

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

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

Finance
Appropriations

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.*

SENATE
Amended 2nd Reading
April 28, 2015

HOUSE
3rd Reading Unamended
April 17, 2015

HOUSE
Amended 2nd Reading
April 16, 2015

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. Legislative declaration.** (1) The general assembly
3 hereby:

4 (a) Finds that:

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

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

19 (III) Concerns among the regulated community about inconsistent
20 compliance standards between federal, state, and local governmental
21 storm water construction site inspections, the over-reliance on
22 penalty-based enforcement to achieve compliance, and other concerns led

1 to the passage of H.B. 12-1119, which directed the division to collaborate
2 with the construction industry to develop more responsive and
3 streamlined processes for preventing violations of the "Colorado Water
4 Quality Control Act";

5 (IV) According to the division's "Report to the General Assembly
6 of the State of Colorado in accordance with Colorado House Bill
7 12-1119", stakeholders and the division recommended developing and
8 implementing an alternative compliance assurance model that both allows
9 for improved targeting of enforcement resources on chronic and
10 recalcitrant violators while encouraging and facilitating proactive
11 compliance; and

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

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

21 (I) Create a compliance assurance model that would provide a
22 more responsive and predictable process that would increase compliance
23 assistance through increased inspection frequency, increased individual
24 assistance, increased compliance assistance resources, and increased
25 communication and follow-up after inspections, and provide
26 consideration for first-time violators with a focus on repeat offenders; and

27 (II) Meet EPA oversight objectives for annual inspection rates by

1 the division, resulting in less EPA construction site oversight in Colorado
2 and more consistent and predictable inspection standards for permit
3 holders; and

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

7 **SECTION 2.** In Colorado Revised Statutes, 25-8-502, **repeal and**
8 **reenact, with amendments,** (1); and **add** (1.1), (1.2), (1.3), (1.4), (1.5),
9 (1.6), and (1.7) as follows:

10 **25-8-502. Application - definitions - fees - water quality**
11 **control fund - animal feeding operation fund - public participation -**
12 **repeal.** (1) FOR THE PURPOSES OF THIS SECTION:

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

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

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

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

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

27 (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	<u>(H) AMUSEMENT AND RECREATION SERVICES</u>	<u>\$1,480</u>
22	(XI) INDIVIDUAL INDUSTRIAL STORM-WATER PERMITS:	
23	(A) INDIVIDUAL INDUSTRIAL - LESS THAN TEN ACRES	\$295
24	(B) INDIVIDUAL INDUSTRIAL - TEN ACRES OR MORE	\$375
25	(C) INDIVIDUAL INDUSTRIAL - STORM WATER	
26	ONLY - INTERNATIONAL AIRPORTS	\$6,220
27	(c) THE CONSTRUCTION SECTOR INCLUDES ANNUAL FEE	

1 SCHEDULES FOR REGULATED ACTIVITIES ASSOCIATED WITH CONSTRUCTION
2 ACTIVITIES AS FOLLOWS:

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

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

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

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

12 (C) PROCESS WATER FROM 1,000,000 UP TO
13 4,999,999 GALLONS PER DAY \$9,880

14 (D) PROCESS WATER FROM 5,000,000 UP TO
15 19,999,999 GALLONS PER DAY \$12,140

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

18 (II) GENERAL PERMITS:

19 (A) CONSTRUCTION DEWATERING. THIS SUB-SUBPARAGRAPH (A)
20 IS REPEALED, EFFECTIVE JULY 1, 2016. \$500

21 (B) OIL AND GAS CLEANUP. THIS SUB-SUBPARAGRAPH (B) IS
22 REPEALED, EFFECTIVE JULY 1, 2016. \$1,840

23 (C) CONSTRUCTION - STORM WATER ONLY; 1 TO
24 LESS THAN 5 ACRES OF DISTURBED AREA. THIS
25 SUB-SUBPARAGRAPH (C) IS REPEALED, EFFECTIVE JULY 1, 2016. \$245

26 (D) CONSTRUCTION - STORM WATER ONLY; 5 ACRES
27 OR MORE OF DISTURBED AREA. THIS SUB-SUBPARAGRAPH

1	<u>(D) IS REPEALED, EFFECTIVE JULY 1, 2016.</u>	\$245
2	(E) DEPARTMENT OF TRANSPORTATION (DOT) -	
3	STORM-WATER CONSTRUCTION DISCHARGES FROM	
4	PROJECTS WHERE DOT IS THE PERMITTEE -	
5	STATEWIDE PERMIT	\$9,400
6	(F) MINIMAL DISCHARGE OF INDUSTRIAL OR	
7	COMMERCIAL WASTEWATER	\$630
8	<u>(G) LOW COMPLEXITY, EFFECTIVE ON AND AFTER</u>	
9	<u>JULY 1, 2016</u>	<u>\$820</u>
10	<u>(H) HIGH COMPLEXITY, EFFECTIVE ON</u>	
11	<u>AND AFTER JULY 1, 2016</u>	<u>\$2,000</u>
12	<u>(I) CONSTRUCTION - STORM WATER ONLY; LESS</u>	
13	<u>THAN 1 ACRE OF DISTURBED AREA, EFFECTIVE ON</u>	
14	<u>AND AFTER JULY 1, 2016</u>	<u>\$165</u>
15	<u>(J) CONSTRUCTION - STORM WATER ONLY; FROM</u>	
16	<u>1 ACRE TO LESS THAN 30 ACRES, EFFECTIVE ON</u>	
17	<u>AND AFTER JULY 1, 2016</u>	<u>\$350</u>
18	<u>(K) CONSTRUCTION - STORM WATER ONLY;</u>	
19	<u>30 ACRES OR MORE OF DISTURBED AREA, EFFECTIVE</u>	
20	<u>ON AND AFTER JULY 1, 2016</u>	<u>\$540</u>
21	<u>(III) EFFECTIVE ON AND AFTER JULY 1, 2016, THE FEE FOR AN</u>	
22	<u>INDIVIDUAL PERMIT FOR CONSTRUCTION ACTIVITY IS FOUR THOUSAND</u>	
23	<u>FOUR HUNDRED DOLLARS; AND</u>	
24	<u>(IV) THE DIVISION SHALL USE THE REVENUE GENERATED BY THE</u>	
25	<u>FEES CONTAINED IN SUB-SUBPARAGRAPHS (G), (H), (I), (J), AND (K) OF</u>	
26	<u>SUBPARAGRAPH (II) OF THIS PARAGRAPH (C) AND SUBPARAGRAPHS (I) AND</u>	
27	<u>(III) OF THIS PARAGRAPH (C) TO CONTINUE TO FUND THE ADMINISTRATION</u>	

1 AND OVERSIGHT OF THE CONSTRUCTION SECTOR AND SHALL USE THE
2 INCREASED REVENUE, WHEN COMPARED WITH THE REVENUE GENERATED
3 BY THE FEES CONTAINED IN SUBCATEGORIES 2, 8, 9A, AND 9B OF
4 SUB-SUBPARAGRAPH (G) AND SUB-SUBPARAGRAPHS (H), (I), (J), AND (L)
5 OF SUBPARAGRAPH (I) OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS
6 SECTION AS IT EXISTED ON JUNE 30, 2016, TO FUND NEW SERVICES
7 PROVIDED UNDER THE ALTERNATIVE COMPLIANCE ASSURANCE MODEL.
8 THE DIVISION SHALL NOT USE THE INCREASED REVENUE TO FUND
9 ADDITIONAL ENFORCEMENT STAFF. THE DIVISION MAY USE THE INCREASED
10 REVENUE FOR THE FOLLOWING PURPOSES:

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

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

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

27 (D) MAINTAINING AND INCREASING CURRENT SERVICE LEVELS OF

1 ADMINISTRATION AND OVERSIGHT FOR THE DIVISION'S STORM WATER
2 MANAGEMENT SYSTEM ADMINISTRATOR PROGRAM; AND

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

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

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

20 **FACILITY CATEGORIES AND SUBCATEGORIES FOR**

21 **PERMIT FEES WITHIN THE PUBLIC AND**

22 **PRIVATE UTILITIES SECTOR ANNUAL FEES**

23 (I) WATER TREATMENT PLANTS:

24 (A) INTERMITTENT DISCHARGE \$570

25 (B) ROUTING DISCHARGE \$820

26 (II) GENERAL PERMITS:

27 (A) WATER TREATMENT PLANTS - INTERMITTENT

1	DISCHARGE	\$475
2	(B) WATER TREATMENT PLANTS - ROUTINE DISCHARGE	\$715
3	(C) DISCHARGES ASSOCIATED WITH TREATED WATER	
4	DISTRIBUTION SYSTEMS FOR A POPULATION OF	
5	3,300 OR FEWER	\$105
6	(D) DISCHARGES ASSOCIATED WITH TREATED	
7	WATER DISTRIBUTION SYSTEMS FOR	
8	A POPULATION FROM 3,301 UP TO 9,999	\$210
9	(E) DISCHARGES ASSOCIATED WITH TREATED	
10	WATER DISTRIBUTION SYSTEMS FOR A	
11	POPULATION OF 10,000 OR MORE	\$315
12	(III) DOMESTIC WASTEWATER - LAGOONS:	
13	(A) SEWAGE FROM 0 UP TO 49,999 GALLONS PER DAY	\$525
14	(B) SEWAGE FROM 50,000 UP TO 99,999 GALLONS	
15	PER DAY	\$845
16	(C) SEWAGE FROM 100,000 UP TO 499,999 GALLONS	
17	PER DAY	\$1,230
18	(D) SEWAGE FROM 500,000 UP TO 999,999 GALLONS	
19	PER DAY	\$2,120
20	(E) SEWAGE FROM 1,000,000 UP TO 1,999,999 GALLONS	
21	PER DAY	\$3,170
22	(F) SEWAGE, 2,000,000 GALLONS PER DAY OR MORE	\$6,460
23	(IV) DOMESTIC WASTEWATER - MECHANICAL PLANTS:	
24	(A) SEWAGE FROM 0 UP TO 19,999 GALLONS PER DAY	\$615
25	(B) SEWAGE FROM 20,000 UP TO 49,999 GALLONS	
26	PER DAY	\$980
27	(C) SEWAGE FROM 50,000 UP TO 99,999 GALLONS	

1	PER DAY	\$1,440
2	(D) SEWAGE FROM 100,000 UP TO 499,999 GALLONS	
3	PER DAY	\$2,240
4	(E) SEWAGE FROM 500,000 UP TO 999,999 GALLONS	
5	PER DAY	\$3,720
6	(F) SEWAGE FROM 1,000,000 UP TO 2,499,999 GALLONS	
7	PER DAY	\$6,090
8	(G) SEWAGE FROM 2,500,000 UP TO 9,999,999 GALLONS	
9	PER DAY	\$11,410
10	(H) SEWAGE FROM 10,000,000 UP TO 49,999,999	
11	GALLONS PER DAY	\$19,780
12	(I) SEWAGE FROM 50,000,000 UP TO 99,999,999	
13	GALLONS PER DAY	\$22,820
14	(J) SEWAGE, 100,000,000 GALLONS PER DAY	
15	OR MORE	\$25,100
16	(V) DOMESTIC FACILITIES DISCHARGE TO UNCLASSIFIED WATERS	
17	- GENERAL PERMIT:	
18	(A) SEWAGE FROM 0 UP TO 49,999 GALLONS PER DAY	\$455
19	(B) SEWAGE FROM 50,000 UP TO 199,999 GALLONS	
20	PER DAY	\$800
21	(C) SEWAGE FROM 200,000 UP TO 599,999 GALLONS	
22	PER DAY	\$1,170
23	(D) SEWAGE FROM 600,000 UP TO 999,999 GALLONS	
24	PER DAY	\$1,860
25	(VI) INDUSTRIAL DISCHARGERS SUBJECT TO CATEGORICAL	
26	EFFLUENT STANDARDS DISCHARGING TO PUBLICLY OWNED TREATMENT	
27	WORKS WITH PRETREATMENT PROGRAMS, NOT INCLUDING CATEGORICAL	

1	INDUSTRIES SUBJECT TO ZERO-DISCHARGE STANDARDS:	
2	(A) VERY LOW FLOW - LESS THAN 100 GALLONS PER DAY	\$292
3	(B) 100 UP TO 9,999 GALLONS PER DAY	\$699
4	(C) 10,000 UP TO 50,000 GALLONS PER DAY	\$1,047
5	(D) MORE THAN 50,000 GALLONS PER DAY	\$1,397
6	(VII) ALL OTHER SIGNIFICANT INDUSTRIAL DISCHARGERS	
7	DISCHARGING TO PUBLICLY OWNED TREATMENT WORKS WITH	
8	PRETREATMENT, INCLUDING CATEGORICAL INDUSTRIES SUBJECT TO	
9	ZERO-DISCHARGE STANDARDS:	
10	(A) LESS THAN 10,000 GALLONS PER DAY	\$175
11	(B) 10,000 UP TO 50,000 GALLONS PER DAY	\$349
12	(C) MORE THAN 50,000 GALLONS PER DAY	\$465
13	(D) PIT DEWATERING ONLY	\$270
14	(VIII) INDUSTRIAL DISCHARGERS SUBJECT TO CATEGORICAL	
15	EFFLUENT STANDARDS DISCHARGING TO PUBLICLY OWNED TREATMENT	
16	WORKS WITHOUT PRETREATMENT PROGRAMS, NOT INCLUDING	
17	CATEGORICAL INDUSTRIES SUBJECT TO ZERO DISCHARGE STANDARDS:	
18	(A) LESS THAN 10,000 GALLONS PER DAY	\$815
19	(B) 10,000 UP TO 50,000 GALLONS PER DAY	\$1,280
20	(C) MORE THAN 50,000 GALLONS PER DAY	\$1,746
21	(IX) ALL OTHER SIGNIFICANT INDUSTRIAL DISCHARGERS	
22	DISCHARGING TO PUBLICLY OWNED TREATMENT WORKS WITHOUT	
23	PRETREATMENT PROGRAMS, INCLUDING CATEGORICAL INDUSTRIES	
24	SUBJECT TO ZERO-DISCHARGE STANDARDS:	
25	(A) LESS THAN 10,000 GALLONS PER DAY	\$349
26	(B) 10,000 UP TO 50,000 GALLONS PER DAY	\$524
27	(C) MORE THAN 50,000 GALLONS PER DAY	\$699

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

1	(J) SEWAGE, 100,000,000 GALLONS PER DAY OR MORE	\$128
2	(XII) WASTEWATER REUSE AUTHORIZATIONS:	
3	(A) FACILITY CAPACITY OF LESS THAN 100,000	
4	GALLONS PER DAY	\$450
5	(B) FACILITY CAPACITY FROM 100,000 GALLONS TO	
6	499,999 GALLONS PER DAY	\$840
7	(C) FACILITY CAPACITY FROM 500,000 GALLONS TO	
8	999,999 GALLONS PER DAY	\$1,400
9	(D) FACILITY CAPACITY FROM 1,000,000 GALLONS TO	
10	2,499,999 GALLONS PER DAY	\$2,300
11	(E) FACILITY CAPACITY FROM 2,500,000 GALLONS TO	
12	9,999,999 GALLONS PER DAY	\$4,300
13	(F) FACILITY CAPACITY, 10,000,000 GALLONS PER	
14	DAY OR MORE	\$6,300
15	(XIII) MS4 GENERAL PERMITS:	
16	(A) STORM WATER MUNICIPAL FOR A POPULATION	
17	OF 10,000 OR FEWER	\$355
18	(B) STORM WATER MUNICIPAL FOR A POPULATION	
19	FROM 10,000 UP TO 49,999	\$810
20	(C) STORM WATER MUNICIPAL FOR A POPULATION	
21	FROM 50,000 UP TO 100,000	\$2,020
22	(D) STORM WATER MUNICIPAL FOR A POPULATION	
23	OF 100,000 OR MORE	\$4,050
24	(XIV) MS4 INDIVIDUAL PERMITS:	
25	(A) MUNICIPALITIES WITH A POPULATION FROM	
26	10,000 UP TO 49,999	\$1,245
27	(B) MUNICIPALITIES WITH A POPULATION FROM	

1	50,000 UP TO 99,999	\$3,110
2	(C) MUNICIPALITIES WITH A POPULATION FROM	
3	100,000 UP TO 249,999	\$6,225
4	(D) MUNICIPALITIES WITH A POPULATION OF	
5	250,000 OR MORE	\$10,580
6	(E) STATEWIDE PERMIT FOR MUNICIPAL SEPARATE	
7	STORM-WATER SYSTEMS, OWNED OR	
8	OPERATED BY THE DEPARTMENT OF	
9	TRANSPORTATION, IN MUNICIPAL AREAS	
10	WHERE STORM WATER PERMITS ARE REQUIRED	\$4,360

11

12 (1.2) (a) FOR THE ACTIVITIES LISTED IN THIS SUBSECTION (1.2)
13 ASSOCIATED WITH REVIEWING REQUESTS FOR CERTIFICATIONS UNDER
14 SECTION 401 OF THE FEDERAL ACT AND THIS ARTICLE, KNOWN AS "401
15 CERTIFICATES", THE DIVISION MAY ASSESS A FEE FOR THE REVIEW, AND
16 ALL SUCH FEES MUST BE IN ACCORDANCE WITH THE FOLLOWING
17 SCHEDULES:

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

- 25 (A) THE POTENTIAL FOR MINIMAL IMPACTS TO WATER QUALITY;
- 26 (B) A LOW LEVEL OF PUBLIC PARTICIPATION;
- 27 (C) NO MORE THAN STANDARD COORDINATION WITH FEDERAL,

1 STATE, OR LOCAL AGENCIES MAY BE REQUIRED;

2 (D) LIMITED TECHNICAL ASSISTANCE MAY BE NEEDED.

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

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

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

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

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

19 (E) COMPENSATORY MITIGATION REVIEW MAY BE REQUIRED;

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

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

25 (III) THE FEE FOR A TIER 3 PROJECT IS CALCULATED ON AN HOURLY
26 RATE BASED ON THE ACTUAL COSTS OF DIVISION STAFF AND CONTRACTOR
27 TIME. TIER 3 PROJECTS ARE PROJECTS THAT INVOLVE A LARGE WATERSHED

1 AREA, A HIGH DEGREE OF COMPLEXITY, OR HIGH POTENTIAL FOR WATER
2 QUALITY IMPACTS. TIER 3 INCLUDES CERTIFICATIONS OF FEDERAL ENERGY
3 REGULATORY COMMISSION RELICENSING PROJECTS OR PROJECTS
4 INVOLVING MORE LONG-TERM WATER QUALITY IMPACTS. TYPICAL
5 CHARACTERISTICS OF TIER 3 PROJECTS MAY INCLUDE ALL OR SOME OF THE
6 FOLLOWING:

7 (A) THE POTENTIAL FOR GREATER, PERMANENT WATER QUALITY
8 IMPACTS IF ONE OR MORE OF THE FOLLOWING OCCURS: THE WATER BODY
9 IS IDENTIFIED AS NOT ATTAINING WATER QUALITY STANDARDS; OR
10 MULTIPLE STREAM OR LAKE SEGMENTS AS ESTABLISHED BY SECTION
11 25-8-203 ARE AFFECTED;

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

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

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

21 (E) THE POTENTIAL FOR COMPLEX COMPENSATORY MITIGATION
22 REVIEW;

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

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

27 (H) IF THE CERTIFICATION IS APPEALED, ADDRESSING AN APPEAL

1 OF THE DIVISION'S WATER QUALITY CERTIFICATION TO THE COMMISSION
2 PURSUANT TO SECTIONS 25-8-202 (1) (k), 25-8-302 (1) (f) AND 25-8-401.

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

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

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

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

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

24 (E) THE POTENTIAL FOR COMPLEX COMPENSATORY MITIGATION
25 REVIEW;

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

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

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

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

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

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

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

25 (1.3) FOR EACH SERVICE LISTED BELOW, THE DIVISION MAY ASSESS
26 A FEE FOR THE SERVICE, AND ALL SUCH FEES MUST BE IN ACCORDANCE
27 WITH THE FOLLOWING SCHEDULES:

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

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

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

14 (b) PRELIMINARY EFFLUENT LIMITATIONS:

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

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

26 (III) FEES SET FORTH IN THE SCHEDULES ESTABLISHED IN THIS
27 PARAGRAPH (b) ARE INCREASED BY AN AMOUNT EQUAL TO SEVENTY-FIVE

1 PERCENT OF THE APPLICABLE FEE FOR EACH SET OF PRELIMINARY
 2 EFFLUENT LIMITATIONS REQUESTED BY DOMESTIC WASTEWATER
 3 TREATMENT WORKS FOR DISCHARGES TO A SECOND OR ADDITIONAL
 4 RECEIVING WATER BODIES.

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

10 **FACILITY CATEGORIES AND**
 11 **SUBCATEGORIES FOR PRELIMINARY**

12 **EFFLUENT LIMITATIONS FEES**

13 (V) PRELIMINARY EFFLUENT LIMITATIONS FOR INDIVIDUAL
 14 PERMITS:

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

19 (VI) PRELIMINARY EFFLUENT LIMITATIONS FOR

20	GENERAL PERMITS FROM 0 UP TO 1,000,000	
21	GALLONS PER DAY	\$1,050

22 (VII) PRELIMINARY EFFLUENT LIMITATIONS FOR DISCHARGES TO
 23 GROUNDWATER:

24	(A) MINOR FACILITIES, LESS THAN 1,000,000 GALLONS	
25	PER DAY	\$525
26	(B) MAJOR FACILITIES, 1,000,000 GALLONS	
27	PER DAY OR MORE	\$840

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

3 (A) MINOR FACILITIES, LESS THAN 1,000,000 GALLONS	
4 PER DAY	\$1,575
5 (B) MAJOR FACILITIES, 1,000,000 GALLONS	
6 PER DAY OR MORE	\$3,150

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

10 (c) WASTEWATER SITE APPLICATIONS AND DESIGN REVIEWS:

11 (I) WASTEWATER SITE APPLICATIONS:

12 (A) WASTEWATER TREATMENT PLANTS, LESS THAN 100,000	
13 GALLONS PER DAY:	
14 NEW	\$7,738
15 EXPANSION	\$6,191

16 (B) WASTEWATER TREATMENT PLANTS FROM 100,000 TO 999,999	
17 GALLONS PER DAY:	
18 NEW	\$15,477
19 EXPANSION	\$12,381

20 (C) WASTEWATER TREATMENT PLANTS FROM 1,000,000 TO	
21 9,999,999 GALLONS PER DAY:	
22 NEW	\$23,215
23 EXPANSION	\$18,572

24 (D) WASTEWATER TREATMENT PLANTS, 10,000,000	
25 GALLONS PER DAY OR MORE:	
26 NEW	\$30,953
27 EXPANSION	\$24,763

1	(E) LIFT STATIONS, LESS THAN 100,000 GALLONS PER DAY:	
2	NEW	\$1,935
3	EXPANSION	\$1,548
4	(F) LIFT STATIONS FROM 100,000 TO 999,999 GALLONS PER DAY:	
5	NEW	\$3,869
6	EXPANSION	\$3,095
7	(G) LIFT STATIONS FROM 1,000,000 TO 9,999,999	
8	GALLONS PER DAY:	
9	NEW	\$5,804
10	EXPANSION	\$4,643
11	(H) LIFT STATIONS, 10,000,000 GALLONS PER DAY OR MORE:	
12	NEW	\$7,738
13	EXPANSION	\$6,191
14	(I) AMENDMENTS TO SITE APPLICATIONS CONCERNING	
15	A CHANGE FROM GAS CHLORINATION TO LIQUID	
16	CHLORINATION OR FROM ANY FORM OF	
17	CHLORINATION TO ULTRAVIOLET LIGHT	
18	DISINFECTION, LESS THAN 100,000 GALLONS	
19	PER DAY	\$451
20	(J) AMENDMENTS TO SITE APPLICATIONS CONCERNING	
21	A CHANGE FROM GAS CHLORINATION TO LIQUID	
22	CHLORINATION OR FROM ANY FORM OF	
23	CHLORINATION TO ULTRAVIOLET LIGHT	
24	DISINFECTION FROM 100,000 TO	
25	999,999 GALLONS PER DAY	\$903
26	(K) AMENDMENTS TO SITE APPLICATIONS CONCERNING	
27	A CHANGE FROM GAS CHLORINATION TO LIQUID	

1	CHLORINATION OR FROM ANY FORM OF	
2	CHLORINATION TO ULTRAVIOLET LIGHT	
3	DISINFECTION FROM 1,000,000 TO	
4	9,999,999 GALLONS PER DAY	\$1,354
5	(L) AMENDMENTS TO SITE APPLICATIONS CONCERNING	
6	A CHANGE FROM GAS CHLORINATION TO LIQUID	
7	CHLORINATION OR FROM ANY FORM OF	
8	CHLORINATION TO ULTRAVIOLET LIGHT	
9	DISINFECTION, 10,000,000 GALLONS PER	
10	DAY OR MORE	\$1,806
11	(M) OTHER AMENDMENTS TO SITE APPLICATION,	
12	LESS THAN 100,000 GALLONS PER DAY	\$645
13	(N) OTHER AMENDMENTS TO SITE APPLICATIONS	
14	FROM 100,000 TO 999,999 GALLONS	
15	PER DAY	\$1,290
16	(O) OTHER AMENDMENTS TO SITE APPLICATIONS	
17	FROM 1,000,000 TO 9,999,999 GALLONS	
18	PER DAY	\$1,935
19	(P) OTHER AMENDMENTS TO SITE APPLICATIONS,	
20	10,000,000 GALLONS PER DAY OR MORE	\$2,579
21	(Q) ON-SITE WASTEWATER TREATMENT SYSTEMS	\$4,500
22	(R) EXTENSION	\$650
23	(S) INTERCEPTOR SITE APPLICATIONS	\$1,300
24	(T) INTERCEPTOR CERTIFICATIONS	\$300
25	(U) OUTFALL SEWERS	\$1,300
26	(II) WASTEWATER DESIGN REVIEW:	
27	(A) WASTEWATER TREATMENT PLANTS, LESS THAN 100,000	

1	GALLONS PER DAY:	
2	NEW	\$4,900
3	EXPANSION	\$3,900
4	(B) WASTEWATER TREATMENT PLANTS FROM 100,000 TO 999,999	
5	GALLONS PER DAY:	
6	NEW	\$9,900
7	EXPANSION	\$7,900
8	(C) WASTEWATER TREATMENT PLANTS FROM 1,000,000 TO	
9	9,999,999 GALLONS PER DAY:	
10	NEW	\$14,800
11	EXPANSION	\$11,800
12	(D) WASTEWATER TREATMENT PLANTS, 10,000,000 GALLONS PER	
13	DAY OR MORE:	
14	NEW	\$19,700
15	EXPANSION	\$15,800
16	(E) LIFT STATIONS, LESS THAN 100,000 GALLONS PER DAY:	
17	NEW	\$1,200
18	EXPANSION	\$1,000
19	(F) LIFT STATIONS FROM 100,000 TO 999,999 GALLONS PER DAY:	
20	NEW	\$2,500
21	EXPANSION	\$2,000
22	(G) LIFT STATIONS FROM 1,000,000 TO 9,999,999 GALLONS PER	
23	DAY:	
24	NEW	\$3,700
25	EXPANSION	\$3,000
26	(H) LIFT STATIONS, 10,000,000 GALLONS PER DAY OR MORE:	
27	NEW	\$4,900

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

1	(N) OTHER AMENDMENTS TO SITE APPLICATIONS,	
2	FROM 100,000 TO 999,999 GALLONS	
3	PER DAY	\$1,400
4	(O) OTHER AMENDMENTS TO SITE APPLICATIONS,	
5	FROM 1,000,000 TO 9,999,999 GALLONS	
6	PER DAY	\$2,100
7	(P) OTHER AMENDMENTS TO SITE APPLICATIONS,	
8	10,000,000 GALLONS PER DAY OR MORE	\$2,800
9	(Q) ON-SITE WASTEWATER TREATMENT SYSTEMS	\$3,000
10	(R) INTERCEPTOR SITE APPLICATIONS	\$1,400
11	(S) OUTFALL SEWERS	\$1,400

12 (1.4) THE DIVISION MAY ESTABLISH AN INTERIM FEE THAT MUST BE
13 CONSISTENT AND EQUITABLE WITH THE FEES CONTAINED IN SUBSECTION
14 (1.1) OF THIS SECTION IN ANY CASE WHERE A FACILITY OTHER THAN THOSE
15 LISTED MUST BE PERMITTED. THIS INTERIM FEE APPLIES UNTIL THE DATE
16 OF ADJOURNMENT SINE DIE OF THE NEXT REGULAR SESSION OF THE
17 GENERAL ASSEMBLY FOLLOWING IMPOSITION OF THE INTERIM FEE.

18 (1.5) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
19 WATER QUALITY CONTROL FUND, WHICH CONSISTS OF ALL ANNUAL FEES
20 COLLECTED FOR REGULATED ACTIVITIES ASSOCIATED WITH THE
21 COMMERCE AND INDUSTRY SECTOR, CONSTRUCTION SECTOR, PESTICIDE
22 APPLICATION SECTOR, AND PUBLIC AND PRIVATE UTILITIES SECTOR
23 PURSUANT TO SUBSECTION (1.1) OF THIS SECTION; ALL FEES FOR SERVICES
24 PERFORMED BY THE DIVISION ASSOCIATED WITH THE COMMERCE AND
25 INDUSTRY SECTOR, CONSTRUCTION SECTOR, PESTICIDE APPLICATION
26 SECTOR, AND PUBLIC AND PRIVATE UTILITIES SECTOR IN SUBSECTION (1.1)
27 OF THIS SECTION; ALL FEES COLLECTED FOR ACTIVITIES ASSOCIATED WITH

1 401 CERTIFICATES IN SUBSECTION (1.2) OF THIS SECTION; AND ALL INTERIM
2 FEES IN SUBSECTION (1.3) OF THIS SECTION. THE DIVISION SHALL
3 TRANSMIT THE FEES TO THE STATE TREASURER, WHO SHALL CREDIT THEM
4 TO THE WATER QUALITY CONTROL FUND.

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

17 (c) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT A PORTION
18 OF THE EXPENSES OF THE DISCHARGE PERMIT SYSTEM BE FUNDED FROM
19 THE GENERAL FUND, REFLECTING THE BENEFIT DERIVED BY THE GENERAL
20 PUBLIC; EXCEPT THAT THE GENERAL ASSEMBLY MAY DETERMINE, IN ANY
21 GIVEN FISCAL YEAR, THAT GENERAL FUND REVENUES ARE INADEQUATE TO
22 MEET GENERAL FUND DEMANDS AND THAT, AS A CONSEQUENCE, IT IS
23 NECESSARY TO FOREGO, SUBJECT TO FUTURE RECONSIDERATION, ALL OR
24 SOME PORTION OF SUCH GENERAL FUND CONTRIBUTION TO THE DISCHARGE
25 PERMIT PROGRAM PURSUANT TO THIS PART 5.

26 (d) NOTWITHSTANDING THE AMOUNT SPECIFIED FOR ANY FEE IN
27 SUBSECTION (1.1) OR SUBSECTION (1.3) OF THIS SECTION, THE COMMISSION

1 BY RULE OR AS OTHERWISE PROVIDED BY LAW MAY REDUCE THE AMOUNT
2 OF ONE OR MORE OF THE FEES IF NECESSARY PURSUANT TO SECTION
3 24-75-402 (3), C.R.S., TO REDUCE THE UNCOMMITTED RESERVES OF THE
4 FUND TO WHICH ALL OR ANY PORTION OF ONE OR MORE OF THE FEES IS
5 CREDITED. AFTER THE UNCOMMITTED RESERVES OF THE FUND ARE
6 SUFFICIENTLY REDUCED, THE COMMISSION BY RULE OR AS OTHERWISE
7 PROVIDED BY LAW MAY INCREASE THE AMOUNT OF ONE OR MORE OF THE
8 FEES AS PROVIDED IN SECTION 24-75-402 (4), C.R.S.

9 (1.6) THERE IS HEREBY CREATED THE ANIMAL FEEDING
10 OPERATIONS FUND, WHICH CONSISTS OF ALL FEES COLLECTED FOR
11 REGULATED ACTIVITIES ASSOCIATED WITH THE ANIMAL AGRICULTURE
12 SECTOR IN PARAGRAPH (a) OF SUBSECTION (1.1) OF THIS SECTION, AS WELL
13 AS ALL FEES COLLECTED FOR SERVICES PROVIDED BY THE DIVISION
14 ASSOCIATED WITH THE ANIMAL AGRICULTURE SECTOR IN SUBSECTION (1.3)
15 OF THIS SECTION. THE DIVISION SHALL TRANSMIT THE FEES TO THE STATE
16 TREASURER, WHO SHALL CREDIT THEM TO THE ANIMAL FEEDING
17 OPERATION FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS
18 REMAINING IN THE ANIMAL FEEDING OPERATIONS FUND AT THE END OF
19 ANY FISCAL YEAR REMAIN IN THE ANIMAL FEEDING OPERATIONS FUND AND
20 SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OR ANY
21 OTHER FUND. THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
22 THE MONEYS IN THE ANIMAL FEEDING OPERATIONS FUND TO THE
23 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR THE DIRECT AND
24 INDIRECT COSTS ASSOCIATED WITH THE PERMITTING AND OVERSIGHT OF
25 ANIMAL FEEDING OPERATIONS UNDER THIS ARTICLE.

26 (1.7) COMMENCING IN 2016, THE DEPARTMENT OF PUBLIC HEALTH
27 AND ENVIRONMENT SHALL REPORT ANNUALLY TO:

1 (a) THE SENATE AGRICULTURE AND NATURAL RESOURCES
2 COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE,
3 LIVESTOCK, AND NATURAL RESOURCES COMMITTEE, OR THEIR SUCCESSOR
4 COMMITTEES, ON THE ENVIRONMENTAL AGRICULTURE PROGRAM. THE
5 REPORT MUST INCLUDE THE NUMBER OF PERMITS PROCESSED, THE NUMBER
6 OF INSPECTIONS CONDUCTED, THE NUMBER OF ENFORCEMENT ACTIONS
7 TAKEN, AND THE COSTS ASSOCIATED WITH ALL PROGRAM ACTIVITIES
8 DURING THE PRECEDING YEAR. THE DEPARTMENT SHALL SUBMIT THE
9 REPORT ON OR BEFORE MARCH 31 OF EACH YEAR; AND

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

13 **SECTION 3. Appropriation - adjustments to 2015 long bill.**

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

18 **SECTION 4. Appropriation.** (1) For the 2015-16 state fiscal
19 year, \$17,600 is appropriated to the department of public health and
20 environment for use by the water quality control division. This
21 appropriation is from the water quality control fund created in section
22 25-8-502 (1.5) (c), C.R.S. To implement this act, the division may use this
23 appropriation for the pesticides sector.

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

1 division may use this appropriation for the commerce and industry sector.

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

4 **SECTION 6. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.