

COLORADO MANURE REGULATIONS UNDER REVIEW

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The Colorado Water Quality Control Commission is currently reviewing the Confined Animal Feeding Operations Control Regulation to determine whether this regulation needs revision in order to insure protection of the state's water quality. The Commission has formed a work group whose purpose is to develop consensus, make recommendations, and identify options for the Commission. The work group includes water districts, health departments, Rocky Mountain Farmers Union, Sierra Club, Catholic Rural Life Conferences, Colorado Corn Growers, Colorado Cattle Feeders Association, Colorado Pork Producers Council, Western Dairymen Cooperative, Colorado Farm Bureau,

Natural Resources Conservation Service, Colorado State University, Colorado Department of Agriculture, and a number of individuals representing specific farms. The work group is scheduled to meet every two weeks through the end of October, and work group meetings are open to anyone. An informational hearing is scheduled for November 3 for presentation of the work group's conclusions to the Water Quality Control Commission.

The topics which the work group has been asked to address are:

1) Off-site Manure Application

The original regulation was not intended to cover manure application off-site, on land that does not belong to the livestock producers. However, the state Attorney General interprets the regulation to apply to off-site disposal of manure. Therefore, the Commission must decide whether the regulation should apply to farmers who apply manure from a livestock feeder and if so, who is responsible, the feeder or the farmer?

2) Adequacy of Land Application Provisions

The Water Quality Control Division does not currently know whether animal feeding operations are complying with the existing regulations, since enforcement of regulations is largely complaint-driven. The current regulations do require recordkeeping regarding manure application rates, soil test, and manure nutrient analysis, but there is no reporting required (except for cases where manure is applied at greater than agronomic rates).

Should operations be required to send their records to the state on a regular basis?

3) Adequacy of Retention Structure Provisions

There is a lack of public confidence regarding seepage from lagoons and wastewater storage structures. Currently, there is no state oversight over construction of these structures, nor are there any general monitoring requirements. Owners of these facilities are required to certify compliance, but they are not required to prove this compliance to the Water Quality Control Division. Should the Division have greater oversight over construction and monitoring of lagoons and storage structures?

4) Scope of Coverage

Currently, a concentrated animal feeding operation is generally defined as one with 1000 animal units fed for at least 45 days per year. There are discrepancies between Colorado and the EPA regarding animal unit equivalency factors for swine and horses. Should these be modified to be the same as the federal equivalency factors? Should smaller operations be included in the regulation?

5) Long-term Impacts

Excessive rates of manure application can take a long time to impact groundwater quality. Do the regulations protect water quality over the long-term or do they only come into play after groundwater becomes contaminated? How can the regulations insure that water quality will not be diminished over the long-term?

6) Information Base

The Water Quality Control Division is charged with implementing this regulation, but does not have a list of who is actually under the regulation. This lack of information leads to a lack of public confidence that the water supply is being adequately protected. Therefore, there is interest in collecting data from producers so that the Division knows who is supposed to be regulated and who is following regulations. On the other hand, producers are concerned that this information might be misused.

7) Resources for Implementation

Currently, only 1/10th of one person's time at the Water Quality Control Division is allocated to enforcement of the Confined Animal Feeding Regulation. If the regulations become more stringent, the state will have to allocate more resources to enforcement.

If you would like to attend the work group meetings or express your opinion on these possible changes to the regulation, feel free to call Derald Lang (Water Quality Control Division) at (303)692-3561 or Paul Frohardt (Water Quality Control Commission) at (303)692-3526 or write to: Paul Frohardt, Water Quality Control Commission, Colorado Department of Public Health and Environment, 4300 Cherry Creek Dr. S., Denver, CO 80222-1530. John Rock is representing the Western Dairymen at the work group meetings; feel free to call him at (303)451-0422 if you have ideas or concerns regarding these regulations.