work units, including the: Sustainability Unit; Environmental Agriculture Program, Direct Programs Implementation Unit; Institutions and Emerging Programs Unit; Retail Food Program, and Fiscal & Administrative Unit. The division is dedicated to the goal of protecting and improving Colorado's environment and human health through education, collaboration, and compliance assurance while promoting sustainability practices. Each unit is overseen by a manager and includes at least one workgroup lead to oversee day-to-day programmatic functions and advance the strategic goals and objectives of the department.

The Division is responsible for a diverse array of environmental health responsibilities, many of which are not subject to oversight by EPA. Examples of the Division's work outside the purview of EPA include: monitoring food, milk, and drugs; regulating food preparation environments such as restaurants, food manufacturers and processing plants; ensuring safe and sanitary conditions at day care centers and correctional facilities; regulating, reviewing and investigating foods; consumer products and household substances; coordinating consumer protection activities with local, state and federal agencies; and assisting consumers with complaints. Functions within the Division that are included in the PPA are activities administered by the Division's Sustainability Unit, Environmental Agriculture Program and Institutions and Emerging Programs Unit.

3.2 Structure

The principal functions of the Division of Environmental Health and Sustainability fall into the following units and programs:

Sustainability Unit

- Environmental Leadership Program
- Pollution Prevention Program
- Medication Take Back Program
- Small Business Ombudsman
- Pollution Prevention Advisory Board
- State Grant & Rebate Programs for Waste Diversion and Pollution Prevention
- Self Audit Law
- Environmental Justice
- Greening Government
- SARA Programs
- Supplemental Environmental Projects Coordination
- Cross-media and Emerging Environmental Issues

Environmental Agriculture Program

- Animal Feeding Operation (AFO, CAFO and HCSFO) Programs
- Cross Cutting Agricultural Sector Programs

Institutions and Emerging Programs Unit

- Child Care
- Local Assistance Program
- School Chemical Hazards
- Cottage Foods

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Retail Food Program *

- Retail Survey Standardization, Food Defense & Training Coordination
- Direct Service Compliance & Local Partners Coordination

Direct Implementation Unit *

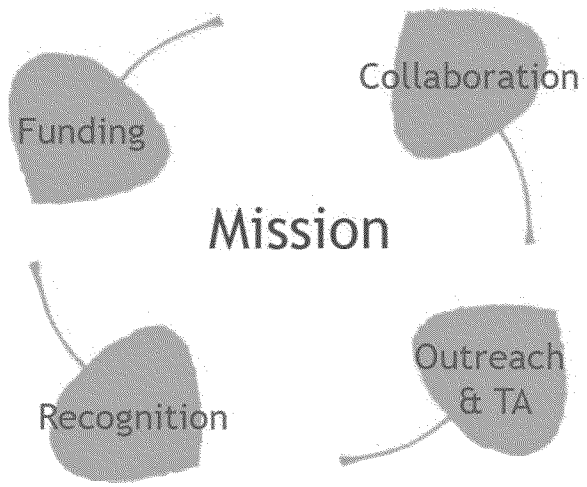
- Wholesale Food & Recalled Product Coordination
- Dairy Plant/Farms Coordination
- Penal Institutions, Tanning & Body Art

* These program and units do not administer programs under the purview of EPA authority.

3.3 Program Descriptions

3.3.1 Sustainability Unit

The mission of the Sustainability Unit is to instill a sustainability perspective in all of CDPHE's work and to encourage practices that protect and improve the environment, grow sustainable business, and lead to healthy communities. The unit provides resources that support community efforts to be innovative in reaching these goals. In order to accomplish this mission, the unit implements programs falling under four main focus areas: Funding; Recognition; Outreach and Technical Assistance; and Collaboration and Partnerships.



3.3.1.1 Funding

Supplemental Environmental Projects

The Division's Sustainability Unit serves a coordinating role regarding the oversight of Supplemental Environmental Projects (SEPs). Agreements to implement SEPs are negotiated as part of enforcement settlements and result in beneficial environmental or public health projects that a regulated entity is not otherwise legally required to perform. SEPs are approved at CPDHE's discretion and at a minimum must go beyond mere compliance with applicable laws and regulations. To help guide the SEP process, the department developed a SEP policy that was last revised in 2008.

The SEP Coordinator in the Sustainability Unit acts as a liaison to third party SEP recipients, regulated entities and department enforcement staff. The SEP Coordinator also assists in ensuring that projects are completed successfully and achieve the expected project outcomes. Furthermore, with the goal of increasing community accessibility of the SEP Program and selecting high-quality projects, the SEP Coordinator has collaborated with regulated entities and enforcement staff to implement a more open and transparent process for large penalties.

Medication Take Back Program

This program provides a secure, convenient and environmentally-sound option for the disposal of unused and unwanted household medications at numerous locations in the greater Denver metro area. Unused medications are dangerous as they can fall into the hands of small children and cause accidental poisoning. More than 1 million children under age 5 are treated each year in the United States for poisoning caused by household chemicals and medications. When over-the-counter or prescription medications are no longer needed, they should be removed from the home and disposal done in a way that minimizes the chance of misuse and protects the environment. According to a recent survey, 20% of Coloradans admitted to flushing leftover prescriptions down the toilet. The medications collected through this program are sent to a specialized

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industrial landfill, offering a high degree of environmental protection. In 2015, the department received state General Funds to expand this program statewide.

State Grant & Rebate Programs for Waste Diversion and Pollution Prevention

The Pollution Prevention Advisory Board was created in 1992 to provide overall policy guidance, coordination and advice to the department on pollution prevention activities. The board also is responsible for approving certain state grant and rebate requests, including:

- The Recycling Resources Economic Opportunity Grants fund implementation projects that promote economic development through the productive management of recyclable materials that would otherwise be treated as discards. Since its inception, the grant has awarded more than $9 million to Colorado businesses, local governments, nonprofit groups and schools and universities throughout Colorado to help develop recycling infrastructure.

- The Pollution Prevention (P2) Grant funds are designed to support P2 activities and technical assistance for businesses. The funds also are used as matching dollars in the department's EPA P2 grant application.

3.3.1.2 Outreach and Technical Assistance

Pollution Prevention (P2) Program

The Sustainability Unit is dedicated to promoting and supporting long-term process improvements and best management practices that reduce or eliminate waste before it is generated in commercial and industrial scenarios. Specifically, the unit advances P2 goals through the implementation of the following activities:

- Conducting technical assistance, outreach and training on P2 and sustainability concepts to Colorado businesses;
- Continuation of Agricultural P2 activities;
- Promoting strategic and innovative P2 techniques through the development of Colorado-specific case studies; and
- Integrating P2 concepts and expertise into our regulatory programs.

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 at Colorado facilities using their annual Tier II Hazardous Chemical Inventory reports and annual Toxic Release Inventory reports.

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 the department's Small Business Assistance Program, coordinates the department's Compliance Advisory Panel and renders advisory opinions as to whether regulations, policies, and guidance appropriately consider the concerns of small businesses.

Greening Government

An executive order issued in 2005 by former Governor Bill Owens established the first Colorado Greening Government Council. In 2014, after nearly a decade and three administrations, the council embarked on a substantial strategic planning process that resulted in the development of a new vision and structure for the council that is built on bottom-up leadership and continued support from executive orders. The Greening Government Leadership Council engages state employees and helps Colorado state government agencies establish and carry out a vision of sustainability for Colorado business operations through collaborative action,

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education, and leadership. In support of the council, the Sustainability Unit provides administrative and technical support in addition to coordinating the department's own greening government activities. The Sustainability Unit directs, manages and oversees progress towards the department's environmental goals as well as assists other state agencies in meeting the goals established in the executive order.

3.3.1.3 Recognition

Environmental Leadership Program

The Division's Colorado Environmental Leadership Program (ELP), is a voluntary program designed to recognize and reward organizations and businesses that demonstrate superior environmental performance and, as a result, consistently operate at a level that goes beyond mere compliance with environmental regulations. Membership in the program is open to all types of organizations and businesses from large corporate entities to small businesses, government agencies, nonprofits, and academic institutions. To participate in the leadership program, an organization must meet ELP eligibility related compliance requirements and fit within a specific tier of the program. In exchange, leadership members are provided recognition and regulatory and non-regulatory benefits and incentives from the State (incentives are specific for each tier level).

Through the ELP, technical assistance will be provided on EMS development as well as source reduction and other P2 initiatives. An EMS requires a company to determine their most significant impacts to the environment. Goals are then set to reduce those impacts, which in turn generally result in economic benefits and improved environmental performance.

3.3.1.4 Collaboration and Partnerships

Environmental Justice

The department works to integrate awareness of health equity and environmental justice concerns into existing environmental programs at all levels. In 2012, the department created the Health Equity and Environmental Justice Collaborative with representation from each department division. The mission of the collaborative is to build an organizational culture that empowers and supports staff at every level in addressing the root causes of health inequity and environmental injustice. The collaborative aims to advance this mission through communication, shared data, training, and the application of health equity and environmental justice principles in everyday work. Furthermore, the collaborative seeks to develop and implement department-wide policies and guidance that support this work. The Sustainability Unit plays a unique role in this cross-cutting effort by actively participating in a number of collaborative work groups and by acting as the EPA liaison to the department on environmental justice.

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 Sustainability Unit coordinates the department's implementation of this law and notifies EPA in accordance with the terms set forth in the protocols for implementation section of the Colorado Audit Privilege and Immunity Law, Memorandum of Agreement and the department's Self-Audit Policy. EPA and the department consider self-audit immunity submittals to the department to be equivalent to an inspection or compliance evaluation and the department shall appropriately document these submittals.

Cross-Media and Emerging Environmental Initiatives

The department is committed to efficiently targeting its resources to address environmental problems within the state. The Sustainability Unit helps to coordinate a forum for communication, resource sharing, and innovative problem solving among the various health and environmental disciplines at the department. The focus of this effort is

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to encourage environmental and public health staff to work together, and with the regulated community, to utilize innovative, cross-media strategies to identify, address and resolve environmental problems. This approach enhances the department's ability to deliver cost-effective environmental services.

The Cross-Media Innovation and Strategy Team (CMIST) facilitates communication between divisions and programs to identify opportunities for implementation of cross-media strategies. Effective cross-media strategies can reduce duplications of effort across divisions and streamline compliance assistance activities among regulated sectors. Some of the department's current or anticipated cross-media projects include: Polycyclic Aromatic Hydrocarbons (PAHs) and environmental health, Rural Colorado Priorities Project, and the Colorado Medication Take-Back Program rules development.

Another cross-divisional team within the department is the Cross-Media Enforcement Team. This team works to streamline and better integrate enforcement policies, approaches, and guidance. The increased collaboration of environmental staff provides the department with a more consistent and effective compliance and enforcement presence.

The Sustainability Unit addresses 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. 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 the department.

Agricultural P2 Initiatives

The Sustainability Unit coordinates the Rocky Mountain National Park (RMNP) Ag Subcommittee and supports best management practices to reduce the release and volatilization of nitrogen compounds and ammonia from agricultural sources. In addition, the unit supports the Early Warning System as a promising method to reduce transport of nitrogen compounds from Colorado's Front Range and eastern plains to RMNP. The RMNP Ag Subcommittee comprises a diverse group of agriculture interests that are committed to working with Memorandum of Understanding agencies (EPA, National Park Service and CDPHE) to address excessive nitrogen deposition at RMNP. The Sustainability Unit also represents the department on actively recruiting Ag sector representatives to join the Environmental Leadership Program and recognize improved environmental performance.

3.3.2 Environmental Agriculture Program

The Environmental Agriculture Program is a sector-based program that administers an entire regulatory suite of air and water quality activities, including state-only and National Pollutant Discharge Elimination System (NPDES) programs applicable to animal feeding operations. The program conducts site inspections at animal feeding operations, develops and implements policies and regulations, provides compliance assistance and conducts compliance assurance activities. In addition, the Environmental Agriculture Program serves as a single-point of contact for the agricultural sector on environmental issues that cut across various CDPHE programs, such as permitting issues related to bio-fuel technologies, on-farm composting, etc.

3.3.3 School Chemical Hazards

The Division's school chemical hazards program consists of inspection activities, training and compliance assistance. Inspections are conducted in the 9 counties in Colorado that lack local health agencies. Training on school chemical hazards will be provided to inspection staff at local health agencies and school personnel.

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3.4 Division of Environmental Health and Sustainability FY 2016-2017 Work Plan

Sustainability Unit

Strategic Focus Area: Funding

Supplemental Environmental Projects

Supports EPA 2014-2018 Strategic Goals - Goal 1: Addressing Climate change and Improving Air Quality; Goal 2: Protecting America's Waters; Goal 3: Cleaning up Communities and Advancing Sustainable Development; Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution.

Goals	Objectives	Timeline	Performance Measures
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 as needed.	Annually	# policies reviewed: # CMET meetings attended:
Increase efficacy and efficiency of SEP program.	As requested by environmental divisions: coordinate directly with regulated entities to: present SEP policy and assist in finding appropriate SEP ideas; analyze and evaluate SEP proposals; track project progress and interim deadlines; and review SEP Completion Reports.	Ongoing	# SEP proposals evaluated: Finalized [#] SEP agreements totaling [$x,xxx,xxx]. # SEP Completion Reports reviewed:
	Administer SEP idea database and Sharepoint site; develop and administer the department's SEP website; develop SEP Report to track environmental outcomes from SEPs.	Ongoing	# new SEP ideas included in database: # hits on SEP website: Annual SEP Report posted on website Environmental and public health outcomes from SEPs are tracked using an internal Sharepoint site and available at any time upon request.
Increase community awareness of and access to the SEP program.	When appropriate, partner with regulated entities to implement a community SEP process.	Ongoing	# of times a community SEP Process was used # of SEP applications received # of SEP applications approved
	Create best management practices for implementing community SEP process.	September 2016	Guidelines developed and approved
	Present to local public health agencies, non-profits, and community groups on SEPs.	Ongoing	# of entities reached

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Sustainability Unit

Strategic Focus Area: Funding

Medication Take-Back Program

Supports EPA 2014-2018 Strategic Goals - Goal 2: Protecting America's Waters; Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution.

Goal	Objectives	Timeline	Performance Measures
Reduce pharmaceuticals in the environment (PIE).	Execute new services contract for the Colorado Medication Take-Back Program to include collection of prescribed controlled substances. Continue program operation and expand its reach to include at least one law enforcement collection location in every Colorado county.	Ongoing	Signed services contract Pounds of medications collected # of locations added # of citizen inquiries
	Engage stakeholders and develop Take-Back Program rules for consideration and adoption by the Solid and Hazardous Waste Commission.	May 2016	Rules adoption by Commission # of stakeholder meetings
	Assist with the problem identification and outreach efforts surrounding PIE.	Ongoing	# of stakeholders contacted # of projects initiated

Sustainability Unit

Strategic Focus Area: Funding

State Grant & Rebate Programs for Waste Diversion and Pollution Prevention

Supports EPA 2014-2018 Strategic Goals - Goal 1: Addressing Climate change and Improving Air Quality; Goal 3: Cleaning up Communities and Advancing Sustainable Development; Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution.

Goals	Objectives	Timeline	Performance Measures
Administer the P2 Grants Program from the state P2 Fund.	Assist and support PPAB in grant review and selection process.	Annually	# of new projects awarded for a total of $xx,xxx.

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	Provide technical assistance to grantees. Track project progress and outcomes.	Annually	Environmental benefits of completed P2 grants
Assist and support PPAB and the Assistance Committee in implementation of the Colorado Recycling Resources Economic Opportunity Grant Program.	Assist in the development of criteria for grants. Announce grant solicitation and assist in the application evaluations.	Annually	Criteria developed Grants announced and awarded
	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 benefits and jobs created
RREO Rebate Program	Assist in the development of criteria for rebates and announce rebate solicitation.	Annually	Criteria Developed # of rebates applications received and approved $xx,xxx total funding awarded

Sustainability Unit

Strategic Focus Area: Outreach and Technical Assistance

Pollution Prevention Program

Supports EPA 2014-2018 Strategic Goals - Goal 1: Addressing Climate change and Improving Air Quality; Goal 2: Protecting America's Waters; Goal 3: Cleaning up Communities and Advancing Sustainable Development; Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution.

Goals	Objectives	Timeline	Performance Measures
Create cooperative partnerships among businesses, the environmental community and the department through which technical assistance, outreach and education activities are coordinated and conducted.	Provide on-site P2 Technical Assistance	Ongoing	Number of facilities visited Number of food manufacturers visited Number of facilities implementing at least one recommendation
	Provide Outreach, training and workshops on P2 and sustainability concepts	Ongoing	Number of training events Number of participants

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	Develop outreach materials and a Colorado-specific case study on an innovative P2 technique.	Ongoing	Number of outreach materials developed Number of people reached
Integrating P2 concepts into department regulatory programs.	Coordinate with department inspectors to distribute P2 sector-based information and make P2 referrals	Ongoing	Number of inspectors trained Number of outreach materials distributed Number of P2 referrals made
Increase employee engagement in sustainability activities.	Hold CDPHE-wide Cherry Creek Cleanups along the creek designated for CDPHE.	Fall & Spring 2016 and 2017	# of participants

Sustainability Unit

Strategic Focus Area: Outreach and Technical Assistance

SARA Programs

Supports EPA 2014-2018 Strategic Goal - Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution.

Goals	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 (using the Exchange Network) and Tier II data from Colorado businesses (currently 9,000 facilities; 16,000 chemicals).	Annually TRI - July Tier II - March	Timely and effective data entry # of electronic Tier II reports received # of paper Tier II reports received
	Develop and maintain the TRI/Tier II database.	Ongoing	Database is searchable and maintained
	Assess SARA (P2) fees, generate and mail bills, monitor payments and follow-up with unpaid accounts.	Annually	Fees assessed and bills sent annually in December. $ total amount of fees assessed # bills sent
	Review state required fields for electronic reporting of Tier II reports using EPA Tier2Submit software. Updated as needed.	Annually	# of state fields updated

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Provide information on program internally, and to public and facilities.	Respond to inquiries regarding Tier II and TRI reporting and payment requirements from Colorado businesses.	Ongoing	# of inquiries received Response provided in a timely manner
	Respond to inquiries on information to the public and appropriate parties.	Ongoing	# of data requests # of public inquiries
	Consult with Health Equity and Environmental Justice Data Workgroup as requested, to discuss TRI and Tier II data needs and uses.	Ongoing	Datasets reviewed for HE & EJ use
	Generate chemical inventory reports for electronic transmittal to appropriate parties (LEPCs, CEPC, EPA, HMWMD Records Center, EMP).	Ongoing	# of Electronic Tier2Submit reports provided to appropriate parties

Sustainability Unit

Strategic Focus Area: Outreach and Technical Assistance

Small Business Ombudsman

Supports EPA 2014-2018 Strategic Goals - Goal 1: Addressing Climate change and Improving Air Quality; Goal 2: Protecting America's Waters; Goal 3: Cleaning up Communities and Advancing Sustainable Development; Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution.

Goals	Objectives	Timeline	Performance Measures
Represent Colorado at the national and regional level as CDPHE's Small Business Ombudsman.	National: Serve on the 507 Programs national Steering Committee or various subcommittees (includes attending monthly conference calls and annual meeting, and providing relevant materials related to CO's program). Solicit comments on new/modified regulations from the small business community through CO's Compliance Advisory Panel (CAP) and provide, as appropriate to the national Steering Committee for	Ongoing	# of subcommittees participated on # of activities completed Contribute information to SBAP/SBO/CAP's Annual report submitted to EPA's SBO

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	submittal to EPA. Regional: Maintain connection to WY, Montana and Utah's 507 Programs (includes inviting them to CAP meetings and sharing information as requested or appropriate)		
Provide and track assistance provided to Colorado's small businesses.	Refer small businesses to technical resource in the Small Business Assistance Program (SBAP) and other Sustainability Unit programs as appropriate (such as RREO, P2, ELP, Emerging Contaminants, etc.). Send small businesses customer assistance evaluation surveys to gauge value of SBAP services, and provide summaries to CAP, SBAP and EPA.	Ongoing	# of calls received # referred to SBAP # of surveys sent to SBs Identification of positive trend in survey results compared to past survey data
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. (includes reaching out to environmental divisions at CDPHE)	Ongoing	# of times assistance provided to business # of contacts made with environmental staff Environmental outcomes of assistance efforts
	Review SBAP guidance documents and provide comments to SBAP prior to issuance.	Ongoing	# requested and completed
	Provide training and outreach on tools available for small businesses and the assistance available through SBAP.	Ongoing	# of SBs reached
	Review SBO web page for improvements	Sept 2016	Revisions implemented
Support and coordinate the Compliance Advisory Panel.	Assist in ensuring the Compliance Advisory Panel is an effective resource for small businesses and CDPHE.	Ongoing	# CAP meetings held # of presentations presented to the CAP, including guidance documents, projects and issues for its advisory opinions # new members provided orientation/training

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Sustainability Unit

Strategic Focus Area: Outreach and Technical Assistance

Greening State Government Initiative

Supports EPA 2014-2018 Strategic Goals - Goal 1: Addressing Climate change and Improving Air Quality; Goal 2: Protecting America's Waters; Goal 3: Cleaning up Communities and Advancing Sustainable Development; Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution.

Goals	Objectives	Timeline	Performance Measures
Administer Greening Government Program to reduce environmental impacts from state operations.	Participate as a lead state agency in implementing Greening Government programs and activities.	Ongoing	Annual report on Greening Government projects that were completed during FY 2014
	Attend and participate in regular meetings with other state agencies participating on the Greening Government Coordinating Council.	Ongoing	Participation at meetings # of meetings attended
	Establish an internal greening government team to increase employee engagement.	Ongoing	Team established # of members
	Identify targets and objectives for annual Greening Government Projects.	Ongoing	Setting Targets and Objectives and report results at the end of FY2015
	Implement projects to meet targets and objectives.	Ongoing	Environmental outcomes.
	Provide assistance to other state agencies.	Ongoing	# of agencies provided assistance
	Report on projects and efforts.	Ongoing	Develop Greening Government website Results communicated to employees
Encourage, award, and educate 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

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Sustainability Unit

Strategic Focus Area: Environmental Recognition

Environmental Leadership Program

Supports EPA 2014-2018 Strategic Goals - Goal 1: Addressing Climate change and Improving Air Quality; Goal 2: Protecting America's Waters; Goal 3: Cleaning up Communities and Advancing Sustainable Development; Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution.

Goals	Objectives	Timeline	Performance Measures
Encourage organizations to go beyond compliance to achieve significant environmental benefits by providing meaningful incentives and recognition.	Plan and hold an annual awards and recognition event for new and renewing ELP members.	Annually each October	# of attendees
	Expand membership in the Bronze, Silver and Gold levels of ELP in order to further P2 activities and increase environmental benefits.	Ongoing	# of new gold leaders # of EMS assessed # of renewing gold leaders # of new silver partners # of new bronze achievers # of new food manufacturers
	Promote the ELP by providing ELP presentations to internal divisions, businesses, and other organizations.	Ongoing	# of internal presentations # of external presentations Total number of participants # of ELP referrals from state and local employees # of new members as a result of internal referral
Provide EMS technical assistance and P2 education and training to ELP members and potential members.	Promote the adoption of EMSs to environmental programs and state agencies by holding EMS training events.	Ongoing	# of EMS training events # of new companies applying to the ELP as a result
	Provide technical assistance and gap analysis for potential ELP members.	Ongoing	# of facilities provided assistance

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	In partnership with Colorado Environmental Partnership, provide P2 and sustainability education and training to businesses, government, and department employees.	Ongoing	# of educational events held # of participants
Provide additional member services, mentoring and reporting.	Provide mentoring opportunities.	Ongoing	# of mentoring opportunities
	Develop general guidance for ELP members on how to measure, track and reports metrics	Ongoing	# of companies receiving guidance Improved data quality and understanding of calculating metrics
	Survey ELP members to obtain environmental results from implementation of improvement projects.	Annually by October 1	# of survey responses collected
	Develop an annual ELP progress report.	Annually by December 31	Completion and electronic distribution of report

Sustainability Unit

Strategic Focus Area: Collaboration

Environmental Justice

Supports EPA 2014-2018 Strategic Goals - Goal 1: Addressing Climate change and Improving Air Quality; Goal 2: Protecting America's Waters; Goal 3: Cleaning up Communities and Advancing Sustainable Development; Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution.

Goals	Objectives	Timeline	Performance Measures
Serve as the department's liaison to EPA on environmental justice (EJ) issues.	Raise awareness within the DEHS and other CDPHE programs on Health Equity (HE) and EJ issues that affect daily work duties and responsibilities.	Ongoing	Documented environmental justice outcomes, if available # of documents/policies reviewed
	Participate in meetings between DEHS, and other CDPHE staff and communities, as appropriate. This may also include participating in community events.	Ongoing	# of events or meetings participated in for CDPHE # of CDPHE staff participating # of community members reached

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	Work with EPA to provide training to CDPHE staff on emerging EJ issues, as appropriate.	Ongoing	# of trainings on HE/EJ topics \# of attendees at CDPHE-HE/EJ trainings or educational opportunities
	Meet regularly with EPA to discuss EJ issues of mutual concern. Assist in bringing EJ training opportunities to CDPHE.	Ongoing	# of events or meetings with EPA attending (e.g., Denver Env Equity Forum, EPA EJ training, etc.)
Participate in the CDPHE Health Equity/Environmental Justice (HE/EJ) Collaborative.	Actively participate in identifying and implementing CDPHE's path forward regarding HE and EJ issues.	Ongoing	# of meetings attended Guidance, tools and training shared with staff and EPA, and added to intranet site
	Review EJ-related documents/policies, collaborate with department staff on EJ projects or efforts (obtain information from EPA, community newsletters, contacts).	Ongoing	Adoption of a comprehensive HE/EJ policy to guide CDPHE programs and activities Adopt improved stakeholder involvement process in CDPHE's regulatory programs

Sustainability Unit

Strategic Focus Area: Collaboration

Self Audit Law

Supports EPA 2014-2018 Strategic Goals - Goal 5: Protect Human Health and the Environment by Enforcing Laws and Assuring Compliance.

Goals	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.	Ongoing	# of entities submitting Self-Audit Requests
Maintain internal contacts with each CDPHE division.	Coordinate Self-Audit submittals to appropriate divisions	Ongoing	# of Closed Self-Audit requests \# of Open Self-Audit requests
Continue to expand, enhance and update the Self-Audit website.	Provide access to information as appropriate	Ongoing	# of internet hits

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Sustainability Unit

Strategic Focus Area: Collaboration

Cross Media and Emerging Environmental Initiatives

Supports EPA 2014-2018 Strategic Goals - Goal 1: Addressing Climate change and Improving Air Quality; Goal 2: Protecting America's Waters; Goal 3: Cleaning up Communities and Advancing Sustainable Development; Goal 4 Ensuring the Safety of Chemicals and Preventing Pollution.

Goals	Objectives	Timeline	Performance Measures
Assist in the coordination of CDPHE innovations and cross-media approaches and strategies.	Coordinate regular Cross-Media Innovation and Strategy Team (CMIST) meetings to discuss cross-media opportunities and projects. Discuss emerging contaminants and other emerging environmental issues.	Ongoing	# of meetings held # of CDPHE staff participating in CMIST efforts # of projects identified Outcomes of projects
Streamline and integrate enforcement policies and guidance in a consistent manner across the department.	Participate in the Cross-Media Enforcement Team.	Ongoing	# of meetings held Outcomes of meetings
Reduce mercury in the environment.	Explore opportunities for mercury reduction and recycling programs.	Ongoing	#of projects implemented and resulting environmental outcomes

Sustainability Unit

Strategic Focus Area: Collaboration

Agriculture Pollution Prevention Initiative

Supports EPA 2014-2018 Strategic Goals - Goal 1: Addressing Climate change and Improving Air Quality; Goal 2: Protecting America's Waters; Goal 3: Cleaning up Communities and Advancing Sustainable Development; Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution.

Goals	Objectives	Timeline	Performance Measures
Coordinate the Rocky Mountain National	Coordinate meetings of the subcommittee and interested stakeholders.	Ongoing	# of meetings held

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Park (RMNP) Agricultural Subcommittee.	Develop incentives to promote implementation of ammonia reduction best management practices (BMPs).	Ongoing	# of incentives recommended and/or implemented
	Develop outreach materials to educate agricultural producers on agriculture's contribution to nitrogen deposition in RMNP. Plan for at least two Ag Outreach seminars in 2016-2017	Ongoing	# of outreach materials developed and distributed # of producers reached
	Coordinate with CSU and other partners to assure continuous ammonia monitoring and science-based information is reported back to the committee.	Ongoing	# of summaries provided
	Seek resources (grants) to support BMP research, outreach, monitoring, etc.	Ongoing	# of grants applied for and awarded # of ammonia-related outcomes of projects
	Participate in contingency plan measures updates, if applicable.	Ongoing	# of contingency measures developed and actions taken to implement measures
Serve as lead on NRCS Air Quality Committee	Work to implement recommendations from the crop and livestock sectors into NRCS conservation programs, including air and water quality conservation practices.	Ongoing	# of recommendations made to the NRCS State Technical Committee # of recommendations supported or implemented by NRCS within existing programs
	Work with USDA Natural Resources Conservation Service to promote ammonia reduction BMPs.	Ongoing	# of BMPs promoted to Ag producers.
Increase compliance assistance and pollution prevention information to agriculture sector.	Provide outreach and interpretation to livestock producers on applicable solid waste and industrial waste water requirements.	Ongoing	# of producers seeking assistance on cross-cutting issues (i.e., composting and biofuels, etc.)
	Coordinate communication within environmental divisions on issues impacting agriculture. (i.e., biofuel technologies, land application of sludges, composting, pollution prevention opportunities, etc.) Assist with permitting issues and questions from the ag industry on cross-cutting technologies.	Ongoing	# of multi-media meetings held # of cross-cutting issues resolved # of producers assisted

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Environmental Agriculture Program
Animal Feeding Operation (CAFO, HCSFOS, AFO) Programs

Supports EPA 2014-2018 Strategic Goals Goal 2: Protecting America's Waters; Goal 5: Protecting Human Health and the Environment by Enforcing Laws and Assuring Compliance

Subgoals	Objectives	Timeline	Performance Measures
CAFO REGULATIONS Implement state- water quality regulatory programs specific to animal feeding operations (AFOs), concentrated animal feeding operations (CAFOs) and housed commercial swine feeding operations (HCSFOs) as appropriate.	Improve sector compliance through the development of effective water quality protection regulations that are in compliance with federal and state statutes and rules.	As necessary, update and implement state CAFO regulations to address CAFOs that are impacting water quality, or to reflect changes made to the federal CAFO rule.	Revise applicable state CAFO regulations within one year of the effective date of applicable federal rules. 100% consensus with all stakeholders on proposed regulatory revisions prior to the final state rulemaking hearing before the Colorado Water Quality Control Commission.
CAFO PERMITS Permit CAFOs in accordance with applicable federal and state regulatory requirements and deadlines. Reporting of permitted CAFO data to EPA.	• Certify permitted CAFOs under Colorado CAFO general permit no. COA 932000. • Permit any new discharging CAFOs in accordance with applicable federal and state regulations. • Enter all data requirements on permitted CAFOs into ICIS, including the required elements of the approved Nutrient Management Plan. • Participate as appropriate in quarterly meetings with EPA to discuss progress towards meeting annual permitting and enforcement commitments.	On-going Within 180 days of receipt of complete application. Mid Yr by April 30 EOY by Oct. 31 Quarterly, as scheduled	# of permitted CAFOs recertified under COA 932000. # of new CAFOs certified under permit COA 932000. % of permitted CAFOs entered into ICIS.

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CAFO INSPECTIONS Conduct inspections to determine compliance with applicable federal and state regulatory and/or permit requirements. Report CAFO inspection information to EPA. Submit CAFO Inspection Plan to EPA.	• Inspect all permitted CAFOs at least once during the life of the permit, every unpermitted CAFO at least once every five years, and all medium AFOs at least once to determine if it is a medium CAFO. • Complete a minimum of 40 compliance inspections by the end of each inspection year (i.e., Sept. 30th) in accordance with Colorado's Inspection Plan. • Participate in up to four joint/oversight EPA/State CAFO inspections, in addition to any other oversight inspections that may be conducted. (EPA will contact the Ag Program to schedule joint/oversight inspections at facilities identified in the CAFO inspection plan. • Enter all permitted CAFO inspections into ICIS. • Submit to EPA draft CAFO inspection plan that includes CDPHE inspection commitments for the coming federal fiscal year. • Finalize CAFO inspection plan within 15 days of receiving EPA comments.	Ongoing over rolling five year periods. Annually by Sept. 30 Mid Yr by April 30 EOY by Oct. 31 Annually by Sept. 1 Annually by Sept. 30	% of known CAFO universe inspected every five years (at a minimum). # of CAFOs inspected. # of medium AFOs inspected. % of return to compliance actions completed within established compliance deadline included in the follow up inspection report. # and type of [joint/oversight] inspections completed. % of permitted CAFO inspections entered into ICIS by established timeline. Submission of final CAFO inspection plans by established timelines.
CAFO ENFORCEMENT Maintain a high overall compliance rate with applicable state and federal water quality CAFO requirements.	• Evaluate all violations to determine appropriate response consistent with priorities established in CDPHE's Clean Water Action Plan, the CAFO compliance and enforcement strategy and the Animal Feeding Operations Enforcement Response Guide (AFO ERG).	Annually by Sept. 30	# informal enforcement actions issued. # formal enforcement actions issued. # of return to compliance results.

	• Take timely and appropriate action when necessary against facilities to protect communities and the environment, including formal enforcement actions for any large or medium CAFO determined to have discharged to waters of the U.S. • Continue to update the AFO ERG and the compliance and enforcement strategy as necessary. • Enter enforcement actions into ICIS for permitted CAFOs.	Mid Yr by April 30 EOY by Oct. 31	Avg. no. of days to return to compliance after initial notice of violation and submittal deadline is provided to the facility.
CAFO END-OF-YEAR REPORTING & ACTIVITIES Submit PPA EOY reporting information to EPA.	• Report to EPA on the number of CAFOs permitted under Colorado general and individual CAFO permits. • Report to EPA on the number of inspections completed, inspection status and the status of inspection follow up activities. • Submit an electronic copy of the CAFO inventory to EPA and report on progress made toward inventory development. • Report to EPA on compliance assistance activities, training and presentations provided to the livestock industry.	Annually by Dec. 31	% of permitted CAFO renewals entered into ICIS within 60 days of effective date of the permit. % of enforcement data entered into ICIS by established deadline. EOY report and CAFO inventory submitted to EPA by the established timeline.

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Environmental Health
Regulatory Uniformity

Supports EPA 2014-2018 Strategic Goals Goal 2: Protecting America's Waters; Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution; Goal 5: Protecting Human Health and the Environment by Enforcing Laws and Assuring Compliance

Subgoals	Objectives	Timeline	Performance Measures
Provide inspectional oversight to schools in rural areas.	Regulatory inspections performed in counties without local public health agencies under the jurisdiction of the department.	Ongoing	Percentage of schools with chemical laboratories inspected at least once during the performance period.
Provide training and assistance to state and local public health personnel to assure uniformity in the application of the new school regulation.	Train school inspection program staff of local organized county health department through joint regulatory school inspections and by providing technical assistance.	FY 2016	Complete 6 joint regulatory school inspections and provide technical assistance as necessary to assure competency by local public health agency in program administration by end of performance period.
Provide training and assistance to state schools to assure uniformity in the application of the new school regulation.	Coordinate the development and implementation of a classroom training course for school teachers and school personnel in county without local public health agencies under the jurisdiction of the department. Assist with the coordination and development of regulation training sessions for school teachers and school personnel in local public health agency jurisdiction.	FY 2016	Successful implementation of 1 school regulation training session for school teachers and school personnel in county without local public health agencies under the jurisdiction of the department. Successful implementation of 5 school regulation training sessions for school teachers and school personnel in local public health agency jurisdiction.
Increase uniformity of school regulation implementation and school inspection program administration.	Develop program standards to assure regulatory uniformity for school inspection programs administered by local public health agencies statewide.	FY 2016	Development of framework for school program standards for school inspection programs within local public health agencies.

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Chapter 4 AIR POLLUTION CONTROL DIVISION

4.1 Overview

Chapter 4 of the 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 (APCD) of CDPHE. This chapter includes:

- The APCD mission, goals, and organizational structure;
- Environmental conditions related to air quality in Colorado; and
- The PPA APCD work plan which includes program strategies, activities, and the program milestones or measures to show progress.

The PPA APCD work plan is organized according to the goals of both the CDPHE and the U.S. EPA, as reflected in:

- The Colorado Department of Public Health and Environment Strategic Plan, which contains the internal work plan for APCD; and
- The FY2014-18 EPA Strategic Plan.

Additionally, a significant amount of the APCD effort is conducted in cooperation with local health agencies in Colorado. The APCD 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.

4.2 Mission

The Mission of the APCD is stated below. In achieving this mission the staff and managers of the APCD will maintain consistency and coordination with other CDPHE programs, the EPA and other partners and stakeholders.

> The mission of the Air Pollution Control Division is to improve and protect the air quality in Colorado through the development and implementation of cost-effective and efficient air pollution control measures that are consistent with the requirements of state and federal law.

4.3 State and Federal Law, Mandates and Initiatives

In carrying out its mission, the APCD will meet the requirements of the federal Clean Air Act, Colorado Air Pollution Prevention and Control Act, and the applicable federal and state rules and regulations that implement the acts.

In addition to meeting these laws and mandates, the APCD will:

- Address new initiatives such as those assigned to the APCD by the Colorado Air Quality Control Commission or the Colorado General Assembly; and
- Ensure air quality problems are addressed that do not fall under federal or state programs.

4.4 Air Division's Major Goals

The Air Division focuses on three major goals with related sub-goals:

1. Achieve a level of air quality that protects and preserves human health
    a. Attain and maintain the National Ambient Air Quality Standards
    b. Protect citizens from exposures to air toxics

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2. Achieve levels of air quality in Colorado that protect the integrity of the natural ecosystem
    a. 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.
    b. Protect stratospheric ozone - Ensure the control of CFC compounds.
    c. Take action on climate change - Ensure greenhouse gas emissions are managed.
    d. Protect environment from Mercury contamination.

3. Achieve a level of ambient air quality that protects and preserves standards for visibility and aesthetic concerns for pollutants that cause odors.
    a. Improve 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
    b. Reduce 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 and implementation of the Colorado Regional Haze SIP
    c. Control odors (state only program)

4.5 Air Quality Environmental Conditions

4.5.1 NAAQS

Colorado became the first state in the nation to come into attainment with all the national ambient air quality standards. That milestone was reached in 2002, and since that time trends in ambient air quality have continued to improve. However, with a stricter ozone standard established by the EPA in 1997, and unfavorable meteorological conditions for several years, the Denver and North Front Range area was designated by EPA as a non-attainment area for ozone in 2007. An even stricter ozone standard set in 2008 has resulted in more ozone violations.

Colorado developed an ozone action plan and state implementation plan (SIP) revision to meet the 1997 standard, the most recent of which was submitted to the EPA on June 18, 2009. The plan placed new emission controls on the oil and gas industry and expanded the motor vehicle emissions testing program to the North Front Range to include Fort Collins, Greeley and nearby areas. Colorado is in the process of evaluating its ozone action plan and SIP to ensure it will meet the stricter requirements of the 2008 standard. Colorado was designated by the EPA as a marginal nonattainment area for the 2008 ozone standard effective July 20, 2012. Colorado is set to become a moderate nonattainment area for ozone in 2015 which will require further SIP development.

4.5.2 Regional Haze

Across the country, visual range has been substantially reduced by air pollution. In eastern parks, average visual range has decreased from 90 miles to 15-25 miles. In the West, visual range has decreased from an average of 140 miles to 35-90 miles. Colorado has some of the best visibility in the West, but also has a number of areas where visibility is impaired due to a variety of sources.

Colorado's Regional Haze Plan demonstrates the current level of visibility impairment in National Parks and Wilderness Areas, and presents an enforceable strategy to achieve gradual and continuous visibility improvements. The EPA gave its final approval to Colorado's Regional Haze Plan in October of 2012 and reissued its approval of the plan on May 26, 2015 in response to a court petition to review its original approval. The plan will reduce the emission of approximately 71,000 tons of visibility-impairing pollutants in Colorado every year, including both nitrogen oxide (NOx) and sulfur dioxide (SO2) emissions. The reduction of NOx emissions also will be beneficial to reducing ground-level ozone in Colorado.

4.5.3 Greenhouse Gases

Colorado's 2007 Climate Action Plan projected that greenhouse gas (GHG) emissions would increase 81 percent above 1990 levels by 2020. Effective in 2011, new state and federal regulations require some of Colorado's

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largest industries to obtain permits if their GHG emissions are above certain levels, and to report their emissions to the EPA. Greenhouse gases, such as carbon dioxide (CO2) have been linked to climate change.

Under the permitting program, sources may need to limit their emissions of GHGs or utilize Best Available Control Technology to reduce emissions. The permitting program falls under the federal "Tailoring Rule," which has been submitted to the EPA for incorporation into the state SIP. The rule tailors emission thresholds to apply to the largest sources of GHGs.

On June 23, 2014, the U.S. Supreme Court issued its decision in Utility Air Regulatory Group v. EPA (Case No. 12-1146). The court said EPA may not treat greenhouse gases as an air pollutant for purposes of determining whether a source is a major source required to obtain a PSD or Title V permit. The court also said that PSD permits that are otherwise required (based on emissions of other pollutants) may continue to require limitations on greenhouse gas emissions based on the application of Best Available Control Technology (BACT). We and EPA are evaluating the implications of the court's decision.

A separate reporting rule administered by EPA requires facilities that emit 25,000 or more metric tons per year of CO2 equivalent to submit annual reports of the emissions to the EPA.

Non-regulatory GHG initiatives

Colorado has participated as a member of The Climate Registry for several years. The Climate Registry is a nonprofit collaboration among North American states, provinces, territories and tribes that sets standards to calculate, verify and publicly report greenhouse gas emissions into a single registry. The registry supports both voluntary and mandatory reporting programs and provides comprehensive, accurate data to reduce greenhouse gas emissions.

The Colorado Department of Public Health and Environment works closely with the Governor's Energy Office, primarily with its Greening Government Initiative that seeks to reduce energy usage from state buildings and fleets. The Air Pollution Control Division has helped analyze energy usage data to better understand where state government can reduce its emissions of GHGs.

The Division also participates in Clean Cities, a national coalition of government agencies and private businesses that works to reduce petroleum use in the transportation sector. Colorado has supported a Clean Cities grant application that, if awarded, would provide the state with funding to plan for development of its electric vehicle fleet.

4.5.4 Toxics

Toxic or hazardous air pollutants are those that are known or suspected to cause cancer or other serious health problems. Several air monitoring studies of toxics in Colorado have been done, including in Denver, Pueblo, Grand Junction and Garfield County. In general, the studies have found that most air toxics levels are low with a few localized exceptions related to specific sources. Urban areas where motor vehicles and industries are concentrated, have the most impacts in Colorado. Rural areas where oil and gas development occurs are also impacted, particularly areas associated with specific development activities.

While no ambient air quality standards have been set for air toxics, the EPA published an original list of 188 air toxics and has developed National Emission Standards for Hazardous Air Pollutants (NESHAPS) specific to those pollutants. The state routinely adopts Maximum Achievable Control Technology requirements to implement the federal NESHAPS. The requirements are technology-based controls or work-practices for specific industries and are designed to reduce hazardous air pollutant emissions to a maximum achievable degree, taking into consideration the cost of reductions and other factors.

Air toxics also are reduced through automobile inspection and maintenance, ozone reduction measures such as condensate tank controls to reduce volatile organic chemicals, chlorofluorocarbon reduction and phase-out, mercury pollution prevention and emission reduction efforts, a diesel school bus and emissions control retrofit program, and pollution prevention in industries and communities statewide.

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4.6 Organizational Structure of the Air Division

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

Air Pollution Control Division **Director's Office**						
Planning and Policy Program	Mobile Sources Program	Stationary Sources Program	Compliance and Enforcement Program	Indoor Environment Program	Technical Services Program	Administrative Program
SIP planning Regulatory development Small Business Assistance Transportation conformity Air quality advisories Education and Outreach Environmental assessments Emerging issues Regional collaboration Integrated air toxics efforts Regional Haze planning Climate change planning	Alternate fuels High altitude emissions testing and research Automotive Inspection and Readjustment (A.I.R.) Diesel emissions control Oxygenated and clean fuels Remote sensing Smoking vehicles	Operating permits Construction permits Inventory & technical support Oil and gas	Enforcement Inspections Field services Compliance assistance	Asbestos Lead-based Paint CFCs Indoor Air Quality	Ambient air quality monitoring Air pollution modeling Inventory development Rural acid deposition and visibility research Air quality forecasting - summer/winter Prescribed fire/smoke management Quality assurance	Fiscal policy and planning Division budget development, expenditure and revenue management Contract/procure-ment management Information technology support in coordination with the State's Office of Information Technology Personnel and human resource coordination and support

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4.7 Air Pollution Control Division FY 2016-2017 Work Plan

APCD Goal 1: Achieve a level of air quality that protects and preserves human health

Sub-goals include:

- Attain and maintain National Ambient Air Quality Standards
- Protect citizens from exposures to toxic air pollutants

EPA 2014-2018 Strategic Plan:

- **Goal 1: Addressing Climate Change and Improving Air Quality**
- **Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution (Reduce Children's Blood Lead Levels)**
- **Goal 5: Protecting Human Health and the Environment by Enforcing Laws and Assuring Compliance**

Program Strategy	Activity	Milestone/Measure
MOBILE SOURCE PROGRAMS		
1.1 Operate Automobile Inspection and Readjustment (A.I.R.) Program and Clean Screen Program - Regulation No. 11	Operate A.I.R. program in Denver metro and North Front Range areas.	Ongoing
	Integrate North Front Range IM Program into state ozone SIP	Work with Policy and Planning, RAQC, and AQCC
	Ensure that the A.I.R. program in Denver metro and North Front Range areas is consistent with and continues to meet all SIP requirements.	Ongoing
	Inspector training/certification maintained.	Ongoing
	Data collection and processing systems maintained.	Ongoing
	Support field enforcement activities by Dept. of Revenue.	Ongoing
	Monitor program quality and performance.	Ongoing. Annual report developed each year.
	Provide support to customers, inspectors, auto entities and repair technicians.	Ongoing
1.2 Operate Diesel Inspection and Self-	Similar operation and training measures as A.I.R. Program.	Ongoing

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Program Strategy	Activity	Milestone/Measure
certification Program - Regulation No. 12 (State only)	Work with our counterparts at the regional and local levels to support the Colorado Clean Diesel Program. Continue to implement best practices as part of the Colorado Diesel Self-Certification Program.	Ongoing
	Support legislative and/or regulatory changes that permit the use of OBD or other innovative IM diesel tests that may be used to supplement or replace the current diesel test methods.	Track and respond to diesel bills in the legislature. Modify Regulation No. 12 as needed.
1.3 Develop and participate in mobile source air quality improvement strategies	Contribute to and engage in new ozone SIP developments.	Ongoing
	Participate in RAQC's Mobile Source/Fuels subcommittee. Assist and contribute to the formation and development of mobile source SIP strategies. Provide technical support and analysis on potential mobile source strategies, conduct vehicle emissions modeling in behalf of SIP activities, and provide guidance on various potential fuel strategies.	Ongoing
	Track, research, and advise senior management on legislative activities in support of new SIP development.	Ongoing
	Develop modifications to AQCC Regulations as needed. Present proposed modified regulations to the AQCC for their consideration.	Ongoing
	Implement any necessary SIP strategies.	Ongoing
	Continue remote sensing activities	Ongoing
	Implement and continue smoking vehicle programs.	Ongoing
	Participate in Regional Air Quality Council programs.	Ongoing
	Continue to review auditor A.I.R. Program recommendations. Make changes to IM Program as needed.	Ongoing
	Conduct public outreach, with emphasis on the newly implemented IM program.	Ongoing
	Contribute area-wide assessment of RVP levels, and other gasoline parameters, as part of Ozone SIP development.	Ongoing. Conduct Summer and Winter gasoline surveys.
	Utilize MOVES model in SIP planning and mobile source air quality assessment activities. Continue participation in model improvement and development activities.	Ongoing
	Monitor Federal Renewable Fuels Program.	Ongoing

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Program Strategy	Activity	Milestone/Measure
	Monitor federal new Tier 3 vehicle emissions certification, GHG, and CAFÉ rules. Continue to contrast federal rules to California's LEV program, including the use of zero emitting vehicles.	Ongoing
	Examine the use of remote sensing to identify vehicles with high evaporative emissions.	Conducting research.
	Continue OBD effectiveness study.	Conducting research.
	Conduct vehicle OBD deterioration study. Study examines vehicle emissions deterioration in OBD equipped vehicles.	Conducting research.
1.4 Support mobile source strategies through technical studies and operation of testing equipment and facilities	Provide mobile source emission inventories and emission factors.	Ongoing
	Operate and maintain Technical Centers.	Ongoing
	Operate and maintain mass emissions testing facility.	Ongoing
	Conduct an analysis of Colorado fuel market including: volatility, ethanol content, market status and other parameters	Ongoing
	Contribute to division inventory report of actual annual emission data.	Ongoing
STATIONARY SOURCE PROGRAMS		
1.5 Conduct activities of the Construction Permits Program for stationary sources	Issue permits to minor sources in Colorado.	Number of minor source permits issued
	Issue synthetic minor permits to applicable sources in Colorado.	Number of synthetic minor permits issued
	Issue PSD permits.	Number of PSD permits issued
	Issue permits to major sources in nonattainment areas.	Number of NAA NSR permits issued
	Enter RACT/BACT/LAER determinations in EPA's clearinghouse database (RBLC) within 30 days following permit issuance, including the "application acceptance date" and "date of permit issuance."	Data entered on a continuing basis
	Prepare AIRS data entry and forward to Inventory Group.	Ongoing
	Track PSD increment periodically to meet the requirement of 40 CFR 51.166(a)(4).	Ongoing
1.6 Conduct activities of the Operating Permits Program for stationary sources	Ensure sources submit Title V applications for renewal.	Monitored throughout the year.
	Prepare AIRS data entry and forward to Inventory Group.	Ongoing
	Continue development of program with EPA guidance (Part	Ongoing

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Program Strategy	Activity	Milestone/Measure
	70) and input from affected parties.	
	Continue to issue proposed, initial, renewal, and modified Title V permits.	Ongoing
	Prepare and submit TOPS data to the Region for entry into EPA's national database.	Ongoing
	Address recordkeeping and information request requirements.	Ongoing
	Coordinate with EPA on petitions for Title V permits.	Ongoing
1.7 Operate stationary source emissions and facility data system	Utilize the Exchange Network to transfer the Emissions Inventory System information.	Ongoing
	Participate in ongoing training provided on National Emission Inventory.	Ongoing
Compliance and Enforcement Program:		
1.8 Develop regulations and strategies to support compliance with regulations	Continue to evaluate methods to incorporate P2 into regulations and permits.	Ongoing
	Provide support and training to engineers and inspectors (policy interpretation, settlement documents, assist in negotiation of settlements, enforcement data base).	Ongoing
	Revise NSR and PSD regulations as needed.	Ongoing
	Revise Reg. 6 - New Source Performance Standards.	Annual - Ongoing
	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.	Annual - Ongoing
	Revise Common Provisions, Regulation 1, Regulation 3, Regulation 4, Regulation 7 regulations to maintain an updated SIP or in respond to EPA SIP disapproval actions.	Ongoing
1.9 Continue oversight of local health department contracts and inspections	Negotiate contracts annually.	Local agency contracts follow the state fiscal year (July 1 through June 30).
1.10 Conduct compliance inspections and	Inspection review, assistance as needed, enter reports on ICIS-AIR, maintain tracking logs, monitor quarterly reports.	Compliance and enforcement activities ongoing; reports are reviewed and entered into ICIS-AIR as they are received, assistance is provided to local

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Program Strategy	Activity	Milestone/Measure
evaluations for industrial sources (major and minor) and final approval evaluations.		agencies as needed and upon request, monthly and quarterly reports are maintained to track local agency activity per contracts
Report information to EPA through the ICIS-Air Database.	Ensure proper certifications (odor & opacity) in place for local agency staff.	Contracts require agency staff attend and obtain opacity and odor certifications. Division does periodic spot checks of certification status.
	Operating and other final permits reviewed.	Ongoing
	Conduct final approval evaluations for facilities.	Ongoing; Sources are required to submit a "self-certification" for compliance with initial approval permits; Division reviews all of the required documents before approving the permit for "final approval"
	Perform stack testing, source audits and CEM certifications.	Ongoing Number of stack tests Approximately 600+ tests conducted per year Number of relative accuracy test audits Approximately 75 RATAs conducted per year
	Evaluate excess emission reports.	EERs are submitted on a quarterly basis and are reviewed in detail following submittal.
	Provide ICIS-AIR updates as necessary through:	ICIS-AIR updated approximately once per month, including all of the MDRs on all sources; all CMS sources are flagged in ICIS-AIR and HPVs are correctly identified; Division conducts periodic reviews to ensure data is correct
	1. Provide timely data to ICIS-AIR 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.	Ongoing
	2. Coordinate with EPA to ensure that CMS sources are flagged in ICIS-Air for inspection, and to ensure that high priority violations are correctly identified in ICIS-AIR.	
	3. Perform periodic reviews of ICIS-AIR data to ensure required data have been entered correctly.	
	Participate in Cross Media Innovation and Strategy Team	Ongoing
	Submit Compliance Monitoring Strategy to EPA	Submitted to EPA by September 30 of each year for the EPA fiscal year beginning on October 1.
1.11	Participate in High Pollution Advisory Program in Denver metro	Ongoing. Daily air quality "Action Day" forecasts are

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Program Strategy	Activity	Milestone/Measure
Conduct residential burning emissions control program	area.	issued from November 1 to March 31.
	Respond to and follow up on complaints.	Complaints are investigated as they are received.
	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.	Division participates in workshops, trainings and discussions regarding wood boilers.
	Issue warning letters, compliance advisories, NOVs and compliance orders. Conduct AQCC hearings and Settlement Agreements (both state and local agencies)	Ongoing
1.12 Conduct general open burning program	Issue open burning permits and coordinate enforcement against illegal burning and open burning bans.	Ongoing
1.13 Conduct testing and evaluation of industrial sources	Maintain emissions and facility data system from new, revised and renewed APENs into data system.	Ongoing
1.14 Monitor local SIP commitments for Reg. No. 16 street sanding	Monitoring and assessing community SIP sanding reduction activities and reports.	Ongoing
INDOOR ENVIRONMENT PROGRAM		
1.15 Reduce asbestos exposure to the public through operation of the Asbestos Program	Conduct 200 inspections for compliance with Regulation No. 8 and NESHAP.	Ongoing Number of inspections completed
	Review notifications; issue abatement and demolition permits.	Ongoing Number of demolition permits issued Number of abatement permits issued
	Process certification applications; issue certifications.	Ongoing Number of certifications reviewed and processed for Workers, Supervisors, Building Inspectors, Management Planners, Project Designers, Air Monitoring Specialists and General Abatement Contractors. Number of registrations reviewed and processed for asbestos laboratories, training providers and asbestos consulting firms.
	Initiate enforcement actions; timely and appropriate resolution of cases.	Ongoing Number of non-school cases opened Number of non-school cases closed Number of school cases opened

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Program Strategy	Activity	Milestone/Measure
		Number of school cases closed
	Conduct outreach activities.	Ongoing Number of outreach activities conducted
	Incorporate asbestos enforcement requirements in local health department contracts.	The Asbestos Unit currently has contracts with three local health departments to perform asbestos inspections.
	Conduct Rulemaking, as necessary.	The Asbestos Unit will revise Colorado Reg. No. 8 when necessary.
	Enter data into a database for all asbestos NESHAP notifications and enforcement actions.	Data for all abatement, demolition, certification and enforcement actions is entered into the database on an ongoing basis.
	Implement the TSCA Asbestos-in-Schools Program according to federal and state rules.	The Asbestos Unit continues to implement the TSCA Program, assisting schools to manage asbestos in their buildings. Activities include inspections, being available as a resource for school personnel and responding to complaints. All grant related reports were filed with EPA in a timely manner.
1.16 Reduce occurrences of asbestos in schools	Conduct 48 TSCA/AHERA inspections. Conduct approval and maintenance audits of instructors and classes.	Ongoing Number of inspections conducted Number of course audits conducted
1.17 Operation of lead-based paint certification and abatement program.	Conduct 20 inspections for compliance with Regulation No. 19. Conduct 5 406(b) rule inspections.	Ongoing: Number of inspections conducted
	Implement the 406(b) rule (Part B of Regulation No. 19).	Ongoing.
	Process certification applications, issue certifications.	Ongoing: Number of certifications processed and issued.
	Conduct lead-based paint course audits. Conduct approval and maintenance audits of instructors and classes.	Ongoing: Number of audits conducted
	Initiate enforcement actions, timely and appropriate resolution of cases.	Ongoing: Number of actions initiated, Number of resolved
	Distribute educational materials.	Ongoing
	Partner with local health departments. Partner with state and local housing agencies.	Ongoing
	Conduct Rulemaking as necessary.	As needed
PLANNING AND POLICY – SIP DEVELOPMENT, REGULATORY DEVELOPMENT, REGIONAL COLLABORATION, EMERGING ISSUES, COMMUNITY RELATIONS AND		

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Program Strategy	Activity	Milestone/Measure
COMMUNICATIONS		
1.18 Develop and implement community based air quality programs in cooperation with local agencies or local governments	Monitor community initiatives in San Luis Valley, Lamar (to support maintenance SIP), Grand Valley - Grand Junction area, and other regions of Colorado as warranted.	Ongoing,
	Coordinate Western Colorado Regional Air Quality Collaboration, a voluntary community partnership to promote consistency and collaboration regarding air quality issues.	Ongoing
	Provide assistance to Garfield County community-based initiative to address natural gas development concerns.	Ongoing
	Work to Identify other at risk areas through monitoring or other methods.	Ongoing
	Respond to citizen concerns and inquiries regarding Colorado's air quality and air pollution control strategies	Ongoing
1.19 Develop and/or revise maintenance SIPs and redesignation requests for current nonattainment and attainment/maintenance areas in Colorado	Develop a moderate nonattainment area ozone SIP for the 2008 ozone NAAQS.	Air Quality Control Commission rulemaking in 2016. Submittal to EPA in 2017.
	Develop/Prepare Regional Haze 5-year Progress Report SIP.	Submit SIP to Air Quality Control Commission for proposed adoption in fall 2015. RH SIP due to EPA on May 25, 2016.
	Develop/Prepare 111(d) Clean Power Plan	Submit Plan to Air Quality Control Commission for review in 2016 and submit initial plan to EPA, followed by a final plan in 2017.
1.20 Develop and submit recommended NAAQS designations, as needed	Follow federal NAAQS revision process and prepare recommended designations to submit to EPA as needed.	As needed. Submit potential 2015 ozone NAAQS designation recommendations in 2016.
	Develop/Prepare List of SO2 Sources required to Model/Monitor air quality for future SO2 NAAQS designation	Submit source designations to EPA by January 15, 2016. Complete additional impact analysis by 2016 to ascertain compliance with standard.
1.21 Develop and submit Infrastructure SIPs	Develop and submit 2012 PM2.5 NAAQS infrastructure SIP/certification.	Submit to EPA in late 2015.
1.22 Develop and submit Interstate Transport SIPs	Prepare 2010 SO2 NAAQS Interstate Transport SIP.	To be developed based on EPA guidance.
1.23 Monitor transportation conformity determinations of MPO and CDOT	Monitor conformity determinations for Metropolitan Planning Organizations (MPOs) along Front Range.	Ongoing

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Program Strategy	Activity	Milestone/Measure
programs and projects - Regulation No. 10		
1.24 Support NEPA activities including review of air quality impacts disclosed in NEPA documents	Review and comment on documents/letters prepared for NEPA process such as Environmental Impact Statements and Resource Management Plans.	Ongoing
1.25 Conduct Regional Modeling for ozone and other purposes	Continue review National Air Toxics Assessments data and comment on proposed rules and policy.	Ongoing
1.26 Operate General Air Toxics Program	Work with other Division programs to seek funding for additional monitoring and grant funding (such as DERA grants).	Ongoing
	Complete additional diesel school bus retrofits contingent upon receipt of DERA funds.	Ongoing
	Improve oil and gas related emission inventories with additional focus on diesel truck traffic.	Ongoing
	Continue implementation of state-only and federal Mercury control/reduction rules. Assist with Mercury TMDL analysis as needed.	Ongoing
1.27 Implement cross-media initiatives	Continue coordination with other CDPHE programs in development and implementation of: Cross Media Programs, and Environmental Coordinating Committee.	Ongoing
1.28 Operate Small Business Assistance Program	Conduct industry workshops, data collection and coordination.	Ongoing
	Support Compliance Advisory Panel	Ongoing
	Update small businesses through site visits and technical assistance (MOU with Field Services Unit).	Site visits performed when requested by business, Field Services, or others.
	Provide consultations and site visits in accordance with MOU with Field Services Unit on enforcement referrals.	Site visits performed when requested by business, Field Services, or others.
	Outreach and coordination with local health departments.	Ongoing. Local health departments invited to workshops.

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Program Strategy	Activity	Milestone/Measure
	Participate in Cross Media Innovation and Strategy Team - sector projects and coordination.	Ongoing
	Develop End-of-year report on compliance assistance efforts	Ongoing - Report developed annually
TECHNICAL SERVICES PROGRAM -- MONITORING, EMISSION INVENTORIES, MODELING, PRESCRIBED FIRE		
1.29 Monitor Air Quality	Per CFR Schedule, submit all ambient criteria pollutant data to the Air Quality System (AQS). Per the Exchange Network requirements for regulatory and national system reporting, submit data in XML-format.	Ongoing
	Implement ambient air monitoring program in accordance with 40 CFR Part 58.	Ongoing
	Submit five-year Network Assessment.	Submitted by July 1, 2015 deadline. Next 5-year Assessment due by 7/1/2020.
	Submit annual SLAMS data certification.	Ongoing, due by May 1 each year.
	Operate and maintain monitoring sites statewide (gaseous, particulate, meteorology). Perform daily, weekly, monthly, quarterly, and semi-annual inspections, cleaning, and preventive maintenance per SOP schedules. Perform manual bi-weekly precision tests.	Ongoing
	Provide updates to department-wide Quality Assurance Management Plan (QMP) and submit to EPA as needed.	Completed in 2011. Full revision to be submitted to EPA by late 2015.
	Revise Quality Assurance Project Plan (QAPP) and submit to EPA.	Ongoing/revisions in progress, to be completed by late 2015 and submitted to EPA.
	Operate ambient air monitoring network in accordance with QAPP.	Ongoing
	Modify and update CDPHE sites and data in EPA AQS System.	Ongoing
	Produce Annual Air Quality Data Report.	Ongoing

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Program Strategy	Activity	Milestone/Measure
	QA / QC Review.	Ongoing
	Submit Annual Network Plan to EPA that is oriented toward the new National Air Monitoring Strategy guidance. Review site files.	Ongoing, due by July 1 each year.
	Conduct daily forecasting, summer and winter pollution advisories, and prepare High Pollution Advisory Season and Summer Ozone Advisory Statistics.	Ongoing. Forecasting for Denver and Colorado Springs areas is required by CFR, based on population. Additional non-required forecast areas include Fort Collins-Greeley, Grand Junction, and Colorado River Valley.
	Continue Emergency Response Forecasting and Support to CDPHE Emergency Response Planning.	Ongoing
	Continue NCore monitoring station as approved by EPA.	Ongoing at LaCasa site in Denver.
	Maintain awareness of requirements for monitoring for new NAAQS. Install sites as needed to meet requirements.	Ongoing. Second near-road NO2 site in Denver installed in late 2015.
	Maintain awareness of new requirements for Exceptional Events. Flag data in AQS related to natural and exceptional events. Develop and submit documentation to EPA.	Ongoing. Calendar year flags and initial event descriptions in AQS by July 1 of the following year. Development and submittal of exceptional event documents is ongoing.
	Conduct Special Monitoring Projects.	As needed. Ozone precursor/NMOC sites ongoing in Denver/Weld county area. North Front Range Emissions and Dispersion Study commenced in 2013, scheduled to end 6/30/2016. Community-Scale Air Toxics Grant to commence in late 2015: Determining local scale air toxics gradients near the I-25/I-70 interchange in environmental justice communities in Denver, Colorado.
	Continue National Air Toxics Trends monitoring site in Grand Junction: Maintain and repair VOC/carbonyl, PAH and PM10/metals monitoring equipment. Install and maintain	Ongoing. QAPP/SOP updates to be completed and submitted to EPA in late 2015.

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Program Strategy	Activity	Milestone/Measure
	additional equipment as required. Perform calibrations and audits on the equipment. Interpret and report data received from the analytical lab. Submit data to AQS within 90 days after the end of each quarter. Provide quarterly analysis updates. Perform monitoring according to the NATTS Technical Assistance Document. Review and update QAPP as necessary.	
	Assist local agencies in special monitoring studies.	Ongoing. Work on a locally supported source air toxics study targeted at development activities in Garfield County is continuing.
1.30 Develop and Maintain Emissions Inventories	Provide updated emission inventory reports using new EIS system for point, nonpoint and mobile sources (type B) using 2015 emission data and based on the EPA-established reporting thresholds for SOX, NOX, VOC, PM2.5 and PM10, CO, Pb and NH3.	Ongoing
	Develop of an Integrated Approach / Methodology for Inventory Development.	Ongoing
	Support inventory development for state SIPs including Ozone SIP.	Ongoing
	Continue work on the 3-state pilot program: monitoring, emissions/data warehouse (as identified in the "2010 Three-State Pilot Project: Air Monitoring Site Installation and Operation, Emissions Inventory Data Warehouse Development - Colorado Workplan and Budget"), and modeling (as funding is available). This project will be re-named the "Intermountain West Data Warehouse".	Ongoing. Ozone/meteorological site near Elk Springs is operational. A site near Paradox is to be installed. Development and implementation of the Data Warehouse is continuing.
1.31 Conduct Air Quality Modeling	Conduct modeling for stationary source permits.	Ongoing
	Conduct regional modeling for ozone and other purposes.	Ongoing
	Conduct modeling for state SIPS as needed.	Ongoing. Current efforts include 75 ppb Ozone SIP bump-up to moderate, 1-hour SO2 designations.
1.32 Conduct Prescribed Fire Program	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: Open Burning, Prescribed Fire and Permitting.)	Ongoing

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Program Strategy	Activity	Milestone/Measure
	Conduct oversight to ensure that permittees implement best air quality protection practices in prescribed burning events.	Ongoing
	Implement local delegation component of program.	Ongoing
	Continue evaluating and implementing recommendations from report developed by HB-09-1199 mandate to review and evaluate Smoke Management Program. Recommendations focus on improved and simplified permitting, communications, monitoring and observation of fires and smoke, resource identification and data analysis.	Ongoing Work is continuing on relaxing standard conditions, as appropriate. Work on pilot burns and subsequent data analysis is ongoing.

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APCD Goal 2: Achieve levels of air quality in Colorado that protect the integrity of the natural ecosystem

APCD Sub-goals include:

- 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.
- Protect stratospheric ozone - Ensure the control of CFC compounds.
- Take action on climate change - Ensure greenhouse gas emissions are managed.
- Protect environment from Mercury contamination.

EPA 2014-2018 Strategic Plan

- **Goal 1: Addressing Climate Change and Improving Air Quality:**
    - **Objective 1.1 Address Climate Change**
    - **Objective 1.2 Improve Air Quality**
    - **Objective 1.3 Restore and Protect the Ozone Layer**

Program Strategy	Activity	Milestone/Measures
2.1 Ensure acid rain minimized through operation of construction and operating permit programs	Issue permits to utilities.	Ongoing
2.2 Ensure acid deposition emissions are minimized through testing and evaluation of industrial sources	Conduct stack testing, source audits and CEM certifications for utilities.	Ongoing
	Evaluate excess emission reports for utilities	Ongoing
2.3 Ensure acid rain minimized though updates to Regulation No.18 as necessary	Revise regulation.	Ongoing
2.4	Annually assess monitoring/research data.	Ongoing

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Program Strategy	Activity	Milestone/Measures
Reduce nitrogen deposition through implementation of Rocky Mountain National Park Initiative	Work with agricultural stakeholders to develop studies, projects, and Best Management Practices to reduce ammonia emissions	Ongoing
	Assess ammonia inventory categories regularly and potential reduction and/or communication strategies.	Ongoing
	Focus additional attention to RMNP in regard to AQRV impairment. Begin to review and update 2010 Contingency Plan. Continue tracking of nitrogen deposition reduction. Continue collaboration with Agriculture Subcommittee and other stakeholder groups.	Ongoing
2.5 Protect stratospheric ozone levels through minimizing emissions of CFCs from applicable sources	Equipment registration and facility notification.	Number of equipment items registered, Number of facility notifications
	Inspections (both state and local agencies) for compliance with Regulation No. 15.	Number of inspections conducted
	Training and outreach (including pollution prevention).	Ongoing
	Continue to negotiate local health department contracts annually for CFC inspections and enforcement.	Ongoing
2.6 Ensure man-made climate change impacts minimized	Develop policies and regulations as needed to implement the federal GHG rules.	Policies and/or regulations developed to allow state implementation of the federal GHG rules as necessary or directed by EPA.
	Issue Title V and PSD permits for GHG as provided in federal rules.	Ongoing
	Monitor and evaluate reduction strategies.	Ongoing
	Monitor legislative activity locally and nationally.	Ongoing
	Continue to coordinate with efforts to implement Governor's Climate Change Initiative and greening Government Executive Order	Ongoing
	Continue to coordinate with efforts to implement Governor's Climate Action Plan.	Ongoing
2.7 Reduce mercury pollution through Colorado cross-media programs	CDPHE Strategic Programming process (see discussion in Chapter 2 of PPA). Assist the Water Division with Mercury TMDLs analyses as needed and ongoing assessment of emissions and deposition.	Ongoing

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APCD Goal 3: Achieve a level of ambient air quality that protects and preserves standards for visibility and aesthetic concerns for pollutants that cause odors

APCD Sub-goals include:

- Improve 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
- Reduce 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 and implementation of the Colorado Regional Haze SIP
- Control Odors

EPA 2014-2018 Strategic Plan

- **Goal 1: Addressing Climate Change and Improving Air Quality**

Program objective	Activity	Milestone/Measure
3.1 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 in work plan.	Described earlier Contributed to CDOT/Colorado Energy Office's "Energy Smart Transportation Committee" efforts to promote clean fuels and vehicles, such as CNG and electric vehicles.

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Program objective	Activity	Milestone/Measure
3.2 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
3.3 Support reduction of haze-causing pollutants through regulation updates	Described earlier in work plan.	Described earlier
3.4 Track program indicators through urban haze monitoring, inventories and modeling	Operate visibility monitoring network in Denver and Fort Collins (transmissometers, nephelometers and web cameras).	Ongoing
	Air quality "Action Day" forecasts year-round	Ongoing
	Conduct sample speciation and chemical mass balance modeling	Ongoing Supports exceptional event technical documents.
	Perform daily, weekly, monthly, quarterly, and semi-annual inspections, cleaning, and preventive maintenance per SOP schedules. Perform manual bi-weekly precision tests.	Ongoing
	Operate and maintain gaseous/continuous sites statewide.	Ongoing
	Operate and maintain particulate monitoring sites statewide.	Ongoing
	Operate and maintain meteorological monitoring equipment.	Ongoing
	Air Quality Forecasting and Air Quality Index (AQI) Reporting on a daily basis.	Ongoing
3.5 Implement the Colorado Regional Haze SIP	Develop SIP strategic plan to coordinate, to the extent allowed, planning efforts for ozone and Regional Haze.	Ongoing
3.6 Support Class I Attributable Visibility Impairment Visibility SIP	Assemble and analyze IMPROVE monitoring data using statistical methods such as factor analysis, trajectory models, and chemical mass balance models.	Ongoing, as needed.

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Program objective	Activity	Milestone/Measure
	Provide technical assistance to various visibility workgroups as requested.	Ongoing
	Participate in SIP calls.	Ongoing
3.7 Continue implementation of effective fire and smoke management and prescribed fire program	Develop and revise, as needed, Wildfire Response Plan and Protocol. During wildfire events and large prescribed fires, assist land managers in conducting PM monitoring. Coordinate with public information officer and meteorologist.	Ongoing
	Participate in the Front Range Roundtable as appropriate.	Ongoing
	Work with local communities and partnerships to address wildland fuels treatment as needed.	Ongoing
3.8 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.	Ongoing
	Perform audits of IMPROVE samplers.	Ongoing

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Chapter 5 WATER QUALITY CONTROL DIVISION

5.1 Mission

The Water Quality Control Division has responsibility for 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 protect and restore water quality for public health and the environment in Colorado. In order to meet these responsibilities, division staff implement delegated programs authorized by the Clean Water Act (CWA), the Safe Drinking Water Act (SDWA) and Colorado statutes.

The Water Quality Control Division has developed a strategic plan for 2015-2019 outlining the division's mission, vision, values and strategic goals. The Safe Drinking Water and Clean Water programs have also developed work/action plans that clearly align the efforts of staff with the goals of the strategic plan. The strategic plan will be adjusted, as necessary, to reflect departmental revisions to strategic priorities and to incorporate new objectives. The division will collect data to quantify progress toward achieving targeted results. The division continues to pursue resources to enhance its ability to meet goals and persists in stakeholder discussions to gain support for a fee increase that will provide additional staff. The division continues to refine its inspection planning process to address a wider spectrum of discharging facilities.

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; source 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.

Environmental conditions, historically discussed in Chapter 1, are now addressed within each division's specific chapter. The water quality environmental conditions are based on data compiled for the 2012 Integrated Report: approximately 64,000 river miles met the federal Clean Water Act "swimmable" goal and over 54,000 river miles met the act's "fishable" goal. Of the river miles assessed, 2,000 miles fell short of the "swimmable" goal and about 11,000 miles did not meet the "fishable" goal. For lakes, a total of 73,000 acres met the "fishable" goal while 127,000 acres met the "swimmable" goal. Approximately 70,000 lake acres failed to achieve the "fishable" goal and 3,700 acres did not meet the "swimmable" goal.

As long as water quality deficiencies exist, there are potential public health problems of concern to the Colorado Clean Water Program. These include chemical and pathogenic contamination of source waters used for public water supplies in addition to 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.

Specific environmental problems in surface waters include those listed as impaired principally due to the following pollutants and activities: metals that are often located in areas of historic but largely abandoned mining activity; selenium in the Colorado and Arkansas River Basins; dredge and fill operations 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.

Groundwater 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 groundwater 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

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of high levels of nitrates and pathogens in groundwater 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.

5.3 Safe Drinking Water Act Program

The Safe Drinking Water Program's strategic functional elements include: source water protection; regulatory development (e.g., recommending treatment standards and performance requirements for public water systems for adoption by the Water Quality Control Commission); control mechanisms (e.g., 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 such as sanitary survey follow-ups); and formal enforcement using civil or criminal authorities as appropriate.

As with clean water, environmental conditions related to drinking water are now addressed within this chapter. There are approximately 2,000 active public water systems operating in Colorado. Typically, six percent of these systems violate health-based regulations each year affecting about five percent of the population served. Moreover, about 450 systems fail to monitor and/or report for one or more contaminants as required by the *Colorado Primary Drinking Water Regulations*. Monitoring results reported by public water systems indicate that the most common contaminants causing health-based violations of drinking water regulations in Colorado are radionuclides, microbiological entities (measured by total coliform), nitrate, fluoride, arsenic and disinfection byproducts. Other violations include surface water treatment rules along with the most common - failure by systems to monitor/report. Surface water, including groundwater-under-the influence-of-surface water, is used by 27% of Colorado public water systems and provides drinking water to 90% of the population served. Groundwater is used by 73% of the water systems but provides drinking water to only about 10% of the population served. In some localities, groundwater is the sole source of drinking water. From an environmental standpoint, disposal of contaminated residuals from water treatment facilities, particularly for those removing radionuclides, continues to be an emerging concern.

5.4 Water Quality Control Division - Organizational Structure

The Water Quality Control Division 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.

Figure 5.1

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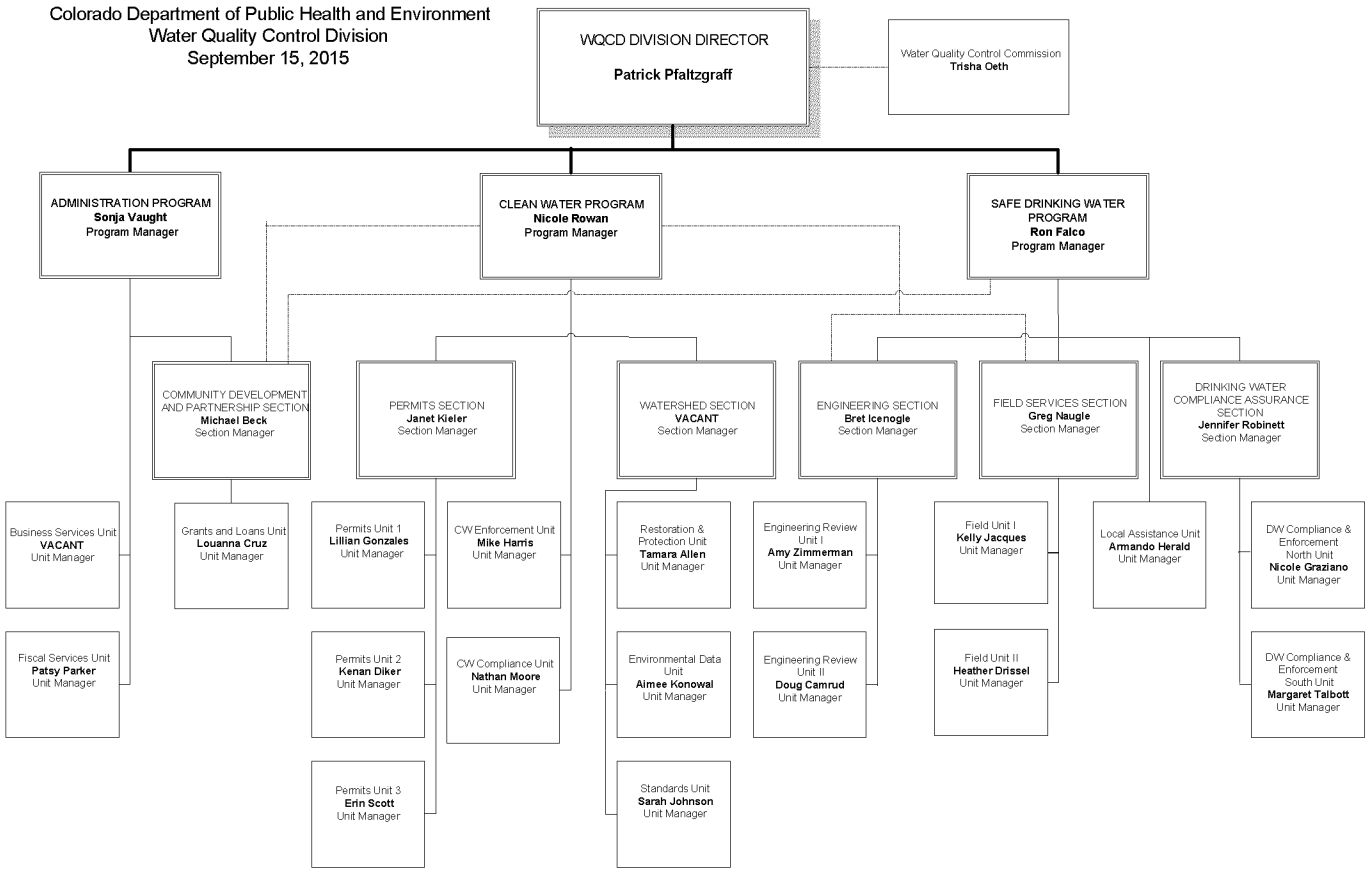

5.5 Water Quality Control Division Challenges

5.5.1 The Regulated Community

The scale and scope of the regulatory programs administered by the Water Quality Control Division are quite large. For example, there are over 100,000 stream miles in the state with designated water uses and standards assigned. The division has issued over 2,400 water discharge permits to municipalities and industries and approximately 5,000 stormwater permits. There are approximately 2,000 active public drinking water systems in Colorado with 5% of these systems serving 80% of the population. Colorado has drinking water systems and wastewater treatment systems in parts of the state where they did not exist a generation ago. In addition, new federal requirements, with respect to both the Clean Water Act and Safe Drinking Water Act, have imposed challenges for both the division and its regulated community. Small communities with resource limitations find it especially difficult 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.
- Discharger compliance. With respect to dischargers, there are a variety of regulatory processes that can extend the time to full compliance: temporary modifications and discharger specific variances to standards; site-specific standards based on local conditions; and changes to compliance schedules in permits.
- Discharger violations. When compliance assistance and interim commitments do not produce improvement, enforcement measures are undertaken.
- Lack of facility resources. Low interest and zero interest loans are available through the division's partner agency, the Colorado Water Resources and Power Development Authority.

- Source water protection. Colorado is blessed by containing the headwaters for most of the nation. As development occurs at higher elevation and elsewhere in the state, community efforts, with the help of the division, are accelerating to protect the watershed of drinking water systems.
- Water Quality Improvement Fund. State House Bill 06-1337 established a fund for addressing various water quality issues through provision of grants for the following: stormwater projects; design, construction, or upgrades of domestic wastewater treatment plants; and non-point source projects. The fund consists of penalties collected as a result of violations specified in the Colorado Water Quality Control Act.

5.5.2 Resource Needs for the Division

State Senate Bill 03-276 required that the division consult with the Water Quality Control Commission, Board of Health and interested parties to address a list of identified questions evaluating the 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 Senate Bill 276 Report which responded to these questions and projected a resource gap between available division staffing and resources and what was needed at that time. In the 2006 and 2007 legislative sessions, the legislature provided a total of 22 full-time exempt positions (12 clean water, 10 drinking water) using a combination of fees and general funds. Since 2008 the division has provided an annual report to the state general assembly that provides an estimate of resource needs. During the 2013 legislative session, the general assembly provided the division with an additional 16 positions via general funds. The majority of these positions were assigned to the division's Clean Water Program. The remaining 2.5 positions were allotted to the Safe Drinking Water and Administration programs.

During the 2014 Colorado legislative session, the Joint Budget Committee proposed Senate Bill 14-134 to modernize the Clean Water Program's outdated fee structure and to increase fees to sustain the program over a three-year period. The bill was postponed indefinitely with direction from the legislature to establish a fee stakeholder process between the Colorado Department of Public Health and Environment and the regulated community. The stakeholder process began in July 2014. Following introductory meetings, the department worked with stakeholders and held individual meetings for distinct wastewater generating sectors in order to more thoroughly address specific concerns within each area and to improve financial transparency. Six sector workgroups were formed: Commerce and Industry (C&I); Construction; Municipal Separate Storm Sewer System (MS4); Public and Private Utilities (PPU); Pesticides; and Water Quality Certification. Over a six-month period, the department held 34 meetings totaling 56 hours of formal dialogue between the department and its stakeholders.

At the conclusion of the stakeholder process, the department requested each participant to complete a sector-specific survey to gain feedback on the overall stakeholder process, modernization of the fee structure and implementation of a fee increase to sustain the program for the next three years. At the end of the process, there was little consensus among stakeholders to support a bill to increase fees during the 2015 legislative session. However, House Bill 15-1249 was proposed and adopted in place of a comprehensive fee increase, and its content revised the current fee structure to create five sectors: Commerce and Industry; Construction; Public and Private Utilities (including MS4); Pesticides; and Water Quality Certification. Although the bill did not increase fees for any sector during state fiscal year 2015-16, new fees were created for fiscal year 2016-17 for the Water Quality Certification, Pesticides and Construction sectors. The bill did not increase fees for Commerce and Industry or Public and Private Utilities (including MS4s).

In addition to the changes provided by H.B. 15-1249, the Clean Water section of the Long Bill was expanded to include separate line items for each of the sectors identified above (with the addition of a Municipal Separate Storm Sewer System sector). With this new expanded structure, the department will be able to collect and report both revenue and expenditure data for each new sector which will improve financial transparency as well as assist in determining the proper fee structure needed for each sector moving forward. By tracking specific expenditures by sector, fees can be adjusted proportionally within each sector to ensure that sufficient revenues are collected to cover its specific costs. In this way, varying fee adjustments can be made to ensure that each sector is generating enough revenue to cover its own costs and pay its "fair share", thus eliminating the need for one sector to subsidize another. However, until a comprehensive fee bill is completed to rectify the funding shortfall in the Clean Water Program, the division anticipates potential reductions in the size and scope of the program.

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5.6 Water Quality Control Division FY2016-2017 Workplan

TABLE 1: FFY16-17 NATIONAL WATER PROGRAM GUIDANCE MEASURES					
EPA G/O/S	EPA FFY16 ACS Code	EPA FFY16 Measure Text	EPA FFY16 Planning Target	Colorado FFY16-17 Goals	Colorado FFY16-17 Commitment Text
Goal 2: Protecting America's Waters					
Objective 2.1 Protect Human Health					
Subobjective 2.1.1 Water Safe to Drink					
2.1.1	SDW-211	Percent of the population served by community water systems that receive drinking water that meets all applicable health-based drinking water standards through approaches including effective treatment and source water protection.	92%	92%	Monitor self-reported data submitted by the state's drinking water suppliers, to ensure that reported data meet all existing federal and state requirements; ensure reported data are accurately entered into the state's data system; and that violations are determined and responded to. Measure state outcomes against national targets.
2.1.1	SDW-SP1.N11	Percent of community water systems that meet all applicable health-based standards through approaches that include effective treatment and source water protection.	90% FFY16 (92% FFY18)	90%	See state commitment narrative for SDW-211.
2.1.1	SDW-SP2	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.	95%	95%	See state commitment narrative for SDW-211.
2.1.1	SDW-SP4a	Percent of community water systems where risk to public health is minimized through source water protection.	49% (national) 35% (regional)	16%	Report to EPA in the SWAP Performance Accountability Report (PAR) report the population numbers served by community water systems where "minimized risk is achieved by substantial implementation" of source water protection actions, as determined by Colorado.
2.1.1	SDW-SP4b	Percent of the population served by community water systems where risk to public health is minimized through source water protection.	59% (national) 35% (regional)	15%	1. Reduce potential consumer exposure of community drinking water systems to various contaminants in raw water sources. 2. Report to EPA in the SWAP Performance Accountability Report (PAR) report the number of source water areas with "minimized risk achieved by substantial implementation" of source water protection actions as

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TABLE 1: FFY16-17 NATIONAL WATER PROGRAM GUIDANCE MEASURES					
EPA G/O/S	EPA FFY16 ACS Code	EPA FFY16 Measure Text	EPA FFY16 Planning Target	Colorado FFY16-17 Goals	Colorado FFY16-17 Commitment Text
					determined by Colorado.
2.1.1	SDW-01a	Percent of community water systems (CWSs) that have undergone a sanitary survey within the past three years (five years for outstanding performers or those ground water systems approved by the primacy agency to provide 4-log treatment of viruses).	79%	81%	1. Eliminate sanitary defects at public water systems that could increase the risk that contaminated drinking water will be distributed to consumers. 2. Conduct sanitary surveys (eight-part) at public water systems as required by Primary Drinking Water Regulations. 3. The state will enter into SDWIS/STATE, the most recent sanitary survey date completed in the last three (3) years 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. 4. 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 the prior calendar year by the end of January. Colorado will meet its obligation for such a list by entering the completion date of each required Subpart H System survey into SDWIS/STATE and will 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 the prior calendar year as required by 40 CFR 142.15(a)(5) by February 15. 5. Provide in the end-of-year report the number of CWSs that have undergone a sanitary survey and the number and percentage of systems not surveyed within required timeframes in each of the following categories: a) Community groundwater systems not surveyed in the last 3 years; b) Community surface water systems not surveyed in the last 3 years; c) Non-community water systems not surveyed in the last 5 years.
2.1.1	SDW-15	Number and percent of small CWS and NTNCWS (<500, 501-3,300, 3,301-10,000) with repeat health based Nitrate/Nitrite,	Indicator	N/A - Indicator	See state commitment narrative for SDW-211.

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TABLE 1: FFY16-17 NATIONAL WATER PROGRAM GUIDANCE MEASURES					
EPA G/O/S	EPA FFY16 ACS Code	EPA FFY16 Measure Text	EPA FFY16 Planning Target	Colorado FFY16-17 Goals	Colorado FFY16-17 Commitment Text
		Stage 1 D/DBP, SWTR and TCR violations.			
2.1.1	SDW-17	Number and percent of schools and childcare centers that meet all health-based drinking water standards.	Indicator	N/A - Indicator	See state commitment narrative for SDW-211.
Subobjective 2.1.2 Fish and Shellfish Safe to Eat					
2.1.2	FS-1a	Percent of river miles where fish tissue were assessed to support waterbody-specific or regional consumption advisories or a determination that no consumption advice is necessary. (Great Lakes measured separately; Alaska not included) (Report every two years)	Indicator	N/A	1. Issue or rescind Fish Consumption Advisories where appropriate. 2. Update on National List of Fish Advisories. 3. Implement statewide fish consumption guidelines.
2.1.2	FS-1b	Percent of lake acres where fish tissue were assessed to support waterbody-specific or regional consumption advisories or a determination that no consumption advice is necessary. (Great Lakes measured separately; Alaska not included) (Report every two years)	Indicator	N/A	1. Issue or rescind Fish Consumption Advisories where appropriate. 2. Update on National List of Fish Advisories. 3. Implement statewide fish consumption guidelines.
Subobjective 2.1.3 Water Safe for Swimming					
2.1.3	SS-1	Number and national percent, using a constant denominator, of Combined Sewer Overflow (CSO) permits with a schedule incorporated into an appropriate enforceable mechanism, including a permit or enforcement order, with specific dates and milestones, including a completion date consistent with agency guidance, which requires: 1) Implementation of a Long Term Control Plan (LTCP) which will result in compliance with the technology and water quality-based requirements of the Clean Water Act; or 2) implementation of any	801 (93%)	N/A	Colorado has no CSOs.

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TABLE 1: FFY16-17 NATIONAL WATER PROGRAM GUIDANCE MEASURES					
EPA G/O/S	**EPA FFY16 ACS Code**	**EPA FFY16 Measure Text**	**EPA FFY16 Planning Target**	**Colorado FFY16-17 Goals**	**Colorado FFY16-17 Commitment Text**
		other acceptable CSO control measures consistent with the 1994 CSO Control Policy; or 3) completion of separation after the baseline date. (cumulative)			
Objective 2.2 Protect and Restore Watersheds and Aquatic Ecosystems					
Subobjective 2.2.1 Improve Water Quality on a Watershed Basis					
2.2.1	WQ-SP10.N11	Number of waterbodies identified in 2002 as not attaining water quality standards where standards are now fully attained. (cumulative)	4,166 (national) 382 (regional) (4,430 FFY18 national)	1 FFY16 1 FFY17	1. Targeted number of water segments fully restored in FFY15-16 and FFY16-17 (SP-10); 1. 2. Targeted number of water quality impairments restored in F FY15-16 and FFY16-17 (SP-11); 1.
2.2.1	WQ-SP11	Remove the specific causes of waterbody impairment identified by states in 2002. (cumulative)	13,228 (national) 920 (regional)	1 FFY16 1 FFY17	1. Targeted number of water segments fully restored in FFY15-16 and FFY16-17 (SP-10); 1. 2. Targeted number of water quality impairments restored in FFY15-16 and FFY16-17 (SP-11); 1.
2.2.1	WQ-SP12.N11	Improve water quality conditions in impaired watersheds nationwide using the watershed approach. (cumulative)	484 (national) 68 (regional) (575 FFY18 national)	1	By January 1, 2016, develop a prioritized list of candidate watersheds for submittal to EPA. The candidate watersheds will be identified based on a number of factors such as: NPS project/activities location information; impairment status; existing data evaluation; identification of data gaps. By May 1, 2016, identify for submittal to EPA at least two near-term, priority watersheds to focus resources for further evaluation and develop workplans, including sampling and analysis plans, to address data and information needs and define milestones necessary to show reasonable progress toward documenting improvement in water quality conditions for each of the near-term, priority watersheds within three years. By September 30, 2016, report to EPA progress on implementing workplans for near-term, priority watersheds, especially status of meeting reasonable progress milestones and need to re-evaluate other candidates in lieu of a near-term, priority watershed(s) if reasonable progress is not being made.

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TABLE 1: FFY16-17 NATIONAL WATER PROGRAM GUIDANCE MEASURES					
EPA G/O/S	EPA FFY16 ACS Code	EPA FFY16 Measure Text	EPA FFY16 Planning Target	Colorado FFY16-17 Goals	Colorado FFY16-17 Commitment Text
2.2.1	WQ-01d	Number of numeric water quality standards planned to be adopted within 3 years for total nitrogen and total phosphorus for all waters within the state or territory for each of the following waterbody types: lakes/reservoirs, rivers/streams, and estuaries, based on a full set of performance milestone information supplied annually by states and territories (cumulative, out of a universe of 280).	16 (national) 4 (regional)	N/A	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. Provide work products on the tasks identified in milestone schedule and number of applicable standards actions.
2.2.1	WQ-03a	Number, and national percent, of states and territories that within the preceding three year period, submitted new or revised water quality criteria acceptable to EPA that reflect new scientific information from EPA or other resources not considered in the previous standards.	41 (73.3%) (national) 3 (regional)	N/A	Continually review water quality standards and revise them if necessary in accordance with State and Federal statute and Water Quality Control Commission schedule. 1. Scoping Hearing Reg #34/35: 10/2015 and #32/36 10/2016. 2. Formulation Hearing Reg #31 11/2015 and #34/25 11/2016. 3. Rulemaking Hearing All Regs (Temp Mods): 12/2015 and 12/2016. 4. Rulemaking Reg #31 6/2016 and #34/35 6/2017. 5. Prepare notice for Temp Mods rulemaking (by 8/1/2016 and 8/1/2017).
2.2.1	WQ-04a	Percentage of submissions of new or revised water quality standards from states and territories that are approved by EPA.	100%	3	Work with EPA and stakeholders to propose revisions to disapproved water quality standards provision in the 2016 Regulation #31 proceedings: a) Nitrate footnote b) Arsenic footnote c) Use Protected designation for effluent dependent/ dominated waters
2.2.1	WQ-09a	Estimated annual reduction in million pounds of nitrogen from nonpoint sources to waterbodies (Section 319 funded projects only).	9.1	N/A	Report actual load reductions in GRTS as project-specific information. Request load reduction estimates from new projects.
2.2.1	WQ-09b	Estimated annual reduction in million pounds	4.5	N/A	Report actual load reductions in GRTS as project-specific

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TABLE 1: FFY16-17 NATIONAL WATER PROGRAM GUIDANCE MEASURES					
EPA G/O/S	EPA FFY16 ACS Code	EPA FFY16 Measure Text	EPA FFY16 Planning Target	Colorado FFY16-17 Goals	Colorado FFY16-17 Commitment Text
		of phosphorus from nonpoint sources to waterbodies (Section 319 funded projects only).			information. Request load reduction estimates from new projects.
2.2.1	WQ-09c	Estimated annual reduction in million tons of sediment from nonpoint sources to waterbodies (Section 319 funded projects only).	1.2	N/A	Report actual load reductions in GRTS as project-specific information. Request load reduction estimates from new projects.
2.2.1	WQ-10	Number of waterbodies identified by states (in 1998/2000 or subsequent years) as being primarily nonpoint source (NPS)-impaired that are partially or fully restored. (cumulative)	644 (national) 40 (regional, 3 (new success stories)	1	By January 1, 2016, develop a prioritized list of candidate watersheds for submittal to EPA. The candidate watersheds will be identified based on a number of factors such as: NPS project/activities location information; impairment status; existing data evaluation; identification of data gaps. By May 1, 2016, identify for submittal to EPA at least two near-term, priority watersheds to focus resources for further evaluation and develop workplans, including sampling and analysis plans, to address data and information needs and define milestones necessary to show reasonable progress toward documenting improvement in water quality conditions for each of the near-term, priority watersheds within three years. By September 30, 2016, report to EPA progress on implementing workplans for near-term, priority watersheds, especially status of meeting reasonable progress milestones and need to re-evaluate other candidates in lieu of a near-term, priority watershed(s) if reasonable progress is not being made.
2.2.1	WQ -11	Number, and national percent, of follow-up actions that are completed by assessed NPDES (National Pollutant Discharge Elimination System) programs. (cumulative)	Indicator	N/A	The division does not currently have any follow-up actions.
2.2.1	WQ-12a	Percent of non-tribal facilities covered by NPDES permits that are considered current. [Measure will still set targets and commitments and report results in both %	90%	75% FFY16 1,124	The Division's priorities for FY16 and FY17 are to continue issuing individual permits based on the watershed schedule, to complete the sand and gravel stormwater renewals, the hydrostatic testing renewal, the

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TABLE 1: FFY16-17 NATIONAL WATER PROGRAM GUIDANCE MEASURES					
EPA G/O/S	EPA FFY16 ACS Code	EPA FFY16 Measure Text	EPA FFY16 Planning Target	Colorado FFY16-17 Goals	Colorado FFY16-17 Commitment Text
		and #.]		85% FFY17 1,263	construction SW renewal, and the aquatic animal production renewal. This means the national target will not be met for FY16 because while work will be done on the water treatment plant renewal, it may not be completed until FY17 and while work will be done on the commercial washing renewal it may not be completed until FY18.
2.2.1	WQ-13a	Number of MS-4s covered under either an individual or general permit.	Indicator	Report	The division maintains permitted MS4 information in ICIS.
2.2.1	WQ-13b	Number of facilities covered under either an individual or general industrial storm water permit.	Indicator	Report	The division maintains the majority of permitted industrial stormwater information in ICIS. Any permits not maintained in ICIS are reported to EPA through the PMOS database.
2.2.1	WQ-13c	Number of sites covered under either an individual or general construction storm water site permit.	Indicator	Report	The division is working to upload construction stormwater permit information to ICIS. If this project is not complete by the end of FY 2016 or FY2017 then construction stormwater permit information will be reported through the PMOS database.
2.2.1	WQ-13d	Number of facilities covered under either an individual or general CAFO permit.	Indicator	N/A	Information provided by our Division of Environmental Health and Sustainability.
2.2.1	WQ-14a	Number, and national percent, of Significant Industrial Users (SIUs) that are discharging to POTWs with Pretreatment Programs that have control mechanisms in place that implement applicable pretreatment standards and requirements.	20,700 98.0%		Colorado is not delegated for implementation of the pretreatment program; therefore, EPA is the lead authority on measure WQ14a and the EPA Region 8 reports on this national measure.
2.2.1	WQ-14b	Number, and national percent, of Categorical Industrial Users (CIUs) that are discharging to POTWs without Pretreatment Programs that have control mechanisms in place that implement applicable pretreatment standards and requirements.	Indicator		Colorado is not delegated for implementation of the pretreatment program; therefore, EPA reports on this national measure. As Colorado has a state pretreatment program, Colorado actively works to permit SIUs in non-pretreatment POTWs and provides that information to EPA.
2.2.1	WQ-19a	Number of high priority state NPDES permits issued in the fiscal year.	442		The Division will enter a high priority permit commitment into the PMOS database. The Division will submit the

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TABLE 1: FFY16-17 NATIONAL WATER PROGRAM GUIDANCE MEASURES					
EPA G/O/S	EPA FFY16 ACS Code	EPA FFY16 Measure Text	EPA FFY16 Planning Target	Colorado FFY16-17 Goals	Colorado FFY16-17 Commitment Text
					number of priority permits within 30 days of receiving the draft list from EPA.
2.2.1	WQ-27	Extent of priority areas identified by each state that are addressed by EPA-approved TMDLs or alternative restoration approaches for impaired waters that will achieve water quality standards. These areas may also include protection approaches for unimpaired waters to maintain water quality standards.	8%	Percent unknown because areas are not yet computed	Computation of priority areas by EPA is in progress. As a placeholder, FY16 targets are being reported as segment and number of TMDLs: Coal/Slate, COGUUG07_08_10_11_12, TMDLs: 12 Wildhorse Creek, COARMA04a, TMDL: 1 Swede/Kerr Gulch, COSPBE05, TMDL: 1 Big Dry Creek, COSPBD01, TMDL: 1 Boggs Creek, COARMA18a, TMDLs: 2
2.2.1	WQ-28	State-wide extent of activities leading to completed TMDLs or alternative restoration approaches for impaired waters, or protection approaches for unimpaired waters.	Indicator	N/A	N/A

TABLE 2: FFY16-17 NATIONAL OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE GUIDANCE MEASURES					
EPA G/O/S	EPA FFY16 ACS Code	EPA FFY16 Measure Text	EPA FFY16 Planning Target	Colorado FFY16-17 Goals	Colorado FFY16-17 Commitment Text
5	SDWA02	The primacy agency must address with a formal enforcement action or return to compliance the priority systems that have a score of 11 or higher on the ETT report. State, territory and tribal breakouts shall be indicated in the comment field of the Annual Commitment System. Please note: A primacy agency's success at addressing violations will be tracked by means of the quarterly ETT reports. Numerical targets may be adjusted at mid-year. While it remains the ERP's goal that all			1. Annotate the quarterly Enforcement Targeting Tool (ETT) list created by the Enforcement Response Policy (ERP) by indicating the state actions planned for each identified priority ETT system, the projected timeframe for such actions and other relevant information that helps EPA evaluate candidates for federal enforcement. Return the annotated list to EPA within 30 days of the ETT list being posted on ECHO. 2. Address all priority ETT systems (through formal enforcement or appropriate return to compliance) within 6 months of their being identified as priorities, with the goal of taking action before systems reach the priority status. The date that EPA makes the ETT list

TABLE 2: FFY16-17 NATIONAL OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE GUIDANCE MEASURES					
EPA G/O/S	**EPA FFY16 ACS Code**	**EPA FFY16 Measure Text**	**EPA FFY16 Planning Target**	**Colorado FFY16-17 Goals**	**Colorado FFY16-17 Commitment Text**
		of a priority system's violations will be returned to compliance, a primacy agency has met its commitment under the SDWA ACS measure with respect to a priority system if the score for that system has been brought below, and remains below, eleven.			available on ECHO is day zero (0) of the six-month timeliness period. 3. Provide EPA with access to state PWS files and data for EPA's oversight purposes at the state's offices. Provide EPA a copy of all final settlement agreements, both administrative and judicial, upon issuance or EPA request. Copies of actions will be provided to EPA Region 8 in electronic format unless EPA requests a hard copy. Upon request make penalty calculations and supporting documentation available to EPA.
	CWA07	NPDES Compliance Monitoring Strategy (CMS) plan for each authorized state in the region and a regional plan wherever EPA direct implementation occurs (i.e., non-authorized states, territories, Indian country, pretreatment, etc.), targeting the most significant sources with potential to impact water quality. Each CMS plan should be developed in accordance with the guidelines in Part 1 of the 2014 revised CMS. Any proposed alternative CMS plan should be provided to OECA for consultation and review by August 15, unless the region and OECA agree upon a later date. By December 31, 2015, provide for each state and EPA direct implementation area, a numerical end-of-year report on EPA and state inspection plan outputs from the prior year, by category and subcategory, corresponding to each of the planed CMS activities. The ACS commitment for each region should reflect the total number of state and regional CMS plans and end of year reports to		Report	Colorado's draft 2016 NPDES Compliance Monitoring Strategy (CMS) plan will be provided to EPA by August 15, 2015, and the plan will be finalized within 15 days of receiving Region 8 EPA's comments or by October 1, 2015. Colorado's draft 2017 NPDES Compliance Monitoring Strategy (CMS) plan will be provided to EPA by August 15, 2016, and the plan will be finalized within 15 days of receiving Region 8 EPA's comments or by October 1, 2016.

TABLE 2: FFY16-17 NATIONAL OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE GUIDANCE MEASURES					
EPA G/O/S	**EPA FFY16 ACS Code**	**EPA FFY16 Measure Text**	**EPA FFY16 Planning Target**	**Colorado FFY16-17 Goals**	**Colorado FFY16-17 Commitment Text**
		be submitted to OECA for the year (e.g., an annual ACS commitment of 12 for a region that will submit six state and regional CMS plans and six state and regional CMS end-of-year reports).			

TABLE 3: FFY16-17 REGIONAL ECOSYSTEMS PROTECTION PROGRAM GUIDANCE ELEMENTS					
EPA G/O/S	**EPA FFY16 ACS Code**	**EPA FFY16 Measure Text**	**EPA FFY16 Planning Target**	**Colorado FFY16-17 Goals**	**Colorado FFY16-17 Commitment Text**
Goal 2: Protecting America's Waters					
Objective 2.1 Protect Human Health					
Subobjective 2.1.1 Water Safe to Drink					
2.1.1	N/A	State, Tribal and Federal water resource management agencies need to effectively manage all ground-water resources in a way that promotes sustainable use of the resource and protects vital ecological resources that rely on ground-water discharge.	N/A	N/A	Groundwater is managed by multiple state agencies per state Senate Bill 181.

TABLE 4: FFY16-17 REGIONAL OFFICE OF ENFORCEMENT, COMPLIANCE, AND ENVIRONMENTAL JUSTICE GUIDANCE ELEMENTS					
EPA G/O/S	**EPA FFY16 ACS Code**	**EPA FFY16 Measure Text**	**EPA FFY16 Planning Target**	**Colorado FFY16-17 Goals**	**Colorado FFY16-17 Commitment Text**
Cross-Program Initiatives					
N/A	N/A	States should incorporate environmental justice into their programs and document	N/A	N/A	The division will include consideration and evaluation for meeting environmental justice in its 2016 and 2017 Clean

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TABLE 4: FFY16-17 REGIONAL OFFICE OF ENFORCEMENT, COMPLIANCE, AND ENVIRONMENTAL JUSTICE GUIDANCE ELEMENTS					
EPA G/O/S	**EPA FFY16 ACS Code**	**EPA FFY16 Measure Text**	**EPA FFY16 Planning Target**	**Colorado FFY16-17 Goals**	**Colorado FFY16-17 Commitment Text**
		their commitments in the agreement.			Water CMSs.
Clean Water Program					
N/A	N/A	The state agency must maintain national databases.	N/A	N/A	For all domestic and industrial entities (including select stormwater sector permits) with NPDES permits, the division intends to enter permit facility data, permit event data and inspection data, including SSO Inspections, and enforcement actions into ICIS. The division commits to reenter permit facility data, permit event data and inspection data, including SSO Inspections, into ICIS for existing permitted facilities as the permits are renewed and for new facilities as the permits are issued. CDPHE opts to maintain ICIS-NPDES and have data for the annual non-major facilities noncompliance report pulled by EPA in lieu of annual reporting.
N/A	N/A	States are asked to provide projections of program activity for regional and state inspections.	N/A	N/A	Provided in the CMS.
N/A	N/A	Clean Water Act Action Plan.	N/A	N/A	The state and EPA will work together to implement the Clean Water Act Action Plan. The state and EPA will conduct planning meetings including NPDES compliance and enforcement, permitting and water quality standard personnel to identify water quality issues of greatest concern for Colorado and develop collaborative annual work plans to leverage both state and EPA resources to address these issues. A collaborative work plan will be
N/A	N/A	Evaluate violations and determine an appropriate response as identified in Colorado's Enforcement Management System. Where violations cause or threaten water quality impacts, determine an appropriate response consistent with priorities established in the Clean Water Action Plan and associated Division work plan			Continue to implement the Stormwater Enforcement Response Guide following consideration of available enforcement resources and strategic work plan priorities. Continue to implement the CAFO Enforcement Response Guide following consideration of available enforcement resources and strategic work plan priorities.

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TABLE 4: FFY16-17 REGIONAL OFFICE OF ENFORCEMENT, COMPLIANCE, AND ENVIRONMENTAL JUSTICE GUIDANCE ELEMENTS					
EPA G/O/S	**EPA FFY16 ACS Code**	**EPA FFY16 Measure Text**	**EPA FFY16 Planning Target**	**Colorado FFY16-17 Goals**	**Colorado FFY16-17 Commitment Text**
		strategies that focus on achieving environmental outcomes.			Continue to implement the Enforcement Response Guide for major/minor domestic and industrial wastewater dischargers, including the enforcement response procedures for whole effluent toxicity (WET), following consideration of available enforcement resources and strategic work plan priorities. Submit as part of the State End-of-Year Report: • A list of facilities who entered into a TIE or TRE in FY16; and • A list of any formal enforcement actions taken in FY16 that included WET violations. A list of any formal enforcement actions taken in FY16 that included WET violations. Quarterly during the fiscal year, and upon receipt from the EPA, the division will provide a response to the Quarterly Non-Compliance Report (QNCR), including an explanation of what the division is doing to respond to the facilities in Significant Non Compliance (SNC) on the QNCR.
N/A	N/A	EPA will perform inspections in regional and national enforcement initiatives according to national and regional guidance and the national 2014-2018 Performance Based strategies and the collaborative annual work plans. The enforcement initiatives include: Municipal Wet Weather Infrastructure; Concentrated Animal Feeding Operations (CAFOs); and Energy Extraction. EPA will conduct inspection follow up and enforcement for those facilities it inspects.	N/A	N/A	N/A
N/A	N/A	States are encouraged to continue piloting the Wet Weather SNC Policy in FY16. States are also encouraged to provide feedback in FY16 to the EPA on the SNC Policy if they have piloted it in prior fiscal years.	N/A	N/A	CDPHE will continue to implement its Single Event Violation (SEV) business process in FY16 in order to generally implement the EPA Wet Weather SNC Policy. This includes entering significant (i.e., SNC) Wet Weather single event violations and enforcement actions into ICIS.

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TABLE 4: FFY16-17 REGIONAL OFFICE OF ENFORCEMENT, COMPLIANCE, AND ENVIRONMENTAL JUSTICE GUIDANCE ELEMENTS					
EPA G/O/S	**EPA FFY16 ACS Code**	**EPA FFY16 Measure Text**	**EPA FFY16 Planning Target**	**Colorado FFY16-17 Goals**	**Colorado FFY16-17 Commitment Text**
					CDPHE will provide updates to EPA regarding the SEV process during quarterly meetings.
N/A	N/A	Continue to implement the Sanitary Sewer Overflow (SSO) Response Strategy until such time as the SSO regulations are finalized.	N/A	N/A	Provide to EPA by October 15 of each year: 1. An updated SSO inventory; 2. The number of NPDES inspections targeted to evaluate SSO issues; 3. The number and percent of SSO inspections in priority watersheds (i.e. 303(d) listed for E. coli) including the name of the priority watershed (beginning with the October 2013 report); 4. The number and type of informal and formal enforcement actions taken in response to SSOs; 5. The percent of enforcement actions in priority watersheds for SSOs (beginning with the October 2013 report); and 6. A list of SSOs addressed. Copies of all SSO inspections will be submitted to EPA.
N/A	N/A	Continue to conduct the DMR Quality Assurance Program.			Follow up on all significant problems with DMR QA and provide EPA with a summary of follow-up actions in the State End-of-Year Report.
N/A	N/A	Promote communication with EPA.	N/A	N/A	Report to EPA: • Final settlement agreements; and • A description of any SEPs included in the state enforcement actions concluded in the federal fiscal year. Upon request, penalty calculations, including adjustments and BEN for state enforcement actions concluded during the fiscal year, will be made available to EPA at the state's offices. Quarterly meetings between EPA and the division will be held to discuss current and projected enforcement cases, inspections commitments, worked conducted in priority areas and sectors, environmental justice issues, and any

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TABLE 4: FFY16-17 REGIONAL OFFICE OF ENFORCEMENT, COMPLIANCE, AND ENVIRONMENTAL JUSTICE GUIDANCE ELEMENTS					
EPA G/O/S	**EPA FFY16 ACS Code**	**EPA FFY16 Measure Text**	**EPA FFY16 Planning Target**	**Colorado FFY16-17 Goals**	**Colorado FFY16-17 Commitment Text**
					other items as necessary.
Drinking Water Program					
N/A	SDWA	The state agency must maintain national databases.	N/A	N/A	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 for inspections conducted in the previous FFY). 2. Upload all violations, enforcement actions and applicable return-to-compliance codes into SDWIS the quarter following their occurrence. 3. Ensure that all enforcement actions are linked to violations in SDWIS to avoid orphan exceptions, except for the approved orphan actions identified in guidance.
N/A	SDWA	Adopt regulations within statutory deadlines or EPA approved extension schedule.	N/A	N/A	1. Colorado currently has primacy enforcement authority for all existing rules. Colorado will submit primacy applications or apply for extensions before statutory deadlines. Colorado commits to maintaining and implementing regulations that are at least as stringent as the federal Safe Drinking Water Act. 2. Colorado's Increased Readability Rulemaking (IRR) project was undertaken to improve readability of Colorado's drinking water regulations in accordance with the governor's initiative to improve efficiency and reduce unneeded regulations. The changes to the

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TABLE 4: FFY16-17 REGIONAL OFFICE OF ENFORCEMENT, COMPLIANCE, AND ENVIRONMENTAL JUSTICE GUIDANCE ELEMENTS					
EPA G/O/S	**EPA FFY16 ACS Code**	**EPA FFY16 Measure Text**	**EPA FFY16 Planning Target**	**Colorado FFY16-17 Goals**	**Colorado FFY16-17 Commitment Text**
					drinking water regulations that resulted from the IRR project became effective in March 2014. Because of the significant reorganization of the rewritten regulation, EPA's review generated a significant number of comments. EPA and Colorado commit to addressing EPA's comments and issues related to stringency.
N/A	SDWA	Implement all primary Drinking Water Regulations for which Colorado has been delegated primary enforcement authority.			Colorado will report on the status of the following EPA-identified requirements of the surface water treatment rule. By November 15, 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.

TABLE 5: FFY16-17 COLORADO ELEMENTS					
EPA G/O/S	**EPA FFY16 ACS Code**	**EPA FFY16 Measure Text**	**EPA FFY16 Planning Target**	**Colorado FFY16-17 Goals**	**Colorado FFY16-17 Commitment Text**
N/A	N/A	N/A	N/A		Colorado is not delegated to implement the biosolids program and maintains a state level program with authority over the land application of biosolids. The division will work collaboratively with EPA to implement the state program in a manner at least as stringent as federal requirements to avoid establishing conflicting requirements. EPA and the division will also coordinate oversight to recognize authorities and avoid duplication of effort as outlined in the inspection plan.
N/A	N/A	N/A	N/A		Colorado is not delegated to implement the pretreatment

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TABLE 5: FFY16-17 COLORADO ELEMENTS					
EPA G/O/S	EPA FFY16 ACS Code	EPA FFY16 Measure Text	EPA FFY16 Planning Target	Colorado FFY16-17 Goals	Colorado FFY16-17 Commitment Text
					program and maintains a state level program with authority over discharges to POTWs and implements requirements in permits to implement water quality standards decisions that at times have a nexus to pretreatment implementation. The division will work collaboratively with EPA to implement the state program in a manner to avoid establishing conflicting requirements. EPA and the division will also coordinate oversight to recognize authorities and avoid duplication of effort both in permitting and in compliance oversight as outlined in the inspection plan. EPA will provide pretreatment language for approved and non-approved programs to CDPHE for incorporation into state-issued NPDES permits.
N/A	N/A	N/A	N/A		As requested by Region 8 staff, CDPHE will continue to provide EPA with an electronic copy of industrial and construction stormwater permit information for permits that are not in ICIS on a quarterly basis.
N/A	N/A	N/A	N/A		EPA and CDPHE will coordinate on the performance by EPA of inspections in regional and national enforcement initiatives to minimize overlap and the potential for conflicting determinations. Colorado will begin the implementation of a new strategy to address discharges of stormwater, groundwater dewatering, and hydrostatic testing (and associated discharges from pipes and tanks) associated with construction activities. Included in the strategy will be developing and implementing in FFY2017 an alternative NPDES Compliance Monitoring Strategy meeting the approval criteria in the EPA NPDES Compliance Monitoring Strategy. Colorado will include increased CEI inspections for the construction sector from what was identified in FFY2015 and develop a

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TABLE 5: FFY16-17 COLORADO ELEMENTS					
EPA G/O/S	EPA FFY16 ACS Code	EPA FFY16 Measure Text	EPA FFY16 Planning Target	Colorado FFY16-17 Goals	Colorado FFY16-17 Commitment Text
					compliance assistance strategy for implementation in FFY2017. Although EPA reserves the ability to conduct inspections as necessary, EPA will not include CEIs of the associated construction sector discharges as part of its inspection plan for FFY2016 except as associated with regional and national enforcement initiatives, and federal facilities.
N/A	N/A	N/A	N/A	N/A	CDPHE will continue to implement its monitoring strategy for surface and groundwater (The 10 Elements) and maintain established schedules. CDPHE will: • Develop and implement the Colorado's Water Quality Monitoring and Assessment Strategy (The 10 Elements 2015-2025). • Continue to complete the annual feedback loop with EPA R8 to report/discuss progress of The 10 Elements Implementation. • Develop the enhanced annual monitoring plan by June 30 each year. • Work to improve the data flow between CDPHE and EQuIS. • Upload state water quality date into national STORET warehouse annually.
2.2.1	WQ-SP12.N11	Improve water quality conditions in impaired watersheds nationwide using the watershed approach.	N/A	N/A	Colorado will provide: • River, stream and lake segmentation will be available in a GIS Environment. • Information from the 303(d) and M&E lists will be managed in a database that can be linked to GIS information.
N/A	N/A	N/A	N/A	N/A	CDPHE will continue to develop a comprehensive integrated assessment of the conditions of Colorado's waters consistent with 305(b) and 303(d) of the Clean Water Act. CDPHE will: • Develop the 2014/2016 303(d) List of Impaired Waters. • Develop the 2014/2016 Integrated Report.

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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; augmented as needed by a variety of enforcement activities and compliance assistance. These regulatory programs include Colorado's equivalents of the EPA's Resource Conservation and Recovery Act (RCRA) 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.

As the Performance Partnership Agreement and Grant are aimed at the RCRA hazardous waste program and the Radon Program in HMWMD, the remainder of this chapter expands on only those efforts.

Hazardous Waste Program: Compliance assurance and compliance assistance form the centerpiece of efforts in 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; 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 Division maintains vital compliance assistance components in addition to the more traditional compliance assurance activities. This includes waste minimization and pollution prevention aspects. These efforts are integrated with similar activities in HMWMD and 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.

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.

The strength of the corrective action program component 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 cleanup efforts in the different divisional programs, although each is driven by a different set of laws and regulations. HMWMD works continuously to increase consistency among remediation requirements and to expedite the cleanup process for the regulated community. Please see the organization chart following this section.

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.

In February 2015, the 14th 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 2015 report documented the continued emphasis on compliance assistance and self-certification of compliance, expanding on HMWMD efforts of past years.

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

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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 another example, in 2014, the Division finalized a significant new policy entitled *Conditional Closure of Low Threat Sites with Residual Ground Water Contamination* and an associated guidance document. This policy establishes a consistent set of criteria to be used by all the remedial programs for making the important decision of when ceasing remediation and monitoring at sites with small amounts of residual ground water contamination can be made. In addition, the Radiation Management staff coordinates remediation oversight at several sites with the Superfund and Hazardous Waste program staff.

Radon Grant Activities: 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 building officials. 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 by CDPHE is also available for public viewing on our website at www.coloradoradon.info.

Table 6.1 Hazardous Materials & Waste Management Division Organization

Work Unit	Core Functions					
Director's Office	Community Relations	Emergency Planning & Preparedness				
Administration	Fiscal Management	Human Resources Services & Training	GIS & Scientific Data Management	Network Support Services	Records Management & Administrative Services	
Hazardous Waste Program	Hazardous Waste Permitting, Compliance, Enforcement, Compliance Assistance, & Corrective Action	Regulatory Development	Financial Assurance (for all compliance elements)	Data Management	Meth Lab Cleanup Program	
Solid Waste Program	Solid Waste Permitting Compliance, Enforcement, Compliance Assistance, & Corrective Action	Regulatory Development	Financial Assurance (for all compliance elements)	Data Management	Waste Tire Program Waste Grease Program	
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.	State Indoor Radon Grant Activities	Radiological Response
Remediation Program	Superfund remediation lead and support agency;	Preliminary Assessment, Site Investigation,	Voluntary Cleanup Program	Brownfields Revolving Loan Fund; Targeted Brownfields	Defense Facilities Remediation & Restoration	

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	Superfund O&M			Assessments		

6.2 Successes under the CEPPA

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

- HMWMD has had stable funding for hazardous waste corrective action and compliance and enforcement since 2000. In May 2015, the fees were increased in a manner projected to provide adequate revenue for complete program implementation through FY17. 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 GPRA goals for the remedy selection, remedy construction, and human health exposures under control environmental measures for the 2020 baseline facilities.

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, 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 half-time technical assistance function in HMWMD provides 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 Cleanup reviews and assistance functions.

- Field assistance, consultative services, and training on hazardous waste regulation implementation.

6.3.2 Compliance Assistance and Assurance

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

- During FY14, HMWMD provided 16 compliance assistance training sessions related to hazardous waste that reached 1,007 people.

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- 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 or updates to existing guidance.

- Guidance documents and compliance documents have been developed and / or updated to provide regulatory interpretations for the regulated public and HMWMD inspectors.

- HMWMD continues its half-time customer technical assistance availability and a 1-800 number for contacts from outlying parts of the state. This service continues to see relatively 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.

- HMWMD is implementing full-scale self-certification (aka, Environmental Results Program or ERP) projects in the auto-body, dry cleaner, long-term care (nursing homes), and SQG sectors. These efforts include air quality self-certification checklists and hazardous waste checklists.

- 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 FY14, HMWMD performed 15 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.

- 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.

- 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 Commission. 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.

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6.4 Goals and Objectives for this FY2016-2017 CEPPA

6.4.1 Hazardous Waste Program Goals

HW General Program Management and Partnership

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

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

HW 3 The State and EPA will work together to 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".

HW Operating Permits and Closure/Post-Closure Permit Goals

HW 4 Issue and maintain 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. Ensure protection of public health and the environment by inspecting facilities to determine their compliance with permit or closure plan conditions.

HW 5 Develop mechanisms to improve state-to-state cooperation on permitting of promising innovative waste remediation technologies and 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 at 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

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HW 9 Implement a compliance assistance program that increases the compliance rate within HMWMD's regulated communities.

HW 10 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.

HW 11 Integrate compliance assistance, waste minimization, pollution prevention, waste diversion, and recycling into all program activities and support waste minimization efforts statewide.

6.4.2 Radon 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 State Indoor Radon 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 from 2005-2012 indicated that 145,819 tests were conducted statewide with results ranging from 0-4,277 PCi/L, with 67,971 or 46.6% of the test results ≥ 4 PCi/L. A survey of mitigation providers for 2012 indicated that 7,500 mitigations systems were installed statewide. In 2012, the CDPHE Radon website received 23,200 web hits, the radon hotline received 1,600 phone calls, and CDPHE distributed approximately 20,000 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 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 Radon Program

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

6.6 GPRA Goals

<u>Hazardous Waste Program:</u>

- Number and percent of high-ranked GPRA hazardous waste facilities with human exposures under control (CA725).

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- Number and percent of high-ranked GPRA hazardous waste facilities with migration of contaminated ground water under control (CA750).
- Number and percent of high-ranked GPRA hazardous waste facilities with corrective measure construction complete (CA550).
- Number and percent of high-ranked GPRA hazardous waste facilities with CA performance standards attained/CA process terminated (CA900/CA999).

6.7 Accountability

The preceding text in Chapter 6 is provided as a description of the types and scope of environmental activities being conducted by the various programs within HMWMD. It contains examples of successes and achievements but is not intended as a comprehensive list of work completed. The chapter's text also includes activities and programs that are not driven by EPA / CEPPA funding nor by EPA program requirements. These items should not be viewed as part of any future EPA program assessment and are not work plan commitments.

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6.8 Hazardous Materials and Waste Management Division FY 2016-2017 Work Plan

6.8.1 Hazardous Waste 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		
EPA 2014 - 2018 Strategic Plan Goal 3: Cleaning Up Our Communities and Advancing Sustainable Development		
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.	**FY16:** • RCRA Cluster XXIV (SPA 35)
		FY17: • RCRA Cluster XXV (SPA 36)
	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.
	Data Management The State will maintain timely, accurate, and complete data in RCRAInfo. Note: The State is currently a direct user of RCRA Info and translates only new evaluation data. Colorado has applied for an Exchange Network grant to translate compliance data.	The State will have data in RCRA Info by the 15th day of the month following activity.
		The State will ensure that data is reported to RCRAInfo accurately and completely reflecting the status of the RCRA universe.

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HW I - General Program Management and Partnership		
	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 provide training and technical assistance when requested.	
	The State and EPA will jointly create and generate RCRAInfo reports that are of benefit to the program.	
	Public Involvement. The State will continue to involve the public as required by statute and regulation or MOA. This includes a system to respond to requests for information and complaints or concerns from the public.	CDPHE will: • Log all complaints and track response and resolution of all complaints. • Log all requests for information and track response and resolution.
	Resource Level The State will maintain adequate resources to implement the program.	
	Financial Accountability The State will adequately account for grant dollars.	
	Program Guidance / Agreements The State and EPA will jointly develop and maintain the MOA/EA, Quality Assurance Plan and other operating Guidance.	

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HW I - General Program Management and Partnership		
	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 PPA development, Annual National targets, inspection strategies, planning meetings, etc.	EPA and the State will hold meetings to share information, identify and solve problems, and engage in short term planning efforts.
	Coordination of Joint Activities The State and EPA will maintain a high level of cooperation between State and EPA staff to assure successful and effective administration of the program including evaluation of desirable technical support.	EPA and the State will hold 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 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.	

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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.

HW II Operating Permit and Closure/Post Closure Permit Goals		
EPA 2014 - 2018 Strategic Plan Goal 3: Cleaning Up Our Communities, Objective 3.2: Preserve Land		
HW Operation **Permit** Universe Information: There is only one (1) commercial land disposal facility operating within the State; as of the end of FY15, this facility has the required permit. There are six (6) operating commercial and non-commercial treatment / storage facilities operating in the State; as of the end of FY15, all required operating permits have been issued. One unit at 1 facility (storage igloos at PCD) is deemed "interim status," but will be closed before it is permitted. Currently, there are no (0) operating combustion units within the State. An RD&D Permit has been issued for the Pueblo Chemical Agent-Destruction Pilot Plant (PCAPP) facility to allow for construction. Several permit modifications must be approved for PCAPP before pilot-test operations are authorized to begin which is also planned in FY16. PCAPP is approximately 99% constructed and into plant systemization activities.		
Short Term Goals	Objective	Measures
HW 4: Short Term Goal: Issue and maintain 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. Ensure protection of public health and the environment by inspecting facilities to	**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.

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HW II Operating Permit and Closure/Post Closure Permit Goals		
determine their compliance with permit or closure plan conditions.		**FY16:** • No (0) treatment, storage and disposal facilities needs to obtain an operating permit final determination. • Two (2) TSD facilities are anticipated to obtain a permit renewal.
		FY17: • No (0) treatment, storage and disposal facility needs to obtain an operating permit final determination. • No (0) TSD facility is anticipated to obtain a permit 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.
	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. All of the 76 land disposal units have approved closure plans. Three (3) still need closure certification and agency verifications (DuPont, and Fruita-2). Sixty-one (61) treatment/storage/disposal facilities have treatment or storage units on the closure track. Most of these treatment or storage units have had their closure plans approved. The only units without approved closure plans are units that have been referred to the CERCLA remedial process. All four (4) treatment/storage/disposal facilities with combustion units have completed the closure process. One (1) former operating TSD (Arvada Treatment Center) has stopped operating and must complete closure; the facility has an approved closure plan.		
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

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HW II Operating Permit and Closure/Post Closure Permit Goals		
		FY16: • No (0) treatment / storage units will receive closure plan approval • One (1) treatment / storage unit will receive closure verification • Two (2) closure certifications will be approved
		FY17: • No (0) treatment / storage units will receive closure plan approval • Two (2) treatment / storage units will receive closure verification • One (1) closure certification will be approved
	EPA will participate in closure determinations through joint activities and providing technical assistance where requested	
HW Post Closure Universe Information There are twenty-seven (27) facilities in the post-closure universe in the state as of the end of FY15. The Division has lead for all of these facilities excluding three (3) superfund sites. All required post-closure permits or other approved controls are in place.		
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.

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HW II Operating Permit and Closure/Post Closure Permit Goals		
		FY16: • One (1) post-closure permit will be renewed • One (1) other final or other post-closure permit determination / issuance is anticipated. • No (0) post-closure permit call-ins are expected.
		FY17: • One (1) post-closure permits will be renewed • No (0) other final or other post-closure permit determination / issuance is anticipated. • No (0) post-closure permit call-ins are expected.
	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
EPA 2014 - 2018 Strategic Plan Goal 3: Cleaning Up Our Communities Goal 5: Enforcing Environmental Laws, Objective 5.1

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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 FY16.		
Short Term Goals	Objective	Measures
HW 6.1: Short Term Goal Ensure that annual inspection requirements are achieved and that inspections are of high quality. Inspections of treatment, storage and disposal facilities will meet the statutory requirements.	All federal and state TSDs will be inspected every year. Inspections of state TSDs will be conducted jointly with EPA, with EPA acting as the lead in the inspections.	During FY16 and FY17, 100% of the compliance inspections required by statute 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. 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.
	All active land disposal facilities will be inspected every year. All those in post-closure will be inspected every other year (every two years).	
	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) or as agreed to by the State and EPA.	
	All treatment and storage facilities will be inspected every other year (every two years).	
	Other Priority Inspection Areas - Permit Evaders - Surface Impoundments - Mineral processors - Waste Analysis Plans at commercial TSDFs	

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HW III Compliance Monitoring and Enforcement Goals		
	The Region commits to work with the State to identify 2 TSDFs and 2 LQGs which the Region will inspect as lead. The LQGs will be identified from the national and regional priority sectors, illegal recyclers, entities with violations in more than one state, environmentally sensitive environment, unpermitted surface impoundments, improper medical waste disposal, coal combustion waste facilities, areas of environmental justice concerns and particularly recalcitrant violators.	
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 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. 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 and consistent with the State's Enforcement Response Policy.
	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 HMWMD Enforcement Response Policy.
	Enforcement follow-up and other activities will be conducted in accordance with the HMWMD Enforcement Response Policy.	Follow-up will include compliance schedules, follow-up inspections, and compliance assistance and / or escalation of enforcement responses as appropriate and consistent with the HMWMD Enforcement Response Policy.

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HW III Compliance Monitoring and Enforcement Goals		
	The State and Region 8 will work together to move closure/post closure and corrective action facilities to compliance with financial assurance requirements through the development of enforcement cases which may be taken by either the State or EPA. Region 8 will be the lead for entities with facilities in more than one state.	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: Region 8 will continue to support the multimedia Energy Extraction initiative	
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 coordination meetings to discuss the compliance and enforcement program. EPA's State Review Framework Evaluation will be used to judge the quality of HMWMD's Program.

HW IV Corrective Action Goals		
EPA 2014 - 2018 Strategic Plan Goal 3: Cleaning Up Our Communities, Objective 3.3: Restore Land		
Corrective Action GPRA Universe Information: There are 44 high-priority facilities on Colorado's GPRA 2020 corrective action baseline. 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.
		FY16 and FY 17: All assessment and ranking activities have been completed; therefore, no activities are planned

HW IV Corrective Action Goals		
	EPA will provide technical assistance in identification and ranking activities as appropriate.	
GPRA Corrective Action Universe Information: There are forty-four (44) facilities on Colorado's GPRA 2020 Corrective Action Baseline. All 44 have had the CA process started with at least a RCRA Facility Investigation (RFI) imposed **(CA100)** for at least one area. Thirty-seven (37) have had RFIs approved **(CA200)** for at least one area. Thirty-five (35) have had a remedy selected **(CA400)** for at least one area. Thirty (30) have had a remedy construction completed **(CA550)**.		
HW 7: Long Term Goal Clean up releases	**Corrective Action Progress** The State and EPA will demonstrate progress toward achieving corrective action program goals, objectives and activities that reflect State and EPA priorities. Emphasis will be placed on high-ranked facilities.	The Key Measures for Corrective Action are the following activities: • CA100 - Initial RCRA Facility Investigation (RFI) imposed; • CA100 - Subsequent RFI imposed; • CA150 - RFI work plan approved; • CA200 - RFI approved • CA300 - Corrective Measure Study (CMS) work plan approved; • CA350 - CMS approved; • CA400 - Remedy Selection • CA500 - Corrective Measure (CM) work plan approved; • CA550 - Corrective Measures implemented (CMI), construction completed • CA999 - Corrective Action complete at the facility level

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HW IV Corrective Action Goals		
HW 7: Long Term Goal Clean up releases ….	**Corrective Action Progress (Cont'd)**	**FY16:** • No (0) initial RFIs imposed. • No (0) subsequent RFIs imposed. • No (0) RFI work plans approved. • Six (6) RFI report approved. • Twelve (12) CMS work plans approved. • Six (6) CMS reports approved. • One (1) remedy selected at the unit level. • No (0) remedies selected at the facility level. • Three (3) CM work plans approved. • Four (4) CMI construction completed at the unit level. • No (0) CMI construction completed at the facility level. • No (0) corrective action completed at the facility level
		FY17: • No (0) initial RFIs imposed. • No (0) subsequent RFIs imposed. • One (1) RFI work plans approved. • No (0) RFI reports approved. • No (0) CMS work plans approved. • Ten (10) CMS reports approved. • Eleven (11) remedy selected at the unit level. • No (0) remedies selected at the facility level. • Five (5) CM work plans approved. • Two (2) CMI construction completed at the unit level. • No (0) CMI construction completed at the facility level. • No (0) corrective action completed at the facility level.

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HW IV Corrective Action Goals		
	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.	
Stabilization Universe Information Twenty-three (23) of the forty-four (44) 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. Stabilization measures have been imposed (**CA600**) at **twenty-two (22) of the facilities**. Stabilization construction completion (**CA650**) has occurred **at seventeen (17) facilities**.		
HW 7: Long Term Goal Clean up releases ….	**Stabilization Activities (Interim Measures)** - The State will demonstrate progress towards achieving stabilization program goals, objectives and activities that reflect State and EPA priorities. Emphasis will be on increasing the number of facilities at which current human exposures and releases to ground water have been controlled and on facilities that are ranked as "high".	The Key Measures are the following stabilization activities: • CA225 - Stabilization Measures Evaluation • CA600 - Stabilization Implemented • CA650 - Stabilization Construction completed
	Stabilization Activities (Interim Measures) Cont'd	**FY16:** • No (0) Stabilization Measure Evaluations. • One (1) Stabilization Implemented. • No (0) Stabilization Construction completed.
		FY17: • 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.	
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.		

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HW IV Corrective Action Goals		
GPRA Corrective Action Universe Information: There are Forty-four (44) facilities in the 2020 Corrective Action Universe. All 44 of these facilities are under control with regard to human exposure as of the end of FY15.		
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: **FY16 and 17:** • **No (0) facility is 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 FY16 and FY17 will be 100%.
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.*	
	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 Forty-four (44) facilities in the 2020 Corrective Action Universe. All 44 of these facilities are under control with regard to ground water releases as of the end of FY15.		

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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: **FY16:** • **No (0) facility is projected to achieve this environmental indicator.** **FY17:** • **One (1) facility is 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 FY15 will be 98%.

HW V Pollution Prevention & Compliance Assistance Goals		
EPA 2014 - 2018 Strategic Plan Goal 3: Cleaning Up Our Communities, Objective 3.2: Preserve Land		
HW 9: Long Term Goal Implement a compliance assistance program that increases the compliance rate within HMWMD's regulated communities.		
Short Term Goals	Objective	Measures
	A schedule of quarterly compliance assistance 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 10: 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.		
	Pollution prevention training will be incorporated into compliance assistance trainings, as appropriate.	Done in conjunction with compliance assistance.
	Distribute pollution prevention information and guidance documents in response to specific requests.	Done in conjunction with compliance assistance and inspections.
HW 11: 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.
	Distribute pollution prevention information and guidance documents in response to specific requests.	Done in conjunction with compliance assistance.
	Support and maintain the technical assistance phone system.	• Estimate 3000 responses during each federal fiscal year.
	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.

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HW V Pollution Prevention & Compliance Assistance Goals		
EPA has a goal of building Sustainable Materials Management (SMM) capacity in all Region 8 states.	*EPA will provide SMM assistance to Colorado, as requested priorities arise.*	*Reduction of Waste disposed.*
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.		

6.8.2 State Indoor Radon Grant

Mission: The State Indoor Radon 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.

State Indoor Radon Grant Goals			
EPA 2014 - 2018 Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality, Objective 1.4: Minimize Exposure to Radiation			
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.

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State Indoor Radon Grant Goals			
RA 1.2 Strengthen radon public health activities in all of Colorado's counties (all counties are zone 1-high potential).	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
	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 E-Enterprise/Exchange Network Aligned Activities

This chapter describes CDPHE's on-going cross-divisional information system initiative and projects.

CDPHE is committed to continual Quality Improvement and developing information technologies (IT) to modernize the business of environmental protection and environmental services delivery. CDPHE continues to create an information management environment that addresses and illuminates cross-media and program relationships, serves immediate and program-specific data needs and effectively protects public health and the environment in Colorado. CDPHE applies comprehensive processes to evaluate the need for Information Management, IT activities and IT Systems. All CDPHE IT projects are prioritized and evaluated against Colorado priorities as well as state/EPA joint priorities to determine if they meet the needs of CDPHE before they are allowed to proceed. It is CDPHE policy to embark upon process improvement *before* automating any process, system or business task. This policy is reflected in CDPHE's IT development strategy.

The projects and initiatives described in this chapter where identified as priorities during strategic planning events by the CDPHE leadership. Additionally, the projects and initiatives align with the joint national E-Enterprise for the Environment initiative. These CDPHE initiatives are led by the Environmental Information Manager who oversees all cross-divisional information system development for the environmental divisions.

7.1 Quality Improvement

CDPHE has conducted numerous Quality Improvement (QI) activities that have had positive results. Therefore, the department plans to continue QI activities both internally and with partners such as EPA. These QI activities will be identified based on needs and customer benefit.

7.2 Customer Interface Modernization Project for a Lean Environment (CIMPLE)

7.2.1 Process Modernization

CDPHE has identified the need to become more efficient with our interactions with the regulated communities and more transparent for the general public. To meet this need, CDPHE has developed this strategic goal:

"CDPHE's Environmental Programs will build and operate a customer-focused, integrated & interactive electronic information system by 2018."

This goal has a number of component projects, including:

7.2.1.1 Electronic Data Submission Portal

The core component of this initiative is a Cross Media Electronic Reporting Rule compliant system that will allow the regulated communities to interact with CDPHE electronically. CDPHE has developed a set of requirements for this system and plans to have a pilot system in place by June 30, 2016. Programs will participate in quality improvement efforts prior to being implemented into the system.

7.2.1.2 Internal Program System Improvements

CDPHE is also in the continued process of improving the different programmatic systems. This is necessary to support the new methods of doing business that will be developed as part of the CIMPLE initiative.

7.2.2 Data Access

7.2.2.1 Records Management

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CDPHE is currently implementing a system for management of its numerous physical and electronic records in Division of Environmental Health and Sustainability, Hazardous Materials and Waste Management Division, Air Pollution Control Division and Water Quality Control Division. When fully implemented, this system will allow for quicker and more effective access to the divisions' records for both internal staff and the general public. This project consists of moving the Environmental Divisions' current records management system to a cloud-based system, adding additional programs, and implementing an external facing records portal. This system will need to be continually improved as the CIMPLE initiative expands.

7.2.2.2 Master Facility Reporting

This part of the CIMPLE initiative incorporates a project that was already underway. This system allows for the integration and reporting of facility and compliance information from across the divisions to both internal staff and the general public. The first phase of this project included Facility information from the Solid and Hazardous Waste, Drinking Water, Clean Water, Air Stationary Sources and Toxic Release Inventory Programs and Compliance, Monitoring and Enforcement information for the Solid Waste, Drinking Water and Stationary Sources Program. The internal component of the system is in production now with the public component in place once the data has been validated. As part of this project, the department will be implementing the Facility 3.0 data exchanges. This system will need to be continually improved as the CIMPLE initiative expands.

7.2.2.3 Online Dashboards

As a future step of the CIMPLE initiative, CDPHE will be creating a unified set of dashboards to publish relevant data to internal and external customers. Currently, the department is working to identify a base system for these dashboards.

7.3 Exchange Network

CDPHE has had an operational Exchange Network Node since 2005. The list below gives the status of each of the priority data exchanges:

Phase I Exchange Network system exchanges

- WQX- The department has implemented this data flow and published data through 2012 to the national WQX system. CDPHE continues to publish the current data.
- SDWIS- The department was using the Exchange Network to transfer this information until technical issues forced submission via the older method. Given the changes that are occurring with SDWIS and the CDXweb there are no plans for reinstituting this exchange.
- UIC- The department is not delegated UIC authority and therefore has no plans to implement this exchange.
- Beach Notification - The department is not delegated Beach Notification authority and therefore has no plans to implement this exchange.
- NPDES-
    - ICIS-NPDES- The department does currently direct entry into the ICIS-NPDES system and therefore does not flow this information via the Exchange Network. A project is underway to transfer this information and the new process should be in place by December 31st, 2015. Electronic DMR reporting-The department is in the process of implementing netDMR through EPA. Therefore, there is no need to use the Exchange Network to submit the DMR data to ICIS-NPDES.
    - ICIS-AIR- The department is currently publishing the ICIS-Air data exchange via the exchange network. CDPHE continues to work to improve this process.
- AQS- The department is currently publishing the AQS data exchange via the exchange network. CDPHE continues to work to improve this process.
- EIS- The department is currently submitting data via the Exchange Network for this flow.
- RCRAInfo- The department primarily does direct entry into the RCRAInfo data system for all modules except Compliance Monitoring and Enforcement (CME). Due to purchasing delays, this project will not be completed until March 31st, 2016. CDPHE is consuming the outbound services from RCRAInfo and is incorporating that data to support the internal systems

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- FRS- CDPHE has been exchanging FRS data since 2005. As part of the Master Facility project described above, the department will be implementing Facility 3.0 services.
- TRI- The department is currently receiving the TRI data via the Exchange Network.

7.4 E-Enterprise/Exchange Network Governance activities

The Department's Environmental Information Manager will continue to be involved in E-Enterprise and Exchange Network governance activities. This includes having membership on the E-Enterprise Leadership Council, the Exchange Network Leadership Council and the coordinating teams that support these councils. Currently, this governance structure is being reevaluated, but it is expected that the Environmental Information Manager will continue to participate where appropriate.

CDPHE staff is also currently participating in various Integrated Project Teams (IPT). CDPHE plans to have staff continue to participate in relevant workgroups. Currently, staff is participating in the following groups:

- The E-Enterprise Architecture IPT
- The Portal Workgroup
- The Identity Management Workgroup
- The Facility Workgroup
- The Advanced Monitoring Integration Strategy team
- The Lean/IT Integration Toolkit development

7.5 Future Technology Framework

To support many of CDPHE's technical efforts, the department's Technology Governance group, the Business Technology Team (BTT) is developing a Future Technology Framework (FTF), this FTF will define what technology CDPHE needs to invest in to meet the evolving technology needs of department staff and customers. Once the FTF is defined, a roadmap will be developed to show what investments and projects need to be completed to move to the new framework.

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7.6 E-Enterprise/Exchange Network FY 2016-2017 Workplan

Category	Item	Goal	Timeline
Process Improvement	Process Improvement Activities Implemented	15, depending on need, size and scope of process	September 2017
Process Modernization	Pilot system in production	Complete	June 2016
Process Modernization	Submission types in production	5	June 2016
Process Modernization	Submission types in production	15, depending on need, size and scope of process	September 2017
Data Access-Records Management	System In Production	Complete	December 2015
Data Access-Records Management	Web Based Access to Records	Complete	June 2016
Data Access-Records Management	Water Quality Control Division Records In System	Complete	December 2015
Data Access-Records Management	Air Quality Control Division Records in System	Complete	December 2015
Data Access-Records Management	Environmental Commissions Records in System	Complete	December 2015
Data Access-Records Management	Hazardous Materials and Waste Management Division Records in System	Complete	September 2017
Data Access-Records Management	Division of Environmental Health and Sustainability Records in System	Complete	September 2017
Data Access-Dashboards	Base system chosen	Complete	September 2016
E-Enterprise/Exchange Network Governance	Participation in E-Enterprise/Exchange Network Governance activities, as appropriate.	100%	September 2017
Technology Infrastructure	Future Technology Framework in place	Complete	September 2016
Data Quality Management	Department Quality Management Plan in place	Complete	December 2015
Data Quality Management	Divisions Quality Management Plans in place	Complete	December 2016

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Chapter 8 FISCAL AND GRANT CONSIDERATIONS

8.1 Introduction

The purpose of this chapter is to describe the FY 2016 and FY2017 allocation of available EPA resources under the CEPPA. This chapter refers only to the fiscal resources and allocations while chapters 3 through 6 describe environmental goals, objectives, environmental indicators and program performance measures. Table 8.1A and 8.1B 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, e-enterprise aligned initiatives and school chemicals. The grant will also enable the state to target more federal resources to its most serious environmental problems.

8.2 Background

The National Environmental Performance Partnership System (NEPPS) allows states to propose goals and objectives based on state environmental problems and priorities. In April 1996, the U.S. Congress authorized Performance Partnership Grants (PPG). 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

8.3 Revenue Sources and Resource Allocations

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

The CDPHE has identified several program grants for inclusion in the FY 2016-2017 PPG, which refers to the period from October 1, 2015 through September 30, 2017. If necessary, Colorado may request a one-year time extension of this proposed grant for financial and administrative purposes. The estimated federal dollar resources and cost share associated for all EPA grants; i.e., including indirect cost charges, are summarized in Tables 8.1A and 8.1B.

CDPHE is requesting an estimated $18,897,366 at the time of application from EPA for the FY 2016-2017 PPG. Colorado's required match for this grant is $10,903,092. 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

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made during the year, an appropriate amendment to the CEPPA will be developed 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.

Tables 8.1A and 8.1.B summarizes the allocation of PPG federal funds and state match within CDPHE for environmental programs.

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

8.4 Financial Management and Reporting

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

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Table 8.1A - CDPHE Performance Partnership Grant Funds - Federal Funds

Division	Program	FFY2016	FFY2017	FFY2016-17
		EPA	EPA	EPA TOTAL
APCD	CAA 105 - other	$2,324,346	$2,552,440	$4,876,786
	Asbestos./TSCA	$120,051	$119,850	$239,901
	Lead	$248,591	$248,175	$496,766
HMWMD	Hz. Waste	$1,003,120	$1,001,441	$2,004,561
	Radon	$312,125	$312,171	$624,296
WQCD	CWA 106	$2,024,650	$2,021,144	$4,045,794
	Dr. Water	$1,373,767	$1,371,429	$2,745,196
	Gr. Water	$0	$0	$0
	Non Pt. Src.	$744,225	$743,133	$1,487,358
Other	EDO	$167,250	$195,882	$363,132
	EDO/CIMPLE	$232,375	$0	$232,375
	DEHS	$898,183	$883,018	$1,781,201
TOTAL		$9,448,683	$9,448,683	$18,897,366

Table 8.1B- CDPHE Performance Partnership Grant Funds - State Share

Division	Program	FFY2016	FFY2017	FFY2016-17
		STATE	STATE	STATE TOTAL
APCD	CAA 105 - other	$2,800,001	$2,800,001	$5,600,002
	Asbestos./TSCA	$44,667	$44,667	$89,334
	Lead	$65,000	$65,000	$130,000
HMWMD	Hz. Waste	$373,226	$373,226	$746,452
	Radon	$320,000	$320,000	$640,000
WQCD	CWA 106	$670,261	$670,261	$1,340,522
	Dr. Water	$512,000	$512,000	$1,024,000
	Gr. Water	$0	$0	$0
	Non Pt. Src.	$546,666	$546,666	$1,093,332
Other	EDO	$0	$0	$0
	EDO/CIMPLE	$0	$0	$0
	DEHS	$119,725	$119,725	$239,450
TOTAL		$5,451,546	$5,451,546	$10,903,092

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Table 8.2 - CDPHE Funding Support for Environmental Programs

(in millions $)

Division	State Cash/Reappropriated Funds	
	FY2016	**Est FY 2017**
APCD	$22.60	$22.60
HMWMD	$21.57	$21.57
WQCD	$5.41	$6.01
Other	$0.80	$0.80

(in millions$)

Division	State General Funds	
	FY2016	**Est FY 2017**
APCD	$0.01	$0.01
HMWMD	$0.00	$0.00
WQCD	$4.30	$4.30
Other	$0.00	$0.00

(in millions$)

Division	Est. Federal Non-PPG	
	FY2016	**Est FY 2017**
APCD	$1.84	$1.84
HMWMD	$5.47	$5.47
WQCD	$12.84	$12.84
Other	$0.50	$0.50

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Chapter 9 OVERSIGHT & ASSESSMENT

9.1 Background

Although a number of programs are delegated to the states, 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. 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, 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).

National data that will be used to support the SRF reviews are available to the regions and states through the Enforcement and Compliance History Online (ECHO) management reports and states are encouraged to periodically look at the data, ensure its accuracy and use it in managing their programs. The ECHO management reports and other information regarding the SRF are available at: http://echo.epa.gov/?redirect=echo.

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 by the state to help track outcomes of workplans found in the current CEPPA include the following examples:

DIVISION OF ENVIRONMENTAL HEALTH AND SUSTAINABLILTY

- 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 emissions 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.

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HAZARDOUS WASTE

- Hazardous waste compliance rates.
- Return to compliance after enforcement.
- Human health exposures under control at high priority hazardous waste cleanup sites
- Ground water releases under control at high priority hazardous waste cleanup sites

9.2 Federal Oversight Under the National Environmental Performance Partnership System

Under the National Environmental Performance Partnership System (NEPPS), 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, and 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 EPA and the state.

Performance-based Evaluations

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, 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

Region 8 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 state's prior year performance. 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 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. Likewise, if the findings of the SRF indicate a need for corrective action or additional regional oversight, then EPA will make that recommendation 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 EPA in determining its level of performance and the appropriate level of EPA oversight.

9.3 Types of Oversight

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

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Base Program-wide Reviews

The base oversight activity will be an annual program-wide review conducted jointly by CDPHE and 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 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 EPA and the Environmental Council of the States (ECOS).

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 including, for example, reviewing completed permits, inspection reports, and enforcement actions, will occur periodically as part of 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 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.

9.4 Evaluation Plan: Annual Base Program-wide Review

An annual, formal evaluation of state performance is required for recipients receiving federal assistance. Although the primary purpose of the evaluation is to identify progress in accomplishing the commitments in the CEPPA, the evaluation is also essential in planning, priority-setting and continuous improvement efforts. Evaluation of delegation requirements not found in the CEPPA may also occur as part of the program-wide review. This CEPPA contains a binding set of commitments in the form of program goals and priorities and performance measures. These are found in Chapters 3 through 7. Information found in other chapters, such as priorities, roles and funding allocations, will also be used as supporting documentation in the program-wide evaluation.

9.4.1 Principles

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

- 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 EPA should engage in joint analysis of identified problems to determine their nature, cause and the appropriate solutions.

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- Throughout the project period, the state and/or 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.
- CDPHE and/or EPA will immediately communicate any necessary changes to the CEPPA. These changes may result from a change in priorities, incorrect assessment of work to be accomplished or changes in available funding. The change must be sent to the EPA state program manager and approved by the appropriate EPA program. Any change that would require additional state resources, but where additional federal funding is not provided, must be approved by CDPHE.

9.4.2 Evaluation Process

CDPHE and EPA regional office will undertake a joint evaluation of commitments and accomplishments from the CEPPA at the end of the fiscal year. By December 31, CDPHE will produce the End-of-Year Assessment report as required by the PPG. This report will be based on CDPHE staff assessments.

CDPHE and EPA program and enforcement managers will conduct face-to-face meetings to review the End-of-Year Assessment findings. They will report results (both positive and negative) to their respective Senior Managers.

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.

9.4.3 Evaluation Follow-up

During the first quarter of the calendar year, the final End-of-Year Assessment report along with other reports including the SRF for RCRA Subtitle C, CAA Stationary Sources and CWA NPDES programs and the UEOS for PWSS Program will be distributed to all 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 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.

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