First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REVISED

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

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
Health & Human Services
Finance
Appropriations

A BILL FOR AN ACT

CONCERNING THE FINANCING OF THE WATER POLLUTION CONTROL PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

Bill Summary

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

SENATE
Amended 2nd Reading
May 8, 2017

HOUSE
3rd Reading Unamended
April 26, 2017

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.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby:

(a) Finds that:

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

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

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

(b) Determines that:

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

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

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

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

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

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

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

Facility Categories and Subcategories for Permit Fees within the Commerce and Industry Sector

	Annual Fees
(I) Sand and gravel and placer mining:	
(A) Pit dewatering only	~~$500~~ $805
(B) Pit dewatering or wash-water discharge	~~$570~~ $918
(C) Mercury use with discharge impact	~~$640~~ $1,030
(D) Storm water discharge only	~~$435~~ $700
(II) Coal mining:	
(A) Sedimentation ponds, surface runoff only	~~$980~~ $1,578
(B) Mine water, preparation plant discharge	~~$1,320~~ $2,125
(III) Hardrock mining:	
(A) Mine dewatering from 0 up to 49,999 gallons per day	~~$1,140~~ $1,835
(B) Mine dewatering from 50,000 up to 999,999 gallons per day	~~$2,150~~ $3,462
(C) Mine dewatering, 1,000,000 gallons per day or more	~~$3,280~~ $5,281
(D) Mine dewatering and milling with no discharge	~~$3,280~~ $5,281
(E) Mine dewatering and milling with discharge	~~$9,880~~ $15,907
(F) No discharge	~~$1,140~~ $1,835
(G) Milling with discharge from 0 up to 49,999 gallons per day	~~$3,350~~ $5,394
(H) Milling with discharge, 50,000 gallons	

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

(J) Coal degasification - process water from 0 up to 49,999 gallons per day ~~$2,150~~ $3,462

(K) Coal degasification - process water from 50,000 up to 99,999 gallons per day ~~$3,280~~ $5,281

(L) Coal degasification - process water, 100,000 gallons per day or more ~~$9,880~~ $15,907

(M) Minimal discharge of industrial or commercial waste waters - general permit $630

(VI) Power plants:

(A) Cooling water only, no discharge ~~$1,140~~ $1,835

(B) Process water from 0 up to 49,999 gallons per day ~~$2,150~~ $3,462

(C) Process water from 50,000 up to 999,999 gallons per day ~~$3,280~~ $5,281

(D) Process water from 1,000,000 up to 4,999,999 gallons per day ~~$9,880~~ $15,907

(E) Process water, 5,000,000 gallons per day or more ~~$9,880~~ $15,907

(VII) Sugar processing:

(A) Cooling water only, no discharge ~~$1,210~~ $1,948

(B) Process water from 0 up to 49,999 gallons per day ~~$1,480~~ $2,383

(C) Process water from 50,000 up to 999,999 gallons per day ~~$3,700~~ $5,957

(D) Process water from 1,000,000 up to 4,999,999 gallons per day ~~$9,880~~ $15,907

(E) Process water, 5,000,000 gallons

per day or more ~~$9,880~~ $15,907

(VIII) Petroleum refining:

(A) Cooling water only, no discharge ~~$1,140~~ $1,835

(B) Process water from 0 up to 49,999 gallons per day ~~$2,560~~ $4,122

(C) Process water from 50,000 up to 999,999 gallons per day ~~$3,285~~ $5,289

(D) Process water from 1,000,000 up to 4,999,999 gallons per day ~~$9,880~~ $15,907

(E) Process water, 5,000,000 gallons per day or more ~~$9,880~~ $15,907

(IX) Fish hatcheries ~~$820~~ $1,320

(X) Manufacturing and other industry:

(A) Cooling water only ~~$1,140~~ $1,835

(B) Process water from 0 up to 49,999 gallons per day ~~$2,150~~ $3,462

(C) Process water from 50,000 up to 999,999 gallons per day ~~$3,280~~ $5,281

(D) Process water from 1,000,000 up to 4,999,999 gallons per day ~~$9,880~~ $15,907

(E) Process water from 5,000,000 up to 19,999,999 gallons per day ~~$12,140~~ $19,545

(F) Process water, 20,000,000 gallons per day or more ~~$19,760~~ $31,814

(G) No discharge ~~$1,480~~ $2,383

(H) Amusement and recreation services ~~$1,480~~ $2,383

(XI) Individual industrial storm-water permits:

(A) Individual industrial - less than ten acres ~~$295~~ $475

(B) Individual industrial - ten acres or more ~~$375~~ $604

(C) Individual industrial - storm water only

- international airports ~~$6,220~~ $10,014

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

Facility Categories and Subcategories

for Permit Fees within the

Construction Sector

Annual Fees

(II) General permits:

(A) to (D) Repealed.

(E) Department of transportation (DOT) - storm-water construction discharges from projects where DOT is the permittee - statewide permit $9,400

(F) Minimal discharge of industrial or commercial wastewater $630

(G) Low complexity ~~effective on and after July 1, 2016~~ $820

(H) High complexity ~~effective on and after July 1, 2016~~ $2,000

(I) Construction - storm water only; less than 1 acre of disturbed area ~~effective on and after July 1, 2016~~ $165

(J) Construction - storm water only; from 1 acre to less than 30 acres

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

(K) Construction - storm water only;

30 acres or more of disturbed area

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

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

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

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

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

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

Facility Categories and Subcategories for Permit Fees within the Public and Private Utilities Sector

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

per day ~~$845~~ $1,031

(C) Sewage from 100,000 up to 499,999 gallons per day ~~$1,230~~ $1,501

(D) Sewage from 500,000 up to 999,999 gallons per day ~~$2,120~~ $2,586

(E) Sewage from 1,000,000 up to 1,999,999 gallons per day ~~$3,170~~ $3,867

(F) Sewage, 2,000,000 gallons per day or more ~~$6,460~~ $7,881

(IV) Domestic wastewater - mechanical plants:

(A) Sewage from 0 up to 19,999 gallons per day ~~$615~~ $750

(B) Sewage from 20,000 up to 49,999 gallons per day ~~$980~~ $1,196

(C) Sewage from 50,000 up to 99,999 gallons per day ~~$1,440~~ $1,757

(D) Sewage from 100,000 up to 499,999 gallons per day ~~$2,240~~ $2,733

(E) Sewage from 500,000 up to 999,999 gallons per day ~~$3,720~~ $4,538

(F) Sewage from 1,000,000 up to 2,499,999 gallons per day ~~$6,090~~ $7,430

(G) Sewage from 2,500,000 up to 9,999,999 gallons per day ~~$11,410~~ $13,920

(H) Sewage from 10,000,000 up to 49,999,999 gallons per day ~~$19,780~~ $24,132

(I) Sewage from 50,000,000 up to 99,999,999 gallons per day ~~$22,820~~ $27,840

(J) Sewage, 100,000,000 gallons per day

or more ~~$25,100~~ $30,622

(V) Domestic facilities discharge to unclassified waters - general permit:

(A) Sewage from 0 up to 49,999 gallons per day ~~$455~~ $555

(B) Sewage from 50,000 up to 199,999 gallons per day ~~$800~~ $976

(C) Sewage from 200,000 up to 599,999 gallons per day ~~$1,170~~ $1,427

(D) Sewage from 600,000 up to 999,999 gallons per day ~~$1,860~~ $2,269

(VI) Industrial dischargers subject to categorical effluent standards discharging to publicly owned treatment works with pretreatment programs, not including categorical industries subject to zero-discharge standards:

(A) Very low flow - less than 100 gallons per day ~~$292~~ $356

(B) 100 up to 9,999 gallons per day ~~$699~~ $853

(C) 10,000 up to 50,000 gallons per day ~~$1,047~~ $1,277

(D) More than 50,000 gallons per day ~~$1,397~~ $1,704

(VII) All other significant industrial dischargers discharging to publicly owned treatment works with pretreatment, including categorical industries subject to zero-discharge standards:

(A) Less than 10,000 gallons per day ~~$175~~ $214

(B) 10,000 up to 50,000 gallons per day ~~$349~~ $426

(C) More than 50,000 gallons per day ~~$465~~ $567

(D) Pit dewatering only ~~$270~~ $329

(VIII) Industrial dischargers subject to categorical effluent standards discharging to publicly owned treatment works without

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

(A) Less than 10,000 gallons per day ~~$815~~ $994

(B) 10,000 up to 50,000 gallons per day ~~$1,280~~ $1,562

(C) More than 50,000 gallons per day ~~$1,746~~ $2,130

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

(A) Less than 10,000 gallons per day ~~$349~~ $426

(B) 10,000 up to 50,000 gallons per day ~~$524~~ $639

(C) More than 50,000 gallons per day ~~$699~~ $853

(X) Domestic wastewater - lagoons:

(A) Sewage from 0 up to 49,999 gallons per day ~~$75~~ $92

(B) Sewage from 50,000 up to 99,999 gallons per day ~~$75~~ $92

(C) Sewage from 100,000 up to 499,999 gallons per day ~~$75~~ $92

(D) Sewage from 500,000 up to 999,999 gallons per day ~~$75~~ $92

(E) Sewage from 1,000,000 up to 2,499,999 gallons per day ~~$81~~ $99

(F) Sewage, 2,500,000 gallons per day or more ~~$94~~ $115

(XI) Domestic wastewater - mechanical plants:

(A) Sewage from 0 up to 19,999 gallons per day ~~$75~~ $92

(B) Sewage from 20,000 up to 49,999 gallons per day ~~$75~~ $92

(C) Sewage from 50,000 up to 99,999 gallons per day ~~$75~~ $92

(D) Sewage from 100,000 up to 499,999 gallons

per day ~~$75~~ $92

(E) Sewage from 500,000 up to 999,999 gallons per day ~~$75~~ $92

(F) Sewage from 1,000,000 up to 2,499,999 gallons per day ~~$81~~ $99

(G) Sewage from 2,500,000 up to 9,999,999 gallons per day ~~$94~~ $115

(H) Sewage from 10,000,000 up to 49,999,999 gallons per day ~~$105~~ $128

(I) Sewage from 50,000,000 up to 99,999,999 gallons per day ~~$117~~ $143

(J) Sewage, 100,000,000 gallons per day or more ~~$128~~ $156

(XII) Wastewater reuse authorizations:

(A) Facility capacity of less than 100,000 gallons per day ~~$450~~ $549

(B) Facility capacity from 100,000 gallons to 499,999 gallons per day ~~$840~~ $1,025

(C) Facility capacity from 500,000 gallons to 999,999 gallons per day ~~$1,400~~ $1,708

(D) Facility capacity from 1,000,000 gallons to 2,499,999 gallons per day ~~$2,300~~ $2,806

(E) Facility capacity from 2,500,000 gallons to 9,999,999 gallons per day ~~$4,300~~ $5,246

(F) Facility capacity, 10,000,000 gallons per day or more ~~$6,300~~ $7,686

(XIII) and (XIV) Repealed.

(f) The municipal separate storm sewer systems sector includes

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

Facility Categories and Subcategories for Permit Fees within the Municipal Separate Storm Sewer System Sector

	Annual Fees
(I) MS4 general permits:	
(A) Storm water municipal for a population of 10,000 or fewer	~~$355~~ $462
(B) Storm water municipal for a population from 10,000 up to 49,999	~~$810~~ $1,053
(C) Storm water municipal for a population from 50,000 up to 99,999	~~$2,020~~ $2,626
(D) Storm water municipal for a population of 100,000 or more	~~$4,050~~ $5,265
(II) MS4 individual permits:	
(A) Municipalities with a population from 10,000 up to 49,999	~~$1,245~~ $1,619
(B) Municipalities with a population from 50,000 up to 99,999	~~$3,110~~ $4,043
(C) Municipalities with a population from 100,000 up to 249,999	~~$6,225~~ $8,093
(D) Municipalities with a population of 250,000 or more	~~$10,580~~ $13,754
(E) Statewide permit for municipal separate storm water systems, owned or operated by the department of	

transportation, in municipal areas

where storm water permits are required ~~$4,360~~ $5,668

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

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

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

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

(b) Preliminary effluent limitations:

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

and Design Reviews

Fees

(I) Wastewater site applications:

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

New ~~$7,738~~ $9,440

Expansion ~~$6,191~~ $7,553

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

New ~~$15,477~~ $18,882

Expansion ~~$12,381~~ $15,105

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

New ~~$23,215~~ $28,322

Expansion ~~$18,572~~ $22,658

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

New ~~$30,953~~ $37,763

Expansion ~~$24,763~~ $30,211

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

New ~~$1,935~~ $2,361

Expansion ~~$1,548~~ $1,889

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

New ~~$3,869~~ $4,720

Expansion ~~$3,095~~ $3,776

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

New ~~$5,804~~ $7,081

Expansion ~~$4,643~~ $5,664

(H) Lift stations, 10,000,000 gallons per day or more:

New ~~$7,738~~ $9,440

Expansion ~~$6,191~~ $7,553

(I) Amendments to site applications concerning a change from gas chlorination to liquid chlorination or from any form of chlorination to ultraviolet light disinfection, less than 100,000 gallons per day ~~$451~~ $550

(J) Amendments to site applications concerning a change from gas chlorination to liquid chlorination or from any form of chlorination to ultraviolet light disinfection from 100,000 to 999,999 gallons per day ~~$903~~ $1,102

(K) Amendments to site applications concerning a change from gas chlorination to liquid chlorination or from any form of chlorination to ultraviolet light disinfection from 1,000,000 to 9,999,999 gallons per day ~~$1,354~~ $1,652

(L) Amendments to site applications concerning a change from gas chlorination to liquid chlorination or from any form of chlorination to ultraviolet light disinfection, 10,000,000 gallons per day or more ~~$1,806~~ $2,203

(M) Other amendments to site application, less than 100,000 gallons per day ~~$645~~ $787

(N) Other amendments to site applications from

100,000 to 999,999 gallons per day ~~$1,290~~ $1,574

(O) Other amendments to site applications from 1,000,000 to 9,999,999 gallons per day ~~$1,935~~ $2,361

(P) Other amendments to site applications, 10,000,000 gallons per day or more ~~$2,579~~ $3,146

(Q) On-site wastewater treatment systems ~~$4,500~~ $5,490

(R) Extension ~~$650~~ $793

(S) Interceptor site applications ~~$1,300~~ $1,586

(T) Interceptor certifications ~~$300~~ $366

(U) Outfall sewers ~~$1,300~~ $1,586

(II) Wastewater design review:

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

New ~~$4,900~~ $5,978

Expansion ~~$3,900~~ $4,758

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

New ~~$9,900~~ $12,078

Expansion ~~$7,900~~ $9,638

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

New ~~$14,800~~ $18,056

Expansion ~~$11,800~~ $14,396

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

New ~~$19,700~~ $24,034

Expansion ~~$15,800~~ $19,276

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

New ~~$1,200~~ $1,464

Expansion ~~$1,000~~ $1,220

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

New ~~$2,500~~ $3,050

Expansion ~~$2,000~~ $2,440

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

New ~~$3,700~~ $4,514

Expansion ~~$3,000~~ $3,660

(H) Lift stations, 10,000,000 gallons per day or more:

New ~~$4,900~~ $5,978

Expansion ~~$3,900~~ $4,758

(I) Amendments to site applications concerning a change from gas chlorination to liquid chlorination or from any form of chlorination to ultraviolet light disinfection, less than 100,000 gallons per day ~~$500~~ $610

(J) Amendments to site applications concerning a change from gas chlorination to liquid chlorination or from any form of chlorination to ultraviolet light disinfection from 100,000 to 999,999 gallons per day ~~$1,000~~ $1,220

(K) Amendments to site applications concerning a change from gas chlorination to liquid chlorination or from any form of chlorination to ultraviolet light disinfection from 1,000,000 to 9,999,999 gallons per day ~~$1,500~~ $1,830

(L) Amendments to site applications concerning a change

from gas chlorination to liquid chlorination or from any form of chlorination to ultraviolet light disinfection, 10,000,000 gallons per day or more ~~$2,000~~ $2,440

(M) Other amendments to site application, less than 100,000 gallons per day ~~$700~~ $854

(N) Other amendments to site applications, from 100,000 to 999,999 gallons per day ~~$1,400~~ $1,708

(O) Other amendments to site applications, from 1,000,000 to 9,999,999 gallons per day ~~$2,100~~ $2,562

(P) Other amendments to site applications, 10,000,000 gallons per day or more ~~$2,800~~ $3,416

(Q) On-site wastewater treatment systems ~~$3,000~~ $3,660

(R) Interceptor site applications ~~$1,400~~ $1,708

(S) Outfall sewers ~~$1,400~~ $1,708

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) The senate agriculture and natural resources committee and the house of representatives agriculture, livestock, and natural resources 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

BASELINE INFORMATION AND INFORMATION ON THE BARRIERS TO MAKING IMPROVEMENTS.

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

25-10-107. Fees. (3) In addition to the fees established in this section, the division may assess a fee of twenty-three dollars for each permit authorized for a new, repaired, or upgraded on-site wastewater treatment system. Of that fee, the county in which the on-site wastewater treatment system is or will be located shall retain three dollars to cover the county's administrative costs and SHALL TRANSMIT twenty dollars ~~shall be transmitted~~ to the state treasurer, who shall deposit that sum in the ~~water quality control~~ PUBLIC AND PRIVATE UTILITIES SECTOR fund created in section 25-8-502 ~~(1)(c)~~ (1.5)(a)(V).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) $9,207 for administration; and

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

SECTION 8. Appropriation - adjustments to 2017 long bill. (1) To implement this act, the cash funds appropriation made in the annual general appropriation act for the 2017-18 state fiscal year to the department of public health and environment from the construction sector

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

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

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

(a) $566 for administration; and

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

SECTION 10. Appropriation - adjustments to 2017 long bill. (1) To implement this act, appropriations made in the annual general appropriation act for the 2017-18 state fiscal year to the department of public health and environment are adjusted as follows:

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

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

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

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

(a) $34,431 for administration; and

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

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

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

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

SECTION 14. Effective date. This act takes effect July 1, 2017; 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.