

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 15-0810.01 Thomas Morris x4218

HOUSE BILL 15-1249

HOUSE SPONSORSHIP

Becker K.,

SENATE SPONSORSHIP

Hodge,

House Committees

Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

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

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/bills summaries>.)

The bill amends the statutory fee schedule that the department of public health and environment charges for the discharge of pollutants into state waters. The bill recodifies the existing statutory fee structure and does not change the amounts of the existing fees, but does reorganize the existing fees into 5 new sectors. The bill introduces 3 new fees for

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.*

regulated activities associated with the application of pesticides, the costs associated with reviewing requests for certifications under section 401 of the "Clean Water Act", and an application fee for new permits which will be credited toward the annual permit fee. The bill also extends the existing statutory expiration dates for permits associated with animal feeding operations.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-8-502, **repeal and**
3 **reenact, with amendments,** (1); and **add** (1.1), (1.2), (1.3), (1.4), (1.5),
4 (1.6), and (1.7) as follows:

5 **25-8-502. Application - definitions - fees - water quality**
6 **control fund - animal feeding operation fund - public participation -**
7 **repeal.** (1) FOR THE PURPOSES OF THIS SECTION:

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

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

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

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

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

22 (d) "GALLONS PER DAY" IS BASED ON DESIGN CAPACITY OF THE

1 FACILITY, NOT FLOW.

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

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

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

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

18 (III) NOT A COMBINED SEWER; AND

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

20 (g) "SIGNIFICANT INDUSTRIAL DISCHARGER" MEAN AN INDUSTRIAL
21 DISCHARGER THAT MEETS ONE OR MORE CRITERIA ESTABLISHED BY THE
22 FEDERAL ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO SECTION
23 307 (b) OF THE FEDERAL ACT.

24 (1.1) FOR EACH REGULATED ACTIVITY LISTED IN THIS SUBSECTION
25 (1.1), THE DIVISION MAY ASSESS AN ANNUAL PERMIT FEE AND A
26 NONREFUNDABLE PERMIT APPLICATION FEE FOR NEW PERMITS THAT MUST
27 EQUAL FIFTY PERCENT OF THE ANNUAL PERMIT FEE. THE FULL AMOUNT OF

1 THE APPLICATION FEE IS CREDITED TOWARD THE ANNUAL PERMIT FEE. ALL
2 SUCH FEES MUST BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULES:

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

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

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

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

1 (B) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE JULY 1,
2 2018.

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

9 (B) FROM JULY 1, 2009, THROUGH JUNE 30, 2018, THE DIVISION
10 SHALL ASSESS ON EACH HOUSED COMMERCIAL SWINE FEEDING OPERATION
11 AN ANNUAL PERMIT FEE THAT SHALL NOT EXCEED TWENTY-SIX CENTS PER
12 ANIMAL, BASED ON THE OPERATION'S WORKING CAPACITY, TO OFFSET THE
13 DIRECT AND INDIRECT COSTS OF THE PROGRAM CREATED IN SECTION
14 25-8-501.1. THIS SUB-SUBPARAGRAPH (B) IS REPEALED, EFFECTIVE JULY
15 1, 2018.

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

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

25 **FACILITY CATEGORIES AND SUBCATEGORIES**
26 **FOR PERMIT FEES WITHIN THE COMMERCE**
27 **AND INDUSTRY SECTOR ANNUAL FEES**

1	(I) SAND AND GRAVEL AND PLACER MINING:	
2	(A) PIT DEWATERING ONLY	\$500
3	(B) PIT DEWATERING OR WASH-WATER DISCHARGE	\$570
4	(C) MERCURY USE WITH DISCHARGE IMPACT	\$640
5	(D) STORM WATER DISCHARGE ONLY	\$435
6	(II) COAL MINING:	
7	(A) SEDIMENTATION PONDS, SURFACE RUNOFF ONLY	\$980
8	(B) MINE WATER, PREPARATION PLANT DISCHARGE	\$1,320
9	(III) HARDROCK MINING:	
10	(A) MINE DEWATERING FROM 0 UP TO 49,999 GALLONS	
11	PER DAY	\$1,140
12	(B) MINE DEWATERING FROM 50,000 UP TO 999,999	
13	GALLONS PER DAY	\$2,150
14	(C) MINE DEWATERING, 1,000,000 GALLONS PER	
15	DAY OR MORE	\$3,280
16	(D) MINE DEWATERING AND MILLING WITH NO	
17	DISCHARGE	\$3,280
18	(E) MINE DEWATERING AND MILLING WITH DISCHARGE	\$9,880
19	(F) NO DISCHARGE	\$1,140
20	(G) MILLING WITH DISCHARGE FROM 0 UP TO 49,999	
21	GALLONS PER DAY	\$3,350
22	(H) MILLING WITH DISCHARGE, 50,000 GALLONS PER	
23	DAY OR MORE	\$6,680
24	(IV) OIL SHALE:	
25	(A) SEDIMENTATION PONDS, SURFACE RUNOFF ONLY	\$1,990
26	(B) MINE WATER FROM 0 UP TO 49,999 GALLONS	
27	PER DAY	\$2,150

1	(C) MINE WATER FROM 50,000 UP TO 999,999 GALLONS	
2	PER DAY	\$2,670
3	(D) MINE WATER FROM 1,000,000 GALLONS PER DAY	
4	OR MORE	\$2,600
5	(E) MINE WATER AND PROCESS WATER DISCHARGE	\$9,880
6	(F) NO DISCHARGE	\$1,830
7	(V) GENERAL PERMITS:	
8	(A) SAND AND GRAVEL WITH PROCESS DISCHARGE	
9	AND STORM WATER	\$270
10	(B) SAND AND GRAVEL WITHOUT PROCESS DISCHARGE	
11	- STORM WATER ONLY	\$75
12	(C) PLACER MINING	\$520
13	(D) COAL MINING	\$780
14	(E) INDUSTRIAL - SINGLE MUNICIPAL INDUSTRIAL	
15	- STORM WATER ONLY	\$185
16	(F) ACTIVE MINERAL MINES LESS THAN TEN ACRES	
17	- STORM WATER ONLY	\$125
18	(G) ACTIVE MINERAL MINES - TEN ACRES OR MORE	
19	- STORM WATER ONLY	\$375
20	(H) INACTIVE MINERAL MINES - STORM WATER ONLY	\$75
21	(I) DEPARTMENT OF TRANSPORTATION - SAND AND	
22	GRAVEL STORM-WATER PERMIT	\$4,360
23	(J) COAL DEGASIFICATION - PROCESS WATER FROM 0	
24	UP TO 49,999 GALLONS PER DAY	\$2,150
25	(K) COAL DEGASIFICATION - PROCESS WATER FROM	
26	50,000 UP TO 99,999 GALLONS PER DAY	\$3,280
27	(L) COAL DEGASIFICATION - PROCESS WATER, 100,000 GALLONS	

1	PER DAY OR MORE	\$9,880
2	(M) MINIMAL DISCHARGE OF INDUSTRIAL OR	
3	COMMERCIAL WASTE WATERS - GENERAL PERMIT	\$630
4	(VI) POWER PLANTS:	
5	(A) COOLING WATER ONLY, NO DISCHARGE	\$1,140
6	(B) PROCESS WATER FROM 0 UP TO 49,999 GALLONS	
7	PER DAY	\$2,150
8	(C) PROCESS WATER FROM 50,000 UP TO 999,999	
9	GALLONS PER DAY	\$3,280
10	(D) PROCESS WATER FROM 1,000,000 UP TO 4,999,999	
11	GALLONS PER DAY	\$9,880
12	(E) PROCESS WATER, 5,000,000 GALLONS PER DAY	
13	OR MORE	\$9,880
14	(VII) SUGAR PROCESSING:	
15	(A) COOLING WATER ONLY, NO DISCHARGE	\$1,210
16	(B) PROCESS WATER FROM 0 UP TO 49,999 GALLONS	
17	PER DAY	\$1,480
18	(C) PROCESS WATER FROM 50,000 UP TO 999,999	
19	GALLONS PER DAY	\$3,700
20	(D) PROCESS WATER FROM 1,000,000 UP TO 4,999,999	
21	GALLONS PER DAY	\$9,880
22	(E) PROCESS WATER, 5,000,000 GALLONS PER DAY OR	
23	MORE	\$9,880
24	(VIII) PETROLEUM REFINING:	
25	(A) COOLING WATER ONLY, NO DISCHARGE	\$1,140
26	(B) PROCESS WATER FROM 0 UP TO 49,999 GALLONS	
27	PER DAY	\$2,560

1	(C) PROCESS WATER FROM 50,000 UP TO 999,999	
2	GALLONS PER DAY	\$3,285
3	(D) PROCESS WATER FROM 1,000,000 UP TO	
4	4,999,999 GALLONS PER DAY	\$9,880
5	(E) PROCESS WATER, 5,000,000 GALLONS PER DAY	
6	OR MORE	\$9,880
7	(IX) FISH HATCHERIES	\$820
8	(X) MANUFACTURING AND OTHER INDUSTRY:	
9	(A) COOLING WATER ONLY	\$1,140
10	(B) PROCESS WATER FROM 0 UP TO 49,999 GALLONS	
11	PER DAY	\$2,150
12	(C) PROCESS WATER FROM 50,000 UP TO 999,999	
13	GALLONS PER DAY	\$3,280
14	(D) PROCESS WATER FROM 1,000,000 UP TO	
15	4,999,999 GALLONS PER DAY	\$9,880
16	(E) PROCESS WATER FROM 5,000,000 UP TO	
17	19,999,999 GALLONS PER DAY	\$12,140
18	(F) PROCESS WATER, 20,000,000 GALLONS PER DAY	
19	OR MORE	\$19,760
20	(G) NO DISCHARGE	\$1,480
21	(XI) INDIVIDUAL INDUSTRIAL STORM-WATER PERMITS:	
22	(A) INDIVIDUAL INDUSTRIAL - LESS THAN TEN ACRES	\$295
23	(B) INDIVIDUAL INDUSTRIAL - TEN ACRES OR MORE	\$375
24	(C) INDIVIDUAL INDUSTRIAL - STORM WATER	
25	ONLY - INTERNATIONAL AIRPORTS	\$6,220
26	(c) THE CONSTRUCTION SECTOR INCLUDES ANNUAL FEE	
27	SCHEDULES FOR REGULATED ACTIVITIES ASSOCIATED WITH CONSTRUCTION	

1 ACTIVITIES AS FOLLOWS:

2 **FACILITY CATEGORIES AND**
3 **SUBCATEGORIES FOR PERMIT FEES WITHIN**
4 **THE CONSTRUCTION SECTOR ANNUAL FEES**

5 (I) INDIVIDUAL PERMITS:

6 (A) PROCESS WATER FROM 0 UP TO 49,999 GALLONS
7 PER DAY \$2,150

8 (B) PROCESS WATER FROM 50,000 UP TO 999,999
9 GALLONS PER DAY \$3,280

10 (C) PROCESS WATER FROM 1,000,000 UP TO
11 4,999,999 GALLONS PER DAY \$9,880

12 (D) PROCESS WATER FROM 5,000,000 UP TO
13 19,999,999 GALLONS PER DAY \$12,140

14 (E) PROCESS WATER, 20,000,000 GALLONS PER DAY
15 OR MORE \$19,760

16 (II) GENERAL PERMITS:

17 (A) CONSTRUCTION DEWATERING \$500

18 (B) OIL AND GAS CLEANUP \$1,840

19 (C) CONSTRUCTION - STORM WATER ONLY; 1 TO
20 LESS THAN 5 ACRES OF DISTURBED AREA \$245

21 (D) CONSTRUCTION - STORM WATER ONLY; 5 ACRES
22 OR MORE OF DISTURBED AREA \$245

23 (E) DEPARTMENT OF TRANSPORTATION (DOT) -
24 STORM-WATER CONSTRUCTION DISCHARGES FROM
25 PROJECTS WHERE DOT IS THE PERMITTEE -
26 STATEWIDE PERMIT \$9,400

27 (F) MINIMAL DISCHARGE OF INDUSTRIAL OR

1 COMMERCIAL WASTEWATER \$630

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

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

16 **FACILITY CATEGORIES AND SUBCATEGORIES FOR**
17 **PERMIT FEES WITHIN THE PUBLIC AND**

18 **PRIVATE UTILITIES SECTOR ANNUAL FEES**

- 19 (I) WATER TREATMENT PLANTS:
- 20 (A) INTERMITTENT DISCHARGE \$570
- 21 (B) ROUTING DISCHARGE \$820
- 22 (II) GENERAL PERMITS:
- 23 (A) WATER TREATMENT PLANTS - INTERMITTENT
- 24 DISCHARGE \$475
- 25 (B) WATER TREATMENT PLANTS - ROUTINE DISCHARGE \$715
- 26 (C) DISCHARGES ASSOCIATED WITH TREATED WATER
- 27 DISTRIBUTION SYSTEMS FOR A POPULATION OF

1	3,300 OR FEWER	\$105
2	(D) DISCHARGES ASSOCIATED WITH TREATED	
3	WATER DISTRIBUTION SYSTEMS FOR	
4	A POPULATION FROM 3,301 UP TO 9,999	\$210
5	(E) DISCHARGES ASSOCIATED WITH TREATED	
6	WATER DISTRIBUTION SYSTEMS FOR A	
7	POPULATION OF 10,000 OR MORE	\$315
8	(III) DOMESTIC WASTEWATER - LAGOONS:	
9	(A) SEWAGE FROM 0 UP TO 49,999 GALLONS PER DAY	\$525
10	(B) SEWAGE FROM 50,000 UP TO 99,999 GALLONS	
11	PER DAY	\$845
12	(C) SEWAGE FROM 100,000 UP TO 499,999 GALLONS	
13	PER DAY	\$1,230
14	(D) SEWAGE FROM 500,000 UP TO 999,999 GALLONS	
15	PER DAY	\$2,120
16	(E) SEWAGE FROM 1,000,000 UP TO 1,999,999 GALLONS	
17	PER DAY	\$3,170
18	(F) SEWAGE, 2,000,000 GALLONS PER DAY OR MORE	\$6,460
19	(IV) DOMESTIC WASTEWATER - MECHANICAL PLANTS:	
20	(A) SEWAGE FROM 0 UP TO 19,999 GALLONS PER DAY	\$615
21	(B) SEWAGE FROM 20,000 UP TO 49,999 GALLONS	
22	PER DAY	\$980
23	(C) SEWAGE FROM 50,000 UP TO 99,999 GALLONS	
24	PER DAY	\$1,440
25	(D) SEWAGE FROM 100,000 UP TO 499,999 GALLONS	
26	PER DAY	\$2,240
27	(E) SEWAGE FROM 500,000 UP TO 999,999 GALLONS	

1	PER DAY	\$3,720
2	(F) SEWAGE FROM 1,000,000 UP TO 2,499,999 GALLONS	
3	PER DAY	\$6,090
4	(G) SEWAGE FROM 2,500,000 UP TO 9,999,999 GALLONS	
5	PER DAY	\$11,410
6	(H) SEWAGE FROM 10,000,000 UP TO 49,999,999	
7	GALLONS PER DAY	\$19,780
8	(I) SEWAGE FROM 50,000,000 UP TO 99,999,999	
9	GALLONS PER DAY	\$22,820
10	(J) SEWAGE, 100,000,000 GALLONS PER DAY	
11	OR MORE	\$25,100
12	(V) DOMESTIC FACILITIES DISCHARGE TO UNCLASSIFIED WATERS	
13	- GENERAL PERMIT:	
14	(A) SEWAGE FROM 0 UP TO 49,999 GALLONS PER DAY	\$455
15	(B) SEWAGE FROM 50,000 UP TO 199,999 GALLONS	
16	PER DAY	\$800
17	(C) SEWAGE FROM 200,000 UP TO 599,999 GALLONS	
18	PER DAY	\$1,170
19	(D) SEWAGE FROM 600,000 UP TO 999,999 GALLONS	
20	PER DAY	\$1,860
21	(VI) INDUSTRIAL DISCHARGERS SUBJECT TO CATEGORICAL	
22	EFFLUENT STANDARDS DISCHARGING TO PUBLICLY OWNED TREATMENT	
23	WORKS WITH PRETREATMENT PROGRAMS, NOT INCLUDING CATEGORICAL	
24	INDUSTRIES SUBJECT TO ZERO-DISCHARGE STANDARDS:	
25	(A) VERY LOW FLOW - LESS THAN 100 GALLONS PER DAY	\$292
26	(B) 100 UP TO 9,999 GALLONS PER DAY	\$699
27	(C) 10,000 UP TO 50,000 GALLONS PER DAY	\$1,047

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

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

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

7 (B) 10,000 UP TO 50,000 GALLONS PER DAY \$349

8 (C) MORE THAN 50,000 GALLONS PER DAY \$465

9 (D) PIT DEWATERING ONLY \$270

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

14 (A) LESS THAN 10,000 GALLONS PER DAY \$815

15 (B) 10,000 UP TO 50,000 GALLONS PER DAY \$1,280

16 (C) MORE THAN 50,000 GALLONS PER DAY \$1,746

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

21 (A) LESS THAN 10,000 GALLONS PER DAY \$349

22 (B) 10,000 UP TO 50,000 GALLONS PER DAY \$524

23 (C) MORE THAN 50,000 GALLONS PER DAY \$699

24 (X) DOMESTIC WASTEWATER - LAGOONS:

25 (A) SEWAGE FROM 0 UP TO 49,999 GALLONS PER DAY \$75

26 (B) SEWAGE FROM 50,000 UP TO 99,999 GALLONS
27 PER DAY \$75

1	(C) SEWAGE FROM 100,000 UP TO 499,999 GALLONS	
2	PER DAY	\$75
3	(D) SEWAGE FROM 500,000 UP TO 999,999 GALLONS	
4	PER DAY	\$75
5	(E) SEWAGE FROM 1,000,000 UP TO 2,499,999 GALLONS	
6	PER DAY	\$81
7	(F) SEWAGE, 2,500,000 GALLONS PER DAY OR MORE	\$94
8	(XI) DOMESTIC WASTEWATER - MECHANICAL PLANTS:	
9	(A) SEWAGE FROM 0 UP TO 19,999 GALLONS PER DAY	\$75
10	(B) SEWAGE FROM 20,000 UP TO 49,999 GALLONS PER DAY	\$75
11	(C) SEWAGE FROM 50,000 UP TO 99,999 GALLONS PER DAY	\$75
12	(D) SEWAGE FROM 100,000 UP TO 499,999 GALLONS	
13	PER DAY	\$75
14	(E) SEWAGE FROM 500,000 UP TO 999,999 GALLONS	
15	PER DAY	\$75
16	(F) SEWAGE FROM 1,000,000 UP TO 2,499,999 GALLONS	
17	PER DAY	\$81
18	(G) SEWAGE FROM 2,500,000 UP TO 9,999,999 GALLONS	
19	PER DAY	\$94
20	(H) SEWAGE FROM 10,000,000 UP TO 49,999,999	
21	GALLONS PER DAY	\$105
22	(I) SEWAGE FROM 50,000,000 UP TO 99,999,999	
23	GALLONS PER DAY	\$117
24	(J) SEWAGE, 100,000,000 GALLONS PER DAY OR MORE	\$128
25	(XII) WASTEWATER REUSE AUTHORIZATIONS:	
26	(A) FACILITY CAPACITY OF LESS THAN 100,000	
27	GALLONS PER DAY	\$450

1	(B) FACILITY CAPACITY FROM 100,000 GALLONS TO	
2	499,999 GALLONS PER DAY	\$840
3	(C) FACILITY CAPACITY FROM 500,000 GALLONS TO	
4	999,999 GALLONS PER DAY	\$1,400
5	(D) FACILITY CAPACITY FROM 1,000,000 GALLONS TO	
6	2,499,999 GALLONS PER DAY	\$2,300
7	(E) FACILITY CAPACITY FROM 2,500,000 GALLONS TO	
8	9,999,999 GALLONS PER DAY	\$4,300
9	(F) FACILITY CAPACITY, 10,000,000 GALLONS PER	
10	DAY OR MORE	\$6,300
11	(XIII) MS4 GENERAL PERMITS:	
12	(A) STORM WATER MUNICIPAL FOR A POPULATION	
13	OF 10,000 OR FEWER	\$355
14	(B) STORM WATER MUNICIPAL FOR A POPULATION	
15	FROM 10,000 UP TO 49,999	\$810
16	(C) STORM WATER MUNICIPAL FOR A POPULATION	
17	FROM 50,000 UP TO 100,000	\$2,020
18	(D) STORM WATER MUNICIPAL FOR A POPULATION	
19	OF 100,000 OR MORE	\$4,050
20	(XIV) MS4 INDIVIDUAL PERMITS:	
21	(A) MUNICIPALITIES WITH A POPULATION FROM	
22	10,000 UP TO 49,999	\$1,245
23	(B) MUNICIPALITIES WITH A POPULATION FROM	
24	50,000 UP TO 99,999	\$3,110
25	(C) MUNICIPALITIES WITH A POPULATION FROM	
26	100,000 UP TO 249,999	\$6,225
27	(D) MUNICIPALITIES WITH A POPULATION OF	

1 250,000 OR MORE \$10,580

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

7 (1.2) THE COMMISSION SHALL ESTABLISH, AND MAY REVISE AS
8 NECESSARY, A SCHEDULE OF FEES TO COVER THE REASONABLE COSTS
9 ASSOCIATED WITH REVIEWING REQUESTS FOR CERTIFICATIONS UNDER THE
10 PROVISIONS OF SECTION 401 OF THE FEDERAL ACT AND THIS ARTICLE,
11 KNOWN AS "401 CERTIFICATES". THE FEES FIRST BECOME EFFECTIVE ON
12 JULY 1, 2016, AND THE COMMISSION'S SCHEDULE OF FEES MUST ADDRESS
13 THE FOLLOWING TYPES OF PROJECTS AND SERVICES:

14 (a) THE 401 CERTIFICATES FEE SCHEDULE MUST INCLUDE FEES FOR
15 THE FOLLOWING TYPES OF PROJECTS THAT SUBMIT A REQUEST TO THE
16 DIVISION FOR CERTIFICATION UNDER SECTION 401 OF THE FEDERAL ACT:

17 (I) TIER 1 PROJECTS INCLUDE THOSE WITH MINIMAL COSTS AND
18 WATER QUALITY IMPACTS.

19 (II) TIER 2 PROJECTS INCLUDE THOSE WITH MODERATE COSTS AND
20 WOULD RESULT IN SOME POTENTIAL FOR WATER QUALITY IMPACTS.

21 (III) TIER 3 PROJECTS INCLUDE THOSE THAT WOULD IMPACT A
22 LARGE WATERSHED AREA, ARE COMPLEX, OR WOULD RESULT IN A HIGH
23 POTENTIAL FOR WATER QUALITY IMPACTS.

24 (IV) TIER 4 PROJECTS INCLUDE THOSE THAT IMPACT A VERY LARGE
25 WATERSHED AREA, ARE COMPLEX, OR WOULD RESULT IN A VERY HIGH
26 POTENTIAL FOR WATER QUALITY IMPACTS.

27 (b) THE 401 CERTIFICATES FEE SCHEDULE MUST INCLUDE FEES FOR

1 THE FOLLOWING SERVICES:

2 (I) FOR TIER 3 AND TIER 4 PROJECTS, THE COMMISSION SHALL
3 ESTABLISH A FEE FOR SERVICES PROVIDED BY THE DIVISION PRIOR TO THE
4 APPLICANT SUBMITTING A FORMAL WATER QUALITY CERTIFICATION
5 REQUEST.

6 (II) FOR TIER 3 AND TIER 4 PROJECTS, THE COMMISSION SHALL
7 ESTABLISH AN HOURLY FEE FOR SERVICES PROVIDED BY THE DIVISION TO
8 MONITOR SUCH PROJECTS.

9 (1.3) FOR EACH SERVICE LISTED BELOW, THE DIVISION MAY ASSESS
10 A FEE FOR THE SERVICE, AND ALL SUCH FEES MUST BE IN ACCORDANCE
11 WITH THE FOLLOWING SCHEDULES:

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

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

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

25 (b) PRELIMINARY EFFLUENT LIMITATIONS:

26 (I) IN ACCORDANCE WITH SECTION 25-8-702, THE DIVISION MAY
27 ASSESS A FEE, AS SET FORTH IN THE SCHEDULES IN THIS PARAGRAPH (b),

1 FOR THE DETERMINATION OF PRELIMINARY EFFLUENT LIMITATIONS UPON
2 A DOMESTIC WASTEWATER TREATMENT WORKS PURSUANT TO THE SITE
3 LOCATION APPROVAL PROCESS. ALL SUCH FEES SHALL BE PAID IN
4 ADVANCE OF ANY WORK DONE.

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

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

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

21 **FACILITY CATEGORIES AND**
22 **SUBCATEGORIES FOR PRELIMINARY**

23 **EFFLUENT LIMITATIONS FEES**

24 (V) PRELIMINARY EFFLUENT LIMITATIONS FOR INDIVIDUAL
25 PERMITS:

26 (A) LESS THAN 100,000 GALLONS PER DAY	\$2,100
27 (B) 100,000 TO 999,999 GALLONS PER DAY	\$4,200

1	(C) 1,000,000 TO 9,999,999 GALLONS PER DAY	\$6,300
2	(D) 10,000,000 OR MORE GALLONS PER DAY	\$8,400
3	(VI) PRELIMINARY EFFLUENT LIMITATIONS FOR	
4	GENERAL PERMITS FROM 0 UP TO 1,000,000	
5	GALLONS PER DAY	\$1,050
6	(VII) PRELIMINARY EFFLUENT LIMITATIONS FOR DISCHARGES TO	
7	GROUNDWATER:	
8	(A) MINOR FACILITIES, LESS THAN 1,000,000 GALLONS	
9	PER DAY	\$525
10	(B) MAJOR FACILITIES, 1,000,000 GALLONS	
11	PER DAY OR MORE	\$840
12	(VIII) REVIEW OF PRELIMINARY EFFLUENT LIMITATIONS FOR	
13	INDIVIDUAL PERMITS PROFESSIONALLY PREPARED BY OTHERS:	
14	(A) MINOR FACILITIES, LESS THAN 1,000,000 GALLONS	
15	PER DAY	\$1,575
16	(B) MAJOR FACILITIES, 1,000,000 GALLONS	
17	PER DAY OR MORE	\$3,150
18	FACILITY CATEGORIES AND SUBCATEGORIES	
19	FOR WASTEWATER SITE APPLICATIONS	
20	AND DESIGN REVIEWS	FEES
21	(c) WASTEWATER SITE APPLICATIONS AND DESIGN REVIEWS:	
22	(I) WASTEWATER SITE APPLICATIONS:	
23	(A) WASTEWATER TREATMENT PLANTS, LESS THAN 100,000	
24	GALLONS PER DAY:	
25	NEW	\$7,738
26	EXPANSION	\$6,191
27	(B) WASTEWATER TREATMENT PLANTS FROM 100,000 TO 999,999	

1	GALLONS PER DAY:	
2	NEW	\$15,477
3	EXPANSION	\$12,381
4	(C) WASTEWATER TREATMENT PLANTS FROM 1,000,000 TO	
5	9,999,999 GALLONS PER DAY:	
6	NEW	\$23,215
7	EXPANSION	\$18,572
8	(D) WASTEWATER TREATMENT PLANTS, 10,000,000	
9	GALLONS PER DAY OR MORE:	
10	NEW	\$30,953
11	EXPANSION	\$24,763
12	(E) LIFT STATIONS, LESS THAN 100,000 GALLONS PER DAY:	
13	NEW	\$1,935
14	EXPANSION	\$1,548
15	(F) LIFT STATIONS FROM 100,000 TO 999,999 GALLONS PER DAY:	
16	NEW	\$3,869
17	EXPANSION	\$3,095
18	(G) LIFT STATIONS FROM 1,000,000 TO 9,999,999	
19	GALLONS PER DAY:	
20	NEW	\$5,804
21	EXPANSION	\$4,643
22	(H) LIFT STATIONS, 10,000,000 GALLONS PER DAY OR MORE:	
23	NEW	\$7,738
24	EXPANSION	\$6,191
25	(I) AMENDMENTS TO SITE APPLICATIONS CONCERNING	
26	A CHANGE FROM GAS CHLORINATION TO LIQUID	
27	CHLORINATION OR FROM ANY FORM OF	

1	CHLORINATION TO ULTRAVIOLET LIGHT	
2	DISINFECTION, LESS THAN 100,000 GALLONS	
3	PER DAY	\$451
4	(J) AMENDMENTS TO SITE APPLICATIONS CONCERNING	
5	A CHANGE FROM GAS CHLORINATION TO LIQUID	
6	CHLORINATION OR FROM ANY FORM OF	
7	CHLORINATION TO ULTRAVIOLET LIGHT	
8	DISINFECTION FROM 100,000 TO	
9	999,999 GALLONS PER DAY	\$903
10	(K) AMENDMENTS TO SITE APPLICATIONS CONCERNING	
11	A CHANGE FROM GAS CHLORINATION TO LIQUID	
12	CHLORINATION OR FROM ANY FORM OF	
13	CHLORINATION TO ULTRAVIOLET LIGHT	
14	DISINFECTION FROM 1,000,000 TO	
15	9,999,999 GALLONS PER DAY	\$1,354
16	(L) AMENDMENTS TO SITE APPLICATIONS CONCERNING	
17	A CHANGE FROM GAS CHLORINATION TO LIQUID	
18	CHLORINATION OR FROM ANY FORM OF	
19	CHLORINATION TO ULTRAVIOLET LIGHT	
20	DISINFECTION, 10,000,000 GALLONS PER	
21	DAY OR MORE	\$1,806
22	(M) OTHER AMENDMENTS TO SITE APPLICATION,	
23	LESS THAN 100,000 GALLONS PER DAY	\$645
24	(N) OTHER AMENDMENTS TO SITE APPLICATIONS	
25	FROM 100,000 TO 999,999 GALLONS	
26	PER DAY	\$1,290
27	(O) OTHER AMENDMENTS TO SITE APPLICATIONS	

1	FROM 1,000,000 TO 9,999,999 GALLONS	
2	PER DAY	\$1,935
3	(P) OTHER AMENDMENTS TO SITE APPLICATIONS,	
4	10,000,000 GALLONS PER DAY OR MORE	\$2,579
5	(Q) ON-SITE WASTEWATER TREATMENT SYSTEMS	\$4,500
6	(R) EXTENSION	\$650
7	(S) INTERCEPTOR SITE APPLICATIONS	\$1,300
8	(T) INTERCEPTOR CERTIFICATIONS	\$300
9	(U) OUTFALL SEWERS	\$1,300
10	(II) WASTEWATER DESIGN REVIEW:	
11	(A) WASTEWATER TREATMENT PLANTS, LESS THAN 100,000	
12	GALLONS PER DAY:	
13	NEW	\$4,900
14	EXPANSION	\$3,900
15	(B) WASTEWATER TREATMENT PLANTS FROM 100,000 TO 999,999	
16	GALLONS PER DAY:	
17	NEW	\$9,900
18	EXPANSION	\$7,900
19	(C) WASTEWATER TREATMENT PLANTS FROM 1,000,000 TO	
20	9,999,999 GALLONS PER DAY:	
21	NEW	\$14,800
22	EXPANSION	\$11,800
23	(D) WASTEWATER TREATMENT PLANTS, 10,000,000 GALLONS PER	
24	DAY OR MORE:	
25	NEW	\$19,700
26	EXPANSION	\$15,800
27	(E) LIFT STATIONS, LESS THAN 100,000 GALLONS PER DAY:	

1	NEW	\$1,200
2	EXPANSION	\$1,000
3	(F) LIFT STATIONS FROM 100,000 TO 999,999 GALLONS PER DAY:	
4	NEW	\$2,500
5	EXPANSION	\$2,000
6	(G) LIFT STATIONS FROM 1,000,000 TO 9,999,999 GALLONS PER	
7	DAY:	
8	NEW	\$3,700
9	EXPANSION	\$3,000
10	(H) LIFT STATIONS, 10,000,000 GALLONS PER DAY OR MORE:	
11	NEW	\$4,900
12	EXPANSION	\$3,900
13	(I) AMENDMENTS TO SITE APPLICATIONS CONCERNING	
14	A CHANGE FROM GAS CHLORINATION TO LIQUID	
15	CHLORINATION OR FROM ANY FORM OF	
16	CHLORINATION TO ULTRAVIOLET LIGHT	
17	DISINFECTION, LESS THAN 100,000 GALLONS	
18	PER DAY	\$500
19	(J) AMENDMENTS TO SITE APPLICATIONS CONCERNING	
20	A CHANGE FROM GAS CHLORINATION TO LIQUID	
21	CHLORINATION OR FROM ANY FORM OF	
22	CHLORINATION TO ULTRAVIOLET LIGHT	
23	DISINFECTION FROM 100,000 TO	
24	999,999 GALLONS PER DAY	\$1,000
25	(K) AMENDMENTS TO SITE APPLICATIONS CONCERNING	
26	A CHANGE FROM GAS CHLORINATION TO LIQUID	
27	CHLORINATION OR FROM ANY FORM OF	

1	CHLORINATION TO ULTRAVIOLET LIGHT	
2	DISINFECTION FROM 1,000,000 TO	
3	9,999,999 GALLONS PER DAY	\$1,500
4	(L) AMENDMENTS TO SITE APPLICATIONS CONCERNING	
5	A CHANGE FROM GAS CHLORINATION TO LIQUID	
6	CHLORINATION OR FROM ANY FORM OF	
7	CHLORINATION TO ULTRAVIOLET LIGHT	
8	DISINFECTION, 10,000,000 GALLONS PER DAY	
9	OR MORE	\$2,000
10	(M) OTHER AMENDMENTS TO SITE APPLICATION,	
11	LESS THAN 100,000 GALLONS PER DAY	\$700
12	(N) OTHER AMENDMENTS TO SITE APPLICATIONS,	
13	FROM 100,000 TO 999,999 GALLONS	
14	PER DAY	\$1,400
15	(O) OTHER AMENDMENTS TO SITE APPLICATIONS,	
16	FROM 1,000,000 TO 9,999,999 GALLONS	
17	PER DAY	\$2,100
18	(P) OTHER AMENDMENTS TO SITE APPLICATIONS,	
19	10,000,000 GALLONS PER DAY OR MORE	\$2,800
20	(Q) ON-SITE WASTEWATER TREATMENT SYSTEMS	\$3,000
21	(R) INTERCEPTOR SITE APPLICATIONS	\$1,400
22	(S) OUTFALL SEWERS	\$1,400

23 (1.4) THE DIVISION MAY ESTABLISH AN INTERIM FEE THAT MUST BE
24 CONSISTENT AND EQUITABLE WITH THE FEES CONTAINED IN SUBSECTION
25 (1.1) OF THIS SECTION IN ANY CASE WHERE A FACILITY OTHER THAN THOSE
26 LISTED MUST BE PERMITTED. THIS INTERIM FEE APPLIES UNTIL THE DATE
27 OF ADJOURNMENT SINE DIE OF THE NEXT REGULAR SESSION OF THE

1 GENERAL ASSEMBLY FOLLOWING IMPOSITION OF THE INTERIM FEE.

2 (1.5) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
3 WATER QUALITY CONTROL FUND, WHICH CONSISTS OF ALL ANNUAL FEES
4 COLLECTED FOR REGULATED ACTIVITIES ASSOCIATED WITH THE
5 COMMERCE AND INDUSTRY SECTOR, CONSTRUCTION SECTOR, PESTICIDE
6 APPLICATION SECTOR, AND PUBLIC AND PRIVATE UTILITIES SECTOR
7 PURSUANT TO SUBSECTION (1.1) OF THIS SECTION; ALL FEES FOR SERVICES
8 PERFORMED BY THE DIVISION ASSOCIATED WITH THE COMMERCE AND
9 INDUSTRY SECTOR, CONSTRUCTION SECTOR, PESTICIDE APPLICATION
10 SECTOR, AND PUBLIC AND PRIVATE UTILITIES SECTOR IN SUBSECTION (1.1)
11 OF THIS SECTION; ALL FEES COLLECTED FOR ACTIVITIES ASSOCIATED WITH
12 401 CERTIFICATES IN SUBSECTION (1.2) OF THIS SECTION; AND ALL INTERIM
13 FEES IN SUBSECTION (1.3) OF THIS SECTION. THE DIVISION SHALL
14 TRANSMIT THE FEES TO THE STATE TREASURER, WHO SHALL CREDIT THEM
15 TO THE WATER QUALITY CONTROL FUND.

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

1 (c) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT A PORTION
2 OF THE EXPENSES OF THE DISCHARGE PERMIT SYSTEM BE FUNDED FROM
3 THE GENERAL FUND, REFLECTING THE BENEFIT DERIVED BY THE GENERAL
4 PUBLIC; EXCEPT THAT THE GENERAL ASSEMBLY MAY DETERMINE, IN ANY
5 GIVEN FISCAL YEAR, THAT GENERAL FUND REVENUES ARE INADEQUATE TO
6 MEET GENERAL FUND DEMANDS AND THAT, AS A CONSEQUENCE, IT IS
7 NECESSARY TO FOREGO, SUBJECT TO FUTURE RECONSIDERATION, ALL OR
8 SOME PORTION OF SUCH GENERAL FUND CONTRIBUTION TO THE DISCHARGE
9 PERMIT PROGRAM PURSUANT TO THIS PART 5.

10 (d) NOTWITHSTANDING THE AMOUNT SPECIFIED FOR ANY FEE IN
11 SUBSECTION (1.1) OR SUBSECTION (1.3) OF THIS SECTION, THE COMMISSION
12 BY RULE OR AS OTHERWISE PROVIDED BY LAW MAY REDUCE THE AMOUNT
13 OF ONE OR MORE OF THE FEES IF NECESSARY PURSUANT TO SECTION
14 24-75-402 (3), C.R.S., TO REDUCE THE UNCOMMITTED RESERVES OF THE
15 FUND TO WHICH ALL OR ANY PORTION OF ONE OR MORE OF THE FEES IS
16 CREDITED. AFTER THE UNCOMMITTED RESERVES OF THE FUND ARE
17 SUFFICIENTLY REDUCED, THE COMMISSION BY RULE OR AS OTHERWISE
18 PROVIDED BY LAW MAY INCREASE THE AMOUNT OF ONE OR MORE OF THE
19 FEES AS PROVIDED IN SECTION 24-75-402 (4), C.R.S.

20 (1.6) THERE IS HEREBY CREATED THE ANIMAL FEEDING
21 OPERATIONS FUND, WHICH CONSISTS OF ALL FEES COLLECTED FOR
22 REGULATED ACTIVITIES ASSOCIATED WITH THE ANIMAL AGRICULTURE
23 SECTOR IN PARAGRAPH (a) OF SUBSECTION (1.1) OF THIS SECTION, AS WELL
24 AS ALL FEES COLLECTED FOR SERVICES PROVIDED BY THE DIVISION
25 ASSOCIATED WITH THE ANIMAL AGRICULTURE SECTOR IN SUBSECTION (1.3)
26 OF THIS SECTION. THE DIVISION SHALL TRANSMIT THE FEES TO THE STATE
27 TREASURER, WHO SHALL CREDIT THEM TO THE ANIMAL FEEDING

1 OPERATION FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS
2 REMAINING IN THE ANIMAL FEEDING OPERATIONS FUND AT THE END OF
3 ANY FISCAL YEAR REMAIN IN THE ANIMAL FEEDING OPERATIONS FUND AND
4 SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OR ANY
5 OTHER FUND. THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
6 THE MONEYS IN THE ANIMAL FEEDING OPERATIONS FUND TO THE
7 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR THE DIRECT AND
8 INDIRECT COSTS ASSOCIATED WITH THE PERMITTING AND OVERSIGHT OF
9 ANIMAL FEEDING OPERATIONS UNDER THIS ARTICLE.

10 (1.7) COMMENCING IN 2016, THE DEPARTMENT OF PUBLIC HEALTH
11 AND ENVIRONMENT SHALL REPORT ANNUALLY TO THE SENATE
12 AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND THE HOUSE OF
13 REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES
14 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, ON THE ENVIRONMENTAL
15 AGRICULTURE PROGRAM. THE REPORT MUST INCLUDE THE NUMBER OF
16 PERMITS PROCESSED, THE NUMBER OF INSPECTIONS CONDUCTED, THE
17 NUMBER OF ENFORCEMENT ACTIONS TAKEN, AND THE COSTS ASSOCIATED
18 WITH ALL PROGRAM ACTIVITIES DURING THE PRECEDING YEAR. THE
19 DEPARTMENT SHALL SUBMIT THE REPORT ON OR BEFORE MARCH 31 OF
20 EACH YEAR.

21 **SECTION 2. Appropriation - adjustments to 2015 long bill.**

22 (1) To implement this act, the general fund appropriation made in the
23 annual general appropriation act for the 2015-16 state fiscal year to the
24 department of public health and environment for use by the water quality
25 control division, pesticides sector, is decreased by \$17,600.

26 **SECTION 3. Appropriation.** For the 2015-16 state fiscal year,
27 \$17,600 is appropriated to the department of public health and

1 environment for use by the water quality control division. This
2 appropriation is from the water quality control fund created in section
3 25-8-502 (1.5) (c), C.R.S. To implement this act, the division may use this
4 appropriation for the pesticides sector.

5 **SECTION 4. Effective date - applicability.** This act takes effect
6 July 1, 2015, and applies to fees collected on or after said date.

7 **SECTION 5. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.