

**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**

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**HOUSE SPONSORSHIP**

**Becker K.,**

**SENATE SPONSORSHIP**

**Hodge,**

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**House Committees**

Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**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.

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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  
23 FACILITY, NOT FLOW.

1 (e) "LAND APPLICATION" IS ANY DISCHARGE BEING APPLIED TO THE  
2 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, 2009, 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, 2009, 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, 2009, 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, 2009, 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 WATER,  
21 UTILITIES NOT INCLUDED IN THE PRIVATE AND PUBLIC UTILITIES SECTOR,  
22 MANUFACTURING ACTIVITIES, COMMERCIAL ACTIVITIES, AND ALL OTHER  
23 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	\$980
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 CONSTRUCTION	
27	ACTIVITIES AS FOLLOWS:	

1	<b>FACILITY CATEGORIES AND</b>	
2	<b>SUBCATEGORIES FOR PERMIT FEES WITHIN</b>	
3	<b>THE CONSTRUCTION SECTOR</b>	<b>ANNUAL FEES</b>
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	<b>PRIVATE UTILITIES SECTOR</b>	<b>ANNUAL FEES</b>
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 FEES FIRST BECOME EFFECTIVE ON  
11 JULY 1, 2016, AND THE COMMISSION'S SCHEDULE OF FEES MUST ADDRESS  
12 THE FOLLOWING TYPES OF PROJECTS AND SERVICES:

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

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

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

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

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

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

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

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

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

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

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

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

24 (b) PRELIMINARY EFFLUENT LIMITATIONS:

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

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

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

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

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

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

22 **EFFLUENT LIMITATIONS FEES**

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

25 (A) LESS THAN 100,000 GALLONS PER DAY	\$2,100
26 (B) 100,000 TO 999,999 GALLONS PER DAY	\$4,200
27 (C) 1,000,000 TO 9,999,999 GALLONS PER DAY	\$6,300

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

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

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

1	PER DAY	\$1,935
2	(P) OTHER AMENDMENTS TO SITE APPLICATIONS,	
3	10,000,000 GALLONS PER DAY OR MORE	\$2,579
4	(Q) ON-SITE WASTEWATER TREATMENT SYSTEMS	\$4,500
5	(R) EXTENSION	\$650
6	(S) INTERCEPTOR SITE APPLICATIONS	\$1,300
7	(T) INTERCEPTOR CERTIFICATIONS	\$300
8	(U) OUTFALL SEWERS	\$1,300
9	(II) WASTEWATER DESIGN REVIEW:	
10	(A) WASTEWATER TREATMENT PLANTS, LESS THAN 100,000	
11	GALLONS PER DAY:	
12	NEW	\$4,900
13	EXPANSION	\$3,900
14	(B) WASTEWATER TREATMENT PLANTS FROM 100,000 TO 999,999	
15	GALLONS PER DAY:	
16	NEW	\$9,900
17	EXPANSION	\$7,900
18	(C) WASTEWATER TREATMENT PLANTS FROM 1,000,000 TO	
19	9,999,999 GALLONS PER DAY:	
20	NEW	\$14,800
21	EXPANSION	\$11,800
22	(D) WASTEWATER TREATMENT PLANTS, 10,000,000 GALLONS PER	
23	DAY OR MORE:	
24	NEW	\$19,700
25	EXPANSION	\$15,800
26	(E) LIFT STATIONS, LESS THAN 100,000 GALLONS PER DAY:	
27	NEW	\$1,200

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

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

22 (1.4) THE DIVISION MAY ESTABLISH AN INTERIM FEE THAT MUST BE  
23 CONSISTENT AND EQUITABLE WITH THE FEES CONTAINED IN SUBSECTION  
24 (1.1) OF THIS SECTION IN ANY CASE WHERE A FACILITY OTHER THAN THOSE  
25 LISTED MUST BE PERMITTED. THIS INTERIM FEE APPLIES UNTIL THE DATE  
26 OF ADJOURNMENT SINE DIE OF THE NEXT REGULAR SESSION OF THE  
27 GENERAL ASSEMBLY FOLLOWING IMPOSITION OF THE 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 INTERIM  
12 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 (1.3)  
25 OF THIS SECTION. THE DIVISION SHALL TRANSMIT THE FEES TO THE STATE  
26 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.