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State NPDES Authority Statutes: *Colorado*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

A National Agricultural Law Center Research Publication
State NPDES Authority Statutes: Colorado

[CRS §§ 25-8-501 – 25-8-505](#)

Current through the 2022 legislative session.

§ 25-8-501. Permits Required for Discharge of Pollutants – Administration.

(1) No person shall discharge any pollutant into any state water from a point source without first having obtained a permit from the division for such discharge, and no person shall discharge into a ditch or man-made conveyance for the purpose of evading the requirement to obtain a permit under this article. No person covered by this article shall use or dispose of biosolids, except as authorized by regulations that shall not be more restrictive than the requirements adopted for solid wastes disposal sites and facilities pursuant to part 1 of article 20 of title 30, C.R.S., except as necessary to be consistent with section 405 of the [Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq. (“federal act”)]. Existing authorization for the use or disposal of biosolids shall continue until permits are issued in accordance with this part 5. Each application for a permit duly filed under the federal act shall be deemed to be a permit application filed under this article, and each permit issued pursuant to the federal act shall be deemed to be a temporary permit issued under this article which shall expire upon expiration of the federal permit.

(2) The division shall examine applications for and may issue, suspend, revoke, modify, deny, and otherwise administer permits for the discharge of pollutants into state waters and for the use and disposal of biosolids. Such administration shall be in accordance with the provisions of this article and regulations promulgated by the commission. Until modified pursuant to this article, final permits shall be governed by their existing limitations.

(3) The commission shall promulgate such regulations as may be necessary and proper for the orderly and effective administration of permits for the discharge of pollutants, which regulations shall include, but not be limited to, procedures for the issuance of a variance pursuant to section 25-8-503(4), and shall also require that, in appropriate circumstances, the effluent limitations contained in a permit shall be adjusted to account for the pollutants contained in the discharger's intake water. Such regulations shall be consistent with the provisions of this article and with federal requirements and shall be in furtherance of the policy contained in section 25-8-102. Such regulations shall establish a permit process that allows permit conditions to remain in effect as long as circumstances dictate those conditions. In order to comply with federal requirements, but not to lessen compliance with federal standards, such permit process may require periodic renewal of permits even where minimal or no changes in the permit conditions are necessary. Renewal shall be required where more than minimal changes in permit conditions are necessary. The regulations may pertain to and implement, among other matters,



permit and permit application contents, procedures, requirements, and restrictions with respect to the following:

- (a) Identification and address of the owner and operator of the activity, facility, or process from which the discharge is to be permitted;
 - (b) Location and quantity and quality characteristics of the permitted discharge;
 - (c) Effluent limitations and conditions for treatment prior to discharge to a publicly owned treatment works;
 - (d) Monitoring as well as record-keeping and reporting requirements consistent with standard procedures and methods established by the division;
 - (e) Schedules of compliance;
 - (f) Procedures to be followed by division personnel for entering and inspecting premises;
 - (g) Submission of pertinent plans and specifications for the facility, process, or activity which is the source of a waste discharge;
 - (h) Restrictions on transfers of the permit;
 - (i) Procedures to be followed in the event of expansion or modification of the process, facility, or activity from which the discharge occurs or the quality, quantity, or frequency of the discharge;
 - (j) Duration of the permit and renewal procedures using a risk-based approach that limits the amount of work required to renew permits that have minimal or no changes in the permit conditions to streamline the renewal process;
 - (k) Authority of the division to require changes in plans and specifications for control facilities as a condition for the issuance of a permit;
 - (l) Identification of control regulations over which the permit takes precedence and identification of control regulations over which a permit may never take precedence;
 - (m) Notice requirements of any intent to construct, install, or alter any process, facility, or activity that is likely to result in a new or altered discharge;
 - (n) Effectiveness under this article of permit applications submitted to and permits issued by the federal government under the federal act.
- (4) Nothing in any permit shall ever be construed to prevent or limit the application of any emergency power of the division.
- (5) Every permit issued for a domestic wastewater treatment works shall contain such terms and conditions as the division determines to be necessary or desirable to assure continuing compliance with applicable control regulations. Such terms and conditions may require that whenever deemed necessary by the division to assure such compliance the permittee shall:



(a) Require pretreatment of effluent from industrial, governmental, or commercial facilities, processes, and activities before such effluent is received into the gathering and collection system of the permittee;

(b) Prohibit any connection to any municipal permittee's interceptors and collection system that would result in receipt by such municipal permittee of any effluent other than sewage required by law to be received by such permittee;

(c) Include specified terms and conditions of its permit in all contracts for receipt by the permittee of any effluent not required to be received by a municipal permittee;

(d) Initiate engineering and financial planning for expansion of the domestic wastewater treatment works whenever throughput and treatment reaches eighty percent of design capacity;

(e) Commence construction of such domestic wastewater treatment works expansion whenever throughput and treatment reaches ninety-five percent of design capacity or, in the case of a municipality, either commence such construction or cease issuance of building permits within such municipality until such construction is commenced; except that building permits may continue to be issued for any construction which would not have the effect of increasing the input of domestic wastewater to the sewage treatment works of the municipality involved. The term "commence construction", as used in this paragraph (e), includes execution of, and commencement of work under, contracts for engineering design, plans, and specifications for erection, building, alteration, remodeling, improvement, or extension of treatment works and commitment to the completion of construction of such treatment works prior to exceeding permit effluent limitations based upon facility design and capacity or execution of a contract for the construction thereof.

(6) Inclusion of the requirements authorized by paragraph (d) of subsection (5) of this section shall be presumed unnecessary to assure compliance upon a showing that the area served by a domestic wastewater treatment works has a stable or declining population; but this provision shall not be construed as preventing periodic review by the division should it be felt that growth is occurring or will occur in the area.

§ 25-8-501.1. Permit Required for Point Source Water Pollution Control – Definitions – Housed Commercial Swine Feeding Operations – Legislative Declaration.

(1) The people of the state of Colorado hereby find, determine, and declare that the advent of large housed commercial swine feeding operations in Colorado has presented new challenges to ensuring that the quality of the state's environment is preserved and protected. As distinguished from more traditional operations that historically have characterized Colorado's livestock industry, large housed swine feeding operations use significant amounts of process water for flushing and disposing of swine waste, commonly store this waste in large impoundments, and dispose of it through land application. The waste storage, handling and



disposal by such operations are particularly odorous and offensive. The people further find that it is necessary to ensure that the storage and land application of waste by housed commercial swine feeding operations is done in a responsible manner, so as not to adversely impact Colorado's valuable air, land and water resources.

(2) As used in this section, unless the context otherwise requires:

(a) "Agronomic rate of application" means the rate of application of nutrients to plants that is necessary to satisfy the plants' nutritional requirements while strictly minimizing the amount of nutrients that run off to surface waters or which pass below the root zone of the plants, as specified by the most current published fertilizer suggestions of the Colorado state university cooperative extension service for the plants, or most closely related plant type, to which the nutrients are applied.

(b) "Housed commercial swine feeding operation" means a housed swine feeding operation that is capable of housing eight hundred thousand pounds or more of live animal weight of swine at any one time or is deemed a commercial operation under local zoning or land use regulations. Two or more housed swine confined feeding operations shall be considered to comprise a single housed commercial swine feeding operation if they are under common or affiliated ownership or management, and are adjacent to or utilize a common area or system for manure disposal, are integrated in any way, are located or discharge within the same watershed or into watersheds that are hydrologically connected, or are located on or discharge onto land overlying the same groundwater aquifer.

(c) "Housed swine feeding operation" means the practice of raising swine in buildings, or other enclosed structures wherein swine of any size are fed for forty-five days or longer in any twelve-month period, and crop or forage growth or production is not sustained in the area of confinement.

(d) "Process wastewater" means any process-generated wastewater used in a housed commercial swine feeding operation, including water used for feeding, flushing, or washing, and any water or precipitation that comes into contact with any manure, urine, or any product used in or resulting from the production of swine.

(3) No person shall operate, construct, or expand a housed commercial swine feeding operation without first having obtained an individual discharge permit from the division.

(4) On or before March 31, 1999, the commission shall promulgate rules necessary to ensure the issuance and effective administration and enforcement of permits under this section by July 1, 1999. Such rules shall incorporate the preceding subsection (3) and shall, at a minimum, require:

(a) That the owner or operator of a housed commercial swine feeding operation must obtain division approval of construction, operations and swine waste management plans that, for any land waste application, includes a detailed agronomic analysis. Said plans shall employ the best available waste management practices, provide for remediation of



residual soil and groundwater contamination, and ensure that disposal of solid or liquid waste to the soil not exceed agronomic rates of application.

(b) That appropriate setbacks for maintaining water quality be established for land waste application areas and waste impoundments;

(c) That waste impoundments or manure stock piles shall not be located within a one-hundred-year floodplain unless proper flood proofing measures are designed and constructed;

(d) That the owner or operator of the housed commercial swine feeding operation shall provide financial assurances for the final closure of the housed commercial swine feeding operation, the conduct of any necessary postclosure activities, the undertaking of any corrective action made necessary by migration of contaminants from the housed commercial swine feeding operation into the soil and groundwater, or cleanup of any spill or breach;

(e) That the owner or operator of a housed commercial swine feeding operation shall ensure that no solid or liquid waste generated by it shall be applied to land by any person at a rate that exceeds, in amount or duration, the agronomic rate of application; and

(f) That, because waste storage and disposal by housed commercial swine feeding operations pose particular jeopardy for state trust lands, in light of the mandate in the Colorado constitution, article IX, section 10, that state land board trust lands be held in trust and be protected and enhanced to promote long-term productivity and sound stewardship, the construction, operations and waste management plans approved for housed commercial swine feeding operations on such lands, shall not permit the degradation of the physical attributes or value of any state trust lands.

(5) Any spill or contamination by a housed commercial swine feeding operation shall be reported immediately to the division and the county or district public health agency for the county in which the housed commercial swine feeding operation is conducted, and, within twenty-four hours after the spill or contamination, a written report shall be filed with the division and the county or district public health agency for the county in which the housed commercial swine feeding operation is conducted.

(6) Housed commercial swine feeding operations shall submit to the division and the county or district public health agency quarterly, comprehensive monitoring reports and agronomic analyses that demonstrate that the operation has land-applied solid and liquid waste at no greater than agronomic rates. The division shall require the sampling and monitoring of chemical and appropriate biological parameters to protect the quality and existing and future beneficial uses of groundwater including, at a minimum, nitrogen, phosphorus, heavy metals, and salts. At a minimum, the monitoring program shall include quarterly samples, analysis, and reporting of the groundwater, soils within the root zone, and soils beneath the root zone within



each waste application site, and shall also include monitoring to ensure that no excessive seepage occurs from any waste impoundments.

(7) Repealed by Laws 2007, Ch. 335, § 2, eff. July 1, 2007.

(8) The division shall enforce the provisions of this section and shall take immediate enforcement action against any housed commercial swine feeding operation that has exceeded the agronomic rate limit of this section. In addition, any person who may be adversely affected by a housed commercial swine feeding operation may enforce these provisions directly against the operation by filing a civil action in the district court in the county in which the person resides.

(9) These provisions shall not preclude any local government from imposing requirements more restrictive than those contained in this section.

§ 25-8-502. Application – Definitions – Fees – Funds Created – Public Participation – Repeal.

(1) For the purposes of this section:

(a) "Animal feeding operation" or "CAFO" means a lot or facility, other than an aquatic animal production facility, where:

(I) Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve-month period; and

(II) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

(b) "Categorical effluent standards" means those standards established by the federal environmental protection agency pursuant to section 307 (b) of the federal act.

(c) "Discharge" means the discharge of pollutants, and includes land application.

(d) "Gallons per day" is based on design capacity of the facility, not flow.

(e) "Land application" is any discharge being applied to the land for treatment purposes.

(f) "Municipal separate storm sewer system" or "MS4" means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, that is:

(I) Owned or operated by a state, city, town, county, district, association, or other public body created by or pursuant to state law having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district, drainage



district, or similar entity, or a designated and approved management agency under section 208 of the federal act that discharges to state waters;

(II) Designed or used for collecting or conveying storm water;

(III) Not a combined sewer; and

(IV) Not part of a publicly owned treatment works.

(g) "Significant industrial discharger" means an industrial discharger that meets one or more criteria established by the federal environmental protection agency pursuant to section 307 (b) of the federal act.

(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:

(a) The animal agriculture sector includes annual fee schedules for regulated activities associated with animal feeding operations as follows:

(I) General permit: The division shall assess a CAFO an annual permit fee not to exceed two hundred fifty dollars plus four cents per animal unit, based on the CAFO's permitted capacity; except that, from July 1, 2009, through June 30, 2018, the division shall assess a CAFO an annual permit fee not to exceed seven hundred fifty dollars plus nine cents per animal unit, based on the CAFO's permitted capacity.

(II) Individual permit: The division shall assess a CAFO an annual permit fee not to exceed five hundred dollars plus eight cents per animal unit, based on the CAFO's permitted capacity; except that, from July 1, 2009, through June 30, 2018, the division shall assess a CAFO an annual permit fee not to exceed one thousand five hundred dollars plus nine cents per animal unit, based on the CAFO's permitted capacity.

(III)

(A) Effective July 1, 2009, through June 30, 2018, the division shall assess an unpermitted CAFO an annual administrative fee, not to exceed six cents per animal unit based upon the CAFO's registered capacity, to cover the direct and indirect costs associated with the environmental agriculture program, including inspections, compliance assurance, compliance assistance, and associated regulatory interpretation and review.

(B) This subparagraph (III) is repealed, effective July 1, 2018.

(IV)



(A) Except as otherwise provided in this subparagraph (IV), the division shall assess on each housed commercial swine feeding operation an annual permit fee, not to exceed twenty cents per animal, based on the operation's working capacity, to offset the direct and indirect costs of the program created in section 25-8-501.1.

(B) From July 1, 2009, through June 30, 2018, the division shall assess on each housed commercial swine feeding operation an annual permit fee that shall not exceed twenty-six cents per animal, based on the operation's working capacity, to offset the direct and indirect costs of the program created in section 25-8-501.1. This sub-subparagraph (B) is repealed, effective July 1, 2018.

(C) As used in this subparagraph (IV), "working capacity" means the number of swine the housed commercial swine feeding operation is capable of housing at any one time.

(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

(B) Pit dewatering or wash-water discharge \$570

(C) Mercury use with discharge impact \$640
(D) Storm water discharge only \$435

(II) Coal mining:

(A) Sedimentation ponds, surface runoff only \$980

(B) Mine water, preparation plant discharge \$1,320

(III) Hardrock mining:

(A) Mine dewatering from 0 up to 49,999 gallons per day \$1,140

(B) Mine dewatering from 50,000 up to 999,999 gallons per day \$2,150

(C) Mine dewatering, 1,000,000 gallons per day or more \$3,280

(D) Mine dewatering and milling with no discharge \$3,280



- (E) Mine dewatering and milling with discharge \$9,880
- (F) No discharge \$1,140
- (G) Milling with discharge from 0 up to 49,999 gallons per day \$3,350
- (H) Milling with discharge, 50,000 gallons per day or more \$6,680

(IV) Oil shale:

- (A) Sedimentation ponds, surface runoff only \$1,990
- (B) Mine water from 0 up to 49,999 gallons per day \$2,150
- (C) Mine water from 50,000 up to 999,999 gallons per day \$2,670
- (D) Mine water from 1,000,000 gallons per day or more \$2,600
- (E) Mine water and process water discharge \$9,880
- (F) No discharge \$1,830

(V) General permits:

- (A) Sand and gravel with process discharge and storm water \$270
- (B) Sand and gravel without process discharge - storm water only \$75
- (C) Placer mining \$520
- (D) Coal mining \$780
- (E) Industrial - single municipal industrial - storm water only \$185
- (F) Active mineral mines less than ten acres - storm water only \$125
- (G) Active mineral mines - ten acres or more - storm water only \$375
- (H) Inactive mineral mines - storm water only \$75
- (I) Department of transportation - sand and gravel storm-water permit \$4,360
- (J) Coal degasification - process water from 0 up to 49,999 gallons per day \$2,150
- (K) Coal degasification - process water from 50,000 up to 99,999 gallons per day \$3,280
- (L) Coal degasification - process water, 100,000 gallons per day or more \$9,880



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

(VI) Power plants:

- (A) Cooling water only, no discharge \$1,140
- (B) Process water from 0 up to 49,999 gallons per day \$2,150
- (C) Process water from 50,000 up to 999,999 gallons per day \$3,280
- (D) Process water from 1,000,000 up to 4,999,999 gallons per day \$9,880
- (E) Process water, 5,000,000 gallons per day or more \$9,880

(VII) Sugar processing:

- (A) Cooling water only, no discharge \$1,210
- (B) Process water from 0 up to 49,999 gallons per day \$1,480
- (C) Process water from 50,000 up to 999,999 gallons per day \$3,700
- (D) Process water from 1,000,000 up to 4,999,999 gallons per day \$9,880
- (E) Process water, 5,000,000 gallons per day or more \$9,880

(VIII) Petroleum refining:

- (A) Cooling water only, no discharge \$1,140
- (B) Process water from 0 up to 49,999 gallons per day \$2,560
- (C) Process water from 50,000 up to 999,999 gallons per day \$3,285
- (D) Process water from 1,000,000 up to 4,999,999 gallons per day \$9,880
- (E) Process water, 5,000,000 gallons per day or more \$9,880

(IX) Fish hatcheries \$820(X) Manufacturing and other industry:

- (A) Cooling water only \$1,140
- (B) Process water from 0 up to 49,999 gallons per day \$2,150
- (C) Process water from 50,000 up to 999,999 gallons per day \$3,280
- (D) Process water from 1,000,000 up to 4,999,999 gallons per day \$9,880
- (E) Process water from 5,000,000 up to 19,999,999 gallons per day \$12,140
- (F) Process water, 20,000,000 gallons per day or more \$19,760



(G) No discharge \$1,480

(H) Amusement and recreation services \$1,480

(XI) Individual industrial storm-water permits:

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

(B) Individual industrial - ten acres or more \$375
(C) Individual industrial - storm water only - international airports \$6,220

(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 \$805

(B) Pit dewatering or wash-water discharge \$918

(C) Mercury use with discharge impact \$1,030

(D) Storm water discharge only \$700

(II) Coal mining:

(A) Sedimentation ponds, surface runoff only \$1,578

(B) Mine water, preparation plant discharge \$2,125

(III) Hardrock mining:

(A) Mine dewatering from 0 up to 49,999 gallons per day \$1,835

(B) Mine dewatering from 50,000 up to 999,999 gallons per day \$3,462

(C) Mine dewatering, 1,000,000 gallons per day or more \$5,281

(D) Mine dewatering and milling with no discharge \$5,281

(E) Mine dewatering and milling with discharge \$15,907

(F) No discharge \$1,835

(G) Milling with discharge from 0 up to 49,999 gallons per day \$5,394

(H) Milling with discharge, 50,000 gallons per day or more \$10,755



(IV) Oil shale:

- (A) Sedimentation ponds, surface runoff only \$3,204
- (B) Mine water from 0 up to 49,999 gallons per day \$3,462
- (C) Mine water from 50,000 up to 999,999 gallons per day \$4,299
- (D) Mine water from 1,000,000 gallons per day or more \$4,186
- (E) Mine water and process water discharge \$15,907
- (F) No discharge \$2,946

(V) General permits:

- (A) Sand and gravel with process discharge and storm water \$435
- (B) Sand and gravel without process discharge - storm water only 121
- (C) Placer mining \$837
- (D) Coal mining \$1,256
- (E) Industrial - single municipal industrial - storm water only \$298
- (F) Active mineral mines less than ten acres - storm water only \$201
- (G) Active mineral mines - ten acres or more - storm water only \$604
- (H) Inactive mineral mines - storm water only \$121
- (I) Department of transportation - sand and gravel storm-water permit \$7,020
- (J) Coal degasification - process water from 0 up to 49,999 gallons per day \$3,462
- (K) Coal degasification - process water from 50,000 up to 99,999 gallons per day \$5,281
- (L) Coal degasification - process water, 100,000 gallons per day or more \$15,907
- (M) Minimal discharge of industrial or commercial waste waters - general permit \$630

(VI) Power plants:

- (A) Cooling water only, no discharge \$1,835
- (B) Process water from 0 up to 49,999 gallons per day \$3,462



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

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

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

(VII) Sugar processing:

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

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

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

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

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

(VIII) Petroleum refining:

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

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

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

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

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

(IX) Fish hatcheries \$1,320

(X) Manufacturing and other industry:

(A) Cooling water only \$1,835

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

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

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

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

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

(G) No discharge \$2,383



(H) Amusement and recreation services \$2,383

(XI) Individual industrial storm-water permits:

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

(B) Individual industrial - ten acres or more \$604 (C) Individual industrial - storm water only - international airports \$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

(I) Repealed.

(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

(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 \$820

(H) High complexity \$2,000

(I) Construction - storm water only; less than 1 acre of disturbed area
\$165

(J) Construction - storm water only; from 1 acre to less than 30 acres
\$350

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

(III) 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 set forth in subsections (1.1)(c)(II)(G) to (1.1)(c)(II)(K) and (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 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, 2015, 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:

(IV) The division shall use the revenue generated by the fees set forth in subsections (1.1)(c)(II)(G) to (1.1)(c)(II)(K) and (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 as they existed on June 30, 2015, 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:

(A) Increasing inspections of the construction sector to meet compliance objectives identified by the federal environmental protection agency;

(B) Implementing a compliance strategy that relies on increased assistance and follow-up to obtain an overall increase in compliance instead of increased reliance on enforcement;



(C) Targeting additional compliance assistance towards permittees to seek increased compliance, including: Streamlined site visits that provide initial assistance consultations and increased assistance resources such as guidance documents, presentations, and online resources; review and response to the inspected entity's written response to the inspection; follow-up inspections and additional inspections for owners and operators with systemic violations; and increased overall inspection frequency;

(D) Maintaining and increasing current service levels of administration and oversight for the division's storm water management system administrator program; and

(E) Targeting enforcement towards operators that show chronic violations, significant violations, or recalcitrant response actions.

(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 dollars.

(e) 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 eighty-one dollars.

(f) 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

(B) Routing discharge \$820

(II) General permits:

(A) Water treatment plants – intermittent discharge \$475

(B) Water treatment plants - routine discharge \$715

(C) Discharges associated with treated water distribution systems for a population of 3,300 or fewer \$105



(D) Discharges associated with treated water distribution systems for a population from 3,301 up to 9,999 \$210

(E) Discharges associated with treated water distribution systems for a population of 10,000 or more \$315

(III) Domestic wastewater - lagoons:

(A) Sewage from 0 up to 49,999 gallons per day \$525

(B) Sewage from 50,000 up to 99,999 gallons per day \$845

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

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

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

(F) Sewage, 2,000,000 gallons per day or more \$6,460

(IV) Domestic wastewater - mechanical plants:

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

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

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

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

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

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

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

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

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

(J) Sewage, 100,000,000 gallons per day or more \$25,100

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

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

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

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

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



(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
- (B) 100 up to 9,999 gallons per day \$699
- (C) 10,000 up to 50,000 gallons per day \$1,047
- (D) More than 50,000 gallons per day \$1,397

(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
- (B) 10,000 up to 50,000 gallons per day \$349
- (C) More than 50,000 gallons per day \$465
- (D) Pit dewatering only \$270

(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
- (B) 10,000 up to 50,000 gallons per day \$1,280
- (C) More than 50,000 gallons per day \$1,746

(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
- (B) 10,000 up to 50,000 gallons per day \$524
- (C) More than 50,000 gallons per day \$699

(X) Domestic wastewater - lagoons:

- (A) Sewage from 0 up to 49,999 gallons per day \$75
- (B) Sewage from 50,000 up to 99,999 gallons per day \$75
- (C) Sewage from 100,000 up to 499,999 gallons per day \$75



- (D) Sewage from 500,000 up to 999,999 gallons per day \$75
- (E) Sewage from 1,000,000 up to 2,499,999 gallons per day \$81
- (F) Sewage, 2,500,000 gallons per day or more \$94

(XI) Domestic wastewater - mechanical plants:

- (A) Sewage from 0 up to 19,999 gallons per day \$75
- (B) Sewage from 20,000 up to 49,999 gallons per day \$75
- (C) Sewage from 50,000 up to 99,999 gallons per day \$75
- (D) Sewage from 100,000 up to 499,999 gallons per day \$75
- (E) Sewage from 500,000 up to 999,999 gallons per day \$75
- (F) Sewage from 1,000,000 up to 2,499,999 gallons per day \$81
- (G) Sewage from 2,500,000 up to 9,999,999 gallons per day \$94
- (H) Sewage from 10,000,000 up to 49,999,999 gallons per day \$105
- (I) Sewage from 50,000,000 up to 99,999,999 gallons per day \$117
- (J) Sewage, 100,000,000 gallons per day or more \$128

(XII) Wastewater reuse authorizations:

- (A) Facility capacity of less than 100,000 gallons per day \$450
- (B) Facility capacity from 100,000 gallons to 499,999 gallons per day \$840
- (C) Facility capacity from 500,000 gallons to 999,999 gallons per day \$1,400
- (D) Facility capacity from 1,000,000 gallons to 2,499,999 gallons per day \$2,300
- (E) Facility capacity from 2,500,000 gallons to 9,999,999 gallons per day \$4,300
- (F) Facility capacity, 10,000,000 gallons per day or more \$6,300

(XIII) and (XIV) Repealed.

(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 \$695
- (B) Routing discharge \$1,000

(II) General permits:

- (A) Water treatment plants – intermittent discharge \$580
- (B) Water treatment plants - routine discharge \$872
- (C) Discharges associated with treated water distribution systems for a population of 3,300 or fewer \$128
- (D) Discharges associated with treated water distribution systems for a population from 3,301 up to 9,999 \$256
- (E) Discharges associated with treated water distribution systems for a population of 10,000 or more \$384

(III) Domestic wastewater - lagoons:

- (A) Sewage from 0 up to 49,999 gallons per day \$641
- (B) Sewage from 50,000 up to 99,999 gallons per day \$1,031
- (C) Sewage from 100,000 up to 499,999 gallons per day \$1,501
- (D) Sewage from 500,000 up to 999,999 gallons per day \$2,586
- (E) Sewage from 1,000,000 up to 1,999,999 gallons per day \$3,867
- (F) Sewage, 2,000,000 gallons per day or more \$7,881

(IV) Domestic wastewater - mechanical plants:

- (A) Sewage from 0 up to 19,999 gallons per day \$750
- (B) Sewage from 20,000 up to 49,999 gallons per day \$1,196
- (C) Sewage from 50,000 up to 99,999 gallons per day \$1,757
- (D) Sewage from 100,000 up to 499,999 gallons per day \$2,733
- (E) Sewage from 500,000 up to 999,999 gallons per day \$4,538
- (F) Sewage from 1,000,000 up to 2,499,999 gallons per day \$7,430
- (G) Sewage from 2,500,000 up to 9,999,999 gallons per day \$13,920



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

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

(J) Sewage, 100,000,000 gallons per day or more \$30,622

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

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

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

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

(D) Sewage from 600,000 up to 999,999 gallons per day \$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 \$356

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

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

(D) More than 50,000 gallons per day \$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 \$214

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

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

(D) Pit dewatering only \$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 \$994

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

(C) More than 50,000 gallons per day \$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 \$426
- (B) 10,000 up to 50,000 gallons per day \$639
- (C) More than 50,000 gallons per day \$853

(X) Domestic wastewater - lagoons:

- (A) Sewage from 0 up to 49,999 gallons per day \$92
- (B) Sewage from 50,000 up to 99,999 gallons per day \$92
- (C) Sewage from 100,000 up to 499,999 gallons per day \$92
- (D) Sewage from 500,000 up to 999,999 gallons per day \$92
- (E) Sewage from 1,000,000 up to 2,499,999 gallons per day \$99
- (F) Sewage, 2,500,000 gallons per day or more \$115

(XI) Domestic wastewater - mechanical plants:

- (A) Sewage from 0 up to 19,999 gallons per day \$92
- (B) Sewage from 20,000 up to 49,999 gallons per day \$92
- (C) Sewage from 50,000 up to 99,999 gallons per day \$92
- (D) Sewage from 100,000 up to 499,999 gallons per day \$92
- (E) Sewage from 500,000 up to 999,999 gallons per day \$92
- (F) Sewage from 1,000,000 up to 2,499,999 gallons per day \$99
- (G) Sewage from 2,500,000 up to 9,999,999 gallons per day \$115
- (H) Sewage from 10,000,000 up to 49,999,999 gallons per day \$128
- (I) Sewage from 50,000,000 up to 99,999,999 gallons per day \$143
- (J) Sewage, 100,000,000 gallons per day or more \$156

(XII) Wastewater reuse authorizations:

- (A) Facility capacity of less than 100,000 gallons per day \$549
- (B) Facility capacity from 100,000 gallons to 499,999 gallons per day \$1,025



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

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

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

(F) Facility capacity, 10,000,000 gallons per day or more \$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

(B) Storm water municipal for a population from 10,000 up to 49,999 \$810

(C) Storm water municipal for a population from 50,000 up to 99,999
\$2,020

(D) Storm water municipal for a population of 100,000 or more \$4,050

(II) MS4 individual permits:

(A) Municipalities with a population from 10,000 up to 49,999 \$1,245

(B) Municipalities with a population from 50,000 up to 99,999 \$3,110

(C) Municipalities with a population from 100,000 up to 249,999 \$6,225

(D) Municipalities with a population of 250,000 or more \$10,580

(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

(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 \$462
- (B) Storm water municipal for a population from 10,000 up to 49,999 \$1,053
- (C) Storm water municipal for a population from 50,000 up to 99,999 \$2,626
- (D) Storm water municipal for a population of 100,000 or more \$5,265

(II) MS4 individual permits:

- (A) Municipalities with a population from 10,000 up to 49,999 \$1,619
- (B) Municipalities with a population from 50,000 up to 99,999 \$4,043
- (C) Municipalities with a population from 100,000 up to 249,999 \$8,093
- (D) Municipalities with a population of 250,000 or more \$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 \$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, 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 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:

(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:



- (A) The potential for minimal impacts to water quality;
- (B) A low level of public participation;
- (C) No more than standard coordination with federal, state, or local agencies may be required;
- (D) Limited technical assistance may be needed.

(II) The fee for a tier 2 project is three thousand eight hundred 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:

(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:

- (A) The potential for minimal impacts to water quality;
- (B) A basic to high level of public participation may be required with potential for participation in public meetings or hearings held by outside parties;
- (C) More than the standard level of coordination with multiple federal, state, or local agencies may be required, including one or more meetings or pre-application site visits;
- (D) A moderate and ongoing level of technical assistance may be needed;
- (E) Compensatory mitigation review may be required;
- (F) Review of a full evaluation and findings report if needed; or
- (G) If the certification is appealed, addressing an appeal of the division's water quality certification to the commission pursuant to sections 25-8-202 (1)(k), 25-8-302 (1)(f), and 25-8-401.

(III) The fee for a tier 3 project is calculated on an hourly rate based on the actual costs of division staff and contractor time. Tier 3 projects are projects that involve a large watershed area, a high degree of complexity, or high potential for water quality impacts. Tier 3 includes certifications of federal energy regulatory commission relicensing projects or projects involving more long-term water quality impacts. Typical characteristics of tier 3 projects may include all or some of the following:



(A) The potential for greater, permanent water quality impacts if one or more of the following occurs: The water body is identified as not attaining water quality standards; or multiple stream or lake segments as established by section 25-8-203 are affected;

(B) A high level of public participation, including extensive public comments and the potential for one or more public meetings or hearings conducted by the division or outside parties;

(C) Substantially more than standard coordination with multiple federal, state, or local agencies may be required, including one or more meetings;

(D) A high level of iterative technical assistance may be required or substantive project revisions may be received;

(E) The potential for complex compensatory mitigation review;

(F) A site visit may be needed to understand impacts and advise on potential alternatives;

(G) The review of a full evaluation and findings report if needed; or

(H) If the certification is appealed, addressing an appeal of the division's water quality certification to the commission pursuant to sections 25-8-202 (1)(k), 25-8-302 (1)(f), and 25-8-401.

(IV) The fee for a tier 4 project is calculated on an hourly rate based on the actual costs of division staff and contractor time. Tier 4 projects are projects that involve multiple or large watershed areas, a very high degree of complexity, a very high potential for water quality impacts, or a high level of public participation. Tier 4 includes transmountain water supply projects. Typical characteristics of tier 4 projects may include all or some of the following:

(A) The potential for greater water quality impacts if one or more of the following occurs: The water body is identified as not attaining water quality standards; or multiple stream or lake segments as established by section 25-8-203 are affected;

(B) A high level of public participation, including extensive public comments and the potential for one or more public meetings or hearings conducted by the division or outside parties;

(C) Substantially more coordination than is standard with multiple federal, state, or local agencies may be required, including one or more meetings;

(D) A high level of iterative technical assistance may be required or substantive project revisions may be received;

(E) The potential for complex compensatory mitigation review;



(F) A site visit may be needed to understand impacts and advise on potential alternatives;

(G) Coordination with the governor's office in conjunction with other state agencies, tribal nations, and the federal government may be required;

(H) To the extent pertinent, review of additional documents, such as federal "National Environmental Policy Act" resource reports, environmental assessments, and environmental impact statements;

(I) If needed, to the extent not addressed in the documents addressed in sub-subparagraph (H) of this subparagraph (IV) and consistent with the requirements of this article and of the rules promulgated pursuant to this article, review and use of a full evaluation and findings report; or

(J) If the certification is appealed, addressing an appeal of the division's water quality certification to the commission pursuant to sections 25-8-202 (1)(k), 25-8-302 (1)(f), and 25-8-401.

(b) For tier 3 and tier 4 projects, the division may assess fees for services provided by the division prior to the applicant submitting a formal water quality certification application, which fees must reflect the actual cost of division staff and contractor time.

(c) For tier 3 and tier 4 projects, the division may assess fees for services provided by the division to monitor the projects certified with conditions, which fees must reflect the actual cost of division staff and contractor time.

(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:

(a) Amendments to permits associated with the commerce and industry sector, construction sector, pesticides application, public and private utility sector under subsection (1.1) of this section, and amendments to permits issued through June 30, 2018, associated with regulated activities in subparagraph (IV) of the animal agriculture sector in paragraph (a) of subsection (1.1) of this section:

(I) Minor amendment: An amount equal to twenty-five percent of the annual fee for the permit being amended, not to exceed two thousand eight hundred ten dollars;

(II) Major amendment: An amount equal to fifty-five percent of the annual fee for the permit being amended, not to exceed five thousand nine hundred fifty dollars;

(b) Preliminary effluent limitations:

(I) In accordance with section 25-8-702, the division may assess a fee, as set forth in the schedules in this paragraph (b), for the determination of preliminary effluent limitations upon a domestic wastewater treatment works pursuant to the



site location approval process. All such fees shall be paid in advance of any work done.

(II) At the request of an entity that is not a domestic wastewater treatment works, and upon payment of the appropriate fee as set forth in the schedules in this paragraph (b), the division may determine preliminary effluent limits for a proposed discharge as described by the requester.

(III) Fees set forth in the schedules established in this paragraph (b) are increased by an amount equal to seventy-five percent of the applicable fee for each set of preliminary effluent limitations requested by domestic wastewater treatment works for discharges to second or additional receiving water bodies.

(IV) The division may, where an entity requests modification of existing division-approved preliminary effluent limitations, complete the modification for a fee equal to twenty-five percent of the applicable fee as set forth in the schedules in this paragraph (b).

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
- (B) 100,000 to 999,999 gallons per day \$4,200
- (C) 1,000,000 to 9,999,999 gallons per day \$6,300
- (D) 10,000,000 or more gallons per day \$8,400

(V) Preliminary effluent limitations for individual permits:

- (A) Less than 100,000 gallons per day \$2,562
- (B) 100,000 to 999,999 gallons per day \$5,124
- (C) 1,000,000 to 9,999,999 gallons per day \$7,686
- (D) 10,000,000 or more gallons per day \$10,248

(VI) Preliminary effluent limitations for general permits from 0 up to 1,000,000 gallons per day \$1,050

(VI) Preliminary effluent limitations for general permits from 0 up to 1,000,000 gallons per day \$1,281

(VII) Preliminary effluent limitations for discharges to groundwater:

- (A) Minor facilities, less than 1,000,000 gallons per day \$525
- (B) Major facilities, 1,000,000 gallons per day or more \$840



(VII) Preliminary effluent limitations for discharges to groundwater:

(A) Minor facilities, less than 1,000,000 gallons per day \$641

(B) Major facilities, 1,000,000 gallons per day or more \$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

(B) Major facilities, 1,000,000 gallons per day or more \$3,150

(VIII) Review of preliminary effluent limitations for individual permits professionally prepared by others:

(A) Minor facilities, less than 1,000,000 gallons per day \$1,922

(B) Major facilities, 1,000,000 gallons per day or more \$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

Expansion \$6,191

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

New \$15,477

Expansion \$12,381

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

New \$23,215

Expansion \$18,572

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

New \$30,953

Expansion \$24,763



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

New \$1,935

Expansion \$1,548

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

New \$3,869

Expansion \$3,095

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

New \$5,804

Expansion \$4,643

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

New \$7,738

Expansion \$6,191

(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

(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

(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

(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

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

(N) Other amendments to site applications from 100,000 to 999,999 gallons per day \$1,290

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



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

(Q) On-site wastewater treatment systems \$4,500

(R) Extension \$650(S) Interceptor site applications \$1,300

(T) Interceptor certifications \$300

(U) Outfall sewers \$1,300

(II) Wastewater design review:

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

New \$4,900

Expansion \$3,900

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

New \$9,900

Expansion \$7,900

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

New \$14,800

Expansion \$11,800

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

New \$19,700

Expansion \$15,800

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

New \$1,200

Expansion \$1,000

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

New \$2,500

Expansion \$2,000

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

New \$3,700



Expansion \$3,000

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

New \$4,900

Expansion \$3,900

(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

(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

(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

(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

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

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

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

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

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

(R) Interceptor site applications \$1,400

(S) Outfall sewers \$1,400

(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 \$9,440

Expansion \$7,553

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

New \$18,882

Expansion \$15,105

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

New \$28,322

Expansion \$22,658

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

New \$37,763

Expansion \$30,211

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

New \$2,361

Expansion \$1,889

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

New \$4,720

Expansion \$3,776

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

New \$7,081

Expansion \$5,664

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

New \$9,440

Expansion \$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 \$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 \$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 \$1,652

(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 \$2,203

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

(N) Other amendments to site applications from 100,000 to 999,999 gallons per day \$1,574

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

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

(Q) On-site wastewater treatment systems \$5,490

(R) Extension \$793

(S) Interceptor site applications \$1,586

(T) Interceptor certifications \$366(U) Outfall sewers \$1,586

(II) Wastewater design review:

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

New \$5,978

Expansion \$4,758

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

New \$12,078

Expansion \$9,638

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



New \$18,056

Expansion \$14,396

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

New \$24,034

Expansion \$19,276

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

New \$1,464

Expansion \$1,220

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

New \$3,050

Expansion \$2,440

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

New \$4,514

Expansion \$3,660

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

New \$5,978

Expansion \$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 \$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 \$1,220

(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 \$1,830

(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 \$2,440



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

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

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

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

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

(R) Interceptor site applications \$1,708

(S) Outfall sewers \$1,708

(1.4) The division may establish an interim fee that must be consistent and equitable with the fees contained in subsection (1.1) of this section in any case where a facility other than those listed must be permitted. This interim fee applies until the date of adjournment sine die of the next regular session of the general assembly following imposition of the interim fee.

(1.5)

(a)

(I) There is hereby created in the state treasury the commerce and industry sector fund, which consists of all annual fees for regulated activities associated with the commerce and industry sector collected pursuant to subsection (1.1) of this section; all fees for services performed by the division associated with the commerce and industry sector collected pursuant to subsection (1.3) of this section; and all interim fees associated with the commerce and industry sector collected pursuant to subsection (1.4) of this section. The division shall transmit the fees to the state treasurer, who shall credit them to the commerce and industry sector fund.

(II) There is hereby created in the state treasury the construction sector fund, which consists of all annual fees collected for regulated activities associated with the construction sector pursuant to subsection (1.1) of this section; all fees for services performed by the division associated with the construction sector collected pursuant to subsection (1.3) of this section; and all interim fees associated with the construction sector collected pursuant to subsection (1.4) of this section. The division shall transmit the fees to the state treasurer, who shall credit them to the construction sector fund.

(III) There is hereby created in the state treasury the pesticides sector fund, which consists of all annual fees collected for regulated activities associated with



the pesticides sector pursuant to subsection (1.1) of this section; all fees for services performed by the division associated with the pesticides sector collected pursuant to subsection (1.3) of this section; and all interim fees associated with the pesticides sector collected pursuant to subsection (1.4) of this section. The division shall transmit the fees to the state treasurer, who shall credit them to the pesticides sector fund.

(IV) There is hereby created in the state treasury the municipal separate storm sewer system sector fund, which consists of all annual fees collected for regulated activities associated with the municipal separate storm sewer system sector pursuant to subsection (1.1) of this section; all fees for services performed by the division associated with the municipal separate storm sewer system sector collected pursuant to subsection (1.3) of this section; and all interim fees associated with the municipal separate storm sewer system sector collected pursuant to subsection (1.4) of this section. The division shall transmit the fees to the state treasurer, who shall credit them to the municipal separate storm sewer system sector fund.

(V) There is hereby created in the state treasury the public and private utilities sector fund, which consists of all annual fees collected for regulated activities associated with the public and private utilities sector pursuant to subsection (1.1) of this section; all fees for services performed by the division associated with the public and private utilities sector collected pursuant to subsection (1.3) of this section; and all interim fees associated with the public and private utilities sector collected pursuant to subsection (1.4) of this section. The division shall transmit the fees to the state treasurer, who shall credit them to the public and private utilities sector fund.

(b)

(I) The general assembly shall annually appropriate the money in the funds created in paragraph (a) of this subsection (1.5) and in subsection (1.2) of this section to the department of public health and environment for its direct and indirect costs in administering the appropriate sector. The department shall review expenditures of the money to ensure that it is used only to fund the expenses of the discharge permit system and other activities included in subsections (1.1), (1.2), (1.3), and (1.4) of this section and that, except as specified in subparagraph (II) of this paragraph (b):

(A) Money derived from a particular sector is used only for that sector; and

(B) Money derived from subsection (1.2) of this section is used only to provide water quality certifications.

(II)



(A) If the money derived from a particular sector is inadequate to cover the department's direct and indirect costs in administering that sector, the general assembly may, during fiscal years 2016-17 and 2017-18, appropriate money from any of the funds created in paragraph (a) of this subsection (1.5) and in subsection (1.2) of this section for the department's direct and indirect costs in administering that sector.

(B) During the 2016 interim, the department shall conduct a stakeholder process regarding the appropriate and necessary fees that each subcategory of each sector should pay to enable each sector to be adequately funded by fees collected from that sector. The department shall submit a legislative proposal to the joint budget committee by November 1, 2016, concerning its conclusions regarding the fees.

(C) This subparagraph (II) is repealed, effective September 1, 2018.

(III) All interest earned on the investment or deposit of money in each fund and all unencumbered or unappropriated balances in each fund remain in each individual fund, shall be appropriated only for the expenses of the discharge permit system, and shall not be transferred or revert to the general fund or any other fund at the end of any fiscal year or any other time.

(c) It is the intent of the general assembly that 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.

(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.

(d) Notwithstanding the amount specified for any fee in subsection (1.1) or (1.3) of this section, the commission by rule or as otherwise provided by law may reduce the amount of one or more of the fees if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited. After the uncommitted reserves of the fund are sufficiently reduced, the commission by rule or as otherwise provided by law may increase the amount of one or more of the fees as provided in section 24-75-402 (4), C.R.S.

(1.6) There is hereby created the animal feeding operations fund, which consists of all fees collected for regulated activities associated with the animal agriculture sector in paragraph (a) of subsection (1.1) of this section, as well as all fees collected for services provided by the division associated with the animal agriculture sector in subsection (1.3) of this section. The division shall transmit the fees to the state treasurer, who shall credit them to the animal feeding operations fund. Any unexpended and unencumbered moneys remaining in the animal feeding operations fund at the end of any fiscal year remain in the animal feeding operations fund and shall not be transferred or revert to the general fund or any other fund. The general assembly shall annually appropriate the moneys in the animal feeding operations fund to the department of public health and environment for the direct and indirect costs associated with the permitting and oversight of animal feeding operations under this article.

(1.7)

(a) 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:

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

(B) The clean water program. The report must include the number of permits processed, the number of applications pending for new and amended permits, the length of time the permits remain in the system prior to issuance, the number of inspections conducted, the number of site application and design reviews completed, the number of enforcement actions taken, the costs associated with each sector specified in subsections (1.1), (1.2), and (1.3) of this section, the number of full-time equivalents assigned to and actively processing permits, the number of full-time equivalents assigned to and actively conducting inspections, the number of full-time equivalents assigned to and actively conducting site application and design reviews, the number of full-time equivalents assigned to and actively conducting enforcement actions, and the number of full-time equivalents assigned to and actively developing rules and standards. The department shall inform the committees regarding all new standards and rules to be proposed within the subsequent year. The department shall submit the report on or before March 31 of each year. Commencing in 2017, the department shall develop baseline information for reporting. Commencing in 2018, the department shall provide information on improvements that have been made in comparison to the baseline information and information on the barriers to making improvements.

(II) The joint budget committee by November 1 of each year regarding the fee revenue received from each sector specified in subsections (1.1), (1.2), and (1.3) of this section, including expenditures by fund source and revenues by fund and sector source based on the November 1 request.

(b) The reporting required by this section is exempt from section 24-1-136, C.R.S.

(2)

(a) A complete and accurate application for all discharges shall be filed with the division not less than one hundred eighty days prior to the date proposed for commencing the discharge.



(b) The application shall contain such relevant plans, specifications, water quality data, and other information related to the proposed discharge as the division may reasonably require. Prior to submitting an application for a permit, the applicant may request and, if so requested, the division shall grant a planning meeting with the applicant. At such meeting, the division shall advise the applicant of the applicable permit requirements, including the information, plans, specifications, and data required to be furnished with the permit application.

(c) The division shall begin the review of an application within forty-five days after the receipt of the application and shall notify the applicant within ninety days after receipt of the application whether the application is complete. If the division determines that an application is incomplete, the division may request that the applicant submit additional information. If additional information is requested by the division and submitted by the applicant, the division shall have fifteen days after the date the additional information is submitted to determine whether the additional information satisfies the request and to advise the applicant if, and in what respects, the additional information does not satisfy the request. A final decision that an application is not complete shall be considered final agency action upon issuance of such decision to the applicant and shall be subject to judicial review. A petition for review of such decision shall be given priority scheduling by the court.

(3)

(a) The division shall evaluate complete permit applications to determine whether the proposed discharge will comply with all applicable federal and state statutory and regulatory requirements.

(b) The division shall give public notice of a complete permit application and the division's preliminary analysis of the application as provided in subsection (4) of this section. The notice shall advise of the opportunity for interested persons to submit written comments on the permit application and the division's preliminary analysis or to request, for good cause shown, a public meeting on the application and analysis. A request for a public meeting shall be made within thirty days after the initial public notice of the permit application and the division's preliminary analysis. If a public meeting is requested and the division, in its discretion and for good cause shown, grants the request, the division shall hold the public meeting not more than seventy-five days after the initial public notice. The division shall provide notice as provided in subsection (4) of this section of the public meeting not less than thirty days prior to the date of the meeting.

(c) The period for public comment shall close thirty days from the date of notice of the permit application and the division's preliminary analysis thereof; except that, if a public meeting is held on the application and analysis, the period for public comment shall close sixty days from the date of notice of the application.



(4) Public notice of every complete permit application and the division's preliminary analysis thereof shall be circulated in a manner designed to inform interested and potentially interested persons of the application and analysis. Procedures for the circulation of such public notice or a notice regarding a public meeting concerning an application and analysis shall be established by the commission and shall include at least the following:

(a) Notice shall be given by at least one publication in a newspaper of general circulation which is distributed within the geographical areas of the proposed discharge.

(b) Notice shall be mailed to any person or group upon request.

(c) The division shall add the name of any person or group upon request to a mailing list to receive copies of notices for all discharge permit applications within the state or within a certain geographical area.

(d) The division shall also, during the period from the date of the initial public notice of the application and analysis to the close of the public comment period, maintain in the office of the county clerk and recorder of the county in which the proposed discharge, or a part thereof, is to occur a copy of its preliminary analysis and a copy of the permit application with all accompanying data for public inspection.

(5)

(a)

(I) Except as provided in this subsection (5), if the division has not finally issued or denied a permit within one hundred eighty days after receipt of the permit application, unless this time limit is waived or extended by the applicant or if the division determines at any time after receiving an application that it cannot issue a permit prior to the expiration of an existing permit, the division shall issue a temporary permit or the existing permit shall be extended pursuant to the operation of section 24-4-104, C.R.S.

(II) The deadlines established pursuant to subparagraph (I) of this paragraph (a) for a determination on a permit application shall be extended by:

(A) The number of days which an applicant takes to submit information requested by the division pursuant to paragraph (c) of subsection (2) of this section plus the fifteen days provided for the division to evaluate such additional information; and

(B) Forty-five days, if a public meeting is held pursuant to subsection (3) of this section.

(b) All temporary permits shall contain such conditions as are necessary to protect public health and shall not be less restrictive than required by state and federal effluent guidelines unless a schedule of compliance or a variance is set forth therein. A temporary permit shall be issued for a period not to exceed two years and shall expire



as provided in the issuance or denial of the final permit. Issuance of a temporary permit shall be final agency action for the purposes of section 24-4-106, C.R.S.

(6) Repealed.

