

Colorado Department of Public Health and Environment

SMART Act Hearing

Joint House Energy and Environment and
Senate Health and Human Services Committee
January 26, 2021



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Opening Remarks

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Executive Director

**Colorado Department of Public Health and
Environment**



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CDPHE Mission & Vision

CDPHE's mission:

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

CDPHE's vision:

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

CDPHE Organizational Chart

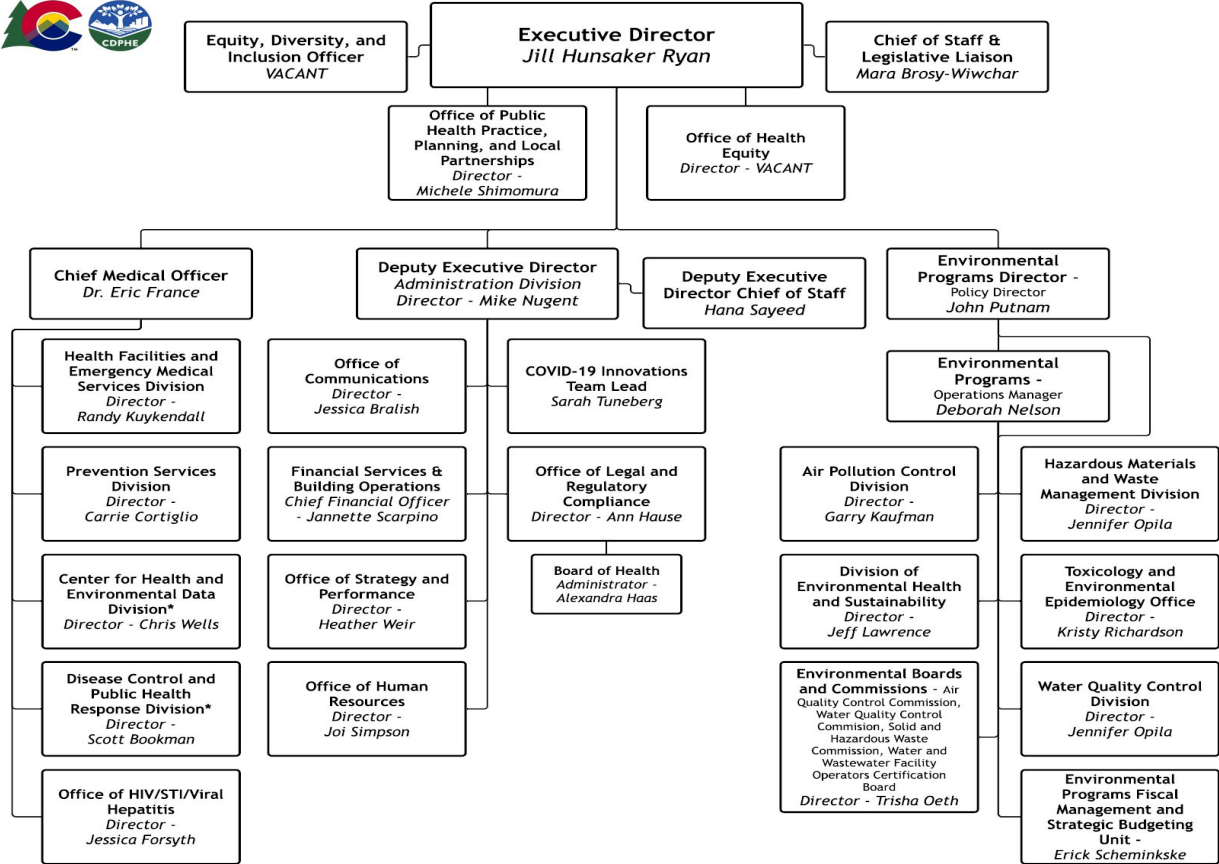


***1685 Total FTE**

***3 Campuses**

***386 FTE have been added due to pandemic**

***1,230 contractors and volunteers added due to pandemic**



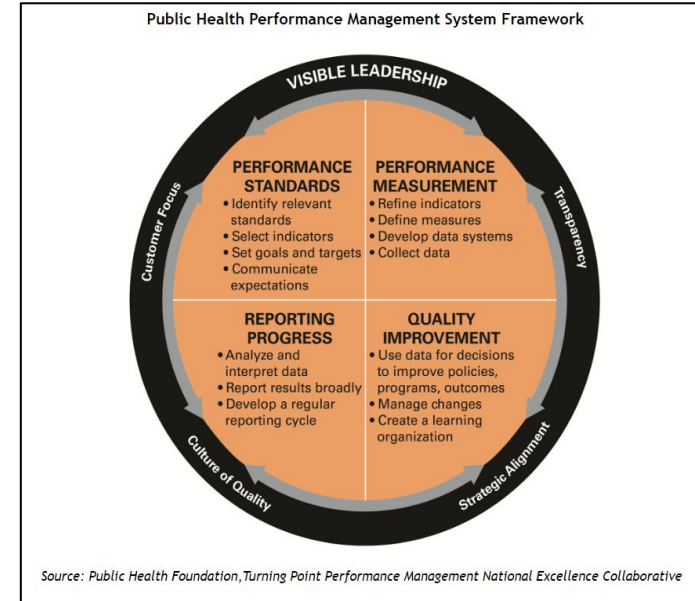
CDPHE Performance Management

- We use the 4DX System of WIGS or Wildly Important Goals consistent with the Governor's office and line with the SMART Act.
- We use “leading” and “lag” measures to measure actions and outcomes.
- We track our progress through activities and work plans
- We use dashboards and visuals to make it easy to see how we are doing (Tableau)
- We hold monthly Performance Reporting Forums → review strategic plan goals (open to all staff)
- We use improvement tools like Lean process improvement, behavioral insights, change management,

etc



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CDPHE FY 2020-21 Wildly Important Goals (WIGs)



Air Quality



COVID-19 Response



Healthy Eating
Active Living



Increased
Immunizations



PFAS Detection,
Mitigation,
Prevention



Suicide
Prevention



HIV
Prevention

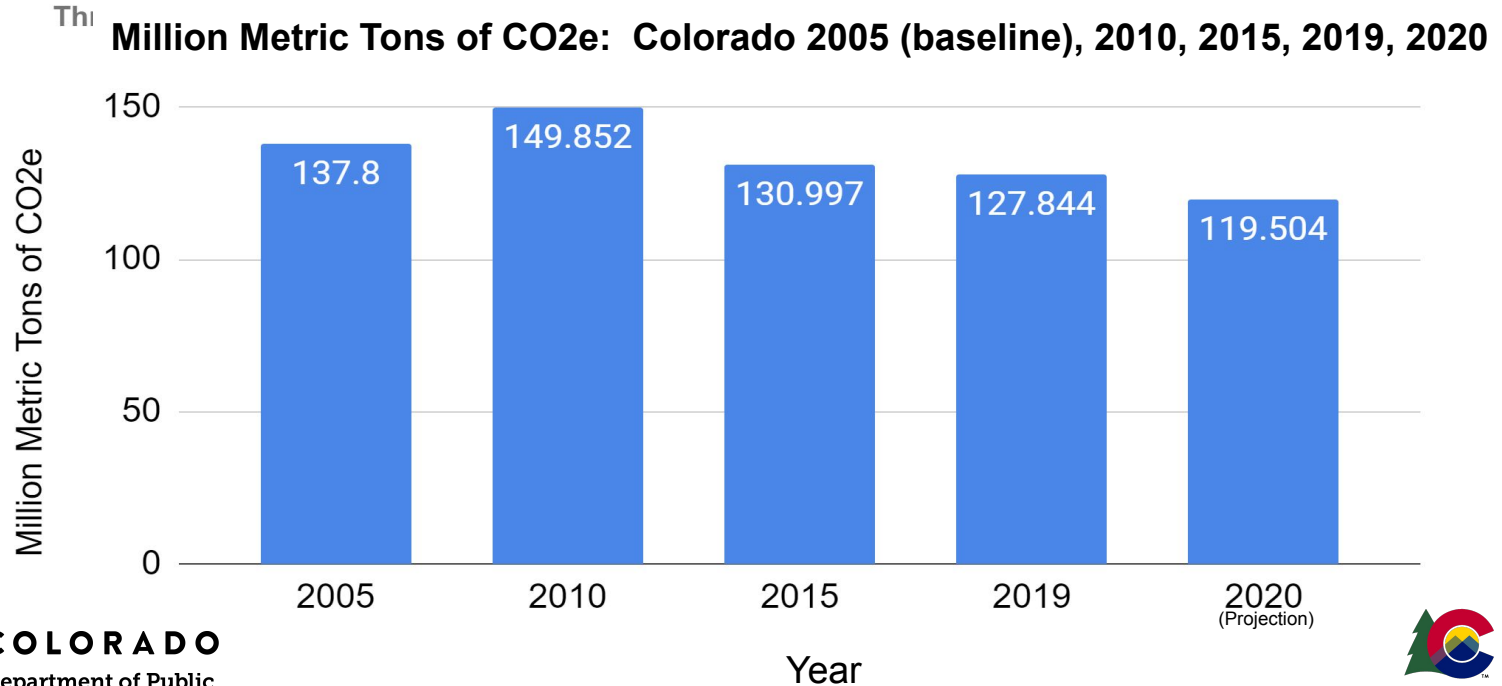


Operational
Excellence

WIG: AIR QUALITY (GHG)



WIG: **Reduce Greenhouse Gas (GHG) emissions** economy-wide from 2005 baseline of million metric tons of CO₂e (carbon dioxide equivalent) per year to 117.335 million metric tons of CO₂e per year by June 30, 2021.



WIG: Reduce Greenhouse Gas (GHG) Emissions



2020 Achievements:

- [HB 1261], [SB 96]: 5 Person Climate Change Unit
- [SB 96]: GHG reporting rule to provide better GHG inventory data and promote climate action planning and implementation in local communities.
- [SB 96]: AQCC Rule to phase out hydrofluorocarbons.
- [HB 1261]: AQCC adopted a resolution setting sector-specific GHG targets for 2025 and 2030
- GHG Pollution Reduction Roadmap Develop.

2021 Look Ahead:

The AQCC will consider adopting:

- Energy Audit Program (HB-1261)
- Rules to reduce GHGs from transportation & building sectors
- Methane reduction program for the oil and gas industry to achieve more than 1/3 reductions by 2025 and at least 50% by 2030.



WIG: REDUCE GREENHOUSE GAS EMISSIONS



GHG Pollution Reduction Roadmap Strategies:

- Continue transition from coal → renewables
- Reductions in methane emissions from oil and gas
- Electrify cars, trucks, buses
- Transportation planning/infrastructure to reduce driving
- Building/industrial efficiency & electrification
- Reducing methane emissions (coal mines, landfills, waste water and agriculture)
- Addressing equity in policy design in each sector

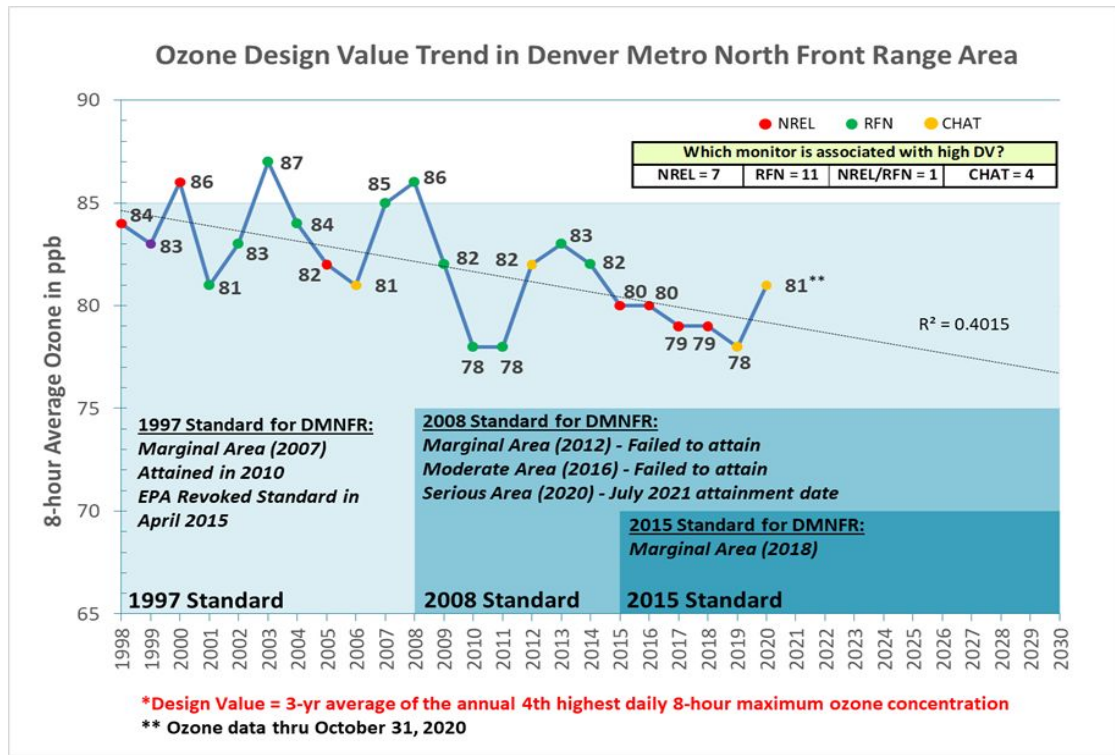


WIG: AIR QUALITY- REDUCE OZONE LEVELS



WIG: Reduce ozone from 80 parts per billion (ppb) to 79 ppb by June 30, 2021 and 74 ppb by June 30, 2024.

Successful completion of this goal will meet the 2008 federal health based standard for ozone and bring levels closer to attaining the 2015 standards.



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WIG: AIR QUALITY - REDUCE OZONE LEVELS



Counties in the 8-hour Ozone Nonattainment Area (2008 Standard)

- Adams
- Arapahoe
- Boulder
- Broomfield
- Denver
- Douglas
- Jefferson
- Larimer
- Weld



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Source: Denver Regional Council of Governments, 2004

WIG: Reduce Ozone Levels



2020 Achievements:

- Collaboration with the COGCC on sweeping Mission Change Rules minimizing emissions from the Oil and Gas Sector
- AQCC adopted rules in September for engines, disposal wells, and pre-production facilities, and in December for boilers, engines, turbines, foam manufacturing, and wood surface coating

2021 Look Ahead:

The AQCC will consider:

- Rules to replace pneumatic devices
- Second round of Regional Haze rulemaking is slated for to control of NO_x, SO₂, PM emissions
- Oil and Gas rulemaking to reduce O&G emissions by at least $\frac{1}{3}$ by 2025 and over 50% by 2030





SB20-204

Removal of the the Stationary Source Control Fund Fee caps and established the Colorado Air Quality Enterprise

- SB 204 removed Stationary Source Control Fund statutory fee caps
 - Currently the fund is underperforming due to the economic downturn, even with the increase
- The Colorado Air Quality Enterprise will have the first meeting of the board on January 26th
- Enterprise board's first task will be to set fees to support the mission of the enterprise



WIG: Detect/Mitigate/Prevent PFAS Contamination



OVERVIEW

- An emerging contaminant sometimes called “Forever chemicals” Per- and polyfluoroalkyl substances (PFAS)
- Negative health impacts from exposure most often associated with water contamination from fire fighting foam
- 2013-2015- EPA required all public water systems serving more than 10,000 people to be tested (81 systems in CO)
- Levels above EPA Health Advisory were found in Security Widefield and Fountain in El Paso County - CDPHE, EPA and these municipalities have been working together to mitigate. Efforts in other areas of known contamination are ongoing in Boulder, Teller and Adams counties where CDPHE is working with the local public health agency.
- CDPHE created an action plan with \$500,000 from the legislature to test 400 water systems, 152 groundwater sources and 71 surface water sources. All water systems were below health advisory levels, although higher levels were found in some untreated groundwater and surface water sources.
- To date, drinking water systems that serve over 90% of Colorado’s population have been tested.



WIG: Detect/Mitigate/Prevent PFAS Contamination



WIG: Maintain the percent of community* drinking water systems that sample and meet the health advisory level for PFAS at 100% by June 30, 2021.

**Also includes schools and large workplaces with their own water systems*

Successful completion of this goal will provide a clear picture of PFAS contamination levels present in drinking water systems within the state.



WIG: Detect/Mitigate/Prevent PFAS Contamination



2020 Achievements:

- 400 of 895 public water systems (serving 74% of Colorado's population) participated in the 2020 sampling project
- The Water Quality Control Commission adopted Policy 20-1 that enhances the department's ability to monitor for PFAS at facilities that are permitted to discharge wastewater to state waters.
- Passage of HB 1119, SB 218: further tools to track and take back toxic firefighting foam and a cash fund for toxicology and additional surveillance.

2021 Look Ahead

- HB 1119: PFAS registration program for entities using PFAS firefighting foams
- SB 218: Establish the PFAS takeback program for proper disposal of PFAS materials
- Community grant program to test, assess and address PFAS
- Further assess Colorado's need for setting it's own health- based PFAS values.



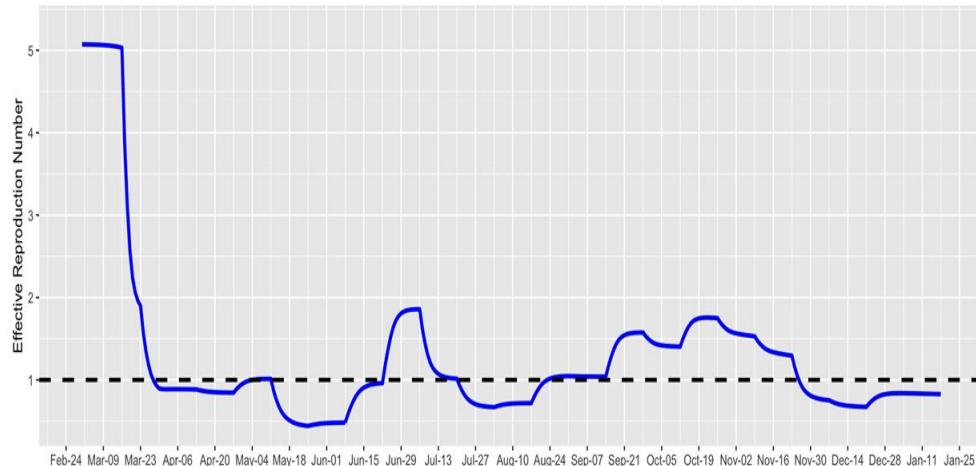
WIG: COVID-19 RESPONSE (R-Naught)



WIG: Achieve and maintain an RO (effective reproductive number) of less than 1 by June 30, 2021 and maintain an R of less than 1 through June 30, 2024.

Successful completion of this goal will decrease the number of Coloradans infected with COVID-19.

Reproductive Number (R0) of SARS-CoV-2 March 2020 - January 2021



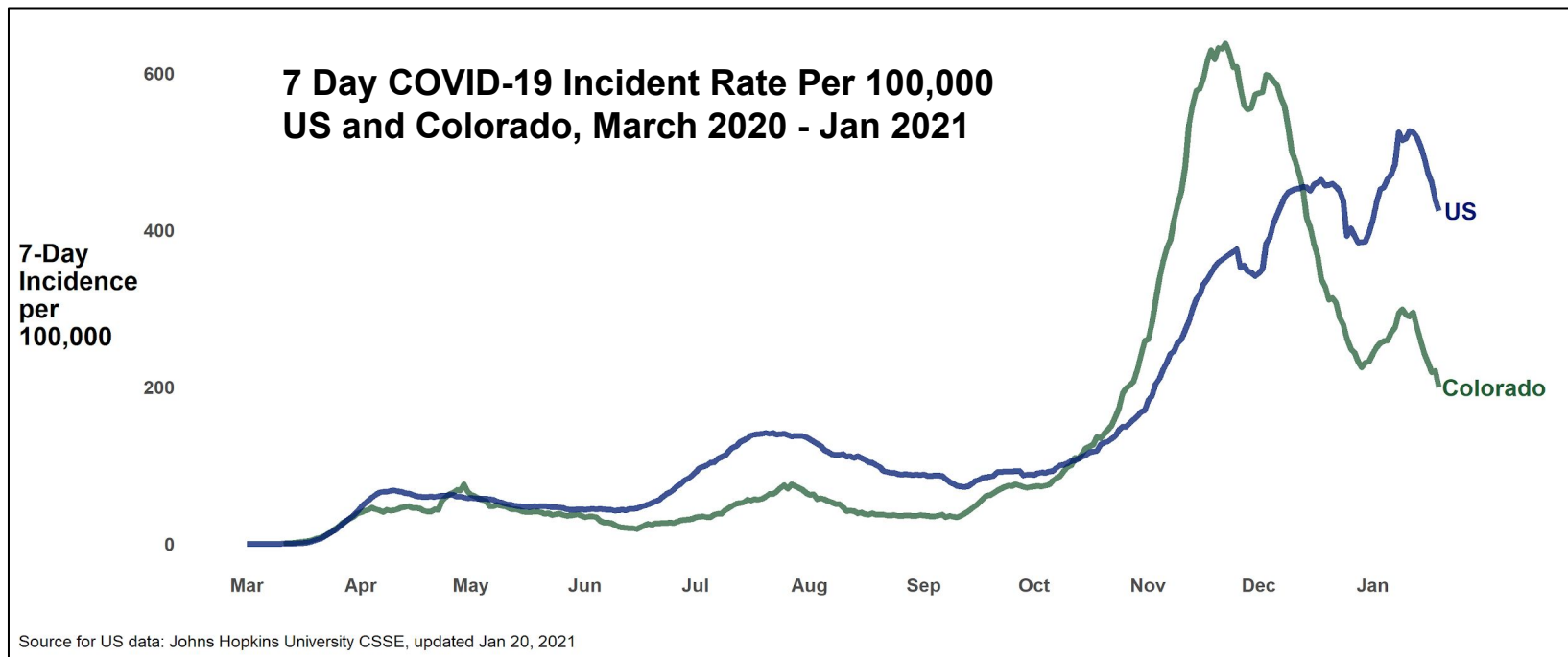
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WIG: COVID-19 RESPONSE (Disease Transmission)



WIG: COVID-19 RESPONSE (Vaccinations)



WIG: Vaccinate 70% of Colorado's population ages 18 and older by September 2021.

Successful completion of this goal will result in herd immunity for COVID-19 in Colorado.

Colorado Vaccination Dashboard:1/22/21

Colorado COVID-19 Vaccination Data

Data as of: 11:59:59 PM 1/22/2021

Data is updated daily by about 4 p.m. and includes data reported through the previous day. All data, for days past and present, is recalculated daily from the Colorado Immunization Information System. Vaccine administration data often has a reporting lag, and counts may not reflect all doses administered on a given day.



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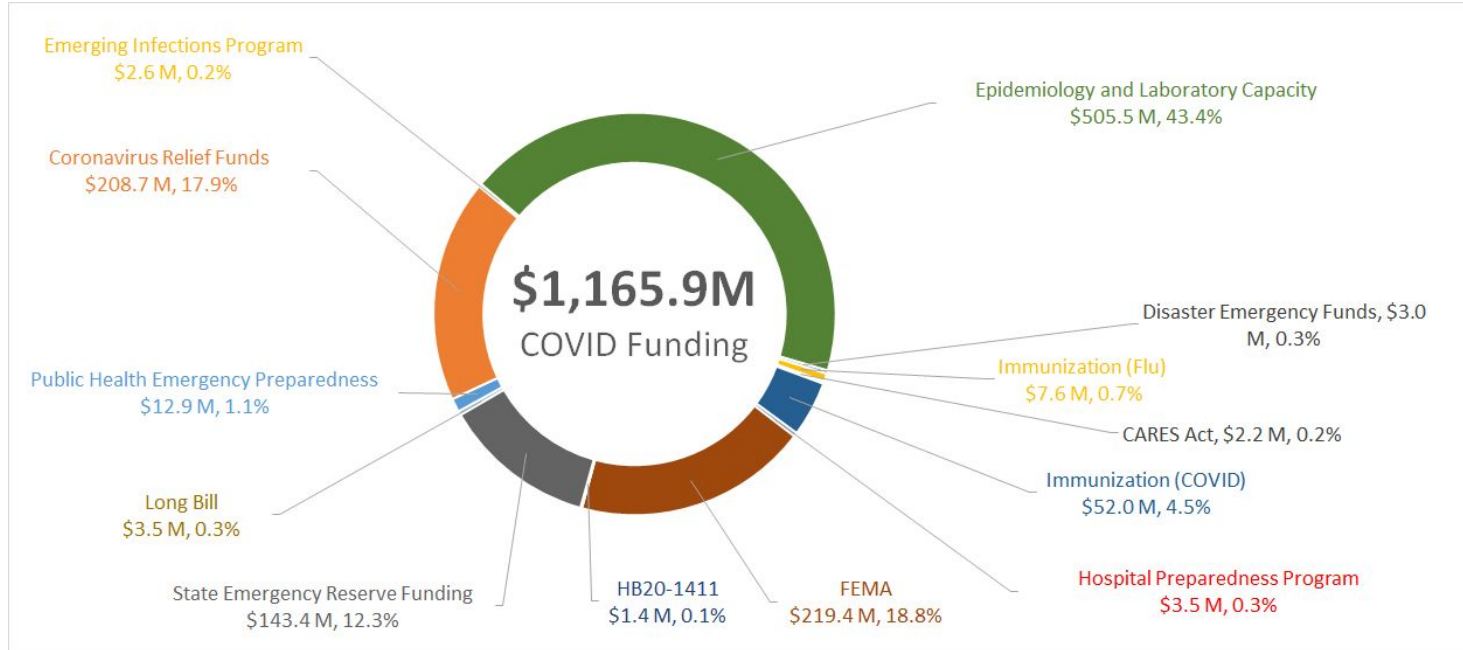
Colorado is in Phase 1A & 1B	545 Total Vaccine Providers	364,819 People Immunized with One Dose	80,181 People Immunized with Two Doses	445,251 Cumulative Doses Administered
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Accessed from <https://covid19.colorado.gov/vaccine>

CDPHE COVID-19 Funding



WIG: Equity, Diversity, and Inclusion



In accordance with the Governor's Executive Order [2020 175](#), the Department has prepared a plan to improve equity, diversity, and inclusion, including efforts to:

- Hiring an Equity, Diversity, and Inclusion (EDI) Officer who will report directly to the Executive Director
- Developing the department EDI strategic plan with an extensive stakeholder engagement process
- Expanding of the Office of Health Equity (OHE) to increase capacity building and community engagement around COVID equity, social determinants of health, and cultural competency
- Declaring racism a public health crisis and incorporating anti-racist goals into the statewide Public Health Improvement Plan (PHIP)



WIG: Enable Remote Work



In response to COVID-19, CDPHE implemented the Continuity of Operations Plan (COOP) which has:

- Ensured that all essential functions continued to function during the pandemic.
- Implemented new protocols to keep staff and our customers safe.
- Supported flexible work arrangements for staff that are able to work remotely (currently 70% of employees are working remotely).
- Conducted a space study (per the Reimagined State Government initiative) to plan for the ‘new normal’ which will continue with flexible work arrangements for many staff.
- Have provided resources, toolkits, training and support for supervisors and staff related to flexible work arrangements.



More information

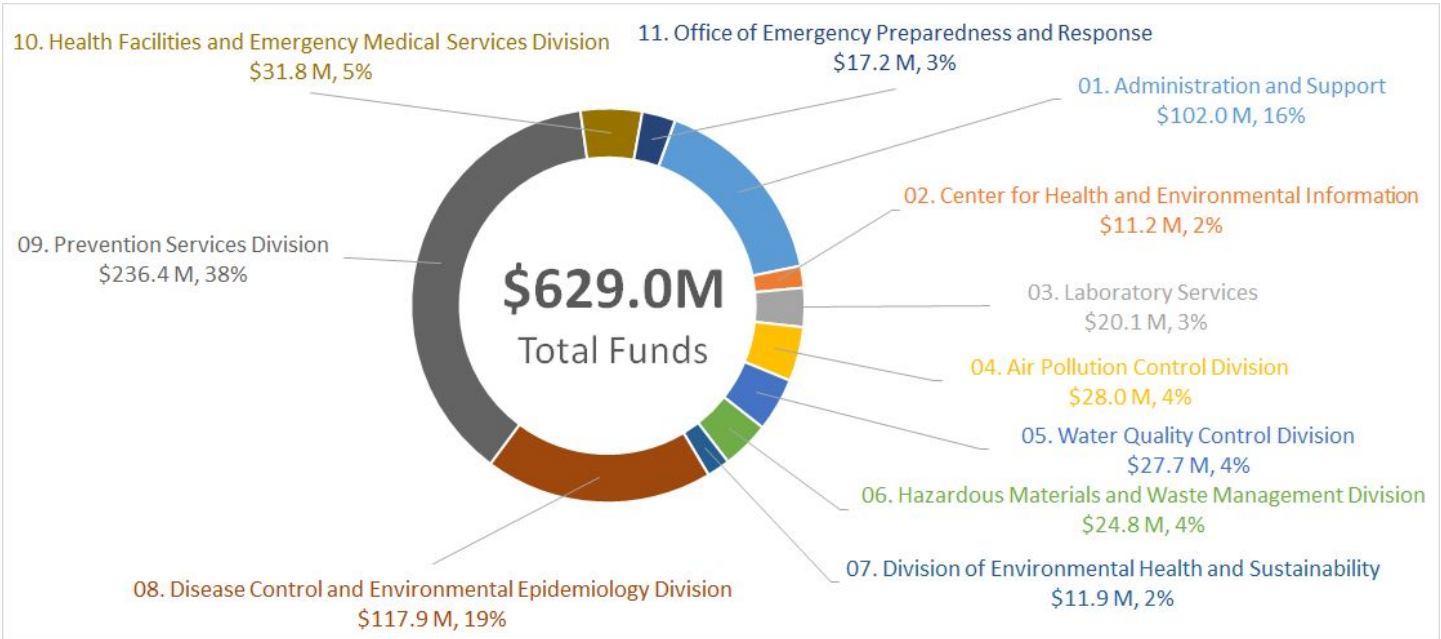
To view monthly updates on Wildly Important Goals and corresponding lead measures, please visit the [Governor's Dashboard](#).

For more information on additional CDPHE goals, view our FY 2020-21 Performance Plan at: operations.colorado.gov/performance-management/department-performance-plans

Department's Strategic Plan Dashboard:
<https://cdphe.colorado.gov/about-cdphe/strategic-plan>

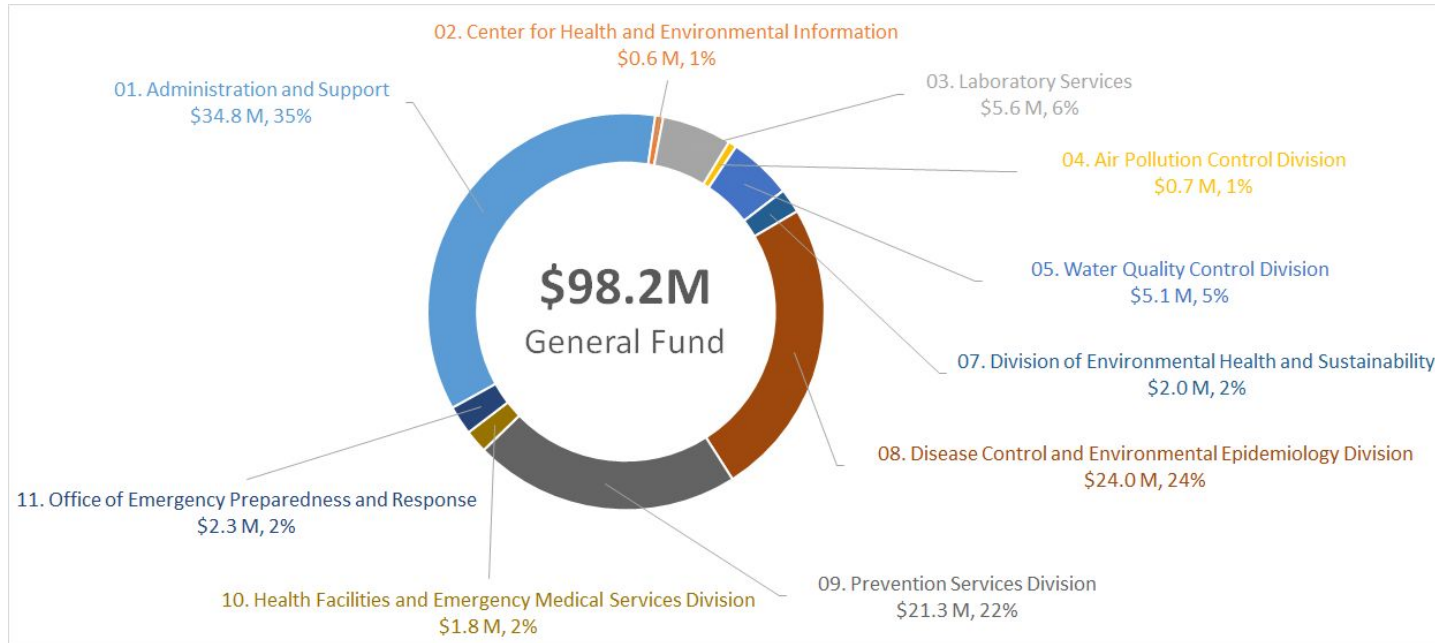
CDPHE FY 2021-22 Budget Request

FY 2021-22 Budget Snapshot



CDPHE FY 2021-22 Budget Request

FY 2021-22 Budget Snapshot



CDPHE Select FY 2021-22 Budget Requests

CDPHE's FY 2021-22 Budget Request includes the following:

- R-01 Long Bill Reorganization
- R-02 Opiate Antagonist Bulk Purchase Fund True-Up
- R-03 EMS and Trauma Provider Spending Authority True-Up
- R-04 Align Remediation Program Personal Services
- R-05 Discontinue Underutilized Waste Tire End User Program
- R-06 Ryan White STI HIV AIDS True-up with Tobacco Revenue
- R-07 Administration and Support Division Efficiencies
- R-08 Redirect Marijuana Health Effects Monitoring Funding
- R-09 Partial Reduction to Hotline Contractor
- R-10 Extend JBC Reduction to Marijuana Education Campaign
- CC IT-01 Integrated Reportable Disease Data Management System
- S CC-01 Newborn Screening Laboratory, Mass Spec Room
- BA -01 Increasing Equity in Health Outcomes
- BA-02 Public Health Infrastructure Budget Amendment



Legislative Agenda

The Department respectfully requests the General Assembly consider legislation on the following:

- **Legislative Approval for Advance Payment**

Makes it easier for community-based organizations to work with CDPHE by offering a percentage of funds up-front (up to 25%). Many of these organizations are best positioned to make an impact in their communities, but contracting requirements make it difficult. By removing barriers, we can ensure that state dollars are used more effectively in these communities.

- **Nursing Home Penalty Cash Fund**

Moves the administration of the Nursing Penalty Cash Fund from the Department of Health Care Policy and Financing to CDPHE. Lifts the restriction of \$10,000 for administration of the fund and increases the FTE available at the CDPHE to a full-time employee.

- **Eligibility to Purchase from the Opiate Antagonist Bulk Purchase Fund**

Fully realizes the goals of the bulk purchase fund by aligning entities and persons eligible for standing naloxone orders with entities and persons eligible to purchase from the opiate antagonist bulk purchase fund.



Regulatory Agenda

The CDPHE Type 1 Boards and Commissions will continue their routine adjudicatory and rulemaking functions in 2021 and plan to adopt over 40 new rules and regulations to protect public health and the environment. Some rule of interest include:

The Board of Health will establish new laboratory certification criteria for hemp testing.

The Air Quality Control Commission will continue rulemaking to reduce greenhouse gas pollution, reduce ozone precursors (such as nitrogen oxides and volatile organic compounds), establish a third party energy audit program, and reduce emissions that contribute to regional haze.

The Solid and Hazardous Waste Commission will create rules for using firefighting foams containing PFAS.

The Water Quality Control Commission will establish rules incorporating increased civil penalty amounts.

For more information, please read our [Regulatory Summary](#).



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REQUIRED REPORTS

Stationary Source Control Fund Stakeholder Engagement Update

HB 18-1400 Legislative Presentation and SB 20-204
Utilization Report



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HB 18-1400 Legislative Presentation

SB 20-204 Utilization Report

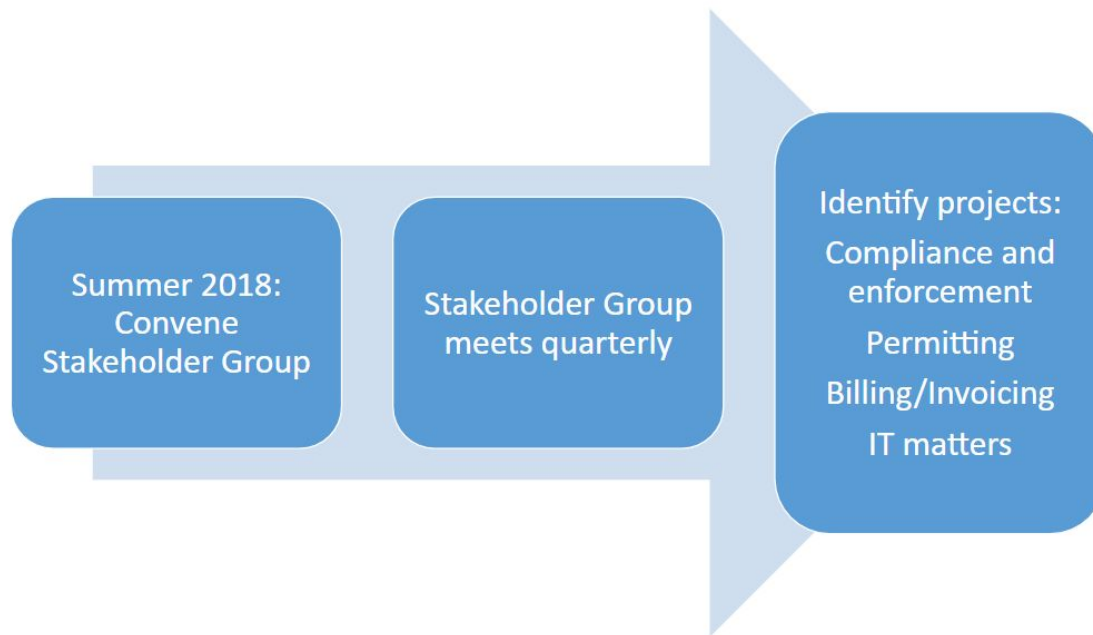
HB 18-1400 requires:

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, to the house of representatives health, insurance, and environment committee and the senate health and human services committee, or any successor committees.

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.

HB 18-1400 Stakeholder Engagement Process



Original Efficiency Projects Identified with Stakeholders

Project	Status
Create inspection records request checklist	Complete
Improve accuracy of emission fee billing	Complete
Share with industry and oil and gas preliminary analysis permitting tool	Complete
Communicate non-oil and gas workload and processing times	Complete
Improve APCD website	On-going
Create permit guidance documents for Title V and non-oil and gas activities	Complete
Reactivate permit application tracking website	Complete
Improve cancellation processing time and tracking	Complete



Examples of Additional Projects

Project	Status
Increase the transparency of permit invoices	Complete
Assess potential improvements to APCD databases to support industry and the public needs	In Progress
Improve air quality modeling guidance	In Progress
Create additional guidance for permitting of industrial sources	Ongoing
Expand the availability of permitting tools	Ongoing
Training of staff and the regulated community	Ongoing



History/Future of Stationary Source Control Fund Fees

Fee by Fiscal Years	FY09-FY18	FY19-FY20 (HB 18-1400)*	FY21 (SB 20-204)	FY22 (SB 20-204)	FY23 <i>and thereafter</i> (SB 20-204)
Air Pollutant Emission Notice Fee	152.90	191.13	216.00/ application	242.00/ application	<p>Fees will be established by rules promulgated by the Air Quality Control Commission.</p> <p>Fees to cover the direct and indirect costs of the stationary sources program will be adjusted per AQCC direction.</p>
Annual Regulated Pollutants Fee	22.90/ton	28.63/ton	32.00/ton	36.00/ton	
Annual Hazardous Air Pollutants Fee	152.90/ton	191.13/ton	216.00/ton	239.00/ton	
Prescribed Fire Planning Document Evaluation Fee	76.45/hour	95.56/hour	108.12/hour	119.00/hour	

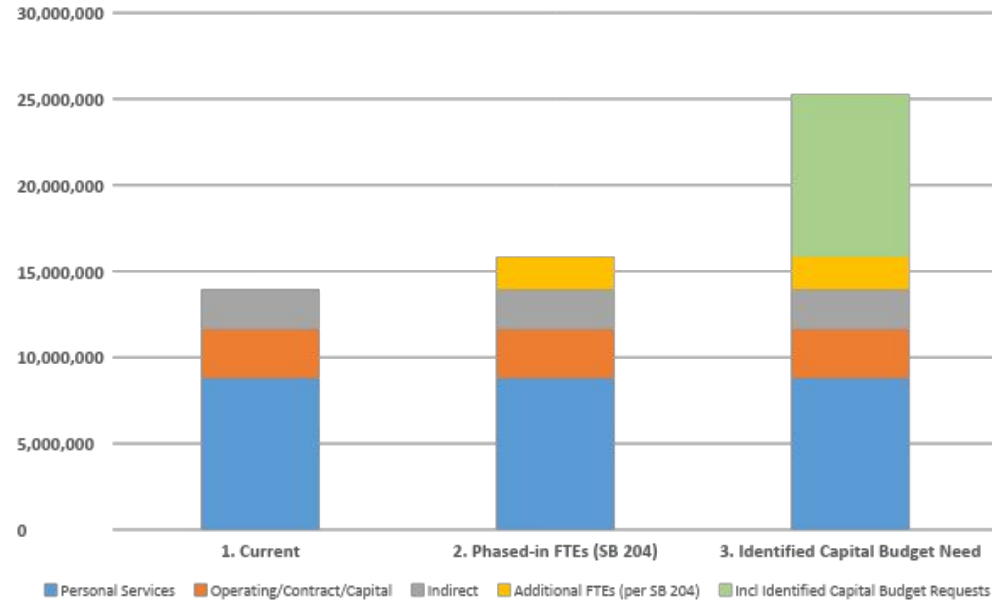


Projected Short-term and Long-term Capital Expenditures

Capital Expenditure Item	Total Amount
Stationary Sources Data Systems Modernization (FY23-27)	\$7,000,000*
Infrared Camera Replacement (FY23-27)	\$643,000*
Technical Services Equipment Replacement (FY 22-27)	\$1,797,900*

* Projected costs will continue to be refined

Stationary Sources - FY22 to FY27



Utilization and Funds Projection

- The Division continues to track the performance of the Stationary Source Control Fund and the impact of the economic downturn in order to maintain the division's ability to upgrade aging equipment, obtain staff needed to analyze and act on the data received, and upgrade information systems so the data can timely provide communities health risk information.
- Senate Bill 20-204 authorized 18.4 FTE to provide additional resources to maintain and/or improve air pollution standards from stationary sources, including addressing non-attainment of ozone levels, increasing compliance, monitoring, and inspections as well as developing additional information and identifying strategies to improve air emission strategies.
- The Stationary Sources Control Fund is projecting additional revenue later in FY21 and FY22 from the implementation of permitting of emission venting sources. This revenue stream is likely to provide one-time funds, which the division will evaluate in the context of overall available financial resources.
- As Colorado is successful in reducing emissions, revenue from emission fees will decline. At the same time, the need for the Air Pollution Control Division services will continue. The Department is beginning to assess any potential long-term issues.



In Conclusion

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

At CDPHE, we are passionate about making a meaningful impact.