

CHAPTER 234

HEALTH AND ENVIRONMENT

SENATE BILL 08-055

BY SENATOR(S) Hagedorn, and Tupa;
 also REPRESENTATIVE(S) Madden, Fischer, Green, McGihon, and Todd.

AN ACT

CONCERNING INCREASED FEES FOR STATIONARY SOURCES OF AIR EMISSIONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. The introductory portion to 25-7-105 (11) and 25-7-105 (11) (h), Colorado Revised Statutes, are amended to read:

25-7-105. Duties of commission. (11) The commission shall promulgate ~~regulations~~ RULES concerning ~~CFC's~~ CFC and ozone-depleting compounds as follows:

(h) ~~Regulations which~~ RULES THAT are necessary for the imposition and collection of a fee for registering as stationary sources refrigeration systems and other appliances ~~which~~ THAT contain a minimum of one hundred pounds or use a drive system of one hundred horsepower or more and use ozone-depleting compounds. The fee set by the commission shall reflect the direct and indirect costs of registering refrigeration systems and appliances; however, such fee shall not exceed ~~twenty-five~~ SEVENTY-FIVE dollars per unit and shall not exceed a maximum of ~~two~~ THREE hundred dollars per facility.

SECTION 2. 25-7-114.1 (6) (a), Colorado Revised Statutes, is amended to read:

25-7-114.1. Air pollutant emission notices (APEN). (6) (a) The fee for filing an air pollutant emission notice or amendment thereto under this section shall be one hundred ~~nineteen~~ FIFTY-TWO dollars and ~~ninety-six~~ NINETY cents. The moneys collected pursuant to this section shall be transmitted to the state treasurer, who shall credit the same to the stationary sources control fund ~~CREATED IN SECTION 25-7-114.7 (2) (b) (I).~~

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

SECTION 3. The introductory portion to 25-7-114.7 (2) (a) (I) and 25-7-114.7 (2) (a) (I) (A), (2) (a) (I) (B), and (2) (a) (III), Colorado Revised Statutes, are amended to read:

25-7-114.7. Emission fees - fund. (2) (a) (I) The commission shall designate by rule ~~and regulation~~ those classes of sources of air pollution ~~which~~ THAT are exempt from the requirement to pay an annual emission fee. Every owner or operator of an air pollution source not otherwise exempt in accordance with such commission rules ~~and regulations~~ shall pay an annual fee as follows:

(A) For fiscal years ~~2001-02~~ 2008-09 and thereafter, ~~seventeen~~ TWENTY-TWO dollars and ~~ninety-seven~~ NINETY cents per ton of regulated pollutant reported in the most recent air pollution emission notice on file with the division;

(B) For fiscal years ~~2001-02~~ 2008-09 and thereafter, in addition to the annual fee set forth in sub-subparagraph (A) of this subparagraph (I), for hazardous air pollutants, including ozone-depleting ~~substances~~ COMPOUNDS, an annual fee of one hundred ~~nineteen~~ FIFTY-TWO dollars and ~~ninety-six~~ NINETY cents per ton;

(III) Every owner or operator subject to the requirements of paying fees set forth in subparagraph (I) of this paragraph (a) shall also pay a processing fee for the costs of processing any application other than an air pollution emission notice under this article. Every significant user of prescribed fire, including federal facilities, submitting a planning document to the commission pursuant to section 25-7-106 (8) (b) shall pay a fee for costs of evaluating such documents. The division shall assess a fee for work it performs, up to a maximum of thirty hours at a rate of ~~fifty-nine~~ SEVENTY-SIX dollars and ~~ninety-eight~~ FORTY-FIVE cents per hour. If the division requires more than thirty hours to process the application or evaluate the prescribed fire-related planning documents, the fee paid by the applicant shall not exceed three thousand dollars unless the division has informed the source that the respective billings may exceed three thousand dollars and has provided the source with an estimate of what the actual charges may be prior to commencing the work.

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of public health and environment, for allocation to the division of administration, for the fiscal year beginning July 1, 2008, the sum of seven hundred thirty-seven thousand nine hundred twenty-nine dollars (\$737,929), and 5.0 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, two hundred twenty-eight thousand eight hundred fifty dollars (\$228,850) and 1.0 FTE shall be from the AIR account of the highway users tax fund created in section 42-3-304 (18) (a), Colorado Revised Statutes, and five hundred nine thousand seventy-nine dollars (\$509,079) and 4.0 FTE shall be from the stationary sources control fund created in section 25-7-114.7 (2) (b) (I), Colorado Revised Statutes.

SECTION 5. 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 20, 2008