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**Colorado Department of Public Health &  
Environment**

**U.S. Environmental Protection Agency Region 8**

**Colorado Environmental Performance  
Partnership Agreement – FY2007-2008**

**Final Agreement**



**October 2006**



**Colorado Department  
of Public Health  
and Environment**

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|--|------------------------------|
| <b>APPROVALS</b> .....   | <b>4</b>                     |
| <b>CHAPTER 1 INTRODUCTION AND OVERVIEW TO THE ROLES OF EPA AND CDPHE</b>                 | <b>5</b>                     |
| 1.1 Background.....  | 5                            |
| 1.2 Purpose.....   | 6                            |
| 1.3 Scope.....   | 6                            |
| 1.4 Relationship Between EPA and CDPHE .....   | 7                            |
| 1.5 Environmental Protection Agency Role .....   | 7                            |
| 1.6 CDPHE Strategic Planning and Role in the CEPPA.....                                  | 9                            |
| 1.7 Environmental Conditions in Colorado .....   | 10                           |
| 1.8 Description of Environmental Programs.....   | 13                           |
| <b>CHAPTER 2 STRATEGIC DIRECTIONS, PRIORITIES, AND VALUES</b>                            | <b>14</b>                    |
| 2.1 Strategic Directions .....   | 14                           |
| 2.2 Priorities .....   | 15                           |
| 2.3 Core Values.....   | 17                           |
| 2.4 Environmental Indicators and other Performance Measures .....                        | 17                           |
| 2.5 Strategic Investments and Innovations .....  | 18                           |
| 2.6 Activities in FY 2007 and FY 2008 .....  | 19                           |
| 2.8 Innovations, Indicators and Data Integration Work Plan .....                         | 1                            |
| <b>CHAPTER 3 COMPLIANCE ASSURANCE AND ENVIRONMENTAL STEWARDSHIP</b>                      | <b>30</b>                    |
| 3.1 Environmental Leadership and Stewardship .....                                       | 30                           |
| 3.2 Environmental Problem Solving.....   | 33                           |
| 3.3 Pollution Prevention .....   | 33                           |
| 3.4 General Compliance Assurance and Enforcement Mission.....                            | 33                           |
| 3.5 Compliance Assurance and Enforcement Promotion Tools.....                            | 38                           |
| 3.6 Compliance Assistance .....  | 43                           |
| 3.7 Community-Based Environmental Protection and Environmental Justice Programs .....    | 46                           |
| 3.8 Compliance Assurance and Environmental Stewardship Work Plan .....                   | 48                           |
| <b>CHAPTER 4 SUSTAINABILITY DIVISION</b>   | <b>58</b>                    |
| 4.1 Strategic Direction .....  | 58                           |
| 4.2 CDPHE's In-House Environmental Management System (EMS) .....                         | 59                           |
| 4.3 Environmental Agriculture Program.....   | 59                           |
| 4.4 Cross-Media and Other Pollution Prevention Efforts in the Upcoming Year .....        | 60                           |
| 4.5 Environmental Leadership Program.....  | 60                           |
| 4.6 Pollution Prevention Advisory Board.....   | 60                           |
| 4.7 TRI/SARA Program.....  | 61                           |
| 4.8 Self-Audit Program, Small Business Ombudsman and Environmental Justice Programs..... | 61                           |
| 4.9 Sustainability Division Work Plan.....   | 62                           |
| <b>CHAPTER 5 AIR QUALITY</b>   | <b>80</b>                    |
| 5.1 Overview .....   | 80                           |
| 5.2 Mission and Critical Investment Areas .....  | 80                           |
| 5.3 Air Division Goals to Achieve the Mission.....                                       | 81                           |
| 5.4 Organizational Structure of the Air Division .....                                   | 84                           |
| 5.5 Air Pollution Control Division FY 2007 and FY 2008 Priority Program Objectives.....  | 85                           |
| 5.6 Air Division Program Goals and Objectives – FY 2007- 8 Work Plan .....               | 87                           |
| <b>CHAPTER 6 WATER QUALITY CONTROL DIVISION</b>  | <b>105</b>                   |
| 6.1 Mission.....   | 105                          |
| 6.2 Clean Water Act Program.....   | 105                          |
| 6.3 Safe Drinking Water Act Program .....  | 105                          |
| 6.4 Integrated Water Quality Management.....   | 105                          |
| 6.5 Water Division – Organizational Structure.....                                       | Error! Bookmark not defined. |
| 6.6 Clean Water Act – Water Quality Goals and Objectives FY 2005 Highlights .....        | 108                          |
| 6.7 Safe Drinking Water Act Program Goals and Objectives and FY 2004 Highlights .....    | Error! Bookmark not defined. |
| 6.8 CDPHE Strategic Themes.....  | Error! Bookmark not defined. |
| <b>CHAPTER 7 HAZARDOUS MATERIALS WASTE MANAGEMENT DIVISION</b>                           | <b>128</b>                   |
| 7.1 HMWMD Organization and Programs.....   | 128                          |
| 7.2 HMWMD Successes Under the CEPPA.....   | 129                          |
| 7.3 Cross-Cutting Themes .....   | 130                          |
| 7.4 HMWMD Goals and Objectives for this FY2006 CEPPA .....                               | 132                          |
| 7.5 Summary of Program Assessment Process .....  | 134                          |
| 7.6 Environmental Indicators .....   | 134                          |

|   |  |            |
|---|--|------------|
| 7.7   | Accountability .....   | 135        |
| <b>CHAPTER 8 FISCAL AND GRANT CONSIDERATIONS .....</b>    |  | <b>159</b> |
| <b>CHAPTER 9 STAKEHOLDER AND PUBLIC INVOLVEMENT .....</b> |  | <b>163</b> |
| 9.1   | CDPHE Outreach .....   | 163        |
| 9.2   | Public Comment and Review.....                               | 164        |
| <b>CHAPTER 10 OVERSIGHT &amp; ASSESSMENT .....</b>        |  | <b>165</b> |
| 10.1  | Background.....  | 165        |
| 10.2  | Federal Oversight Under the National Partnership System..... | 166        |
| 10.3  | Types of Oversight.....                                      | 166        |
| 10.4  | Evaluation Plan : Annual Base Program-wide Review.....       | 167        |

## APPROVALS

By signing this updated Colorado Environmental Performance Partnership Agreement (CEPPA) for FY2007 and FY 2008, 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, 2006 and continuing through September 30, 2008. The EPA commits funding to the CDPHE in amounts specified herein and as specified in fiscal applications submitted by the CDPHE before September 30, 2005 under the terms of the CDPHE Environmental Performance Partnership Grant. In return, the CDPHE will expend the federal resources to carry out the environmental programs described herein for a one-year period. EPA Region 8 also agrees to carry out its roles and work as defined in the agreement and in work plans for a one-year period.

U.S. Environmental Protection  
Agency, Region 8

Colorado Department of Public  
Health and Environment

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Robert E. Roberts,  
Regional Administrator

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Dennis E. Ellis,  
Executive Director

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

## 1.1 Background

This Colorado Environmental Performance Partnership Agreement (CEPPA) is an agreement that identifies and explains the key environmental priorities and goals in the State of Colorado, and the working relationship between the Colorado Department of Public Health and Environment (CDPHE) and the U.S. Environmental Protection Agency (EPA). The FY 2007 and FY 2008 CEPPA continues the pattern established in the previous agreements, to achieve the goals of the National Environmental Performance Partnership System (NEPPS). The NEPPS provides a framework for delineation of CDPHE and EPA roles in carrying out environmental laws in each state. It allows Colorado to identify key state priorities, allocate federal resources to the highest state priorities, and have some flexibility in finding ways to achieve mutually agreed upon goals. The EPA seeks to work jointly with the state to find the most effective ways to achieve national standards and goals while meeting state environmental priorities.

This CEPPA encompassed an agreement for federal FY 2007 and FY 2008. Both CDPHE and EPA Region 8 will annually review this CEPPA for modifications and consideration of new priorities arise, new goals and objectives as amendments.

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

Colorado's air quality monitoring for 2005 (most recent year for valid data) has generally continued to improve. In terms of the attainment and maintenance plans for particulate matter (PM10) and Carbon Monoxide, all maintenance plans are now approved and all nonattainment areas are now designated attainment. A number of Plan amendments will be prepared during this PPA cycle. The specific area will be Denver for Ozone (the 1-hour and 8-hour standards are addressed separately).

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

The Water Quality Control Division is continuing to improve its ability to provide "Quality Water for Public Health and the Environment." In that regard, the Division has successfully obtained 10 FTE from the General Assembly (6.5 drinking water and 3.5 clean water) and has been approved to use drinking water set-aside funds to hire an additional 6.75 FTE. These positions were justified based on the need to improve service to the public and regulate entities, implement new federal rules, and to provide an adequate level of protection of water quality in the face of increasing workload driven principally by growth and more robust reporting of spills and other acute incidents. The Division is completing a substantial reorganization that will result in better alignment of work in its three major program areas (Watershed, Drinking Water, and Clean Water Facilities). Also, the Division has voluntarily sought and received evaluation under the Colorado Performance Excellence program and has

committed to addressing identified areas for improvement, including the development of a comprehensive strategic plan that will be completed by the end of calendar year 2006.

The Division continues to complete total maximum daily loads (TMDL) for impaired streams and the analysis thereof has identified situations where implementation of the TMDL will require conditions in stormwater and process water permits. This is a first for the Division and may lead to other scenarios where implementation of a TMDL will require additional controls on stormwater discharges through permits. The Division is also exploring areas where existing regulatory authority might be used to better ensure the protection of agricultural beneficial uses through control of total dissolved solids in discharges. This issue, as with most major emerging issues addressed by the Division, will be discussed in a work group convened under the auspices of the Water Quality Forum – a multi-stakeholder group that meets regularly to exchange information and air concerns with respect to Colorado's water quality management program.

In the waste management area, significant progress continued in the cleanup of high priority RCRA corrective action sites. Colorado continues to exceed EPA national goals for environmental indicators for this universe. Indoor air remediation for the Redfield site was completed and the ground water cleanup is being implemented. EPA and CDPHE worked collaboratively on developing the proposed NPL listing of the Standard Mine site in Gunnison County. A large amount of effort was devoted to federal facilities such as the Rocky Mountain Arsenal, Lowry AFB, the Pueblo Chemical Depot, and Fort Carson. Completion of the Rocky Flats cleanup occurred on October 13, 2005; the integrating contractor's Completion Report was accepted by DOE on December 7, 2005. With selection of the treatment technology, CDPHE is gearing up for permitting of the Pueblo chemical demilitarization project. Colorado celebrated the 20<sup>th</sup> Anniversary of authorization in the Hazardous Waste Program. New priorities have emerged and are being addressed such as asbestos contamination in soils.

## 1.2 Purpose

The Colorado Environmental Performance Partnership Agreement serves several purposes.

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

## 1.3 Scope

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

This CEPPA specifically describes the work commitments to be completed during the work plan period of FY 2007 and FY 2008 (October 1, 2006 through September 30, 2008). It is intended to provide a working framework for the agencies that incorporates existing Memorandums of Agreement, delegations and enforcement agreements but does not supersede them. The CDPHE will maintain the core programs required by federal and state statutes and rules, and reflected in program authorizations and other formal agreements. In addition, the core program requirements also relate to the maintenance of regional and national databases associated with the environmental health programs and the development of Quality Assurance Project Plans for specific program

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

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

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

## 1.4 Relationship Between EPA and CDPHE

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

## 1.5 Environmental Protection Agency Role

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

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

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

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

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

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

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

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

The EPA will promote environmental compliance and pollution prevention in the federal sector through enforcement, technical and compliance assistance activities. Careful administration of compliance assistance, pollution prevention, and enforcement will be directed toward the overall goal of achieving increased compliance and reducing risk in all priority areas. EPA and CDPHE agree to follow the State Review Framework elements one through thirteen in reviewing and assessing state compliance activities and programs. The review will be done once every three years beginning in FY 2007 for programs determined to be adequate, the next review occurring in FY 2010.

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

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

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

VERIFICATION OF STATE PERFORMANCE (OVERSIGHT) The EPA works jointly with the state to set forth the procedures for reviewing state and EPA accomplishments and issues annually and at the end of the two-year PPA cycle, grant reporting requirements, and other assessments. Through the assessment process, the EPA works with the state to evaluate accomplishments, discuss progress, make adjustments to meet commitments in

the current PPA, and plan for future efforts. The EPA is ultimately responsible for ensuring that grant requirements, including program commitments have been met.

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

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

## 1.6 CDPHE Strategic Planning and Role in the CEPPA

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

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

The following are the primary goals of CDPHE:

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

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

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

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

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

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

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

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

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

## 1.7 Environmental Conditions in Colorado

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

**Sustainability** - Colorado is and will be facing many challenges as the state continues to grow economically. As the population increases, the state will continue to be challenged to sustain the quality of life, environment and ecosystems which is one of the main reasons people want to live and work in Colorado. CDPHE continues to strive towards creating a Sustainable Colorado through its programs, partnerships, and activities. CDPHE is enhancing its ability to collect and report information to the public on how the department activities are resulting in direct benefits to the quality of life, environment, and ecosystems in Colorado. Succeeding in creating a sustainable Colorado through improving, protecting, and preserving Colorado's quality of life, environment and ecosystems will require CDPHE to develop and implement new and more effective tools and approaches.

Colorado regulated entities in many sectors are striving towards becoming environmental leaders and achieving an even greater commitment to community. We welcomed a number of new members to and expanded the scope of the State of Colorado Environmental Leadership Program and continue to work with other businesses, governmental agencies and communities to enhance and grow the program. This includes the department creating the Stormwater Excellence Program and looking to develop other excellence programs. Prevention pollution has been the State pollution control tool of choice since 1992 and the incorporation of pollution prevention into state regulations, compliance assistance, enforcement, and permitting activities is rapidly increasing. Prevention of pollution has effectively saved companies money, reduced risk and improved the environment and quality of life in Colorado. The environmental improvements described below are in part due to prevention. Reported toxics in the state are on the decline, primarily as a result of pollution prevention. CDPHE is beginning to measure and reduce its own environmental and resource impacts, and plans to expand its data capabilities and report on this to the public in FY 2007. CDPHE has also taken a lead role in implementing a state-wide environmental management systems through the Governor's Greening of State Government Program.

**Air Quality** - Colorado air quality has improved since air pollution monitoring began in the 1970s. When federal air quality standards first were instituted in 1970, Denver's air was in winter exceeded the standards on over seventy days. To correct this, the Air Quality Control Commission (AQCC) designated areas where Ambient Standards were being violated as non-attainment. For these areas, the AQCC approved control plans (State Implementation Plans) to reduce pollutant levels below the standard.

By 2002, Colorado had accomplished a milestone that had seemed impossible in the 1970s. In 2002, EPA redesignated the entire State of Colorado as "in attainment/maintenance." Colorado was the first state in the nation to be violation free and to achieve this designation. Credit for this achievement should go to those who helped make it occur, including:

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

**Denver Metropolitan Area Air Quality** -- For several years the Denver the metropolitan area had not violated any EPA standards for the criteria pollutants. However, during the period of 2003 through 2005, ground-level ozone readings exceeded the new EPA 8-hour ozone standard. In order to head off nonattainment designation and to reduce ozone levels to below the standard, the AQCC adopted an Ozone Early Action Compact for the Metro Denver area and the northern Front Range December 2004. The EPA approved this Ozone Action Plan in 2005. Chapter Five of this document includes discussion about the implementation of this plan.

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

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

Fine particles also degrade visibility and largely are responsible for the "Brown Cloud." Denver and Fort Collins (locations of the two monitoring stations) often exceeds the current state visibility standard.

In 2005, two areas measured exceedances of federal air quality standards during the past year and the towns of Breckenridge and Mount Crested Butte measured exceedances.

Visibility, an aesthetic air quality value, will continue to be a concern along the Front Range. Colorado initiated efforts to complete a state plan for visibility in National Parks and Wilderness areas to meet requirements of the Regional Haze Rule.

**Water Quality** - Based on data compiled in 2006, approximately 44,000 river miles met the federal Clean Water Act "swimmable" goal, and over 51,000 river miles met the Act's "fishable" goal. Of the river miles assessed, only 790 miles did not meet the "swimmable" goal and about 9,500 miles did not meet the "fishable" goal. For lakes a total of 57,500 acres met the "fishable" goal, with 56,000 acres meeting the "swimmable" goal. Approximately 12,000 lake acres failed to achieve the "fishable" goal, but all lakes assessed met the "swimmable" goal.

Potential public health problems of concern to the Colorado Clean Water Program include: chemical and pathogenic contamination of source waters used for public water supplies; illnesses caused by ingestion of contaminated aquatic organisms or agricultural products where the contamination is attributable to sediment or irrigation water supply; and gastrointestinal illnesses and other health problems (e.g., dermatitis, eye infections) that may result from water-based recreation in waters where standards are not attained.

Environmental problems of concern in surface waters include: waters listed as impaired for pollutants, principally those listed for selenium in the Colorado and Arkansas River Basins; dredge and fill activities that could impair aquatic habitat; and non-point source runoff that may adversely impact in-stream uses. There continue to be concerns over the impact of water quality on aquatic habitat conditions in the Lower South Platte, Arkansas and Colorado Rivers and over the decline of Colorado native fishes in certain identified segments.

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

**Drinking Water** – There are approximately 1975 active public water systems operating in Colorado. On average, 6% of public water systems in Colorado are in violation of health-based regulations each year, affecting about 11% of the population served. On average, about 700 systems fail to monitor and/or report for one or more contaminant as required by the *Colorado Primary Drinking Water Regulations*. The number of systems that fail to monitor and/or report each year has risen as new monitoring requirements are established. Monitoring results reported by public water systems indicate that the most common contaminants causing violations of drinking water regulations in Colorado are: microbiological as measured by total coliform, nitrate, turbidity, radionuclides, arsenic, fluoride, and selenium, while the most common violation in general is failure to monitor/report. Surface water, including groundwater-under-the-influence-of-surface water, is used by 15% of Colorado public water systems and provide drinking water to 86% of the population served. Ground water is used by 85% of the water

systems but provide drinking water to only about 14% of the population served. In some localities, ground water is the sole source of drinking water. From an environmental standpoint, disposal of contaminated residuals from water treatment facilities, particularly for those removing radionuclides, is an emerging concern.

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

The first priority is waste prevention. If waste is never generated, then waste management issues and potential contamination issues resulting from the waste also never occur. The HMWMD strategy for waste prevention is to utilize the concepts of waste minimization and pollution. In both the solid and hazardous waste arenas, the HMWMD emphasizes the use of technical assistance and resource/educational materials to increase the awareness and understanding of these concepts across the State.

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

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

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

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

## 1.8 Description of Environmental Programs

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

| <b>Colorado Department of Public Health and Environment Office of Environmental Programs</b>  |   |   |  |
|---|---|---|--|
| <b>Hazardous Materials and Waste Management Division</b><br>Compliance Program<br>Federal Facilities Program<br>Remediation Program<br>Radiation Control Programs<br>Radon Program  | <b>Air Pollution Control Division</b><br>Policy and Planning Program<br>Mobile Sources Program<br>Stationary Sources Program<br>Indoor Environments Program<br>Technical Services Program<br>Administrative and Business Services Program | <b>Sustainability Division</b><br>Pollution Prevention<br>Environmental Leadership<br>Environmental Customer Assistance Center<br>Environmental Information and Environmental Justice<br>Greening Government<br>Self-Audit Law Program<br>TRI/SARA Programs | <b>Water Quality Control Division</b><br>Water Quality Protection Section<br>- Permits Unit<br>- Compliance Assurance and Data Management<br>Drinking and Wastewater Technical Services<br>Drinking Water Permits Program<br>Watershed Section<br>- Assessment Unit<br>- Monitoring Unit<br>- Outreach & Assistance Unit |
| <b>Cross Media Programs or Activities</b>   |   |   |  |
| <b>Cross Media Enforcement Team</b>   | <b>Cross Media Compliance Assistance Team</b>   | <b>Cross Media Permitting</b>   | <b>Cross Media Regulatory</b>  |
| Policy development<br>Supplemental environmental projects<br>Cross media inspections<br>Municipal Policy<br>Small business referral program<br>Cross media impacts<br>Self-Audit Program: ERP/SCORE<br>Inspector training | Sector-based cross media assistance<br>Provide coordination, communication and training<br>Workshop coordination<br>Resource Conservation Challenge<br>Stormwater Excellence Program  | Environmental Management System Permit<br>Environmental Results Program / SCORE<br>Pollution prevention in permitting<br>Electronic permitting<br>Permitting by rule<br>General permits   | Environmental Management System Permit regulation<br>Housed commercial swine feeding operations<br>Pollution prevention in regulations   |
| <b>Environmental Problem Solving</b>  | <b>Internal Environmental Management System</b>   | <b>Indicators and Outcomes</b>  | <b>Strategic Planning / PPA</b>  |
| Mercury Program<br>Pharmaceuticals in the Environment   | Policy development<br>Aspects / impacts<br>Project completion<br>Measurement<br>Education / awareness   | Development<br>Implementation<br>Measurement<br>Analysis / reassessment<br>Review / modify  | Region 8 Strategic Planning Effort<br>State Review Framework   |

# CHAPTER 2 STRATEGIC DIRECTIONS, PRIORITIES, AND VALUES

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

## 2.1 Strategic Directions

In 2004, CDPHE adopted the following Strategic Plan:

### 2.1.1 Mission Statement:

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

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

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

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

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

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

The following are the CDPHE environmental goals and examples of methods to achieve those goals:

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

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

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

- View information as an essential resource necessary to make sound environmental decisions.

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

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

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

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

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

**2.1.3.5 Other goals of CDPHE are to:**

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

## 2.2 Priorities

The following are key priority investment areas for CDPHE in FY 2007 and FY 2008

### 2.2.1 Community Preservation

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

### **2.2.2 Sustainability, Pollution Prevention and Innovations**

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

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

### **2.2.3 Compliance Assurance**

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

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

### **2.2.4 Environmental Management Systems for Excellence**

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

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

### **2.2.5 Additional Priorities**

CDPHE and EPA agree to continue implementing the following priorities:

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

## 2.3 Core Values

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

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

These core values will:

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

## 2.4 Environmental Indicators and other Performance Measures

### 2.4.1 Development of Core Performance Measures

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

What are environmental indicators?

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

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

The development and reporting of more consistent and meaningful performance information related to State grant assistance, the President's FY 2007 budget request directs that EPA develop a template for use by states in submitting their grant work plans for categorical grants and Performance Partnership Grants starting in FY 2007. The template requires that states provide a clear linkage of their grant-funded efforts to EPA strategic long and short-term goals and highlight relevant aspects of their annual performance and results. The template should facilitate meaningful comparison of performance across states and between a state's past and planned accomplishments.

Much of the impetus for the template can be attributed to recent assessments of several of EPA major state (and local) grant programs conducted by the Office of Management and Budget (OMB). The draft PPA does not

include this template. The CDPHE and EPA recognize that this will be an important requirement for this agreement. If the template is available, it will be inserted as the Program work plans in the final agreed to version.

## **2.5 Strategic Investments and Innovations**

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

### **2.5.1 Investing in Innovation**

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

### **2.5.2 Creating a Work Environment to Support Innovation**

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

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

### **2.5.3 Mainstreaming Innovation into Agency Processes**

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

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

### **2.5.4 Strategic Resource Investments and Divestments to Support Innovation**

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

### **2.5.5 Measuring Innovative Work**

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

- Each identified innovation will include a measurement and evaluation component;
- The agencies will strive to include environmental outcome measures whenever possible, but also may employ activity counts and other performance measures as appropriate; and

- The agencies may support projects that require longer-term measures or the creation of new types of measurement approaches if easily attainable short-term measures are not readily available.

## 2.6 Activities in FY 2007 and FY 2008

The following are the innovative projects that the agencies agree CDPHE will undertake in FY 2007 and FY 2008.

### 2.6.1 EMS Permit Pilot Project

#### 2.6.1.1 Introduction

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

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

#### 2.6.1.2 Goals

CDPHE goals for the EMS permit program include:

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

minor permit modifications through the EMS tracking system, and reporting through the EMS data collection, problem identification, root cause analysis, and system modification processes.

#### 2.6.1.3 Implementation

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

The CDPHE proposal includes developing whole-facility compacts with three facilities, including an aerospace facility, a semiconductor facility, and concentrated animal feeding operations in Colorado. CDPHE, in consultation with Region 8, will pre-screen facilities prior to acceptance into the pilot program. The facilities must commit to continued environmental improvement and superior performance through the development and implementation of an EMS premised on the ISO 14000 standards. These systems envision a continual cycle of planning, implementing, reviewing and improving the actions that an organization takes to meet its environmental obligations. A CDPHE-approved EMS permit will be the required environmental permit(s) for the facility in this pilot initiative (but the traditional existing permits will remain in place unless or until the project is deemed successful and the EMS permit becomes the final permit).

Elements of the EMS permit pilot project include:

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

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

#### 2.6.1.4 Measurements

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

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

#### 2.6.1.5 Schedule

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

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

portions of the EMS federally enforceable. In the third year, CDPHE will prepare the report containing the results of this project. If the Colorado General Assembly decides to continue the EMS Permit Program as a permanent program, CDPHE will request EPA approve the EMS Permit Program into each EPA-delegated program.

### **2.6.2 Cross-Media Evaluations in Settlement Agreements**

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

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

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

CDPHE is working with EPA headquarters to encourage EPA consider cross media impacts when developing or modifying federal CAFO regulations.

CDPHE and the PPAB reviewed the programs within the Air Pollution Control Division, Consumer Protection Division, Hazardous Material and Waste Management Division, and Water Quality Control Division and has developed plans to incorporate cross-media, pollution prevention, environmental management systems, and environmental leadership into the various programs. CDPHE will continue to identify and implement elements of these plans as time and resources allow.

### **2.6.4 Stormwater Excellence Program**

#### 2.6.4.1 Introduction

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

#### 2.6.4.2 Goals

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

The concept of the Stormwater Excellence Program is to establish a program containing the appropriate elements of an environmental management system (EMS), with a focus on compliance with the Stormwater General Permit for Construction Activities. The EMS-based program, including auditing by a third party, will include elements that will be in addition to the CDPS Stormwater Construction Permit requirements.

#### 2.6.4.3 Implementation of Pilot Program

Stage 1: A Stage 1 Pilot was conducted from March 2005 through July 2005. CDPHE, several regulated entities, and compliance assistance providers partnered to develop and assess the elements of the program, including compliance assistance tools, pollution prevention, environmental management system guidance, training, metrics to evaluate the program, and procedures for CDPHE recognition of participating entities. A final report on the Stage 1 Pilot is available at [www.cdphe.state.co.us/wq/PermitsUnit/stormwater/CSEPstage1.pdf](http://www.cdphe.state.co.us/wq/PermitsUnit/stormwater/CSEPstage1.pdf). The Stage 1

Pilot report documents that the program successfully met the objective of assisting the pilot participants in increasing compliance with State and local stormwater requirements for the construction industry.

Stage 2: A Stage 2 Pilot began in January 2006 and will continue through early 2007. The primary goal of the Stage 2 Pilot is to develop a sustainable structure for the program to be operated through a private/public partnership that will include adequate operational procedures and oversight by CDPHE and local governments to ensure the continued effectiveness of the program. Elements of the pilot include involving trade association in administering the program, forming an advisory board to provide credible leadership and decision making, and developing a series of board-approved standard operating procedures that clearly define the roles and responsibilities of the board, participants, auditors, and trade associations.

#### 2.6.4.4 Measurements

CDPHE will evaluate the success of the Stage 2 Pilot Program through review of documentation developed as a result of the Stage 2 Pilot Program implementation. During Stage 2 of the Pilot Program, a methodology will be developed by which the long-term success of the program in meeting the stated objective may be measured. The evaluation method will include developing and implementing procedures for "spot check" inspections of participating sites conducted by CDPHE and local government staff to verify third-party auditor's performance in conducting audits, compliance with CDPS stormwater permit requirements, and conformance with the elements of the Stormwater Excellence Program. Additional program oversight and evaluation may involve implementing procedures for stakeholder to report participants and auditors that fail to meet the program responsibilities, and surveying participating permittees and auditors.

#### 2.6.4.5 Schedule

Stage 2 of the Pilot Program was initiated in January 2006. Stage 2 will continue for approximately one year. At that time, CDPHE will make a determination of how to proceed as discussed above. Based on initial results of the Stage 1 Pilot Program, it is expected at this time that the program will continue into full implementation.

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

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

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

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

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

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

NOW THEREFORE, it is hereby agreed as follows:

1. The parties encourage entities subject to the stormwater regulations to participate in a CDPHE initiative to achieve the above-referenced compliance and environmental goals.
2. The parties agree to cooperate in public meetings and/or training programs to educate attendees about the requirements of the stormwater regulations and the initiative.
3. CDPHE will convey to EPA a list of the entities participating in the state's initiative to facilitate a coordinated inspection and enforcement oversight effort between the parties. EPA agrees that it will not target such entities for inspection as a consequence of their participation in the initiative.
4. The parties do not, by this document, warrant or aver in any manner that participation in the initiative will result in compliance with the provisions of applicable state or federal laws, regulations, or permit conditions. Any person participating in the state initiative is solely responsible for compliance with the Clean Water Act, any permit, and any other applicable federal law or regulation.

5. Generally, construction site complains received by EPA Region 8 will be forwarded to CDPHE. CDPHE will take prompt, appropriate action and notify EPA of its action.
6. All planned Stormwater inspections shall be conducted as set forth in the EPA/CDPHE Inspection Plan.
7. Should EPA Region 8 identify a participating facility for inspection under a national enforcement initiative/case, before conducting the inspection, EPA will initiate consultation between the parties in an effort to resolve any concerns.
8. CDPHE intends to allow an entity with prior stormwater violations to participate, at CPDHE's discretion, in the initiative.
9. Initiative participants that qualify may avail themselves of the state's self audit and immunity program.
10. This agreement will be effective immediately upon the signature of both parties.

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

## **2.6.5 Wastewater Treatment Environmental Results Program (Self-Certification of Major Wastewater Facilities)**

### 2.6.5.1 Introduction

This program is based upon the Environmental Results Program. It is a self-certification program for major wastewater treatment facilities in Colorado that have demonstrated a good prior compliance track record. This program will not include all major wastewater treatment facilities in the state (estimated at 100), but only those that have a demonstrated commitment to compliance.

There is a current backlog of unaddressed violations at approximately 17 major and 91 minor wastewater treatment facilities that require follow-up from previous inspections. The compliance rate for domestic facilities is about 90% for major facilities compared to 66% for minor facilities and there is at least two to three times the number of minor facilities as compared to major facilities.

One of the benefits of this program is enhancing the resource focus of CDPHE on minor facilities with problems. Currently, only about 20 to 25% of minor facilities are inspected each year and detected violations may not be addressed. CDPHE will be able to focus more resources to address many of these violations as a result of the self-certification program.

### 2.6.5.2 Goals

To provide guidance and compliance tools or checklists to the regulatory community to assist them in achieving and determining full compliance with wastewater treatment facility requirements, minimizing environmental impacts, reducing the threat of enforcement liability, and establishing a framework to go beyond mere base compliance.

This program is also intended to leverage CDPHE resources by reducing the time spent with wastewater treatment facilities that have demonstrated ongoing compliance with regulations, thus increasing CDPHE time with facilities that have not demonstrated ongoing compliance.

### 2.6.5.3 Implementation

CDPHE plans to submit a proposal to EPA Region 8 which describes the Wastewater Treatment Environmental Results Program implementation details and which requests the resource flexibility described above. This proposal will be made under Element 13 of the EPA/ECOS State Review Framework which provides states with opportunities for resource flexibility as a result of the use of effective alternative approaches to compliance assurance. EPA has provided feedback to the State on its initial draft proposal. Once that feedback is addressed and the proposal is approved by EPA the PPA will be amended to include the approved proposal. In addition the State's inspection plan will be modified accordingly to include information relative to agreements between CDPHE and EPA on inspections at major and minor wastewater sources.

### 2.6.5.2 Measurements

- Percent of self-certifications deemed valid. Goal: 90%
- Maintain inspection-based compliance rate for majors. Goal: 90%

- Improve percentage of significant violations resolved at minor facilities. Goal: 70% of FY 06 issues resolved during FY 07.
- Appropriately escalate unresolved violations via a defined compliance assurance process, including enforcement.
- Long-term, improve compliance rates at minor facilities.

#### 2.6.5.3 Memorandum of Agreement

See section 3.5.4 below for the general ERP agreement between CDPHE and Region 8.

## 2.7 Data Integration and Network Readiness Project

In line with the mission to protect public health and the environment, the environmental divisions of CDPHE have the need for a data-sharing environment that connects data from all environmental programs to serve internal users, the regulated community, and the Colorado public. The environmental divisions are updating their data systems to implement new, and proven, technologies that work with EPA and other states in their data integration efforts. EPA's Central Data Exchange Network provides a mechanism and funding for states to standardize their data exchange processes across the nation and enhance their ability to streamline data reporting procedures. The environmental divisions are using funding provided by a series of EPA Data Exchange Network grants to upgrade their data system infrastructure and to implement data projects that will ensure CDPHE's successful participation on the EPA Data Exchange Network.

CDPHE received initial funding under the EPA 2002 Readiness Grant and the EPA 2003 One Stop Grant. Funding from these grants was used to begin integrating data about regulated facilities across the regulatory programs, streamline the flow of environmental monitoring data into the databases, and improve the data systems' infrastructure and underlying databases.

The specific projects funded under the EPA data grants are described below:

### 2.7.1 Node Project

The backbone of CDPHE's ability to transfer electronic data from the environmental programs to EPA required the development of a local computer node. CDPHE was involved in national meetings and conference calls to discuss node implementation, as well as discussions with other states on their successes in node implementation. CDPHE implemented the node and continues to use the node to transfer other data flows, including data received from the regulated community such as the Toxic Release Inventory data. Funding for this project was received under the EPA 2002 Readiness Grant.

### 2.7.2 EcoData - formerly Environmental Chemistry Omnibus Post Office Project (ECOPOP)

The EcoData project is a complex project being undertaken by the environmental programs to streamline the delivery of environmental monitoring data from the field and laboratories to the major CDPHE program databases. The EcoData project standardizes environmental monitoring data reporting across the programs, reduces the level of effort required to translate the data into the underlying databases, standardizes the reporting format from the labs, and reduces the reporting burden on industry.

Currently, the standard methods to submit the data files are through e-mail or FTP transfers. CDPHE recognizes the need to have the data transferred automatically and securely through the node from outside parties and delivered automatically to the appropriate environmental programs' data systems.

The EcoData project includes the development of a standardized method for external parties to submit their data to the CDPHE node, the development of security methods to authenticate the data sender, ensuring the integrity of the data, and delivering the data into the EcoData system. CDPHE is evaluating the federal requirements for electronic data transfer, and must ensure the process complies with the new federal CROMERR rule requirements. Once EPA review and approval is obtained to receive electronic data from the regulated community via the node, the environmental programs expect to offer e-Permitting (electronic applications, permitting, and data reporting) to the regulated community. Initial funding for this project was received under the EPA 2002 Readiness Grant. Additional funds have been received under

the EPA 2003 One Stop Grant, the EPA 2005 Implementation Grant, and the EPA 2006 Implementation Grant.

### 2.7.3 EcoMap (formerly Facility Master Geo-database or FMG)

EcoMap, another complex project being undertaken by the environmental programs, integrates data from regulated sites and facilities into a cross-program system, which will enable users to create maps for geo-spatial viewing and editing. EcoMap uses data from NPDES major and minor water quality permitted facilities, and NEI major air quality permitted facilities and provides a direct interface to RCRA C and D sites in the HMWMD program database systems, which includes site information from the Voluntary Cleanup, Uranium Mill Tailings Remediation, and State CERCLA data systems. The geo-database design allows for the use of GIS tools across the environmental divisions. EcoMap stores and manages facility or site information such as wells, stacks, removal areas, etc. so it can be visually displayed on maps, which greatly enhances a program's decision-making capabilities. The system will have both a secure and public interface through the Internet. Internal CDPHE staff, as well as state agencies outside CDPHE and the general public, will use EcoMap to display environmental monitoring data and other map-generated information.

Initial funding for this project was received under the EPA 2002 Readiness Grant, with additional funds received under the EPA 2003 One Stop Grant, and the EPA 2005 Implementation Grant. Initial system use began in December 2004 and necessary improvements are currently underway.

### 2.7.4 EcoTrack

EcoTrack is a cross-program/cross-division tracking system for inspections, compliance assurance, and enforcement activities for the environmental divisions. EcoTrack originated as a pilot system in the HMWMD funded under the EPA 2005 Implementation Grant. Based on the information gathered in the pilot project, CDPHE will continue to expand the functionality of the EcoTrack system for use by the other environmental divisions. EcoTrack is intended to connect with other systems such as EcoMap and EcoTime. System design will comply with the standard structure in the other EPA Exchange Network systems, and will facilitate the development of data-sharing across CDPHE and to the general public. Additional funds for EcoTrack were received under the EPA 2006 Implementation Grant.

### 2.7.5 EcoTime

The EcoTime project will evaluate the time tracking and billing system improvements needed for the environmental divisions. Funds will be used to evaluate how the environmental permit billing programs interact with the CDPHE accounting system, and develop system connectivity. The new system will be designed to allow staff to track time and effort so it may be billed as needed. The system will also be designed to store the time and effort information for reporting purposes and performance measure evaluation. Payment of on-line fees for permits and licenses will also be evaluated for implementation through the State Internet Portal Authority. Funding for EcoTime was received under the EPA 2006 Implementation Grant.

### 2.7.6 Data Architecture Plan

The Data Architecture Plan was specified in the Three-Year Environmental Data Plan and will be developed to guide all new system development within the environmental divisions of CDPHE. The expansion and management of data integration requires a coordinated and consistent approach to ensure the project goals for improved data management are achieved. The Plan will identify and document the core system architecture that is necessary to maintain a flexible and scaleable connectivity across programs, as well as identify critical data system gaps, identify datasets for future node transfers, and incorporate node requirements. Funding for the Data Architecture Plan was received under the EPA 2005 Implementation Grant.

### 2.7.7 Environmental Benefits and Outcomes Database

CDPHE has entered into a cooperative agreement with the Pacific Northwest Pollution Prevention Resource Center (PPRC), the Pollution Prevention Resource Exchange Network (P2Rx), the National

Pollution Prevention Roundtable (NPPR), and EPA to exchange regional and national pollution prevention measurement data. CDPHE is designing a system that will pull data from the CDPHE environmental programs' existing systems into the new Environmental Benefits and Outcomes database. The new database will store information that is not otherwise collected by the environmental programs and use this information to track environmental outputs and outcomes from all CDPHE cross-media, pollution prevention, and sustainability programs. Environmental outputs and outcomes will be used internally as well as aggregated with other states' information and made available at the regional and national level. Funding for this project was received under the EPA 2005 Challenge Grant.

#### 2.7.8 Environmental Business Process Manager Position

To facilitate the extensive changes that are needed within the environmental programs to successfully implement these projects, CDPHE created a new position to coordinate the effort. This position's efforts are directed at managing the internal business processes of the environmental programs to enable the development of better data systems. The position was filled in July, 2005, and the EBPM is currently working with environmental divisions to define the standard data handling procedures as well as assisting the divisions in procuring contracts for their data system improvements. Significant progress is being made in the areas of GIS mapping (EcoMap) and the use of electronic signatures (EcoData).



## 2.8 Innovations, Indicators and Data Integration Work Plan

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

| Innovations   |   |          |  |
|---|---|----------|--|
| Short Term Goals  | Objectives  | Timeline | Performance Measures   |
| Implement Wastewater Treatment Facility Environmental Results Program               | Validate self certification accuracy  | Annually | 90% of self-certifications deemed adequate based on field visits.  |
|   | Maintain inspection-based compliance rate for majors.   | Annually | 90% compliance rate for significant field discovered violation at major facilities.  |
|   | Improve percentage of significant violations resolved at minor facilities.  | Annually | 70% of violations detected at minor facilities resolved. Resolved means that the problem has been completely addressed or that the facility is meeting an approved compliance schedule to address the issue. |
| Develop, implement and measure Stormwater Excellence Program                        | Under State 1 of the Pilot Program, provide guidance to the regulatory community that will assist them in achieving full compliance with State and local stormwater requirements for the construction industry. |          | Evaluate the success of the Stage 1 Pilot Program through review of documentation developed, including results of third-party audits, and through CDPHE field audit of some of the participating sites.      |
|   | Under Stage 2 of the Pilot Program, implement the program, followed by further evaluation and a determination of whether to continue with full implementation of the current program or modify the program.     |          | During Stage 2 of the Pilot Program, a methodology will be developed by which the long-term success of the program in meeting the stated objective may be measured.  |
| Incorporate stewardship practices into environmental programs                       | Catalogue past, current and future pollution prevention and stewardship practices for each division   | Ongoing  | See Chapters 3 and 4   |
|   | Identify additional practices and incorporate   | Ongoing  | See Chapter 3  |
| Incorporate stewardship practices into CDPHE policies                               | Catalogue past, current and future pollution prevention and sustainability practices incorporated into CDPHE policies   | Ongoing  | See Chapters 3 and 4   |
|   | Review environmental policies and identify sustainability opportunities and incentives  | Ongoing  | See Chapters 3 and 4   |
|   | Develop, implement, and measure Stormwater Excellence Program   | FY2006   | Stage 1, 2, 3  |
| Provide businesses with a framework to implement sustainable practices through EMSs | Annually identify key business sectors with input from each divisions, TRI, EJ, etc. Set up partnerships with selected sectors and internal stakeholders  | Ongoing  | See Chapters 3 and 4   |

| <b>Innovations</b>  |   |                 |   |
|---|---|-----------------|---|
| <b>Short Term Goals</b>   | <b>Objectives</b>   | <b>Timeline</b> | <b>Performance Measures</b>   |
| Develop, across the environmental programs, a standardized approach to data systems development, data collection, data integration, and data transfer to internal and external customers. | Develop and implement the project commitments as outlined in each EPA grant workplan. | Ongoing         | Extensive performance measures are outlined in the workplans associated with each EPA data grant. |

# CHAPTER 3 COMPLIANCE ASSURANCE<sup>1</sup> AND ENVIRONMENTAL STEWARDSHIP

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

## 3.1 Environmental Leadership and Stewardship

### 3.1.1 Environmental Leadership Program Memorandum of Agreement Between EPA and CDPHE

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

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

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

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

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

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

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<sup>1</sup> "Compliance assurance" encompasses compliance assistance, inspections, monitoring, reporting, record keeping, and enforcement elements of CDPHE programs.

### **3.1.2 Gold Level Environmental Leadership Program**

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

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

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

CDPHE has developed Program Criteria and Guidance for New or Renewing Applicants [document] that provides more detail on the above criteria. CDPHE will rely upon this document whenever it approves or reviews an EMS in any program, including EMSs in supplemental environmental projects and in the EMS permit pilot project. CDPHE has also developed and finalized an incentives policy and procedure. The program will collect data on environmental benefits and compliance rates and use the data to promote Environmental Leadership Program internally and externally. CDPHE has developed and is implementing a recognition program, including the use of a logo, including the facility on the CDPHE website, and an annual recognition program. CDPHE will be expanding the recognition elements of the program in FY2007.

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

### **3.1.3 Bronze Level Environmental Leadership Program**

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

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

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

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

### **3.1.4 Other Environmental Leadership Program Efforts**

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

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

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

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

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

### **3.1.5 Sustainability Within CDPHE**

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

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

- Objectives and targets selected by the Internal EMS team;
- Continuing to reduce paper usage by 38% (2005 baseline);
- Conducting sustainability and environmental presentations and outreach; and
- Continuing to upgrade CDPHE recycling program.

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

### **3.1.6 Greening of State Government in Colorado**

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

## 3.2 Environmental Problem Solving

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

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

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

## 3.3 Pollution Prevention

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

## 3.4 General Compliance Assurance and Enforcement Mission

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

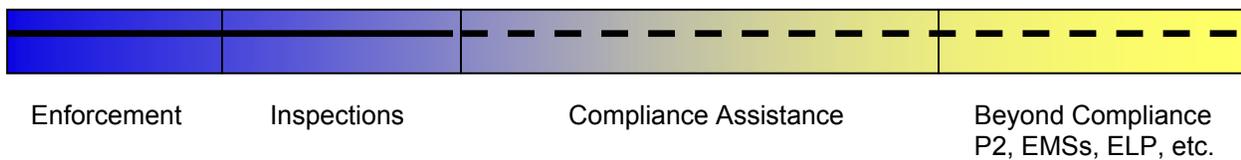
abandoned drums and waste tires and illegal dredge and fill activities); responding to environmental disasters; hazardous material incidents; and spills that threaten the environment. Integral to fulfillment of the mission is a commitment to a viable, efficient and effective compliance and enforcement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

### 3.4.1 Approach

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

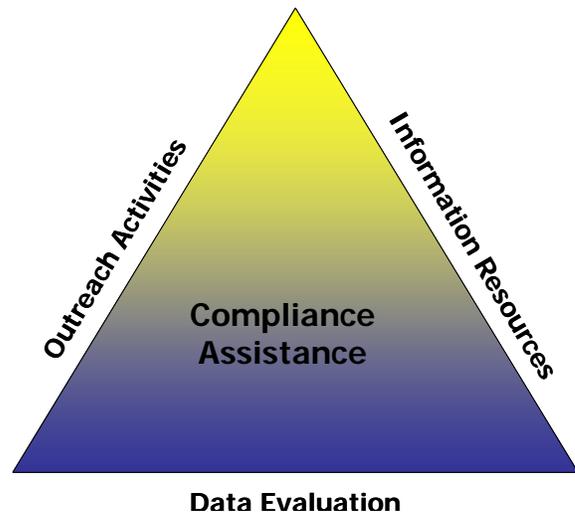
Compliance assurance is represented by a spectrum of activities. On one end is enforcement. On the other end are those activities we perform to encourage regulated entities to go beyond compliance (P2, EMSs, Environmental Leadership, and others).

#### Compliance Assurance Spectrum



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

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



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

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

### 3.4.2 Commitment

CDPHE and EPA Region 8 are committed to:

- Coordination in inspections of priority areas and sectors,
- Coordination in providing outreach, assistance and the dissemination of information to individuals, communities, businesses, governmental agencies and educational institutions for priority areas and sectors,
- Timely and appropriate enforcement,

- Assessment of penalties that collect economic benefits and the necessary gravity component in order to deter future noncompliance,
- Consideration of cross-media impacts in all areas of compliance assurance,
- Improving measures of success that focus on environmental outcomes and seeking new measures of environmental improvement from compliance assurance efforts, and
- Mutual respect of one another's enforcement roles.

### **3.4.3 Basis of Compliance and Enforcement**

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

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

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

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

- Ensuring that cross-media and other department-wide concerns are considered and addressed in the negotiation of settlement agreements;
- Developing and coordinating a cross-media, whole-facility approach to compliance assurance and enforcement;
- Assisting in developing business sector initiatives and expertise within the department (e.g., energy, agriculture, metal finishing sectors);
- Developing coordinated compliance assurance and enforcement strategies, guidance and internal and external training; and
- Developing proposals for innovative regulatory and compliance assurance approaches that target the department's enforcement resources on actions that yield greatest protection and optimize environmental protection, while increasing flexibility for, and accountability of, the regulated community.<sup>2</sup>

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

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<sup>2</sup> For example, the Environmental Leadership Program, cross media compliance assistance program, ERP project, and EMS Permit Project (each discussed in Chapter 2 or 3).

team shall focus on designing appropriate model enforcement strategies and developing comprehensive assurance strategies.

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

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

The cross-media enforcement team is:

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

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

In February 2003, a cross media compliance assistance team was formed to devote time to compliance assistance efforts on a cross media basis. The team is comprised of members from the air, consumer protection, hazardous and solid waste, sustainability, and water divisions. The team has shared information and ideas, and as a result, is targeting four sectors to work with on a cross media compliance assistance initiative in FY 2005 and FY2007. The sectors identified by the team include: auto salvage, correctional facilities, surface coating and autobody. These sectors were selected because of existing compliance assistance needs, the number of cross media opportunities and issues (including opportunities with pollution prevention), the desire expressed by the sector and CDPHE expertise with the sector. CDPHE will notify and consult with Region 8 in selecting additional sectors.

The CMCA team can use the following tools and resources in the sector projects:

- Cross-media pollution prevention and compliance assessment tools;
- Provide participating entities with a cross-media baseline compliance and environmental assessment of each facility;
- Provide each operator with a plant specific compliance report and develop an industry-wide assessment;
- Provide compliance checklists to the operators to help educate and allow for self-certification of compliance;
- Provide an inspection waiver (for inspections not required by statute or regulation) to the participating facilities for the project period if the facility agrees to remedy noncompliance issues in a timely and appropriate manner or determine that the compliance assistance assessment is equivalent to an inspection or compliance evaluation consistent with federal policy;
- Provide one-on-one consulting and industry group training, as necessary;
- Conduct a follow-up assessment the following year after implementation to measure change in compliance rate; and
- Report on the environmental results to the project partners, CDPHE, EPA and on a sector-based project website.

#### **3.4.4 Priorities and Strategies**

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

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

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

### **3.4.5 Long Term Goals**

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

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

### **3.4.6 Adequate Compliance Monitoring and Enforcement Capacities**

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

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

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

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

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

### **3.4.7 Assistance as a Compliance Tool**

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

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

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

### **3.4.8 Communications between CDPHE and EPA Region 8**

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

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

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

## **3.5 Compliance Assurance and Enforcement Promotion Tools**

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

### **3.5.1 Inspection Efficiency Cross-Media**

In an effort to use CDPHE inspection staff resources more efficiently and make our regulatory programs more effective, APCD and HMWMD implemented in March of 2003, a pilot program using a subset of the Title V Sources and Large Quantity Generators. There are about 170 Title V Sources and about 140 Large Quantity Generators in Colorado. Both the Title V Sources and Large Quantity Generators are high priority facilities within their respective regulatory programs because of the size of their regulated activities relative to other facilities. As a result, CDPHE inspects these facilities frequently.

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

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

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

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

### **3.5.2 Small Business and Community Enforcement Referral Program**

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

- If the enforcement program deems a referral of an entity to be appropriate, it refers an entity to the compliance assistance program via email or memorandum. The enforcement program agrees to use its enforcement discretion and refrain from initiating any formal enforcement action against the entity, provided that the offer of assistance is accepted by the business.
- Beginning upon the date of notification, the compliance assistance program has ninety days to contact the referred entity, provide compliance assistance, and provide the enforcement program evidence that the entity has returned to full compliance. This includes providing cross-media compliance assistance if the entity is in noncompliance with multiple programs. Depending upon the nature of the noncompliance, an extension can be granted, solely in the discretion of the enforcement program.
- If the business or community declines the offer of assistance, or fails to act in good faith to correct the problem, or fails to correct the problem within the ninety-day period, the enforcement program will, at its discretion, initiate formal enforcement action.
- At the end of the ninety-day period, the compliance assistance provider shall provide the enforcement program with a report detailing the compliance assistance efforts and accomplishments. For example, the report should include whether controls were installed, what operational or housekeeping practices are being utilized, whether the source requires additional time to be in compliance, and any other information the inspectors should know.
- If the compliance issue(s) has (have) been resolved to enforcement program's satisfaction within the ninety-day period, no enforcement action will occur. A referral that results in compliance within the designated time period will be considered by CDPHE and EPA to be an enforcement action completed within an approved timeframe.

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

<sup>4</sup> Based upon EPA's enforcement guidance, a small community is one comprised of fewer than 2,500 persons.

- If the entity is not deemed by the cross media compliance assistance team to be in compliance or has not entered into an enforceable agreement committing the entity to compliance within a reasonable period of time within the ninety-day period, the entity will be referred back to the enforcement program for the appropriate penalties and action. This action will be completed through a settlement agreement or the issuance of an order within ninety days of the entity being returned to enforcement. A returned referral that results in compliance within the designated time period will be considered by CDPHE and EPA to be an enforcement action completed within an approved timeframe.

### 3.5.3 Colorado Audit Privilege and Immunity Law

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

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

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

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

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

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

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

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

Colorado has the authority to access factual information and data, even if such information is contained in an audit report. The self-audit law does not affect CDPHE authority to enter any site, copy records, inspect, monitor,

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

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

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

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

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

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

### **3.5.4 Environmental Results Program**

The Environmental Results Program (ERP) is an innovative approach to driving and measuring improvements in the environmental performance of regulated groups by linking compliance assistance with compliance self-certification and measuring results in a statistically valid manner. The ERP is considered an extension of the State of Colorado self-audit law program, but not all participants are necessarily able to utilize the self-audit law.

#### **3.5.4.1 General Program Description**

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

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

The ERP tools include:

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

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

#### **3.5.4.2 Conditionally Exempt Small Quantity Generator and Small Quantity Generator Self-Certification of Hazardous Waste Compliance (SCORE)**

HMWMD is going to require all SQGs and certain CESQGs to self-certify and will provide the necessary compliance assistance for hazardous waste and other environmental requirements. The program will measure changes in environmental performance, regulatory compliance, and pollution prevention of these regulatory sectors. The purpose of the program is three-fold:

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

For example, historically, the compliance rate of SQGs is about 67%. The primary causes of noncompliance include: ignorance of the regulatory requirements, ineffective regulatory control, and minimal deterrence. HMWMD determined it needed a more effective method to regulate these sectors to improve regulatory awareness and compliance. HMWMD is approaching the Hazardous Waste Commission to propose new regulations be promulgated requiring each CESQG and SQG who receive a self certification packet to respond, in a manner similar to reporting requirements for Large Quantity Generators. For more background on the SCORE program, please see the [SCORE Pilot Project Final Report](#), January 2004, Hazardous Materials and Waste Management Division.

#### **3.5.5 Cross-Media Supplemental Environmental Projects (SEPs)**

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

#### **3.5.6 Cross Media Oil and Natural Gas Team**

CDPHE has initiated a Cross Media Oil and Natural Gas Team that is working with local and other state agencies to develop strategies to mitigate environmental impacts from oil and natural gas development across Colorado. This team will be considering both voluntary and regulatory approaches to minimize environmental impacts for air, consumer protection, waste and water. The focus of the team will include: natural gas, oil shale, renewable energy, and other energy resources being

developed in the state. The strategies will have a primary goal of prevention of pollution and then reduction through controls. The team will develop and share a plan with Region 8.

The Air Pollution Control Division has created a single oil and gas program where regulatory, permit and compliance staff have been moved into a single program. This initiative was undertaken to address several objectives. These include: To address permitting issues for oil and gas operations; to maintain effective compliance and inspection procedures and schedules; and, to allow for innovative planning and program development as well as facilitating better collaboration and coordination with other states, the Federal Land Managers, EPA, the regulated industry, local government and stakeholders.

### **3.5.7 Municipality Policy**

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

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

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

## **3.6 Compliance Assistance**

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

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

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

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

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

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

The following are the cross-media compliance assistance tools available to CDPHE in FY 2007 and FY 2008.

### **3.6.1 Cross Media Compliance Assistance Team**

There is a lot of support for developing more compliance assistance expertise within the Environmental Divisions and for developing cross-media compliance assistance capabilities between the various divisions. With this in mind, CDPHE created a Cross-Media Compliance Assistance (CMCA) Team in FY 2004. This team was convened and commissioned in the same manner as the successful Cross-Media Enforcement Team. The team works through the issues in the same general construct that the Cross Media Enforcement Team uses. The team is comprised of staff from the air, consumer protection, sustainability, waste and water divisions within CDPHE. The team has developed a work plan for FY2007, which includes the projects and programs described below.

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

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

Next the team:

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

For FY 2007 and FY 2008, the team plans to:

- Continue to meet on a regular basis to discuss techniques, cross media and multi media opportunities, learn from other states, and further formalize a cross media compliance assistance program;

- Continue to work in partnership with the Auto Salvage industry in providing multi and cross media compliance assistance, while encouraging them to continue to voluntarily remove mercury containing switches from automobiles;
- Continue to work in partnership with the Auto Body sector in providing multi and cross media compliance assistance, while encouraging the industry to implement pollution prevention practices;
- Continue to work in partnership with the Colorado Department of Corrections in providing multi and cross media compliance assistance, while encouraging the industry to implement pollution prevention practices;
- Continue to work in partnership with the Surface Coaters sector in providing compliance assistance, multi media guidance documents and pollution prevention assistance; and
- Further catalog in the field cross media opportunities and examples.

### **3.6.2 Sector-Based Compliance Assistance (COMPASS Projects)**

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

CDPHE selects sectors based upon the strategic goals and objectives of the department. Once a sector is selected and determined to be interested in participating, CDPHE develops cross-media and pollution prevention assessment tools and provide the participating entities with a cross-media baseline assessment of each participating facility. As part of the baseline assessment, each operator will be provided with plant specific compliance report, as well as an industry wide assessment. Extensive one-on-one consulting and industry group training may be provided. A follow-up assessment the next year will be conducted to measure any change in compliance rate and CDPHE will report on those measures to US EPA and on the CDPHE website. Ultimately, CDPHE will work with interested members from each sector in developing and implementing an EMS and, as appropriate, entering into the Environmental Leadership Program. The sectors selected for FY2007 are included in the work plan tables below and any future sectors will be selected in consultation with Region 8.

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

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

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

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

- CDPHE shall develop comprehensive compliance and pollution prevention checklists and guidance documents;
- CDPHE shall provide the facility with compliance assistance;
- CDPHE shall conduct initial site visit and demonstrate use of checklist;

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

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

### **3.6.3 Small Business and Community Referral Program**

See Section 3.5.2 above.

### **3.6.4 Environmental Customer Assistance Center**

The Environmental Customer Assistance Center (ECAC) will continue to provide environmental information to the public and the regulated community. The attached table identifies the work elements in the FY 2007 and FY 2008 Environmental Customer Assistance Center work plan.

## **3.7 Community-Based Environmental Protection and Environmental Justice Programs**

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

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

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

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

- CDPHE and EPA working together to establish a collaborative list of community programs that are being developed around the state by both agencies;
- CDPHE and EPA exploring ways to use the Internet and other means to make these programs and projects more widely accessible to the public;

- CDPHE and EPA sharing information about workshops and training related to CBEPs;
- CDPHE and EPA continuing to evaluate ways in which to integrate environmental justice practices into the environmental programs and divisions; and
- EPA continuing to carry out the Northeast Denver Environmental Initiative (NDEI).

### 3.8 Compliance Assurance and Environmental Stewardship Work Plan

| Goal: Environmental Leadership Program  |   |                                  |   |
|---|---|----------------------------------|---|
| Subgoals  | Objectives  | Timeline                         | Performance Measurements  |
| Implement and enhance CDPHE's recognition of, rewards for and incentives program for environmental leadership in the protection of air, water, and land                             | Coordinate efforts between CDPHE and EPA to increase the efficiency and effectiveness of ELP, PT and other state leadership programs                  | On-going                         | Successful implementation of MOU                                      |
|   |   |                                  | Number of facilities utilizing MOU                                    |
|   |   |                                  | Hours saved for facilities in application efforts                     |
| – Improve, develop and implement CDPHE's Environmental Leadership Program   | Implement and regularly review MOA or ELP policy with the environmental divisions   | On-going                         | Environmental and resource benefits from implementation of MOU        |
|   | Develop and implement agreed upon incentives for environmental leaders  |                                  | Environmental and resource benefits from implementation of incentives |
|   | Internal ELP Advisory Group provides regular guidance and assistance to the ELP in developing, implementing, and modifying the program                | On-going                         | Number of hours of participation                                      |
|   |   |                                  | Advise and recommendations provided                                   |
| Utilize PPAB Committee plus other ELP members as external advisory board provides regular guidance and assistance to the ELP in developing, implementing, and modifying the program | On-going  | Increase in referrals to program |   |
|   |   | Number of hours of participation |   |
| – Expand membership in both the Bronze and Gold levels of ELP, assist with the development of a Partnership Tier and Stewardship Tier for ELP                                       | Implement and regularly review ELP program criteria, including criteria for EMS, program entry, review processes, continual improvement, and auditing | On-going                         | Use of criteria guidance  |
|   |   |                                  | Number of presentations and attendees                                 |
|   | Provide ELP presentations to businesses, industry trade groups and organizations  | FY2007                           | See Chapter 4   |
| Develop additional Tiers (Partner and Platinum levels) and begin to implement, as resources allow   |   |                                  |   |
| – Implement incentives program for ELP members  | Review, approve or disapprove, and/or meet with the company on facility-specific incentives within 30 days of submittal of incentive request          | On-going                         | Number of incentives received and provided                            |
|   |   |                                  | Hours saved for facility  |
|   |   |                                  | Environmental and resource benefits from incentives                   |
|   | Implement awarded incentives in a timely, consistent manner   |                                  | Implementation of incentives  |

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|  | Track and ensure divisions comply with incentives, including reduced inspections  |          | Adequate implementation of incentives   |
| Incorporate sustainability and leadership practices into current regulations<br>– Review environmental regulations and laws and identify stewardship opportunities and incentives, including incorporating P2, EMSs, and leadership principles         | Identify possibilities for air, waste and water regulations, including cross media livestock programs, supporting renewable energy and energy efficiency through receiving credits for SIPs, and others | On-going | Number of sustainability and P2 regulatory provisions included in environmental regulations |
|  |   |          | Number of entities utilizing provisions (if possible)                                       |
|  |   |          | Environmental and resource benefits   |
| – Implement a program for Sustainability staff to accompany various CDPHE divisional inspectors on inspections   | Draft, negotiate and present proposals for FY2007   | FY2007   | Number of visits  |
|  |   | On-going | Environmental and resource benefits from incentives   |
| – The program should be designed to open lines of communication/sharing of ideas between the Sustainability Program and compliance staff   | Send response letter back to facility within 30 days of each P2 “shadow inspection”   | On-going | Timely response   |
| Incorporate stewardship practices into environmental programs and policies<br>– Catalogue past, current and future pollution prevention and sustainability practices for each division and CDPHE   | Update a compendium of pollution prevention and sustainability activities conducted by each of the environmental divisions as a part of their regular responsibilities                                  | On-going | Number of activities by division  |
|  |   |          | Environmental and resource benefits from incentives   |
|  |   |          | Number of activities then transferred to other division                                     |
| – Review environmental policies and identify and incorporate additional sustainability opportunities, incentives, and practices  | Identify and implement new practices and environmental and cost benefits from these practices   | On-going | Environmental and resource benefits from incentives   |
|  |   |          | Number of new practices   |
| Provide businesses with a framework to implement sustainable practices through EMSs<br>– Annually identify key business sectors with input from each divisions, TRI, EJ, etc.<br>– Set up partnerships with selected sectors and internal stakeholders | Identify sector(s) and work with partners   | On-going | Sector and partners identified in timely manner   |
|  | Develop EMS tools for sector(s)   |          | Number of tools   |
|  | Provide training to sector if appropriate   |          | Number of attendees   |
|  | Transition sector members to ELP Program  |          | Number of facilities into ELP   |
|  | Track and measure results   |          | Environmental and resource benefits from incentives   |
| Develop, implement and integrate internal EMS into CDPHE programs and processes  | Develop necessary policies  | On-going | Number policies developed   |
|  | Train personnel on internal EMS   |          | Number of personnel trained   |
|  | Development of aspect and impacts   |          | Aspects and impacts identified  |

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| -- Develop, implement, and measure economic and environmental benefits of CDPHE internal EMS<br>-- Implement FY2006 objectives and targets | Update and measure baseline for CDPHE  |  | Baseline developed   |
|  | Development of objectives and targets  |  | Development of objectives and targets  |
|  | Implement energy efficiency projects   |  | Measure environmental, resource and cost benefits  |
|  |  |  | Track E-Star accomplishments for CDPHE   |
|  | Implement water conservation projects  |  | Measure environmental, resource and cost benefits  |
|  | Implement recycling program  |  | Measure environmental, resource and cost benefits  |
|  | Implement paper conservation projects  |  | Measure environmental, resource and cost benefits<br>See Sustainability Division for details.  |
|  | Implement Human Resources Division projects  |  | Measure environmental, resource and cost benefits  |
| Environmental Problem Solving: Pharmaceuticals in the Environment (PIE)  | Assist with the problem identification and outreach efforts surrounding PIE  | FY2007   | Number of people reached via outreach efforts<br>Number of facilities participating in PIE reduction efforts   |
| <b>Goal: Implement Environmental Problem Solving Approach</b>  |  |  |  |
| <b>Short Term Goals</b>  | <b>Objectives</b>  | <b>Timeline</b>  | <b>Performance Measures</b>  |
| Continue to develop and implement new approaches to achieve environmental protection and solve environmental problems                      | Assess data to determine both the significance and scope of the problems affecting the well-being of Colorado's citizens   | On-going   | Assessment completed and valid use of data<br>Determine data gaps  |
|  | Identify environmental trends and respond with innovative ideas  | On-going   | Trends identified  |
|  | Improve and enhance CDPHE's delivery of environmental services with cost effective and innovative approaches that encourage environmentally sustainable economic growth  | On-going   | Projects may include oil and gas, livestock operations, migrant farm workers, crematoriums (mercury and silver emission), meth labs, depending upon assessment and resource availability |
| Environmental Problem Solving: Mercury Project<br>Reduction of mercury entering the environment through pollution prevention (PBT project) | Assist with problem identification and outreach efforts  | On-going   | Number of people reached via outreach efforts  |
|  | Mercury Manager will lead the dental mercury team along with health division and establish partnership with Colorado Dental Assn. to reach dentists<br><br>Continue to implement pilot project plan in Pueblo to significantly reduce mercury releases from dental offices through recognition and coordination with local POTWs | FY 2007  | Partnership with CDA   |
|  |  |  | Number of dental offices reached and that install mercury capture systems in Pueblo  |
|  |  |  | Amount of mercury captured in Pueblo   |
| Promote medical mercury reduction by   | On-going   | Development of recognition program and number of facilities recognized |  |
|  |  |  | Number of hospitals joining H2E  |

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|   | encouraging hospitals to join Hospitals for Healthy Environment and/or to implement mercury reduction projects  |                 | Amount of mercury removed from environment   |
|   | Continue mercury switch removal initiative working with scrap metal handlers<br>Partner with scrap handling association and pilot a project in front range with handling operations                 | FY 2007         | Number of switches removed at scrap handlers<br>Amount of mercury removed from environment<br>Change in stack test results at CF&I<br>Number of facilities participating |
|   | Expand and coordinate thermostat and thermometer exchange programs with locals in partnership with environmental organization   | FY 2007         | Number of thermometers and thermostats replaced<br>Amount of mercury removed from environment  |
|   | Promote pollution prevention projects with Colorado crematoria to reduce mercury releases to the environment  | FY 2007         | Partnership with Colorado-based funeral associations;<br>amount of mercury removed from the environment  |
| <b>Goal: Cross Media Enforcement Team</b>   |   |                 |  |
| <b>Short Term Goals</b>   | <b>Objectives</b>   | <b>Timeline</b> | <b>Performance Measures</b>  |
| Implement cross media enforcement team  | Continue to identify policies, programs and efforts that can be coordinated on cross media basis  | On-going        | Number of policies impacted or developed<br>Resource and environmental improvements as a result  |
|   | Continue to implement CDPHE's strategic goal of achieving a sustainable Colorado through performance-based programs   | On-going        | Demonstration of environmental and compliance benefits through efforts   |
|   | Ensure implementation of goals and objectives stated below if they fall within this team's purview, including increasing environmental benefits from enforcement and turning violators into leaders | On-going        | Compliance with policies, goals and objectives<br>Update goals and objectives  |
| Integrate cross media inspections into programs   | Integrate the Inspection Efficiency Cross-Media Project into core programs as appropriate – air and waste will continue and expand current program  | On-going        | Number of cross media inspections conducted  |
|   |   |                 | Environmental benefits of inspections  |
|   |   |                 | Compliance benefits of inspections   |
|   |   |                 | Staff hours saved from cross media inspections   |
| Protect public health and the environment through program improvements – compliance support in air, water and waste | Provide support and training to inspectors on a cross media basis (policy interpretation, settlement documents, assist in negotiation of settlements, enforcement database)                         | On-going        | Number of trainings offered<br>Number of staff reached   |
|   | The State will maintain a high level of expertise to ensure that high quality inspections consistent with national guidance and statutory requirements are being conducted                          | On-going        | Inspections meet state and federal standards through random sampling   |

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| Support public health and the environment by promoting compliance of regulated facilities and conducting enforcement actions related to all sources for air, water and waste<br>– Ensure enforcement actions are timely and appropriate in accordance with the MOUs | Follow appropriate enforcement response agreement (see Attachment A MOA Between CDPHE and Region VIII for Administration of the RCRA Hazardous Waste Program, Attachment B EPA's Policy on the Clean Air Act Compliance Monitoring Strategy, and Attachment C Water) | On-going | Actions are taken in a timely manner, in accordance with the attached MOAs and MOUs and policies |
| – Require and document actions necessary to assure return to compliance consistent with the policies and MOUs in Attachments A, B, and C  | Issue warning letters, compliance advisories, notices of violation, and compliance orders, request commission hearings and enter into settlement agreements, as appropriate to ensure a return to compliance   | On-going | Environmental benefits from return to compliance through each action                             |
|   |  |          | Timely return to compliance through each action  |
|   |  |          | Number of each action  |
|   |  |          | Amount of penalties assessed and collected   |
| – Document long-term maintenance of compliance after formal enforcement   | Assess and determine whether to develop a reporting system to measure the long-term effectiveness of formal enforcement actions  | FY2007   | Assessment and determination completed   |
|   |  | FY2007   | Implementation of system   |
|   |  | FY2007   | Use of data in assessing and improving programs  |
| – Take formal enforcement actions, such as administrative orders, judicial referrals and referrals to EPA as appropriate and within the time frames established in MOAs and policies, in Attachments A, B, and C  | Include compliance schedules, assessment of penalties and escalation of enforcement action as appropriate for the violations and consistent with MOUs and policies, in Attachments A, B, and C   | On-going | Environmental benefits from return to compliance through each action                             |
|   |  |          | Timely return to compliance through each action  |
|   |  |          | Number of each action  |
|   |  |          | Amount of penalties assessed and collected   |
| – Enforcement follow-up and other activities will be conducted in accordance with the MOA between the State and USEPA/Region 8 to assure return to compliance   | Include use of compliance schedules, stipulated penalties, follow-up inspections and compliance assistance and/or escalation of enforcement response as appropriate consistent with MOUs and policies, in Attachments A, B, and C                                    | On-going | Environmental benefits from return to compliance through each action                             |
|   |  |          | Stipulated penalties assessed and collected  |
|   |  |          | Measurement of repeat violations   |
| – Region 8 and CDPHE place a high priority on addressing enforcement "watch lists" which include unaddressed significant non-compliers  | Review watch list  | On-going | Number of facilities on watch-list with identified compliance issues                             |
|   | Discuss unaddressed facilities with EPA  |          | Return to compliance   |
|   | Coordinate with the Region on a plan to address them (which may include work-sharing)  |          | Environmental benefits of return to compliance   |
| Support protection of public health by responding to complaints   | Respond to all complaints, including for federal and state-only programs, in a timely manner   | On-going | Number of complaints and timeliness of response  |
|   | Work with the parties as appropriate to address the root cause of the compliant  |          | Environmental benefits of addressing root cause of complaint                                     |

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

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|   | Return referrals to enforcement if compliance assistance cannot ensure compliance within designated timeframes.  | On-going | Number of entities referred back to enforcement.   |
| Develop, incorporate and implement Environmental Results Program into core programs and measure outcomes  | Incorporate and implement ERP SCORE project into program<br>-- Develop and propose regulatory program to Hazardous Waste Commission<br>-- Upon approval, implement program, including providing compliance assistance                          | FY2007   | Number of facilities submitting audits   |
|   |  |          | Compliance benefits  |
|   |  |          | Environmental benefits   |
|   |  |          | Staff resources saved  |
|   | Develop and implement ERP for small CAFOs in conjunction with Minnesota DEP<br>-- Develop and propose regulatory program to Water Quality Control Commission<br>-- Upon approval, implement program, including providing compliance assistance | FY2007   | Number of facilities submitting audits   |
|   |  |          | Compliance benefits  |
|   |  |          | Environmental benefits   |
|   |  |          | Staff resources saved  |
| Encourage greater compliance with laws and rules protecting public health and the environment by promoting a greater degree of self-policing in the regulated community | Implement the Self-Audit Law consistent with Colorado's statute and the above stated agreement   | On-going | Number of self-audit submittals provided to CDPHE  |
|   |  |          | Number of submittals qualifying for immunity or privilege                                  |
|   |  |          | Number resolved in a timely manner   |
|   |  |          | Measure whether there is any relationship of audits to long-term facility compliance       |
|   |  |          | Environmental benefits   |
|   |  |          | Compliance benefits  |
| Garner greatest environmental benefit from enforcement resources through supplemental environmental projects program.   | Promote SEPs in every settlement agreement above \$10,000 and those below \$10,000, as appropriate, including donations to communities, in accordance with the Department-wide SEP policy and CDPHE's Municipality Policy                      | On-going | Percentage and number of settlement agreements in which SEPs are offered and then accepted |
|   |  |          | Environmental and natural resource benefits  |
|   |  |          | Cost savings to facilities   |
|   | Solicit & research for other SEP ideas   | On-going | Idea inventory   |
|   | Identify and include, where appropriate, specific options for pollution prevention and EMS SEPs  | On-going | Number of settlements with pollution prevention SEPs                                       |
|   |  |          | Environmental benefits from pollution prevention SEPs                                      |
|   | Promote SEPs that address environmental issues, problems and concerns, including environmental justice   | On-going | Environmental and natural resource benefits  |
|   |  |          | Cost savings to facilities   |
|   |  |          | Number of SEPs benefiting EJ issues  |
|   |  |          | Number of people benefited by EJ SEPs  |

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

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| using a cross-media approach.   | Return referrals to enforcement if compliance assistance cannot ensure compliance within designated timeframes.  | On-going  | See Compliance & Enforcement above                           |
| Identify and minimize where possible negative cross media transfers in compliance assurance activities. | Catalogue cross media transfers compliance assistance and inspectors are aware of from fieldwork.  | FY2007  | Number of examples identified                                |
|   |  | FY2008  | Estimated environmental outcomes of activities modified      |
|   |  | On-going  | Development of Department policy to continue regular reviews |
| Implement sector-based compliance assistance (COMPASS) projects as appropriate.                         | Complete implement sector-based project for Auto Salvage industry  | FY 2007   | Number and percentage of facilities participating            |
|   |  |   | Environmental and natural resource benefits                  |
|   |  |   | Compliance benefits  |
|   |  |   | Cost savings to facilities                                   |
|   | Complete implementation of sector-based project for Surface Coating industry   | FY 2007   | Number and percentage of facilities participating            |
|   |  |   | Environmental and natural resource benefits                  |
|   |  |   | Compliance benefits  |
|   |  |   | Cost savings to facilities                                   |
|   | Complete implementation of sector-based project for Correctional Facilities  | FY 2007   | Number and percentage of facilities participating            |
|   |  |   | Environmental and natural resource benefits                  |
|   |  |   | Compliance benefits  |
|   |  |   | Cost savings to facilities                                   |
|   | Continue to implement sector-based project for Correctional Facilities<br><br><ul style="list-style-type: none"> <li>– Review guidance materials and continue to improve</li> <li>– Enter into and implement MOA with other facilities</li> <li>– Conduct on-site compliance assessment and provide cross media training</li> <li>– Develop measurement tools for environmental and compliance outcomes</li> <li>– Report to industry and public on website</li> </ul> | FY 2007   | Number and percentage of facilities participating            |
|   |  |   | Environmental and natural resource benefits                  |
|   |  |   | Compliance benefits  |
|   |  |   | Cost savings to facilities                                   |
| Continue to develop other sector-based projects, with agreement from Region 8                           | FY 2007<br>FY2008  | Number and percentage of facilities participating |  |
|   |  | Environmental and natural resource benefits       |  |
|   |  | Compliance benefits                               |  |

|  |   |          |   |
|--|---|----------|---|
|  |   |          | Cost savings to facilities  |
| Environmental Customer Assistance Center: Provide services to all stakeholders so that they can easily understand environmental issues; their environmental obligations; and, so that all Colorado citizens and organizations can contribute to identification and prioritization of health and environmental protection needs and solutions in Colorado in the most appropriate ways. | Serve as an initial contact for those seeking environmental information.  | On-going | Measure the delivery of services and types of information requested.  |
|  |   |          | Solicit, coordinate and follow-up with environmental divisions and others on requests for information and assistance. |
|  | Provide services to all stakeholders so that they can easily understand environmental issues; their environmental obligations | On-going | Continue to operate the Department's One Stop Environmental Permit Center.  |
|  |   |          | Communicate and follow through on requests for technical assistance and compliance assistance.                        |
|  |   |          | Prepare and routinely update program contacts lists for circulation to regulated entities and the public.             |

## CHAPTER 4 SUSTAINABILITY DIVISION

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

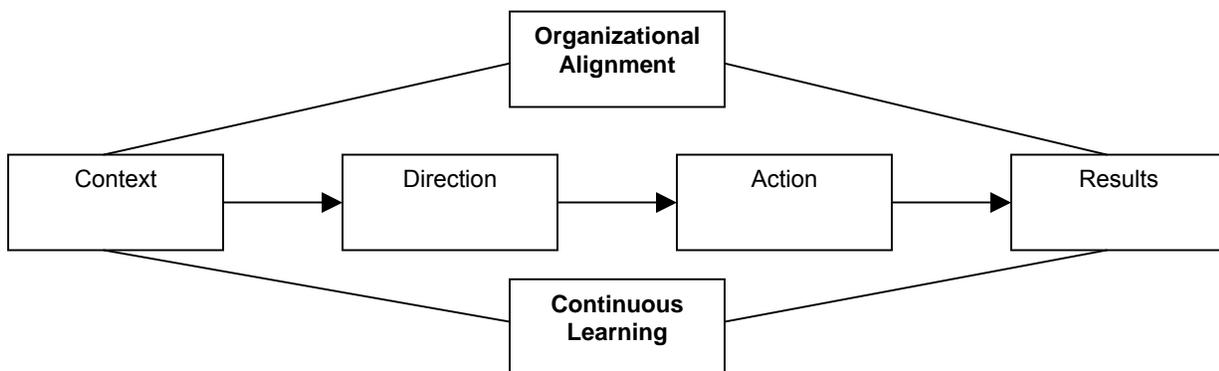
### 4.1 Strategic Direction

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

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

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

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



The following are the definitions of the above terms:

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

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

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

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

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

## 4.2 CDPHE In-House Environmental Management System (EMS)

The Sustainability Division is also leading CDPHE efforts to develop an in-house environmental management system (EMS). The EMS has two phases. In Phase I, we will work within the department to develop an EMS for our core administrative functions, such as purchasing, contracting, information technology, and facilities management. The second phase will expand the EMS into our program functions (environmental and health functions) and will impact our program goals and objectives. Through the EMS, CDPHE continues to achieve successes in energy and water use reduction, waste minimization, enhancing electronic business operations, cost savings, and pollution prevention. We have been focusing on providing EMS and environmental training, outreach, and education to all of our employees and further integrating the EMS through all levels of our agency. The Paper Reduction Team is actively working to establish policies and procedures and with staff to achieve a goal of 38% paper use reduction by the end of 2007. Also, through the Internal EMS Team we will develop baselines, measurable goals, and plans for the department. While the in-house EMS is a multi-year effort, the next year will see a lot of progress, most of which will be driven and coordinated by Sustainability Division staff.

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

## 4.3 Environmental Agriculture Program (Ag Program)

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

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

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

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

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

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

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

The enforcement negotiators and staff from the attorney generals office have also been trained on renewable energy supplemental environmental projects (SEPs) and are including renewable energy/energy efficiency SEPs in enforcement agreements. This project represents a powerful example of the cross-media coordination and enforcement/pollution prevention coordination efforts that are taking place within CDPHE. This program will continue the next year and into the future. In the next year, the Sustainability Division will work with the cross-media enforcement team to enhance the measurement capability for the environmental benefits of SEPs.

#### 4.5 Environmental Leadership Program

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

#### 4.6 Pollution Prevention Advisory Board

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

## **4.7 TRI/SARA Program**

The Sustainability Division coordinates, tracks and maintains the EPCRA/SARA Title III TRI and Tier II program and databases. CDPHE is in the midst of upgrading our evaluation of the TRI data as a way of 1) drawing correlations between our work and apparent environmental improvements and 2) as a way of providing important information to CDPHE regulatory programs. The TRI Reports completed in FY 2003 and FY 2004 will be completed again in FY 2007. See the work plan table for more detailed information.

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

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

## 4.9 Sustainability Division Work Plan

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

| Sustainability Division Efforts (division wide efforts)   |  |                 |                                       |
|---|--|-----------------|---------------------------------------|
| Short Term Goals  | Objectives   | Timeline        | Performance Measures                  |
| <p>Participate in National, State and local efforts to promote sustainability and cross media concepts, ideas, and programs and continue and enhance partnerships with</p> <ul style="list-style-type: none"> <li>-- Federal Govt: R8, NREL, DOE, DOA, OPEI, OPPTS, OAQPS, OSWER, OECA</li> <li>-- State &amp; Local Partners: PPAB, ECOS, MSWG, DOA, OEMC, CDOT, SBDC, SB National Steering Committee, Office of Economic Development, Governor's Advocate Corp, P2 Locals, State Council on Transportation &amp; Env't</li> <li>-- NGOs: Product Stewardship Institute, NPPR, Peaks-to-Prairies, Colorado Sustainable Business Network, P3 Colorado, NEMPPA, EC, TU, Sierra Club, ED, CEC, StEPP, CWA, Audubon Society</li> <li>-- Businesses &amp; Assns: CLA, CMA, CHA, Colorado Dental Assn, Colorado Auto Recyclers, Automotive Service Assn, Small Business Assn, Printers and Imaging Assn, Korean Drycleaners Assn, Colorado Fabricare Assn</li> <li>-- EPA Resource Conservation Challenge – serve on OSWER Steering Committee</li> </ul> | <p>Participate as Board member on Multi State Working Group (MSWG) to promote state programs that garner environmental performance</p> <p>Participate in ECOS semi-annual meetings and work groups to promote sustainability and cross media ideas, innovations, and efforts</p> <p>Participate as a Board member on CEP to align efforts with CDPHE</p> <p>Participate with Council on Transp &amp; Env't to promote sustainability within CDOT</p> <p>Participate on NEPTs conference calls and meetings</p> <p>Providing advice and assistance to EPA's OSWER RCC Program</p> <p>Participate on EPA's OSWER RCC Advisory Council</p> <p>Participate on ASTSWMO Sustainability Task Force</p> <p>Participate on EPA's Innovation Action Council as appropriate</p> <p>Participate on ASHTO SEHD Advisory Council</p> <p>Participate on the City of Denver's Greenprint Advisory Council</p> <p>Participate on Poudre School District Sustainability Advisory Council</p> | <p>On-going</p> |                                       |
| <p>Continue to evaluate and demonstrate effectiveness and environmental outcomes from activities</p>  | <p>Measure and track environmental benefits from each project implemented to assess the effectiveness of Sustainability Division activities, including activities performed in concert with other environmental divisions, such as SEPs</p>  | <p>On-going</p> | <p>Measurement system established</p> |

| <b>Sustainability Division Efforts (division wide efforts)</b>                           |   |             |   |
|--|---|-------------|---|
| Short Term Goals   | Objectives  | Timeline    | Performance Measures  |
| Encourage, award, and educate on the use of sustainability practices throughout Colorado | Provide education and training to business, state and local government, and employees on sustainability practices   | On-going    | Number of individuals reached<br>Environmental and cost benefits if measurement is possible           |
| -- Recognize sustainability related activities   | Hold Annual Awards Event for sustainability and prevention champions, ELP and EPA awards (150 attendees) through partnership with CEP, EPA, and others<br>Judge nominations, develop awards, announce event with state-wide press release | Sept 2007   | Number of attendees<br>Number of entities recognized<br>Quantity of benefits from entities recognized |
| -- Garner employee participation in environmental efforts                                | Hold fall CDPHE-wide Cherry Creek Cleanups along the creek designated for CDPHE   | Sept 2007   | Number of participants at spring Cherry Creek Cleanup around Earth Day (in April)                     |
|  | Hold Earth Day celebration annually in conjunction with the Spring Cherry Creek Cleanup   | April 2007  | Number of participants at fall Cherry Creek Cleanup (in September)                                    |
| Develop Cross Media Data System  | Indicators development and measurement  | FY2007-2008 | Completion depends upon receiving a NEIEN grant from EPA  |
|  | Electronic business   |             |   |
|  | Database for cross media and sustainability measures  |             |   |

| <b>Cross Media and Pollution Prevention Efforts</b>  |   |             |   |
|--|---|-------------|---|
| Short Term Goals   | Objectives  | Timeline    | Performance Measures  |
| Reduction of mercury entering the environment through pollution prevention (PBT project)                         | Participate in Mercury projects: switch, dental, thermostat, hospital, thermometer, crematorium                 | On-going    | See above in Chapter 3  |
| Development and implementation EMS permit pilot project  | Participate in EMS permit pilot project   | FY2007-2008 | See above in Chapter 2  |
| Agriculture Project: Promote pollution prevention and EMSs/environmental leadership within agricultural industry | Provide P2 technology / work practices ideas, EMS information, and alternative energy information, as necessary | On-going    | Number in the industry provided outreach assistance<br>Number implemented EMSs<br>Number joining ELP<br>Amount of natural resources conserved and environmental impacts mitigated |

| Cross Media and Pollution Prevention Efforts   |   |          |   |
|--|---|----------|---|
| Short Term Goals   | Objectives  | Timeline | Performance Measures  |
|  | Serve as a liaison between agricultural sector and industry groups, EPA and CDPHE   | On-going | Number of agricultural-related events attended<br>Number of presentations provided to sector<br>Environmental benefit/outcomes of liaison activities  |
|  | Implement chemical clean sweep – agricultural chemical roundup – if funding becomes available, including through SEPs   | FY 2007  | Number of chemicals collected<br>Number of farms/facilities contacted<br>Number of participants in effort   |
| Environmental Education and Outreach Project: Promote energy and water conservation, sustainability, and other environmental issues to state employees and integrate into internal EMS | Continue to develop educational materials that include measures and steps state employees and other consumers can take to reduce energy and water usage, prevent air, water and waste pollution and promote sustainable practices; make the materials available on CO-TRAIN | On-going | Measure benefit of outreach activities including number of individuals reached<br>Number of presentations<br>Measure number of water and energy conservation and environmental goals selected and met<br>Number of employees recognized for achieving environmental goals |
|  | Provide education and training to CDPHE and other state employees on sustainability, including air, water, energy, waste, and cost savings, through classroom and CO-TRAIN  | On-going | Number of employees receiving training or education   |
| Provide outreach and technical assistance on sustainability concepts to CDPHE, businesses, the regulated community, and the public   | Sector-based compliance assistance projects   | On-going | See above in Chapter 3  |
|  | Develop partnerships with key sectors   | On-going | See above in Chapter 3  |
|  | Design, lead and/or participate in workshops, fairs, etc., to provide P2/ELP/Sustainability information to businesses and the public  | On-going | Number of workshops and forums participated in<br>Number of participants<br>Number of Evaluation Forms completed (where applicable)   |
|  | Cross-training through shadow inspections: conduct 10 inspections annually  | FY2007   | Number of shadow inspections<br>Number of inspectors trained  |
| Implement CDPHE in-house EMS: maintain lead role in development and implementation of internal EMS, including development of   | Coordinate efforts of EMS team, senior advisor, and management team(s)  | Ongoing  | Number of contacts with team, advisor and team<br>Recommendations for improved coordination   |

| Cross Media and Pollution Prevention Efforts   |   |          |  |
|--|---|----------|--|
| Short Term Goals   | Objectives  | Timeline | Performance Measures   |
| policies, coordination of training, coordination of aspects, objectives, and baselines development | Conduct gap analysis and improve documentation  | FY2007   | Documentation policy and procedures developed and implemented to ISO standard  |
|  | Develop EMS General Awareness training and presenting to new and existing staff   | On-going | Number of staff receiving training<br>Number of hours of training cumulative   |
|  | Assist in maintaining baselines for affected divisions  | On-going | Baseline assessment<br>Environmental impacts measured  |
|  | Coordinate the on-going procedure for aspects and impacts for CDPHE   | On-going | Procedures developed<br>Aspects identified   |
|  | Coordinate the on-going procedure for the identification of goals and objectives for CDPHE  | On-going | Procedures developed<br>Goals and objectives identified  |
|  | Implement selected projects in timely basis with clear measurable results, including:<br>- Enhance CDPHE recycling program<br>- Coordinate, participate on CDPHE paper reduction team: ensure teams develop and implement goals | On-going | Number of EMS projects implemented<br>Environmental results/measurements of projects<br>Cost savings from projects<br>Conduct gap analysis of EMS<br>Materials reclaimed, recycled, reused<br>38% paper use reduction by 6/30/06 |
| Implement Governor's Greening Government Executive Order   | Participate as one of 3 lead agencies in implementing Greening Government E.O.  | On-going | Implementation of EO   |
|  | Hold regular meetings with other state agencies participating on the Greening Government team   | On-going | Meetings and attendees   |
|  | Develop environmental policy  | FY2007   | Approval by Governor   |
|  | Develop baseline of environmental impacts (aspects and impacts)   | FY2007   | Baseline   |
|  | Develop inventory of existing greening government projects  | FY2007   | Adequacy of inventory  |
|  | Identify targets and objectives   | FY2007   | Targets and objectives   |
|  | Implement project to meet targets and objectives  | On-going | Environmental outcomes   |
|  | Provide assistance to all state agencies  | FY2007   | Number of agencies assisted  |

| Cross Media and Pollution Prevention Efforts  |   |                    |   |
|---|---|--------------------|---|
| Short Term Goals  | Objectives  | Timeline           | Performance Measures  |
|   | Provide education and training for state employees  |                    | Number of personnel trained   |
|   | Develop environmental preferential purchasing policies for state agencies   |                    | Number of policies developed  |
|   | Develop a state-wide measurement tool and guidance  |                    | Tool developed and implemented  |
|   | Report on projects and efforts  | FY2007             | Report on website   |
| Partner with the Air Pollution Control Division   | Support APCD in Oil and Gas P2 efforts  | FY2007             | Environmental benefits<br>Cost savings  |
|   | Work with Governor's Office of Energy Management and Conservation to enhance the use of EE/RE in Colorado in air programs (SIPs, etc.)    | On-going           | Kilowatt hours of renewable energy developed<br>Kilowatt hours of traditional forms of energy saved<br>Developed system to track air emission benefits        |
|   | Work with APCD in implementing PPAB P2 report.  | On-going           | Environmental benefits  |
| Partner with the Consumer Protection Division to identify opportunities to incorporate cross media and pollution prevention into their programs | Work with Consumer Protection Division in implementing PPAB P2 plan.  | On-going           | Environmental benefits  |
|   |   |                    |   |
| Partner with the Hazardous Materials and Waste Management Division to incorporate cross media and pollution prevention into the programs        | Work with Solid Waste Program as lead program to develop and implement a zero waste vision and goal for Colorado.                         | On-going           | Vision developed and approved   |
| Partner with the Water Quality Control Division to highlight or incorporate prevention in the water programs                                    | Stormwater Excellence Program   | FY 2007<br>FY 2008 | Projects identified and begin to implement  |
|   | Work with EPA HQ to ensure future and existing CAFO regulations allow for consideration of and mitigation of negative cross media impacts | FY 2007<br>FY 2008 | See Chapter 2 above<br>Success at federal level to regulate CAFOs on a cross media basis, including promoting composting and other prevention based solutions |
|   | Work with Division to implement PPAB P2 plan  | On-going           | Environmental benefits  |

| Cross Media and Pollution Prevention Efforts   |   |   |  |
|--|---|---|--|
| Short Term Goals   | Objectives  | Timeline  | Performance Measures   |
| <p>Cross-media Teams: continue to integrate sustainability concepts (including P2) into media divisions</p> <ul style="list-style-type: none"> <li>• Cross Media Enforcement Team</li> <li>• Cross Media Compliance Assistance Team</li> <li>• Indicators/Measurement Team</li> <li>• Cross Media Inspector's Team</li> <li>• Cross Media Regulatory Team</li> <li>• Cross Media Permitting</li> </ul> | Participate in Cross-media Enforcement team   | On-going  | Progress on individual projects – see Chapter 3  |
|  | Participate in Cross-media Compliance Assistance Team   | On-going  | Progress on individual projects – see Chapter 3  |
|  | Participate in Environmental Indicators Team  | On-going  | Progress on individual projects – see Chapter 2  |
|  | Participate on Cross Media Inspector's Team   | On-going  | Progress on individual projects – see Chapter 3  |
|  | Identification and integration of P2 into regulations<br>Cooperate with the PPAB in review of environmental regulatory programs, laws, and policies for sustainability opportunities and incentives | On-going  | Number of regulations identified and proposals made to commissions<br>Number of provisions included in regulations.  |
|  | Identification and integrations of P2 and sustainability into permitting  | On-going  | Number of permits where cross media considerations are included<br>Environmental and economic benefits derived from sustainability and P2 in regulations<br>Number of permitting programs with sustainability and P2 |
| Consultation to Compliance Staff: promote P2 in enforcement programs   | SEPs with P2 and sustainability measures  | On-going  | Number of SEPs with P2 elements<br>Environmental and cost benefits of P2 SEPs  |
|  | Inspections with sustainability and P2 assistance   | On-going  | Number of inspections where state offered P2 assistance or materials   |
|  | Assist with updating SEP database for measurables   | On-going  | See Chapter 3 above  |
| <p>Participate on P2 Regional and National Programs</p> <p>– P2 Locals meetings and coordination</p>   | Provide the opportunity for quarterly local P2 programs<br>Help organize meetings, promote, establish agendas, bring resources as appropriate<br>Coordination and sharing of resources              | On-going  | Number of meetings<br>Number of local entities represented<br>Number of participants<br>Environmental measurements if possible   |
|  | – Participate in NPPR activities  | Semi-annual meetings in Fall and Spring<br>Conference calls/listserves of Healthcare P2 and sustainability groups | On-going   |

| <b>Cross Media and Pollution Prevention Efforts</b> |  |          |  |
|---|--|----------|--|
| Short Term Goals                                    | Objectives   | Timeline | Performance Measures   |
|   | Transfer of models to and from other states                |          | Number of models or programs used in Colorado                                |
| -- Participate in Region VIII P2 Net activities     | Quarterly conference calls<br>Submit ideas for mini grants | On-going | Participation in meetings and on calls<br>Environmental benefits from grants |
|   | Collaboration with the regional P2/P2Rx Center             |          | Participation in meetings and on calls                                       |

| <b>Pollution Prevention Advisory Board Efforts</b>  |  |          |  |
|---|--|----------|--|
| Short Term Goals  | Objectives   | Timeline | Performance Measures   |
| Assist the Pollution Prevention Advisory Board (PPAB) in providing the maximum environmental benefit to CDPHE and other stakeholders: | Provide monthly meeting support, as well as support for various subcommittee meetings (Grants, Regulatory, Integration, External, GHG, ELP, and Executive) | On-going | Provide agenda, meeting logistics, minutes, and other documentation in a timely manner   |
|   | Advising CDPHE on continual improvement projects (including beyond compliance)   |          |  |
|   | Advising CDPHE on cross media compliance assurance (including permitting, compliance assistance, inspections, enforcement) programs                        |          | Each division presents to PPAB on programs, WQCD winter 2005, then assist in developing plan for division on implementation of ideas |
|   | Advising CDPHE on internal and external outreach/ education programs   |          |  |
|   | Development and implementation of state employee awards program for sustainability and P2 efforts  |          | Awards presented<br>Sustainability and P2 practices encouraged   |
|   | Continue developing and implementing CDPHE Energy Efficiency and Greenhouse Gas Emissions Reduction Plan   |          | Statewide greenhouse gas reductions<br>Policies developed<br>Employees educated  |
|   | Encouraging and advising on incorporation of sustainability and P2 into regulations  |          | Regulatory committee – HCSFO regulations<br>Water quality regulations  |
|   | Influencing legislative activities where appropriate   |          |  |
|   | Developing and tracking indicators (health/environment) to measure effectiveness of sustainability programs  |          | Indicators selected  |

| <b>Pollution Prevention Advisory Board Efforts</b>   |   |                            |  |
|--|---|----------------------------|--|
| <b>Short Term Goals</b>  | <b>Objectives</b>   | <b>Timeline</b>            | <b>Performance Measures</b>  |
| Administer the P2 Grants Program from the P2 Fund (~\$50,000 -\$100,000 annually)  | Update Grant Announcement<br>Update grants database<br>Announce grant availability to ELP members first as an incentive<br>Announce grant availability through email mailing and internet posting   | Spring 2007<br>Spring 2008 | Timely entering into BIDS System<br>Grant database updated<br>Pre-proposal meeting held in timely manner (If grants are awarded through RFP process)   |
| Assist and support PPAB in grant review and selection process  | Provide updated score sheets & submit proposals to committee<br>Support committee in review process<br>Prepare committee's grant selections/documentation for PPAB ratification of grant awards<br>Notify grant recipients and prepare news release | Spring 2007<br>Spring 2008 | Timely provision of score sheets<br>Provide committee with support and information<br>Timely preparation of committee grant awards and notifications (If grants are awarded through RFP process) |
| Develop project schedule with grant recipients, support grant recipients and track project performance, make project results available to the public and develop P2 Grant Program Brochure to be updated with each new grant cycle | Develop project schedule with grant recipients  | On-going                   | Develop schedule within 30 days of grant award<br>Number of hits to website  |
|  | Support grant recipients and track project performance  |                            | Ensure projects completed in timely manner<br>Collect environmental and cost benefits  |
|  | Make project results available to the public  |                            | Make results available to public within 30 days of completion of each project<br>Development and distribution of electronic brochure   |

| <b>TRI/SARA Program</b>  |   |                 |  |
|--|---|-----------------|--|
| <b>Subgoals</b>  | <b>Objectives</b>   | <b>Timeline</b> | <b>Performance Measures</b>                    |
| Effectively and efficiently implement the EPCRA/SARA Title III TRI and Tier II programs<br>Maintain the EPCRA/SARA Title III TRI and Tier II Databases | Receive and enter TRI and Tier II data from Colorado businesses (2500 facilities; 4000 reports) | On-going        | Timely and effective entering of data          |
|  | Develop and maintain the TRI/Tier II database   | On-going        | Database is searchable and maintained          |
|  | Assess TRI fees, generate and mail bills, and monitor payments for annual data and submittals   | Sept to Oct     | Timely assessment of fees and mailing of bills |

| <b>TRI/SARA Program</b>   |  |                   |   |
|---|--|-------------------|---|
| <b>Subgoals</b>   | <b>Objectives</b>  | <b>Timeline</b>   | <b>Performance Measures</b>   |
|   | Utilize EPA internet based system for receipt of TRI reports   | July              | Electronic system   |
| Provide information internally, and to public and facilities on program                                       | Respond to inquires regarding TRI reporting and payment requirements from Colorado businesses  | On-going          | Respond in timely manner  |
|   | Respond to inquiries on information to the public and appropriate parties  | On-going          |   |
|   | Generate chemical inventory reports for electronic transmittal to appropriate parties (LEPCs, CEPC, EPA, HMWMD Records Center, EMP)  | December          | Timely completion of report<br>Distribution of report   |
|   | Generate, distribute, and promote use of electronic annual TRI report  | December          | Timely completion of report<br>Number of hits on Internet<br>Internal use of data and reports |
| Promote the use of SARA and TRI/Risk Screening (RSEI) data in CDPHE's strategic planning and policy decisions | Review TRI & RSEI data to identify sectors with relatively more significant environmental impacts<br><br>Work with other environmental division (e.g., Cross Media Team) to incorporate TRI data in planning and decision-making | Fall of each year | Internal use of data and risk assessments<br>Reduction in quantity reported in Colorado       |

| <b>Environmental Leadership Program</b>   |   |                 |  |
|---|---|-----------------|--|
| <b>Subgoals</b>   | <b>Objectives</b>   | <b>Timeline</b> | <b>Performance Measures</b>  |
| Identify, recognize, and provide incentives to businesses and municipalities that are going beyond basic compliance with environmental requirements and are developing sustainable business practices | Grow the ELP while maintaining credibility of program and members   | On-going        | Number of member events held<br>Number of members participating<br>Number of new services provided |
|   | Provide member services and incentives (roundtables, workshops, networking opportunities, retreats, etc.) |                 |  |
|   | Develop ELP e-Newsletter for members  |                 |  |
|   | Develop policies and administrative forms to support ELP (renewal, incentives, etc.)                      |                 |  |

| Environmental Leadership Program   |   |          |  |
|--|---|----------|--|
| Subgoals   | Objectives  | Timeline | Performance Measures   |
| Promote ELP to potential members through marketing and outreach          | Provide ELP outreach to companies, trade associations, etc., including a combination of at least 35 presentations, recruitment meetings, and site visits with potential applicants annually | On-going | Number of presentations<br>Number of attendees<br>Number of recruitment meetings   |
|  | Conduct seminars and/or provide training materials on EMS/ELP/P2/Sustainability to Colorado facilities and out of state entities  | On-going | Number of presentations<br>Number of attendees<br>Number of entities reached   |
|  | Promote ELP programs internally and to local agencies for referrals   | On-going | Number of referrals from state and local employees<br>Number of contacts with state and local employees<br>Number of new members as a result of internal referral<br>Environmental, economic and resource benefits from internal referrals |
| Provide member services and mentoring Achievement Award members into ELP | Provide technical assistance and gap analysis for potential ELP members   | On-going | Number of facilities provided assistance<br>Environmental and resource benefits from assistance  |
|  | Provide EMS trainings, roundtables, workshops and other mentoring opportunities   | On-going | Number of sessions and facilities attending  |
|  | Host a fall ELP/EMS training event for EAA/Gov. Challenge/CEP and other businesses and organizations  | November | Number of attendees  |
|  | Develop an annual ELP progress report   | December | Completion and electronic distribution of report   |
|  | Expand ELP Website  | On-going | Number of hits on website  |
|  | Expand concepts of innovation including industrial ecology and environmental management systems with ELP members  | On-going | Environmental and resource benefits from efforts   |
| Implement Gold Level ELP   | Work with divisions to develop media-specific incentives for companies in the Gold Level  | On-going | Number of incentives developed<br>Number of incentives implemented<br>Environmental, economic and resource benefits of incentives  |

| Environmental Leadership Program |  |          |   |
|----------------------------------|--|----------|---|
| Subgoals                         | Objectives   | Timeline | Performance Measures  |
|                                  | Expand membership in the Gold Level: enroll a minimum of 2 new participants annually   | On-going | Number of new applicants<br>Number of EMSs assessed<br>Number of new members<br>Environmental, economic and resource benefits from all members                              |
|                                  | Expand the recognition elements of the program for the Gold Level annually, including:<br>Contact each ELP member and document successes<br>Place successes on website with members' logos | On-going | Successes documented and measurements tracked<br>Measurements on Internet site<br>Number of hits on Internet site   |
| Implement Silver Level ELP       | Work with divisions to develop incentives for members  | On-going | Number of incentives developed  |
|                                  | Conduct mentoring training (EMS) for members   | On-going | Number of silver level members applying to gold level<br>Number developing and implementing EMSs  |
|                                  | Continue to grow membership in Silver Level: enroll a minimum of 20 new participants in Silver Level annually  | On-going | Number of new applicants<br>Number of projects assessed<br>Number of new members<br>Environmental, economic and resource benefits from all members                          |
|                                  | Partner with sectors to promote projects that qualify for Silver Level   | On-going | Number of new applicants<br>Number of EMSs assessed<br>Number of new members<br>Environmental, economic and resource benefits from members associated with selected sectors |

| Environmental Leadership Program  |   |                    |  |
|---|---|--------------------|--|
| Subgoals  | Objectives  | Timeline           | Performance Measures   |
| Implement additional levels of ELP to address areas of need; as resources allow, ELP will develop the following categories:<br>-- Bronze Level for Partners (trade and other organizations with whom we partner)<br>-- Platinum Level for Sustainability<br>-- Other levels as CDPHE determines appropriate | Work with divisions, internal and external advisory groups, and trade organizations to develop a program for Partners, including creating criteria, policies and incentives; obtain membership in this tier             | FY 2007<br>FY 2008 | Program established<br>Stakeholder input<br>Enroll three members<br>Number of member organizations contacted or reached<br>Number of member organizations participating in ELP<br>Environmental, economic and resource benefits from members associated with organizations |
|   | Work with divisions, internal and external advisory groups, and trade organizations to develop a program for Sustainability level, including creating criteria, policies and incentives; obtain membership in this tier |                    |  |
| Develop and continue partnerships that result in incorporating EMS and leadership principles into CDPHE programs and processes or otherwise furthering leadership principles  | Implement CDPHE EMS guidance document, and develop EMS policy and guidance  | On-going           | Completion of guidance<br>Implementation of policy   |
|   | Partner with Stormwater Program in establishing Stormwater Excellence Program for construction industry (see Chapter 2)   | FY 2007<br>FY 2008 | See Chapter 2  |
|   | Partner with Wastewater/Water Treatment Programs in establishing a program to recognize facilities with stellar environmental performance   |                    | As resources allow   |
|   | Partner with PEER Center in creating series of workshops to help local government put EMSs in place   |                    | Number of attendees at workshop  |

| <b>Environmental Leadership Program</b>   |  |                 |   |
|---|--|-----------------|---|
| <b>Subgoals</b>   | <b>Objectives</b>  | <b>Timeline</b> | <b>Performance Measures</b>   |
|   | Partner with PEER Center in creating an EMA Awareness Course for local governments   |                 | Number of local governments reached   |
|   | Continue to promote EMSs to other environmental programs and state agencies  | On-going        | Number of programs EMSs are utilized<br>Number of activities involving EMSs   |
| Leverage resources and partner with EPA Performance Track                         | Promote the programs through the MOU, including developing a list of potential members and determine which EPA and state should approach | On-going        | Creation of list<br>Number of entities identified and contacted<br>Number of members obtained<br>Environmental, economic and resource benefits from resultant members |
| Develop External ELP Advisory Group   | Leverage through the PPAB and include other ELP members and other stakeholders   | On-going        | Creation of advisory group<br>Number of recommendations and ideas   |
| Develop Internal ELP Advisory Group   | Hold regular meetings for internal staff to advise ELP on various elements of the program, including compliance reviews and issues       | On-going        | Creation of advisory group<br>Number of recommendations and ideas   |
| Work with participants in Governor's Challenge to enter ELP Gold or Silver levels | Contact each company<br>Review each company's EMS<br>Assist in application development   | On-going        | Number of companies contacted<br>Number of EMSs assessed<br>Number of companies in ELP  |

| <b>Environmental Justice Program</b>  |  |                 |   |
|---|--|-----------------|---|
| <b>Subgoals</b>   | <b>Objectives</b>  | <b>Timeline</b> | <b>Performance Measures</b>   |
| Serve as intermediary between EPA and CDPHE on environmental justice issues | Participate, coordinate, and facilitate meetings between EPA, CDPHE and communities, as appropriate and necessary  | On-going        | Number of events facilitated<br>Number of events participated<br>Number of attendees<br>Environmental outcomes of events            |
|   | Attend, coordinate and/or facilitate (as appropriate) community or other environmental justice meetings for companies that are located in areas where environmental justice is a concern | On-going        | Number of events attended<br>Number of events coordinated or facilitated<br>Number of attendees<br>Environmental outcomes of events |

| <b>Environmental Justice Program</b>  |  |                 |  |
|---|--|-----------------|--|
| <b>Subgoals</b>   | <b>Objectives</b>  | <b>Timeline</b> | <b>Performance Measures</b>  |
| Participate on the Employee Diversity Advisory Council  | Expand awareness with CDPHE of the advantages of a diverse workforce in order to better serve a diverse client base and participate in diversity trainings             | On-going        | Number and type of events coordinated or facilitated<br>Number of attendees<br>Environmental outcomes of events                        |
| Educate CDPHE staff   | Participate in New Employee Orientation  | On-going        | Number of staff reached  |
| Participate on the Environmental Health Disparities Workgroup   | Raise awareness of health disparity issues within the environmental divisions.   | On-going        | Number of outreach materials published<br>Number of meetings attended<br>Environmental outcomes of meetings/events<br>Final report     |
| Participate on EPA's environmental justice migrant farmer workgroup   | Participate on related subcommittees<br>Raising, discussing and addressing issues<br>Expand program if receive funding   | On-going        | Number of meetings attended<br>Number of attendees<br>Success in addressing issues<br>Environmental outcomes of events<br>Final report |
| Participate on the Limited-English Proficiency Workgroup  | Expanding CDPHE ability to address limited-English proficiency issues  | On-going        | Number of documents translated<br>Number of people assisted  |
| Review documents that address environmental justice issues and inform CDPHE of emerging environmental justice issues as appropriate | Review documents and inform CDPHE<br>Obtain information from: the EPA website, community newsletters, contacts and provide in meetings or correspondences as necessary | On-going        | Number of documents reviewed   |
|   |  |                 | Environmental outcomes of efforts  |

| <b>Small Business Ombudsman</b>  |   |                 |  |
|--|---|-----------------|--|
| <b>Subgoals</b>  | <b>Objectives</b>   | <b>Timeline</b> | <b>Performance Measures</b>  |
| Assist small businesses and small municipalities by increasing the efficiency and effectiveness of compliance assistance provided by CDPHE environmental divisions | Organize group of environmental assistance providers to discuss and implement effective and efficient ways of assisting small businesses and municipalities in meeting environmental requirements | On-going        | Number of entities reached as direct outcome<br>Environmental and compliance outcomes of efforts |

| Small Business Ombudsman  |   |          |   |
|---|---|----------|---|
| Subgoals  | Objectives  | Timeline | Performance Measures  |
| Represent Colorado at a national level  | Serve on the national 507 Steering Committee, including participate in monthly conference calls, review legislation and materials related to Colorado's program, and participate on subcommittees   | On-going | Number of entities benefited as a result<br>Environmental and compliance outcomes of efforts  |
| Provide assistance and track assistance provided to small business and municipalities | Track calls and visits in the tracking database and input on bi-weekly basis  | On-going | Number of calls received<br>Number of entities assisted<br>Environmental and compliance outcomes of efforts   |
|   | Provide timely response to small businesses – within 3 days of initial contact  | On-going | Number of entities contacted within 3 days  |
|   | Send out surveys on small business outreach activities for completed SBAP assistance on a monthly basis<br>Results will be entered in the database and analyzed to determine areas for improved efficiency or alternate outreach methods  | On-going | Number of surveys sent<br>Number of surveys entered into database   |
|   | Contact trade associations and small business representatives that SBAP has worked with and get comments and feedback   | On-going | Contact within 30 days of SBAP contact  |
| Serve as ombudsman for small business and municipalities.                             | Serve as an impartial resource for small businesses and municipalities that have complaints or concerns about fair treatment by the environmental divisions. Supply information to businesses and municipalities concerning their options and act as an impartial assistant in enforcement and permitting meetings and processes. Help to gather information that assists the divisions in understanding the businesses' and municipalities' actions. | On-going | Number of times assistance provided to businesses<br>Number of contacts made with environmental staff<br>Environmental outcomes of assistance efforts |

| Small Business Ombudsman  |   |          |  |
|---|---|----------|--|
| Subgoals  | Objectives  | Timeline | Performance Measures   |
|   | Meet with industry groups and other agencies to foster partnerships for sharing resources and information for the purpose of educating small businesses and municipalities on environmental requirements, P2, sustainability and environmental leadership (program) | On-going | Number of meetings held<br>Number of partnerships created<br>Environmental outcomes of partnership   |
|   | Review SBAP guidance documents prior to issuance and provide advisory opinions  | On-going | Complete within 10 days of SBAP providing document   |
|   | Provide training and outreach on tools available for small businesses and the assistance available through SBAP   | On-going | Participate in conferences or seminars and provide presentations as appropriate to further the small business programs   |
| Provide assistance and advice to the Air, Water, Waste, and Consumer Divisions and senior management and commissions concerning small businesses and communities. | Review division regulations, policies and guidance and provide advisory opinions to make the documents more small business friendly   | On-going | Gather list of guidelines that may impact small businesses<br>Number of guidelines and advisory opinions reviewed and written<br>Final report with recommendations           |
|   | Review new or modified guidances on an ongoing basis  | On-going |  |
|   | Respond to requests from senior management/commissions to review policies, legislation, etc.  | On-going | Review and make recommendations to the Small Business Community Flexibility Act<br>Review SB 151 to ensure CDPHE small business information is assessable to the public      |
|   |   |          |  |
| Regulations reviewed to determine whether impact small businesses and provide information on the regulations to small business community                          | Ensure new and modified regulations that impact small businesses are reviewed, comments from the small business community are solicited, and the community trained  | On-going | Obtain list of new regulatory programs   |
|   |   |          | Maintain regulatory contacts within each Division and request notification of new and modified regulations   |
|   |   |          | Review new regulations and modifications to regulations that affect small businesses and municipalities and provide comments and suggestions within the regulatory timeframe |

| Small Business Ombudsman  |   |          |   |
|---|---|----------|---|
| Subgoals  | Objectives  | Timeline | Performance Measures  |
|   |   |          | <p>Solicit comments on new regulations from small business organizations and municipalities and present to appropriate regulatory agency as small business community comments</p> <p>Provide training and outreach on new regulations as necessary in conjunction with the programs</p> |
| Assist small businesses in obtaining funding for environmental controls | Interface with SBDC, SBA, DOC and state agencies that may have programs to financially assist small businesses in need of funds to comply | On-going | <p>Update the databases of state agencies and private sector financial institutions that may have such funds</p> <p>Post information on funds available on the website and/or other method to disseminate</p>   |
| Support the small business Compliance Advisory Panel                    | Assist in ensuring the Compliance Advisory Panel is an effective resource for small businesses and CDPHE                                  | On-going | <p>Present guidance documents, projects and issues to the CAP for its advisory opinions</p> <p>Assist CAP in issuing the advisory report and discuss with EPA.</p> <p>Make Recommendations to the Director for appointments after conferring with SBAP</p>                              |

# CHAPTER 5 AIR QUALITY

## 5.1 Overview

Chapter 5 of the FY 2007-8 CEPPA addresses the protection of air quality in Colorado. The agency with primary responsibility for protecting the air resources of Colorado is the Air Pollution Control Division (Air Division) of CDPHE. This chapter includes:

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

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

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

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

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

## 5.2 Mission and Critical Investment Areas

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

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

### 5.2.1 Mandates and Major Policy and Management Direction

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

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

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

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

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

### 5.3 Air Division Goals to Achieve the Mission

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

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

Sub Goal 5.1.1 Protect the National Ambient Air Quality Standards

Objective 5.1.1.1 Protect Ozone NAAQS

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

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

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

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

| Objectives   | Strategic means  | Environmental indicators of results   |
|--|--|---|
| Meet national goal of reducing the excess number of cancers are reduced by 75% by 2010 from 1993 levels and to ensure that 90% of toxic and hazardous emissions are subject to standards developed by the EPA. (EPA Objectives – By 2007 reduce emissions from MACT sources by 1.7 million tons<br>By 2010 mobile source air toxic emissions will be reduced 1.1 million tons per year from 1996 levels of 2.7 million tons<br>By 2010 all 260,000 buses manufactured between 1991 and 2000 will be retrofitted and all pre-1991 buses will be replaced) | 1. Full implementation of MACT<br>2. Implementation of Integrated Air Toxics Strategies<br>3. Implementation of Mercury Reduction Programs<br>4. Implementation of Lead-based paint certification and abatement program<br>5. Implementation of asbestos certification and abatement programs<br>6. Implementation of diesel retrofit programs | Statewide trends in emissions of air toxics (including Mercury)<br>Emissions eliminated as a result of program implementation<br>Trends in state-wide ambient air toxics measurements |

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

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

**Sub-areas include:**

5.2.1 Acid deposition and related Air Quality Related Values

| Objectives  | Strategic means  | Environmental indicators of results   |
|---|--|---|
| Ensure all Class I areas in Colorado are protected from acid deposition impacts and other Air Quality Related Values are protected.<br>Specific objective relating to reduction in increasing trend in nitrification of sensitive waters in Rocky Mountain National Park (RMNP) will be developed in FY 2006-7. | 1. Implementation of Acid deposition program<br>2. Implementation of PSD program<br>An interagency work group will be convened in FY 2005 to examine environmental impacts on RMNP, provide inventories and related products and to further technical and scientific understanding of the issues. The specific programs will be developed over the next two years. | Statewide trends in emission of acid deposition precursors<br>Emissions acid deposition precursors eliminated as a result of program implementation<br>Acid deposition trends state-wide including nitrogen impacts on ecosystems<br>Other measures as identified through process |

5.2.2 Stratospheric ozone protection

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

5.2.3 Climate change

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

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

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

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

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

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

5.3.2 Odors

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

The annual objectives are specified in Office of Air and Radiation document entitled, “FY 2007 Technical Program Guidance” also provides guidance for the programs. In the work plan tables that follow, the state performance measures outcomes are linked to the EPA guidance objectives for national priorities.

## 5.4 Organizational Structure of the Air Division

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

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

## 5.5 Air Pollution Control Division FY 2007 and FY 2008 Priority Program Objectives

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

### FY 2007 Priority Objectives

| Priority Topic (Region 8 and Colorado)    | Activities (state only)   | Milestone |
|---|---|-----------|
| Energy (Region 8 priority)                | <p>Participate in ongoing energy initiatives</p> <p>Participate in WRAP and WESTAR committees on regional haze SIP development and energy</p> <p>Participate in energy development activities with other local, state and federal agencies such as oil shale programmatic development and oil and gas development</p> <p>Promote renewable energy and energy efficiency projects in settlement agreements</p> <p>Participate in Four Corners Task Force with EPA, FLMs, New Mexico and other stakeholders. Lead or participate in work groups (cumulative effects, monitoring, O&amp;G, other sources)</p> <p>Complete negotiation of MOU and work plan</p> <p>Establish and participate in work groups (modeling and small engine standards)</p> <p>Participate in community based efforts to address impacts of oil and gas activities in Garfield and other possible counties in western Colorado (see cross-media discussion in Chapter 2 of PPA)</p> | Ongoing   |
| Agriculture (Region 8 priority)           | Continue work with communities and local agencies in agricultural areas to ensure an effective process is in place to address community-based issues relating to air quality  | Ongoing   |
| Revitalization (Region 8 priority)        | Continue to work with other CDPHE Divisions and stakeholders to ensure proper remediation or correction of any identified issue or problem  | Ongoing   |
| Direct implementation (Region 8 priority) | NA  |           |
| EMS Permit Pilot Project                  | Continue to participate in development and implementation of CDPHE EMS Permit pilot program   | Ongoing   |

| Priority Topic (Region 8 and Colorado)   | Activities (state only)  | Milestone                                   |
|--|--|---|
| Emergency Response   | Assist with the continuing implementation of CDPHE Emergency Response Plan and national monitoring activities. Provide input on meteorological and forecasting issues and technical support to Crisis Management Center in the event of any releases of chemical, biological or nuclear agents   | Ongoing                                     |
| Nonattainment/Maintenance SIP Updates  | SIP Updates will be completed for the following areas:<br>None scheduled in 2007   |   |
| Ozone Early Action Compact for Denver metro region and portions of northeastern Colorado | Ozone Compact periodic update commitment will be developed and submitted to the AQCC. Implementation of measures will continue   | Ongoing                                     |
| AIR Program Updates  | Continue Clean Screen implementation in Denver<br>Enhanced Program modifications<br>Begin Phase-out Basic Program in Larimer, Weld and El Paso counties  | Ongoing<br>Ongoing<br>Jan 2007              |
| Diesel I/M updates   | Implementation of New Inspection Reporting Procedures  | Ongoing                                     |
| Clean Screen   | See AIR Program  |   |
| High Emitter Program developed as a SIP program  | Activities in this area including:<br>- Implementation of HB 06-1302<br>- Repair Your Air II Project   | Ongoing<br>Dec. 2006 – Report to AQCC       |
| Regional Haze SIP (Region 8 and Colorado)  | Technical work includes: analysis of IMPROVE data at Class I sites; updating emissions inventory to 2018 base year; participation in WRAP technical forums<br>Policy work will include participation in WRAP policy forums and comment on EPA rulemaking on RH requirements and development of RHSIP SIP development outline and outreach effort<br>Implement BART process and analysis and complete analyses for subject source<br>Continue to implement and work toward any existing reasonably attributable visibility impairment in Class I areas (will be in Regional Haze SIP as updated Long Term Strategy) | December 2006<br><br>Ongoing<br><br>Ongoing |
| Rural ozone  | Expand western ozone transport analysis based on recommendations of WESTAR transport report  | July 2007                                   |
| Rocky Mountain National Park Environmental Initiative (Region 8 and Colorado)            | - Program goal for nitrogen deposition established<br>- Improved Ammonia inventory developed<br>- Critical load defined and strategic programs recommended for evaluation and implementation including an agricultural outreach program focusing on Best Management practices<br>- Additional funds for monitoring will be available for source attribution  | October 2007                                |

| Priority Topic (Region 8 and Colorado)   | Activities (state only)   | Milestone  |
|--|---|--|
| Colorado Mercury Initiative              | Air Division will continue to provide management and coordination for the various elements of the Colorado Mercury Reduction Program activities<br>Propose Mercury Rule for utilities   | Ongoing<br><br>Before October 2006                     |
| Air Toxics focus (Region 8 and Colorado) | Focus on biodiesel vehicle use and emissions study<br>Continue to work with EPA to: identify communities with disproportional risk to air toxics and develop strategies to reduce risks; attend meetings which will build capacity to identify and characterize air toxic risks; and seek voluntary reductions as appropriate.<br>Work with our counterparts at the regional and local level to implement the Clean School Bus Program and Voluntary Diesel Retrofit Programs<br>Additional programs areas will be defined over next year | Ongoing implementation of Colorado Air Toxics Strategy |
| NSR Update                               | Implementation of Revisions to Reg. 3 Parts A, B and C  |  |
| Compliance assistance and assurance      | Participate in asphalt sector COMET EMS project development including EMS audits<br>Participate on Cross Media Compliance Assistance Program, including sector projects and coordination between programs   | Ongoing  |
| Prescribed fire                          | Work plan element involves implementation of the portions of Regulation No. 9 relating to significant users of prescribed fire (SB01-214) also involves implementation of the portions of Regulation No. 9 relating to general open burning   | Program report in April 2004                           |
| Community based activities               | Continue to provide technical and process support (monitoring, emission inventories, or other air quality assessments for communities as needed.) Continue to monitor activities of T-REX construction project corridor and address problems as necessary   |  |

## 5.6 Air Division Program Goals and Objectives – FY 2007- 8 Work Plan

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

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

The key sub-goals goal include:

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

| <b>Sub-goal 5.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 &amp; 2.5) and Lead</b><br><b>EPA 2003-2008 Strategic Plan Objective – Healthier Outdoor Air</b> |   |   |
|---|---|---|
| Program Strategy  | Performance measures  | Milestone   |
| 5.1.1.1 Protect public health through operation of A.I.R. Program and Clean Screen Program – Regulation No. 11  | <p>This Rule was removed, in part, from the SIPs by the Air Quality Control Commission in December 2005 and has been submitted to EPA for approval (pending). Current program activities relate to continuing program and HB11302:</p> <ul style="list-style-type: none"> <li>- Inspector training maintained</li> <li>- Data collection and processing systems maintained</li> <li>- Support field enforcement activities by Dept. of Revenue</li> <li>- Monitor program quality and performance</li> <li>- Provide support to customers, inspectors, auto entities and repair technicians</li> </ul> <p>Implement HB 06-1302 Clean Screen Component</p> <p>Prepare and submit Program Plan to Air Quality Control Commission to substantially increase Clean Screen Program</p> | <p>Ongoing</p> <p>Combined report due June 2006</p> <p>Remote Sensing Plan approved by Commission Dec. 31, 2006</p> |
| 5.1.1.2 Protect public health through operation of Diesel Inspection and Self-certification Program – Regulation No. 12 (State only)  | <p>Similar operation and training measures as A.I.R. Program (5.1.1.1)</p> <p>Work with our counterparts at the regional and local levels to implement the Clean School Bus Program and Voluntary Diesel Retrofit Programs</p>  | Ongoing   |
| 5.1.1.3 Protect public health through the operation of Oxygenated Gasoline Program – Regulation No. 13  | <p>This Rule was removed from the SIPs by the Air Quality Control Commission in December 2005 and is being submitted to EPA for approval October 2006</p>   | Ongoing   |
| 5.1.1.4 Reserved  |   |   |
| 5.1.1.5 Protect public health through development and participation in mobile source air quality improvement strategies   | <ul style="list-style-type: none"> <li>- Implement HB 06-1302 High Emitter Component</li> </ul> <p>Provide support to development of state run high emitting vehicle acceptable to U.S. EPA</p> <ul style="list-style-type: none"> <li>- Implement smoking vehicle programs <ul style="list-style-type: none"> <li>- RAQC Programs</li> <li>- Auditor recommendations on potential hydrocarbon strategies under AIR Program</li> <li>- Public outreach</li> </ul> </li> <li>- Reduce emissions through fuel programs – area-wide assessment and report on RVP levels to AQCC as part of EAC Ozone Program. Prepare summary report on RVP</li> </ul>   | Ongoing   |

| <b>Sub-goal 5.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 &amp; 2.5) and Lead</b><br><b>EPA 2003-2008 Strategic Plan Objective – Healthier Outdoor Air</b> |   |  |
|---|---|--|
| Program Strategy  | Performance measures  | Milestone  |
|   | Participate in MOVES model development and implementation   |  |
| 5.1.1.6 Support development implementation of mobile source strategies through technical studies and operation of testing equipment and facilities  | Generate mobile source emission inventories and emission factors<br>Operate and maintain Technical Centers<br>Operate and maintain mass emissions testing facility  | Ongoing  |
| <b>STATIONARY SOURCE PROGRAMS</b>   |   |  |
| 5.1.1.7 Protect public health through issuance of and operation of Construction Permits Program for stationary sources  | Document and address modeled NAAQS violations resulting from new source permitting or other actions. Identify whether existing sources; stationary or area source growth is suspected of causing the NAAQS violation. Notify EPA of the modeled NAAQS violation and provide EPA with a copy of the results within 60 days of completion (40 CFR 51.112(a) and Section 110(a)(2) of the ACT).<br>Permits issued to minor sources in Colorado<br>Synthetic minor permits issued to applicable sources in Colorado<br>PSD permits issued<br>Permits issued to major sources in nonattainment areas<br>Enter RACT/BACT/LAER determinations in EPA's clearinghouse database (RBLC)<br>Prepare AIRS data entry and forward to Inventory Group<br>Track PSD increment periodically to meet the requirement of 40 CFR 51.166(a)(4)<br>Work with Region on NSR permit program evaluation and set target to respond within 90 days to EPA's evaluation report and implement recommendations as warranted. | Ongoing<br><br>Continue annual level of activity of:<br>340 Minors<br>190 Syn minors<br>10 PSD |
| 5.1.1.8 Protect public health through operation of Operating Permits Program  | Document and address modeled NAAQS violations resulting from new source permitting or other actions. Identify whether existing sources; stationary or area source growth is suspected of causing the NAAQS violation. Notify EPA of the modeled NAAQS violation and provide EPA with a copy of the results within 60 days of completion (40 CFR 51.112(a) and Section 110(a)(2) of the ACT).<br>Ensure sources submit Title V applications for renewal<br>Prepare AIRS data entry and forward to Inventory Group<br>Continue development of program with EPA guidance (Part 70) and   | Ongoing  |

| <b>Sub-goal 5.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 &amp; 2.5) and Lead</b><br><b>EPA 2003-2008 Strategic Plan Objective – Healthier Outdoor Air</b> |   |   |
|---|---|---|
| Program Strategy  | Performance measures  | Milestone   |
|   | input from affected parties<br>Continue to issue proposed, initial, renewal, and modified Title V permits.<br>2003 Title V Program Review recommendations implemented as warranted.   |   |
| 5.1.1.9 Protect public health through operation of Small Business Assistance Program  | Evaluate and modify as needed Customer Relations Management Plan<br>Industry workshops data collection and coordination<br>Support Compliance Advisory Panel<br>Participate in EMS Permit Project<br>Update small businesses through site visits and technical assistance (MOU with Field Services Unit)<br>Outreach and coordination with local health departments<br>Provide consultations and site visits in accordance with MOU with Field Services Unit on enforcement referrals<br>Participate in Cross Media Compliance Assistance Program – sector projects and coordination<br>Develop End-of-year report on compliance assistance efforts | Ongoing   |
| 5.1.1.10 Support public health through program improvements – regulation and compliance support   | Evaluate methods to incorporate P2 into regulations and permits as well as environmental assessments through participation in Compass and CMCA Programs<br>Provide support and training to engineers and inspectors (policy interpretation, settlement documents, assist in negotiation of settlements, enforcement data base)<br>Continue to monitor odor requirements and build partnerships to develop effective community and trade based odor control programs<br>Revise Reg. No 1 on EPA requests<br>Revise Reg. 7 (Oil and Gas Initiative)   | Ongoing<br><br>Ongoing<br>Ongoing<br>June 2006<br><br><br>August 2006 |
| 5.1.1.11 Support public health through oversight of local health department contracts and inspections (Field Services, Asbestos and CFC Units)  | Contracts negotiated annually<br>Inspection review, assistance as needed, enter reports on AIRS, maintain tracking logs, monitor quarterly reports  | Ongoing   |
| 5.1.1.12 Support public health through compliance inspections for industrial sources (major and minor) and final approval inspections   | Operating and other final permits reviewed<br>Perform stack testing, source audits and CEM certifications<br>Perform oversight of underground tank inspections by Oil and Gas   | Ongoing   |

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

**EPA 2003-2008 Strategic Plan Objective – Healthier Outdoor Air**

| Program Strategy   | Performance measures   | Milestone                     |
|--|--|-------------------------------|
|  | Commission<br>Provide AIRS updates as necessary through:<br>1. Provide timely data to AFS as identified in the National Minimum Data Requirements (MDR's) on CMS sources evaluated or investigated, and on any other sources that are major according to CAA definition.<br>2. Coordinate with EPA to ensure that CMS sources are flagged in AFS for inspection, and to ensure that high priority violations are correctly identified in AFS.<br>3. Perform periodic reviews of AFS data to ensure required data have been entered correctly.<br>Participate in Cross Media Compliance Assistance Program<br>Compliance Monitoring Strategy submitted to EPA |                               |
| 5.1.1.13 Support public health through wood burning emissions control  | Participate in High Pollution Advisory Program in Denver metro area<br>Respond to and follow up on complaints  | Ongoing                       |
| 5.1.1.14 Support public health by conducting enforcement actions related to all stationary sources   | Warning letters, compliance advisories, NOV's, compliance orders, AQCC hearings and Settlement Agreements (both state and local agencies)  | Ongoing                       |
| 5.1.1.15 Support public health through testing and evaluation of industrial sources  | Conduct stack testing, source audits and CEM certifications<br>Evaluate excess emission reports<br>Conduct final approval inspections for facilities   | Ongoing                       |
| 5.1.1.16 Support protection of public health through operation of a stationary source emissions and facility data system   | Maintain emissions and facility data system from new, revised and renewed APENs into data system<br>Submit national emission trends report<br>Develop capabilities to comply with new EPA reporting system – NET<br>Participate in ongoing training provided on National Emission Inventory  | Ongoing<br><br>Ongoing        |
| 5.1.1.17 Support protection of public health through monitoring of local SIP commitments – Reg. No. 16 street sanding  | Monitoring and assessing community SIP sanding reduction activities and reports  | Ongoing                       |
| SIP activities or community-based program development  |  |                               |
| 5.1.1.18 Support protection of public health through development of community based air quality programs in cooperation with local agencies or local governments | Continue Cripple Creek MOA implementation<br>Continue Mt. Crested Butte MOA implementation<br>Assist EPA Region * to develop Pueblo community-based initiative and   | Ongoing<br>Ongoing<br>Ongoing |

| <b>Sub-goal 5.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 &amp; 2.5) and Lead</b><br><b>EPA 2003-2008 Strategic Plan Objective – Healthier Outdoor Air</b> |  |  |
|---|--|--|
| Program Strategy  | Performance measures   | Milestone  |
|   | ensure. Increased community awareness<br>Assist and monitor community initiatives in San Luis Valley and Lamar (to support maintenance SIP)<br>Assist Garfield County community-based initiative to address natural gas development concerns<br>Identify other at risk areas through monitoring or other methods | Ongoing<br>Ongoing<br>Ongoing  |
| 5.1.1.19 Protection public health through the development of maintenance SIPs and redesignation requests for current nonattainment areas in Colorado  | Denver PM10 Maintenance Plan<br>Denver-Longmont CO Maintenance Plans<br>Update EAC to include periodic assessment  | December 2005  |
| 5.1.1.20 Protect public health through monitoring transportation conformity of MPO and CDOT programs and projects – Regulation No. 10   | Conformity determinations for Metropolitan Planning Org. (MPOs) areas along Front Range. (NOTE: Colorado is awaiting EPA/FHWA guidance on how to revise Reg. 10. to address Conformity requirements )  | (Note: updated Transportation Conformity SIPs submitted by July 2005 will reflect revised EPA Transportation Conformity Regulations in 40 CFR 93 and Transportation Law –SAFETEA-LU) Pikes Peak Area Council of Governments – September 2004 |
| 5.1.1.20 Protect public health though the support of NEPA activities including review of air quality impacts disclosed in NEPA documents  | Review and comment document/letters prepared for NEPA documents and follow up as appropriate   | Ongoing  |
| 5.1.1.21 Protect public health through development of a Health Department-wide alternative commuting program (this would be a pilot or model program patterned after EPA’s “Best Work Places for Commuters” and will be for state agencies to pattern similar programs  | Program Plan developed and approved including: <ul style="list-style-type: none"> <li>- Baseline evaluation (current participation, program effectiveness)</li> <li>- Marketing and education</li> <li>- Programs implemented and monitored</li> <li>- Program evaluation and recommendations</li> </ul>         | August 2006<br><br><br><br><br><br><br><br><br><br>September 2007  |

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

**EPA 2003-2008 Strategic Plan Objective – Healthier Outdoor Air**

| Program Strategy  | Performance measures   | Milestone   |
|---|--|---|
| after)  |  |   |
| 5.1.1.22 Protect public health through implementation of fire management and control programs | Implement prescribed fire program (develop MOU and issue permits for significant users of prescribed fire through implementation of state-only program through Reg. No 9<br>Implement general open burning program<br>Conduct oversight to ensure that permittees implement best air quality protection practices in prescribed burning events   | Ongoing   |
| 5.1.1.22 Track indicators through monitoring, maintaining inventories and modeling            | <ul style="list-style-type: none"> <li>- Implement ambient air monitoring program in accordance with 40 CFR Part 58</li> <li><i>The State will work with EPA to assess the impacts of the proposed changes to 40 CFR Part 58, and begin planning for the implementation of those changes (National Monitoring Strategy/Network Monitoring Network)</i></li> <li>- Operate and maintain monitoring sites statewide. Perform daily, weekly, monthly, quarterly, and semi-annual inspections, cleaning, and preventive maintenance per SOP schedules. Perform manual bi-weekly precision tests</li> <li>- Develop a Quality Management Plan (QAMP) and submit to EPA</li> <li>- Revise Quality Assurance Project Plan (QAPP) and submit to EPA</li> <li>- Operate ambient air monitoring network in accordance with QAPP</li> <li>- Modify and Update EPA AQS System</li> <li>- Per Quarterly CFR schedule, submit AQS SLAMS report electronically to EPA</li> <li>- Submit Ozone Fast Track Report, Anomaly Reports and 5-Minute SO2 Report to EPA</li> <li>- Produce Annual Air Quality Data Report</li> <li>- QA / QC Review and Report Project</li> <li>- Per CFR schedule, submit Annual Network Review to EPA that is oriented toward the new National Air Monitoring Strategy guidance. Review site files.</li> <li>- Conduct High summer and winter pollution advisories and prepare High Pollution Advisory Season and Summer Ozone Advisory Statistics</li> <li>- Development of an Integrated Approach / Methodology for Inventory Development</li> <li>- Inventory and modeling support to State SIPs and Ozone Early Action</li> </ul> | Ongoing<br><br>As needed<br>As required<br>June 2006<br><br>Annual update<br><br>September 2006<br>December 2006<br>Ongoing<br><br>March 31, 2006 |

| Sub-goal 5.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead |  |                  |
|---|--|------------------|
| EPA 2003-2008 Strategic Plan Objective – Healthier Outdoor Air  |  |                  |
| Program Strategy  | Performance measures   | Milestone        |
|   | Compact <ul style="list-style-type: none"> <li>- Develop Monitoring Network Plan and submit per CFR schedule</li> <li>- Continue Emergency Response Forecasting and Support to CDPHE Emergency Response Planning</li> <li>- Develop and submit a Quality Management Plan to EPA for review and approval</li> <li>- Operate NCORE monitoring station</li> </ul> | Per CFR schedule |
| 5.1.1.22 Track indicators through monitoring, maintaining inventories and modeling  | Per Quarterly CFR Schedule, submit all ambient criteria pollutant data to the Air Quality System (AQS)   | Sept. 30, 2006   |

| Sub-goal 5.1.2: Reduce air toxics. Protect citizens from exposure to air toxics – Ensure that the excess number of cancers are reduced by 75% by 2010 from 1993 levels and to ensure that 90% of toxic and hazardous emissions are subject to standards. |   |           |
|--|---|-----------|
| <i>(Note: Many of the programs or strategies listed in this section were described in detail earlier therefore they are only highlighted here. Where new areas are identified they are described in full.)</i>   |   |           |
| EPA 2003-2008 Strategic Plan Consistent Objective – Healthier Outdoor Air  |   |           |
| Program Objective  | Performance measures  | Milestone |
| 5.1.2.1 Reduce air toxics through the ongoing operation of mobile source strategies  |   |           |
| Regulation No. 11 – A.I.R. Program<br>Regulation No 12 – Diesel Inspection<br>Regulation No. 13 – Oxygenated Fuels Program<br>Smoking vehicles<br>Clean fuels  | Activities and milestones are described in earlier work plan tasks section 5.1.1. parts 1-6<br>Research and evaluate mobile source toxic emission reduction and prevention strategies | Ongoing   |

**Sub-goal 5.1.2: Reduce air toxics. Protect citizens from exposure to air toxics – Ensure that the excess number of cancers are reduced by 75% by 2010 from 1993 levels and to ensure that 90% of toxic and hazardous emissions are subject to standards.**

*(Note: Many of the programs or strategies listed in this section were described in detail earlier therefore they are only highlighted here. Where new areas are identified they are described in full.)*

**EPA 2003-2008 Strategic Plan Consistent Objective – Healthier Outdoor Air**

|  |  |  |
|--|--|--|
| <p>5.1.2.2 Reduce air toxics through operation of stationary source control strategies-MACT implementation:<br/>         Operation of Construction and Operating Permit Programs<br/>         Small Business Assistance Program<br/>         Compliance monitoring and enforcement of stationary sources<br/>         Wood burning Control Program – High Pollution Advisory Program and state and local woodstove regulations<br/>         Fire management and control programs</p> | <p>Activities and milestones are described in earlier work plan tasks section 5.1.1. parts 7-20</p>  | <p>Ongoing</p>   |
| <p>5.1.2.3 Support reduction of air toxics through regulation update</p>   | <p>Revise Reg. No. 8 Parts A &amp; 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<br/>         Develop and implement area sources per EPA requirements<br/>         Propose Rulemaking for Mercury</p>  | <p>Semiannual MACT updates in June and Dec.<br/><br/>         Mercury Rule before October 2006</p> |
| <p>5.1.2.4 Reduce asbestos exposure to the public through operation of the Asbestos Program</p>  | <p>Conduct 200 inspections for compliance with Regulation No. 8 and NESHAP<br/>         Review notifications; issue abatement and demolition permits<br/>         Process certification applications; issue certifications<br/>         Initiate enforcement actions; timely and appropriate resolution of cases<br/>         Conduct outreach activities<br/>         Incorporate requirements in local health department contracts<br/>         Conduct Rulemaking, as necessary<br/>         Enter data into a database for all asbestos NESHAP notifications and enforcement actions</p> | <p>Ongoing</p>   |
| <p>5.1.2.5 Reduce occurrences of asbestos in schools</p>   | <p>Implement the TSCA Asbestos-in-Schools Program according to federal and state rules</p>   | <p>Ongoing</p>   |

**Sub-goal 5.1.2: Reduce air toxics. Protect citizens from exposure to air toxics – Ensure that the excess number of cancers are reduced by 75% by 2010 from 1993 levels and to ensure that 90% of toxic and hazardous emissions are subject to standards.**

*(Note: Many of the programs or strategies listed in this section were described in detail earlier therefore they are only highlighted here. Where new areas are identified they are described in full.)*

**EPA 2003-2008 Strategic Plan Consistent Objective – Healthier Outdoor Air**

|   |  |         |
|---|--|---------|
| (CDPHE will implement activities as described in work plan narrative "TSCA Title IV Cooperative Agreement – FY07 Application 6-30-06)   | Conduct 48 TSCA/AHERA inspections  |         |
| 5.1.2.6 Protect public health through implementation of a Lead-based paint certification and abatement program. Where possible, provide financial assistance to the Disease Control and Environmental Epidemiology Division's Lead Poisoning Prevention Program (LP3). LP3 to perform database management activities related to the identification of populations at risk for childhood lead poisoning to aid APCD in identifying hotspots. | Issue permits and approval notices<br>Conduct 20 inspections (state only)<br>Process Certification applications<br>Course audit<br>Initiate enforcement actions<br>Distribute educational material - LP3<br>Partner with local health departments<br>Partner with state and local housing agencies<br>Identify and focus enforcement and compliance assistance on populations at risk for childhood lead poisoning by maintaining the State's EBL surveillance database. | Ongoing |
| 5.1.2.7 Support protection of public health by non-regulatory HAP source evaluations (coordination with CDPHE Environmental Epidemiology)   | HAP source evaluations<br>Respond to indoor air quality complaints   | Ongoing |
| 5.1.2.8 Support protection of public health through operation of a stationary source emissions and facility data system   | Maintain emissions and facility data system, enter and quality control emissions data from new, revised and renewed APENs  | Ongoing |
| 5.1.2.9 Support protections of public health through development of mobile source toxics emissions inventory  | Conduct motor vehicle mass emissions testing<br>Generate mobile source emission factors<br>Research additional source categories for Colorado Diesel Emissions Study   | Ongoing |
| 5.1.2.10 Develop integrated air toxics program  | Continue review National Air Toxics Assessments data and comment on proposed rules and policy<br>Continue to assess Colorado Integrated Toxics strategy and develop appropriate implementation plans<br>Work with other Division programs to seek funding for additional monitoring and grant funding<br>Develop an integrated approach / methodology for inventory development, modeling through EPA grant funding  | Ongoing |



**Sub-goal 5.1.2: Reduce air toxics. Protect citizens from exposure to air toxics – Ensure that the excess number of cancers are reduced by 75% by 2010 from 1993 levels and to ensure that 90% of toxic and hazardous emissions are subject to standards.**

*(Note: Many of the programs or strategies listed in this section were described in detail earlier therefore they are only highlighted here. Where new areas are identified they are described in full.)*

**EPA 2003-2008 Strategic Plan Consistent Objective – Healthier Outdoor Air**

|  |   |  |
|--|---|--|
|  | Produce Annual Network Review. Review Site Files<br>Development of an Integrated Approach / Methodology for Inventory Development |  |
|--|---|--|

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

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

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

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

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

**Sub goal 5.2.4:** Protect environment from Mercury contamination –

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

| Program objective   | Performance measures  | Milestone |
|---|---|-----------|
| 5.2.1.1.1 Ensure acid rain minimized through operation of construction and operating permit programs          | Permits issued to utilities   | Ongoing   |
| 5.2.1.1.2 Ensure acid deposition emissions are minimized through testing and evaluation of industrial sources | Conduct stack testing, source audits and CEM certifications for utilities<br>Evaluate excess emission reports for utilities   | Ongoing   |
| 5.2.1.1.3 Ensure acid rain minimized through updates to Regulation No.18 as necessary                         | Revised regulation  | Dec. 2002 |
| 5.2.1.4 Support technical assessment of Mt. Zirkel AQRVs  | Process coordination and communication with EPA, USFS and USGS Develop a plan for assessing the ecological impacts of acid deposition in the State, especially as it may impact vulnerable, acid-sensitive ecosystems, with attention to possible cause-and-effect relationship between emission sources and impact areas.<br>Support installation of Buffalo Pass SO2 monitor<br>Conduct additional data analyses on Mt. Zirkel<br>Respond to any format triggering of AQRV law<br>Prepare report on Mt. Zirkel analyses and comparative studies | Ongoing   |

|   |   |                     |
|---|---|---------------------|
| <p><b>Sub goal 5.2.1:</b> 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.</p> <p><b>Sub goal 5.2.2:</b> Stratospheric ozone protection – Ensure programs to control CFC compounds are maintained.</p> <p><b>Sub goal 5.2.3:</b> Climate change – Ensure carbon dioxide emission inventories are complete and trends in emission levels are assessed.</p> <p><b>Sub goal 5.2.4:</b> Protect environment from Mercury contamination –</p> <p><b>EPA 2003-2008 Strategic Plan Consistent Objective – Protect Ozone Layer and reduce Greenhouse Gas Intensity</b></p> |   |                     |
| 5.2.1.5 Support AQRV studies in Colorado  | CDPHE acid deposition web page<br>Coordinate funding and communication between federal agencies and state   | Ongoing             |
| 5.2.1.6 Implementation of Rocky Mountain National Park Initiative   | <ul style="list-style-type: none"> <li>- Memorandum of Understanding negotiated between stakeholder agencies</li> <li>- Additional funds for monitoring will be available for source attribution</li> <li>- Agricultural outreach program focusing on Best Management practices developed</li> <li>- Program goal for nitrogen deposition established</li> <li>- Improved Ammonia inventory developed</li> <li>- Modeling analyses conducted to support emission reduction options (e.g. BART analyses for Regional Haze)</li> <li>- Focus additional attention to RMNP in regard to AQRV impairment</li> </ul> | Ongoing             |
| Sub goal: Ensure stratospheric ozone protection   |   |                     |
| 5.2.2.2.1 Support protection of stratospheric ozone through update to state CFC and climate change inventories  | Updated CFC usage inventory for Colorado  | Ongoing             |
| 5.2.2.2.2 Protect stratospheric ozone levels through minimizing emissions of CFCs from applicable sources   | Equipment registration<br>Inspections (both state and local agencies)<br>Training and outreach (including pollution prevention)   | Ongoing             |
| Cross-media programs  |   |                     |
| 5.2.3.1 Ensure man-made climate change impacts minimized  | Updated greenhouse emissions inventory for Colorado   | Ongoing             |
| 5.2.4.1 Colorado Mercury Initiative developed through cross-media programs  | CDPHE Strategic Programming process (see discussion in Chapter 2 of PPA)<br>Assist the Water Division development of Mercury TMDLs and ongoing assessment of emissions and deposition.<br>If funds available, plan and implement, with EPA Region 8, a western states Mercury workshop  | Ongoing<br><br>2006 |

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

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

| 5.3.1a Urban Visibility (Denver AIR Program Area and Fort Collins) – Ensure a decrease in the number of days the Colorado Visibility Standard is exceeded in the areas of applicability   |   |                   |
|---|---|-------------------|
| Program objective   | Performance measures  | Milestone         |
| 5.3.1a.1 Reduce pollutants causing haze through the operation of mobile source strategies:<br>Reg. No. 11 – A.I.R. Program<br>Reg. No 12 – Diesel Inspection<br>Smoking vehicles<br>Clean fuels   | Described earlier   | Described earlier |
| 5.3.1a.2 Reduce pollutants causing haze through the operation of the stationary sources program objectives<br>Operation of Construction and Operating Permit Programs<br>Small Business Assistance Program<br>Compliance monitoring and enforcement of stationary sources<br>Wood burning Control Program – High Pollution Advisory Program and state and local woodstove regulations | Described earlier in work plan  | Described earlier |
| 5.3.1a.3 Support reduction of haze-causing pollutants through regulation updates  | Described earlier in work plan  | Described earlier |
| 5.3.1a.4 Track program indicators through urban haze monitoring, inventories and modeling   | Operate visibility monitoring network in Denver and Fort Collins (transmissometer and camera)<br>High Pollution Day Forecasts in Winter<br>Sample speciation and CMB modeling | Ongoing           |

| 5.3.1a Urban Visibility (Denver AIR Program Area and Fort Collins) – Ensure a decrease in the number of days the Colorado Visibility Standard is exceeded in the areas of applicability |   |   |
|---|---|---|
| Program objective   | Performance measures  | Milestone   |
|   | <p>Operate and maintain gaseous/continuous sites statewide</p> <p>Perform daily, weekly, monthly, quarterly, and semi-annual inspections, cleaning, and preventive maintenance per SOP schedules. Perform manual bi-weekly precision tests.</p> <p>Conduct Special Gaseous Monitoring Projects.</p> <p>Operate Particulate Monitoring System</p> <p>Special Particulate Studies for Attainment Areas and Regarding - Ambient Measurement Techniques.</p> <p>Operate and Maintain Meteorological Monitoring Equipment Including Acoustic Sounder (SODAR)</p> <p>Operate Denver Visibility Cameras</p> <p>Air Quality Forecasting and Air Quality Index (AQI) Reporting</p> | <p>Ongoing</p> <p>As needed</p> <p>As required</p> <p>Six months after end of calendar year</p> <p>April 2005</p> <p>First three-year inventory under CERR will be for the year 2002 and due June 2004.</p> |

| 5.3.1b Regional Haze (for National Parks and Class I Wilderness areas) – Ensure natural background visibility conditions in all Mandatory Class I Areas by 2064 through the development of a Colorado Regional Haze SIP revision |  |  |
|--|--|--|
| Program objective  | Performance measures   | Milestone  |
| 5.3.1b.1 Continue Colorado Regional Haze SIP development process   | <ul style="list-style-type: none"> <li>- Air Quality Control Commission Regional Haze educational process defined and milestones identified (monitoring, modeling and controls</li> <li>- Update Colorado Long Term Strategy</li> <li>- Continue coordination with surrounding states and EPA Region 8 on Regional Haze issues</li> <li>- Continue technical and policy development of RH SIP issues.</li> </ul> <p>Provide the necessary modeling, emission inventory and data analysis needed to implement and support the Federal regional haze rule requirements pursuant to 40CRF 51.308. Make improvements to other areas of the emissions inventory such as ammonia, fugitive dust and wildfires or Colorado. Serve on the WRAP's technical forums. Provide technical support document that satisfies the Regional Haze Rule requirements for each of the Class I areas.</p> <p>Implement state BART facility analysis process Rule</p> | <p>August 2006</p> <p>December 2006</p> <p>Spring 2007</p> <p>RH SIP schedule</p> <p>RH SIP proposed for Hearing in July-August 2007</p> <p>Hearing in December 2007</p> |

| 5.3.1b Regional Haze (for National Parks and Class I Wilderness areas) – Ensure natural background visibility conditions in all Mandatory Class I Areas by 2064 through the development of a Colorado Regional Haze SIP revision |   |                                    |
|--|---|------------------------------------|
| Program objective  | Performance measures  | Milestone                          |
| 5.3.1b.2 Support Class I Attributable Visibility Impairment Visibility SIP   | <p>Analyze trends in Zirkel IMPROVE data and precipitation chemistry data to assess the impacts of new controls at Craig and Hayden power generation facilities</p> <p>Assemble and analyze IMPROVE monitoring data using statistical methods such as factor analysis, trajectory models, and chemical mass balance models. Develop computer programs to assist with processing of improve data for analysis</p> <p>Provide technical assistance to various visibility workgroups as requested</p> <p>Continue to work resolve certification issues</p> <p>Three-year review of federal land manager activities as required by SB 17 developed</p> <p>Participate in SIP calls</p>                                      | Ongoing                            |
| 5.3.1b.3 Complete Class I Area analyses for RH SIP development   | Develop Class I area analyses to define base line conditions (2000-2004), haze reconstruction, and source apportionment for all Class I areas in state for that period  | Ongoing                            |
| 5.3.1b.4 AQRV monitoring for Mt. Zirkel  | <p>Maintain close coordination with the USFS, EPA, and USGS</p> <p>Maintain ongoing communication with stakeholders and the public</p> <p>Support of the Buffalo Pass SO2 monitor installation. The Division will perform 2 calibrations/year and 1 audit/year</p> <p>Support of snowpack sampling in the Zirkel area through annual contract with USGS</p> <p>Keep current on AQRV Zirkel-related work by other agencies</p>   | Ongoing                            |
| 5.3.1b.5 Continue implementation of effective fire and smoke management and prescribed fire program  | <p>Develop letter to MOU signatories indicating that the State is terminating the MOU</p> <p>Finalize and distribute 3-year vision of the SMP</p> <p>Develop and revise, as needed, Wildfire Response Plan. During wildfire events and large PF, assist land managers in conducting PM monitoring. Coordinate with PIO and meteorologist. Provide training and refresher course to TSP staff regarding operation of Division Data Rams and interface to satellite and web-based software.</p> <p>Discuss with EPA certification of our SMP</p> <p>Participate in the Front Range Fuels Partnership as appropriate</p> <p>Work with local communities and partnerships to address wildland fuels treatment as needed</p> | <p>Fall Meeting</p> <p>Ongoing</p> |

| 5.3.1b Regional Haze (for National Parks and Class I Wilderness areas) – Ensure natural background visibility conditions in all Mandatory Class I Areas by 2064 through the development of a Colorado Regional Haze SIP revision  |   |           |
|---|---|-----------|
| Program objective   | Performance measures  | Milestone |
| 5.3.1b.6 Track program effectiveness indicators through haze monitoring, inventories and modeling   | <ul style="list-style-type: none"> <li>- 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.</li> <li>- Assemble and analyze IMPROVE monitoring data using statistical methods such as factor analysis, trajectory models, and chemical mass balance models. Develop computer programs to assist with processing of improve data for analysis.</li> <li>- Analyze trends in Zirkel IMPROVE data and precipitation chemistry data to assess the impacts of new controls at Craig and Hayden power generation facilities</li> </ul> | Ongoing   |
| 5.3.1b.7 Participate in Four Corners Task Force and other areas to assess additional measures to meet 308 Rule requirements including: <ul style="list-style-type: none"> <li>- impact of oil and gas development on regional haze and other areas</li> <li>- other measures as identified</li> </ul> | Participate in Four Corners Task Force with EPA, FLMs, New Mexico and other stakeholders: <ul style="list-style-type: none"> <li>- Complete negotiation of MOU and work plan</li> <li>- Establish and participate in work groups (modeling and small engine standards)</li> </ul>   | Ongoing   |

| 5.3.3 Aesthetic problems caused by odor pollution by ensuring all odor problems are addressed as expeditiously as practicable  |                      |                   |
|--|----------------------|-------------------|
| Program objective  | Performance measures | Milestone         |
| 5.3.2.1 Reduce pollutants causing odors through the operation of mobile source strategies:<br>Regulation No. 11 – A.I.R. Program<br>Reg. No. 12 – Diesel Inspection<br>Smoking vehicles<br>Clean fuels | Described earlier    | Described earlier |

| 5.3.3 Aesthetic problems caused by odor pollution by ensuring all odor problems are addressed as expeditiously as practicable   |   |                   |
|---|---|-------------------|
| Program objective   | Performance measures  | Milestone         |
| 5.3.1a.2 Reduce pollutants causing odors through the operation of the stationary sources program<br>Operation of Construction and Operating Permit Programs<br>Small Business Assistance Program<br>Compliance monitoring and enforcement of stationary sources<br>Wood burning Control Program – High Pollution Advisory Program and state and local woodstove regulations | Described earlier in work plan  | Described earlier |
| 5.3.1a.3 Support reduction of odor pollutants through regulation updates  | Described earlier in work plan  | Described earlier |
| 5.3.1a.4 Track odor program indicators through compliance monitoring  | Maintain complete complaint records and their resolution<br>Coordination of compliance record-keeping with local agencies | Ongoing           |

## CHAPTER 6 WATER QUALITY CONTROL DIVISION

### 6.1 Mission

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

### 6.2 Clean Water Act Program

A complete Clean Water Program consists of the following strategic functional elements: ambient water quality monitoring; water quality assessment; standards development (e.g. providing scientific support for adoption of standards and other control regulations by the Water Quality Control Commission); water quality management planning and Total Maximum Daily Load (TMDL) development; control mechanisms (including permitting, facility siting approval), engineering plan review and approval; compliance assistance (including facility planning and financial assistance); compliance assurance (including evaluation of self reported data, compliance sampling inspections, facility inspections and enforcement); and water quality restoration and enhancement efforts.

### 6.3 Safe Drinking Water Act Program

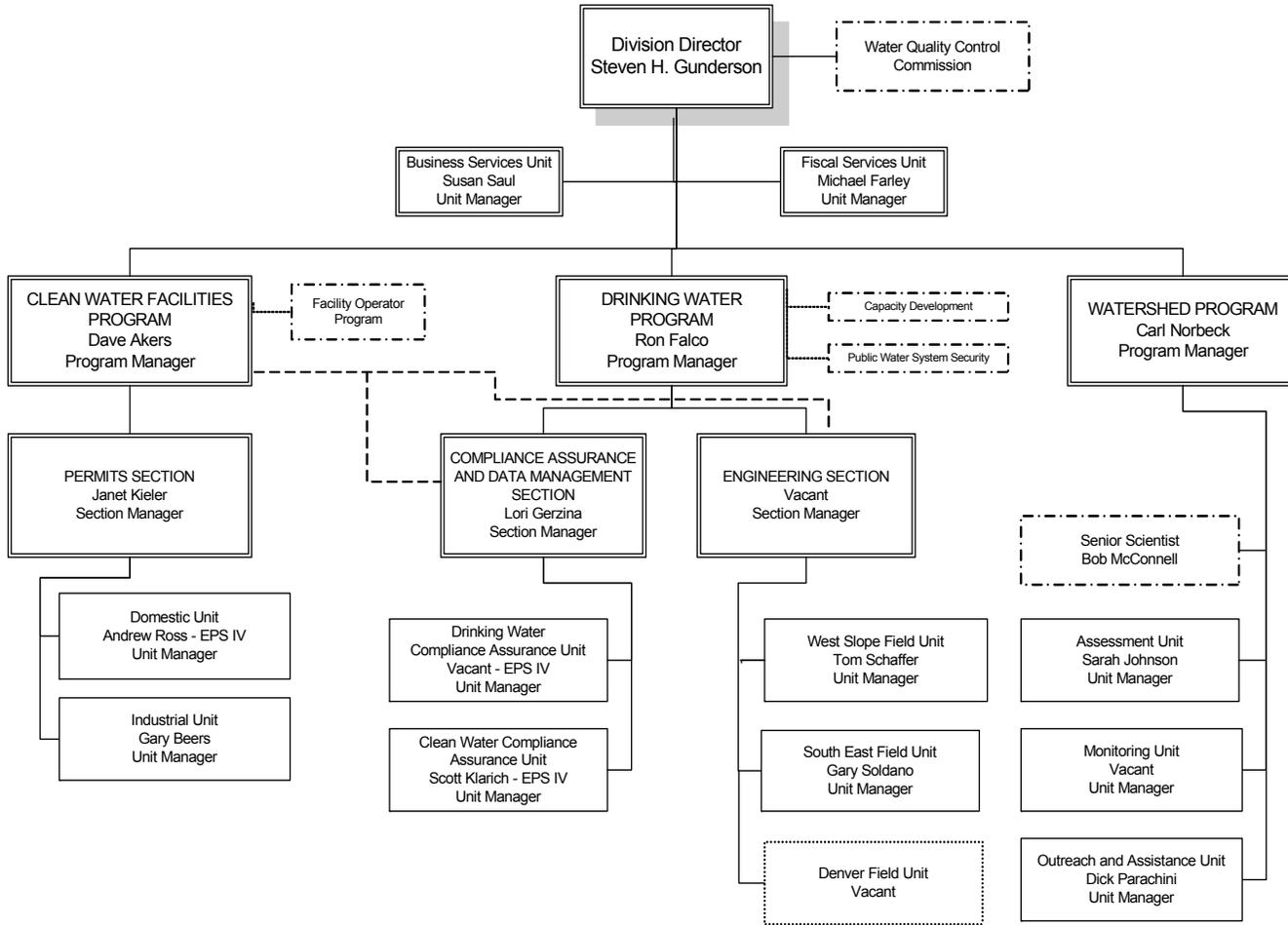
The Safe Drinking Water Program, which has historically been viewed as a separate entity from the Clean Water Program, is nonetheless, composed of similar program elements requiring staff with much the same underlying professional and technical expertise. Drinking Water Program strategic functional elements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

### 6.4 Water Division – Organizational Structure

The Water Division, in total, consists of the following organizational units, which address in Colorado all of the above strategic functional elements of ambient water quality management under authority of the CWA and the provision of safe drinking water under the authority of the SDWA. Figure 6.1 shows the Water Division's current organizational chart. Table 6.1 describes the role of each organizational element.

**Figure 6.1**

Colorado Department of Public Health and Environment  
 Water Quality Control Division  
 Organizational Chart - 9/1/06



**Table 6.1**

| Organization Units   | Functional Water Quality Management Elements   |
|--|--|
| <b>Watershed Program</b>   |  |
| Senior Scientist   |  |
| Monitoring Unit  | Ambient water quality monitoring (including chemical, physical and biological sampling and field investigations as well as laboratory-based toxicity bioassays). Compliance sampling in conjunction with watershed scale investigations.               |
| Assessment Unit  | Standards development, TMDL development (including data analysis, interpretation and reporting; source water vulnerability analysis, water quality modeling, antidegradation reviews, 401 certification, etc.).  |
| Outreach and Assistance Unit   | Community-based water quality management planning, financial assistance (including watershed partnerships, nonpoint source cooperative projects, drinking water and pollution control facility grants and loans).                                      |
| <b>Clear Water Facilities (CWF) Program</b>                          |  |
| Facility Operator Program  |  |
| <b>Permits Section</b>   |  |
| Domestic Unit  | NPDES program management for process water discharges from domestic treatment facilities, biosolids authorizations, pretreatment control mechanisms, and CDPS ground water discharge permits.  |
| Industrial Unit  | NPDES program management for process water and ground water discharges from industrial treatment facilities and stormwater discharges.   |
| <b>Drinking Water Program</b>  |  |
| Capacity Development and Public Water System Security                |  |
| <b>Engineering Section</b> (Matrix Managed With CWF Program Manager) |  |
| Denver Field Unit  | Compliance assurance and technical assistance for DW water and WW facilities (including WW facility site planning, DW capacity development, engineering plan review, facility construction inspection, compliance sampling and inspections, compliance |
| West Slope Field Unit  |  |

|   |   |
|---|---|
| South East Field Unit   | assistance, spill response and enforcement case support).   |
| <b>Compliance Assurance and Data Management Section</b> (Matrix Managed With CWF Program Manager) |   |
| Drinking Water Compliance Assurance Unit  | Evaluation of self-reported and field collected DW facility data, enforcement of the CPDWR, and facility data management.   |
| Clean Water Compliance Assurance Unit   | Evaluation of self-reported and field collected NPDES and CDPS facility data, facility data management, enforcement of permit requirements and Colorado Water Quality Control Act.  |
| IT Management Workgroup   | Development, implementation & maintenance of facility-based data management systems.  |
| <b>Administration</b>   |   |
| Business Services Unit  | Provides professional, technical, and administrative support for division's central records center; personnel and training administration; IT physical inventory management and services coordination; fleet management; travel coordination; telecommunication management; communication coordination; office management; and general clerical support services. |
| Fiscal Services Unit  | Provides budgetary, contract, purchasing, fleet fiscal management, and grant management. Service to Division, Department, and other third-party stakeholders.   |

## 6.5 Water Division Challenges for FY 2007-2008

### 6.6.1 The Regulated Community

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

### 6.6.2 How Does the Division Address These Challenges?

- Compliance Assistance. The Division helps dischargers and water systems by answering regulatory and technical questions, conducting training, etc.
- With respect to dischargers, there are a variety of regulatory processes that can provide time to comply, including Temporary Modifications to standards and compliance schedules in permits.
- Enforcement when necessary.
- Dischargers can seek site-specific standards based on local conditions.
- Low Interest and Zero Interest Loans through the Power Development Authority. One concern here is that the federal contribution to the Water Pollution Control Revolving Fund has been cut by Congress by approximately 50% in 3 years.
- State Grants. In 2006, the Legislature restored \$1.5 million to both the State Wastewater and Drinking Water grant programs.
- Source Water Protection. Colorado is blessed by being the headwaters for most of the nation. As development occurs at higher elevation and elsewhere in the state, efforts in communities, with the help of the Division to protect the watershed of drinking water systems is being accelerated.
- Water Quality Improvement Fund. State House Bill 06-1337 established a fund for addressing various water quality issues, including providing grants for stormwater projects, designing, construction, or upgrades of domestic wastewater treatment plants, and non-point source projects. The Fund consists of penalties collected as a result of violations in accordance with the Colorado Water Quality Control Act.

### **6.6.3 Resource Needs for the Division**

State Senate Bill 03-276 required that the Division consult with the WQCC, BOH and interested parties in addressing a list of identified questions that addressed implementation of the Clean Water Act and Safe Drinking Water Act at the State level. After an extensive outreach and stakeholder process, the Division issued the SB 276 Report, which answered the identified questions and also projected a resource gap between the Division's available staffing and resources at the time and what was needed to fulfill that gap in demand. At the Department's Joint Budget Committee Hearing on December 20, 2005, the Department's Executive Director at the time, Doug Benevento, said that the Department would undertake a three-year effort to seek additional resources for the WQCD based on the SB 276 Report. The Legislature for approved a Decision Item providing 10 additional FTE (6.5 Drinking Water, 3.5 Clean Water) in the 2006 session. The Division is now working aggressively to staff these new positions. The Department is exploring the feasibility of submitting another Decision Item for additional Clean Water FTE for consideration by the Legislature at the 2007 legislative session. There is also discussion concerning the possibility of introducing a cash fund proposal for 2007.

| Water Quality Control Division Goals - Part I Clean Water Act   |   |  |
|---|---|--|
| Short-term Goals  | Objective(s)  | Milestone(s) / Performance Measure(s)  |
| 1. Ambient Water Quality Monitoring - Monitor chemical, physical and biological conditions of all state surface waters so that water quality decisions are well supported with adequate data. |   |  |
| 1.1 Monitor chemical, physical and biological conditions of all state surface waters so that water quality decisions are well supported with adequate data.                                   | 1.1.1 Conduct monitoring for all basins to support triennial reviews.   | 1.1.1.1 Chemical data will be managed in local STORET for use in basin-wide assessments.   |
|   | 1.1.2 Pursue and continue development of a statewide ambient ground water monitoring plan.  | 1.1.2.1 Continue to sample ambient ground water.   |
| 1.2 Development and Implementation of a Comprehensive Monitoring Strategy.  |   |  |
| 1.2.1 Number of states and territories that have adopted and are implementing their monitoring strategies [ <i>The 10 Elements</i> ] in keeping with established schedules (WQ-7).            | 1.2.1.1 <ul style="list-style-type: none"> <li>a. Continue implementing <i>Colorado's Water Quality Monitoring and Assessment Strategy (The 10 Elements) 2004-2014</i>.</li> <li>b. Develop updated version of The 10 Elements strategy for EPA (initial strategy approved in 2005).</li> <li>c. Develop annual feedback loop with EPA R8 to report/discuss progress of <i>The 10 Elements</i> implementation.</li> <li>d. Target data flow and QA/QC for major improvement this grant period.</li> </ul> | 1.2.1.1.1 <ul style="list-style-type: none"> <li>a. Enhanced annual monitoring plan fully implemented by June 30, 2007.</li> <li>b. Update of <i>The 10 Elements</i> during Fall 2006.</li> <li>c. Annual feedback loop with EPA R8 [on <i>The 10 Elements</i>] in place by mid-year update.</li> <li>d. Electronic data flow improvement between WQCD, LSD (lab), and Storet ongoing.</li> <li>e. Upload state water quality data into national Storet warehouse by 9/30/07.</li> <li>f. Participate in the transition efforts from Storet to the Water Quality Exchange (WQX).</li> <li>g. Updated state QA/QC (QMP/QAPP/SAAP) policies and procedures by 12/31/06.</li> </ul> |

| Water Quality Control Division Goals - Part I Clean Water Act  |   |  |
|--|---|--|
| Short-term Goals   | Objective(s)  | Milestone(s) / Performance Measure(s)  |
| 1.2.2 Develop categorical grant application and workplan for the FY07 Monitoring Initiative to advance specific portions of <i>The 10 Elements</i> strategy. | 1.2.2.1<br>a. Develop detailed Monitoring Initiative workplan.<br>b. Training for 5-6 staff in Rosgen <i>Classification of Natural Rivers</i> to expand scope of physical habitat data.<br>c. Determine risks associated with consuming fish contaminated with selenium.<br>d. Additional laboratory analyses of stream and reservoir water samples to expand scope of chemical and biological data.<br>e. Ambient ground water monitoring for classified GW specified areas to expand scope of GW data.<br>f. Develop specific QAPP/SAAP protocols to ensure that work conforms to overall state QMP procedures.<br>(See separate categorical grant for more details.) | 1.2.2.1.1<br>a. Workplan developed in Fall 2006.<br>b. Training conducted to implement grant.<br>c. FY07 Monitoring Initiative tasks completed by Sept 30, 2007.<br>d. Conduct prescribed QA/QC for Objectives a-e.<br>e. Summarize results in annual 305(b) Report. |
| 1.2.3 Develop a categorical grant application and conduct FY07 Lakes Probabilistic Survey.   | 1.2.3.1<br>a. Develop detailed Lakes Probabilistic Survey workplan.<br>b. Develop and implement Sampling and Analysis Plan for a two-person crew to sample the 30 lakes identified by EPA for the Survey.<br>c. Develop specific QAPP/SAAP protocols to ensure that work conforms to overall state QMP procedures.<br>(See separate categorical grant for more details.)  | 1.2.3.1.1<br>a. Training conducted to implement grant<br>b. Lakes Probabilistic Survey completed by <u>Sept 30, 2007</u> .<br>c. Conduct prescribed QA/QC for Objective a and b.   |
| 1.2.4 Assist in developing a comprehensive statewide wetland program strategy.   | 1.2.4.1 Participate in the development a comprehensive statewide wetland program strategy with EPA and the other state "implementing agencies."   | 1.2.4.1.1 Follow-up meetings scheduled by EPA such that roles and responsibilities of the various state and federal agencies are clarified and a comprehensive statewide program is developed.   |
| 2. Water Quality Assessment and Standards Development – Assess quality of state waters to support decision-making.   |   |  |
| 2.1 Assess Whether Fish are Safe to Eat  |   |  |

| Water Quality Control Division Goals - Part I Clean Water Act   |   |   |
|---|---|---|
| Short-term Goals  | Objective(s)  | Milestone(s) / Performance Measure(s)   |
| 2.1.1 Percentage of lake acres & river miles where fish tissue will be assessed to support waterbody-specific or regional consumption advisories, or a determination that no consumption advice is necessary (FS-2)   | 2.1.1.1 To monitor and assess fish tissue data for mercury, (and where relevant selenium and arsenic) from 10 waterbodies, (reservoirs, lakes and rivers) consistent with the annual state monitoring plan.   | 2.1.1.1.1<br>a. Include fish tissue data and assessment in annual Fish Tissue Study Report.<br>b. Issue or rescind FCAs where appropriate.<br>c. Update on National List of Fish Advisories.  |
| 2.2 Assess Quality of State Waters to Support Decision Making and Document Changes Over Time  |   |   |
| 2.2.1 Protect and Improve Water Quality on a Watershed Basis -<br>(A) Number of the Nation's watersheds where: water quality standards are met in at least 80% of the assessed water segments; and<br>(B) all assessed water segments maintain their quality and at least 20 percent of assessed water segments show improvement above conditions as of 2002. (2,262 watersheds nationwide) (PAM # 2.2.1 A&B) | 2.2.1.1<br>a) River, stream and lake segmentation will be available in a GIS environment<br>b) Determine the distribution of water quality standards impairment by watershed<br>c) Information from the 303(d) lists and M&E Lists will be managed in a Database that can be linked to GIS information.<br>d) (Supplements 2.2.1 Measure L) Identify 6 potential water bodies to be monitored for the improvement or restoration of water quality to the applicable standards and uses.<br>e) (Supplements 2.2.1 Measure L) Assess 3 water bodies for the improvement of restoration of water quality to the applicable standards and uses. | 2.2.1.1.1<br>a) Determine the number of 8-digit watershed where water quality standards are met in at least 80% of the assessed miles, by 9/30/08<br>b) Maintain linkage between database for 303(d) and M&E List Information and reach indexed NHD coverage.<br>c) If EPA funds are made available, coordinate with EPA and the Forest Service to carry out data analysis and additional monitoring as needed to measure improvement and determine current water quality status in at least 3 water bodies by September 2006. (O&A)<br>d) Assess 3 water bodies to determine water quality improvement or standards attainment by Summer 2006. (O&A) |
| 2.2.2 Percentage of waterbodies identified in 2000 as not attaining standards where water quality standards are fully attained. (21,632 waterbodies; 255,408 miles and 6.8 million acres (PAM # 2.2.1 L)  | 2.2.2.1 Document water quality improvement over time.   | 2.2.2.1.1 Using the tools developed in Activity 2.2.1, by 9/30/08, determine how many of the impaired segments from the 1998 303(d) list are fully attaining water quality standards as of 4/1/08 (the data cutoff for the 2006 List).  |
| 2.2.3 Number of States, Interstate Agencies, and Territories that provide comprehensive integrated assessments of the condition of their waters consistent with sections 305(b) and 303(d) of the Clean Water Act and EPA's integrated assessment guidance. (56 State/Territories (WQ-10))  | 2.2.3.1 Provide consistent and accurate assessment of the State's surface waters and provide the information to EPA and the Public.   | 2.2.3.1.1<br>Develop Colorado's 2008 Section 303(d) Listing Methodology in an open and public process.  |
| 2.2.4 Utilize Assessment Database (ADB) and GIS to record monitoring and assessment decisions (WQ-11).  | 2.2.4.1 Continue to update ADB/GIS with assessment data.  | 2.2.4.1.1 Updated ADB by 4/1/08 (with Integrated Report)  |
| 2.2.5 Number of waterbodies identified by States in 2000 as being impaired by nonpoint sources or by both point & nonpoint sources that are fully restored (cumulative). [Estimated 6,264 waterbodies impaired solely or partially by nonpoint source (Measure L)   | 2.2.5.1 Develop the ability to track impairment by source as well as pollutant.   | 2.2.5.1.1.<br>Using the tools developed in Activity 2.2.1, by 9/30/08, determine the number of waterbodies that are being impaired by nonpoint sources or by both point & nonpoint sources  |

| Water Quality Control Division Goals - Part I Clean Water Act   |  |   |
|---|--|---|
| Short-term Goals  | Objective(s)   | Milestone(s) / Performance Measure(s)   |
| <b>2.3 Water Quality Criteria and Standards Development</b>   |  |   |
| 2.3.1 Number of States & authorized Tribes that have completed a review of water quality standards within three years of the previous triennial review under Section 303(c) of the CWA. (56 State/Territories, & 22 authorized Tribes (WQ-5a))  | 2.3.1.1 Continually review water quality standards and revise them if necessary in accordance with State and Federal statute and Water Quality Control Commission schedule.                      | 2.3.1.1.1<br>a) ISIH Regs #33 and #37: 10/06<br>b) IFIH Regs #32 and #36: 11/06<br>c) Rulemaking Regs #32 & #36: 6/07<br>d) ISIH Regs #38: 10/07<br>e) IFIH Regs #33 & #37: 11/07<br>f) Rulemaking Regs #33 & #37: 6/07             |
|   | 2.3.1.2 Resolve outstanding standards disapprovals.  | 2.3.1.2.1<br>a) Resolve Iowa Gulch in Reg #32 rulemaking (6/07)   |
| 2.3.2 Number and percentage of states on schedule to adopt nutrient criteria or "agreed upon" plans (WQ-2b)   | 2.3.2.1 Continue to implement the Nutrient Criteria Development Plan for Colorado September 26, 2002 Colorado Department of Public Health & Environment, or any revisions to this plan.          | 2.3.2.1.1 Provide work products on the dates identified in the milestone schedule in Table 2 of Nutrient Criteria Development Plan for Colorado   |
| 2.3.3 Number of states that have adopted biocriteria used to determine use attainment or "incorporated in water quality programs to support determine of attainment" (WQ-3)   | 2.3.3.1 To develop expected condition for aquatic life (biocriteria) for use in possible revisions to the aquatic life use classifications system and for assessing aquatic life use impairment. | 2.3.3.1.1 Continue to work with technical experts and Region 8 with the overall state goal to consider revisions to the aquatic life classifications, at the 2010 RMH, based on expected condition for aquatic life (~ biocriteria) |
| 2.3.4 Number of States and Authorized Tribes that have adopted the new fish tissue criterion for mercury (FS-1)   | 2.3.4.1 see Activity 2.3.1 for revisions to WQ standards   | 2.3.4.1.1 WQCC Basic Standards Rule Making Hearing in June 2010.  |
| 3.0 Water Quality Management Planning and TMDL Development – Assure that the watershed approach becomes an effective organizing principle for improving water quality.  |  |   |
| 3.1 Support the development and implementation of regional water quality (208) plans.   |  |   |
| 3.1.1 Update 604(b) work plans with designated regional water quality planning agencies to support the watershed approach.  | 3.1.1.1 Support coordinated regional water quality planning in the four designated areas   | 3.1.1.1.1 Submittal of annual grant application and agency work plans to EPA for approval. Execution of purchase orders or contracts with planning agencies.  |
| 3.1.2 Number of water segments known to be impaired or threatened for which State and EPA agree that initial restoration planning is complete (i.e., EPA has approved all needed TMDLs for pollutants causing impairments to the water body or has approved a watershed plan covering the water body under Section 4B of the Integrated Reporting Guidance. FY07 EPA PAM WQ-33 (I, R) | 3.1.2.1 Continued completion of restoration planning to improve water quality where not attaining standards.   | 3.1.2.1.1<br>a) Number of water segments known to be impaired;<br>b) Number of impaired water segments where initial restoration planning completed through EPA TMDL approval or IRG Section 4B approved watershed plan.            |
| 3.1.3 Number of impaired watersheds where water quality conditions improve (FY07 EPA PAM WQ-32 (I,R))   | 3.1.3.1 Identify Hydrologic Unit Code (HUC) areas for designation as priority watersheds where improvements may be expected.   | 3.1.3.1.1<br>a) Evaluate impaired water bodies and associated pollutants from 2002 303(d) impaired waters   |

| Water Quality Control Division Goals - Part I Clean Water Act  |  |   |
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| Short-term Goals   | Objective(s)   | Milestone(s) / Performance Measure(s)   |
|  |  | <ul style="list-style-type: none"> <li>list;</li> <li>b) Identify water bodies from the 1998 303(d) list that have attained standards either by standards revisions or improvement of water quality;</li> <li>c) Develop priority ranking process for impaired water bodies identified in 3.1.3.1.1 a);</li> <li>d) Apply ranking process in 3.1.3.1.1 c) to impaired water bodies to identify potential priority areas;</li> <li>e) Compare potential priority areas to 10 and 12-digit HUC areas if provided by EPA Region VIII by September 1, 2007.</li> <li>f) Work with EPA Region VIII to identify potential priority 10 or 12-digit HUC watersheds.</li> <li>g) Work with EPA Region VIII to develop numeric commitment of watersheds where water quality conditions improve for inclusion into the 2007-08 PPA by September 30, 2007.</li> </ul> |
| <b>4.0 Permits Program - Colorado shall fully implement and enforce its delegated NPDES program including, as appropriate its general permitting.</b>  |  |   |
| 4.1 Complete a comprehensive assessment of NPDES program integrity and, as appropriate, establish an implementation schedule.  | 4.1.1 State specific commitments will be negotiated in support of Permitting for Environmental Results   | 4.1.1.1 Where appropriate, involve EPA in the comment process for changes in CDPHE regulation/policy affecting its delegated NPDES permitting program.  |
| <b>4.2 Issue Process Water Permits</b>   |  |   |
| 4.3 Percentage of all NPDES permits that are considered current and the percentage of high priority permits that are also current.<br>The FY07 EPA PAM WQ-19 is 90% of all NPDES permits will be current. CDPHE and EPA agree this target will be re-evaluated in year 2 of the agreement. | 4.3.1 80% of all permits (including general certifications) are current. 95% of the priority permits targeted for issuance are current as of the end of each federal fiscal year. An exception is when there are less than 20 priority permits, all but one priority permit will be issued. If the number of expired permits is greater than 30% at any time, Colorado shall provide an overall permit issuance/backlog reduction plan showing how the state will expeditiously reduce the backlog to 20%. | 4.3.1.1 Report the number and percent of facilities that have a discharge requiring an individual permit that: <ul style="list-style-type: none"> <li>a) are covered by a current NPDES permit;</li> <li>b) have expired individual permits;</li> <li>c) have applied for, but have not yet been issued an individual permit, and</li> <li>d) have individual permits under administrative or judicial appeal.</li> </ul>   |
|  | 4.3.2 Develop and submit the Priority Permit List for the federal fiscal year to EPA by October 1 of each year.  | 4.3.2.1 Report the # and % of priority permits that are current.  |

| Water Quality Control Division Goals - Part I Clean Water Act  |  |   |
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| Short-term Goals   | Objective(s)   | Milestone(s) / Performance Measure(s)   |
| 4.4 Number of dischargers with permits providing for trading between the discharger and other water pollution sources and the number of dischargers that carried out trades. |  | 4.4.1.1 Report:<br>a) Number of permits that provide for trading between the discharger and other water pollution sources;<br>b) Number of dischargers that carried out a trade.  |
| 4.5 Number of watersheds in which a watershed permit(s) has been issued and the number of States issuing NPDES permits using a rotating basin process.                       |  | 4.5.1.1 Report on the # of Water Quality Assessments that have been written for a watershed, incorporated into the permit, and the permit has been issued.  |
| <b>4.6 - Implement state CAFO regulations.</b>   |  |   |
| 4.7 Implement the Unified National Strategy for Animal Feeding Operations - March 9, 1999 to the maximum extent possible.  | 4.7.1 Implement the State's program to address animal feeding operations that are impacting water quality.                           | 4.7.1.1 Provide progress report on implementation to EPA at end of year.  |
| 4.8 CAFO Inspections and Reporting.  | 4.8.1 Complete CAFO inspections in accordance with Colorado's Inspection Plan for the period of October 1-September 30 of each year. | 4.8.1.1 Submit to EPA, by December 31 of each year, an electronic copy of the CAFO inventory.   |
|  |  | 4.8.1.2 Submit to EPA, by December 31 <sup>st</sup> and June 30 <sup>th</sup> of each year, an inspection status report explaining the progress made toward inspecting CAFOs and progress toward inventory development. |
|  |  | 4.8.1.3 Report, at the mid-year (March 31 of each year) and end-of-year, the number and percent of CAFOs inspected in the state and the number and percent of total CAFOs inspected in the priority areas.              |
|  |  | 4.8.1.4 Participate in 2 joint/oversight EPA/State CAFO inspections in addition to any other oversight inspections that may be conducted.   |
|  |  | 4.8.1.5 An electronic copy of the current CAFO inventory and/or database will be submitted to EPA on December 31 <sup>st</sup> and June 30 <sup>th</sup> of each year.  |
|  |  | 4.8.1.6 Provide information on compliance assistance activities and trainings conducted for AFO/CAFO operators and/or agricultural organizations.   |
|  |  | 4.8.1.7 Provide, <a href="#">in the FY 07 and FY 08 end of year reports</a> , information on compliance assistance activities and trainings conducted for AFO/CAFO operators and /or ag. organizations.                 |
| <b>4.9 Pursue delegation of federal authority to implement the Biosolids and Pretreatment programs in Colorado.</b>  |  |   |

| Water Quality Control Division Goals - Part I Clean Water Act   |  |  |
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| Short-term Goals  | Objective(s)   | Milestone(s) / Performance Measure(s)  |
| 4.10 Conduct a Biosolids management program, which facilitates, to the maximum extent possible, the beneficial use of Biosolids while assuring full protection of public health and water quality.  | 4.10.1 Colorado will conduct biosolids inspections in accordance with its inspection plan for the period of October 1-September 30 by September 30 <sup>th</sup> of each year.           | 4.10.1.1 Report:<br>a) Percentage and number of NPDES permits that contain biosolids language.<br>b) Maintain data in the Biosolids Data Management System (BDMS) or equivalent database. Submit the data electronically by May 1 <sup>st</sup> of each year for the preceding monitoring year.  |
|   |  | 4.10.1.2 Report at the mid-year and end-of-year,<br>a) Number of site inspections biosolids inspections.<br>b) Number of facility evaluation biosolids inspections.  |
|   |  | 4.10.1.3 Report on progress of obtaining Biosolids Program delegation.   |
| 4.11 Conduct an Industrial Pretreatment Program that implements the requirements of the Colorado Pretreatment Regulations while not duplicating EPA programmatic efforts.   | 4.11.1 Colorado will conduct pretreatment inspections in accordance with its annual inspection plan for the period of October 1-September 30 by September 30 <sup>th</sup> of each year. | 4.11.1.1 Report the percentage of Significant Industrial Users in POTWs with Pretreatment Programs and % of known Categorical Industrial Users in non-pretreatment POTWs that have control mechanisms implementing applicable Pretreatment standards and requirements.   |
|   |  | 4.11.1.2 Report on progress of obtaining Pretreatment Program delegation.  |
|   |  | 4.11.1.3 Report, at the mid-year and end-of-year<br>a) number of pretreatment inspections at state permitted industrial users.<br>b) The total number of state-permitted industrial users.   |
| <b>4.12 Stormwater Permitting Program Implementation</b>  |  |  |
| 4.13 Continue to cover stormwater discharges under state-issued general and individual permits requiring stormwater management programs for Phase I and II municipal (MS4s) and industrial entities. (Note: assumes continued availability of general permits.) | 4.13.1 Issue or reissue, as required, the various stormwater permit types to assure adequate protection of the environment.  | 4.13.1.1 Report the number of stormwater sources associated with industrial activity, number of construction sites over one acre, and number of designated stormwater sources (including Municipal Phase I and Phase II) that are covered by a current individual or general NPDES permit or other enforceable mechanism that:<br>a) are covered by each current stormwater general permit (e.g. industrial, construction, MS4);<br>b) are covered by current individual stormwater permits (e.g. Phase I MS4s);<br>c) and the number of expired general or individual stormwater permits. |
|   |  | 4.13.1.2 Provide information on compliance assistance activities and trainings conducted for permitted small MS4s.   |

| Water Quality Control Division Goals - Part I Clean Water Act  |   |   |
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| Short-term Goals   | Objective(s)  | Milestone(s) / Performance Measure(s)   |
| 4.14 Involve regulatory agencies and the public as necessary to effectively permit stormwater discharges.  | 4.14.1 Include EPA in the review process prior to issuing general permits for stormwater discharges and individual Phase I permits for large and medium size MS4s.              | 4.14.1.1 Report on process to include EPA in the review of general permits for stormwater discharges and individual Phase I permits for large and medium size MS4s prior to issuance.                           |
|  |   | 4.14.1.2 Report on the accessibility of the State program by the public and regulated entities (i.e. contact information, hotlines, web sites, etc.)  |
| 4.15 Implement a process for incorporating TMDLs with stormwater allocations into general permits.   |   | 4.15.1.1 Report on:<br>a) Number of EPA approved TMDLs with stormwater allocations.<br>b) Number of EPA approved TMDLs with stormwater allocations that have been incorporated into stormwater general permits. |
| 4.16 Stormwater Inspections and Reporting  | 4.16.1 Colorado will conduct stormwater inspections in accordance with its inspection plan for the period of October 1-September 30 by September 30 <sup>th</sup> of each year. | 4.16.1.1 Report, at the mid-year (March 31 <sup>st</sup> of each year) and the end-of-year, the number of stormwater inspections conducted.   |
|  |   | 4.16.1.2 Audit 1 MS4 and report at the end-of-year.   |
| 5. Compliance Assurance (for pollution control facilities) - Maintain a high overall compliance rate with all water quality regulatory requirements. |   |   |

| Water Quality Control Division Goals - Part I Clean Water Act  |   |   |
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| Short-term Goals   | Objective(s)  | Milestone(s) / Performance Measure(s)   |
| 5.1 Conduct Inspections of and/or monitor self-reported data submitted by, the state's CDPS discharges to positively determine the compliance status of regulated facilities and activities. | <p>5.1.1 Conduct NPDES inspections described in the inspection plan for the period of October 1-September 30 of each year. Complete inspection reports and enter into PCS database by December 31<sup>st</sup> of each year. Submit draft industrial, municipal, stormwater, and CAFO inspection plan for the coming federal fiscal year (October 1-September 30) by September 1st and finalize the plan within 15 days of receiving EPA comments. Selected major facilities will be inspected in accordance with Colorado's self-certification program as described in Chapter 2 of this PPA and detailed in the above-referenced inspection plan.</p> <p>Colorado will identify and formally track significant violations detected during inspections to gain compliance.</p> <p>Colorado and EPA Region 8 may participate in a number of joint/oversight inspections at regulated facilities during the inspection year. EPA will contact the state to schedule joint inspections at facilities identified in the wastewater inspection program.</p> | <p>5.1.1.1 Report to EPA in the State End-of-Year Report the number of each of the following inspections:</p> <ul style="list-style-type: none"> <li>- Majors,</li> <li>- Minors,</li> <li>- CSOs and/or SSOs,</li> </ul> <p>Also, provide the status of inspection follow-up activities in the End of Year Report.</p> |
|  | 5.1.2 Continue to conduct the DMR Quality Assurance program.  | 5.1.2.1 Follow up on all significant problems with DMR QA and provide EPA with a summary of follow-up actions.  |
|  | 5.1.3 Address instances of WET failure with formal enforcement actions when a facility fails its WET test on a continuing basis and the facility is not under an enforceable schedule to determine the cause of the failures and to take appropriate action to return to compliance   | 5.1.3.1 Submit as part of the End-of-Year Report, a summary of actions taken to address WET violations.   |

| Water Quality Control Division Goals - Part I Clean Water Act  |   |   |
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| Short-term Goals   | Objective(s)  | Milestone(s) / Performance Measure(s)   |
| 5.2 Continue to implement the Sanitary Sewer Overflow (SSO) Response Plan in FY 2007-8.  | 5.2.1 During the federal fiscal year, address 20% of the SSOs added to the SSO inventory during the three previous state fiscal years.  | 5.2.1.1 Provide to EPA by October 15 <sup>th</sup> of each year, a) an updated SSO inventory; b) the number and percent of SSOs addressed and a description of how 20% of the SSOs in the inventory were addressed. SSO inspections may be conducted in priority watersheds.  |
|  | 5.2.2 Collection system capacity evaluation based on EPA questionnaire will be completed by one facility between 10 and 100 mgd.  | 5.2.2.1 Review submittal by September 30 <sup>th</sup> of each year and determine if SSOs during the three previous fiscal years are being addressed. Where adequate capacity is not demonstrated, the Division will inform the system that failure to address capacity issues will be considered an exacerbating factor in determining whether to take an enforcement action for an SSO. |
| 5.3. Compliance Assurance - Implement the federal and state laws, regulations and policies governing water quality in a timely, efficient and fair manner. |   |   |
| 5.3.1 Maintain a high overall compliance rate with applicable statutes and regulations   | 5.3.1.1 Evaluate all violations to determine an appropriate response and apply the provisions of the Enforcement Management System, Enforcement Escalation/Response Guides, Civil Penalty Policy and SEP Policy in all enforcement actions. | 5.3.1.1.1 Implement the Division's SSO Response policy.   |
|  |   | 5.3.1.1.2 Continue to implement the draft Enforcement Response Guide and Stormwater Compliance and Enforcement Strategy for industrial stormwater.  |
|  |   | 5.3.1.1.3 Continue to implement and update as necessary the State's CAFO compliance and enforcement strategy and Enforcement Response Guide.  |
|  |   | 5.3.1.1.4 Track the number of major dischargers in significant noncompliance at any time during the federal fiscal year, as determined using the QNCR, and the number of such discharges to waters in Colorado listed under section 303(d) of the Clean Water Act.  |
|  |   | 5.3.1.1.5 On a quarterly basis complete the electronic explanation code sheets for the Watch List and forward to EPA Region 8.  |
| 5.3.2 Promote communication with EPA.  | 5.3.2.1 Quarterly meetings between CDPHE and EPA will be held to discuss current and projected enforcement cases, inspection commitments, work conducted in priority areas and sectors, and any other items as necessary.                   | 5.3.2.1.1 As agreed to between Colorado and EPA Region 8, report to EPA:<br>a) final settlement agreements;<br>b) penalty calculations including justifications for adjustments and BEN for state enforcement actions concluded during the fiscal year;<br>c) a description of any SEPs included in the state enforcement actions concluded in the fiscal year.                           |

| Water Quality Control Division Goals - Part I Clean Water Act  |   |  |
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| Short-term Goals   | Objective(s)  | Milestone(s) / Performance Measure(s)  |
|  |   | 5.3.2.1.2 Submit copies of issued enforcement actions, settlement agreements, and penalty actions (including SEPs) to EPA to facilitate EPA's file reviews for the State Review Framework; documents will be transmitted in electronic format unless hard copies are requested by EPA. |
| 5.3.3 Develop and maintain comprehensive database.   | 5.3.3.1 Ensure that all data requirements in PCS are being entered and reported to EPA's national data systems. | 5.3.3.1.1 For all domestic and industrial entities with NPDES permits, enter permit facility data, permit event data and inspection data into PCS.   |
|  |   | 5.3.3.1.2 Enter SSO inspections into the PCS database.   |
|  |   | 5.3.3.1.3 Enter inspections and enforcement actions at CAFOs with NPDES permits into PCS. Approved <a href="#">Nutrient Management Plans will also be tracked in PCS.</a>  |
|  | 5.3.3.2 Ensure that data that is not maintained in PCS is available to EPA.                                     | 5.3.3.2.1 Until stormwater permits data are entered into ICIS, CDPHE will provide EPA with an electronic copy of the stormwater permit tracking system on October 15th, January 15th, April 15th and July 15th of each federal fiscal year.  |
|  |   | 5.3.3.2.2 State will submit the annual non-major facilities noncompliance report for the previous calendar year in accordance with 40 CFR §123.45 (c) according to the date determined by EPA HQ and communicated to the State in early in the calendar year                           |
| <b>6.0 Water Quality Restoration and Enhancement Efforts - Implement activities to improve water quality and attain water quality standards as affected by nonpoint source pollutants.</b> |   |  |
| 6.1 Nonpoint Source Program Implementation - Assure that the Clean Water Act Section 319 funds address high priority projects consistent with the watershed approach.                      |   |  |

| Water Quality Control Division Goals - Part I Clean Water Act   |   |   |
|---|---|---|
| Short-term Goals  | Objective(s)  | Milestone(s) / Performance Measure(s)   |
| 6.1.1 Continue to provide funding for non-point source priority projects to identify solutions to non-point source pollution.   | 6.1.1.1<br>a. Implement the updated Colorado Nonpoint Source Management Plan Supplement.<br>b. Identify watershed plans to be developed for high priority watersheds.<br>c. Prepare statewide project funding list for public hearing by the WQCC.<br>d. Submit project implementation plans for EPA Region 8 approval.<br>e. Assure projects meet all federal and state reporting requirements.<br>f. Report project specific into GRTS.<br>g. Utilize EPA State Grant Performance Measures template for service area specific requirements. | 6.1.1.1.1<br>a. Utilize Management Plan Supplement to implement all program requirements.<br>b. Encourage local entities to develop watershed plans in high priority watershed. Report number of plans or the number of requests for assistance generated by 6.1.2 on an annual basis.<br>c. Potential project sponsors and costs identified.<br>d. Site-specific project implementation plans developed where sponsors are identified.<br>e. Receive EPA Region 8 approvals.<br>f. Complete GRTS biannual updates. |
| 6.1.2 Number of watershed based plans (and miles/acres covered), supported under State Nonpoint Source Programs (section 319) since the beginning of FY 2002 that have been substantially implemented. (FY 06 EPA PAM WQ27; FY 07 EPA PAM WQ27 (I)) | 6.1.2.1 Continued implementation of completed watershed based plans to protect existing water quality standards and classifications, and to continue improvement of water quality where not attaining standards.  | 6.1.2.1.1 Actual number of watershed plans (with water miles/acres covered) with substantial implementation as identified by the State.   |
| 6.1.3 Number of water bodies identified by States in 2000 as being primarily NPS-impaired that are partially or fully restored (cumulative). (FY06 EPA PAM WQ15; FY07 EPA PAM WQ16 (I, R))  | 6.1.3.1 Determine improving water quality and progress towards attaining applicable water quality standards and classifications.  | 6.1.3.1.1 Actual number of water bodies identified by States that show water quality improvements or standards attainment.  |
| 6.1.4 Annual reduction in lbs/tons of nitrogen, phosphorus, and sediment from nonpoint sources to water bodies. (FY06 EPA PAM WQ14; FY07 EPA PAM WQ15 (I, R))   | 6.1.4.1 Determine nonpoint source pollutant loading reduction.  | 6.1.4.1.1<br>Nitrogen – 0 lbs.<br>Phosphorus – Report actual load reductions in GRTS as project-specific information.<br>Sediments – Report actual load reductions in GRTS as project-specific information.   |
| 6.2 Federal Lands Consistency Reviews - Nonpoint Source Program coordination with public lands agencies.  |   |   |
| 6.2.1 Assure that the Nonpoint Source and SWAP Programs coordinates with public land agencies regarding potential water quality impacts of land use decisions and implementation  | 6.2.1.1 Conduct federal consistency audits and arrangements with BLM and USFS.  | 6.2.1.1.1 Complete 2 USFS national forest or BLM district consistency audits and associated reports on protection or restoration of water quality standards and classifications.  |
| <b>7.0 Financial Assistance - Provide administrative and technical services to water quality projects identified in the WPCRF IUP to assure compliance with the CWA.</b>  |   |   |

| Water Quality Control Division Goals - Part I Clean Water Act  |  |  |
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| Short-term Goals   | Objective(s)   | Milestone(s) / Performance Measure(s)  |
| 7.1 Identify water quality projects and provide appropriate financial assistance.  | 7.1.1<br>a. Submit IUP for approval in August 2006 by the WQCC.<br>b. Administer WPCRF project loans identified and prioritized in the WPCRF Intended Use Plan (IUP) in compliance with the CWA and the operating agreement with EPA Region 8.<br>c. Track project data in a database and project files. | 7.1.1.1<br>a. WQCC approval of IUP in October 2006.<br>b. Report administration of WPCRF in 2006 Annual Report.<br>c. Conversion or downloading of data into the National Information Management Systems (NIMS). |
| 7.2 Fund utilization rate [cumulative loan agreement dollars to the cumulative funds available for projects] for the CWSRF. (FY06 EPA PAM WQ23; FY07 EPA PAM WQ-24 (T, R)) | 7.2.1 Determine annual utilization of available funds for investment in public wastewater treatment facilities and nonpoint source activities.   | 7.2.1.1 Calculated fund utilization rate of Colorado WPCRF.  |
| 7.3 Number of water bodies restored and improved or protected per million dollars of CWSRF. (FY07 EPA PAM WQ-25 (T, R))  | 7.3.1 Determine effectiveness of federal investment in a) restoring and improving, or b) protecting water bodies.  | 7.3.1.1<br>a) Calculated number of restored and improved water bodies per CWSRF investment.<br>b) Calculated number of protected water bodies per CWSRF investment.  |
| 7.4 Number of impaired watersheds where water quality conditions improve. (FY07 EPA PAM WQ-32 (I, R))  | 7.4.1 Continued integrated wastewater facility and nonpoint source funding planning and prioritization to protect and restore applicable water quality standards and classifications.  | 7.4.1.1 Calculated number of impaired watersheds demonstrating improved water quality conditions.  |



| Water Quality Control Division Goals – Part II Safe Drinking Water Act  |  |  |
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| Short-term Goals  | Objective(s)   | Milestone(s) / Performance Measure(s)  |
| 1.0 SDWA Regulatory Development - Adopt Primary Drinking Water Regulations to Maintain Primary Enforcement Authority.     |  |  |
| 1.1 Adopt regulations within statutory deadlines or EPA approved extension schedule.                                      |  |  |
| 2.0 SDWA Control Mechanisms - Implement All Primary Drinking Water Regulations  |  |  |
| 2.1 Implement all primary Drinking Water Regulations for which Colorado has been delegated primary enforcement authority. | 2.1.1 Report on the status of EPA-identified requirements of the lead & copper rule and the surface water treatment rule | 2.1.1.1 By May 1, 2007, report on the status of lead response actions taken by community and NTNC water systems whose 90 <sup>th</sup> percentile tap samples have exceeded the lead action level. |
|   | 2.1.2 SWTR – identify and resolve GWUDI.   | 2.1.2.1 Provide to EPA a list of all systems that are required to filter under the SWTR but are not yet  |

| Water Quality Control Division Goals – Part II Safe Drinking Water Act  |  |  |
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| Short-term Goals  | Objective(s)   | Milestone(s) / Performance Measure(s)  |
|   |  | <p>filtering. 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.</p> <p>2.1.2.2 Identify actions and time frames for completing assessments of ground water under the influence of surface water, and the systems for which such assessments need to be completed.</p> |
| <b>3.0 SDWA Compliance Assistance - Assist Regulated Entities to Consistently Provide Safe Drinking Water.</b>  |  |  |
| 3.1 Implement Source Water Assessment Program (SWAP) and Wellhead Protection Programs.  | 3.1.1 Acquire federal DWSRF set aside funding for program implementation.  | 3.1.1.1 Submittal of FY 2006-07 Wellhead Protection and Capacity Development Set-Aside Work Plan Amendments to EPA Region 8 by June 30.  |
|   | 3.1.2 Develop annual program targets with EPA Region 8 on an annual basis  | 3.1.2.1 Submit narrative of anticipated program activities and estimated completions by March 31, 2007.  |
|   | 3.1.3 Assist public water systems in identifying potential sources of contamination and developing source water protection strategies.   | 3.1.3.1 Provide technical and programmatic assistance to public water systems and local interests implementing source water assessment and protection activities.  |
|   | 3.1.4 Implement coordinated program activities with Financial Assistance Program, Colorado Rural Water, and EPA Region 8.  | 3.1.4.1 Implement regular communication mechanism to insure coordination.  |
|   | 3.1.5 Report program progress regarding program targets and actual completions.  | 3.1.5.1 Submit report in EPA-provided reporting matrix or electronic transfer protocol by October 2006.  |
| 3.2 Percentage of source water areas for community water systems that achieve minimized risk to public health. (FY 06 EPA PAM 2.1.1.F; FY07 EPA Strategic Target F) | 3.2.1 Reduce potential consumer exposure of community drinking water systems to various contaminants in raw water sources.   | 3.2.1.1 Number of source water areas with “minimized risk achieved by substantial implementation” of source water protection actions as determined by Colorado.  |
| 3.3 Assist public water systems with the DWRF to build required infrastructure to ensure consistent provision of safe drinking water.                               | 3.3.1 Submit IUP for approval in September 2006 by the WQCC.   | 3.3.1 WQCC approval of IUP in November 2006.   |
|   | 3.3.2 Utilize the existing federal-state-local team approach to identify projects that address health and compliance issues for drinking water treatment and distribution systems. | 3.3.2.1 Number of community and non-community, non-transient water systems and population served with no violations as a result of the Drinking Water SRF to be reported in the annual report.   |
|   | 3.3.3. Administer DWRF loans identified and prioritized in the DWRF Intended Use Plan (IUP) in compliance with the SDWA and the operating agreement with the CWRPDA.               | 3.3.3.1 Percent of existing facilities seeking SRF funding that are evaluated for all three capacity elements (technical, financial and managerial).   |

| Water Quality Control Division Goals – Part II Safe Drinking Water Act   |  |   |
|--|--|---|
| Short-term Goals   | Objective(s)   | Milestone(s) / Performance Measure(s)   |
| 3.4 Fund utilization rate [cumulative dollar amount of loan agreements divided by cumulative funds available for projects] for the DWRF. (EPA PAM SDW5; FY07 EPA PAM SDW-7 (T;I))                          | 3.4.1 Determine annual utilization of available funds for investment in public water system treatment facilities.  | 3.4.1.1 Calculated fund utilization rate for Colorado DWRF.   |
| 3.5 Number of DWRF projects that have initiated operations. (cumulative) (EPA PAM SDW6; FY07 EPA PAM SDW – 14 (I, R))  | 3.5.1 Determine number of drinking water facilities funded through DWRF that a) initiated construction, and b) return to compliance.   | 3.5.1.1<br>a) Calculated number of projects initiated (R);<br>b) Calculated number of projects that return systems to compliance (I).   |
| 3.6 Eliminate sanitary defects at public water systems that could increase the risk that contaminated drinking water will be distributed to consumers.   | 3.6.1 Conduct effective sanitary surveys of public water systems in accordance with the approved annual sanitary survey plan, including completion of written reports within 90 days of conducting fieldwork.  | 3.6.1.1 Provide in the end-of-year report, the number and percentage of systems not inspected within required timeframes in each of the following categories: Groundwater systems not inspected in the last 5 years; Community surface water systems not inspected in the last 3 years; and, Non-community surface water systems not inspected in the last 5 years.<br>The goal is that there will be fewer than 10% of systems in each category not inspected within the required time frames. |
|  | 3.6.2 Resolve significant violations discovered during sanitary surveyor inspections.  | 3.6.2.1 Report the percent of systems with significant deficiencies detected during TSU inspections that are resolved.  |
| 3.7 Ensure that new or modified public water system treatment facilities are constructed in accordance with design criteria or acceptable variances thereto.   | 3.7.1 Review plans for all new or modified treatment facilities within 45 days of receiving a complete submittal.  | 3.7.1.1 Report the number of plan reviews completed and the percent of reviews completed within 45 days total review time.  |
| 4. Compliance Assurance – Synthesize, coordinate and apply appropriate assistance tools, informal enforcement, formal enforcement and penalties to ensure timely correction of violations, and deterrence. |  |   |
| 4.1 Maintain a high overall compliance rate with all drinking water regulatory requirements.<br>PAM 2.1 Protect human health by reducing exposure to contaminants in drinking water.                       | 4.1.1 Monitor self-reported data submitted by the state's drinking water supplies, to ensure that reported data meet all existing federal and state requirements; ensure reported data are accurately entered into the state's data system; and that violations are determined and responded to. Measure State outcomes against National targets. (Note: Colorado reports the sum of all population types to the national database, which is the data source | 4.1.1.1 (PAM 2.1.1) Percentage of the population served by community water systems that receive drinking water that meets all applicable health-based standards through effective treatment. Strategic target is 95%.   |
|  |  | 4.1.2.1 (PAM 2.1.1A) Percentage of the population served by community water systems that receive drinking water that meets health-based standards with which systems need to comply as of December 2001. Strategic target is 95%.   |

| Water Quality Control Division Goals – Part II Safe Drinking Water Act  |   |  |
|---|---|--|
| Short-term Goals  | Objective(s)  | Milestone(s) / Performance Measure(s)  |
|   | used by EPA. Many states report only the residential populations for community water systems. Therefore, performance measures for this objective calculated using Colorado data from SDWIS/FED may be inconsistent with the measures calculated for some other states   | 4.1.3.1 (PAM 2.1.1 B) Percentage of the population served by community water systems that receive drinking water that meets health-based standards with a compliance date of January 2002 or later. (Covered standards include: Stage 1 DBP, IESWTR, LT1 and arsenic.) Strategic target is 80%.                |
|   |   | 4.1.4.1 (PAM 2.1.1 C) Percentage of community water systems that provide drinking water that meets health-based standards with which systems need to comply as of December 2001. Strategic target is 95%.  |
|   |   | 4.1.5.1 (PAM 2.1.1 D) Percentage of community water systems that provide drinking water that meets health-based standards with compliance dates of January 2002 or later. (Covered standards include: Stage 1 disinfection by-products/interim enhanced surface water treatment rule) Strategic target is 80%. |
|   | 4.1.2 Sample and analyze treated water from at least 50 public water systems to ensure the results obtained support the self reported data submitted by the public water system or to support enforcement cases.  | 4.1.2.1 Report the number of public water systems sampled during the state fiscal year.  |
| 4.2 Implement the federal and state laws, regulations and policies governing drinking water systems in a timely, efficient and fair manner. | 4.2.1 Complete the revision of the Enforcement Management System (EMS), taking into account CDPHE and Division policies.  | 4.2.1.1 Revise the Enforcement Escalation Policy to include new drinking water rules, including Disinfection Byproducts and LT1 SWTR by October 31, 2006.  |
|   |   | 4.2.1.2 Implement the draft Civil Penalty Policy for systems that have failed to comply with an Enforcement Order.   |
| 4.3 Take action to address those PWSs that are identified and confirmed to be significant non-compliance (SNC).                             | 4.3.1 Aggressively manage the quarterly SNC list to identify planned actions and to inform EPA of past quarter's accomplishments. The date that a system becomes a SNC is defined by the SNC definitions published by EPA for each rule, regardless of the "SNC" and "Exception" dates generated by the Federal database and listed on the quarterly SNC lists. | 4.3.1.1 Annotate the Quarterly SNC list, and indicate what actions are planned for each SNC. Return the annotated form to EPA within 30 days of receipt.   |
|   |   | 4.3.1.2 Where appropriate, conduct sanitary surveys or technical assistance visits (with written reports) at PWSs, which are SNCs.   |

| Water Quality Control Division Goals – Part II Safe Drinking Water Act  |   |  |
|---|---|--|
| Short-term Goals  | Objective(s)  | Milestone(s) / Performance Measure(s)  |
|   |   | 4.3.1.3 Implement the State’s Enforcement Escalation Policy; Ensure enforceable compliance schedules are in place for all SNCs within eight months of the date that the PWS becomes a SNC unless the facility has returned to compliance.  |
|   | 4.3.2 Prioritize enforcement activities in order to meet the National Enforcement benchmarks for FY 04-07.          | 4.3.2.1. Address through formal enforcement 100% of SNCs at large and medium systems before they become Exceptions.  |
|   |   | 4.3.2.2. Address through formal enforcement at least 90% of microbial SNCs, 85% of nitrate, lead and chronic contaminant SNCs, at small systems before they become Exceptions.   |
| 4.4 Provide information to facilitate EPA oversight of all state formal enforcement actions.  |   | 4.4.1.1 Provide EPA a copy of all settlement agreements, both administrative and judicial. Include penalty calculations where appropriate, documenting gravity calculations and economic benefit calculations and any penalty justifications. These need to be provided by October 31 for actions taken in the previous state fiscal year. |
|   |   | 4.4.1.2 Provide copies to EPA of enforcement actions issued to systems for violations related to filtration. Copies of actions will be provided to EPA Region 8 by November 1, in electronic format unless EPA requests a hard copy.   |
| 5. SDWA Data Management - Develop and Implement a State Drinking Water Program database that will accurately portray system capacity, compliance and enforcement information. |   |  |
| 5.1 Maintain the Federal database.  | 5.1.1 State sanitary survey activities will be accurately recorded and reported to EPA.                             | 5.1.1.1 The State commits to entering all sanitary surveys performed in the previous inspection year into SDWIS/FED by the end of the first quarter following the end of the inspection year.  |
|   | 5.1.2 Ensure that inventory, sanitary survey, compliance, enforcement, and required sample data are reported to EPA | 5.1.2.1 Ensure that violations of the SWTR resulting from systems’ not filtering when required to filter, are reported to EPA; if the SDWIS software prevents the state from uploading the data, the state will transmit the violation information to Region 8 via E-mail.   |

| Water Quality Control Division Goals – Part II Safe Drinking Water Act  |  |   |
|---|--|---|
| Short-term Goals  | Objective(s)   | Milestone(s) / Performance Measure(s)   |
|   |  | 5.1.2.2 Ensure that all violations are reported to EPA by the end of the quarter following their occurrence.  |
| 6. Clean Water Act and Safe Drinking Water Act Integration Measures. Integration of two federal water quality regulations to better assess public water supply standards attainment and protect public health.  |  |   |
| 6.1 Percent of surface waters that are: a) used as a drinking water source by a community water system and designated for public water supply use that b) are monitored biennially for attainment of that use. (EPA PAM SDW18; FY07 EPA PAM SDW – 14 (I,R))   | 6.1.1<br>a) Determine number of surface water segments used as a drinking water source.<br>b) Determine attainment of public water supply use designation.   | 6.1.1.1<br>a) Complete stream segment reach indexing (Activity 2.2.1.a) and linkage to ADB to identify surface water segments designated for public water supply use;<br>b) Assist EPA to correctly identify locations of drinking water intakes;<br>c) Utilize data in STORET to determine location of monitoring sites for 2007-2008;<br>d) Calculate percent of community water systems intakes for which source water assessed for drinking water use that are monitored biennially by 9/30/09.   |
| 6.2 Percent of surface waters that are a) used as a drinking water source by community water system that are b) listed as impaired for a drinking water use for which there is an EPA approved TMDL to address impairment and c) the percent of these impaired waters that have been fully restored. (FY06 EPA PAM SDW19; FY07 EPA PAM SDW-15 (I, R)) | 6.2.1<br>a) Determine number of surface water segments used as a drinking water source.<br>b) Determine surface water segments that are listed as impaired for drinking water use.<br>c) Determine surface water segments listed as impaired for drinking water use that have been fully restored. | 6.2.1.1<br>a) Complete stream segment reach indexing (Activity 2.2.1.a) and linkage to ADB to identify surface water segments designated for public water supply use;<br>b) Assist EPA to correctly identify locations of drinking water intakes;<br>c) Identify surface water segments used for community systems that are listed as impaired.<br>d) Identify the number of surface water segments used for community systems that were listed as impaired in 1998 where a TMDL has been completed, and that have been fully restored by the 2006 (data cut off - 7/1/05). |
| 6.4 Percent of surface waters that are used as a drinking water source by community water systems that have, wherever attainable, a) water quality standards with public water supply as a designated use or b) water quality standards that provide an equal level of public health protection. (FY 06 EPA PAM SDW17; FY07 EPA PAM SDW-13 (I, R))    | 6.4.1 Report on segments that are used as sources for community water systems that have the appropriate human health water quality standards.  | 6.4.1.1<br>a) Calculate percent surface water that are used as sources for community systems that have the appropriate human health water quality standards; b) Calculate percent of community water systems intakes for which source water designated for a drinking water use (I).  |

# CHAPTER 7 HAZARDOUS MATERIALS WASTE MANAGEMENT DIVISION

## 7.1 Organization and Programs

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

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

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

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

In February 2006, the fifth 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 2006 report documented the continued emphasis on compliance assistance, expanding on HMWMD efforts of past years.

The Radon Hotline is a customer service effort provided by this Division. Radon information dissemination, outreach and presentations upon request are provided by HMWMD, using EPA grant dollars, and are augmented by participation and training efforts contributed by state and local personnel. In an effort to expand the public outreach of the radon grant, recently the number of grants has been increased from nine to twenty, covering new areas of the state not previously targeted. Additional radon reinvigoration projects by the HMWMD include mass mailings of radon information targeted to all schools, newspapers, realtors, homebuilders and daycare center inspectors. Annual surveys of measurement results, mitigation providers, schools and builders are now being conducted in order to provide an accurate assessment of outreach impact in Colorado as requested in the EPA radon reinvigoration strategy. A public education video created for Colorado is also being shown several times a day on all metro area public access cable stations.

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

**Table 7.1 Hazardous Materials & Waste Management Division Organization**

| <b>Work Unit</b>                         | <b>Core Functions</b>  |   |                                   |  |  |                       |
|--|--|---|-----------------------------------|--|--|-----------------------|
| <b>Director's Office</b>                 | Community Relations  | Compliance Coordination   | Emergency Planning & Preparedness | ASTDR / HSEES Grant  | Policy Advisor   |                       |
| <b>Administration</b>                    | Fiscal Management  | Human Resources Services & Training   | GIS & Scientific Data Management  | Network Support Services   | Records Management & Administrative Services                       |                       |
| <b>Solid and Hazardous Waste Program</b> | Hazardous Waste Permitting, Compliance, Enforcement, Compliance Assistance, P2 & Corrective Action | Solid Waste Permitting Compliance, Enforcement, Compliance Assistance, P2 & Corrective Action | Regulatory Development            | Financial Assurance (for all compliance elements); Land Revitalization                 | Data Management for haz waste, solid waste, and radiation programs | Rocky Flats Oversight |
| <b>Radiation Management Program</b>      | Radioactive Materials Licensing, Compliance, Enforcement, & Corrective Action                      | X-ray/ Mammography Facility Compliance, Enforcement, & Corrective Action                      | Regulatory Development            | Testing and Certification of Service Companies, Qualified Inspectors and Experts, etc. | Radon Intervention Grant Activities                                | Radiological Response |
| <b>Remediation Program</b>               | Superfund remediation lead and support agency; Superfund O&M                                       | Preliminary Assessment, Site Investigation,   | Voluntary Cleanup Program         | Brownfields Revolving Loan Fund; Targeted Brownfields Assessments                      | Defense Facilities Remediation & Restoration                       |                       |

## 7.2 Successes Under the CEPPA

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

- (1) HMWMD has had stable funding for hazardous waste corrective action and compliance and enforcement since 2000. In May 2006, the fees were increased in a manner that should provide adequate funding for the next several years. In recent End-of-Year Reports, EPA has agreed that the Division is capable of implementing a fully authorized program and all necessary program elements are in place and functioning at a high and efficient level.

The Hazardous Waste Control Program has made substantial progress in the area of safe waste management. HMWMD's program has exceeded national targets for having operating permits and post-closure permits in place. HMWMD has also made substantial strides in Hazardous Waste Corrective Action. Historically, Colorado has met or exceeded the 2005 national environmental indicators for Human Exposures and Ground Water Releases. Colorado also expects to exceed the national GPRA goals for the new remedy selection and remedy construction 2008 environmental measures.

- (2) The latest round of Brownfields grants announced by EPA included a grant awarded to Boulder County for cleanup of the Argo Mine, a Cleanup Grant to San Juan County, and a grant to the City and County of Denver for brownfields assessments.

## 7.3 Cross-Cutting Themes

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

### 7.3.1 Customer service

On-going customer service efforts include:

- The full-time customer / technical assistance function in HMWMD to provide technical and public assistance for all HMWMD programs during business hours.
- A nationally published dedicated radon information line with a 1-800 number available for long distance inquiries.
- The records center is open to the public for document reviews all day every working day.
- Extended and improved and continuously updated information on the division's Home Page.
- Environmental records searches.
- Voluntary Clean-up reviews and assistance functions.
- Field assistance, consultative services, and training on chemical hazards for emergency response agencies.

### 7.3.2 Compliance Assistance and Assurance

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

- During the first nine months of FY06, HMWMD provided 31 compliance assistance training sessions that reached over 2,144 people.
- Compliance guidance documents and bulletins have been published on a wide range of topics and are available at no cost to the public on the HMWMD Homepage and as printed materials. These documents are also available on CD-ROM for attendees at training sessions. HMWMD has begun evaluating the distribution of contacts (correspondence, phone inquiries, website "hits", etc.) to direct development of new guidance.
- Guidance documents and compliance documents have been developed and / or updated to provide regulatory interpretations for the regulated public and HMWMD inspectors. In April, 2006, the Division finalized a new Dry Cleaner Remediation guidance document. Solid waste representatives are participating in the development and finalizing of the ITRC Technical and Regulatory Guidance for Evaluating, Optimizing and Ending Post-Closure Care at Landfills. The guidance document is scheduled for print during August of 2006. We are partnering with the EPA to bring a 2.5-day short course for owner/operators/regulators and stakeholder on Alternative Landfill Covers to Denver during November 2006.
- HMWMD continues its full-time customer assistance availability and a 1-800 number for contacts from outlying parts of the state. This service continues to see heavy use from the public.
- HMWMD has continued to update and improve the Division's web page. The web page continues to show a trend of increased use. The Solid Waste Unit web page was revised to be more user-friendly with information being more readily accessible.
- With the successful results of the SCORE project, the Division demonstrated that Small Quantity Generator (SQG) self-certification can better and more completely regulate the SQG universe and improve compliance rates. Currently, HMWMD is implementing follow-up projects in the auto-body and dry cleaner sectors. These efforts include air quality self-certification checklists and hazardous waste checklists.
- The Consumer Protection Division (CPD) and HMWMD have continued to provide a significant level of technical assistance to emergency response agencies and school districts in the area of chemical hazards. In past years, the most severe situations identified were school laboratories. As these have been addressed the effort has been refocused toward other situations where then hazards are chemical in nature and toward training response agency personnel.

The Consumer Protection Division has the statutory responsibility to conduct regulatory inspections of schools in counties without local health agencies. Currently, this includes twelve (14) counties throughout the State (Alamosa, Conejos, Costilla, Elbert, Garfield, Gilpin, Grand, Gunnison, Jackson, Mineral, Moffat, Rio Blanco, Rio Grande, and Saguache), which involves a total of approximately 100 schools.

- HMWMD has continued the Generator Assistance Program or GAP. This program is designed to provide, upon request, an on-site compliance audit for any hazardous waste generator in Colorado. These GAP site visits are performed by inspectors, but in a compliance assistance mode. In fact, participants are assured that discovered violations will not result in enforcement provided there are no imminent and substantial threats to health and environment at the facility and provided that the facility agrees to a prompt return to compliance. In 2005, HMWMD performed 51 GAP site visits. These site visits are being entered into RCRAInfo as “compliance visits” or CAVs.

### **7.3.3 Pollution Prevention**

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

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

### **7.3.4 Community-based Environmental Protection**

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

- Over the past 18 months, extensive public outreach has occurred near the Clean Harbors Deer Trail hazardous waste landfill associated with their hazardous waste permit renewal and issuance of a radioactive materials license to the owner/operator of the facility.
- Extensive community involvement has become associated with several recently discovered indoor air contamination sites. At these sites, investigations show that indoor vapors have resulted from the volatilization of solvents contaminating the ground water in the areas around the Colorado Department of Transportation (CDOT) headquarters buildings and Redfield Rifle/CDOT Region VI buildings and the closed facilities at the Lowry Air force Base. Continued public participation at these and similar sites is needed to educate the community on the complex issues and to reassure the community that remedial efforts are underway to mitigate any resulting exposures.
- The Voluntary Cleanup efforts at the former Gates Rubber Plant in Denver, has created an unprecedented level of public involvement for this program. CDPHE has attended several public meetings held by a variety of parties, and has been the focal point for coordinating data and information generated by EPA, Gates, and Cherokee. One community group is advocating the creation of a Community Advisory Board for the program, and may introduce legislation next year. CDPHE is monitoring this activity.

## 7.4 Goals and Objectives for this FY2007 and FY 2008 CEPPA

### 7.4.1 Hazardous Waste Program Goals

#### HW General Program Management and Partnership

- HW 1 Implement an efficient and effective hazardous waste regulatory program with adequate fiscal and personnel resources.
- HW 2 Develop a partnership between the State and EPA that improves the program. Support this partnership and achieve efficient implementation of a hazardous waste program that reflects goals and objectives of both the State and EPA including appropriate work sharing.
- HW 3 The State and EPA will work together to 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 operating permits, closure plans, and post-closure permits that include conditions necessary to assure that hazardous wastes are managed in ways that will protect public health and environmental quality.
- HW 5 Develop mechanisms to improve state-to-state cooperation on permitting of promising innovative waste remediation technologies and encourage the development of such technologies.

#### HW Compliance Monitoring and Enforcement Goals

- HW 6 Ensure protection of public health and the environment by achieving compliance at regulated hazardous waste facilities through implementation of an effective monitoring and enforcement program. Detect and deter violations through inspections and enforcement actions and promote compliance with hazardous waste laws and regulations.
  - HW 6.1 Ensure that annual inspection requirements are achieved and that inspections are of high quality. Inspection of treatment, storage and disposal facilities will meet the statutory requirements.
  - HW 6.2 Maintain a high level of expertise to ensure that quality inspections consistent with national guidance are being conducted.
  - HW 6.3 Promote compliance of regulated facilities by ensuring that enforcement actions are timely and appropriate. Actions necessary to assure return to compliance (RTC) and consistent with the Enforcement Response Policy will be documented.

#### HW Corrective Action Goals

- HW 7 Clean up releases of hazardous waste that threaten the public or the environment in an efficient and effective manner.
- HW 8 Provide regulatory assistance and technical expertise to all parties responsible for cleaning up releases of hazardous waste at their facilities. This consists of frequent communication and the sharing of our expertise in correspondence, guidance documents, or policy.

#### HW Pollution Prevention and Compliance Assistance Goals

- HW 8 Implement a compliance assistance program that increases the compliance rate within HMWMD's regulated communities.
- HW 9 Implement a pollution prevention program that encourages reduction of the amount and toxicity of wastes generated through waste minimization, treatment, and recycling of hazardous wastes, thereby reducing the risks associated with waste management. Methods for tracking and quantifying the accomplishments of these efforts will continue to be developed using BRS and TRI data (HW Profiles).
- HW 10 Integrate compliance assistance, waste minimization, pollution prevention, waste diversion, and recycling into all program activities and support waste minimization efforts statewide.

#### **7.4.2 Solid Waste Program Goals**

- SW 1 Implement an efficient and effective solid waste regulatory program with adequate fiscal and personnel resources.
- SW 2 Integrate waste minimization, pollution prevention, waste diversion, and recycling into all regulatory and remedial activities and support waste reduction statewide.
- SW 3 Provide regulatory assistance to businesses and local governments.
- SW 4 Provide education and outreach concerning solid waste issues.
  - SW 4.1 Provide information on alternative technologies to local government officials and landfill owners/operators.
  - SW 4.2 Encourage and support local government decisions that extend existing disposal alternatives and capacity beyond landfilling to composting, recycling, etc.
  - SW 4.3 Educate individual citizens about waste reduction strategies with an initial emphasis on recycling and reduction of household hazardous waste generation.
  - SW 4.4 Encourage local programs to exclude household hazardous waste from disposal in municipal landfills.
- SW 5 Develop an appropriate and sustainable set of performance indicators for solid waste and initiate tracking and reporting efforts in support of the same.
- SW 6 Enhance solid waste regulation and policy development through consultation with stakeholders.
- SW 7 Support voluntary regional waste management solutions and systems, encouraging rural areas of the state toward regional concepts.
- SW 8 Maintain interagency coordination and interaction to assure consistency and avoid duplication of regulatory impact.

#### **7.4.3 Rocky Flats Oversight Goals**

- RF 1 Assure that the site of the former Rocky Flats Plant remains in a condition that is safe and protective of human health and the environment.
  - RF 1.1 Implement integrated and coordinated state regulatory oversight and communication programs for Rocky Flats.
  - RF 1.2 Provide rigorous independent monitoring and enforcement of the Rocky Flats plant and vicinity to achieve compliance with state environmental regulations and requirements, to protect the health and environment of Colorado;

#### **7.4.4 Voluntary Cleanup and Redevelopment Goals**

- VC 1 Respond to the owners of as many sites as possible to facilitate redevelopment and transfer of contaminated properties, while assuring that adequate cleanup is performed for the proposed land use.
  - VC 1.1 The program will efficiently review cleanup applications and insure that all approvals are protective of human health and environment.
  - VC 1.2 Implement MOA with EPA to enhance communication about sites and to provide assurances to the applicant via the MOA.

#### **7.4.5 Radiation Program Goals**

- RA 1 Increase radon awareness. Assure that Colorado homes continue to be tested for radon, with intervention to reduce radon risk if a test result calls for action.
  - RA 1.1 Increase awareness, testing and mitigation of homes with elevated radon levels. Work toward adoption of more radon-resistant building codes.
  - RA 1.2 Strengthen radon public health activities in Colorado's zone 1 (high radon potential) counties.

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

departments, cooperative extension offices and other entities at the local level will ensure coverage throughout Colorado. Annual surveys will be conducted on measurement results, mitigation providers, builders and schools as requested by the EPA Radon Reinvigoration Strategy.

A survey of measurement results for 2005 indicated that 8,974 tests were conducted statewide with results ranging from 0-241 PCi/L, with 4,132 or 46.6% of the test results  $\geq 4$  PCi/L. A survey of mitigation providers for 2005 indicated that 6,690 mitigations systems were installed statewide. This is a 25.5% increase over mitigations conducted in 2004. In 2005, the CDPHE Radon website received 8,200 web hits, the radon hotline received 1,091 phone calls, and CDPHE distributed 53,334 pieces of literature related to radon via mail, conferences, presentations and community outreach activities.

## 7.5 Summary of Program Assessment Process

### 7.5.1 Hazardous Waste Program

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

### 7.5.2 Solid Waste Program

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

### 7.5.3 Rocky Flats Program

The Rocky Flats facility was remediated under both Superfund and hazardous waste authorities. EPA took the lead on the Superfund aspects, while the Division led on the hazardous waste aspects. Oversight of the hazardous waste program activities that are implemented by HMWMD at the facility will be oversights by EPA as part of their review of the Hazardous Waste Program. The RI/FS – RFI/CMS and Proposed Plan were prepared and issued for public comment in 2006.

### 7.5.4 Voluntary Cleanup and Redevelopment Program

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

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

### 7.5.5 Radiation Programs – Radon Intervention Grant

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

## 7.6 Environmental Indicators

### Remediation:

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

### Solid and Hazardous Waste Program:

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

## 7.7 Accountability

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

**HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION WORK PLAN**

**Hazardous Waste Program**

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

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| <b>HW I - General Program Management and Partnership</b>  |  |   |
| HW 1: Long Term Goal<br>Implement an efficient and effective hazardous waste regulatory program with adequate fiscal and personnel resources.   |  |   |
| <b>Short Term Goals</b>   | <b>Objective</b>   | <b>Measures</b>   |
| HW 2: Short Term Goal -<br>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. | <b>Authorization</b><br>The State will pursue timely and complete authorization for new rules and progress toward overall authorization goals.   | The State expects to submit the following new revision applications:<br><b>FY07:</b><br>• RCRA Cluster XVI (SPA 27)<br><b>FY08:</b><br>• RCRA Cluster XVII (SPA 28) |
|   | <i>EPA will work toward a timely review of authorization applications submitted and improve the overall pace of authorization and authorization flexibility.</i>   |   |
|   | <b>Program Improvement</b><br>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.  |
|   | <i>EPA, in conjunction with CDPHE and as resources allow, will perform RCRA Subtitle C financial assurance file reviews in FY06, which will determine the overall RCRA operator compliance with financial assurance requirements. In FY 2007, the State and EPA R8 will review identified concerns and determine which concerns need follow-up, which agency will follow up, and appropriate compliance and enforcement.</i> |   |

| <b>HW I - General Program Management and Partnership</b> |  |   |
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|  | <p><b>Data Management</b><br/>The State will maintain timely, accurate, and complete data in RCRAInfo.</p>   | <p>The State will have data in RCRA Info by the 15<sup>th</sup> day of the month following activity. The EPA EOY Report will be used to measure HMWMD's success.</p>  |
|  |  | <p>The State will ensure that data is reported to RCRAInfo accurately and completely reflecting the status of the RCRA universe.</p>  |
|  | <p>The State will continue to work with EPA to ensure that RCRAInfo reports used to track the progress of activity are accurate.</p>   | <p>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.</p>   |
|  | <p><i>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.</i></p>   |   |
|  | <p><i>EPA will work with the State to resolve "universe" issues .</i></p>  |   |
|  | <p><i>EPA will also provide training and technical assistance when requested.</i></p>  |   |
|  | <p>The State and EPA will jointly create and generate RCRAInfo reports that are of benefit to the program.</p>   |   |
|  | <p><b>Public Involvement.</b><br/>The State will continue to involve the public as required by statute and regulation or MOA. This includes a system to respond to requests for information and complaints or concerns from the public. (HW-3-9)</p> | <p>CDPHE will:</p> <ul style="list-style-type: none"> <li>• Consider participation as appropriate on EPA site-specific teams to evaluate environmental justice concerns.</li> <li>• Consider reporting efforts of public participation in reaching minority and low-income communities.</li> <li>• Consider the use of citizen advisory boards as specific situations warrant.</li> <li>• Participate in meetings with environmental groups as appropriate to consider environmental justice issues.</li> </ul> |

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| <b>HW I - General Program Management and Partnership</b> | <p><b>Resource Level</b><br/>The State will maintain adequate resources to implement the program.</p>   | Joint EOY Reports   |
|  | <p><b>Financial Accountability</b><br/>The State will adequately account for grant dollars.</p>   | Joint EOY Reports   |
|  | <p><b>Program Guidance / Agreements</b><br/>The State and EPA will jointly develop and maintain the MOA (annually re-certify), EA, Quality Assurance Plan and other operating Guidance.</p>   |   |
|  | <p><b>Strategic Planning</b><br/>The State and EPA will jointly plan and prioritize program goals, objectives and activities that address state and federal priorities and initiatives. Activities include EPPA development, Annual National targets, inspection strategies, planning meetings, etc.</p>      | EPA and the State will hold regular meetings to share information, identify and solve problems and engage in short term planning efforts.   |
|  | <p><b>Coordination of Joint Activities</b><br/>The State and EPA will maintain a high level of cooperation between State and EPA staff to assure successful and effective administration of the program including evaluation of desirable technical support and targets for joint efforts / work sharing.</p> | EPA and the State will hold regular meetings to share information, identify and solve problems and engage in short term planning efforts.   |
|  | <p><b>Program Communication</b><br/>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.</p>   | <p>Examples of key activities include final decisions re: variances / waivers, enforcement actions, biennial report summarization, final permits, etc.</p> <p>EPA and the State will hold regular meetings to share information, identify and solve problems and engage in short term planning efforts.</p> |

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| <b>HW I - General Program Management and Partnership</b>  | <p><b>Training and Technical Assistance</b><br/>The State and EPA will jointly identify training and technical assistance needs.</p> | <p>The State will develop and implement a staff training program that results in well-qualified staff and ensures that mandatory training needs are met.</p>  |
|   |  | <p><i>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.</i></p> |
|   | <p><i>EPA will conduct oversight of State program activities as appropriate.</i></p>   | <p><i>Joint EOY Reports</i></p>   |
| <p>HW 3: Short Term Goal –<br/>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”.</p> |  | <p>See “Table HW IV” below.</p>   |

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| <b>HW II<br/>Operating Permit and Closure/Post Closure Permit Goals</b>  |           |          |
| <p>HW Operation Permit Universe Information:<br/>There is only one (1) commercial land disposal facility operating within the State; as of the end of FY 06, this facility has the required permit. There are twelve (11) operating commercial and non-commercial treatment / storage facilities operating in the State; as of the end of FY 06 all required operating permits have been issued, but 1 unit at 1 facility (Ft. Carson) still needs to be added to that permit. Currently, there are no (0) operating combustion units within the State. The Pueblo Chemical Depot has submitted a permit application for additional proposed units related to their chemical demilitarization facility. That permit application is under review, but the facility has not yet been fully funded by Congress.</p> |           |          |
| Short Term Goals   | Objective | Measures |

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| <b>HW II</b><br><b>Operating Permit and Closure/Post Closure Permit Goals</b>   |  |   |
| <p>HW 4: Short Term Goal:<br/>Issue operating permits, closure permits, and post closure permits that include conditions necessary to assure that hazardous wastes are managed in ways that protect the public health and environmental quality.</p>  | <p><b>Operating Permit Activities.</b><br/>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.</p> | <p>The Key Measure of the OP process is:</p> <ul style="list-style-type: none"> <li>• OP200 – final determinations / renewal determinations.</li> </ul> <p>Supporting Measures include:</p> <ul style="list-style-type: none"> <li>• OP100 – review activities resulting in a determination or notice of deficiency;</li> <li>• OP240 – permit modifications; and</li> <li>• Emergency Permits.</li> </ul> <p>The following output is planned:<br/><b>FY07:</b></p> <ul style="list-style-type: none"> <li>• No (0) treatment, storage and disposal facility is anticipated to require operating permit final determination or renewal. The 1 unit (OD unit) at Ft Carson will be added to their permit.</li> </ul> <p><b>FY08:</b></p> <ul style="list-style-type: none"> <li>• No (0) treatment, storage and disposal facility is anticipated to require operating permit final determination or renewal</li> </ul> |
|   | <p>Permit maintenance; permit modifications, and emergency permits will be processed as required.</p>  | <p>Permit modifications and emergency permits will be processed as received and required.</p>   |
|   | <p><i>EPA will conduct operating permit activities according to the joint permitting process described in the authorization memorandum of agreement.</i></p>   |   |
|   | <p><i>EPA will provide technical assistance where requested.</i></p>   |   |
| <p>HW Closure Universe Information:<br/>There are or have been thirty three (33) treatment/storage/disposal facilities with land disposal units on the closure track, and seventy-six (76) land disposal units at these facilities. Ten (10) of the 76 land disposal units still require approved closure plans. Many more still need closure certification and agency verifications. Sixty-seven (67) treatment/storage/disposal facilities have treatment or storage units on the closure track. Most of these treatment or storage units had their closure plans approved. Three (3) of the four (4) treatment/storage/disposal facilities with combustion units have completed the closure process.</p> |  |   |

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| <b>HW II<br/>Operating Permit and Closure/Post Closure<br/>Permit Goals</b> |   |  |
| HW 4 (cont'd)<br>Issue operating permits                                    | <b>Closure Activities –</b><br>The State will demonstrate progress toward achieving closure (CL) program goals.                   | The Key Measure for closure activities is:<br><ul style="list-style-type: none"> <li>• CL360 - Closure plan approval.</li> <li>• CL380 - Closure verification</li> <li>• CL370 - Closure certification</li> </ul>  |
|   |   | The following outputs are planned:<br><b>FY07 and FY08:</b> <ul style="list-style-type: none"> <li>• No (0) treatment / storage units will receive closure plan approval</li> <li>• No (0) treatment / storage units will receive closure verification</li> <li>• No (0) closure certifications will be approved.</li> </ul> |
|   | <i>EPA will participate in closure determinations through joint activities and providing technical assistance where requested</i> |  |

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| <b>HW II<br/>Operating Permits and Closure/Post Closure<br/>Permit Goals</b>  |   |  |
| HW Post Closure Universe Information<br>There are fourteen (14) facilities in the post-closure universe in the state as of the end of FY04. The Division has lead for 11 of these facilities. Ten (10) of the 11 state-lead facilities have received the required post-closure permits or other approved controls are in place. The remaining facility is abandoned with no viable owner/operator. The state is monitoring this facility. |   |  |
| Short Term Goals  | Objective   | Measures   |
| HW 4 (cont'd)<br>Issue operating permits  | <b>Post-Closure Activities –</b><br>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:<br><ul style="list-style-type: none"> <li>• 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.</li> </ul> Supporting measures are:<br><ul style="list-style-type: none"> <li>• PC200 – other final post-closure permit determinations / issuances.</li> <li>• PC010 – post closure permit call-ins.</li> </ul> |

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| <b>HW II</b><br><b>Operating Permits and Closure/Post Closure Permit Goals</b>  |   | <p>The following major outputs are planned:</p> <p><b>FY07:</b></p> <ul style="list-style-type: none"> <li>• One (1) post-closure permits will be renewed (CSU Landfill)</li> <li>• No (0) other final or other post-closure permit determinations / issuances are expected.</li> <li>• No (0) post-closure permit call-ins are expected.</li> </ul> <p><b>FY08:</b></p> <ul style="list-style-type: none"> <li>• No (0) post-closure permits will be renewed</li> <li>• No (0) other final or other post-closure permit determinations / issuances are expected.</li> <li>• No (0) post-closure permit call-ins are expected.</li> </ul> |
|   | <p>The State will update facility-specific strategies that lay out when each remaining TSDf is expected to have all post-closure controls in place.</p> |   |
|   | <p><i>EPA will participate through joint activities and by providing technical assistance as requested.</i></p>   |   |
| <p>HW 5: Short term Goal<br/>         Develop mechanisms to improve state-to-state cooperation on permitting of promising innovative waste remediation technologies and the development of such technologies.</p> | <p>HW 2.1.3<br/>         Participate in Interstate Technology and Regulatory Cooperation Workgroup.</p>   |   |
| <p><i>EPA will conduct oversight of State operating, closure, and post-closure permitting activities.</i></p>   |   |   |

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| <b>HW III</b><br><b>Compliance Monitoring and Enforcement Goals</b>  |  |  |
| <p>HW 6: Long Term Goal<br/>         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.</p> |  |  |

| <b>HW III<br/>Compliance Monitoring and Enforcement<br/>Goals</b>   |  |  |
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| <p>Outcome Measures:<br/>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 FY2007.</p> |  |  |
| Short Term Goals  | Objective  | Measures   |
| <p>HW 6.1: Short Term Goal<br/>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.</p>  | <p>All federal, state, and local facilities will be inspected. Inspections of state and local facilities will be conducted jointly with EPA, with EPA acting as the lead in the inspections.</p> | <p>During FY07 and FY08, 100% of the compliance inspections required by statute will be conducted. Also, inspections projected for Table X of the MOA between EPA/Region 8 and EPA/OECA will be conducted.</p> <p>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.</p> |
|   | <p>All active land disposal facilities will be inspected. All those in post-closure will be inspected if they were not inspected during FY 2005-06.</p>  |  |
|   | <p>Ground water monitoring inspections will be conducted at active land disposal facilities that have not had such inspections in the previous two years.</p>                                    |  |
|   | <p>All treatment and storage facilities will be inspected if they were not inspected during FY 2006.</p>   |  |
|   | <p>Other Priority Inspection Areas</p> <ul style="list-style-type: none"> <li>- Permit Evaders</li> <li>- Mineral Processors</li> </ul>  |  |
| <p>HW 6.2: Short Term Goal<br/>Maintain a high level of expertise to ensure that quality inspections consistent with national guidance are being conducted.</p>   | <p>High quality inspections will be conducted in accordance with national guidance to be reviewed jointly by the State and EPA in the annual assessment.</p>                                     | <p>EPA EOY Report; EPA State Review Framework Evaluation</p>   |
| <p><i>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.</i></p>  |  |  |

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| <b>HW III<br/>Compliance Monitoring and Enforcement Goals</b>   |  |   |
| <p>HW 6.3: Short Term Goal<br/>Promote compliance of regulated facilities by ensuring that enforcement actions are timely and. Actions necessary to assure return to compliance (RTC) and consistent with the Enforcement Response Policy will be documented.</p>   | <p>Informal actions will be taken as appropriate within the timeframes established in the HMWMD Enforcement Response Policy.</p>   | <p>Compliance Advisories (informal enforcement mechanism) will be used as appropriate for the violation and consistent with the Enforcement Agreement.</p>  |
|   | <p>Document long- term maintenance of compliance after formal enforcement.</p>   |   |
|   | <p>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.</p>                                       | <p>Formal enforcement actions will include the use of compliance schedules, assessment of penalties, and escalation of enforcement action as appropriate for the violation and consistent with the Enforcement Response Policy.</p>         |
|   | <p>Enforcement follow-up and other activities will be conducted in accordance with the MOA between the State and EPA / Region 8 to assure return to compliance.</p>  | <p>Follow-up will include compliance schedules, stipulated penalties, follow-up inspections, and compliance assistance and / or escalation of enforcement responses as appropriate and consistent with the Enforcement Response Policy.</p> |
|   |  | <p>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.</p>   |
| <p><i>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.</i></p> | <p><i>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.</i></p> | <p>The State and EPA will have regular coordination meetings to discuss the compliance and enforcement program. EPA's EOY Report and EPA's State Review Framework Evaluation will be used to judge the quality of HMWMD's Program.</p>      |

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| <b>HW IV<br/>Corrective Action Goals</b>   |           |          |
| <p>Corrective Action GPRA Universe Information:<br/>There are seventy (70) TSD facilities in Colorado subject to corrective action. Of those facilities, all have been assessed - the RFA is complete <b>(CA050)</b>, and all have been prioritized <b>(CA075)</b>, according to RCRAInfo.</p> |           |          |
| Short Term Goals   | Objective | Measures |

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| <b>HW IV<br/>Corrective Action Goals</b>  |  |   |
| HW 7: Long Term Goal<br>Clean up releases of hazardous waste that threaten the public or the environment.   | <b>Corrective Action Identification and Ranking</b><br>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:<br><ul style="list-style-type: none"> <li>• CA 050 –assessment completed;</li> <li>• CA 070 – determination of need for RFI; and</li> <li>• CA 075 – corrective action universe ranking.</li> </ul>  |
|   |  | The following outputs are planned:<br><b>FY07 and FY08:</b><br>All assessment and ranking activities have been completed; therefore, no activities are planned  |
|   | <i>EPA will provide technical assistance in identification and ranking activities as appropriate.</i>  |   |
| <p><b>GPRA Corrective Action Universe Information:</b><br/> There are thirty-three (33) facilities in the GPRA 2008 Corrective Action Baseline. All 33 have had the CA process started with at least a RCRA Facility Investigation (RFI) imposed (<b>CA100</b>) for at least one area. Twenty-seven (27) have had RFIs approved (<b>CA200</b>) for at least one area. Twenty-four (24) have had a remedy selected (<b>CA400</b>) for at least one area. Sixteen (16) have had a remedy construction completed (<b>CA550</b>).</p> |  |   |
| HW 7: Long Term Goal<br>Clean up releases   | <b>Corrective Action Progress</b><br>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:<br><ul style="list-style-type: none"> <li>• CA100 – Initial RCRA Facility Investigation (RFI) imposed;</li> <li>• CA100 – Subsequent RFI imposed;</li> <li>• CA150 – RFI work plan approved;</li> <li>• CA200 – RFI approved</li> <li>• CA300 – Corrective Measure Study (CMS) work plan approved;</li> <li>• CA350 – CMS approved;</li> <li>• CA400 - Remedy Selection</li> <li>• CA500 – Corrective Measure (CM) work plan approved;</li> <li>• CA550 - Corrective Measures implemented (CMI), construction completed</li> <li>• CA999 – Corrective Action complete</li> </ul> |

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| <b>HW IV</b><br><b>Corrective Action Goals</b> |  |  |
| HW 7: Long Term Goal<br>Clean up releases .... | <b>Corrective Action Progress (Cont'd)</b> | <p>The following key outputs are planned:</p> <p><b>FY07: (FF=Federal facilities; HWCA=non-Federal facilities)</b></p> <ul style="list-style-type: none"> <li>• Initial RFI imposed – None (0)</li> <li>• Subsequent RFI imposed – None (0)</li> <li>• RFI work plan approved – Eleven (11 - HWCA)</li> <li>• RFI approved – Twenty-one (6 – FF; 15 - HWCA)</li> <li>• CMS work plan approved – Six (6 – HWCA)</li> <li>• CMS approved – Nineteen (2 – FF; 17 - HWCA)</li> <li>• Remedy selected (unit level) – Eleven (5 – FF; 6 - HWCA)</li> <li>• Remedy selected (facility level) – One (1 - HWCA)</li> <li>• CM work plan approved – Eight (1 – FF; 7 - HWCA)</li> <li>• CMI Construction Completed (unit level) – Two (2 – FF)</li> <li>• CMI Construction Completed (facility level) – None (0)</li> </ul> <p><b>FY08:</b></p> <ul style="list-style-type: none"> <li>• Initial RFI imposed – All have been imposed; none (0)</li> <li>• Subsequent RFI imposed – None (0)</li> <li>• RFI work plan approved – Two (2 - HWCA)</li> <li>• RFI approved – Nine (6 – FF; 3 - HWCAU)</li> <li>• CMS work plan approved – None (0)</li> <li>• CMS approved – Forty-six (2 – FF; 44 - HWCA)</li> <li>• Remedy selected (unit level) – Sixty (5 – FF; 55 - HWCA)</li> <li>• Remedy selected (facility level) – None (0)</li> <li>• CM work plan approved – None (0)</li> <li>• CMI construction completed (unit level) – Seven (7 - HWCA)</li> <li>• CMI Construction Completed (facility level) – One (1 - HWCA)</li> </ul> |

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| <b>HW IV</b><br><b>Corrective Action Goals</b>  |   |  |
|   | <i>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.</i>   | <i>EPA plans the following outputs during FY 06<br/> Initial RFI imposed – None (0) planned<br/> Subsequent RFI imposed – None (0) imposed<br/> RFI approved – One (1) planned<br/> Remedy Selected – One (1) planned<br/> CMI construction completed – None (0) planned</i>   |
| <b>Stabilization Universe Information</b><br>Twenty (20) of the thirty-one (31) high-ranked CA baseline universe facilities are in the stabilization universe. That is, the stabilization measures evaluation ( <b>CA225</b> ) resulted in a finding that stabilization measures are appropriate or are not required. Stabilization measures have been imposed ( <b>CA600</b> ) at nineteen (19) of the facilities. Stabilization construction completion ( <b>CA650</b> ) has occurred at fifteen (15) facilities. |   |  |
| HW 7: Long Term Goal<br>Clean up releases ....  | <b>Stabilization Activities (Interim Measures) -</b><br>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:<br><ul style="list-style-type: none"> <li>• CA225 - Stabilization Measures Evaluation</li> <li>• CA600 - Stabilization Implemented</li> <li>• CA650 - Stabilization Construction completed</li> </ul>   |
|   | Stabilization Activities (Interim Measures) Cont'd  | The following stabilization outputs are planned:<br><b>FY07:</b><br><ul style="list-style-type: none"> <li>• Stabilization Measure Evaluations – None (0) planned</li> <li>• Stabilization implemented – None (0) planned</li> <li>• Stabilization Construction Complete –One (1 - HWCA)</li> </ul> <b>FY08:</b><br><ul style="list-style-type: none"> <li>• Stabilization Measure Evaluations – None (0) planned</li> <li>• Stabilization implemented – None (0) planned</li> <li>• Stabilization Construction Complete – None (0) planned</li> </ul> |
|   | <i>EPA will conduct Stabilization activities at EPA-lead facilities and will conduct joint activities and provide technical assistance, as appropriate.</i>   | <i>EPA plans the following outputs during FY 06<br/> Stabilization Measure Evaluations – None (0) planned<br/> Stabilization implemented – One (1) planned<br/> Stabilization Construction Complete – None (0)</i>   |

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| <b>HW IV<br/>Corrective Action Goals</b>   |  |   |
| <p>HW Indicator 2<br/>The State will continue to evaluate the number and percentage of facilities with human exposures under control (<b>CA725</b>).<br/>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.</p>       |  |   |
| <p>GPRA Corrective Action Universe Information:<br/>There are Thirty-three (33) facilities in the GPRA Corrective Action Baseline. Thirty (30) of these 33 are under control with regard to human exposure as of the end of FY06.</p>  |  |   |
| <p>HW 7: Long Term Goal<br/>Clean up releases ....</p>   | <p>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.</p>  | <p>The Key Output is the number of GPRA Baseline facilities at which human exposures are under control (CA725). The following Key Outputs are planned:<br/><b>FY07:</b></p> <ul style="list-style-type: none"> <li>No (0) facilities are projected to achieve this environmental indicator</li> </ul> <p><b>FY08:</b></p> <ul style="list-style-type: none"> <li>No (0) facilities are projected to achieve this environmental indicator</li> </ul> |
|  | <p>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.</p> | <p>The cumulative total in Colorado at the conclusion of FY07 will be 94% and at the end of FY08 will be 94%.</p>   |
| <p><i>EPA has a national goal of having human exposures controlled at 95% of the GPRA Baseline facilities by FY 2005 (HW-11-24)</i></p>  | <p><i>EPA will work to get human exposures under control at EPA-lead facilities and will provide technical assistance as appropriate.</i></p>  | <p><i>No (0) additional EPA-lead facilities are projected to achieve this environmental indicator in FY07 or FY08.</i></p>  |
|  | <p><i>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.</i></p>    |   |
| <p>HW Indicator 3<br/>The State will continue to evaluate the number and percentage of facilities with ground water releases under control (<b>CA750</b>).<br/>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.</p> |  |   |

**HW IV  
Corrective Action Goals**

GPRA Corrective Action Universe Information:  
There are Thirty-three (33) facilities in the GPRA Corrective Action Baseline. Thirty-two (32) of these 33 are under control with regard to ground water releases as of the end of FY06.

|  |   |  |
|--|---|--|
| HW 7: Long Term Goal<br>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:<br><b>FY07:</b> <ul style="list-style-type: none"> <li>No (0) facilities are projected to achieve this environmental indicator</li> </ul> <b>FY08:</b> <ul style="list-style-type: none"> <li>No (0) facilities are projected to achieve this environmental indicator</li> </ul> |
|  | 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 FY07 will be 97% and at the end of FY08 will be 97%.   |

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

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

| Short Term Goals | Objective  | Measures  |
|------------------|--|---|
|                  | Continue to develop and use resources for compliance assistance.   |   |
|                  | A routine schedule of compliance assistance seminars, workshops and training sessions will be established. Trainings provide compliance guidance to attendees. | Presentation of hazardous waste compliance assistance seminars, workshops, and/or training sessions: <ul style="list-style-type: none"> <li>Estimate 15 to 20 sessions with 1000 attendees each federal fiscal year.</li> </ul> |

|  |  |   |
|--|--|---|
| <b>HW V<br/>Pollution Prevention &amp; Compliance<br/>Assistance Goals</b>   |  |   |
|  | 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).   |
| <b>HW 9: Long Term Goal</b><br>Implement a pollution prevention program that encourages reduction of the amount and toxicity of wastes generated through waste minimization, treatment, and recycling of hazardous wastes, thereby reducing the risks associated with waste management. Methods for tracking and quantifying the accomplishments of these efforts will continue to be developed. |  |   |
|  | A schedule of pollution prevention seminars, workshops and training sessions will be established. These events will often be included with compliance assistance and outreach efforts. | Done in conjunction with compliance assistance.   |
|  | Distribute pollution prevention information and guidance documents in response to specific requests.   | Done in conjunction with compliance assistance.   |
|  | Distribute pollution prevention information with requests for EPA identification numbers.  |   |
| <b>HW 10: Long Term Goal</b><br>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: <ul style="list-style-type: none"> <li>• Estimate 50 inspections in each federal fiscal year.</li> </ul> |
|  | Provide pollution prevention training to hazardous waste inspectors and permit writers.  |   |
|  | Distribute pollution prevention information and guidance documents in response to specific requests.   | Done in conjunction with compliance assistance.   |

|   |  |  |
|---|--|--|
| <b>HW V<br/>Pollution Prevention &amp; Compliance<br/>Assistance Goals</b>  |  |  |
|   | Distribute pollution prevention information with requests for EPA identification numbers.  |  |
|   | Provide pollution prevention training to hazardous waste inspectors and permit writers.  |  |
|   | Support and maintain the technical assistance phone system.  | <ul style="list-style-type: none"> <li>• Estimate 3000 responses during each federal fiscal year.</li> </ul>   |
|   | Provide field assistance, consultative services, and trainings on chemical hazards for emergency response agencies as requested.   |  |
|   | On the CDPHE homepage, provide updates in the hazardous waste activities and access to current compliance assistance and pollution prevention materials and documents.   | <ul style="list-style-type: none"> <li>• Maintain homepage information and track usage by Division customers</li> <li>• Estimate 600,000 contacts during each federal fiscal year.</li> </ul>          |
| <i>EPA has a goal of reducing the most persistent and bio-accumulative toxic chemicals (PBTs) in the hazardous waste streams by 50% by 2005 as compared to a baseline year of 1991</i>  | PBT profiles for Colorado prepared by EPA will be used to focus waste minimization and reduction efforts including the use of SEPs and will be coordinated with those of CDPHE Pollution Prevention efforts.                     | Reduction of PBT chemicals in wastes will be tracked using TRI data for Colorado.  |
| <i>EPA has a goal of reducing the most persistent and bio-accumulative toxic chemicals ....</i>   | <i>EPA will provide information to the State, as it becomes available, regarding the measurement of PBT chemicals in the waste streams, implementation techniques and any other information regarding achieving these goals.</i> | EPA and CDPHE will continue joint evaluation of the hazardous waste generation data contained in the State Profile Report to identify opportunities to improve the overall utilization of the Profile. |
| <i>EPA has a goal of reducing the most persistent and bio-accumulative toxic chemicals.</i>   | <i>EPA will provide information to the State, as it becomes available, regarding the measurement of PBT chemicals in the waste streams, implementation techniques and any other information regarding achieving these goals.</i> | EPA and CDPHE will continue joint evaluation of the hazardous waste generation data contained in the State Profile Report to identify opportunities to improve the overall utilization of the Profile. |
| <i>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.</i> |  |  |

## Solid Waste Program

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

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

| <b>Solid Waste Program Goals</b>   |   |  |
|--|---|--|
| landfills.   | <i>and other solid waste issues.</i>  | Evaluate the potential of using regional collection centers.   |
| SW Indicator 2:<br>The amount of solid waste recycled by region and per capita will be tracked and reported.   |   | Solid waste volumes will be posted on the HMWMD Home Page.   |
| SW Indicator 3:<br>Number of waste sites and kind of waste management, treatment and disposal mechanisms in use in the state will be tracked and reported as well as their compliance status. Also, the remaining disposal volume and longevity of each site and type of site composite will be tracked. |   |  |
| SW 5: Long Term Goal<br>Develop an appropriate and sustainable set of performance indicators for solid waste and initiate tracking and reporting efforts in support of the same.   | Improve industrial / commercial waste minimization and pollution prevention efforts and support composting and recycling.   | HMWMD will continue to refine the data available to measure progress toward its goals. HMWMD will use the data to document volumes and related information and track trends.<br><br>Total solid waste volume data will be maintained on the HMWMD Webpage. Data for calendar years 1995 to 2005 is available and will be updated annually. Recycling, scrap tire and composting data will be added annually. |
|  | Further develop and support the goals of the RCC, as priorities and resources allow.  |  |
|  | <i>EPA will provide technical assistance on the standardization of recycling measurement methodologies.</i>   |  |
|  | <i>EPA has been working with the Colorado Dept of Transportation on waste minimization projects.</i>  |  |
| SW 6: Long Term Goal<br>Enhance solid waste regulatory review, and solid waste regulation and policy development through consultation with stakeholders.   |   |  |
| SW 7: Long Term Goal<br>Support voluntary regional waste management solutions and systems especially encouraging rural areas of the state toward regional concepts.  |   |  |
| SW 8: Long Term Goal<br>Maintain interagency coordination and interaction to assure consistency and avoid duplication of regulatory impact.  | Investigate areas where coordination of existing activities and programs within CDPHE and with other local, state and federal agencies can improve efficiency, streamline processes and increase customer assistance with minimal or no increase in program cost. | Participate in stakeholder processes related to NORM/TENORM, compost, recycling, landfill ban, surface impoundment guidance materials, policy, and new regulations.  |
|  | Cooperate with OEC, DOLA, and CHFA in the implementation of HB 93-1318 so that loans, grants and studies address local and state solid waste needs and priorities.  |  |
|  | <i>EPA Region 8 is working with all R8 states to advance their solid waste programs and agendas.</i>  |  |

## Rocky Flats Program

| Rocky Flats Goals & Objectives   |  |   |
|--|--|---|
| RF 1: Long Term Goal<br>Assure that the site of the former Rocky Flats Plant remains in a condition that is safe and protective of public health and the environment.  |  |   |
| Short Term Goals   | Objective  | Measures  |
| RF 1.1<br>Implement integrated and coordinated state regulatory oversight and communication programs for Rocky Flats.  | Participate in topic-specific decisions by appropriate technical and decision-making staff from involved organizations, such as DOE, EPA and local governments; topics to include surface water management, environmental monitoring, administration and reporting, etc. |   |
|  | Work with DOE and EPA to develop and finalize a Corrective Action Decision/Record of Decision (CAD/ROD).   | The CAD/ROD issued by the end of CY 2006.   |
|  | In conjunction with EPA and DOE, develop a post-closure long-term stewardship regulatory agreement that will dovetail with the final CAD/ROD.  | This should be completed by late CY 2006 or early CY 2007.  |
|  | The State will be the lead regulatory agency for post-closure care and activities.   | Provide oversight of monitoring and maintenance activities, particularly at the groundwater treatment systems and landfills.  |
| RF 1.2<br>Provide rigorous independent monitoring and enforcement of the Rocky Flats plant and vicinity to achieve compliance with state environmental regulations and other requirements to protect the health and environment of Colorado. | Integrate the State's environmental monitoring program with that performed by the Rocky Flats Environmental Technology Site to finalize a post-closure Integrated Monitoring Program.  |   |
|  | Conduct independent surveillance of the surface water discharges   |   |
|  | Make environmental monitoring data available for scientific analysis by others.  | Continue to develop, utilize, and make available a reliable Scientific Database Management System for Rocky Flats data and reports including linkage with other pertinent state and federal databases |
|  | Provide objective and accurate information to the public to allow credible, representative public involvement.   |   |

| Rocky Flats Goals & Objectives   |   |  |
|--|---|--|
|  | Enforce a post-closure agreement to maintain comprehensive and integrated environmental management systems.       |  |
|  | Increase public understanding and awareness of environmental issues at Rocky Flats.                               | Communicate program activities to local governments, other agencies, and the public. |
|  |   | Participate in public forums.  |
| <i>EPA will provide a CERCLA determination for periodic (5-year) reviews and any NPL delistings.</i> | <i>Integrate Federal, State and local requirements in a manner that does not result in duplicative oversight.</i> |  |

## Voluntary Clean-up and Re-development Program

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

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

## Radon Intervention Grant

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

| Radon Intervention Grant Goals  |            |                      |            |
|---|------------|----------------------|------------|
| RA 1: Long-term goal<br>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 |
|   |            |                      |            |

| <b>Radon Intervention Grant Goals</b>  |   |   |   |
|--|---|---|---|
| RA 1.1<br>Increase awareness, testing and mitigation of homes with elevated radon levels. Work toward adoption of more radon-resistant building codes. | Contract through the grant for products and services that improve radon awareness, testing, and mitigation in Colorado.   | Number and/or percent of homes that have been mitigated for elevated radon levels.  | Number of homes that have been mitigated for radon. |
|  | Provide current information to homeowners, real estate agents, buyers, sellers, and builders about radon testing and mitigation.  | Percentage of homes tested for radon.   | Number of homes that have been tested for radon.    |
| RA 1.2<br>Strengthen radon public health activities in Colorado's zone 1 (high radon potential) counties.  | Work with volunteer municipalities and counties to adopt construction standards to reduce radon in residential, school, and public buildings.   | Number of homes in each county that have been built using radon-resistant features. |   |
|  | <i>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.</i> |   |   |
|  | <i>EPA: EPA will also forward relevant information from HQ or other entities to the state. Guidance will be provided as needed on the information.</i>  |   |   |
|  | <i>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.</i>  |   |   |
|  | <i>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.</i>   |   |   |



## CHAPTER 8 FISCAL AND GRANT CONSIDERATIONS

### 8.1 INTRODUCTION

The purpose of this chapter is to describe the FY07 allocation of available EPA resources under the CEPPA. This chapter refers only to the fiscal resources and allocations while chapters 3 through 7 describe environmental goals, objectives, environmental indicators and program performance measures. Table 8.1 provides a list of elements consolidated into the single Performance Partnership Grant (PPG).

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

### 8.2 BACKGROUND

The National Environmental Performance Partnership System (NEPPS) allows states to propose goals and objectives based on state environmental problems and priorities. In April 1996, the U.S. Congress authorized Performance Partnership Grants. The PPG increases state flexibility in reallocation of federal environmental grants. The NEPPS allows states to receive a consolidated environmental management grant in lieu of several categorical program grants. The CDPHE was one of the first states awarded a consolidated environmental grant. Total availability of 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 several agencies. The CEPPA represents the total shown in Table 8.2.

The CDPHE has identified several program grants for inclusion in the 2007 PPG, which refers to the period from October 1, 2006 through September 30, 2007. The estimated federal dollar resources and cost share associated for all EPA grants; i.e., including indirect cost charges, are summarized in Table 8.1.

CDPHE is requesting an estimated \$9.534 million at the time of application from EPA for the FY07 PPG. The PPG guidance allows Colorado to incorporate other eligible grants, including competitive grants during the year if other federal resources become available. The PPG will be amended by CDPHE and EPA in these instances.

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

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

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

### 8.4 FINANCIAL MANAGEMENT AND REPORTING

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

Table 8.1 Estimated federal PPG resources

| Division     | Resource  | Roll-forward |      |                | PPG        |           |           | State match |           |           | Grand total |            |            |
|--------------|---|--------------|------|----------------|------------|-----------|-----------|-------------|-----------|-----------|-------------|------------|------------|
|              |   | *FY04        | FY05 | FY06           | *FY05      | FY06      | FY07      | FY05        | FY06      | FY07      | FY05        | FY06       | FY07       |
| APCD         | CAA 105 - other   | *484,651     | N/A  |                | 2,186,307  | 2,259,094 | 2,167,647 | 2,800,001   | 2,800,001 | 2,800,001 | 4,986,308   | 5,059,095  | 4,967,648  |
|              | Asbestos./TSCA  | * 0          | N/A  |                | 129,734    | 131,609   | 207,092   | 62,541      | 48,733    | 69,031    | 192,275     | 180,342    | 276,123    |
| HMWMD        | Hz. Waste   | *30,307      | N/A  |                | 1,057,286  | 1,053,356 | 1,024,838 | 387,557     | 380,798   | 380,797   | 1,444,843   | 1,434,154  | 1,405,635  |
| WQCD         | CWA 106   | *385,323     | N/A  |                | 2,060,577  | 1,688,701 | 2,092,702 | 670,261     | 670,261   | 670,261   | 2,730,838   | 2,358,962  | 2,762,963  |
|              | Dr. Water   | * 0          | N/A  |                | 1,135,349  | 1,246,323 | 861,323   | 471,866     | 457,533   | 468,667   | 1,607,215   | 1,703,856  | 1,329,990  |
|              | Gr. Water   | * 0          | N/A  |                | 200,000    | 200,000   | 200,000   | 0           | 0         | 0         | 200,000     | 200,000    | 200,000    |
|              | Non Pt. Src.  | * 0          | N/A  |                | 524,400    | 517,615   | 515,832   | 383,333     | 383,333   | 383,333   | 907,733     | 900,948    | 899,165    |
| Other        | Lead  | * 0          | N/A  |                | 291,840    | 270,631   | 380,337   | 0           | 0         | 0         | 291,840     | 270,631    | 380,337    |
|              | Radon   | *24,148      | N/A  |                | 312,200    | 313,799   | 305,339   | 318,200     | 320,300   | 312,000   | 630,400     | 634,099    | 617,339    |
|              | Exec. Dir. Office Sust. Programs CPD-School Chemicals/Other | *158,069     | N/A  |                | 843,539    | 793,511   | 929,470   | 104,000     | 89,500    | 104,000   | 947,539     | 883,011    | 1,033,470  |
|              | Carry-Over Amt.   |              |      | Est. \$849,793 | *1,082,498 |           |           | *635,753    |           |           | 1,718,251   |            |            |
| <b>TOTAL</b> |   | *1,082,498   | N/A  |                | 9,823,730  | 8,474,639 | 8,684,580 | 5,833,512   | 5,150,459 | 5,188,090 | 15,657,242  | 13,625,098 | 13,872,670 |
|              | EPA In-Kind   |              |      |                |            |           |           |             |           |           |             |            |            |

\*Roll-forward funds for FY 03-04's agreement are carried-over into the FY05-06 two-year grant agreement. Roll-forward funds for FY05 are not applicable due to the PPG being a two-year agreement. Roll-forward funds for FY06 are a 10% of the FY07 application (not counting over-apply amts.) FY07 amounts are based upon FY06's final programmatic allocations from EPA and include over-apply amts. from TSCA and Lead program (will be amended at a later date).

**Table 8.2 Funding support for CDPHE Environmental Program (in millions \$)**

|  | Cash Funds | General Fund | Est. fed. PPG | Est. fed. Non-PPG |
|--|------------|--------------|---------------|-------------------|
|--|------------|--------------|---------------|-------------------|

|       | FY05 | FY06  | FY07  | FY05 | FY06 | FY07 | FY05 | FY06 | FY07 | FY05   | FY06   | FY07 |
|-------|------|-------|-------|------|------|------|------|------|------|--------|--------|------|
| APCD  | 12.6 | 12.55 | 12.89 | 0    | 0    | 0    | 2.76 | 2.7  | 2.74 | 1.1    | 1.18   | 1.17 |
| HMWMD | 8.2  | 8.6   | 7.8   | 0    | 0    | 0    | 1.09 | 1.35 | 1.32 | 10.1   | 10.2   | 9.1  |
| WQCD  | 5.5  | 3.95  | 3.9   | 0    | 1.88 | 2.7  | 3.82 | 3.85 | 3.5  | **8.32 | **8.88 | 9.8  |
| Other | 0.1  | 0.1   | 0.1   | 0    | 0    | 0    | 1.16 | .93  | 0.92 | 0.1    | 0.1    | 0.1  |
|       |      |       |       |      |      |      |      |      |      |        |        |      |

## CHAPTER 9 STAKEHOLDER AND PUBLIC INVOLVEMENT

### 9.1 CDPHE Outreach

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

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

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

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

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

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

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

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

Other groups the division works with in relevant issues include the WQCC, the Colorado Mining Association, the Colorado Association of Commerce and Industry, the League of Women Voters, the Sierra Club, local health departments, local government, the general public, etc. The WQCC meets monthly and the WQCD director will

include information during August on the development of the CEPPA in his monthly presentations concerning the division. Such presentations are announced in the published agenda for each meeting.

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

## 9.2 Public Comment and Review

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

A thirty-day public comment period will begin on August 3, 2006. It is anticipated that the full document will be either available on CDPHE web site or upon request at CDPHE. Comments or questions on the CEPPA or other related areas should be sent to the following address:

**Air Pollution Control Division, attn. Ray Mohr – CEPPA (email: ray.mohr@state.co.us)**  
**Colorado Department of Public Health and Environment**  
**4300 Cherry Creek Drive South**  
**Denver, CO 80246-1530**

## CHAPTER 10 OVERSIGHT & ASSESSMENT

### 10.1 Background

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

Oversight of state and tribal environmental program performance is a core function of the Environmental Protection Agency. Program oversight is the process by which Region 8 carries out its responsibilities for periodically assessing, ensuring, and documenting that federally authorized programs are conducted by states and tribes adequately and in conformance with authorization agreements. Program oversight also encompasses continuing programs for which EPA funding is provided. Grant oversight focuses on deliverables, or action item commitments, and performance measures in grant work plans, and includes a fiduciary responsibility to ensure that grant funds are accounted for and used appropriately by recipients. EPA Region 8 has documented the oversight procedures it uses for most programs in the Regional Compendium of Standard Operating Procedures for Oversight (the Oversight Manual). EPA will follow those procedures during FY2007. The OECA/ECOS State Review Framework will be used by Region 8 to evaluate the FY2006 RCRA, Air, and NPDES enforcement program performance with results reported in 2007. Authorized or delegated programs that are not included in this edition will use previously established procedures during FY2007 and will complete documenting their procedures for the next edition of the manual.

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

#### *SUSTAINABILITY*

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

#### *AIR QUALITY*

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

#### *WATER QUALITY*

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

#### *HAZARDOUS WASTE*

- Hazardous waste compliance rates.

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

## 10.2 Federal Oversight Under the National Partnership System

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

### Performance-based evaluations

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

### Differential Oversight

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

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

### State Involvement

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

## 10.3 Types of Oversight

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

### Base Program-wide Reviews

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

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

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

#### After-the-fact Reviews

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

#### Real-time Review –

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

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

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

## 10.4 Evaluation Plan : Annual Base Program-wide Review

An annual, formal evaluation of state performance is required for recipients receiving federal assistance. Although the primary purpose of the evaluation is to identify progress in accomplishing the commitments in the CEPPA, the evaluation is also essential in planning, priority-setting and continuous improvement efforts. Evaluation of delegation requirements not found in the CEPPA may also occur as part of the program-wide review. For the two-year period of this agreement, the Department and EPA agree that the initial or first year review will not be an in-depth assessment of all Program accomplishment towards meeting objectives. Rather, it will be a mid-course review with adjustments and updates made to schedules, milestones and outcomes made as needed.

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

### Principles

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

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

- Throughout the project period, the state and/or the EPA will immediately communicate to each other any problems or issues identified and will work together to solve them or refer them to top management.
- The CDPHE and/or the EPA will immediately communicate any necessary changes to the CEPPA. These changes may result from a change in priorities or incorrect assessment of work to be accomplished or new funding for additional work. The change must be sent to the EPA state program manager and approved by the appropriate the EPA program.

### **Evaluation Process**

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

#### **Step 1:**

At the conclusion of the federal fiscal year (September 30, 2007), both CDPHE and EPA will prepare draft reports on their work accomplished over the previous federal fiscal year. The reports will combine program and enforcement accomplishments. During preparation of the drafts, program-to-program discussions may begin on the accomplishment of the goals and objectives. CDPHE and EPA will exchange the draft reports by mid-December 2007.

#### **Step 2:**

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

B. During mid- to late January 2008, 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 2008.

C. By December 31, 2007, CDPHE will produce the End-of-Year report as required by the PPG. This report will be based on staff assessments. CDPHE Programs will begin to schedule face-to-face meetings with EPA counterparts.

### **Evaluation follow-up**

During the first quarter of 2008, the final End of Year Assessment report along with other reports including the Unified Enforcement Oversight Survey will be distributed to all the EPA and state managers to be used to prioritize future work efforts and track the resolution of issues. Changes to the CEPPA may be necessary to address new issues or priorities. Serious, ongoing performance problems may necessitate grant conditions, sanctions or other actions by the EPA.

March – April 2008 - Programs conduct individual midyear reviews to check-in on progress, review and set priorities and plan for future work.

May – June 2008 – 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.