

## CHAPTER 331

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**HEALTH AND ENVIRONMENT**

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**HOUSE BILL 02-1344**

BY REPRESENTATIVE(S) Scott, Decker, Jameson, and Plant;  
also SENATOR(S) Linkhart.

**AN ACT**

**CONCERNING THE WATER QUALITY CONTROL DISCHARGE PERMIT PROGRAM, AND, IN CONNECTION THEREWITH, INCREASING PERMIT FEES, REQUIRING A STUDY TO DETERMINE WHETHER SUCH PROGRAM SHOULD BE MODIFIED TO REASONABLY ACCOMMODATE THE UNIQUE ATTRIBUTES OF COLORADO'S WATER BODIES, AND MAKING AN APPROPRIATION.**

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

**SECTION 1.** Part 3 of article 8 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**25-8-309. Study of classification and standard issues.** (1) THE DIVISION SHALL UNDERTAKE A STUDY TO EXAMINE WHETHER THE STATE WATER QUALITY CONTROL PROGRAM STANDARD-SETTING AND CLASSIFICATION PROCESS ESTABLISHED UNDER THIS ARTICLE SHOULD BE MODIFIED TO REASONABLY ACCOMMODATE THE UNIQUE ATTRIBUTES OF COLORADO'S WATER BODIES. AS PART OF SUCH STUDY, THE DIVISION SHALL REVIEW AND CONSIDER THE RESULTS OF THE ARID WEST WATER QUALITY RESEARCH PROJECT. IN COMPLETING SUCH STUDY, THE DIVISION SHALL TAKE INTO ACCOUNT THE FOLLOWING:

(a) THE PHYSICAL, CHEMICAL, FLOW, AND HABITAT CHARACTERISTICS ASSOCIATED WITH WATER BODIES, INCLUDING THE EPHEMERAL OR EFFLUENT-DEPENDENT NATURE OF MANY WATER BODIES;

(b) THE POTENTIAL NEED FOR REFINED DESIGNATED USES AND ADDITIONAL SITE-SPECIFIC STANDARDS;

(c) THE BENEFIT OF MAINTAINING THE FUNCTIONS OF CONSTRUCTED WATER CONVEYANCE AND STORAGE FACILITIES;

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

(d) THE NATURE OF THE CURRENT USE ATTAINABILITY ANALYSIS PROCESS AND ANY NECESSARY ADJUSTMENTS THERETO; AND

(e) THE BENEFITS ASSOCIATED WITH MAINTAINING DOWNSTREAM ECOSYSTEMS THAT ARE DEPENDENT, AT LEAST IN PART, UPON THE CONTINUATION OF EFFLUENT DISCHARGES.

(2) ON OR BEFORE DECEMBER 1, 2003, THE DIVISION SHALL PREPARE AND SUBMIT TO THE GENERAL ASSEMBLY A REPORT THAT IDENTIFIES ITS FINDINGS UPON THE TOPICS IDENTIFIED IN SUBSECTION (1) OF THIS SECTION AND MAKES ANY RECOMMENDATIONS FOR CHANGES IN STATE LAW, RULES, OR POLICY THAT IT BELIEVES MAY BE NECESSARY TO IMPLEMENT ANY MODIFICATIONS THAT THE STUDY DETERMINES ARE NEEDED.

(3) THE DIVISION SHALL INFORM AND SEEK INPUT FROM THE COMMISSION AT LEAST ONCE EVERY SIX MONTHS ON THE STUDY EFFORTS. THE STUDY PROCESS SHALL BE OPEN TO THE PUBLIC, WITH PARTICIPATION AND COMMENT TO BE SOLICITED FROM ALL INTERESTED PARTIES.

**SECTION 2.** 25-8-502 (1) (b) (I), (1) (b.5) (I), and (1) (c), Colorado Revised Statutes, are amended, and the said 25-8-502 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**25-8-502. Application - definitions - fees - water quality control fund - public participation.** (1) (b) (I) EFFECTIVE JULY 1, 2002, in addition to the fees assessed pursuant to ~~paragraph~~ PARAGRAPHS (b.5) AND (b.6) 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, 2003, the fees set forth in the following schedule shall be increased by five and eight-tenths percent, rounded to the nearest dollar.~~

<b>Facility Categories and Subcategories for Permit Fees</b>		<b>Annual Fees</b>
<b>(A) Category 01 Sand and gravel and placer mining</b>		
Subcategory 1	Pit dewatering only	\$ <del>232</del> 358
Subcategory 2	Pit dewatering and/or washwater discharge	\$ <del>264</del> 407
Subcategory 3	Mercury use with discharge impact	\$ <del>295</del> 456
Subcategory 4	Storm water discharge only	\$ <del>350</del> 540
<b>(B) Category 02 Coal mining</b>		
Subcategory 1	Sedimentation ponds, surface runoff only	\$ <del>454</del> 701

Subcategory 2	Mine water, preparation plant discharge	\$ <del>612</del> 945
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**(C) Category 03 Hardrock mining**

Subcategory 1	Mine dewatering from 0 up to 49,999 gallons per day	\$ <del>528</del> 816
Subcategory 2	Mine dewatering from 50,000 up to 999,999 gallons per day	\$ <del>992</del> 1,533
Subcategory 3	Mine dewatering from 1,000,000 gallons per day or over	\$ <del>1,519</del> 2,346
Subcategory 4	Mine dewatering and milling with no discharge	\$ <del>1,519</del> 2,346
Subcategory 5	Mine dewatering and milling with discharge	\$ <del>4,568</del> 7,056
Subcategory 6	No discharge	\$ <del>528</del> 816
Subcategory 7	Milling with discharge from 0 up to 49,999 gallons per day	\$ <del>1,550</del> 2,394
Subcategory 8	Milling with discharge from 50,000 gallons per day or greater	\$ <del>3,090</del> 4,773

**(D) Category 04 Oil shale**

Subcategory 1	Sedimentation ponds, surface runoff only	\$ <del>918</del> 1,418
Subcategory 2	Mine water from 0 up to 49,999 gallons per day	\$ <del>992</del> 1,533
Subcategory 3	Mine water from 50,000 up to 999,999 gallons per day	\$ <del>1,234</del> 1,907
Subcategory 4	Mine water from 1,000,000 gallons per day or over	\$ <del>1,203</del> 1,859
Subcategory 5	Mine water and process water discharge	\$ <del>4,568</del> 7,056
Subcategory 6	No discharge	\$ <del>844</del> 1,304

**(E) Category 05 Concentrated animal feeding operations (CAFOs)**

Subcategory 1	<del>Under 5,000 maximum animal units</del>	\$ <del>—</del> 84
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GENERAL PERMIT: THE DIVISION SHALL ASSESS A CAFO AN ANNUAL PERMIT FEE, NOT TO EXCEED \$250 PLUS \$0.04 PER ANIMAL UNIT, BASED ON THE CAFO'S PEAK WORKING CAPACITY

Subcategory 2	<del>5,000 and over maximum animal units</del>	<del>\$ 116</del>
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INDIVIDUAL PERMIT: THE DIVISION SHALL ASSESS A CAFO AN ANNUAL PERMIT FEE, NOT TO EXCEED \$500 PLUS \$0.08 PER ANIMAL UNIT, BASED ON THE CAFO'S PEAK WORKING CAPACITY

**(F) Category 06 Water treatment plants**

Subcategory 1	Intermittent discharge	\$ 264 407
Subcategory 2	Routine discharge	\$ 380 587

**(G) Category 07 General permits**

Subcategory 1A	Sand and gravel with process discharge and storm water	\$ 425 193
Subcategory 1B	Sand and gravel without process discharge - storm water only	\$ 50 77
Subcategory 2	Construction dewatering	\$ 232 358
Subcategory 3	[Reserved for future use]	
Subcategory 4	Placer mining	\$ 240 371
Subcategory 5	Coal mining	\$ 360 556
Subcategory 6	Water treatment plants - intermittent discharge	\$ 220 340
Subcategory 7	Water treatment plants - routine discharge	\$ 330 510
Subcategory 8	Oil and gas cleanup	\$ 850 1,313
Subcategory 9A	Construction - storm water only; 5 ACRES OR MORE OF DISTURBED AREA	\$ 175 270
SUBCATEGORY 9B	CONSTRUCTION - STORM WATER ONLY; 1 TO LESS THAN 5 ACRES OF DISTURBED AREA - LONG-TERM	\$ 270
SUBCATEGORY 9C	CONSTRUCTION - STORM WATER ONLY; 1 TO LESS THAN 5 ACRES OF	

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	DISTURBED AREA - SHORT-TERM ONE QUARTER	\$ 68
SUBCATEGORY 9D	CONSTRUCTION - STORM WATER ONLY; 1 TO LESS THAN 5 ACRES OF DISTURBED AREA - SHORT-TERM TWO QUARTERS	\$ 135
SUBCATEGORY 9E	CONSTRUCTION - STORM WATER ONLY; 1 TO LESS THAN 5 ACRES OF DISTURBED AREA - SHORT-TERM THREE QUARTERS	\$ 203
SUBCATEGORY 9F	CONSTRUCTION - STORM WATER ONLY; 1 TO LESS THAN 5 ACRES OF DISTURBED AREA - SHORT-TERM FOUR QUARTERS	\$ 270
Subcategory 10	Industrial - single municipal industrial - storm water only	\$ <del>150</del> 232
Subcategory 11	<del>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)</del>	\$ <del>325</del>
Subcategory 12	Active mineral mines less than ten acres - storm water only	\$ <del>100</del> 155
Subcategory 13	Active mineral mines - ten acres or larger - storm water only	\$ <del>300</del> 463
Subcategory 14	Inactive mineral mines - storm water only	\$ <del>50</del> 77
Subcategory 15	Department of transportation - <del>municipal</del> SAND AND GRAVEL storm water - <del>statewide</del> permit	\$ <del>3,500</del> 5,406
Subcategory 16	Department of transportation - STORM WATER construction <del>storm</del> <del>water</del> DISCHARGES FROM PROJECTS FOR WHICH THE DEPARTMENT OF TRANSPORTATION IS THE PERMITTEE - statewide permit	\$ <del>7,550</del> 11,662
SUBCATEGORY 17	COAL DEGASIFICATION - PROCESS	

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	WATER FROM 0 UP TO 49,999 GALLONS PER DAY	\$ 1,533
SUBCATEGORY 18	COAL DEGASIFICATION - PROCESS WATER FROM 50,000 UP TO 99,999 GALLONS PER DAY	\$ 2,346
SUBCATEGORY 19	COAL DEGASIFICATION - PROCESS WATER MORE THAN 100,000 GALLONS PER DAY	\$ 7,056
SUBCATEGORY 20	STORM WATER MUNICIPAL GREATER THAN 100,000 POPULATION	\$ 5,019
SUBCATEGORY 21	STORM WATER MUNICIPAL FROM 50,000 UP TO 100,000 POPULATION	\$ 2,510
SUBCATEGORY 22	STORM WATER MUNICIPAL FROM 10,000 UP TO 49,999 POPULATION	\$ 1,004
SUBCATEGORY 23	STORM WATER MUNICIPAL LESS THAN 10,000 POPULATION	\$ 438
SUBCATEGORY 24	DISCHARGES ASSOCIATED WITH TREATED WATER DISTRIBUTION SYSTEMS LESS THAN OR EQUAL TO 3,300 POPULATION	\$ 75
SUBCATEGORY 25	DISCHARGES ASSOCIATED WITH TREATED WATER DISTRIBUTION SYSTEMS FROM 3,301 UP TO 9,999 POPULATION	\$ 150
SUBCATEGORY 26	DISCHARGES ASSOCIATED WITH TREATED WATER DISTRIBUTION SYSTEMS GREATER THAN OR EQUAL TO 10,000 POPULATION	\$ 225

**(H) Category 08 Power plants**

Subcategory 1	Cooling water only, no discharge	\$ <del>528</del> 816
Subcategory 2	Process water from 0 up to 49,999 gallons per day	\$ <del>992</del> 1,533
Subcategory 3	Process water from 50,000 up to 999,999 gallons per day	\$ <del>1,519</del> 2,346
Subcategory 4	Process water from 1,000,000 up to 4,999,999 gallons per day	\$ <del>4,568</del> 7,056

Subcategory 5	Process water from 5,000,000 gallons per day or over	\$ <del>4,568</del> 7,056
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**(I) Category 09 Sugar processing**

Subcategory 1	Cooling water only, no discharge	\$ <del>559</del> 863
Subcategory 2	Process water from 0 up to 49,999 gallons per day	\$ <del>686</del> 1,060
Subcategory 3	Process water from 50,000 up to 999,999 gallons per day	\$ <del>1,709</del> 2,640
Subcategory 4	Process water from 1,000,000 up to 4,999,999 gallons per day	\$ <del>4,568</del> 7,056
Subcategory 5	Process water from 5,000,000 gallons per day or over	\$ <del>4,568</del> 7,056

**(J) Category 10 Petroleum refining**

Subcategory 1	Cooling water only, no discharge	\$ <del>528</del> 816
Subcategory 2	Process water from 0 up to 49,999 gallons per day	\$ <del>1,182</del> 1,826
Subcategory 3	Process water from 50,000 up to 999,999 gallons per day	\$ <del>1,519</del> 2,346
Subcategory 4	Process water from 1,000,000 up to 4,999,999 gallons per day	\$ <del>4,568</del> 7,056
Subcategory 5	Process water from 5,000,000 gallons per day or over	\$ <del>4,568</del> 7,056

<b>(K) Category 11 Fish hatcheries</b>		\$ 587
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No subcategories at this time

**(L) Category 12 Manufacturing and other industry**

Subcategory 1	Cooling water only	\$ <del>528</del> 816
Subcategory 2	Process water from 0 up to 49,999 gallons per day	\$ <del>992</del> 1,533
Subcategory 3	Process water from 50,000 up to 999,999 gallons per day	\$ <del>1,519</del> 2,346
Subcategory 4	Process water from 1,000,000 up to 4,999,999 gallons per day	\$ <del>4,568</del> 7,056

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Subcategory 5	Process water from 5,000,000 up to 19,999,999 gallons per day	\$ <del>5,613</del> 8,671
Subcategory 6	Process water 20,000,000 gallons per day or over	\$ <del>9,136</del> 14,112
Subcategory 7	No discharge	\$ <del>686</del> 1,060

**(M) Category 20 Domestic wastewater - lagoons**

Subcategory 1	Sewage from 0 up to 49,999 gallons per day	\$ <del>243</del> 375
Subcategory 2	Sewage from 50,000 up to 99,999 gallons per day	\$ <del>390</del> 603
Subcategory 3	Sewage from 100,000 up to 499,999 gallons per day	\$ <del>570</del> 880
Subcategory 4	Sewage from 500,000 up to 999,999 gallons per day	\$ <del>981</del> 1,515
Subcategory 5	Sewage from 1,000,000 up to 1,999,999 gallons per day	\$ <del>1,466</del> 2,264
Subcategory 6	Sewage 2,000,000 gallons per day or over	\$ <del>2,986</del> 4,612

**(N) Category 21 Domestic wastewater - mechanical plants**

Subcategory 1	Sewage from 0 up to 19,999 gallons per day	\$ <del>285</del> 441
Subcategory 2	Sewage from 20,000 up to 49,999 gallons per day	\$ <del>454</del> 701
Subcategory 3	Sewage from 50,000 up to 99,999 gallons per day	\$ <del>665</del> 1,028
Subcategory 4	Sewage from 100,000 up to 499,999 gallons per day	\$ <del>1,034</del> 1,597
Subcategory 5	Sewage from 500,000 up to 999,999 gallons per day	\$ <del>1,720</del> 2,657
Subcategory 6	Sewage from 1,000,000 up to 2,499,999 gallons per day	\$ <del>2,817</del> 4,351
Subcategory 7	Sewage from 2,500,000 up to 9,999,999 gallons per day	\$ <del>5,275</del> 8,148

Subcategory 8	Sewage from 10,000,000 up to 49,999,999 gallons per day	\$ <del>9,147</del> 14,130
Subcategory 9	Sewage from 50,000,000 up to 99,999,999 gallons per day	\$ <del>10,550</del> 16,297
Subcategory 10	Sewage from 100,000,000 gallons per day or over	\$ <del>11,605</del> 17,926

**(O) Category 22 Domestic facilities discharging to unclassified waters - general permit**

Subcategory 1	Sewage from 0 up to 49,999 gallons per day	\$ <del>210</del> 324
Subcategory 2	Sewage from 50,000 up to 199,999 gallons per day	\$ <del>370</del> 571
Subcategory 3	Sewage from 200,000 up to 599,999 gallons per day	\$ <del>540</del> 834
Subcategory 4	Sewage from 600,000 up to 999,999 gallons per day	\$ <del>860</del> 1,329

**(P) Category 23 Municipal storm water permits**

Subcategory 1	Municipalities of 250,000 and over in population	\$ <del>8,500</del> 13,130
Subcategory 2	Municipalities of 100,000 or more, but less than 250,000 in population	\$ <del>5,000</del> 7,723
Subcategory 3	Municipalities of 50,000 or more, but less than 100,000 in population	\$ <del>2,500</del> 3,862
Subcategory 4	Municipalities of 10,000 or more, but less than 50,000 in population	\$ <del>1,000</del> 1,545
SUBCATEGORY 5	STATEWIDE PERMIT FOR DEPARTMENT OF TRANSPORTATION-OWNED OR -OPERATED MUNICIPAL SEPARATE STORM WATER SYSTEMS IN MUNICIPAL AREAS WHERE STORM WATER PERMITS ARE REQUIRED	\$ 5,406

**(Q) Category 24 Individual industrial storm water permits.** If a storm water permit is integrated into an existing permit for a facility that has other point source

discharges, or for facilities ~~which~~ THAT have individual permits with only storm water discharges, the following additional charges shall apply:

Subcategory 1	Individual industrial - less than ten acres	\$ 235 364
Subcategory 2	Individual industrial - ten acres or more	\$ 300 463
Subcategory 3	Individual industrial - storm water only - international airports	\$ 7,723

Note: ~~— Gallons per day is based on design capacity of the facility, not flow. This applies to all categories.~~

(R) **Category 25 Permit Amendments.** Should a permittee holding ~~an individual~~ A permit issued under any of categories 1 to ~~6 or 8 to~~ 24 OR 26 TO 43 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	\$ <del>1,300</del> 2,008
Subcategory 2	Major amendment - an amount equal to fifty-five percent of the annual fee for the permit being amended, not to exceed	\$ <del>2,750</del> 4,249

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

Subcategory 1	Discharge of ninety days' duration or less	\$ <del>400</del> 155
Subcategory 2	Discharge of greater than ninety days' duration	\$ <del>290</del> 448

(T) **CATEGORY 27 CONSTRUCTION DEWATERING**

SUBCATEGORY 1	LONG-TERM PERMIT	\$ 358
SUBCATEGORY 2	SHORT-TERM ONE QUARTER	\$ 89
SUBCATEGORY 3	SHORT-TERM TWO QUARTERS	\$ 178
SUBCATEGORY 4	SHORT-TERM THREE QUARTERS	\$ 267
SUBCATEGORY 5	SHORT-TERM FOUR QUARTERS	\$ 358

NOTE: GALLONS PER DAY IS BASED ON DESIGN CAPACITY OF THE FACILITY, NOT

FLOW. THIS APPLIES TO ALL CATEGORIES.

(b.5) (I) EFFECTIVE JULY 1, 2002, 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, 2003, 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**

**Category 30 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)

Subcategory 1	Less than 10,000 gallons per day	\$ <del>600</del> 699
Subcategory 2	10,000 to 50,000 gallons per day	\$ <del>900</del> 1,047
Subcategory 3	Greater than 50,000 gallons per day	\$ <del>1,200</del> 1,397
SUBCATEGORY 4	VERY LOW FLOW	\$ 292

**Category 31 All other significant industrial dischargers discharging**

to publicly owned treatment works with pretreatment (including categorical industries subject to zero discharge standards)

Subcategory 1	Less than 10,000 gallons per day	\$ <del>150</del> 175
Subcategory 2	10,000 to 50,000 gallons per day	\$ <del>300</del> 349
Subcategory 3	Greater than 50,000 gallons per day	\$ <del>400</del> 465
SUBCATEGORY 4	PIT DEWATERING ONLY	\$ 270

**Category 32 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)

Subcategory 1	Less than 10,000 gallons per day	\$ <del>700</del> 815
Subcategory 2	10,000 to 50,000 gallons per day	\$ <del>1,100</del> 1,280
Subcategory 3	Greater than 50,000 gallons per day	\$ <del>1,500</del> 1,746

**Category 33 All other significant industrial dischargers discharging**  
to publicly owned treatment works without pretreatment  
programs (including categorical industries subject  
to zero discharge standards)

Subcategory 1	Less than 10,000 gallons per day	\$	<del>300</del> 349
Subcategory 2	10,000 to 50,000 gallons per day	\$	<del>450</del> 524
Subcategory 3	Greater than 50,000 gallons per day	\$	<del>600</del> 699

**Category 34 Domestic wastewater - lagoons**

Subcategory 1	Sewage from 0 up to 49,999 gallons per day	\$	<del>30</del> 35
Subcategory 2	Sewage from 50,000 up to 99,999 gallons per day	\$	<del>40</del> 46
Subcategory 3	Sewage from 100,000 up to 499,999 gallons per day	\$	<del>50</del> 58
Subcategory 4	Sewage from 500,000 up to 999,999 gallons per day	\$	<del>60</del> 69
Subcategory 5	Sewage from 1,000,000 up to 2,499,999 gallons per day	\$	<del>70</del> 81
Subcategory 6	Sewage FROM 2,500,000 gallons per day	\$	<del>80</del> 94

**Category 35 Domestic wastewater - mechanical plants**

Subcategory 1	Sewage from 0 up to 19,999 gallons per day	\$	<del>20</del> 23
Subcategory 2	Sewage from 20,000 up to 49,999 gallons per day	\$	<del>30</del> 35
Subcategory 3	Sewage from 50,000 up to 99,999 gallons per day	\$	<del>40</del> 46
Subcategory 4	Sewage from 100,000 up to 499,999 gallons per day	\$	<del>50</del> 58
Subcategory 5	Sewage from 500,000 up to 999,999 gallons per day	\$	<del>60</del> 69
Subcategory 6	Sewage from 1,000,000 up to 2,499,999 gallons per day	\$	<del>70</del> 81

Subcategory 7	Sewage from 2,500,000 up to 9,999,999 gallons per day	\$ 80 94
Subcategory 8	Sewage from 10,000,000 up to 49,999,999 gallons per day	\$ 90 105
Subcategory 9	Sewage from 50,000,000 up to 99,999,999 gallons per day	\$ 100 117
Subcategory 10	Sewage from 100,000,000 gallons per day or over	\$ 110 128

Note: Gallons per day is based on design capacity of the facility, not flow. This applies to all categories.

(b.6) IN ACCORDANCE WITH SECTION 25-8-702, THE DIVISION MAY ASSESS A FEE FOR THE DETERMINATION OF PRELIMINARY EFFLUENT LIMITATIONS UPON A DOMESTIC WASTEWATER TREATMENT WORKS, AS DEFINED AT SECTION 25-8-103 (5), PURSUANT TO THE SITE LOCATION APPROVAL PROCESS, AND ALL SUCH FEES SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE. FEES SET FORTH IN THIS SCHEDULE SHALL BE INCREASED BY AN AMOUNT EQUAL TO SEVENTY-FIVE PERCENT OF THE APPLICABLE FEES FOR EACH SET OF PRELIMINARY EFFLUENT LIMITATIONS REQUESTED BY DOMESTIC WASTE WATER TREATMENT WORKS FOR DISCHARGES TO A SECOND OR ADDITIONAL RECEIVING WATER BODIES:

**Facility Categories and Subcategories  
for Permit Fees**

**Annual Fees**

**Category 40 Preliminary effluent limitations for individual permits**

SUBCATEGORY 1	LESS THAN 100,000 GALLONS PER DAY	\$ 1,500
SUBCATEGORY 2	FROM 100,000 UP TO 999,999 GALLONS PER DAY	\$ 3,000
SUBCATEGORY 3	FROM 1,000,000 UP TO 9,999,999 GALLONS PER DAY	\$ 4,500
SUBCATEGORY 4	10,000,000 OR MORE GALLONS PER DAY	\$ 6,000

**Category 41 Preliminary effluent limitations for general permits**

FROM 0 UP TO 1,000,000 GALLONS PER DAY	\$ 750
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NOTE: THIS GROUP INCLUDES PRELIMINARY EFFLUENT LIMITATIONS FOR MINOR DOMESTIC FACILITIES THAT DISCHARGE TO: UNCLASSIFIED WATERS; CLASS 2 (AQUATIC LIFE) STREAMS WITH A ZERO LOW FLOW; OR CLASS 2 (AQUATIC LIFE) STREAMS WITH A LOW FLOW GREATER THAN ZERO.

**Category 42 Preliminary effluent limitations for discharges to groundwater**

SUBCATEGORY 1	MINOR FACILITIES (LESS THAN 1,000,000 GALLONS PER DAY)	\$ 375
SUBCATEGORY 2	MAJOR FACILITIES (AT LEAST 1,000,000 GALLONS PER DAY)	\$ 600

**Category 43 Review of preliminary effluent limitations for individual permits (professionally prepared by others)**

SUBCATEGORY 1	MINOR FACILITIES (LESS THAN 1,000,000 GALLONS PER DAY)	\$ 1,125
SUBCATEGORY 2	MAJOR FACILITIES (AT LEAST 1,000,000 GALLONS PER DAY)	\$ 2,250

(c) All fees collected pursuant to ~~paragraph~~ PARAGRAPHS (b) AND (b.6) 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~~ THAT 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.

**SECTION 3. Appropriation - adjustments in long bill.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the water quality control fund created in section 25-8-502, Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment for allocation to the water quality control division, for the fiscal year beginning July 1, 2002, the sum of five hundred twenty thousand six hundred eighty-seven (\$520,687) and 4.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made from the water quality control fund created in section 25-8-502, Colorado Revised Statutes, to the department of public health and environment, in the annual general appropriation act for the fiscal year beginning July 1, 2002, shall be adjusted as follows:

(a) The appropriation to water quality control division, administration, personal services, is increased by fourteen thousand five hundred seventeen dollars (\$14,517).

(b) The appropriation to water quality control division, administration, operating expenses, is increased by two hundred seventy dollars (\$270).

(c) The appropriation to water quality control division, administration, indirect cost assessment, is increased by forty-five thousand nine hundred twenty-eight dollars (\$45,928).

(d) The appropriation to water quality control division, watershed assessment, outreach, and assistance, personal services, is increased by eighteen thousand two hundred fifty-four dollars (\$18,254).

(e) The appropriation to water quality control division, permits and compliance assurance, personal services, is increased by one hundred fifty thousand one hundred thirty-seven dollars (\$150,137).

(f) The appropriation to water quality control division, permits and compliance assurance, operating expenses, is increased by fourteen thousand nine hundred sixty-nine dollars (\$14,969).

**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 7, 2002