

Colorado Department of Public Health and Environment SMART Act Hearing

*Senate Transportation and Energy Committee
House Energy and Environment Committee*

January 13, 2023

Jill Hunsaker Ryan, MPH
Executive Director



COLORADO
Department of Public
Health & Environment

CDPHE's Mission and Vision

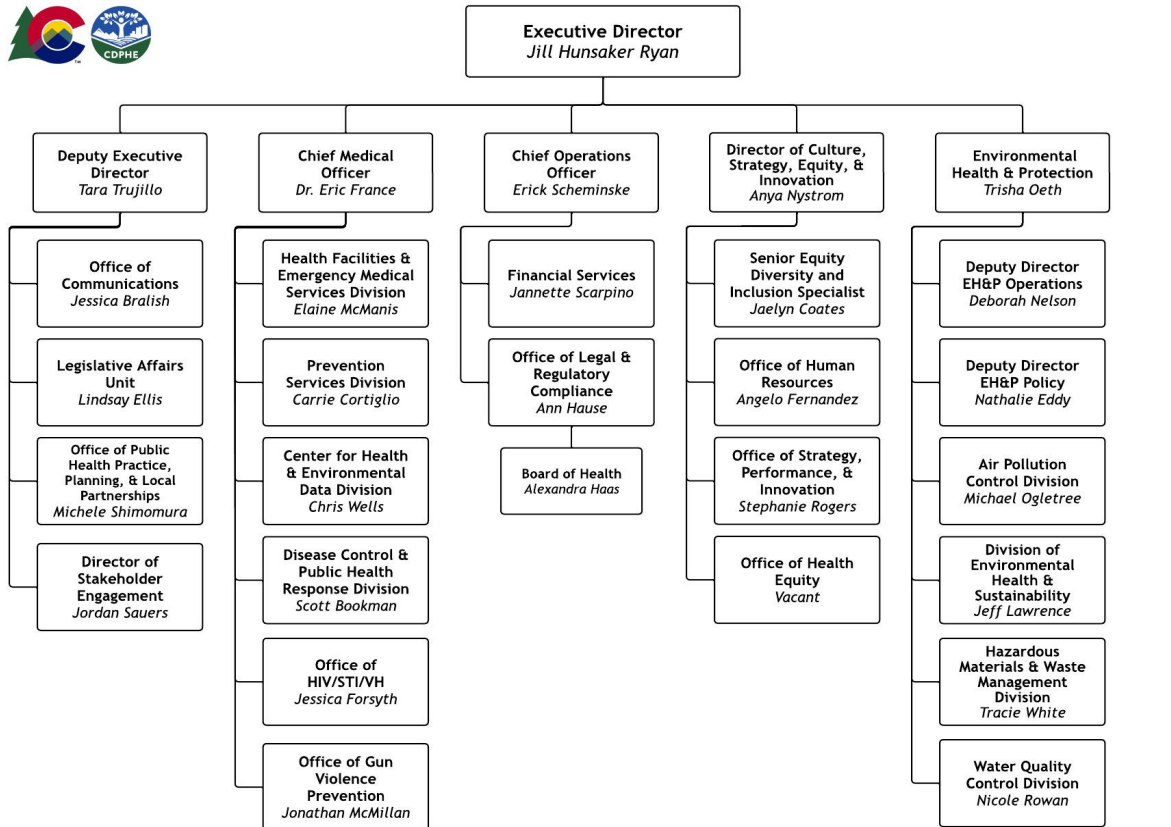
Our Mission:

Advancing Colorado's health
and protecting the places
where we live, learn, work, and
play.

Our Vision:

A healthy and sustainable Colorado
where current and future
generations thrive.

Our strength is in our workforce



- 1,916 total full-time employees.
- 4 campuses (Glendale, Lowry, Grand Junction, and Pueblo).



Environmental health is at the forefront of today's most pressing challenges

- Ozone pollution
- Climate action and reducing greenhouse gas emissions
- Regulating Suncor (Title V permits, disparate impact analysis, fence-line monitoring)
- Water quality challenges like PFAS
- Superfund hazardous waste sites
- Environmental justice
- Regulating medical marijuana and hemp

We are grateful for support from the General Assembly!

- Providing resources to modernize our air quality division and transportation electrification.
- Creating the Environmental Justice Act.
- Establishing an air toxics program.
- Establishing the Colorado Circular Economy Development Center to create new markets for recovered materials.

Inclusion, Diversity, Equity & Accessibility

We are here to serve all Coloradans.



COLORADO
Department of Public
Health & Environment

Advancing Inclusion, Diversity, Equity, and Accessibility (IDEA)

In accordance with the Governor's Executive Order 2020 175:

2022 Accomplishments:

- A Strategic Plan inclusive of IDEA.
- IDEA embedded into our Human Resources branding & talent acquisition Strategies.
- Improving our IDEA analytics capacity.
- Built capacity to manage the HB21-1110 Accessibility departmental work plan.
- Increased workforce racial diversity YoY since 2020: 2022= 25.9% (non-white)
- Increased racial diversity in leadership YoY since 2020: 2022=19.42% (non-white)



We created Colorado's first-ever Environmental Justice Program in Accordance with the Environment Justice Act

MILESTONES 2022:

- February: Marcus Howell appointed as first Environmental Justice (EJ) Ombudsperson
- March: Signed [MOU on EJ in Enforcement & Compliance](#) with EPA
- June: Launched [Colorado EnviroScreen](#), a new interactive EJ mapping tool
- November: EJ Action Task Force submitted [final recommendations](#) to the legislature
- November: EJ Advisory Board launched [Environmental Justice Grant Program](#)
- 2022: Translated over 285,000 words and providing over 200 hours of interpretation into Spanish
- 2022: Helped convene and facilitate over 30 community meetings

Learn more on our website:

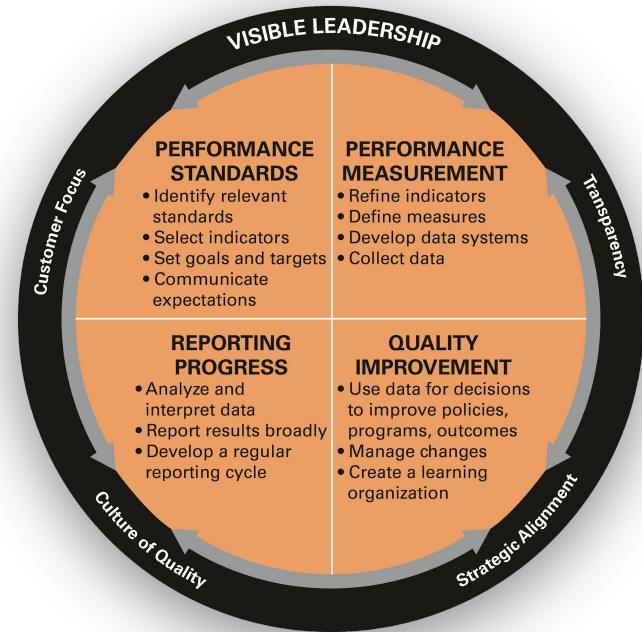
<https://cdphe.colorado.gov/environmental-justice>

Performance Management



CDPHE's Performance System

- Comprehensive performance management system that monitors strategic priority implementation and Wildly Important Goal progress.
- Each division/office has a work plan that aligns to the department's overall strategic plan and priorities.
- We have established internal consultancy services to provide continuous quality improvement support to programs.
- We've created dashboards to monitor metrics and measure performance.
- We regularly use data tools and the scientific literature to enhance our practice.



Public Health Performance Management System Framework

Source: Public Health Foundation, Turning Point Performance Management National Excellence Collaborative

CDPHE's 2023 - 2026 Strategic Plan Priorities

- 1) **Outcomes:** We are intentional about improving outcomes in public health and environmental protection for all Coloradans in all department areas.
- 2) **People:** We will realize a human-first, progress-forward culture where all current and future employees flourish.
- 3) **Bold Goals:** We will accomplish Bold and Wildly Important Goals, removing barriers, being innovative, and seeking resources where needed.
- 4) **Operations:** We will pursue operational excellence to **modernize, right size, stabilize** and implement continuous quality improvement activities.
- 5) **System:** We will lead to strengthen Colorado's governmental public health system and promote effective public health practice (*in partnership with Colorado's 54 local public health agencies and institutes of higher education*).

We are committed to transparency and reporting out.

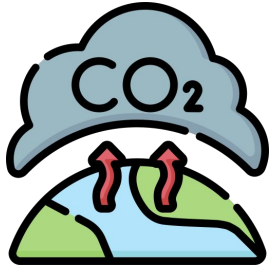
To view monthly updates on Wildly Important Goals and corresponding lead measures, please visit the [Governor's Dashboard](#).

View the FY 2022-23 Performance Plan:

<https://operations.colorado.gov/performance-management/department-performance-plans/public-health-environment>

More information on our WIG's are located in the appendix of the slides.

CDPHE FY 2022-23 Wildly Important Goals (WIGs)



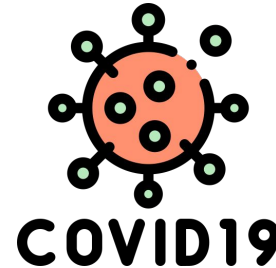
GHG



Ozone

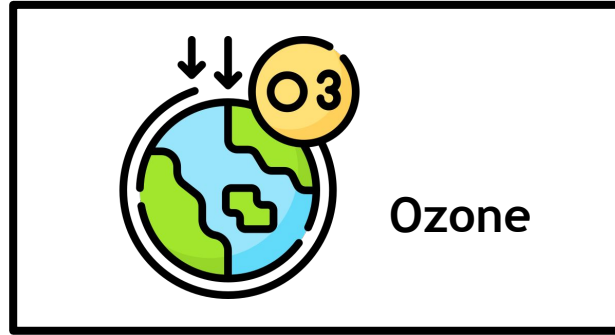
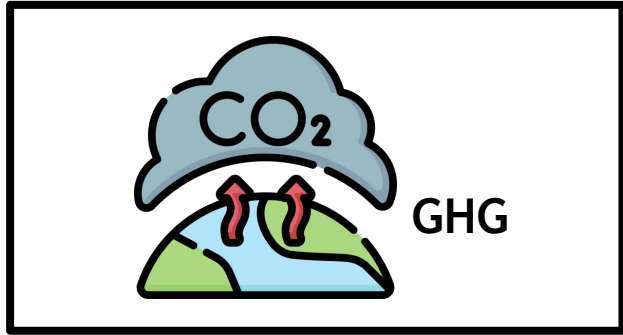


Suicide Prevention

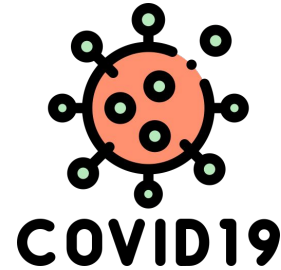


COVID-19

CDPHE FY 2022-23 Wildly Important Goals (WIGs)



Suicide Prevention



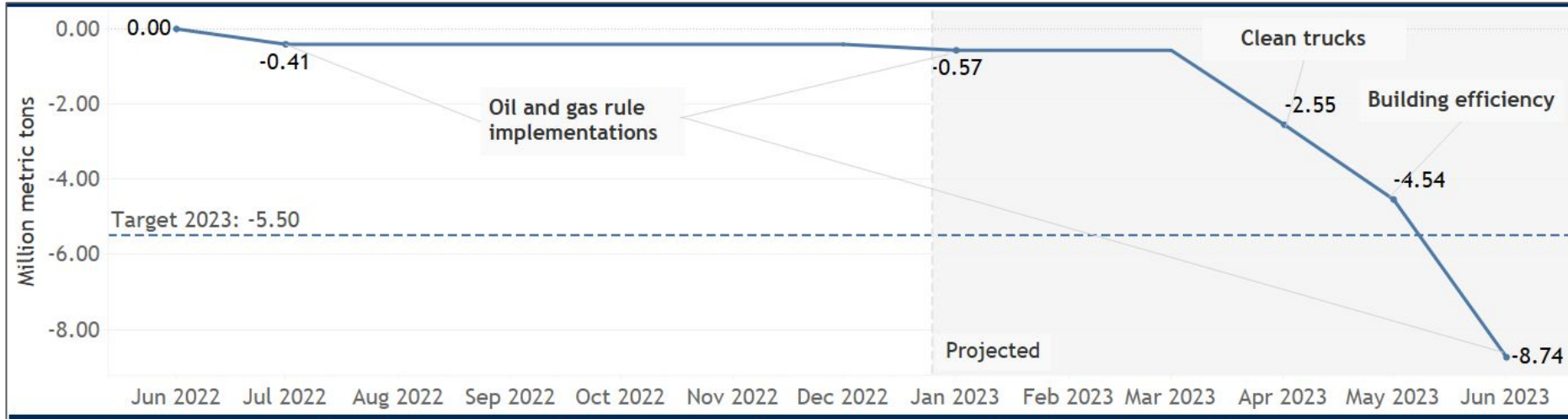
COVID-19

Air Quality Accomplishments

- Rulemaking to support cleaner cars, cleaner industry, and protected communities
- Environmental Justice, climate equity, Improved community engagement
- Public Welfare Protections from Oil & Gas Operations and improved permitting processes
- Air Toxics, aerial monitoring, increased mobile air monitoring
- School Bus Electrification, a Clean Fleet, and deter tampering of motor vehicles
- Climate Change data collection and Stationary Source data modernization

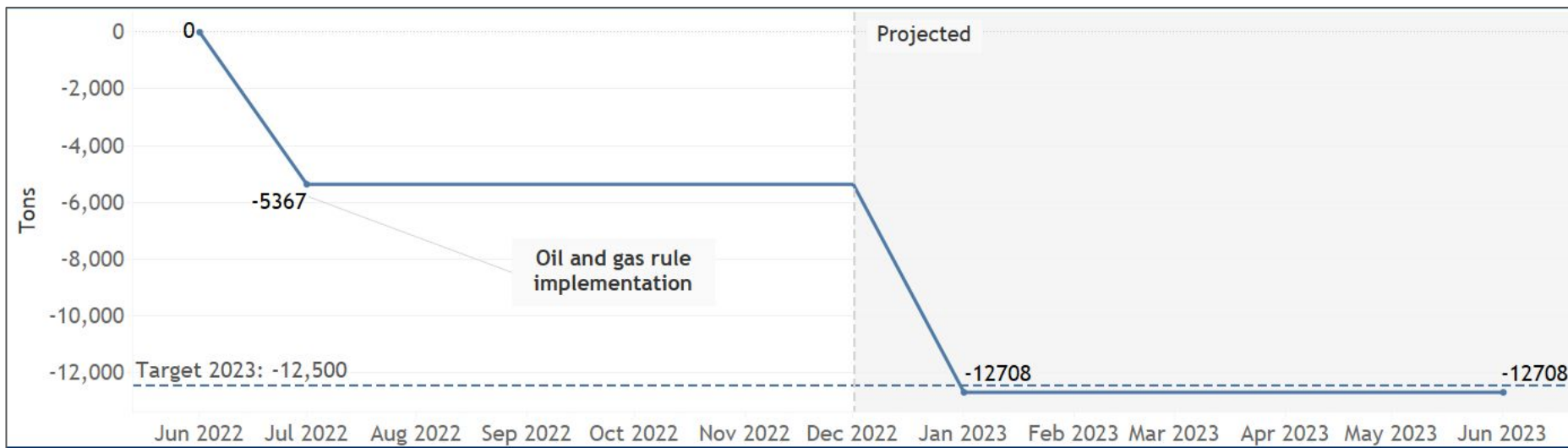
WIG 1: Reduce climate-warming greenhouse gases by 5.5 Million Metric Tons through FY23 actions

Projected FY23 Reductions:



WIG 2: Reduce harmful ozone pollution by 12,500 tons through FY23 actions

Projected FY23 Reductions:



Coming up in 2023: Air Quality

- Adopt building efficiency requirements.
- Create enhanced permitting requirements for disproportionately impacted communities.
- Create a streamlined way to verify oil and gas greenhouse gas emissions.
- Add more pollution controls to the ozone State Implementation Plan.
- Reduce greenhouse gas emissions from large industrial sources.
- Make more zero-emitting trucks available in Colorado.
- Increase access to zero and low-emitting cars for Colorado residents.

Budget Requests

*Investing in public and environmental health
and maximizing our resources*

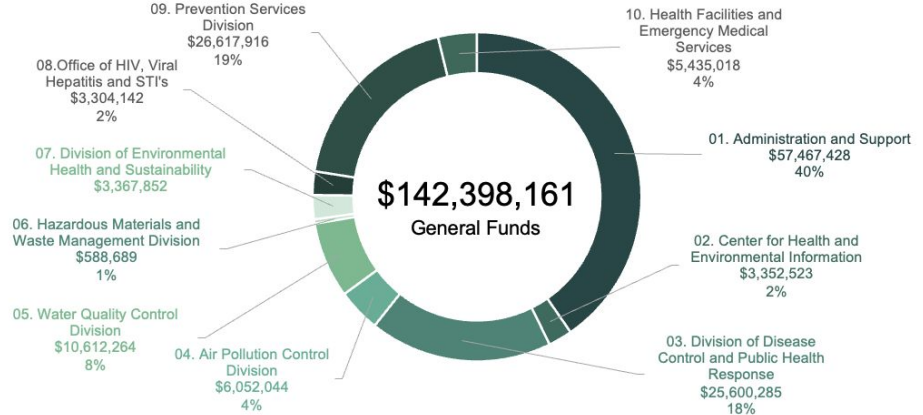
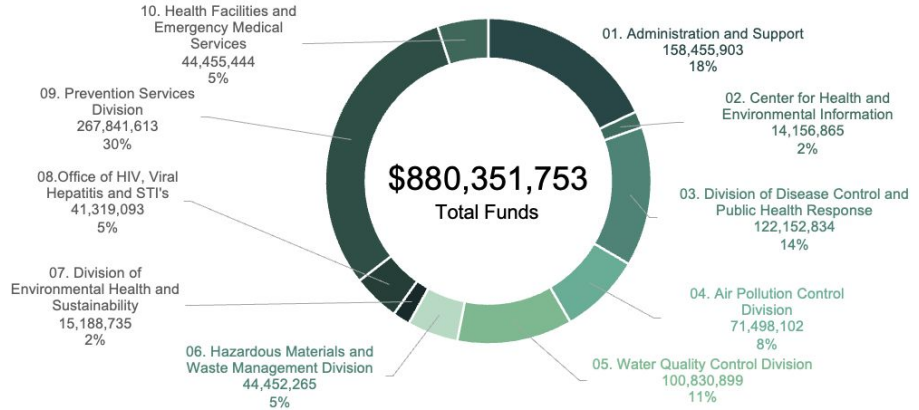
CDPHE FY 2023-24 Budget Request (Nov. 1)

FY 2023-24 Budget Snapshot

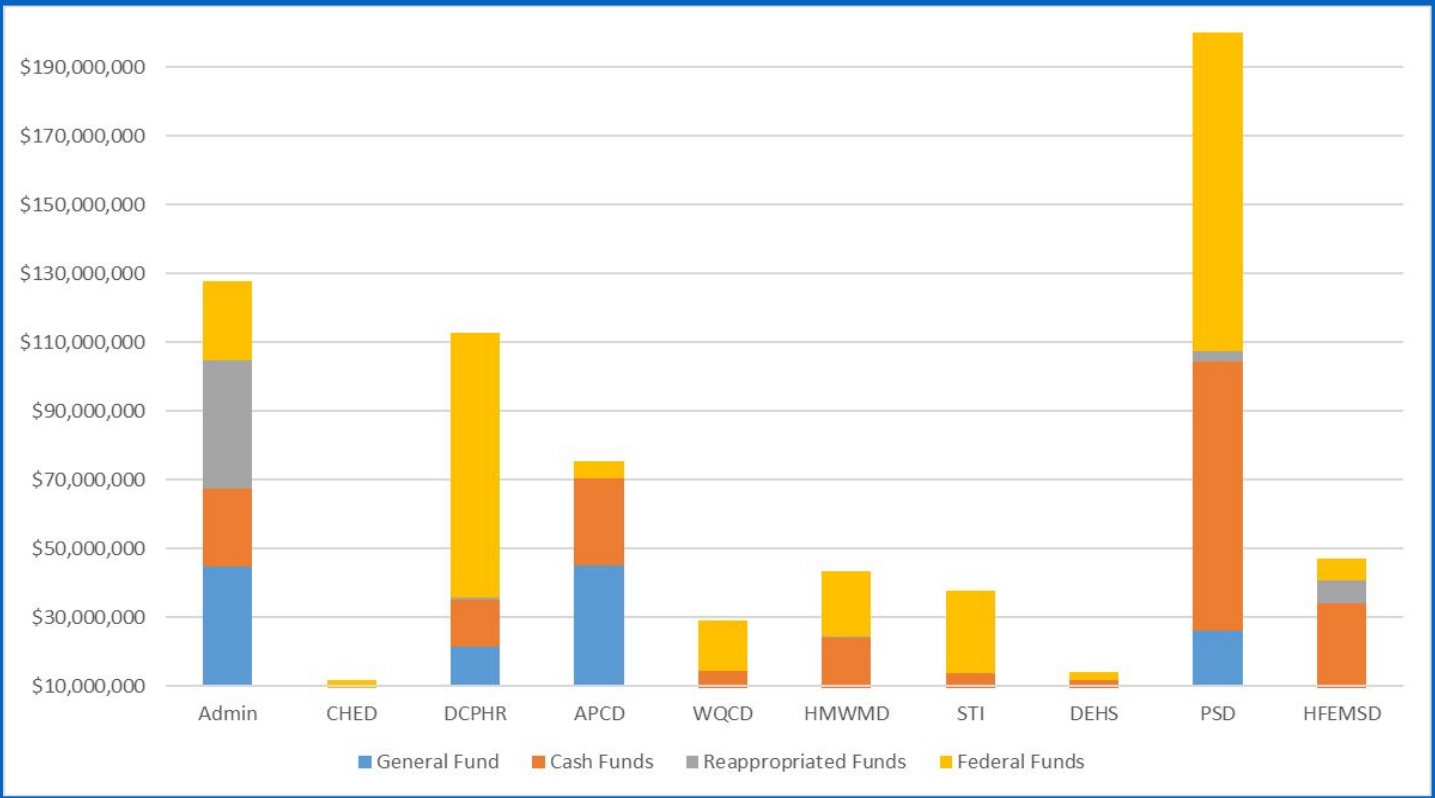
FY 2023-24 Total Funds:
\$880.3M

FY 2023-24 General Fund:
\$142.3M

FY 2023-24 FTE: 1,844.9



Budget by Division (FY 2022-23 Long Bill)



Key Budget Requests for FY 2023-24

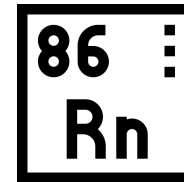
Investing in public and environmental health will allow us to leverage federal resources, protect Coloradans, and have long-term cost-savings.



Water Quality



Fee Relief



Radon Mitigation

2023 Priority Highlight:

Protecting Colorado's waterways and safeguarding drinking water

The Drinking Water Program ensures that public water systems throughout Colorado provide safe drinking water for Colorado communities.

- Program Concern: Drinking Water Inspection Backlog.
- Community Concerns: PFAS, Lead, Manganese, Mobile Home Parks.

The Clean Water Program protects and restores Colorado's state waters- rivers, lakes, and reservoirs, watersheds, and their aquatic ecosystems to protect human health and agriculture, support economic and recreational activities, and provide healthy habitat for fish, plants, and wildlife.

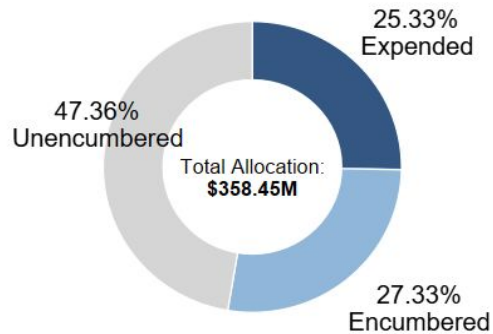
- Program Concern: Clean Water Permit Backlog.
- Community Concerns: Drought, Wildfires and Toxic Algae Blooms.
- Industry Concerns: Construction.

Stimulus Implementation Update

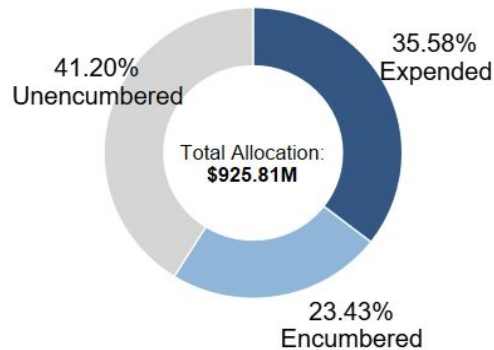
We are maximizing federal dollars from the stimulus

We are investing federal stimulus funding

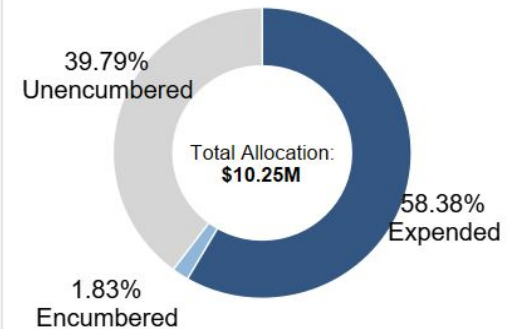
ARPA State & Local Fiscal Recovery Funds (SLFRF)



ARPA Direct to Agency Awards (DAA)



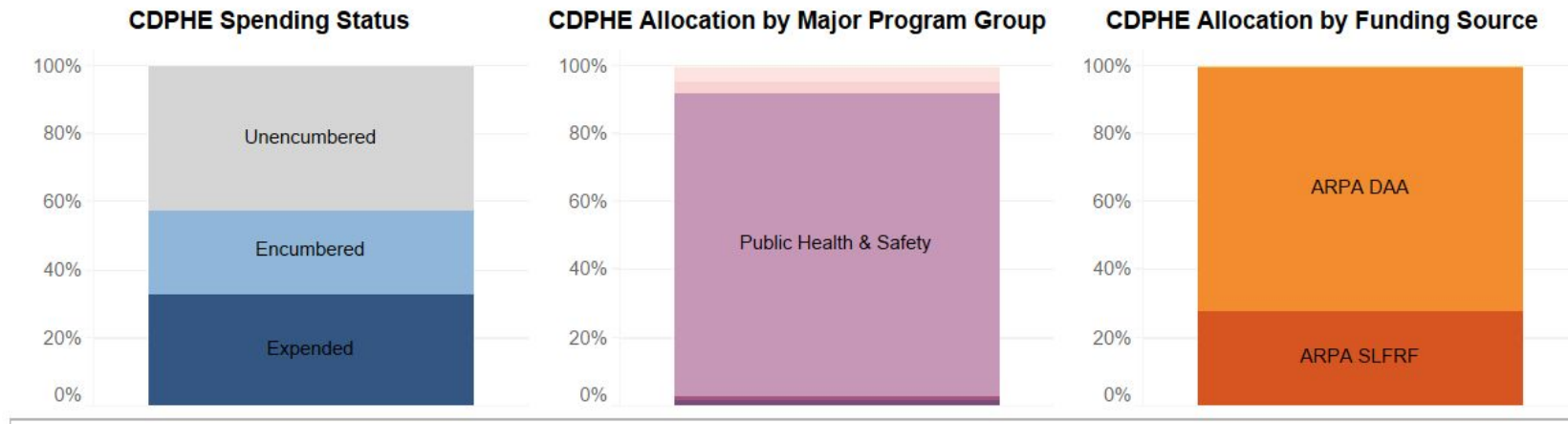
State Stimulus



For ongoing updates to Stimulus programs, please visit coforward.colorado.gov



We are investing federal stimulus funding



CDPHE is currently in the process of spending the \$86.5M allocated during the 2022 legislative session, with \$9.85M already encumbered. The \$86.5M includes:

- The Naloxone Bulk Purchase Fund (HB22-1326), which is a continuation of two previous rounds of the program, but with a much bigger allocation (\$19.7M) and a focus on preventing opioid overdose deaths and distributing as many units of naloxone as possible across the state.
- A continuation of several existing stimulus programs, including the School-based Health Centers (SB22-147); the Tax Credit Outreach Program (SB22-182), and the Colorado Health Service Corps (SB22-181).
- Several new programs in the Disease Control and Public Health Response Division (DCPHR), including two programs aimed at bolstering the healthcare workforce through SB22-226



Legislative Agenda

Prioritizing policy changes that ensure the health and safety of all Coloradans.

Legislative Agenda

Water Quality Fee Modernization

This proposal would help the Water Quality Control Division achieve long-term fiscal sustainability and provide a level of customer service that protects, restores, and enhances the quality of water in Colorado. The proposal would remove clean water and drinking water fees from statute and instead direct the Water Quality Control Commission to set fees in regulation.

Equitable Access to Publicly-funded Vaccines

This proposal would ensure all Coloradans have access to life-saving vaccines by reducing out-of-pocket costs and establishing eligibility regardless of insurance status. It would codify provisions of a COVID-19 Public Health Order prohibiting healthcare providers from charging fees and requiring government-issued IDs as a condition of receiving publicly-funded vaccines.

Legislative Agenda Cont.

Child-occupied Facility Lead-based Paint Abatement

This proposal would revise CDPHE's lead abatement statute to align with federal law to ensure children in Colorado are protected from exposure to lead-based paint.

Statewide System of Advance Medical Directives

This proposal implements recommendations from the Advance Directives Registry Pilot Project and revises the advance directives registry statute to increase patient ease-of-use and autonomy over personal healthcare data. It would remove the requirement for a patient to be in the presence of a medical provider and sign an electronic affidavit when using the registry.

Regulatory Agenda

Our appointed boards and commissions are engaging communities as they develop policies.

Regulatory Agenda - Environmental Commissions

CDPHE provides a preview of all of its planned regulatory proceedings [online](#).

Notable proceedings for 2023 include:

- **AQCC:** The Advanced Clean Trucks rule will help to reduce emissions from the transportation sector to move closer to meeting our climate goals set by HB19-1261 and HB21-1266.
- **AQCC:** Ozone SIP revisions will help the state move towards our ozone attainment requirements by further reducing emissions of nitrogen oxides and volatile organic compounds in Colorado's Denver-Metro North Front Range.
- **AQCC:** Disproportionately Impacted Community permitting requirements for air toxics protection and building energy efficiency performance standards.
- **WQCC:** Lakes-nutrients. The commission will consider revisions to the nitrogen and phosphorus water quality standards for lakes and reservoirs in Colorado. Colorado's current standards were adopted in 2012. The revisions are intended to reflect the latest data and science, and resolve EPA's concerns with the existing standards.

We are grateful for your continued partnership, and we're here to help throughout the legislative session and after

Thank you for entrusting us with these dollars and statutes . . .

At CDPHE, we are passionate about making a meaningful impact and public service to each and every one of your constituencies, without exception.

QUESTIONS?

Lindsay Ellis - Legislative Liaison

P: 303-748-1975, lindsay.ellis@state.co.us

APPENDICES

APPENDIX: BUDGET

CDPHE FY 2023-24 Decision Item Requests

R-01 Protective Water Quality Control

- \$4.1M GF in FY24 and \$6.0M GF ongoing to address the Water Quality Control Division's clean water permitting and drinking water system inspection backlogs.

R-02 Water Infrastructure State Revolving Fund Match

- Request for JBC to sponsor legislation to expand eligible uses of the Small Communities Water and Wastewater Grant Fund to include state matching requirements of IIJA.

R-04 Dairy Protection Relief

- \$412,000 GF in FY24 to fully fund the CDPHE milk program, which inspects and tests pasteurization equipment in accordance with national standards.

CDPHE FY 2023-24 Decision Item Requests

R-05 Sustaining Environmental Justice Act Services

- \$4.5M GF in FY24 to continue Environmental Justice Act work while the final GHG fee structure is developed.

R-08 Low Income Radon Mitigation Assistance

- \$400k GF in FY24 and ongoing to mitigate radon from an additional 75 households per year, provide grant funding to over 12 additional LPHAs, and purchase over 6,200 additional radon tests.

R-11 Southern Ute Environmental Commission Staffing

- \$40K GF in FY24 and ongoing to cover the State share of the Southern Ute Environmental Commission staffing.

CDPHE FY 2023-24 Decision Item Requests

R-12 Water Quality Environmental Justice Outreach

- \$445k GF in FY24 and ongoing to address the Departmental Difference in HB22-1322 fiscal note that did not include funding for other Water Quality Control Division programs to comply with EJA requirements.

R-15 Denver Emissions Technical Center Leased Space

- \$22K HUTF in the FY24 with marginal increases each year thereafter to extend the Mobile Sources Program's current lease at the Denver Emissions Technical Center

APPENDIX: REQUIRED ENVIRONMENTAL REPORTS

Paint Stewardship Program

SB14-029 | Paint Stewardship Program

[Paint stewardship and recycling](#)

2022 Report Highlights - Paint Stewardship Program

Limitations:

- PaintCare measures paint recovery by comparing the gallons of unused paint collected with the gallons of paint sold each year.
- In 2021, the recovery rate was 5.5 percent, as most of the paint sold is used as a product.

Findings from 2021 data:

- Paint collection increased by 134,000 gallons, while paint sales decreased by 456,000 gallons.
- Paint collection offered at:
 - 185 permanent drop off sites
 - 76 community collection events
 - 153 direct large volume pickups

Key Takeaways:

- 97.3% of Coloradans live within a 15 mile radius of a permanent paint drop-off location, exceeding the 90% requirement in the Act.
- PaintCare collected 793,228 gallons of unused paint in 2021.

Recommendations:

- PaintCare should expand education and outreach efforts to increase awareness of this statewide service.
- PaintCare should provide collection events in communities that did not have paint collection in 2021.

Stationary Source Control Fund Stakeholder Engagement Update

HB 18-1400 and SB 20-204 Presentation and Reporting

[Insert Report Link]

HB 18-1400 Legislative Presentation & SB 20-204 Utilization Reporting

HB 18-1400 requires:

Beginning in 2019, the division shall present during the legislative session the results of the stakeholder process including:

- improved billing practices,
- increased accounting transparency,
- implemented efficiency improvements, and
- efficiency metrics.

SB 20-204 requires:

The Division to report:

- how the fees have been utilized,
- what related efficiency and process improvements have been made,
- and a projective of short-term and long-term capital operating expenditure.

2022 Report Highlights - Stationary Source Control Fund Reporting

Limitations

- APCD is committed to being good stewards of the funds received
- Additional outreach beyond the Stationary Source stakeholder group with communities, scientific partners, and environmental organizations is critical

Findings from 2022 data

- Full implementation of the Air Transformation Decision Item
- Deep dive into Title V permitting processes to increase efficiency and prepare for redesignation
- Engage stakeholders to improve the minor source modeling guidelines.

Key Takeaways

- Develop a General Permit program for new sources subject to Title V requirements
- Develop a facility-wide Oil and Gas General Permit
- Improve our ability to assess NAAQS compliance
- Increase access and improve readability of modeling determinations.
- Implement SmartComment to improve the public comment process

Recommendations

- Design a modern permitting process that is supported by the new Stationary Source Data System

QUESTIONS?

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Thank you!



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