



# Agriculture, Nutrients and Regulation

# Ag Task Force Presentation

- \*Setting the Stage
- \*Framing the issue
- \*Who and why
- \*Current regulations
- \*Opportunities

# Setting the Stage

EPA has made the development of nutrient criteria one of their highest priorities

Issues:

- Aquatic life
- Drinking water
- Recreation

# Setting the Stage

## Clean Water Act

EPA delegates programs to States

ex: Permitting and Standards

Retains approval authority

## Water Quality Standards

National Criteria set by EPA

States can be more stringent

EPA has NOT adopted national criteria  
for nutrients

# Setting the Stage

## Colorado Nutrient Criteria

Workgroup process in 2000's

Nutrient criteria adopted in 2012

Regulation 31

Regulation 85

# Framing the Issue

Water Quality Control Commission Workgroups

Point-Sources - WWTF's targeted

Finger pointing to Non-point sources

Golf courses and residential

Stormwater and AGRICULTURE

The assumption is that Ag runoff is  
a major source of nutrients

# Framing the Issue

WQCD - Reached out for engagement by the Ag Community

Formation of the CO Ag Producers Alliance and direct involvement from:

Colorado Corn

Colorado Livestock

Colorado Wheat Growers

We **Can** influence this assumption



# Who we are

## Colorado Monitoring Framework -

- statewide nonprofit organization
- dealing with water quality regulations
- objective of creating a scientific, collaborative process
- share information and data so decisions can be made based on the best science available





# Who we are

- The Ag Task Force is a subset of the CMF working solely on issues related to agriculture and nutrients
- Building relationships with:
  - Ag communities
  - Academia
  - Government entities



# Who we are

Members and participants include:

- Colorado Livestock, Corn and Wheat Growers
- Colorado State University
- Ag consultants and professionals
- CO Department of Agriculture
- CO Ag Producers Alliance (14 members)
- CO Assoc of Conservation Districts
- Water Quality Control Division
- Municipalities and Industry



# Regulation 85

Reg 85 is the first step:

- ✓ Mandatory controls on 44 largest point source discharges
- ✓ Voluntary controls for non-point source discharges
- ✓ Statewide monitoring to better define problem

So what's the problem???



# Colorado Dept of Public Health and Env't Water Quality Control Commission

## REGULATION #85

### NUTRIENTS MANAGEMENT CONTROL REGULATION

5 CCR 1002-85

#### 85.1 AUTHORITY

The Water Quality Control Commission is authorized by section 25-8-205 C.R.S., to promulgate control regulations to describe prohibitions, standards, concentrations, and effluent limitations on the extent of specifically identified pollutants that any person may discharge into any specific class of state waters.

# Regulation 85

## Reg 85 Triennial Reviews

2017, 2018? 2020? 2022

What is being reviewed?

Scope of the problem?

Is progress being made?

What are NPS doing?



# Regulation 85

By 2022 - Decisions will be made

**Are controls on agriculture necessary?**

**Your input IS needed!**





# Regulation 85

## Decision 2022

Yes - What will this look like?

No - Free and Clear right?

What about Reg 31?



# Regulation 31



## Reg 31 - Second Step:

Assigns standards to all waters

Delayed implementation dates

Above WWTF:

TP (0.17 mg/L) being assigned now

TN (2.01 mg/L) currently in question

Statewide in 2021

EPA disapproval

Now what?

# Regulation 31

Still doesn't apply to Ag right?

Once standards are in place, streams will be assessed for compliance

This may lead to 303(d) listing

- Meaning that the stream is impaired for P or N

- Will lead to a TMDL - all sources are evaluated

- Ag producers could be assigned an allocation limiting P/N from their operation

# Perspectives

Colorado Livestock Association  
Bill Hammerich

Colorado Corn  
Mark Sponsler

Colorado Wheat Growers  
Randy Traxler

Department of Agriculture  
Cindy Lair



# Opportunities

Ultimate goal is to inform the WQCC about existing nutrient controls so that they can make an informed decision about the need for regulation

Understand complex water quality issues

Collaborate through partnerships

Understand existing nutrient controls and their effectiveness

Share information





# Opportunities

In order to provide accurate information we need your help

On a voluntary and confidential basis:

- Participate

- Investigate

- Educate

- Develop relationships

- Share information





# Opportunities

- Support this effort through your local/regional agricultural representatives
- Talk to others
- Provide feedback and information
- Participate with WQCC



# Opportunities

## Participate

- Attend monthly Ag TF meetings (phone)
- Share knowledge on BMPs
- Share or collect WQ info
- Work in your CD
- Help get the message out



# Opportunities

## Why Participate?

Sharing information and resources across sectors

Leveraging strength in numbers

Replace myths with facts

Present agriculture as part of the solution

Help drive the bus on nutrient regulations

Help the WQCC make an informed decision



**Assumption: Ag runoff is a major source of nutrients**

*We can* influence this assumption

*You can* help shape regulatory action

This is the *time* and *opportunity* to be involved

**Take Action**



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