

**Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 12-0438.01 Kristen Forrestal x4217

**HOUSE BILL 12-1083**

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**HOUSE SPONSORSHIP**

**Sonnenberg,**

**SENATE SPONSORSHIP**

**Schwartz,**

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**House Committees**

Agriculture, Livestock, & Natural Resources  
Finance  
Appropriations

**Senate Committees**

Agriculture, Natural Resources, and Energy  
Appropriations

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**A BILL FOR AN ACT**

101 **CONCERNING MAINTENANCE OF THE CURRENT FEE STRUCTURE ON**  
102 **CERTAIN FEEDING OPERATIONS UNDER THE "COLORADO**  
103 **WATER QUALITY CONTROL ACT".**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

In 2009, the general assembly increased the maximum annual fee that the water quality control agency in the division of administration of the department of public health and environment may impose upon concentrated animal feeding operations and housed commercial swine

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

SENATE  
3rd Reading Unam ended  
M arch 29 , 2012

SENATE  
2nd Reading Unam ended  
M arch 28 , 2012

HOUSE  
3rd Reading Unam ended  
M arch 6 , 2012

HOUSE  
Am ended 2nd Reading  
M arch 5 , 2012

feeding operations dischargers under the "Colorado Water Quality Control Act" until July 1, 2012. The bill maintains the current fee structure until July 1, 2015, in order to continue the environmental agriculture program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-8-502, **amend** (1)  
3 (b) (I) (E), (1) (b) (I) (R), (1) (b) (I) (S), and (1) (g) as follows:

4 **25-8-502. Application - definitions - fees - water quality**  
5 **control fund - animal feeding operations fund - public participation**  
6 **- repeal.** (1) (b) (I) Except as otherwise provided by law, in addition to  
7 the fees assessed pursuant to paragraphs (b.5), (b.6), (b.7), and (g) of this  
8 subsection (1), the only fee the division may assess is an annual fee upon  
9 a discharger, and such fee shall be in accordance with the following  
10 schedule:

11 **Facility Categories and Subcategories for Permit Fees**

12 **Annual Fees**

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

15 Subcategory 1 General permit: The division shall assess a CAFO  
16 an annual permit fee, not to exceed \$250 plus \$0.04  
17 per animal unit, based on the CAFO's permitted  
18 capacity; except that, from July 1, 2009, through  
19 ~~July 1, 2012~~ **JUNE 30, 2015**, the division shall assess  
20 a CAFO an annual permit fee not to exceed \$750  
21 plus \$0.09 per animal unit, based on the CAFO's  
22 permitted capacity

23 Subcategory 2 Individual permit: The division shall assess a CAFO

1 an annual permit fee, not to exceed \$500 plus \$0.08  
2 per animal unit, based on the CAFO's permitted  
3 capacity; except that, from July 1, 2009, through  
4 ~~July 1, 2012~~ JUNE 30, 2015, the division shall assess  
5 a CAFO an annual permit fee not to exceed \$1,500  
6 plus \$0.09 per animal unit, based on the CAFO's  
7 permitted capacity

8 **(R) Category 24.5 Housed commercial swine feeding**  
9 **operations**

10 Except as otherwise provided in this sub-subparagraph (R), the  
11 division shall assess on each housed commercial swine feeding  
12 operation an annual permit fee, not to exceed twenty cents per  
13 animal, based on the operation's working capacity, to offset the  
14 direct and indirect costs of the program created in section  
15 25-8-501.1. From July 1, 2009, through ~~July 1, 2012~~ JUNE 30,  
16 2015, the division shall assess on each housed commercial swine  
17 feeding operation an annual permit fee that shall not exceed  
18 twenty-six cents per animal, based on the operation's working  
19 capacity, to offset the direct and indirect costs of the program  
20 created in section 25-8-501.1. As used in this sub-subparagraph  
21 (R), "working capacity" means the number of swine the housed  
22 commercial swine feeding operation is capable of housing at any  
23 one time.

24 **(S) Category 25 Permit Amendments** Should a permittee  
25 holding a permit issued under any of categories 1 to 24 or 26 to 46 or,  
26 through June 30, ~~2012~~ 2015, category 24.5, request an amendment to said  
27 permit, the following fees shall apply:

1	Subcategory 1	Minor amendment - an amount equal to	
2		twenty-five percent of the annual fee	
3		for the permit being amended,	
4		not to exceed	\$ 2,810
5	Subcategory 2	Major amendment - an amount equal to	
6		fifty-five percent of the annual fee	
7		for the permit being amended,	
8		not to exceed	\$ 5,950

9 (g) (I) Effective July 1, 2009, through June 30, ~~2012~~ 2015, the  
10 division shall assess unpermitted concentrated animal feeding operations  
11 an annual administrative fee, not to exceed six cents per animal unit based  
12 upon the CAFO's registered capacity, to cover the direct and indirect costs  
13 associated with the environmental agriculture program, including  
14 inspections, compliance assurance, compliance assistance, and associated  
15 regulatory interpretation and review.

16 (II) This paragraph (g) is repealed, effective July 1, ~~2012~~ 2015.

17 **SECTION 2. Effective date.** This act takes effect July 1, 2012.

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