

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0810.01 Thomas Morris x4218

HOUSE BILL 15-1249

HOUSE SPONSORSHIP

Becker K.,

SENATE SPONSORSHIP

Hodge,

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING AMENDMENTS TO THE FEES ASSOCIATED WITH WATER
102 POLLUTION CONTROL.

Bill Summary

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

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 regulated activities associated with the application of pesticides, the costs

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.

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,
12 OR WILL BE STABLED OR CONFINED AND FED OR MAINTAINED FOR A TOTAL
13 OF 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
23 FACILITY, NOT FLOW.

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

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

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

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

17 (III) NOT A COMBINED SEWER; AND

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

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

23 (1.1) FOR EACH REGULATED ACTIVITY LISTED IN THIS SUBSECTION
24 (1.1), THE DIVISION MAY ASSESS AN ANNUAL PERMIT FEE AND A
25 NONREFUNDABLE PERMIT APPLICATION FEE FOR NEW PERMITS THAT MUST
26 EQUAL FIFTY PERCENT OF THE ANNUAL PERMIT FEE. THE FULL AMOUNT OF
27 THE APPLICATION FEE IS CREDITED TOWARD THE ANNUAL PERMIT FEE. ALL

1 SUCH FEES MUST BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULES:

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

5 (I) GENERAL PERMIT: THE DIVISION SHALL ASSESS A CAFO AN
6 ANNUAL PERMIT FEE NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS PLUS
7 FOUR CENTS PER ANIMAL UNIT, BASED ON THE CAFO'S PERMITTED
8 CAPACITY; EXCEPT THAT, FROM JULY 1, 2015, THROUGH JUNE 30, 2018,
9 THE DIVISION SHALL ASSESS A CAFO AN ANNUAL PERMIT FEE NOT TO
10 EXCEED SEVEN HUNDRED FIFTY DOLLARS PLUS NINE CENTS PER ANIMAL
11 UNIT, BASED ON THE CAFO'S PERMITTED CAPACITY.

12 (II) INDIVIDUAL PERMIT: THE DIVISION SHALL ASSESS A CAFO AN
13 ANNUAL PERMIT FEE NOT TO EXCEED FIVE HUNDRED DOLLARS PLUS EIGHT
14 CENTS PER ANIMAL UNIT, BASED ON THE CAFO'S PERMITTED CAPACITY;
15 EXCEPT THAT, FROM JULY 1, 2015, THROUGH JUNE 30, 2018, THE DIVISION
16 SHALL ASSESS A CAFO AN ANNUAL PERMIT FEE NOT TO EXCEED ONE
17 THOUSAND FIVE HUNDRED DOLLARS PLUS NINE CENTS PER ANIMAL UNIT,
18 BASED ON THE CAFO'S PERMITTED CAPACITY.

19 (III) (A) EFFECTIVE JULY 1, 2015, THROUGH JUNE 30, 2018, THE
20 DIVISION SHALL ASSESS AN UNPERMITTED CAFO AN ANNUAL
21 ADMINISTRATIVE FEE NOT TO EXCEED SIX CENTS PER ANIMAL UNIT BASED
22 UPON THE CAFO'S REGISTERED CAPACITY, TO COVER THE DIRECT AND
23 INDIRECT COSTS ASSOCIATED WITH THE ENVIRONMENTAL AGRICULTURE
24 PROGRAM, INCLUDING INSPECTIONS, COMPLIANCE ASSURANCE,
25 COMPLIANCE ASSISTANCE, AND ASSOCIATED REGULATORY
26 INTERPRETATION AND REVIEW.

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

1 2018.

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

8 (B) FROM JULY 1, 2015, THROUGH JUNE 30, 2018, THE DIVISION
9 SHALL ASSESS ON EACH HOUSED COMMERCIAL SWINE FEEDING OPERATION
10 AN ANNUAL PERMIT FEE THAT SHALL NOT EXCEED TWENTY-SIX CENTS PER
11 ANIMAL, BASED ON THE OPERATION'S WORKING CAPACITY, TO OFFSET THE
12 DIRECT AND INDIRECT COSTS OF THE PROGRAM CREATED IN SECTION
13 25-8-501.1. THIS SUB-SUBPARAGRAPH (B) IS REPEALED, EFFECTIVE JULY
14 1, 2018.

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

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

24 **FACILITY CATEGORIES AND SUBCATEGORIES**

25 **FOR PERMIT FEES WITHIN THE COMMERCE**

26 **AND INDUSTRY SECTOR**

ANNUAL FEES

27 (I) SAND AND GRAVEL AND PLACER MINING:

1	(A) PIT DEWATERING ONLY	\$500
2	(B) PIT DEWATERING OR WASH-WATER DISCHARGE	\$570
3	(C) MERCURY USE WITH DISCHARGE IMPACT	\$640
4	(D) STORM WATER DISCHARGE ONLY	\$435
5	(II) COAL MINING:	
6	(A) SEDIMENTATION PONDS, SURFACE RUNOFF ONLY	\$930
7	(B) MINE WATER, PREPARATION PLANT DISCHARGE	\$1,320
8	(III) HARDROCK MINING:	
9	(A) MINE DEWATERING FROM 0 UP TO 49,999 GALLONS	
10	PER DAY	\$1,140
11	(B) MINE DEWATERING FROM 50,000 UP TO 999,999	
12	GALLONS PER DAY	\$2,150
13	(C) MINE DEWATERING, 1,000,000 GALLONS PER	
14	DAY OR MORE	\$3,280
15	(D) MINE DEWATERING AND MILLING WITH NO	
16	DISCHARGE	\$3,280
17	(E) MINE DEWATERING AND MILLING WITH DISCHARGE	\$9,880
18	(F) NO DISCHARGE	\$1,140
19	(G) MILLING WITH DISCHARGE FROM 0 UP TO 49,999	
20	GALLONS PER DAY	\$3,350
21	(H) MILLING WITH DISCHARGE, 50,000 GALLONS PER	
22	DAY OR MORE	\$6,680
23	(IV) OIL SHALE:	
24	(A) SEDIMENTATION PONDS, SURFACE RUNOFF ONLY	\$1,990
25	(B) MINE WATER FROM 0 UP TO 49,999 GALLONS	
26	PER DAY	\$2,150
27	(C) MINE WATER FROM 50,000 UP TO 999,999 GALLONS	

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

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

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

1	FACILITY CATEGORIES AND	
2	SUBCATEGORIES FOR PERMIT FEES WITHIN	
3	THE CONSTRUCTION SECTOR	ANNUAL FEES
4	(I) INDIVIDUAL PERMITS:	
5	(A) PROCESS WATER FROM 0 UP TO 49,999 GALLONS	
6	PER DAY	\$2,150
7	(B) PROCESS WATER FROM 50,000 UP TO 999,999	
8	GALLONS PER DAY	\$3,280
9	(C) PROCESS WATER FROM 1,000,000 UP TO	
10	4,999,999 GALLONS PER DAY	\$9,880
11	(D) PROCESS WATER FROM 5,000,000 UP TO	
12	19,999,999 GALLONS PER DAY	\$12,140
13	(E) PROCESS WATER, 20,000,000 GALLONS PER DAY	
14	OR MORE	\$19,760
15	(II) GENERAL PERMITS:	
16	(A) CONSTRUCTION DEWATERING	\$500
17	(B) OIL AND GAS CLEANUP	\$1,840
18	(C) CONSTRUCTION - STORM WATER ONLY; 1 TO	
19	LESS THAN 5 ACRES OF DISTURBED AREA	\$245
20	(D) CONSTRUCTION - STORM WATER ONLY; 5 ACRES	
21	OR MORE OF DISTURBED AREA	\$245
22	(E) DEPARTMENT OF TRANSPORTATION (DOT) -	
23	STORM-WATER CONSTRUCTION DISCHARGES FROM	
24	PROJECTS WHERE DOT IS THE PERMITTEE -	
25	STATEWIDE PERMIT	\$9,400
26	(F) MINIMAL DISCHARGE OF INDUSTRIAL OR	
27	COMMERCIAL WASTEWATER	\$630

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

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

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

17 **PRIVATE UTILITIES SECTOR ANNUAL FEES**

18	(I) WATER TREATMENT PLANTS:	
19	(A) INTERMITTENT DISCHARGE	\$570
20	(B) ROUTING DISCHARGE	\$820
21	(II) GENERAL PERMITS:	
22	(A) WATER TREATMENT PLANTS - INTERMITTENT	
23	DISCHARGE	\$475
24	(B) WATER TREATMENT PLANTS - ROUTINE DISCHARGE	\$715
25	(C) DISCHARGES ASSOCIATED WITH TREATED WATER	
26	DISTRIBUTION SYSTEMS FOR A POPULATION OF	
27	3,300 OR FEWER	\$105

1	(D) DISCHARGES ASSOCIATED WITH TREATED	
2	WATER DISTRIBUTION SYSTEMS FOR	
3	A POPULATION FROM 3,301 UP TO 9,999	\$210
4	(E) DISCHARGES ASSOCIATED WITH TREATED	
5	WATER DISTRIBUTION SYSTEMS FOR A	
6	POPULATION OF 10,000 OR MORE	\$315
7	(III) DOMESTIC WASTEWATER - LAGOONS:	
8	(A) SEWAGE FROM 0 UP TO 49,999 GALLONS PER DAY	\$525
9	(B) SEWAGE FROM 50,000 UP TO 99,999 GALLONS	
10	PER DAY	\$845
11	(C) SEWAGE FROM 100,000 UP TO 499,999 GALLONS	
12	PER DAY	\$1,230
13	(D) SEWAGE FROM 500,000 UP TO 999,999 GALLONS	
14	PER DAY	\$2,120
15	(E) SEWAGE FROM 1,000,000 UP TO 1,999,999 GALLONS	
16	PER DAY	\$3,170
17	(F) SEWAGE, 2,000,000 GALLONS PER DAY OR MORE	\$6,460
18	(IV) DOMESTIC WASTEWATER - MECHANICAL PLANTS:	
19	(A) SEWAGE FROM 0 UP TO 19,999 GALLONS PER DAY	\$615
20	(B) SEWAGE FROM 20,000 UP TO 49,999 GALLONS	
21	PER DAY	\$980
22	(C) SEWAGE FROM 50,000 UP TO 99,999 GALLONS	
23	PER DAY	\$1,440
24	(D) SEWAGE FROM 100,000 UP TO 499,999 GALLONS	
25	PER DAY	\$2,240
26	(E) SEWAGE FROM 500,000 UP TO 999,999 GALLONS	
27	PER DAY	\$3,720

1	(F) SEWAGE FROM 1,000,000 UP TO 2,499,999 GALLONS	
2	PER DAY	\$6,090
3	(G) SEWAGE FROM 2,500,000 UP TO 9,999,999 GALLONS	
4	PER DAY	\$11,410
5	(H) SEWAGE FROM 10,000,000 UP TO 49,999,999	
6	GALLONS PER DAY	\$19,780
7	(I) SEWAGE FROM 50,000,000 UP TO 99,999,999	
8	GALLONS PER DAY	\$22,820
9	(J) SEWAGE, 100,000,000 GALLONS PER DAY	
10	OR MORE	\$25,100
11	(V) DOMESTIC FACILITIES DISCHARGE TO UNCLASSIFIED WATERS	
12	- GENERAL PERMIT:	
13	(A) SEWAGE FROM 0 UP TO 49,999 GALLONS PER DAY	\$455
14	(B) SEWAGE FROM 50,000 UP TO 199,999 GALLONS	
15	PER DAY	\$800
16	(C) SEWAGE FROM 200,000 UP TO 599,999 GALLONS	
17	PER DAY	\$1,170
18	(D) SEWAGE FROM 600,000 UP TO 999,999 GALLONS	
19	PER DAY	\$1,860
20	(VI) INDUSTRIAL DISCHARGERS SUBJECT TO CATEGORICAL	
21	EFFLUENT STANDARDS DISCHARGING TO PUBLICLY OWNED TREATMENT	
22	WORKS WITH PRETREATMENT PROGRAMS, NOT INCLUDING CATEGORICAL	
23	INDUSTRIES SUBJECT TO ZERO-DISCHARGE STANDARDS:	
24	(A) VERY LOW FLOW - LESS THAN 100 GALLONS PER DAY	\$292
25	(B) 100 UP TO 9,999 GALLONS PER DAY	\$699
26	(C) 10,000 UP TO 50,000 GALLONS PER DAY	\$1,047
27	(D) MORE THAN 50,000 GALLONS PER DAY	\$1,397

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

5 (A) LESS THAN 10,000 GALLONS PER DAY	\$175
6 (B) 10,000 UP TO 50,000 GALLONS PER DAY	\$349
7 (C) MORE THAN 50,000 GALLONS PER DAY	\$465
8 (D) PIT DEWATERING ONLY	\$270

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

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

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

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

23 (X) DOMESTIC WASTEWATER - LAGOONS:

24 (A) SEWAGE FROM 0 UP TO 49,999 GALLONS PER DAY	\$75
25 (B) SEWAGE FROM 50,000 UP TO 99,999 GALLONS 26 PER DAY	\$75

27 (C) SEWAGE FROM 100,000 UP TO 499,999 GALLONS

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

1	499,999 GALLONS PER DAY	\$840
2	(C) FACILITY CAPACITY FROM 500,000 GALLONS TO	
3	999,999 GALLONS PER DAY	\$1,400
4	(D) FACILITY CAPACITY FROM 1,000,000 GALLONS TO	
5	2,499,999 GALLONS PER DAY	\$2,300
6	(E) FACILITY CAPACITY FROM 2,500,000 GALLONS TO	
7	9,999,999 GALLONS PER DAY	\$4,300
8	(F) FACILITY CAPACITY, 10,000,000 GALLONS PER	
9	DAY OR MORE	\$6,300
10	(XIII) MS4 GENERAL PERMITS:	
11	(A) STORM WATER MUNICIPAL FOR A POPULATION	
12	OF 10,000 OR FEWER	\$355
13	(B) STORM WATER MUNICIPAL FOR A POPULATION	
14	FROM 10,000 UP TO 49,999	\$810
15	(C) STORM WATER MUNICIPAL FOR A POPULATION	
16	FROM 50,000 UP TO 100,000	\$2,020
17	(D) STORM WATER MUNICIPAL FOR A POPULATION	
18	OF 100,000 OR MORE	\$4,050
19	(XIV) MS4 INDIVIDUAL PERMITS:	
20	(A) MUNICIPALITIES WITH A POPULATION FROM	
21	10,000 UP TO 49,999	\$1,245
22	(B) MUNICIPALITIES WITH A POPULATION FROM	
23	50,000 UP TO 99,999	\$3,110
24	(C) MUNICIPALITIES WITH A POPULATION FROM	
25	100,000 UP TO 249,999	\$6,225
26	(D) MUNICIPALITIES WITH A POPULATION OF	
27	250,000 OR MORE	\$10,580

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

6 (1.2) THE COMMISSION SHALL ESTABLISH, AND MAY REVISE AS
7 NECESSARY, A SCHEDULE OF FEES TO COVER THE REASONABLE COSTS
8 ASSOCIATED WITH REVIEWING REQUESTS FOR CERTIFICATIONS UNDER THE
9 PROVISIONS OF SECTION 401 OF THE FEDERAL ACT AND THIS ARTICLE,
10 KNOWN AS "401 CERTIFICATES". THE COMMISSION'S SCHEDULE OF FEES
11 MUST ADDRESS THE FOLLOWING TYPES OF PROJECTS AND SERVICES:

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

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

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

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

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

25 (b) THE 401 CERTIFICATES FEE SCHEDULE MUST INCLUDE FEES FOR
26 THE FOLLOWING SERVICES:

27 (I) FOR TIER 3 AND TIER 4 PROJECTS, THE COMMISSION SHALL

1 ESTABLISH A FEE FOR SERVICES PROVIDED BY THE DIVISION PRIOR TO THE
2 APPLICANT SUBMITTING A FORMAL WATER QUALITY CERTIFICATION
3 REQUEST.

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

7 (1.3) FOR EACH SERVICE LISTED BELOW, THE DIVISION MAY ASSESS
8 A FEE FOR THE SERVICE, AND ALL SUCH FEES MUST BE IN ACCORDANCE
9 WITH THE FOLLOWING SCHEDULES:

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

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

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

23 (b) PRELIMINARY EFFLUENT LIMITATIONS:

24 (I) IN ACCORDANCE WITH SECTION 25-8-702, THE DIVISION MAY
25 ASSESS A FEE, AS SET FORTH IN THE SCHEDULES IN THIS PARAGRAPH (b),
26 FOR THE DETERMINATION OF PRELIMINARY EFFLUENT LIMITATIONS UPON
27 A DOMESTIC WASTEWATER TREATMENT WORKS PURSUANT TO THE SITE

1 LOCATION APPROVAL PROCESS. ALL SUCH FEES SHALL BE PAID IN
2 ADVANCE OF ANY WORK DONE.

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

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

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

19 **FACILITY CATEGORIES AND**
20 **SUBCATEGORIES FOR PRELIMINARY**

21 **EFFLUENT LIMITATIONS FEES**

22 (V) PRELIMINARY EFFLUENT LIMITATIONS FOR INDIVIDUAL
23 PERMITS:

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

1	(VI) PRELIMINARY EFFLUENT LIMITATIONS FOR	
2	GENERAL PERMITS FROM 0 UP TO 1,000,000	
3	GALLONS PER DAY	\$1,050
4	(VII) PRELIMINARY EFFLUENT LIMITATIONS FOR DISCHARGES TO	
5	GROUNDWATER:	
6	(A) MINOR FACILITIES, LESS THAN 1,000,000 GALLONS	
7	PER DAY	\$525
8	(B) MAJOR FACILITIES, 1,000,000 GALLONS	
9	PER DAY OR MORE	\$840
10	(VIII) REVIEW OF PRELIMINARY EFFLUENT LIMITATIONS FOR	
11	INDIVIDUAL PERMITS PROFESSIONALLY PREPARED BY OTHERS:	
12	(A) MINOR FACILITIES, LESS THAN 1,000,000 GALLONS	
13	PER DAY	\$1,575
14	(B) MAJOR FACILITIES, 1,000,000 GALLONS	
15	PER DAY OR MORE	\$3,150
16	FACILITY CATEGORIES AND SUBCATEGORIES	
17	FOR WASTEWATER SITE APPLICATIONS	
18	AND DESIGN REVIEWS	FEES
19	(c) WASTEWATER SITE APPLICATIONS AND DESIGN REVIEWS:	
20	(I) WASTEWATER SITE APPLICATIONS:	
21	(A) WASTEWATER TREATMENT PLANTS, LESS THAN 100,000	
22	GALLONS PER DAY:	
23	NEW	\$7,738
24	EXPANSION	\$6,191
25	(B) WASTEWATER TREATMENT PLANTS FROM 100,000 TO 999,999	
26	GALLONS PER DAY:	
27	NEW	\$15,477

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

1	PER DAY	\$451
2	(J) 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 FROM 100,000 TO	
7	999,999 GALLONS PER DAY	\$903
8	(K) 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 1,000,000 TO	
13	9,999,999 GALLONS PER DAY	\$1,354
14	(L) 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, 10,000,000 GALLONS PER	
19	DAY OR MORE	\$1,806
20	(M) OTHER AMENDMENTS TO SITE APPLICATION,	
21	LESS THAN 100,000 GALLONS PER DAY	\$645
22	(N) OTHER AMENDMENTS TO SITE APPLICATIONS	
23	FROM 100,000 TO 999,999 GALLONS	
24	PER DAY	\$1,290
25	(O) OTHER AMENDMENTS TO SITE APPLICATIONS	
26	FROM 1,000,000 TO 9,999,999 GALLONS	
27	PER DAY	\$1,935

1	(P) OTHER AMENDMENTS TO SITE APPLICATIONS,	
2	10,000,000 GALLONS PER DAY OR MORE	\$2,579
3	(Q) ON-SITE WASTEWATER TREATMENT SYSTEMS	\$4,500
4	(R) EXTENSION	\$650
5	(S) INTERCEPTOR SITE APPLICATIONS	\$1,300
6	(T) INTERCEPTOR CERTIFICATIONS	\$300
7	(U) OUTFALL SEWERS	\$1,300
8	(II) WASTEWATER DESIGN REVIEW:	
9	(A) WASTEWATER TREATMENT PLANTS, LESS THAN 100,000	
10	GALLONS PER DAY:	
11	NEW	\$4,900
12	EXPANSION	\$3,900
13	(B) WASTEWATER TREATMENT PLANTS FROM 100,000 TO 999,999	
14	GALLONS PER DAY:	
15	NEW	\$9,900
16	EXPANSION	\$7,900
17	(C) WASTEWATER TREATMENT PLANTS FROM 1,000,000 TO	
18	9,999,999 GALLONS PER DAY:	
19	NEW	\$14,800
20	EXPANSION	\$11,800
21	(D) WASTEWATER TREATMENT PLANTS, 10,000,000 GALLONS PER	
22	DAY OR MORE:	
23	NEW	\$19,700
24	EXPANSION	\$15,800
25	(E) LIFT STATIONS, LESS THAN 100,000 GALLONS PER DAY:	
26	NEW	\$1,200
27	EXPANSION	\$1,000

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

1	9,999,999 GALLONS PER DAY	\$1,500
2	(L) 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, 10,000,000 GALLONS PER DAY	
7	OR MORE	\$2,000
8	(M) OTHER AMENDMENTS TO SITE APPLICATION,	
9	LESS THAN 100,000 GALLONS PER DAY	\$700
10	(N) OTHER AMENDMENTS TO SITE APPLICATIONS,	
11	FROM 100,000 TO 999,999 GALLONS	
12	PER DAY	\$1,400
13	(O) OTHER AMENDMENTS TO SITE APPLICATIONS,	
14	FROM 1,000,000 TO 9,999,999 GALLONS	
15	PER DAY	\$2,100
16	(P) OTHER AMENDMENTS TO SITE APPLICATIONS,	
17	10,000,000 GALLONS PER DAY OR MORE	\$2,800
18	(Q) ON-SITE WASTEWATER TREATMENT SYSTEMS	\$3,000
19	(R) INTERCEPTOR SITE APPLICATIONS	\$1,400
20	(S) OUTFALL SEWERS	\$1,400

21 (1.4) THE DIVISION MAY ESTABLISH AN INTERIM FEE THAT MUST
22 BE CONSISTENT AND EQUITABLE WITH THE FEES CONTAINED IN
23 SUBSECTION (1.1) OF THIS SECTION IN ANY CASE WHERE A FACILITY OTHER
24 THAN THOSE LISTED MUST BE PERMITTED. THIS INTERIM FEE APPLIES
25 UNTIL THE DATE OF ADJOURNMENT SINE DIE OF THE NEXT REGULAR
26 SESSION OF THE GENERAL ASSEMBLY FOLLOWING IMPOSITION OF THE
27 INTERIM FEE.

1 (1.5) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
2 WATER QUALITY CONTROL FUND, WHICH CONSISTS OF ALL ANNUAL FEES
3 COLLECTED FOR REGULATED ACTIVITIES ASSOCIATED WITH THE
4 COMMERCE AND INDUSTRY SECTOR, CONSTRUCTION SECTOR, PESTICIDE
5 APPLICATION SECTOR, AND PUBLIC AND PRIVATE UTILITIES SECTOR
6 PURSUANT TO SUBSECTION (1.1) OF THIS SECTION; ALL FEES FOR SERVICES
7 PERFORMED BY THE DIVISION ASSOCIATED WITH THE COMMERCE AND
8 INDUSTRY SECTOR, CONSTRUCTION SECTOR, PESTICIDE APPLICATION
9 SECTOR, AND PUBLIC AND PRIVATE UTILITIES SECTOR IN SUBSECTION (1.1)
10 OF THIS SECTION; ALL FEES COLLECTED FOR ACTIVITIES ASSOCIATED WITH
11 401 CERTIFICATES IN SUBSECTION (1.2) OF THIS SECTION; AND ALL
12 INTERIM FEES IN SUBSECTION (1.3) OF THIS SECTION. THE DIVISION SHALL
13 TRANSMIT THE FEES TO THE STATE TREASURER, WHO SHALL CREDIT THEM
14 TO THE WATER QUALITY CONTROL FUND.

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

27 (c) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT A PORTION

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

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

19 (1.6) THERE IS HEREBY CREATED THE ANIMAL FEEDING
20 OPERATIONS FUND, WHICH CONSISTS OF ALL FEES COLLECTED FOR
21 REGULATED ACTIVITIES ASSOCIATED WITH THE ANIMAL AGRICULTURE
22 SECTOR IN PARAGRAPH (a) OF SUBSECTION (1.1) OF THIS SECTION, AS WELL
23 AS ALL FEES COLLECTED FOR SERVICES PROVIDED BY THE DIVISION
24 ASSOCIATED WITH THE ANIMAL AGRICULTURE SECTOR IN SUBSECTION
25 (1.3) OF THIS SECTION. THE DIVISION SHALL TRANSMIT THE FEES TO THE
26 STATE TREASURER, WHO SHALL CREDIT THEM TO THE ANIMAL FEEDING
27 OPERATION FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS

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

9 (1.7) COMMENCING IN 2016, THE DEPARTMENT OF PUBLIC HEALTH
10 AND ENVIRONMENT SHALL REPORT ANNUALLY TO THE SENATE
11 AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND THE HOUSE OF
12 REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES
13 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, ON THE ENVIRONMENTAL
14 AGRICULTURE PROGRAM. THE REPORT MUST INCLUDE THE NUMBER OF
15 PERMITS PROCESSED, THE NUMBER OF INSPECTIONS CONDUCTED, THE
16 NUMBER OF ENFORCEMENT ACTIONS TAKEN, AND THE COSTS ASSOCIATED
17 WITH ALL PROGRAM ACTIVITIES DURING THE PRECEDING YEAR. THE
18 DEPARTMENT SHALL SUBMIT THE REPORT ON OR BEFORE MARCH 31 OF
19 EACH YEAR.

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

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