

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 17-1074.01 Thomas Morris x4218

HOUSE BILL 17-1285

HOUSE SPONSORSHIP

Mitsch Bush and Lawrence,

SENATE SPONSORSHIP

Cooke and Jahn,

House Committees

Health, Insurance, & Environment
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE FINANCING OF THE WATER POLLUTION CONTROL
102 PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AND
103 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://leg.colorado.gov>.)

Current law finances the state's water quality program with a mix of general fund money and fees that are paid by sources that discharge pollutants into the state's waters. **Section 2** of the bill raises the fees and establishes goals for future adjustments of the ratio of revenue from fees and the general fund as follows:

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.*

HOUSE
Amended 2nd Reading
April 25, 2017

- ! Commerce and industry sector: 50% general fund and 50% cash funds;
- ! Construction sector: 20% general fund and 80% cash funds;
- ! Municipal separate storm sewer: 50% general fund and 50% cash funds;
- ! Pesticides sector: 94% general fund and 6% cash funds;
- ! Public and private utilities sector: 50% general fund and 50% cash funds; and
- ! Water quality certifications sector: 5% general fund and 95% cash funds.

Section 4 appropriates \$433,042 from the general fund to the department of public health and environment for use by the water quality control division, and **section 5** appropriates \$774,965 to the department for use by the division from the 6 water quality sector funds.

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) A significant portion of the financing for the state's clean water
6 program is provided by fees paid by sources that discharge pollutants into
7 the state's waters;

8 (II) Revenue from these existing fees has become insufficient to
9 maintain the program, and the fees for three sectors - commerce and
10 industry, public and private utilities, and municipal separate storm sewer
11 - have not been raised since 2007; and

12 (III) The department of public health and environment and clean
13 water program stakeholders have recommended appropriate and
14 necessary fee adjustments and a general fund contribution to adequately
15 fund the department's water quality control division;

16 (b) Determines that:

17 (I) The department's use of funding provided in this act should be

1 limited to processing permits, providing technical and compliance
2 assistance, processing site application and design reviews, and
3 maintaining stakeholder involvement for all aspects of the clean water
4 program; and

5 (II) The department should develop production metrics for permit
6 issuance, site application and design review, and inspections and should
7 continue to report on costs associated with the clean water sectors; and

8 (c) Declares that this act is necessary to protect water quality
9 while providing necessary services on which Colorado businesses rely.

10 **SECTION 2.** In Colorado Revised Statutes, 25-8-502, **amend**
11 (1.1)(b), (1.1)(c)(II), (1.1)(c)(III), (1.1)(c)(IV) introductory portion,
12 (1.1)(d), (1.1)(e), (1.1)(f), (1.2)(a) introductory portion, (1.2)(a)(I)
13 introductory portion, (1.2)(a)(II) introductory portion, (1.3)(b)(V),
14 (1.3)(b)(VI), (1.3)(b)(VII), (1.3)(b)(VIII), (1.3)(c), and (1.5)(c) as
15 follows:

16 **25-8-502. Application - definitions - fees - funds created -**
17 **public participation - repeal.** (1.1) For each regulated activity listed in
18 this subsection (1.1), the division may assess an annual permit fee and a
19 nonrefundable permit application fee for new permits that must equal fifty
20 percent of the annual permit fee. The full amount of the application fee
21 is credited toward the annual permit fee. All such fees must be in
22 accordance with the following schedules:

23 (b) The commerce and industry sector includes annual fee
24 schedules for regulated activities associated with mining, hydrocarbon
25 refining, sugar processing, industrial storm water, utilities not included in
26 the private and public utilities sector, manufacturing activities,
27 commercial activities, and all other industrial activities as follows:

1 **Facility Categories and Subcategories**
2 **for Permit Fees within the**
3 **Commerce and Industry Sector**

	Annual Fees
4	
5 (I) Sand and gravel and placer mining:	
6 (A) Pit dewatering only	\$500 \$805
7 (B) Pit dewatering or wash-water discharge	\$570 \$918
8 (C) Mercury use with discharge impact	\$640 \$1,030
9 (D) Storm water discharge only	\$435 \$700
10 (II) Coal mining:	
11 (A) Sedimentation ponds, surface runoff only	\$980 \$1,578
12 (B) Mine water, preparation plant discharge	\$1,320 \$2,125
13 (III) Hardrock mining:	
14 (A) Mine dewatering from 0 up to	
15 49,999 gallons per day	\$1,140 \$1,835
16 (B) Mine dewatering from 50,000 up to	
17 999,999 gallons per day	\$2,150 \$3,462
18 (C) Mine dewatering, 1,000,000 gallons	
19 per day or more	\$3,280 \$5,281
20 (D) Mine dewatering and milling with	
21 no discharge	\$3,280 \$5,281
22 (E) Mine dewatering and milling	
23 with discharge	\$9,880 \$15,907
24 (F) No discharge	\$1,140 \$1,835
25 (G) Milling with discharge from 0 up to	
26 49,999 gallons per day	\$3,350 \$5,394
27 (H) Milling with discharge, 50,000 gallons	

1	per day or more	\$6,680 \$10,755
2	(IV) Oil shale:	
3	(A) Sedimentation ponds, surface runoff only	\$1,990 \$3,204
4	(B) Mine water from 0 up to 49,999	
5	gallons per day	\$2,150 \$3,462
6	(C) Mine water from 50,000 up to 999,999	
7	gallons per day	\$2,670 \$4,299
8	(D) Mine water from 1,000,000 gallons	
9	per day or more	\$2,600 \$4,186
10	(E) Mine water and process water discharge	\$9,880 \$15,907
11	(F) No discharge	\$1,830 \$2,946
12	(V) General permits:	
13	(A) Sand and gravel with process discharge	
14	and storm water	\$270 \$435
15	(B) Sand and gravel without process discharge	
16	- storm water only	\$75 \$121
17	(C) Placer mining	\$520 \$837
18	(D) Coal mining	\$780 \$1,256
19	(E) Industrial - single municipal industrial	
20	- storm water only	\$185 \$298
21	(F) Active mineral mines less than ten acres	
22	- storm water only	\$125 \$201
23	(G) Active mineral mines - ten acres or more	
24	- storm water only	\$375 \$604
25	(H) Inactive mineral mines - storm water only	\$75 \$121
26	(I) Department of transportation - sand and	
27	gravel storm-water permit	\$4,360 \$7,020

1	(J) Coal degasification - process water	
2	from 0 up to 49,999 gallons per day	\$2,150 \$3,462
3	(K) Coal degasification - process water from	
4	50,000 up to 99,999 gallons per day	\$3,280 \$5,281
5	(L) Coal degasification - process water,	
6	100,000 gallons per day or more	\$9,880 \$15,907
7	(M) Minimal discharge of industrial or	
8	commercial waste waters - general permit	\$630
9	(VI) Power plants:	
10	(A) Cooling water only, no discharge	\$1,140 \$1,835
11	(B) Process water from 0 up to 49,999	
12	gallons per day	\$2,150 \$3,462
13	(C) Process water from 50,000 up to 999,999	
14	gallons per day	\$3,280 \$5,281
15	(D) Process water from 1,000,000 up to 4,999,999	
16	gallons per day	\$9,880 \$15,907
17	(E) Process water, 5,000,000 gallons per	
18	day or more	\$9,880 \$15,907
19	(VII) Sugar processing:	
20	(A) Cooling water only, no discharge	\$1,210 \$1,948
21	(B) Process water from 0 up to 49,999	
22	gallons per day	\$1,480 \$2,383
23	(C) Process water from 50,000 up to 999,999	
24	gallons per day	\$3,700 \$5,957
25	(D) Process water from 1,000,000 up to 4,999,999	
26	gallons per day	\$9,880 \$15,907
27	(E) Process water, 5,000,000 gallons	

1	per day or more	\$9,880 \$15,907
2	(VIII) Petroleum refining:	
3	(A) Cooling water only, no discharge	\$1,140 \$1,835
4	(B) Process water from 0 up to 49,999 gallons	
5	per day	\$2,560 \$4,122
6	(C) Process water from 50,000 up to 999,999	
7	gallons per day	\$3,285 \$5,289
8	(D) Process water from 1,000,000 up to 4,999,999	
9	gallons per day	\$9,880 \$15,907
10	(E) Process water, 5,000,000 gallons per	
11	day or more	\$9,880 \$15,907
12	(IX) Fish hatcheries	\$820 \$1,320
13	(X) Manufacturing and other industry:	
14	(A) Cooling water only	\$1,140 \$1,835
15	(B) Process water from 0 up to 49,999	
16	gallons per day	\$2,150 \$3,462
17	(C) Process water from 50,000 up to 999,999	
18	gallons per day	\$3,280 \$5,281
19	(D) Process water from 1,000,000 up to 4,999,999	
20	gallons per day	\$9,880 \$15,907
21	(E) Process water from 5,000,000 up to 19,999,999	
22	gallons per day	\$12,140 \$19,545
23	(F) Process water, 20,000,000 gallons	
24	per day or more	\$19,760 \$31,814
25	(G) No discharge	\$1,480 \$2,383
26	(H) Amusement and recreation services	\$1,480 \$2,383
27	(XI) Individual industrial storm-water permits:	

1	(A) Individual industrial - less than ten acres	\$295 \$475
2	(B) Individual industrial - ten acres or more	\$375 \$604
3	(C) Individual industrial - storm water only	
4	- international airports	\$6,220 \$10,014

5 (c) The construction sector includes annual fee schedules for
6 regulated activities associated with construction activities as follows:

7 **Facility Categories and Subcategories**
8 **for Permit Fees within the**
9 **Construction Sector**

10		Annual Fees
11	(II) General permits:	
12	(A) to (D) Repealed.	
13	(E) Department of transportation (DOT) -	
14	storm-water construction discharges from	
15	projects where DOT is the permittee -	
16	statewide permit	\$9,400
17	(F) Minimal discharge of industrial or	
18	commercial wastewater	\$630
19	(G) Low complexity effective on and after	
20	July 1, 2016	\$820
21	(H) High complexity effective on	
22	and after July 1, 2016	\$2,000
23	(I) Construction - storm water only; less than	
24	1 acre of disturbed area	
25	effective on and after July 1, 2016	\$165
26	(J) Construction - storm water only;	
27	from 1 acre to less than 30 acres	

1 ~~effective on and after July 1, 2016~~ \$350

2 (K) Construction - storm water only;
3 30 acres or more of disturbed area

4 ~~effective on and after July 1, 2016~~ \$540

5 (III) ~~Effective on and after July 1, 2016~~, The fee for an individual
6 permit for construction activity is four thousand four hundred dollars; and

7 (IV) The division shall use the revenue generated by the fees
8 contained in ~~sub-subparagraphs (G), (H), (I), (J), and (K) of subparagraph~~
9 ~~(H) of this paragraph (c)~~ SUBSECTIONS (1.1)(c)(II)(G) TO (1.1)(c)(II)(K)
10 OF THIS SECTION and ~~subparagraphs (I) and (H) of this paragraph (c)~~
11 SUBSECTIONS (1.1)(c)(I) AND (1.1)(c)(III) OF THIS SECTION to continue to
12 fund the administration and oversight of the construction sector and shall
13 use the increased revenue, when compared with the revenue generated by
14 the CORRESPONDING fees ~~contained in subcategories 2, 8, 9A, and 9B of~~
15 ~~sub-subparagraph (G) and sub-subparagraphs (H), (I), (J), and (L) of~~
16 ~~subparagraph (I) of paragraph (b) of subsection (1) of this section~~ as they
17 existed on June 30, 2016, to fund new services provided under the
18 alternative compliance assurance model. The division shall not use the
19 increased revenue to fund additional enforcement staff. The division may
20 use the increased revenue for the following purposes:

21 (d) The pesticide sector includes annual fee schedules for
22 regulated activities associated with pesticide applications that are
23 regulated under the federal act as follows: For a general permit, decision
24 makers with pesticide application on or over waters of the state that are
25 subject to annual reporting requirements under the pesticide general
26 permit, an annual fee of two hundred ~~seventy-five~~ EIGHTY-ONE dollars.

27 (e) The public and private utilities sector includes annual fee

1 schedules for regulated activities associated with the operation of
 2 domestic wastewater treatment works, water treatment facilities,
 3 reclaimed water systems, and industrial operations that discharge to a
 4 domestic wastewater treatment works as follows:

5 **Facility Categories and Subcategories for**
 6 **Permit Fees within the Public and**
 7 **Private Utilities Sector**

	Annual Fees
9 (I) Water treatment plants:	
10 (A) Intermittent discharge	\$570 \$695
11 (B) Routing discharge	\$820 \$1,000
12 (II) General permits:	
13 (A) Water treatment plants - intermittent	
14 discharge	\$475 \$580
15 (B) Water treatment plants - routine discharge	\$715 \$872
16 (C) Discharges associated with treated water	
17 distribution systems for a population of	
18 3,300 or fewer	\$105 \$128
19 (D) Discharges associated with treated	
20 water distribution systems for	
21 a population from 3,301 up to 9,999	\$210 \$256
22 (E) Discharges associated with treated	
23 water distribution systems for a	
24 population of 10,000 or more	\$315 \$384
25 (III) Domestic wastewater - lagoons:	
26 (A) Sewage from 0 up to 49,999 gallons per day	\$525 \$641
27 (B) Sewage from 50,000 up to 99,999 gallons	

1	per day	\$845 \$1,031
2	(C) Sewage from 100,000 up to 499,999 gallons	
3	per day	\$1,230 \$1,501
4	(D) Sewage from 500,000 up to 999,999 gallons	
5	per day	\$2,120 \$2,586
6	(E) Sewage from 1,000,000 up to 1,999,999 gallons	
7	per day	\$3,170 \$3,867
8	(F) Sewage, 2,000,000 gallons per day or more	\$6,460 \$7,881
9	(IV) Domestic wastewater - mechanical plants:	
10	(A) Sewage from 0 up to 19,999 gallons per day	\$615 \$750
11	(B) Sewage from 20,000 up to 49,999 gallons	
12	per day	\$980 \$1,196
13	(C) Sewage from 50,000 up to 99,999 gallons	
14	per day	\$1,440 \$1,757
15	(D) Sewage from 100,000 up to 499,999 gallons	
16	per day	\$2,240 \$2,733
17	(E) Sewage from 500,000 up to 999,999 gallons	
18	per day	\$3,720 \$4,538
19	(F) Sewage from 1,000,000 up to 2,499,999 gallons	
20	per day	\$6,090 \$7,430
21	(G) Sewage from 2,500,000 up to 9,999,999 gallons	
22	per day	\$11,410 \$13,920
23	(H) Sewage from 10,000,000 up to 49,999,999	
24	gallons per day	\$19,780 \$24,132
25	(I) Sewage from 50,000,000 up to 99,999,999	
26	gallons per day	\$22,820 \$27,840
27	(J) Sewage, 100,000,000 gallons per day	

1 pretreatment programs, not including categorical industries subject to
2 zero discharge standards:

- 3 (A) Less than 10,000 gallons per day \$815 \$994
- 4 (B) 10,000 up to 50,000 gallons per day \$1,280 \$1,562
- 5 (C) More than 50,000 gallons per day \$1,746 \$2,130

6 (IX) All other significant industrial dischargers discharging to
7 publicly owned treatment works without pretreatment programs,
8 including categorical industries subject to zero-discharge standards:

- 9 (A) Less than 10,000 gallons per day \$349 \$426
- 10 (B) 10,000 up to 50,000 gallons per day \$524 \$639
- 11 (C) More than 50,000 gallons per day \$699 \$853

12 (X) Domestic wastewater - lagoons:

- 13 (A) Sewage from 0 up to 49,999 gallons per day \$75 \$92
- 14 (B) Sewage from 50,000 up to 99,999 gallons
15 per day \$75 \$92
- 16 (C) Sewage from 100,000 up to 499,999 gallons
17 per day \$75 \$92
- 18 (D) Sewage from 500,000 up to 999,999 gallons
19 per day \$75 \$92
- 20 (E) Sewage from 1,000,000 up to 2,499,999 gallons
21 per day \$81 \$99
- 22 (F) Sewage, 2,500,000 gallons per day or more \$94 \$115

23 (XI) Domestic wastewater - mechanical plants:

- 24 (A) Sewage from 0 up to 19,999 gallons per day \$75 \$92
- 25 (B) Sewage from 20,000 up to 49,999 gallons per day \$75 \$92
- 26 (C) Sewage from 50,000 up to 99,999 gallons per day \$75 \$92
- 27 (D) Sewage from 100,000 up to 499,999 gallons

1	per day	\$75 \$92
2	(E) Sewage from 500,000 up to 999,999 gallons	
3	per day	\$75 \$92
4	(F) Sewage from 1,000,000 up to 2,499,999 gallons	
5	per day	\$81 \$99
6	(G) Sewage from 2,500,000 up to 9,999,999 gallons	
7	per day	\$94 \$115
8	(H) Sewage from 10,000,000 up to 49,999,999	
9	gallons per day	\$105 \$128
10	(I) Sewage from 50,000,000 up to 99,999,999	
11	gallons per day	\$117 \$143
12	(J) Sewage, 100,000,000 gallons per day or more	\$128 \$156
13	(XII) Wastewater reuse authorizations:	
14	(A) Facility capacity of less than 100,000	
15	gallons per day	\$450 \$549
16	(B) Facility capacity from 100,000 gallons to	
17	499,999 gallons per day	\$840 \$1,025
18	(C) Facility capacity from 500,000 gallons to	
19	999,999 gallons per day	\$1,400 \$1,708
20	(D) Facility capacity from 1,000,000 gallons to	
21	2,499,999 gallons per day	\$2,300 \$2,806
22	(E) Facility capacity from 2,500,000 gallons to	
23	9,999,999 gallons per day	\$4,300 \$5,246
24	(F) Facility capacity, 10,000,000 gallons per	
25	day or more	\$6,300 \$7,686
26	(XIII) and (XIV) Repealed.	
27	(f) The municipal separate storm sewer systems sector includes	

1 annual fees for regulated activities associated with the operation of
 2 municipal separate storm sewer systems, as follows:

3 **Facility Categories and Subcategories for**
 4 **Permit Fees within the Municipal Separate**
 5 **Storm Sewer System Sector**

	Annual Fees
6	
7 (I) MS4 general permits:	
8 (A) Storm water municipal for a population	
9 of 10,000 or fewer	\$355 \$462
10 (B) Storm water municipal for a population	
11 from 10,000 up to 49,999	\$810 \$1,053
12 (C) Storm water municipal for a population	
13 from 50,000 up to 99,999	\$2,020 \$2,626
14 (D) Storm water municipal for a population	
15 of 100,000 or more	\$4,050 \$5,265
16 (II) MS4 individual permits:	
17 (A) Municipalities with a population from	
18 10,000 up to 49,999	\$1,245 \$1,619
19 (B) Municipalities with a population from	
20 50,000 up to 99,999	\$3,110 \$4,043
21 (C) Municipalities with a population from	
22 100,000 up to 249,999	\$6,225 \$8,093
23 (D) Municipalities with a population of	
24 250,000 or more	\$10,580 \$13,754
25 (E) Statewide permit for municipal separate	
26 storm water systems, owned or	
27 operated by the department of	

1 transportation, in municipal areas
2 where storm water permits are required ~~\$4,360~~ \$5,668

3 (1.2) (a) For the activities listed in this subsection (1.2) associated
4 with reviewing requests for certifications under section 401 of the federal
5 act and this ~~article~~ ARTICLE 8, known as "401 certificates", the division
6 may assess a fee for the review. There is hereby created in the state
7 treasury the water quality certification sector fund, which consists of fees
8 collected pursuant to this subsection (1.2). The division shall transmit the
9 fees to the state treasurer, who shall credit them to the water quality
10 certification sector fund. All such fees must be in accordance with the
11 following schedules:

12 (I) The fee for a tier 1 project is one thousand one hundred
13 TWENTY-TWO dollars, which must be submitted with the certification
14 application. Tier 1 projects are projects that incur minimal costs and
15 minimal water quality impacts. Tier 1 includes certifications of channel
16 stabilization projects and single drainage improvement projects. Typical
17 characteristics of tier 1 projects may include all or some of the following:

18 (II) The fee for a tier 2 project is three thousand eight hundred
19 SEVENTY-SIX dollars, which must be submitted with the certification
20 application. Tier 2 projects are projects that incur moderate costs and
21 potential water quality impacts. Tier 2 includes certifications of projects
22 that affect multiple drainages. Typical characteristics of tier 2 projects
23 may include all or some of the following:

24 (1.3) For each service listed below, the division may assess a fee
25 for the service, and all such fees must be in accordance with the following
26 schedules:

27 (b) Preliminary effluent limitations:

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**Facility Categories and
Subcategories for Preliminary
Effluent Limitations**

Fees

(V) Preliminary effluent limitations for individual permits:	
(A) Less than 100,000 gallons per day	\$2,100 \$2,562
(B) 100,000 to 999,999 gallons per day	\$4,200 \$5,124
(C) 1,000,000 to 9,999,999 gallons per day	\$6,300 \$7,686
(D) 10,000,000 or more gallons per day	\$8,400 \$10,248
(VI) Preliminary effluent limitations for general permits from 0 up to 1,000,000 gallons per day	\$1,050 \$1,281
(VII) Preliminary effluent limitations for discharges to groundwater:	
(A) Minor facilities, less than 1,000,000 gallons per day	\$525 \$641
(B) Major facilities, 1,000,000 gallons per day or more	\$840 \$1,025
(VIII) Review of preliminary effluent limitations for individual permits professionally prepared by others:	
(A) Minor facilities, less than 1,000,000 gallons per day	\$1,575 \$1,922
(B) Major facilities, 1,000,000 gallons per day or more	\$3,150 \$3,843
(c) Wastewater site applications and design reviews:	

**Facility Categories and Subcategories
for Wastewater Site Applications**

1 **and Design Reviews**

2 **Fees**

3 (I) Wastewater site applications:

4 (A) Wastewater treatment plants, less than 100,000 gallons per
5 day:

6 New \$7,738 \$9,440

7 Expansion \$6,191 \$7,553

8 (B) Wastewater treatment plants from 100,000 to 999,999 gallons
9 per day:

10 New \$15,477 \$18,882

11 Expansion \$12,381 \$15,105

12 (C) Wastewater treatment plants from 1,000,000 to 9,999,999
13 gallons per day:

14 New \$23,215 \$28,322

15 Expansion \$18,572 \$22,658

16 (D) Wastewater treatment plants, 10,000,000 gallons per day or
17 more:

18 New \$30,953 \$37,763

19 Expansion \$24,763 \$30,211

20 (E) Lift stations, less than 100,000 gallons per day:

21 New \$1,935 \$2,361

22 Expansion \$1,548 \$1,889

23 (F) Lift stations from 100,000 to 999,999 gallons per day:

24 New \$3,869 \$4,720

25 Expansion \$3,095 \$3,776

26 (G) Lift stations from 1,000,000 to 9,999,999 gallons per day:

27 New \$5,804 \$7,081

1	Expansion	\$4,643 \$5,664
2	(H) Lift stations, 10,000,000 gallons per day or more:	
3	New	\$7,738 \$9,440
4	Expansion	\$6,191 \$7,553
5	(I) 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, less than 100,000	
10	gallons per day	\$451 \$550
11	(J) Amendments to site applications concerning	
12	a change from gas chlorination to liquid	
13	chlorination or from any form of chlorination	
14	to ultraviolet light disinfection from 100,000	
15	to 999,999 gallons per day	\$903 \$1,102
16	(K) Amendments to site applications concerning a	
17	change from gas chlorination to liquid chlorination	
18	or from any form of chlorination to ultraviolet	
19	light disinfection from 1,000,000 to	
20	9,999,999 gallons per day	\$1,354 \$1,652
21	(L) Amendments to site applications concerning a change	
22	from gas chlorination to liquid chlorination or from any	
23	form of chlorination to ultraviolet light disinfection,	
24	10,000,000 gallons per day or more	\$1,806 \$2,203
25	(M) Other amendments to site application, less than	
26	100,000 gallons per day	\$645 \$787
27	(N) Other amendments to site applications from	

1	100,000 to 999,999 gallons per day	\$1,290 \$1,574
2	(O) Other amendments to site applications	
3	from 1,000,000 to 9,999,999 gallons	
4	per day	\$1,935 \$2,361
5	(P) Other amendments to site applications,	
6	10,000,000 gallons per day or more	\$2,579 \$3,146
7	(Q) On-site wastewater treatment systems	\$4,500 \$5,490
8	(R) Extension	\$650 \$793
9	(S) Interceptor site applications	\$1,300 \$1,586
10	(T) Interceptor certifications	\$300 \$366
11	(U) Outfall sewers	\$1,300 \$1,586
12	(II) Wastewater design review:	
13	(A) Wastewater treatment plants, less than 100,000 gallons per	
14	day:	
15	New	\$4,900 \$5,978
16	Expansion	\$3,900 \$4,758
17	(B) Wastewater treatment plants from 100,000 to 999,999 gallons	
18	per day:	
19	New	\$9,900 \$12,078
20	Expansion	\$7,900 \$9,638
21	(C) Wastewater treatment plants from 1,000,000 to 9,999,999	
22	gallons per day:	
23	New	\$14,800 \$18,056
24	Expansion	\$11,800 \$14,396
25	(D) Wastewater treatment plants, 10,000,000 gallons per day or	
26	more:	
27	New	\$19,700 \$24,034

1	Expansion	\$15,800	\$19,276
2	(E) Lift stations, less than 100,000 gallons per day:		
3	New	\$1,200	\$1,464
4	Expansion	\$1,000	\$1,220
5	(F) Lift stations from 100,000 to 999,999 gallons per day:		
6	New	\$2,500	\$3,050
7	Expansion	\$2,000	\$2,440
8	(G) Lift stations from 1,000,000 to 9,999,999 gallons per day:		
9	New	\$3,700	\$4,514
10	Expansion	\$3,000	\$3,660
11	(H) Lift stations, 10,000,000 gallons per day or more:		
12	New	\$4,900	\$5,978
13	Expansion	\$3,900	\$4,758
14	(I) Amendments to site applications concerning a change		
15	from gas chlorination to liquid chlorination or from any		
16	form of chlorination to ultraviolet light disinfection,		
17	less than 100,000 gallons per day	\$500	\$610
18	(J) Amendments to site applications concerning a change		
19	from gas chlorination to liquid chlorination or from any		
20	form of chlorination to ultraviolet light disinfection		
21	from 100,000 to 999,999 gallons per day	\$1,000	\$1,220
22	(K) Amendments to site applications concerning a change		
23	from gas chlorination to liquid chlorination or from		
24	any form of chlorination to ultraviolet light		
25	disinfection from 1,000,000 to		
26	9,999,999 gallons per day	\$1,500	\$1,830
27	(L) Amendments to site applications concerning a change		

1	from gas chlorination to liquid chlorination or from any		
2	form of chlorination to ultraviolet light disinfection,		
3	10,000,000 gallons per day or more	\$2,000	\$2,440
4	(M) Other amendments to site application,		
5	less than 100,000 gallons per day	\$700	\$854
6	(N) Other amendments to site applications,		
7	from 100,000 to 999,999 gallons per day	\$1,400	\$1,708
8	(O) Other amendments to site applications, from		
9	1,000,000 to 9,999,999 gallons per day	\$2,100	\$2,562
10	(P) Other amendments to site applications,		
11	10,000,000 gallons per day or more	\$2,800	\$3,416
12	(Q) On-site wastewater treatment systems	\$3,000	\$3,660
13	(R) Interceptor site applications	\$1,400	\$1,708
14	(S) Outfall sewers	\$1,400	\$1,708

15 (1.5) (c) (I) It is the intent of the general assembly that:

16 (A) A portion of the expenses of the discharge permit system be
17 funded from the general fund, reflecting the benefit derived by the
18 general public; except that the general assembly may determine, in any
19 given fiscal year, that general fund revenues are inadequate to meet
20 general fund demands and that, as a consequence, it is necessary to
21 forego, subject to future reconsideration, all or some portion of such
22 general fund contribution to the discharge permit program pursuant to this
23 part 5; AND

24 (B) THE FEES ESTABLISHED IN THIS SECTION SHOULD NOT BE
25 ADJUSTED UNTIL AT LEAST 2023 AND, BEFORE THE GENERAL ASSEMBLY
26 ADJUSTS THE FEES, THE DEPARTMENT OF PUBLIC HEALTH AND
27 ENVIRONMENT SHALL ENGAGE STAKEHOLDERS IN A PROCESS TO REVIEW

1 THE TOTAL FUNDING FOR THE DISCHARGE PERMIT SYSTEM, INCLUDING
2 FEDERAL MONEY, MONEY FROM THE GENERAL FUND, AND ALL SECTOR
3 FEES.

4 (II) IN FURTHERANCE OF THIS POLICY, IN FUTURE FEE AND FUNDING
5 CHANGES, THE RATIOS DESCRIBED IN THIS SUBSECTION (1.5)(c)(II) SHOULD
6 BE MAINTAINED EXCEPT AS MAY BE REVISED BY THE GENERAL ASSEMBLY
7 BY BILL:

8 (A) COMMERCE AND INDUSTRY SECTOR: FIFTY PERCENT GENERAL
9 FUND AND FIFTY PERCENT CASH FUNDS;

10 (B) CONSTRUCTION SECTOR: TWENTY PERCENT GENERAL FUND
11 AND EIGHTY PERCENT CASH FUNDS;

12 (C) MUNICIPAL SEPARATE STORM SEWER: FIFTY PERCENT GENERAL
13 FUND AND FIFTY PERCENT CASH FUNDS;

14 (D) PESTICIDES SECTOR: NINETY-FOUR PERCENT GENERAL FUND
15 AND SIX PERCENT CASH FUNDS;

16 (E) PUBLIC AND PRIVATE UTILITIES SECTOR: FIFTY PERCENT
17 GENERAL FUND AND FIFTY PERCENT CASH FUNDS; AND

18 (F) WATER QUALITY CERTIFICATIONS SECTOR: FIVE PERCENT
19 GENERAL FUND AND NINETY-FIVE PERCENT CASH FUNDS.

20 **SECTION 3.** In Colorado Revised Statutes, 25-8-502, **amend**
21 (1.7)(a) introductory portion and (1.7)(a)(I) as follows:

22 **25-8-502. Application - definitions - fees - funds created -**
23 **public participation - repeal.** (1.7) (a) ~~Commencing in 2016,~~ The
24 department of public health and environment shall report annually to:

25 (I) The senate agriculture and natural resources committee and the
26 house of representatives agriculture, livestock, and natural resources
27 committee, or their successor committees, on:

1 (A) The environmental agriculture program. The report must
2 include the number of permits processed, the number of inspections
3 conducted, the number of enforcement actions taken, and the costs
4 associated with all program activities during the preceding year. The
5 department shall submit the report on or before March 31 of each year.

6 (B) THE CLEAN WATER PROGRAM. THE REPORT MUST INCLUDE THE
7 NUMBER OF PERMITS PROCESSED, THE NUMBER OF APPLICATIONS PENDING
8 FOR NEW AND AMENDED PERMITS, THE LENGTH OF TIME THE PERMITS
9 REMAIN IN THE SYSTEM PRIOR TO ISSUANCE, THE NUMBER OF INSPECTIONS
10 CONDUCTED, THE NUMBER OF SITE APPLICATION AND DESIGN REVIEWS
11 COMPLETED, THE NUMBER OF ENFORCEMENT ACTIONS TAKEN, THE COSTS
12 ASSOCIATED WITH EACH SECTOR SPECIFIED IN SUBSECTIONS (1.1), (1.2),
13 AND (1.3) OF THIS SECTION, THE NUMBER OF FULL-TIME EQUIVALENTS
14 ASSIGNED TO AND ACTIVELY PROCESSING PERMITS, THE NUMBER OF
15 FULL-TIME EQUIVALENTS ASSIGNED TO AND ACTIVELY CONDUCTING
16 INSPECTIONS, THE NUMBER OF FULL-TIME EQUIVALENTS ASSIGNED TO AND
17 ACTIVELY CONDUCTING SITE APPLICATION AND DESIGN REVIEWS, THE
18 NUMBER OF FULL-TIME EQUIVALENTS ASSIGNED TO AND ACTIVELY
19 CONDUCTING ENFORCEMENT ACTIONS, AND THE NUMBER OF FULL-TIME
20 EQUIVALENTS ASSIGNED TO AND ACTIVELY DEVELOPING RULES AND
21 STANDARDS. THE DEPARTMENT SHALL INFORM THE COMMITTEES
22 REGARDING ALL NEW STANDARDS AND RULES TO BE PROPOSED WITHIN THE
23 SUBSEQUENT YEAR. THE DEPARTMENT SHALL SUBMIT THE REPORT ON OR
24 BEFORE MARCH 31 OF EACH YEAR. COMMENCING IN 2017, THE
25 DEPARTMENT SHALL DEVELOP BASELINE INFORMATION FOR REPORTING.
26 COMMENCING IN 2018, THE DEPARTMENT SHALL PROVIDE INFORMATION
27 ON IMPROVEMENTS THAT HAVE BEEN MADE IN COMPARISON TO THE

1 BASELINE INFORMATION AND INFORMATION ON THE BARRIERS TO MAKING
2 IMPROVEMENTS.

3 **SECTION 4.** In Colorado Revised Statutes, 25-10-107, **amend**
4 (3) as follows:

5 **25-10-107. Fees.** (3) In addition to the fees established in this
6 section, the division may assess a fee of twenty-three dollars for each
7 permit authorized for a new, repaired, or upgraded on-site wastewater
8 treatment system. Of that fee, the county in which the on-site wastewater
9 treatment system is or will be located shall retain three dollars to cover
10 the county's administrative costs and SHALL TRANSMIT twenty dollars
11 ~~shall be transmitted~~ to the state treasurer, who shall deposit that sum in
12 the ~~water quality control~~ PUBLIC AND PRIVATE UTILITIES SECTOR fund
13 created in section 25-8-502 ~~(+)(e)~~ (1.5)(a)(V).

14 **SECTION 5. Transfers.** (1) On July 1, 2017, the state treasurer
15 shall transfer \$809,107 from the water quality improvement fund created
16 in section 25-8-608 (1.5), C.R.S., to the general fund.

17 (2) On July 1, 2017, the state treasurer shall transfer the following
18 amounts from the general fund:

19 (a) To the commerce and industry sector fund created in section
20 25-8-502 (1.5)(a)(I), C.R.S., \$152,772;

21 (b) To the municipal separate storm sewer sector fund created in
22 section 25-8-502 (1.5)(a)(IV), C.R.S., \$23,046; and

23 (c) To the public and private utilities sector fund created in section
24 25-8-502 (1.5)(a)(V), C.R.S., \$633,289.

25 **SECTION 6. Appropriation - adjustments to 2017 long bill.**
26 (1) To implement this act, appropriations made in the annual general
27

1 appropriation act for the 2017-18 state fiscal year to the department of
2 public health and environment are adjusted as follows:

3 (a) The general fund appropriation for use by the water quality
4 control division for administration is decreased by \$62,569; and

5 (b) The general fund appropriation for use by the water quality
6 control division for the construction sector is decreased by \$74,878.

7 (2) For the 2017-18 state fiscal year, \$570,489 is appropriated to
8 the department of public health and environment for use by the water
9 quality control division. This appropriation is from the general fund. To
10 implement this act, the division may use this appropriation as follows:

11 (a) \$182,228 for the commerce and industry sector;

12 (b) \$40,558 for the municipal separate storm sewer system sector;

13 (c) \$95,543 for the pesticide sector;

14 (d) \$243,120 for the public and private utilities sector; and

15 (e) \$9,040 for the water quality certification sector.

16 **SECTION 7. Appropriation.** (1) For the 2017-18 state fiscal
17 year, \$152,772 is appropriated to the department of public health and
18 environment for use by the water quality control division. This
19 appropriation is from the commerce and industry sector fund created in
20 section 25-8-502 (1.5)(a)(I), C.R.S. To implement this act, the division
21 may use this appropriation as follows:

22 (a) \$9,207 for administration; and

23 (b) \$143,565 for the commerce and industry sector.

24 **SECTION 8. Appropriation - adjustments to 2017 long bill.**

25 (1) To implement this act, the cash funds appropriation made in the
26 annual general appropriation act for the 2017-18 state fiscal year to the
27 department of public health and environment from the construction sector

1 fund created in section 25-8-502 (1.5)(a)(II), C.R.S., for use by the water
2 quality control division for the construction sector is decreased by
3 \$20,874.

4 (2) For the 2017-18 state fiscal year, \$18,160 is appropriated to the
5 department of public health and environment for use by the water quality
6 control division. This appropriation is from the construction sector fund
7 created in section 25-8-502 (1.5)(a)(II), C.R.S. To implement this act, the
8 division may use this appropriation for administration.

9 **SECTION 9. Appropriation.** (1) For the 2017-18 state fiscal
10 year, \$23,046 is appropriated to the department of public health and
11 environment for use by the water quality control division. This
12 appropriation is from the municipal separate storm sewer system sector
13 fund created in section 25-8-502 (1.5)(a)(IV), C.R.S. To implement this
14 act, the division may use this appropriation as follows:

15 (a) \$566 for administration; and

16 (b) \$22,480 for the municipal separate storm sewer system sector.

17 **SECTION 10. Appropriation - adjustments to 2017 long bill.**

18 (1) To implement this act, appropriations made in the annual general
19 appropriation act for the 2017-18 state fiscal year to the department of
20 public health and environment are adjusted as follows:

21 (a) The cash funds appropriation from the pesticides sector fund
22 created in section 25-8-502 (1.5)(a)(III), C.R.S., for use by the water
23 quality control division for administration is decreased by \$1,174.

24 (b) The cash funds appropriation from the pesticides sector fund
25 created in section 25-8-502 (1.5)(a)(III), C.R.S., for use by the water
26 quality control division for the pesticides sector is decreased by \$11,784.

27 **SECTION 11. Appropriation.** (1) For the 2017-18 state fiscal

1 year, \$633,289 is appropriated to the department of public health and
2 environment for use by the water quality control division. This
3 appropriation is from the public and private utilities sector fund created
4 in section 25-8-502 (1.5)(a)(V), C.R.S. To implement this act, the
5 division may use this appropriation as follows:

6 (a) \$34,431 for administration; and

7 (b) \$598,858 for the public and private utilities sector.

8 **SECTION 12. Appropriation - adjustments to 2017 long bill.**

9 (1) To implement this act, cash funds appropriation made in the annual
10 general appropriation act for the 2017-18 state fiscal year to the
11 department of public health and environment from the water quality
12 certification sector fund created in section 25-8-502 (1.2)(a), C.R.S., for
13 use by the water quality control division for the water quality certification
14 sector is decreased by \$19,849.

15 (2) For the 2017-18 state fiscal year, \$1,379 is appropriated to the
16 department of public health and environment for use by the water quality
17 control division. This appropriation is from the water quality certification
18 sector fund created in section 25-8-502 (1.2)(a), C.R.S. To implement this
19 act, the division may use this appropriation for administration.

20 **SECTION 13. Appropriation.** For the 2017-18 state fiscal year,
21 \$50,000 is appropriated to the department of public health and
22 environment for use by the water quality control division. This
23 appropriation is from the water quality improvement fund created in
24 section 25-8-608 (1.5), C.R.S. To implement this act, the division may
25 use this appropriation for water quality improvement.

26 **SECTION 14. Effective date.** This act takes effect July 1, 2017;
27 except that section 2 of this act takes effect July 1, 2018.

1 **SECTION 15. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.