

CHAPTER 292

HEALTH AND ENVIRONMENT

SENATE BILL 98-010

BY SENATOR Ament;
also REPRESENTATIVE George.

AN ACT

CONCERNING WATER QUALITY CONTROL PERMIT FEES, AND, IN CONNECTION THEREWITH, INCREASING FEES FOR POINT SOURCE DISCHARGES, STORM WATER DISCHARGES, AND INDUSTRIAL PRETREATMENT AND MAKING AN APPROPRIATION.

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

SECTION 1. The introductory portion to 25-8-502 (1) (b) (I), 25-8-502 (1) (b) (I) (G), the introductory portion to 25-8-502 (1) (b.5) (I), and 25-8-502 (1) (c), Colorado Revised Statutes, are amended, and the said 25-8-502 (1) (b) (I) is further amended BY THE ADDITION OF THE FOLLOWING NEW SUB-SUBPARAGRAPHS, to read:

25-8-502. Application - definitions - fees - water quality control fund - public participation. (1) (b) (I) In addition to the fees assessed pursuant to paragraph (b.5) of this subsection (1), the only fee the division may assess is an annual fee upon a discharger, and such fee shall be in accordance with the following schedule; EXCEPT THAT, FOR PERMIT FEES DUE AND PAYABLE AFTER JUNE 30, 1998, AND BEFORE JULY 1, 2000, THE FEES SET FORTH IN THE FOLLOWING SCHEDULE SHALL BE INCREASED BY FIVE AND EIGHT-TENTHS PERCENT, ROUNDED TO THE NEAREST DOLLAR:

Facility Categories and Subcategories for Permit Fees		Annual Fees
(G) Category 07	General permits	
Subcategory 1A	Sand and gravel with process discharge and storm water	\$ 125
Subcategory 1B	Sand and gravel without process	

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

	Health and Environment	Ch. 292
	discharge - storm water only	\$ 50
Subcategory 2	Construction dewatering	\$ 232
Subcategory 3	Hydrostatic pipeline testing (not issued yet) [RESERVED FOR FUTURE USE]	\$ 232
Subcategory 4	Placer mining	\$ 240
Subcategory 5	Coal mining	\$ 360
Subcategory 6	Water treatment plants - intermittent discharge	\$ 220
Subcategory 7	Water treatment plants - routine discharge	\$ 330
Subcategory 8	Oil and gas cleanup	\$ 850
Subcategory 9	Construction - storm water only	\$ 175
Subcategory 10	Industrial - single municipal industrial - storm water only	\$ 150
Subcategory 11	Multiple municipal industrial facilities - storm water only (single permit which covers all ancillary facilities owned by a municipality, including, but not limited to, transportation maintenance facilities and landfills)	\$ 325
Subcategory 12	Active mineral mines less than ten acres - storm water only	\$ 100
Subcategory 13	Active mineral mines - ten acres or larger - storm water only	\$ 300
Subcategory 14	Inactive mineral mines - storm water only	\$ 50
Subcategory 15	Department of transportation - municipal storm water - statewide permit	\$ 3,500
Subcategory 16	Department of transportation - construction storm water - statewide permit	\$ 7,550

(R) Category 25 Permit Amendments SHOULD A PERMITTEE HOLDING AN INDIVIDUAL PERMIT ISSUED UNDER ANY OF CATEGORIES 1 TO 6 OR 8 TO 24 REQUEST AN AMENDMENT TO SAID PERMIT, THE FOLLOWING FEES SHALL APPLY:

SUBCATEGORY 1	MINOR AMENDMENT - AN AMOUNT EQUAL TO TWENTY-FIVE PERCENT OF THE ANNUAL FEE FOR THE PERMIT BEING AMENDED, NOT TO EXCEED	\$ 1,300
SUBCATEGORY 2	MAJOR AMENDMENT - AN AMOUNT EQUAL TO FIFTY-FIVE PERCENT OF THE ANNUAL FEE FOR THE PERMIT BEING AMENDED, NOT TO EXCEED	\$ 2,750

(S) Category 26 Minimal discharge of industrial or commercial wastewaters - general permit

SUBCATEGORY 1	DISCHARGE OF NINETY DAYS' DURATION OR LESS	\$ 100
SUBCATEGORY 2	DISCHARGE OF GREATER THAN NINETY DAYS' DURATION	\$ 290

(b.5) (I) In accordance with the provisions of section 25-8-508, the division may assess an annual fee upon each industrial discharger, as defined in section 25-8-103 (8.5), and upon each publicly owned treatment works, and all such fees shall be in accordance with the following schedule; EXCEPT THAT, FOR PERMIT FEES DUE AND PAYABLE AFTER JUNE 30, 1998, AND BEFORE JULY 1, 2000, THE FEES SET FORTH IN THE FOLLOWING SCHEDULE SHALL BE INCREASED BY FIVE AND EIGHT-TENTHS PERCENT, ROUNDED TO THE NEAREST DOLLAR:

(c) All fees collected pursuant to paragraph (b) of this subsection (1) shall be transmitted to the state treasurer, who shall credit the same to the water quality control fund, which fund is hereby created. The moneys in such fund which are collected pursuant to paragraph (b) of this subsection (1) shall be appropriated annually to the department of public health and environment by the general assembly which shall review expenditures of such moneys to assure that they are used only to fund the expenses of the discharge permit system. 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. ~~For the four fiscal years following fiscal year 1988-89, the portion of the expenses to be funded from the general fund may be adjusted for inflation.~~

SECTION 2. Appropriation - adjustments to the 1998 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 1998, shall be adjusted as follows:

(a) The appropriation made to the department of public health and environment, water quality control division, administration, out of moneys in the water quality control fund not otherwise appropriated, is increased by eighty-seven thousand one

hundred thirty dollars (\$87,130). Of said sum, fifty-four thousand two hundred twenty-six dollars (\$54,226) and 1.0 FTE shall be for personal services, and thirty-two thousand nine hundred four dollars (\$32,904) shall be for operating expenses.

(b) The appropriation made to the department of public health and environment, water quality control division, special purpose, industrial pretreatment program, out of moneys in the water quality control fund not otherwise appropriated, is increased by eight thousand six hundred thirty-nine dollars (\$8,639).

(c) The appropriation made to the department of public health and environment, water quality control division, special purpose, stormwater permitting program, out of moneys in the water quality control fund not otherwise appropriated, is increased by one thousand seventy-three dollars (\$1,073).

SECTION 3. Effective date - applicability. This act shall take effect July 1, 1998, and shall apply to permit fees due and payable on or after said date.

SECTION 4. 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: June 1, 1998