

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0438.01 Kristen Forrestal x4217

HOUSE BILL 12-1083

HOUSE SPONSORSHIP

Sonnenberg,

SENATE SPONSORSHIP

Schwartz,

House Committees

Agriculture, Livestock, & Natural Resources
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MAINTENANCE OF THE CURRENT FEE STRUCTURE ON**
102 **CERTAIN FEEDING OPERATIONS UNDER THE "COLORADO**
103 **WATER QUALITY CONTROL ACT".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

In 2009, the general assembly increased the maximum annual fee that the water quality control agency in the division of administration of the department of public health and environment may impose upon concentrated animal feeding operations and housed commercial swine

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

feeding operations dischargers under the "Colorado Water Quality Control Act" until July 1, 2012. The bill maintains the current fee structure until July 1, 2015, in order to continue the environmental agriculture program.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25-8-502, **amend** (1)
3 (b) (I) (E), (1) (b) (I) (R), (1) (b) (I) (S), and (1) (g) as follows:

4 **25-8-502. Application - definitions - fees - water quality**
5 **control fund - animal feeding operations fund - public participation**
6 **- repeal.** (1) (b) (I) Except as otherwise provided by law, in addition to
7 the fees assessed pursuant to paragraphs (b.5), (b.6), (b.7), and (g) of this
8 subsection (1), the only fee the division may assess is an annual fee upon
9 a discharger, and such fee shall be in accordance with the following
10 schedule:

11 **Facility Categories and Subcategories for Permit Fees**

12 **Annual Fees**

13 (E) **Category 05 Concentrated animal feeding operations**
14 **(CAFOs)**

15 Subcategory 1 General permit: The division shall assess a CAFO
16 an annual permit fee, not to exceed \$250 plus \$0.04
17 per animal unit, based on the CAFO's permitted
18 capacity; except that, from July 1, 2009, through
19 ~~July 1, 2012~~ **JUNE 30, 2015**, the division shall assess
20 a CAFO an annual permit fee not to exceed \$750
21 plus \$0.09 per animal unit, based on the CAFO's
22 permitted capacity

23 Subcategory 2 Individual permit: The division shall assess a CAFO

1 an annual permit fee, not to exceed \$500 plus \$0.08
2 per animal unit, based on the CAFO's permitted
3 capacity; except that, from July 1, 2009, through
4 ~~July 1, 2012~~ JUNE 30, 2015, the division shall assess
5 a CAFO an annual permit fee not to exceed \$1,500
6 plus \$0.09 per animal unit, based on the CAFO's
7 permitted capacity

8 (R) **Category 24.5 Housed commercial swine feeding**
9 **operations**

10 Except as otherwise provided in this sub-subparagraph (R), the
11 division shall assess on each housed commercial swine feeding
12 operation an annual permit fee, not to exceed twenty cents per
13 animal, based on the operation's working capacity, to offset the
14 direct and indirect costs of the program created in section
15 25-8-501.1. From July 1, 2009, through ~~July 1, 2012~~ JUNE 30,
16 2015, the division shall assess on each housed commercial swine
17 feeding operation an annual permit fee that shall not exceed
18 twenty-six cents per animal, based on the operation's working
19 capacity, to offset the direct and indirect costs of the program
20 created in section 25-8-501.1. As used in this sub-subparagraph
21 (R), "working capacity" means the number of swine the housed
22 commercial swine feeding operation is capable of housing at any
23 one time.

24 (S) **Category 25 Permit Amendments** Should a permittee
25 holding a permit issued under any of categories 1 to 24 or 26 to 46 or,
26 through June 30, ~~2012~~ 2015, category 24.5, request an amendment to said
27 permit, the following fees shall apply:

1	Subcategory 1	Minor amendment - an amount equal to	
2		twenty-five percent of the annual fee	
3		for the permit being amended,	
4		not to exceed	\$ 2,810
5	Subcategory 2	Major amendment - an amount equal to	
6		fifty-five percent of the annual fee	
7		for the permit being amended,	
8		not to exceed	\$ 5,950

9 (g) (I) Effective July 1, 2009, through June 30, ~~2012~~ 2015, the
10 division shall assess unpermitted concentrated animal feeding operations
11 an annual administrative fee, not to exceed six cents per animal unit based
12 upon the CAFO's registered capacity, to cover the direct and indirect costs
13 associated with the environmental agriculture program, including
14 inspections, compliance assurance, compliance assistance, and associated
15 regulatory interpretation and review.

16 (II) This paragraph (g) is repealed, effective July 1, ~~2012~~ 2015.

17 **SECTION 2. Effective date.** This act takes effect July 1, 2012.

18 **SECTION 3. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.