

## **Update on Water Quality Control Regulations**

The Colorado Department of Health and Environment has been meeting throughout the summer with representatives from a wide array of environmental, agricultural, governmental, and academic groups (see Colorado Dairy News, May 1997). The State regulations pertain to the impact of livestock industries on the State's water and are reviewed every three years by this department under the direction of the Governor-appointed Colorado Water Control Commission. The proposed regulations combine the best interests of State residents and begins an evolutionary process for Colorado's animal industry. On November 3rd at 1p.m. an informational hearing is scheduled for presentation of the work group's conclusion to the Water Quality Control Commission at the Colorado Department of Public Health and Environmental Building in downtown Denver. Although the meeting is open to the public without registration, registration is necessary if one would like to participate actively in the discussion. In order to understand the impact of these water quality regulation it is important to know whether a dairy is classified as a Concentrated Animal Feeding Operation (CAFO) or simply an Animal Feeding Operation (AFO).

AFO is defined as: "A confined animal or poultry growing operation (facility) for meat, milk or egg production or stabling wherein livestock are fed at the place of confinement for 45 days or longer in any 12 month period and crop or forage growth is not maintained in the area of confinement, and the facility does not meet one of the criteria for a Concentrated Animal Feeding Operation."

### **Concentrated Animal Feeding Operation is an Animal Feeding Operation that meets one or more of the following criteria:**

- a. Average Working Capacity of 1000 or more animal units as defined by the animal unit capacity. This is determined by multiplying the number of animals of each species by the appropriate equivalency factor and summing the resulting totals for all animal species contained in the operation. The equivalency factor is 1.4 for mature dairy cattle and is 0.7 for heifer replacements.
- b. Case-by-case designation under one of the following criteria:
  1. Pollutants are discharged or there is evidence of discharge into waters of the state through a manmade ditch, flush system or other similiar stationary manmade conveyance.
  2. Pollutants are discharged directly into waters of the state which originate outside of the facility and pass over, across or through the facility or otherwise come into direct contact with the animals confined in the operation.
  3. Animals in confinement are allowed unrestricted access to waters of the State.

c. The animal feeding operation is in a location which reasonably could be expected to adversely affect a hydrologically sensitive area.

If your dairy is a CAFO, you will need to file with the health department and your operation will be subject to regulations by the Water Quality Control Commission. A permit system has been proposed that defines the manner by which an operation handles water and manure. There would be three classifications in this permit system: a no-discharge facility, a general permit, or an individual Colorado Discharge system permit. Specific requirements for each type of permit can be obtained from the contacts listed below.

In 1997 most dairy producers were classified as No-Discharge Facilities but this classification is not applicable if there is any discharge of pollutants into the State's waters. The penalty for violation may be as high as \$25,000/day. The General Permit follows similar regulations as the No-Discharge but requires the producer to file annual records of lagoon water balance and solid manure disposal. Under this permit system the producer works with the Colorado Department of Health to manage discharge while consenting to inspection and a yet undetermined fee schedule. Under the Individual Colorado Discharge Permit System (COPS) the animal feeding operators propose innovative methods of manure disposal and/or processed waste water. The National Hog Farm is permitted under this section.

For more specific information on these regulations please contact Tom Haren of the Colorado Cattle Feeders Association (303-457-2232), WR Wailes (970-491-5390), Keith Maxey in Greeley (970-356-4000 x4475), Paul Frohart, chairman of the working group (303-692-3526) or any other member of the working group.