

CHAPTER 289

**HEALTH AND ENVIRONMENT**

SENATE BILL 18-033

BY SENATOR(S) Sonnenberg, Coram, Crowder, Garcia, Guzman, Jahn, Merrifield, Moreno, Grantham;  
also REPRESENTATIVE(S) Arndt and Becker J., Hansen, Reyher, Roberts, Valdez, Young.

**AN ACT**

**CONCERNING THE CONTINUATION OF THE ANIMAL FEEDING OPERATION PERMIT PROGRAM UNDER THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, 25-8-502, **amend** (1.1)(a) 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:

(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~~ 2025, 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~~ 2025, the

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

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~~ 2025, 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)~~ SUBSECTION (1.1)(a)(III) is repealed, effective July 1, ~~2018~~ 2025.

(IV) (A) Except as otherwise provided in this ~~subparagraph (IV)~~ SUBSECTION (1.1)(a)(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~~ 2025, the division shall assess on each housed commercial swine feeding operation an annual permit fee, ~~that shall not~~ TO 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)~~ SUBSECTION (1.1)(a)(IV)(B) is repealed, effective July 1, ~~2018~~ 2025.

(C) As used in this ~~subparagraph (IV)~~ SUBSECTION (1.1)(a)(IV), "working capacity" means the number of swine the housed commercial swine feeding operation is capable of housing at any one time.

**SECTION 2. Appropriation - adjustments to 2018 long bill.** To implement this act, the cash funds appropriation from the animal feeding operations fund created in section 25-8-502 (1.6), C.R.S., made in the annual general appropriation act for the 2018-19 state fiscal year to the department of public health and environment for use by the division of environmental health and sustainability for the animal feeding operations program is increased by \$14,323.

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

Approved: May 29, 2018