

NOTE: The governor signed this measure on 6/4/2015.

An Act

HOUSE BILL 15-1249

BY REPRESENTATIVE(S) Becker K., Ginal, Pettersen, Salazar, Williams, Winter, Hullinghorst, Kraft-Tharp, Pabon, Rankin; also SENATOR(S) Hodge, Guzman, Merrifield, Newell, Steadman, Todd.

CONCERNING AMENDMENTS TO THE FEES ASSOCIATED WITH WATER POLLUTION CONTROL, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby:

(a) Finds that:

(I) The division of administration in the department of public health and environment permits discharges from, and is responsible for compliance oversight of, approximately four thousand storm water construction sites annually under both the "Colorado Water Quality Control Act", article 8 of title 25, Colorado Revised Statutes, and the "Federal Water Pollution Control Act";

(II) The federal environmental protection agency (EPA) also

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

performs many inspections of construction sites in Colorado under the "Federal Water Pollution Control Act" as a result of the EPA's determination that the division currently is not meeting federal oversight objectives on its own, and, specifically, the EPA will continue to conduct supplemental inspections until the division has the resources to inspect at least ten percent of its storm water permits each year, or has developed an identified program to meet comparable objectives;

(III) Concerns among the regulated community about inconsistent compliance standards between federal, state, and local governmental storm water construction site inspections, the over-reliance on penalty-based enforcement to achieve compliance, and other concerns led to the passage of H.B. 12-1119, which directed the division to collaborate with the construction industry to develop more responsive and streamlined processes for preventing violations of the "Colorado Water Quality Control Act";

(IV) According to the division's "Report to the General Assembly of the State of Colorado in accordance with Colorado House Bill 12-1119", stakeholders and the division recommended developing and implementing an alternative compliance assurance model that both allows for improved targeting of enforcement resources on chronic and recalcitrant violators while encouraging and facilitating proactive compliance; and

(V) Following up on the H.B. 12-1119 report, the division held a stakeholder process in 2014 to review fees for water quality discharge permits, and that stakeholder process further defined the compliance assurance model that could be implemented by the division if the division had additional resources;

(b) Determines that it is necessary to implement certain recommended solutions from the H.B. 12-1119 report and the subsequent stakeholder processes, including increasing division inspection resources, in order to:

(I) Create a compliance assurance model that would provide a more responsive and predictable process that would increase compliance assistance through increased inspection frequency, increased individual assistance, increased compliance assistance resources, and increased communication and follow-up after inspections, and provide consideration

for first-time violators with a focus on repeat offenders; and

(II) Meet EPA oversight objectives for annual inspection rates by the division, resulting in less EPA construction site oversight in Colorado and more consistent and predictable inspection standards for permit holders; and

(c) Declares that implementation of these recommendations justifies limited fee increases as supported by the construction sector that will pay the increased fees.

SECTION 2. In Colorado Revised Statutes, 25-8-502, **repeal and reenact, with amendments**, (1); and **add** (1.1), (1.2), (1.3), (1.4), (1.5), (1.6), and (1.7) as follows:

25-8-502. Application - definitions - fees - water quality control fund - animal feeding operation fund - public participation - repeal.
(1) FOR THE PURPOSES OF THIS SECTION:

(a) "ANIMAL FEEDING OPERATION" OR "CAFO" MEANS A LOT OR FACILITY, OTHER THAN AN AQUATIC ANIMAL PRODUCTION FACILITY, WHERE:

(I) ANIMALS, OTHER THAN AQUATIC ANIMALS, HAVE BEEN, ARE, OR WILL BE STABLED OR CONFINED AND FED OR MAINTAINED FOR A TOTAL OF FORTY-FIVE DAYS OR MORE IN ANY TWELVE-MONTH PERIOD; AND

(II) CROPS, VEGETATION, FORAGE GROWTH, OR POST-HARVEST RESIDUES ARE NOT SUSTAINED IN THE NORMAL GROWING SEASON OVER ANY PORTION OF THE LOT OR FACILITY.

(b) "CATEGORICAL EFFLUENT STANDARDS" MEANS THOSE STANDARDS ESTABLISHED BY THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO SECTION 307 (b) OF THE FEDERAL ACT.

(c) "DISCHARGE" MEANS THE DISCHARGE OF POLLUTANTS, AND INCLUDES LAND APPLICATION.

(d) "GALLONS PER DAY" IS BASED ON DESIGN CAPACITY OF THE FACILITY, NOT FLOW.

(e) "LAND APPLICATION" IS ANY DISCHARGE BEING APPLIED TO THE LAND FOR TREATMENT PURPOSES.

(f) "MUNICIPAL SEPARATE STORM SEWER SYSTEM" OR "MS4" MEANS A CONVEYANCE OR SYSTEM OF CONVEYANCES, INCLUDING ROADS WITH DRAINAGE SYSTEMS, MUNICIPAL STREETS, CATCH BASINS, CURBS, GUTTERS, DITCHES, MAN-MADE CHANNELS, OR STORM DRAINS, THAT IS:

(I) OWNED OR OPERATED BY A STATE, CITY, TOWN, COUNTY, DISTRICT, ASSOCIATION, OR OTHER PUBLIC BODY CREATED BY OR PURSUANT TO STATE LAW HAVING JURISDICTION OVER DISPOSAL OF SEWAGE, INDUSTRIAL WASTES, STORM WATER, OR OTHER WASTES, INCLUDING SPECIAL DISTRICTS UNDER STATE LAW SUCH AS A SEWER DISTRICT, FLOOD CONTROL DISTRICT OR DRAINAGE DISTRICT, OR SIMILAR ENTITY, OR A DESIGNATED AND APPROVED MANAGEMENT AGENCY UNDER SECTION 208 OF THE FEDERAL ACT THAT DISCHARGES TO STATE WATERS;

(II) DESIGNED OR USED FOR COLLECTING OR CONVEYING STORM WATER;

(III) NOT A COMBINED SEWER; AND

(IV) NOT PART OF A PUBLICLY OWNED TREATMENT WORKS.

(g) "SIGNIFICANT INDUSTRIAL DISCHARGER" MEAN AN INDUSTRIAL DISCHARGER THAT MEETS ONE OR MORE CRITERIA ESTABLISHED BY THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO SECTION 307 (b) OF THE FEDERAL ACT.

(1.1) FOR EACH REGULATED ACTIVITY LISTED IN THIS SUBSECTION (1.1), THE DIVISION MAY ASSESS AN ANNUAL PERMIT FEE AND A NONREFUNDABLE PERMIT APPLICATION FEE FOR NEW PERMITS THAT MUST EQUAL FIFTY PERCENT OF THE ANNUAL PERMIT FEE. THE FULL AMOUNT OF THE APPLICATION FEE IS CREDITED TOWARD THE ANNUAL PERMIT FEE. ALL SUCH FEES MUST BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULES:

(a) THE ANIMAL AGRICULTURE SECTOR INCLUDES ANNUAL FEE SCHEDULES FOR REGULATED ACTIVITIES ASSOCIATED WITH ANIMAL FEEDING OPERATIONS AS FOLLOWS:

(I) GENERAL PERMIT: THE DIVISION SHALL ASSESS A CAFO AN ANNUAL PERMIT FEE NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS PLUS FOUR CENTS PER ANIMAL UNIT, BASED ON THE CAFO'S PERMITTED CAPACITY; EXCEPT THAT, FROM JULY 1, 2009, THROUGH JUNE 30, 2018, THE DIVISION SHALL ASSESS A CAFO AN ANNUAL PERMIT FEE NOT TO EXCEED SEVEN HUNDRED FIFTY DOLLARS PLUS NINE CENTS PER ANIMAL UNIT, BASED ON THE CAFO'S PERMITTED CAPACITY.

(II) INDIVIDUAL PERMIT: THE DIVISION SHALL ASSESS A CAFO AN ANNUAL PERMIT FEE NOT TO EXCEED FIVE HUNDRED DOLLARS PLUS EIGHT CENTS PER ANIMAL UNIT, BASED ON THE CAFO'S PERMITTED CAPACITY; EXCEPT THAT, FROM JULY 1, 2009, THROUGH JUNE 30, 2018, THE DIVISION SHALL ASSESS A CAFO AN ANNUAL PERMIT FEE NOT TO EXCEED ONE THOUSAND FIVE HUNDRED DOLLARS PLUS NINE CENTS PER ANIMAL UNIT, BASED ON THE CAFO'S PERMITTED CAPACITY.

(III) (A) EFFECTIVE JULY 1, 2009, THROUGH JUNE 30, 2018, THE DIVISION SHALL ASSESS AN UNPERMITTED CAFO AN ANNUAL ADMINISTRATIVE FEE NOT TO EXCEED SIX CENTS PER ANIMAL UNIT BASED UPON THE CAFO'S REGISTERED CAPACITY, TO COVER THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE ENVIRONMENTAL AGRICULTURE PROGRAM, INCLUDING INSPECTIONS, COMPLIANCE ASSURANCE, COMPLIANCE ASSISTANCE, AND ASSOCIATED REGULATORY INTERPRETATION AND REVIEW.

(B) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE JULY 1, 2018.

(IV) (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH (IV), THE DIVISION SHALL ASSESS ON EACH HOUSED COMMERCIAL SWINE FEEDING OPERATION AN ANNUAL PERMIT FEE, NOT TO EXCEED TWENTY CENTS PER ANIMAL, BASED ON THE OPERATION'S WORKING CAPACITY, TO OFFSET THE DIRECT AND INDIRECT COSTS OF THE PROGRAM CREATED IN SECTION 25-8-501.1.

(B) FROM JULY 1, 2009, THROUGH JUNE 30, 2018, THE DIVISION SHALL ASSESS ON EACH HOUSED COMMERCIAL SWINE FEEDING OPERATION AN ANNUAL PERMIT FEE THAT SHALL NOT EXCEED TWENTY-SIX CENTS PER ANIMAL, BASED ON THE OPERATION'S WORKING CAPACITY, TO OFFSET THE DIRECT AND INDIRECT COSTS OF THE PROGRAM CREATED IN SECTION 25-8-501.1. THIS SUB-SUBPARAGRAPH (B) IS REPEALED, EFFECTIVE JULY 1,

2018.

(C) AS USED IN THIS SUBPARAGRAPH (IV), "WORKING CAPACITY" MEANS THE NUMBER OF SWINE THE HOUSED COMMERCIAL SWINE FEEDING OPERATION IS CAPABLE OF HOUSING AT ANY ONE TIME.

(b) THE COMMERCE AND INDUSTRY SECTOR INCLUDES ANNUAL FEE SCHEDULES FOR REGULATED ACTIVITIES ASSOCIATED WITH MINING, HYDROCARBON REFINING, SUGAR PROCESSING, INDUSTRIAL STORM WATER, UTILITIES NOT INCLUDED IN THE PRIVATE AND PUBLIC UTILITIES SECTOR, MANUFACTURING ACTIVITIES, COMMERCIAL ACTIVITIES, AND ALL OTHER INDUSTRIAL ACTIVITIES AS FOLLOWS:

**FACILITY CATEGORIES AND SUBCATEGORIES
FOR PERMIT FEES WITHIN THE COMMERCE
AND INDUSTRY SECTOR**

ANNUAL FEES

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| (I) SAND AND GRAVEL AND PLACER MINING: | |
| (A) PIT DEWATERING ONLY | \$500 |
| (B) PIT DEWATERING OR WASH-WATER DISCHARGE | \$570 |
| (C) MERCURY USE WITH DISCHARGE IMPACT | \$640 |
| (D) STORM WATER DISCHARGE ONLY | \$435 |
| (II) COAL MINING: | |
| (A) SEDIMENTATION PONDS, SURFACE RUNOFF ONLY | \$980 |
| (B) MINE WATER, PREPARATION PLANT DISCHARGE | \$1,320 |
| (III) HARDROCK MINING: | |
| (A) MINE DEWATERING FROM 0 UP TO 49,999 GALLONS PER DAY | \$1,140 |

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| (B) MINE DEWATERING FROM 50,000 UP TO 999,999 GALLONS PER DAY | \$2,150 |
| (C) MINE DEWATERING, 1,000,000 GALLONS PER DAY OR MORE | \$3,280 |
| (D) MINE DEWATERING AND MILLING WITH NO DISCHARGE | \$3,280 |
| (E) MINE DEWATERING AND MILLING WITH DISCHARGE | \$9,880 |
| (F) NO DISCHARGE | \$1,140 |
| (G) MILLING WITH DISCHARGE FROM 0 UP TO 49,999 GALLONS PER DAY | \$3,350 |
| (H) MILLING WITH DISCHARGE, 50,000 GALLONS PER DAY OR MORE | \$6,680 |
| (IV) OIL SHALE: | |
| (A) SEDIMENTATION PONDS, SURFACE RUNOFF ONLY | \$1,990 |
| (B) MINE WATER FROM 0 UP TO 49,999 GALLONS PER DAY | \$2,150 |
| (C) MINE WATER FROM 50,000 UP TO 999,999 GALLONS PER DAY | \$2,670 |
| (D) MINE WATER FROM 1,000,000 GALLONS PER DAY OR MORE | \$2,600 |
| (E) MINE WATER AND PROCESS WATER DISCHARGE | \$9,880 |
| (F) NO DISCHARGE | \$1,830 |
| (V) GENERAL PERMITS: | |
| (A) SAND AND GRAVEL WITH PROCESS DISCHARGE AND STORM WATER | \$270 |

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| (B) SAND AND GRAVEL WITHOUT PROCESS DISCHARGE - STORM WATER ONLY | \$75 |
| (C) PLACER MINING | \$520 |
| (D) COAL MINING | \$780 |
| (E) INDUSTRIAL - SINGLE MUNICIPAL INDUSTRIAL - STORM WATER ONLY | \$185 |
| (F) ACTIVE MINERAL MINES LESS THAN TEN ACRES - STORM WATER ONLY | \$125 |
| (G) ACTIVE MINERAL MINES - TEN ACRES OR MORE - STORM WATER ONLY | \$375 |
| (H) INACTIVE MINERAL MINES - STORM WATER ONLY | \$75 |
| (I) DEPARTMENT OF TRANSPORTATION - SAND AND GRAVEL STORM-WATER PERMIT | \$4,360 |
| (J) COAL DEGASIFICATION - PROCESS WATER FROM 0 UP TO 49,999 GALLONS PER DAY | \$2,150 |
| (K) COAL DEGASIFICATION - PROCESS WATER FROM 50,000 UP TO 99,999 GALLONS PER DAY | \$3,280 |
| (L) COAL DEGASIFICATION - PROCESS WATER, 100,000 GALLONS PER DAY OR MORE | \$9,880 |
| (M) MINIMAL DISCHARGE OF INDUSTRIAL OR COMMERCIAL WASTE WATERS - GENERAL PERMIT | \$630 |
| (VI) POWER PLANTS: | |
| (A) COOLING WATER ONLY, NO DISCHARGE | \$1,140 |
| (B) PROCESS WATER FROM 0 UP TO 49,999 GALLONS PER DAY | \$2,150 |

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| (C) PROCESS WATER FROM 50,000 UP TO 999,999 GALLONS PER DAY | \$3,280 |
| (D) PROCESS WATER FROM 1,000,000 UP TO 4,999,999 GALLONS PER DAY | \$9,880 |
| (E) PROCESS WATER, 5,000,000 GALLONS PER DAY OR MORE | \$9,880 |
| (VII) SUGAR PROCESSING: | |
| (A) COOLING WATER ONLY, NO DISCHARGE | \$1,210 |
| (B) PROCESS WATER FROM 0 UP TO 49,999 GALLONS PER DAY | \$1,480 |
| (C) PROCESS WATER FROM 50,000 UP TO 999,999 GALLONS PER DAY | \$3,700 |
| (D) PROCESS WATER FROM 1,000,000 UP TO 4,999,999 GALLONS PER DAY | \$9,880 |
| (E) PROCESS WATER, 5,000,000 GALLONS PER DAY OR MORE | \$9,880 |
| (VIII) PETROLEUM REFINING: | |
| (A) COOLING WATER ONLY, NO DISCHARGE | \$1,140 |
| (B) PROCESS WATER FROM 0 UP TO 49,999 GALLONS PER DAY | \$2,560 |
| (C) PROCESS WATER FROM 50,000 UP TO 999,999 GALLONS PER DAY | \$3,285 |
| (D) PROCESS WATER FROM 1,000,000 UP TO 4,999,999 GALLONS PER DAY | \$9,880 |
| (E) PROCESS WATER, 5,000,000 GALLONS PER DAY OR MORE | \$9,880 |

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| (IX) FISH HATCHERIES | \$820 |
| (X) MANUFACTURING AND OTHER INDUSTRY: | |
| (A) COOLING WATER ONLY | \$1,140 |
| (B) PROCESS WATER FROM 0 UP TO 49,999 GALLONS PER DAY | \$2,150 |
| (C) PROCESS WATER FROM 50,000 UP TO 999,999 GALLONS PER DAY | \$3,280 |
| (D) PROCESS WATER FROM 1,000,000 UP TO 4,999,999 GALLONS PER DAY | \$9,880 |
| (E) PROCESS WATER FROM 5,000,000 UP TO 19,999,999 GALLONS PER DAY | \$12,140 |
| (F) PROCESS WATER, 20,000,000 GALLONS PER DAY OR MORE | \$19,760 |
| (G) NO DISCHARGE | \$1,480 |
| (H) AMUSEMENT AND RECREATION SERVICES | \$1,480 |
| (XI) INDIVIDUAL INDUSTRIAL STORM-WATER PERMITS: | |
| (A) INDIVIDUAL INDUSTRIAL - LESS THAN TEN ACRES | \$295 |
| (B) INDIVIDUAL INDUSTRIAL - TEN ACRES OR MORE | \$375 |
| (C) INDIVIDUAL INDUSTRIAL - STORM WATER ONLY - INTERNATIONAL AIRPORTS | \$6,220 |

(c) THE CONSTRUCTION SECTOR INCLUDES ANNUAL FEE SCHEDULES FOR REGULATED ACTIVITIES ASSOCIATED WITH CONSTRUCTION ACTIVITIES AS FOLLOWS:

**FACILITY CATEGORIES AND
SUBCATEGORIES FOR PERMIT FEES WITHIN**

THE CONSTRUCTION SECTOR

ANNUAL FEES

(I) INDIVIDUAL PERMITS. THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JULY 1, 2016:

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| (A) PROCESS WATER FROM 0 UP TO 49,999 GALLONS PER DAY | \$2,150 |
| (B) PROCESS WATER FROM 50,000 UP TO 999,999 GALLONS PER DAY | \$3,280 |
| (C) PROCESS WATER FROM 1,000,000 UP TO 4,999,999 GALLONS PER DAY | \$9,880 |
| (D) PROCESS WATER FROM 5,000,000 UP TO 19,999,999 GALLONS PER DAY | \$12,140 |
| (E) PROCESS WATER, 20,000,000 GALLONS PER DAY OR MORE | \$19,760 |

(II) GENERAL PERMITS:

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| (A) CONSTRUCTION DEWATERING. THIS SUB- SUBPARAGRAPH (A) IS REPEALED, EFFECTIVE JULY 1, 2016. | \$500 |
| (B) OIL AND GAS CLEANUP. THIS SUB-SUBPARAGRAPH (B) IS REPEALED, EFFECTIVE JULY 1, 2016. | \$1,840 |
| (C) CONSTRUCTION - STORM WATER ONLY; 1 TO LESS THAN 5 ACRES OF DISTURBED AREA. THIS SUB- SUBPARAGRAPH (C) IS REPEALED, EFFECTIVE JULY 1, 2016. | \$245 |
| (D) CONSTRUCTION - STORM WATER ONLY; 5 ACRES OR MORE OF DISTURBED AREA. THIS SUB- SUBPARAGRAPH (D) IS REPEALED, EFFECTIVE | |

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| JULY 1, 2016. | \$245 |
| (E) DEPARTMENT OF TRANSPORTATION (DOT) - STORM-WATER CONSTRUCTION DISCHARGES FROM PROJECTS WHERE DOT IS THE PERMITTEE - STATEWIDE PERMIT | \$9,400 |
| (F) MINIMAL DISCHARGE OF INDUSTRIAL OR COMMERCIAL WASTEWATER | \$630 |
| (G) LOW COMPLEXITY, EFFECTIVE ON AND AFTER JULY 1, 2016 | \$820 |
| (H) HIGH COMPLEXITY, EFFECTIVE ON AND AFTER JULY 1, 2016 | \$2,000 |
| (I) CONSTRUCTION - STORM WATER ONLY; LESS THAN 1 ACRE OF DISTURBED AREA, EFFECTIVE ON AND AFTER JULY 1, 2016 | \$165 |
| (J) CONSTRUCTION - STORM WATER ONLY; FROM 1 ACRE TO LESS THAN 30 ACRES, EFFECTIVE ON AND AFTER JULY 1, 2016 | \$350 |
| (K) CONSTRUCTION - STORM WATER ONLY; 30 ACRES OR MORE OF DISTURBED AREA, EFFECTIVE ON AND AFTER JULY 1, 2016 | \$540 |

(III) EFFECTIVE ON AND AFTER JULY 1, 2016, THE FEE FOR AN INDIVIDUAL PERMIT FOR CONSTRUCTION ACTIVITY IS FOUR THOUSAND FOUR HUNDRED DOLLARS; AND

(IV) THE DIVISION SHALL USE THE REVENUE GENERATED BY THE FEES CONTAINED IN SUB-SUBPARAGRAPHS (G), (H), (I), (J), AND (K) OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (c) AND SUBPARAGRAPHS (I) AND (III) OF THIS PARAGRAPH (c) TO CONTINUE TO FUND THE ADMINISTRATION AND OVERSIGHT OF THE CONSTRUCTION SECTOR AND SHALL USE THE INCREASED REVENUE, WHEN COMPARED WITH THE REVENUE GENERATED BY THE FEES CONTAINED IN SUBCATEGORIES 2, 8, 9A, AND 9B OF SUB-SUBPARAGRAPH (G) AND SUB-SUBPARAGRAPHS (H), (I), (J), AND (L) OF

SUBPARAGRAPH (I) OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION AS IT EXISTED ON JUNE 30, 2016, TO FUND NEW SERVICES PROVIDED UNDER THE ALTERNATIVE COMPLIANCE ASSURANCE MODEL. THE DIVISION SHALL NOT USE THE INCREASED REVENUE TO FUND ADDITIONAL ENFORCEMENT STAFF. THE DIVISION MAY USE THE INCREASED REVENUE FOR THE FOLLOWING PURPOSES:

(A) INCREASING INSPECTIONS OF THE CONSTRUCTION SECTOR TO MEET COMPLIANCE OBJECTIVES IDENTIFIED BY THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY;

(B) IMPLEMENTING A COMPLIANCE STRATEGY THAT RELIES ON INCREASED ASSISTANCE AND FOLLOW-UP TO OBTAIN AN OVERALL INCREASE IN COMPLIANCE INSTEAD OF INCREASED RELIANCE ON ENFORCEMENT;

(C) TARGETING ADDITIONAL COMPLIANCE ASSISTANCE TOWARDS PERMITTEES TO SEEK INCREASED COMPLIANCE, INCLUDING: STREAMLINED SITE VISITS THAT PROVIDE INITIAL ASSISTANCE CONSULTATIONS AND INCREASED ASSISTANCE RESOURCES SUCH AS GUIDANCE DOCUMENTS, PRESENTATIONS, AND ON-LINE RESOURCES; REVIEW AND RESPONSE TO THE INSPECTED ENTITY'S WRITTEN RESPONSE TO THE INSPECTION; FOLLOW-UP INSPECTIONS AND ADDITIONAL INSPECTIONS FOR OWNERS AND OPERATORS WITH SYSTEMIC VIOLATIONS; AND INCREASED OVERALL INSPECTION FREQUENCY;

(D) MAINTAINING AND INCREASING CURRENT SERVICE LEVELS OF ADMINISTRATION AND OVERSIGHT FOR THE DIVISION'S STORM WATER MANAGEMENT SYSTEM ADMINISTRATOR PROGRAM; AND

(E) TARGETING ENFORCEMENT TOWARDS OPERATORS THAT SHOW CHRONIC VIOLATIONS, SIGNIFICANT VIOLATIONS, OR RECALCITRANT RESPONSE ACTIONS.

(d) THE PESTICIDE SECTOR INCLUDES ANNUAL FEE SCHEDULES FOR REGULATED ACTIVITIES ASSOCIATED WITH PESTICIDE APPLICATIONS THAT ARE REGULATED UNDER THE FEDERAL ACT AS FOLLOWS: FOR A GENERAL PERMIT, DECISION MAKERS WITH PESTICIDE APPLICATION ON OR OVER WATERS OF THE STATE THAT ARE SUBJECT TO ANNUAL REPORTING REQUIREMENTS UNDER THE PESTICIDE GENERAL PERMIT, AN ANNUAL FEE OF TWO HUNDRED SEVENTY-FIVE DOLLARS.

(e) THE PUBLIC AND PRIVATE UTILITIES SECTOR INCLUDES ANNUAL FEE SCHEDULES FOR REGULATED ACTIVITIES ASSOCIATED WITH THE OPERATION OF DOMESTIC WASTEWATER TREATMENT WORKS, WATER TREATMENT FACILITIES, RECLAIMED WATER SYSTEMS, MUNICIPAL SEPARATE STORM SEWER SYSTEMS, AND INDUSTRIAL OPERATIONS THAT DISCHARGE TO A DOMESTIC WASTEWATER TREATMENT WORKS AS FOLLOWS:

**FACILITY CATEGORIES AND SUBCATEGORIES FOR
PERMIT FEES WITHIN THE PUBLIC AND
PRIVATE UTILITIES SECTOR**

ANNUAL FEES

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| (I) WATER TREATMENT PLANTS: | |
| (A) INTERMITTENT DISCHARGE | \$570 |
| (B) ROUTING DISCHARGE | \$820 |
| (II) GENERAL PERMITS: | |
| (A) WATER TREATMENT PLANTS - INTERMITTENT DISCHARGE | \$475 |
| (B) WATER TREATMENT PLANTS - ROUTINE DISCHARGE | \$715 |
| (C) DISCHARGES ASSOCIATED WITH TREATED WATER DISTRIBUTION SYSTEMS FOR A POPULATION OF 3,300 OR FEWER | \$105 |
| (D) DISCHARGES ASSOCIATED WITH TREATED WATER DISTRIBUTION SYSTEMS FOR A POPULATION FROM 3,301 UP TO 9,999 | \$210 |
| (E) DISCHARGES ASSOCIATED WITH TREATED WATER DISTRIBUTION SYSTEMS FOR A POPULATION OF 10,000 OR MORE | \$315 |
| (III) DOMESTIC WASTEWATER - LAGOONS: | |

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| (A) SEWAGE FROM 0 UP TO 49,999 GALLONS PER DAY | \$525 |
| (B) SEWAGE FROM 50,000 UP TO 99,999 GALLONS PER DAY | \$845 |
| (C) SEWAGE FROM 100,000 UP TO 499,999 GALLONS PER DAY | \$1,230 |
| (D) SEWAGE FROM 500,000 UP TO 999,999 GALLONS PER DAY | \$2,120 |
| (E) SEWAGE FROM 1,000,000 UP TO 1,999,999 GALLONS PER DAY | \$3,170 |
| (F) SEWAGE, 2,000,000 GALLONS PER DAY OR MORE | \$6,460 |
| (IV) DOMESTIC WASTEWATER - MECHANICAL PLANTS: | |
| (A) SEWAGE FROM 0 UP TO 19,999 GALLONS PER DAY | \$615 |
| (B) SEWAGE FROM 20,000 UP TO 49,999 GALLONS PER DAY | \$980 |
| (C) SEWAGE FROM 50,000 UP TO 99,999 GALLONS PER DAY | \$1,440 |
| (D) SEWAGE FROM 100,000 UP TO 499,999 GALLONS PER DAY | \$2,240 |
| (E) SEWAGE FROM 500,000 UP TO 999,999 GALLONS PER DAY | \$3,720 |
| (F) SEWAGE FROM 1,000,000 UP TO 2,499,999 GALLONS PER DAY | \$6,090 |
| (G) SEWAGE FROM 2,500,000 UP TO 9,999,999 GALLONS PER DAY | \$11,410 |
| (H) SEWAGE FROM 10,000,000 UP TO 49,999,999 GALLONS PER DAY | \$19,780 |

(I) SEWAGE FROM 50,000,000 UP TO 99,999,999 GALLONS PER DAY \$22,820

(J) SEWAGE, 100,000,000 GALLONS PER DAY OR MORE \$25,100

(V) DOMESTIC FACILITIES DISCHARGE TO UNCLASSIFIED WATERS - GENERAL PERMIT:

(A) SEWAGE FROM 0 UP TO 49,999 GALLONS PER DAY \$455

(B) SEWAGE FROM 50,000 UP TO 199,999 GALLONS PER DAY \$800

(C) SEWAGE FROM 200,000 UP TO 599,999 GALLONS PER DAY \$1,170

(D) SEWAGE FROM 600,000 UP TO 999,999 GALLONS PER DAY \$1,860

(VI) INDUSTRIAL DISCHARGERS SUBJECT TO CATEGORICAL EFFLUENT STANDARDS DISCHARGING TO PUBLICLY OWNED TREATMENT WORKS WITH PRETREATMENT PROGRAMS, NOT INCLUDING CATEGORICAL INDUSTRIES SUBJECT TO ZERO-DISCHARGE STANDARDS:

(A) VERY LOW FLOW - LESS THAN 100 GALLONS PER DAY \$292

(B) 100 UP TO 9,999 GALLONS PER DAY \$699

(C) 10,000 UP TO 50,000 GALLONS PER DAY \$1,047

(D) MORE THAN 50,000 GALLONS PER DAY \$1,397

(VII) ALL OTHER SIGNIFICANT INDUSTRIAL DISCHARGERS DISCHARGING TO PUBLICLY OWNED TREATMENT WORKS WITH PRETREATMENT, INCLUDING CATEGORICAL INDUSTRIES SUBJECT TO ZERO-DISCHARGE STANDARDS:

(A) LESS THAN 10,000 GALLONS PER DAY \$175

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| (B) 10,000 UP TO 50,000 GALLONS PER DAY | \$349 |
| (C) MORE THAN 50,000 GALLONS PER DAY | \$465 |
| (D) PIT DEWATERING ONLY | \$270 |

(VIII) INDUSTRIAL DISCHARGERS SUBJECT TO CATEGORICAL EFFLUENT STANDARDS DISCHARGING TO PUBLICLY OWNED TREATMENT WORKS WITHOUT PRETREATMENT PROGRAMS, NOT INCLUDING CATEGORICAL INDUSTRIES SUBJECT TO ZERO DISCHARGE STANDARDS:

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| (A) LESS THAN 10,000 GALLONS PER DAY | \$815 |
| (B) 10,000 UP TO 50,000 GALLONS PER DAY | \$1,280 |
| (C) MORE THAN 50,000 GALLONS PER DAY | \$1,746 |

(IX) ALL OTHER SIGNIFICANT INDUSTRIAL DISCHARGERS DISCHARGING TO PUBLICLY OWNED TREATMENT WORKS WITHOUT PRETREATMENT PROGRAMS, INCLUDING CATEGORICAL INDUSTRIES SUBJECT TO ZERO-DISCHARGE STANDARDS:

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| (A) LESS THAN 10,000 GALLONS PER DAY | \$349 |
| (B) 10,000 UP TO 50,000 GALLONS PER DAY | \$524 |
| (C) MORE THAN 50,000 GALLONS PER DAY | \$699 |

(X) DOMESTIC WASTEWATER - LAGOONS:

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|---|------|
| (A) SEWAGE FROM 0 UP TO 49,999 GALLONS PER DAY | \$75 |
| (B) SEWAGE FROM 50,000 UP TO 99,999 GALLONS PER DAY | \$75 |
| (C) SEWAGE FROM 100,000 UP TO 499,999 GALLONS PER DAY | \$75 |
| (D) SEWAGE FROM 500,000 UP TO 999,999 GALLONS PER DAY | \$75 |

| | |
|--|-------|
| (E) SEWAGE FROM 1,000,000 UP TO 2,499,999 GALLONS PER DAY | \$81 |
| (F) SEWAGE, 2,500,000 GALLONS PER DAY OR MORE | \$94 |
| (XI) DOMESTIC WASTEWATER - MECHANICAL PLANTS: | |
| (A) SEWAGE FROM 0 UP TO 19,999 GALLONS PER DAY | \$75 |
| (B) SEWAGE FROM 20,000 UP TO 49,999 GALLONS PER DAY | \$75 |
| (C) SEWAGE FROM 50,000 UP TO 99,999 GALLONS PER DAY | \$75 |
| (D) SEWAGE FROM 100,000 UP TO 499,999 GALLONS PER DAY | \$75 |
| (E) SEWAGE FROM 500,000 UP TO 999,999 GALLONS PER DAY | \$75 |
| (F) SEWAGE FROM 1,000,000 UP TO 2,499,999 GALLONS PER DAY | \$81 |
| (G) SEWAGE FROM 2,500,000 UP TO 9,999,999 GALLONS PER DAY | \$94 |
| (H) SEWAGE FROM 10,000,000 UP TO 49,999,999 GALLONS PER DAY | \$105 |
| (I) SEWAGE FROM 50,000,000 UP TO 99,999,999 GALLONS PER DAY | \$117 |
| (J) SEWAGE, 100,000,000 GALLONS PER DAY OR MORE | \$128 |
| (XII) WASTEWATER REUSE AUTHORIZATIONS: | |
| (A) FACILITY CAPACITY OF LESS THAN 100,000 GALLONS PER DAY | \$450 |
| (B) FACILITY CAPACITY FROM 100,000 GALLONS TO | |

| | |
|---|---------|
| 499,999 GALLONS PER DAY | \$840 |
| (C) FACILITY CAPACITY FROM 500,000 GALLONS TO 999,999 GALLONS PER DAY | \$1,400 |
| (D) FACILITY CAPACITY FROM 1,000,000 GALLONS TO 2,499,999 GALLONS PER DAY | \$2,300 |
| (E) FACILITY CAPACITY FROM 2,500,000 GALLONS TO 9,999,999 GALLONS PER DAY | \$4,300 |
| (F) FACILITY CAPACITY, 10,000,000 GALLONS PER DAY OR MORE | \$6,300 |
| (XIII) MS4 GENERAL PERMITS: | |
| (A) STORM WATER MUNICIPAL FOR A POPULATION OF 10,000 OR FEWER | \$355 |
| (B) STORM WATER MUNICIPAL FOR A POPULATION FROM 10,000 UP TO 49,999 | \$810 |
| (C) STORM WATER MUNICIPAL FOR A POPULATION FROM 50,000 UP TO 100,000 | \$2,020 |
| (D) STORM WATER MUNICIPAL FOR A POPULATION OF 100,000 OR MORE | \$4,050 |
| (XIV) MS4 INDIVIDUAL PERMITS: | |
| (A) MUNICIPALITIES WITH A POPULATION FROM 10,000 UP TO 49,999 | \$1,245 |
| (B) MUNICIPALITIES WITH A POPULATION FROM 50,000 UP TO 99,999 | \$3,110 |
| (C) MUNICIPALITIES WITH A POPULATION FROM 100,000 UP TO 249,999 | \$6,225 |
| (D) MUNICIPALITIES WITH A POPULATION OF | |

250,000 OR MORE

\$10,580

- (E) STATEWIDE PERMIT FOR MUNICIPAL SEPARATE STORM-WATER SYSTEMS, OWNED OR OPERATED BY THE DEPARTMENT OF TRANSPORTATION, IN MUNICIPAL AREAS WHERE STORM WATER PERMITS ARE REQUIRED \$4,360

(1.2) (a) FOR THE ACTIVITIES LISTED IN THIS SUBSECTION (1.2) ASSOCIATED WITH REVIEWING REQUESTS FOR CERTIFICATIONS UNDER SECTION 401 OF THE FEDERAL ACT AND THIS ARTICLE, KNOWN AS "401 CERTIFICATES", THE DIVISION MAY ASSESS A FEE FOR THE REVIEW, AND ALL SUCH FEES MUST BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULES:

(I) THE FEE FOR A TIER 1 PROJECT IS ONE THOUSAND ONE HUNDRED DOLLARS, WHICH MUST BE SUBMITTED WITH THE CERTIFICATION APPLICATION. TIER 1 PROJECTS ARE PROJECTS THAT INCUR MINIMAL COSTS AND MINIMAL WATER QUALITY IMPACTS. TIER 1 INCLUDES CERTIFICATIONS OF CHANNEL STABILIZATION PROJECTS AND SINGLE DRAINAGE IMPROVEMENT PROJECTS. TYPICAL CHARACTERISTICS OF TIER 1 PROJECTS MAY INCLUDE ALL OR SOME OF THE FOLLOWING:

- (A) THE POTENTIAL FOR MINIMAL IMPACTS TO WATER QUALITY;
- (B) A LOW LEVEL OF PUBLIC PARTICIPATION;
- (C) NO MORE THAN STANDARD COORDINATION WITH FEDERAL, STATE, OR LOCAL AGENCIES MAY BE REQUIRED;
- (D) LIMITED TECHNICAL ASSISTANCE MAY BE NEEDED.

(II) THE FEE FOR A TIER 2 PROJECT IS THREE THOUSAND EIGHT HUNDRED DOLLARS, WHICH MUST BE SUBMITTED WITH THE CERTIFICATION APPLICATION. TIER 2 PROJECTS ARE PROJECTS THAT INCUR MODERATE COSTS AND POTENTIAL WATER QUALITY IMPACTS. TIER 2 INCLUDES CERTIFICATIONS OF PROJECTS THAT AFFECT MULTIPLE DRAINAGES. TYPICAL CHARACTERISTICS OF TIER 2 PROJECTS MAY INCLUDE ALL OR SOME OF THE FOLLOWING:

- (A) THE POTENTIAL FOR MINIMAL IMPACTS TO WATER QUALITY;

(B) A BASIC TO HIGH LEVEL OF PUBLIC PARTICIPATION MAY BE REQUIRED WITH POTENTIAL FOR PARTICIPATION IN PUBLIC MEETINGS OR HEARINGS HELD BY OUTSIDE PARTIES;

(C) MORE THAN THE STANDARD LEVEL OF COORDINATION WITH MULTIPLE FEDERAL, STATE, OR LOCAL AGENCIES MAY BE REQUIRED, INCLUDING ONE OR MORE MEETINGS OR PRE-APPLICATION SITE VISITS;

(D) A MODERATE AND ONGOING LEVEL OF TECHNICAL ASSISTANCE MAY BE NEEDED;

(E) COMPENSATORY MITIGATION REVIEW MAY BE REQUIRED;

(F) REVIEW OF A FULL EVALUATION AND FINDINGS REPORT IF NEEDED; OR

(G) IF THE CERTIFICATION IS APPEALED, ADDRESSING AN APPEAL OF THE DIVISION'S WATER QUALITY CERTIFICATION TO THE COMMISSION PURSUANT TO SECTIONS 25-8-202 (1) (k), 25-8-302 (1) (f), AND 25-8-401.

(III) THE FEE FOR A TIER 3 PROJECT IS CALCULATED ON AN HOURLY RATE BASED ON THE ACTUAL COSTS OF DIVISION STAFF AND CONTRACTOR TIME. TIER 3 PROJECTS ARE PROJECTS THAT INVOLVE A LARGE WATERSHED AREA, A HIGH DEGREE OF COMPLEXITY, OR HIGH POTENTIAL FOR WATER QUALITY IMPACTS. TIER 3 INCLUDES CERTIFICATIONS OF FEDERAL ENERGY REGULATORY COMMISSION RELICENSING PROJECTS OR PROJECTS INVOLVING MORE LONG-TERM WATER QUALITY IMPACTS. TYPICAL CHARACTERISTICS OF TIER 3 PROJECTS MAY INCLUDE ALL OR SOME OF THE FOLLOWING:

(A) THE POTENTIAL FOR GREATER, PERMANENT WATER QUALITY IMPACTS IF ONE OR MORE OF THE FOLLOWING OCCURS: THE WATER BODY IS IDENTIFIED AS NOT ATTAINING WATER QUALITY STANDARDS; OR MULTIPLE STREAM OR LAKE SEGMENTS AS ESTABLISHED BY SECTION 25-8-203 ARE AFFECTED;

(B) A HIGH LEVEL OF PUBLIC PARTICIPATION, INCLUDING EXTENSIVE PUBLIC COMMENTS AND THE POTENTIAL FOR ONE OR MORE PUBLIC MEETINGS OR HEARINGS CONDUCTED BY THE DIVISION OR OUTSIDE PARTIES;

(C) SUBSTANTIALLY MORE THAN STANDARD COORDINATION WITH

MULTIPLE FEDERAL, STATE, OR LOCAL AGENCIES MAY BE REQUIRED, INCLUDING ONE OR MORE MEETINGS;

(D) A HIGH LEVEL OF ITERATIVE TECHNICAL ASSISTANCE MAY BE REQUIRED OR SUBSTANTIVE PROJECT REVISIONS MAY BE RECEIVED;

(E) THE POTENTIAL FOR COMPLEX COMPENSATORY MITIGATION REVIEW;

(F) A SITE VISIT MAY BE NEEDED TO UNDERSTAND IMPACTS AND ADVISE ON POTENTIAL ALTERNATIVES;

(G) THE REVIEW OF A FULL EVALUATION AND FINDINGS REPORT IF NEEDED; OR

(H) IF THE CERTIFICATION IS APPEALED, ADDRESSING AN APPEAL OF THE DIVISION'S WATER QUALITY CERTIFICATION TO THE COMMISSION PURSUANT TO SECTIONS 25-8-202 (1) (k), 25-8-302 (1) (f) AND 25-8-401.

(IV) THE FEE FOR A TIER 4 PROJECT IS CALCULATED ON AN HOURLY RATE BASED ON THE ACTUAL COSTS OF DIVISION STAFF AND CONTRACTOR TIME. TIER 4 PROJECTS ARE PROJECTS THAT INVOLVE MULTIPLE OR LARGE WATERSHED AREAS, A VERY HIGH DEGREE OF COMPLEXITY, VERY HIGH POTENTIAL FOR WATER QUALITY IMPACTS, OR A HIGH LEVEL OF PUBLIC PARTICIPATION. TIER 4 INCLUDES TRANSMOUNTAIN WATER SUPPLY PROJECTS. TYPICAL CHARACTERISTICS OF TIER 4 PROJECTS MAY INCLUDE ALL OR SOME OF THE FOLLOWING:

(A) THE POTENTIAL FOR GREATER WATER QUALITY IMPACTS IF ONE OR MORE OF THE FOLLOWING OCCURS: THE WATER BODY IS IDENTIFIED AS NOT ATTAINING WATER QUALITY STANDARDS; OR MULTIPLE STREAM OR LAKE SEGMENTS AS ESTABLISHED BY SECTION 25-8-203 ARE AFFECTED;

(B) A HIGH LEVEL OF PUBLIC PARTICIPATION, INCLUDING EXTENSIVE PUBLIC COMMENTS AND THE POTENTIAL FOR ONE OR MORE PUBLIC MEETINGS OR HEARINGS CONDUCTED BY THE DIVISION OR OUTSIDE PARTIES;

(C) SUBSTANTIALLY MORE COORDINATION THAN IS STANDARD WITH MULTIPLE FEDERAL, STATE, OR LOCAL AGENCIES MAY BE REQUIRED, INCLUDING ONE OR MORE MEETINGS;

(D) A HIGH LEVEL OF ITERATIVE TECHNICAL ASSISTANCE MAY BE REQUIRED OR SUBSTANTIVE PROJECT REVISIONS MAY BE RECEIVED;

(E) THE POTENTIAL FOR COMPLEX COMPENSATORY MITIGATION REVIEW;

(F) A SITE VISIT MAY BE NEEDED TO UNDERSTAND IMPACTS AND ADVISE ON POTENTIAL ALTERNATIVES;

(G) COORDINATION WITH THE GOVERNOR'S OFFICE IN CONJUNCTION WITH OTHER STATE AGENCIES, TRIBAL NATIONS, AND THE FEDERAL GOVERNMENT MAY BE REQUIRED;

(H) TO THE EXTENT PERTINENT, REVIEW OF ADDITIONAL DOCUMENTS, SUCH AS FEDERAL "NATIONAL ENVIRONMENTAL POLICY ACT" RESOURCE REPORTS, ENVIRONMENTAL ASSESSMENTS, AND ENVIRONMENTAL IMPACT STATEMENTS;

(I) IF NEEDED, TO THE EXTENT NOT ADDRESSED IN THE DOCUMENTS ADDRESSED IN SUB-SUBPARAGRAPH (H) OF THIS SUBPARAGRAPH (IV) AND CONSISTENT WITH THE REQUIREMENTS OF THIS ARTICLE AND OF THE RULES PROMULGATED PURSUANT TO THIS ARTICLE, REVIEW AND USE OF A FULL EVALUATION AND FINDINGS REPORT; OR

(J) IF THE CERTIFICATION IS APPEALED, ADDRESSING AN APPEAL OF THE DIVISION'S WATER QUALITY CERTIFICATION TO THE COMMISSION PURSUANT TO SECTIONS 25-8-202 (1) (k), 25-8-302 (1) (f) AND 25-8-401.

(b) FOR TIER 3 AND TIER 4 PROJECTS, THE DIVISION MAY ASSESS FEES FOR SERVICES PROVIDED BY THE DIVISION PRIOR TO THE APPLICANT SUBMITTING A FORMAL WATER QUALITY CERTIFICATION APPLICATION, WHICH FEES MUST REFLECT THE ACTUAL COST OF DIVISION STAFF AND CONTRACTOR TIME.

(c) FOR TIER 3 AND TIER 4 PROJECTS, THE DIVISION MAY ASSESS FEES FOR SERVICES PROVIDED BY THE DIVISION TO MONITOR THE PROJECTS CERTIFIED WITH CONDITIONS, WHICH FEES MUST REFLECT THE ACTUAL COST OF DIVISION STAFF AND CONTRACTOR TIME.

(1.3) FOR EACH SERVICE LISTED BELOW, THE DIVISION MAY ASSESS

A FEE FOR THE SERVICE, AND ALL SUCH FEES MUST BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULES:

(a) AMENDMENTS TO PERMITS ASSOCIATED WITH THE COMMERCE AND INDUSTRY SECTOR, CONSTRUCTION SECTOR, PESTICIDES APPLICATION, PUBLIC AND PRIVATE UTILITY SECTOR UNDER SUBSECTION (1.1) OF THIS SECTION, AND AMENDMENTS TO PERMITS ISSUED THROUGH JUNE 30, 2018, ASSOCIATED WITH REGULATED ACTIVITIES IN SUBPARAGRAPH (IV) OF THE ANIMAL AGRICULTURE SECTOR IN PARAGRAPH (a) OF SUBSECTION (1.1) OF THIS SECTION:

(I) MINOR AMENDMENT: AN AMOUNT EQUAL TO TWENTY-FIVE PERCENT OF THE ANNUAL FEE FOR THE PERMIT BEING AMENDED, NOT TO EXCEED TWO THOUSAND EIGHT HUNDRED TEN DOLLARS;

(II) MAJOR AMENDMENT: AN AMOUNT EQUAL TO FIFTY-FIVE PERCENT OF THE ANNUAL FEE FOR THE PERMIT BEING AMENDED, NOT TO EXCEED FIVE THOUSAND NINE HUNDRED FIFTY DOLLARS;

(b) PRELIMINARY EFFLUENT LIMITATIONS:

(I) IN ACCORDANCE WITH SECTION 25-8-702, THE DIVISION MAY ASSESS A FEE, AS SET FORTH IN THE SCHEDULES IN THIS PARAGRAPH (b), FOR THE DETERMINATION OF PRELIMINARY EFFLUENT LIMITATIONS UPON A DOMESTIC WASTEWATER TREATMENT WORKS PURSUANT TO THE SITE LOCATION APPROVAL PROCESS. ALL SUCH FEES SHALL BE PAID IN ADVANCE OF ANY WORK DONE.

(II) AT THE REQUEST OF AN ENTITY THAT IS NOT A DOMESTIC WASTEWATER TREATMENT WORKS, AND UPON PAYMENT OF THE APPROPRIATE FEE AS SET FORTH IN THE SCHEDULES IN THIS PARAGRAPH (b), THE DIVISION MAY DETERMINE PRELIMINARY EFFLUENT LIMITS FOR A PROPOSED DISCHARGE AS DESCRIBED BY THE REQUESTOR.

(III) FEES SET FORTH IN THE SCHEDULES ESTABLISHED IN THIS PARAGRAPH (b) ARE INCREASED BY AN AMOUNT EQUAL TO SEVENTY-FIVE PERCENT OF THE APPLICABLE FEE FOR EACH SET OF PRELIMINARY EFFLUENT LIMITATIONS REQUESTED BY DOMESTIC WASTEWATER TREATMENT WORKS FOR DISCHARGES TO A SECOND OR ADDITIONAL RECEIVING WATER BODIES.

(IV) THE DIVISION MAY, WHERE AN ENTITY REQUESTS MODIFICATION OF EXISTING DIVISION-APPROVED PRELIMINARY EFFLUENT LIMITATIONS, COMPLETE THE MODIFICATION FOR A FEE EQUAL TO TWENTY-FIVE PERCENT OF THE APPLICABLE FEE AS SET FORTH IN THE SCHEDULES IN THIS PARAGRAPH (b).

**FACILITY CATEGORIES AND
SUBCATEGORIES FOR PRELIMINARY
EFFLUENT LIMITATIONS**

FEES

(V) PRELIMINARY EFFLUENT LIMITATIONS FOR INDIVIDUAL PERMITS:

| | |
|--|---------|
| (A) LESS THAN 100,000 GALLONS PER DAY | \$2,100 |
| (B) 100,000 TO 999,999 GALLONS PER DAY | \$4,200 |
| (C) 1,000,000 TO 9,999,999 GALLONS PER DAY | \$6,300 |
| (D) 10,000,000 OR MORE GALLONS PER DAY | \$8,400 |

| | |
|--|---------|
| (VI) PRELIMINARY EFFLUENT LIMITATIONS FOR GENERAL PERMITS FROM 0 UP TO 1,000,000 GALLONS PER DAY | \$1,050 |
|--|---------|

(VII) PRELIMINARY EFFLUENT LIMITATIONS FOR DISCHARGES TO GROUNDWATER:

| | |
|--|-------|
| (A) MINOR FACILITIES, LESS THAN 1,000,000 GALLONS PER DAY | \$525 |
| (B) MAJOR FACILITIES, 1,000,000 GALLONS PER DAY OR MORE | \$840 |

(VIII) REVIEW OF PRELIMINARY EFFLUENT LIMITATIONS FOR INDIVIDUAL PERMITS PROFESSIONALLY PREPARED BY OTHERS:

| | |
|--|---------|
| (A) MINOR FACILITIES, LESS THAN 1,000,000 GALLONS PER DAY | \$1,575 |
| (B) MAJOR FACILITIES, 1,000,000 GALLONS | |

PER DAY OR MORE \$3,150

**FACILITY CATEGORIES AND SUBCATEGORIES
FOR WASTEWATER SITE APPLICATIONS
AND DESIGN REVIEWS FEES**

(c) WASTEWATER SITE APPLICATIONS AND DESIGN REVIEWS:

(I) WASTEWATER SITE APPLICATIONS:

(A) WASTEWATER TREATMENT PLANTS, LESS THAN 100,000
GALLONS PER DAY:

| | |
|-----------|---------|
| NEW | \$7,738 |
| EXPANSION | \$6,191 |

(B) WASTEWATER TREATMENT PLANTS FROM 100,000 TO 999,999
GALLONS PER DAY:

| | |
|-----------|----------|
| NEW | \$15,477 |
| EXPANSION | \$12,381 |

(C) WASTEWATER TREATMENT PLANTS FROM 1,000,000 TO
9,999,999 GALLONS PER DAY:

| | |
|-----------|----------|
| NEW | \$23,215 |
| EXPANSION | \$18,572 |

(D) WASTEWATER TREATMENT PLANTS, 10,000,000
GALLONS PER DAY OR MORE:

| | |
|-----------|----------|
| NEW | \$30,953 |
| EXPANSION | \$24,763 |

(E) LIFT STATIONS, LESS THAN 100,000 GALLONS PER DAY:

| | |
|-----------|---------|
| NEW | \$1,935 |
| EXPANSION | \$1,548 |

(F) LIFT STATIONS FROM 100,000 TO 999,999 GALLONS PER DAY:

| | |
|-----------|---------|
| NEW | \$3,869 |
| EXPANSION | \$3,095 |

(G) LIFT STATIONS FROM 1,000,000 TO 9,999,999
GALLONS PER DAY:

| | |
|-----------|---------|
| NEW | \$5,804 |
| EXPANSION | \$4,643 |

(H) LIFT STATIONS, 10,000,000 GALLONS PER DAY OR MORE:

| | |
|-----------|---------|
| NEW | \$7,738 |
| EXPANSION | \$6,191 |

(I) AMENDMENTS TO SITE APPLICATIONS CONCERNING

| | |
|---|-------|
| A CHANGE FROM GAS CHLORINATION TO LIQUID CHLORINATION OR FROM ANY FORM OF CHLORINATION TO ULTRAVIOLET LIGHT DISINFECTION, LESS THAN 100,000 GALLONS PER DAY | \$451 |
|---|-------|

(J) AMENDMENTS TO SITE APPLICATIONS CONCERNING

| | |
|--|-------|
| A CHANGE FROM GAS CHLORINATION TO LIQUID CHLORINATION OR FROM ANY FORM OF CHLORINATION TO ULTRAVIOLET LIGHT DISINFECTION FROM 100,000 TO 999,999 GALLONS PER DAY | \$903 |
|--|-------|

(K) AMENDMENTS TO SITE APPLICATIONS CONCERNING

| | |
|--|---------|
| A CHANGE FROM GAS CHLORINATION TO LIQUID CHLORINATION OR FROM ANY FORM OF CHLORINATION TO ULTRAVIOLET LIGHT DISINFECTION FROM 1,000,000 TO 9,999,999 GALLONS PER DAY | \$1,354 |
|--|---------|

(L) AMENDMENTS TO SITE APPLICATIONS CONCERNING

| | |
|---|--|
| A CHANGE FROM GAS CHLORINATION TO LIQUID CHLORINATION OR FROM ANY FORM OF CHLORINATION TO ULTRAVIOLET LIGHT | |
|---|--|

| | |
|---|---------|
| DISINFECTION, 10,000,000 GALLONS PER DAY OR MORE | \$1,806 |
| (M) OTHER AMENDMENTS TO SITE APPLICATION, LESS THAN 100,000 GALLONS PER DAY | \$645 |
| (N) OTHER AMENDMENTS TO SITE APPLICATIONS FROM 100,000 TO 999,999 GALLONS PER DAY | \$1,290 |
| (O) OTHER AMENDMENTS TO SITE APPLICATIONS FROM 1,000,000 TO 9,999,999 GALLONS PER DAY | \$1,935 |
| (P) OTHER AMENDMENTS TO SITE APPLICATIONS, 10,000,000 GALLONS PER DAY OR MORE | \$2,579 |
| (Q) ON-SITE WASTEWATER TREATMENT SYSTEMS | \$4,500 |
| (R) EXTENSION | \$650 |
| (S) INTERCEPTOR SITE APPLICATIONS | \$1,300 |
| (T) INTERCEPTOR CERTIFICATIONS | \$300 |
| (U) OUTFALL SEWERS | \$1,300 |
| (II) WASTEWATER DESIGN REVIEW: | |
| (A) WASTEWATER TREATMENT PLANTS, LESS THAN 100,000 GALLONS PER DAY: | |
| NEW | \$4,900 |
| EXPANSION | \$3,900 |
| (B) WASTEWATER TREATMENT PLANTS FROM 100,000 TO 999,999 GALLONS PER DAY: | |
| NEW | \$9,900 |
| EXPANSION | \$7,900 |

(C) WASTEWATER TREATMENT PLANTS FROM 1,000,000 TO 9,999,999 GALLONS PER DAY:

| | |
|-----------|----------|
| NEW | \$14,800 |
| EXPANSION | \$11,800 |

(D) WASTEWATER TREATMENT PLANTS, 10,000,000 GALLONS PER DAY OR MORE:

| | |
|-----------|----------|
| NEW | \$19,700 |
| EXPANSION | \$15,800 |

(E) LIFT STATIONS, LESS THAN 100,000 GALLONS PER DAY:

| | |
|-----------|---------|
| NEW | \$1,200 |
| EXPANSION | \$1,000 |

(F) LIFT STATIONS FROM 100,000 TO 999,999 GALLONS PER DAY:

| | |
|-----------|---------|
| NEW | \$2,500 |
| EXPANSION | \$2,000 |

(G) LIFT STATIONS FROM 1,000,000 TO 9,999,999 GALLONS PER DAY:

| | |
|-----------|---------|
| NEW | \$3,700 |
| EXPANSION | \$3,000 |

(H) LIFT STATIONS, 10,000,000 GALLONS PER DAY OR MORE:

| | |
|-----------|---------|
| NEW | \$4,900 |
| EXPANSION | \$3,900 |

(I) AMENDMENTS TO SITE APPLICATIONS CONCERNING A CHANGE FROM GAS CHLORINATION TO LIQUID CHLORINATION OR FROM ANY FORM OF CHLORINATION TO ULTRAVIOLET LIGHT DISINFECTION, LESS THAN 100,000 GALLONS PER DAY

\$500

| | |
|--|---------|
| (J) AMENDMENTS TO SITE APPLICATIONS CONCERNING A CHANGE FROM GAS CHLORINATION TO LIQUID CHLORINATION OR FROM ANY FORM OF CHLORINATION TO ULTRAVIOLET LIGHT DISINFECTION FROM 100,000 TO 999,999 GALLONS PER DAY | \$1,000 |
| (K) AMENDMENTS TO SITE APPLICATIONS CONCERNING A CHANGE FROM GAS CHLORINATION TO LIQUID CHLORINATION OR FROM ANY FORM OF CHLORINATION TO ULTRAVIOLET LIGHT DISINFECTION FROM 1,000,000 TO 9,999,999 GALLONS PER DAY | \$1,500 |
| (L) AMENDMENTS TO SITE APPLICATIONS CONCERNING A CHANGE FROM GAS CHLORINATION TO LIQUID CHLORINATION OR FROM ANY FORM OF CHLORINATION TO ULTRAVIOLET LIGHT DISINFECTION, 10,000,000 GALLONS PER DAY OR MORE | \$2,000 |
| (M) OTHER AMENDMENTS TO SITE APPLICATION, LESS THAN 100,000 GALLONS PER DAY | \$700 |
| (N) OTHER AMENDMENTS TO SITE APPLICATIONS, FROM 100,000 TO 999,999 GALLONS PER DAY | \$1,400 |
| (O) OTHER AMENDMENTS TO SITE APPLICATIONS, FROM 1,000,000 TO 9,999,999 GALLONS PER DAY | \$2,100 |
| (P) OTHER AMENDMENTS TO SITE APPLICATIONS, 10,000,000 GALLONS PER DAY OR MORE | \$2,800 |
| (Q) ON-SITE WASTEWATER TREATMENT SYSTEMS | \$3,000 |
| (R) INTERCEPTOR SITE APPLICATIONS | \$1,400 |

(S) OUTFALL SEWERS

\$1,400

(1.4) THE DIVISION MAY ESTABLISH AN INTERIM FEE THAT MUST BE CONSISTENT AND EQUITABLE WITH THE FEES CONTAINED IN SUBSECTION (1.1) OF THIS SECTION IN ANY CASE WHERE A FACILITY OTHER THAN THOSE LISTED MUST BE PERMITTED. THIS INTERIM FEE APPLIES UNTIL THE DATE OF ADJOURNMENT SINE DIE OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY FOLLOWING IMPOSITION OF THE INTERIM FEE.

(1.5) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE WATER QUALITY CONTROL FUND, WHICH CONSISTS OF ALL ANNUAL FEES COLLECTED FOR REGULATED ACTIVITIES ASSOCIATED WITH THE COMMERCE AND INDUSTRY SECTOR, CONSTRUCTION SECTOR, PESTICIDE APPLICATION SECTOR, AND PUBLIC AND PRIVATE UTILITIES SECTOR PURSUANT TO SUBSECTION (1.1) OF THIS SECTION; ALL FEES FOR SERVICES PERFORMED BY THE DIVISION ASSOCIATED WITH THE COMMERCE AND INDUSTRY SECTOR, CONSTRUCTION SECTOR, PESTICIDE APPLICATION SECTOR, AND PUBLIC AND PRIVATE UTILITIES SECTOR IN SUBSECTION (1.1) OF THIS SECTION; ALL FEES COLLECTED FOR ACTIVITIES ASSOCIATED WITH 401 CERTIFICATES IN SUBSECTION (1.2) OF THIS SECTION; AND ALL INTERIM FEES IN SUBSECTION (1.3) OF THIS SECTION. THE DIVISION SHALL TRANSMIT THE FEES TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO THE WATER QUALITY CONTROL FUND.

(b) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE THE MONEYS IN THE WATER QUALITY CONTROL FUND TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, WHICH SHALL REVIEW EXPENDITURES OF SUCH MONEYS TO ENSURE THAT THEY ARE USED ONLY TO FUND THE EXPENSES OF THE DISCHARGE PERMIT SYSTEM AND OTHER ACTIVITIES INCLUDED IN SUBSECTIONS (1.1), (1.2), (1.3), AND (1.4) OF THIS SECTION. ALL INTEREST EARNED ON THE INVESTMENT OR DEPOSIT OF MONEYS IN THE FUND AND ALL UNENCUMBERED OR UNAPPROPRIATED BALANCES IN THE FUND REMAIN IN THE FUND, SHALL BE APPROPRIATED ONLY FOR THE EXPENSES OF THE DISCHARGE PERMIT SYSTEM, AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OR ANY OTHER FUND AT THE END OF ANY FISCAL YEAR OR ANY OTHER TIME.

(c) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT A PORTION OF THE EXPENSES OF THE DISCHARGE PERMIT SYSTEM BE FUNDED FROM THE GENERAL FUND, REFLECTING THE BENEFIT DERIVED BY THE GENERAL

PUBLIC; EXCEPT THAT THE GENERAL ASSEMBLY MAY DETERMINE, IN ANY GIVEN FISCAL YEAR, THAT GENERAL FUND REVENUES ARE INADEQUATE TO MEET GENERAL FUND DEMANDS AND THAT, AS A CONSEQUENCE, IT IS NECESSARY TO FOREGO, SUBJECT TO FUTURE RECONSIDERATION, ALL OR SOME PORTION OF SUCH GENERAL FUND CONTRIBUTION TO THE DISCHARGE PERMIT PROGRAM PURSUANT TO THIS PART 5.

(d) NOTWITHSTANDING THE AMOUNT SPECIFIED FOR ANY FEE IN SUBSECTION (1.1) OR SUBSECTION (1.3) OF THIS SECTION, THE COMMISSION BY RULE OR AS OTHERWISE PROVIDED BY LAW MAY REDUCE THE AMOUNT OF ONE OR MORE OF THE FEES IF NECESSARY PURSUANT TO SECTION 24-75-402 (3), C.R.S., TO REDUCE THE UNCOMMITTED RESERVES OF THE FUND TO WHICH ALL OR ANY PORTION OF ONE OR MORE OF THE FEES IS CREDITED. AFTER THE UNCOMMITTED RESERVES OF THE FUND ARE SUFFICIENTLY REDUCED, THE COMMISSION BY RULE OR AS OTHERWISE PROVIDED BY LAW MAY INCREASE THE AMOUNT OF ONE OR MORE OF THE FEES AS PROVIDED IN SECTION 24-75-402 (4), C.R.S.

(1.6) THERE IS HEREBY CREATED THE ANIMAL FEEDING OPERATIONS FUND, WHICH CONSISTS OF ALL FEES COLLECTED FOR REGULATED ACTIVITIES ASSOCIATED WITH THE ANIMAL AGRICULTURE SECTOR IN PARAGRAPH (a) OF SUBSECTION (1.1) OF THIS SECTION, AS WELL AS ALL FEES COLLECTED FOR SERVICES PROVIDED BY THE DIVISION ASSOCIATED WITH THE ANIMAL AGRICULTURE SECTOR IN SUBSECTION (1.3) OF THIS SECTION. THE DIVISION SHALL TRANSMIT THE FEES TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO THE ANIMAL FEEDING OPERATION FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE ANIMAL FEEDING OPERATIONS FUND AT THE END OF ANY FISCAL YEAR REMAIN IN THE ANIMAL FEEDING OPERATIONS FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OR ANY OTHER FUND. THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE THE MONEYS IN THE ANIMAL FEEDING OPERATIONS FUND TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE PERMITTING AND OVERSIGHT OF ANIMAL FEEDING OPERATIONS UNDER THIS ARTICLE.

(1.7) COMMENCING IN 2016, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL REPORT ANNUALLY TO:

(a) THE SENATE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, ON THE ENVIRONMENTAL AGRICULTURE PROGRAM. THE REPORT MUST INCLUDE THE NUMBER OF PERMITS PROCESSED, THE NUMBER OF INSPECTIONS CONDUCTED, THE NUMBER OF ENFORCEMENT ACTIONS TAKEN, AND THE COSTS ASSOCIATED WITH ALL PROGRAM ACTIVITIES DURING THE PRECEDING YEAR. THE DEPARTMENT SHALL SUBMIT THE REPORT ON OR BEFORE MARCH 31 OF EACH YEAR; AND

(b) THE JOINT BUDGET COMMITTEE REGARDING THE FEE REVENUE RECEIVED FROM EACH SECTOR SPECIFIED IN SUBSECTION (1.1) OF THIS SECTION.

SECTION 3. Appropriation - adjustments to 2015 long bill. To implement this act, the general fund appropriation made in the annual general appropriation act for the 2015-16 state fiscal year to the department of public health and environment for use by the water quality control division, pesticides sector, is decreased by \$17,600.

SECTION 4. Appropriation. (1) For the 2015-16 state fiscal year, \$17,600 is appropriated to the department of public health and environment for use by the water quality control division. This appropriation is from the water quality control fund created in section 25-8-502 (1.5) (c), C.R.S. To implement this act, the division may use this appropriation for the pesticides sector.

(2) For the 2015-16 state fiscal year, \$1,868 is appropriated to the department of public health and environment for use by the water quality control division. This appropriation is from the water quality control fund created in section 25-8-502 (1.5) (c), C.R.S. To implement this act, the division may use this appropriation for the commerce and industry sector.

SECTION 5. Effective date - applicability. This act takes effect July 1, 2015, and applies to fees collected on or after said date.

SECTION 6. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Bill L. Cadman
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO