

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0847.01 Thomas Morris x4218

SENATE BILL 14-134

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SENATE SPONSORSHIP

Hodge, Steadman, Lambert

HOUSE SPONSORSHIP

May and Gerou, Duran

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Senate Committees  
Appropriations

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE REPEAL OF STATUTORY FEE SCHEDULES APPLICABLE  
102 TO WATER QUALITY.

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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/bills summaries>.)*

**Joint Budget Committee. Section 1** of the bill:

- ! Repeals the water quality control fund and the statutory schedule of fees applicable to numerous categories and subcategories of water quality discharge permits;
- ! Creates the public and private utilities fund, construction

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.

fund, commerce and industry fund, pesticides fund, and water quality certifications fund;

! Identifies the particular entities that must pay fees into the new funds and the services for which the fees must be set to cover; and

! Gives the water quality control commission rule-making authority to set the fees for the various funds and categories of water quality discharge permits.

The animal feeding operations fund is reenacted, as are the procedural requirements applicable to the review, issuance, and appeal of water pollutant discharge permits. **Sections 2 through 4** make conforming amendments.

**Section 5** repeals the drinking water cash fund's statutory schedule of fees applicable to numerous categories and subcategories of public water systems and gives the water quality control commission rule-making authority to set the fees.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**  
3 **with amendments,** 25-8-502 as follows:

4 **25-8-502. Discharge permit fees - funds created - legislative**  
5 **declaration - rules - repeal.** (1) (a) IT IS THE INTENT OF THE GENERAL  
6 ASSEMBLY THAT A PORTION OF THE EXPENSES OF THE IMPLEMENTATION OF  
7 THIS ARTICLE BE FUNDED FROM THE GENERAL FUND, REFLECTING THE  
8 BENEFIT DERIVED BY THE GENERAL PUBLIC; EXCEPT THAT THE GENERAL  
9 ASSEMBLY MAY DETERMINE, IN ANY GIVEN FISCAL YEAR, THAT GENERAL  
10 FUND REVENUES ARE INADEQUATE TO MEET GENERAL FUND DEMANDS AND  
11 THAT, AS A CONSEQUENCE, IT MAY BE NECESSARY TO FORGO, SUBJECT TO  
12 FUTURE RECONSIDERATION, ALL OR SOME PORTION OF THE GENERAL FUND  
13 CONTRIBUTION TO THE DISCHARGE PERMIT PROGRAM PURSUANT TO THIS  
14 PART 5.

15 (b) THE COMMISSION, BY RULE OR AS OTHERWISE PROVIDED BY  
16 LAW, MAY ADJUST THE AMOUNT OF ONE OR MORE OF THE FEES

1 ESTABLISHED BY RULE PURSUANT TO THIS SECTION IF NECESSARY  
2 PURSUANT TO SECTION 24-75-402 (3), C.R.S., TO REDUCE THE  
3 UNCOMMITTED RESERVES OF ANY OF THE FUNDS CREATED IN THIS  
4 SECTION. AFTER THE UNCOMMITTED RESERVES OF THE FUND ARE  
5 SUFFICIENTLY REDUCED, THE COMMISSION, BY RULE OR AS OTHERWISE  
6 PROVIDED BY LAW, MAY INCREASE THE AMOUNT OF ONE OR MORE OF THE  
7 FEES AS PROVIDED IN SECTION 24-75-402 (4), C.R.S.

8 (c) (I) ON JULY 1, 2014, THE STATE TREASURER SHALL TRANSFER  
9 THE UNOBLIGATED BALANCE OF THE WATER QUALITY CONTROL FUND, AS  
10 IT EXISTED BEFORE ITS REPEAL, AS FOLLOWS:

11 (A) FIFTY-THREE PERCENT TO THE PUBLIC AND PRIVATE UTILITIES  
12 FUND CREATED IN SUBSECTION (2) OF THIS SECTION;

13 (B) SEVENTEEN PERCENT TO THE CONSTRUCTION FUND CREATED  
14 IN SUBSECTION (3) OF THIS SECTION; AND

15 (C) THIRTY PERCENT TO THE COMMERCE AND INDUSTRY FUND  
16 CREATED IN SUBSECTION (4) OF THIS SECTION.

17 (II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2015.

18 (2) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
19 PUBLIC AND PRIVATE UTILITIES FUND. THE COMMISSION SHALL  
20 PROMULGATE RULES TO ESTABLISH ANNUAL FEES AND A PERMIT  
21 APPLICATION REVIEW FEE TO COVER, EXCEPT AS SPECIFIED IN PARAGRAPH  
22 (a) OF SUBSECTION (1) OF THIS SECTION, THE DIVISION'S DIRECT AND  
23 INDIRECT COSTS ASSOCIATED WITH SERVICES PROVIDED BY THE DIVISION,  
24 INCLUDING PERMIT APPLICATION REVIEW, PERMIT ISSUANCE, INSPECTIONS,  
25 COMPLIANCE, ENFORCEMENT, PRELIMINARY EFFLUENT LIMITS, SITE  
26 APPLICATIONS, AND DESIGN REVIEWS WITH REGARD TO AND TO BE PAID BY  
27 SOURCES THAT SEEK THESE SERVICES IN CONNECTION WITH A DISCHARGE

1 PERMIT FOR THE OPERATION OF A SEWAGE SYSTEM, DOMESTIC WASTE  
2 WATER TREATMENT WORKS, MUNICIPAL SEPARATE STORM SEWER SYSTEM,  
3 PUBLIC WATER SYSTEM, PUBLIC WATER TREATMENT FACILITY, OR  
4 RECLAIMED WATER SYSTEM.

5 (b) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING  
6 IN THE FUND AT THE END OF ANY FISCAL YEAR REMAIN IN THE FUND AND  
7 SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OR ANY  
8 OTHER FUND. THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE  
9 MONEYS IN THE FUND TO THE DEPARTMENT OF PUBLIC HEALTH AND  
10 ENVIRONMENT FOR THE PURPOSES SPECIFIED IN THIS SUBSECTION (2).

11 (3) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
12 CONSTRUCTION FUND. THE COMMISSION SHALL PROMULGATE RULES TO  
13 ESTABLISH ANNUAL FEES AND A PERMIT APPLICATION REVIEW FEE TO  
14 COVER, EXCEPT AS SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (1) OF  
15 THIS SECTION, THE DIVISION'S DIRECT AND INDIRECT COSTS ASSOCIATED  
16 WITH SERVICES PROVIDED BY THE DIVISION, INCLUDING PERMIT  
17 APPLICATION REVIEW, PERMIT ISSUANCE, INSPECTIONS, COMPLIANCE,  
18 ENFORCEMENT, AND PRELIMINARY EFFLUENT LIMITS WITH REGARD TO AND  
19 TO BE PAID BY CONSTRUCTION PROJECT OWNERS AND OPERATORS THAT  
20 SEEK THESE SERVICES IN CONNECTION WITH A DISCHARGE PERMIT.

21 (b) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING  
22 IN THE FUND AT THE END OF ANY FISCAL YEAR REMAIN IN THE FUND AND  
23 SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OR ANY  
24 OTHER FUND. THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE  
25 MONEYS IN THE FUND TO THE DEPARTMENT OF PUBLIC HEALTH AND  
26 ENVIRONMENT FOR THE PURPOSES SPECIFIED IN THIS SUBSECTION (3).

27 (4) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE

1 COMMERCE AND INDUSTRY FUND. THE COMMISSION SHALL PROMULGATE  
2 RULES TO ESTABLISH ANNUAL FEES AND A PERMIT APPLICATION REVIEW  
3 FEE TO COVER, EXCEPT AS SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (1)  
4 OF THIS SECTION, THE DIVISION'S DIRECT AND INDIRECT COSTS ASSOCIATED  
5 WITH SERVICES PROVIDED BY THE DIVISION, INCLUDING PERMIT  
6 APPLICATION REVIEW, PERMIT ISSUANCE, INSPECTIONS, COMPLIANCE,  
7 ENFORCEMENT, AND PRELIMINARY EFFLUENT LIMITS WITH REGARD TO AND  
8 TO BE PAID BY COMMERCIAL AND INDUSTRIAL OPERATIONS, OTHER THAN  
9 THE APPLICATION OF PESTICIDES, THAT SEEK THESE SERVICES IN  
10 CONNECTION WITH A DISCHARGE PERMIT.

11 (b) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING  
12 IN THE FUND AT THE END OF ANY FISCAL YEAR REMAIN IN THE FUND AND  
13 SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OR ANY  
14 OTHER FUND. THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE  
15 MONEYS IN THE FUND TO THE DEPARTMENT OF PUBLIC HEALTH AND  
16 ENVIRONMENT FOR THE PURPOSES SPECIFIED IN THIS SUBSECTION (4).

17 (5) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
18 PESTICIDES FUND. THE COMMISSION MAY PROMULGATE RULES TO  
19 ESTABLISH ANNUAL FEES AND A PERMIT APPLICATION REVIEW FEE TO  
20 COVER, EXCEPT AS SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (1) OF  
21 THIS SECTION, THE DIVISION'S DIRECT AND INDIRECT COSTS ASSOCIATED  
22 WITH SERVICES PROVIDED BY THE DIVISION, INCLUDING PERMIT  
23 APPLICATION REVIEW, PERMIT ISSUANCE, INSPECTIONS, COMPLIANCE, AND  
24 ENFORCEMENT WITH REGARD TO AND TO BE PAID BY SOURCES THAT SEEK  
25 THESE SERVICES IN CONNECTION WITH A DISCHARGE PERMIT FOR THE  
26 APPLICATION OF PESTICIDES.

27 (b) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING

1 IN THE FUND AT THE END OF ANY FISCAL YEAR REMAIN IN THE FUND AND  
2 SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OR ANY  
3 OTHER FUND. THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE  
4 MONEYS IN THE FUND TO THE DEPARTMENT OF PUBLIC HEALTH AND  
5 ENVIRONMENT FOR THE PURPOSES SPECIFIED IN THIS SUBSECTION (5).

6 (6) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
7 WATER QUALITY CERTIFICATION FUND. THE COMMISSION SHALL  
8 PROMULGATE RULES TO ESTABLISH AN APPLICATION REVIEW FEE TO  
9 COVER, EXCEPT AS SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (1) OF  
10 THIS SECTION, THE DIVISION'S DIRECT AND INDIRECT COSTS ASSOCIATED  
11 WITH WATER QUALITY CERTIFICATION SERVICES PROVIDED BY THE  
12 DIVISION WITH REGARD TO AND TO BE PAID BY SOURCES THAT SEEK A  
13 WATER QUALITY CERTIFICATION PURSUANT TO SECTION 401 OF THE  
14 FEDERAL ACT, 33 U.S.C. SEC. 1341.

15 (b) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING  
16 IN THE FUND AT THE END OF ANY FISCAL YEAR REMAIN IN THE FUND AND  
17 SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OR ANY  
18 OTHER FUND. THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE  
19 MONEYS IN THE FUND TO THE DEPARTMENT OF PUBLIC HEALTH AND  
20 ENVIRONMENT FOR THE PURPOSES SPECIFIED IN THIS SUBSECTION (6).

21 (7) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
22 ANIMAL FEEDING OPERATIONS FUND. THE COMMISSION SHALL  
23 PROMULGATE RULES TO ESTABLISH ANNUAL FEES AND A PERMIT  
24 APPLICATION REVIEW FEE TO COVER, EXCEPT AS SPECIFIED IN PARAGRAPH  
25 (a) OF SUBSECTION (1) OF THIS SECTION, THE DIVISION'S DIRECT AND  
26 INDIRECT COSTS ASSOCIATED WITH SERVICES PROVIDED BY THE DIVISION,  
27 INCLUDING PERMIT APPLICATION REVIEW, PERMIT ISSUANCE, INSPECTIONS,

1 COMPLIANCE, AND ENFORCEMENT, WITH REGARD TO AND TO BE PAID BY  
2 SOURCES THAT OWN OR OPERATE HOUSED COMMERCIAL SWINE FEEDING  
3 OPERATIONS.

4 (b) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING  
5 IN THE FUND AT THE END OF ANY FISCAL YEAR REMAIN IN THE FUND AND  
6 SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OR ANY  
7 OTHER FUND. THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE  
8 MONEYS IN THE FUND TO THE DEPARTMENT OF PUBLIC HEALTH AND  
9 ENVIRONMENT FOR THE PURPOSES SPECIFIED IN THIS SUBSECTION (7).

10 (8) (a) A COMPLETE AND ACCURATE APPLICATION FOR ALL  
11 DISCHARGES MUST BE FILED WITH THE DIVISION NOT LESS THAN ONE  
12 HUNDRED EIGHTY DAYS BEFORE THE DATE PROPOSED FOR COMMENCING  
13 THE DISCHARGE.

14 (b) THE APPLICATION MUST CONTAIN SUCH RELEVANT PLANS,  
15 SPECIFICATIONS, WATER QUALITY DATA, AND OTHER INFORMATION  
16 RELATED TO THE PROPOSED ACTION AS THE DIVISION REASONABLY  
17 REQUIRES. BEFORE SUBMITTING AN APPLICATION FOR A PERMIT, THE  
18 APPLICANT MAY REQUEST AND, IF SO REQUESTED, THE DIVISION SHALL  
19 GRANT A PLANNING MEETING WITH THE APPLICANT. AT THE MEETING, THE  
20 DIVISION SHALL ADVISE THE APPLICANT OF THE APPLICABLE  
21 ADMINISTRATIVE REQUIREMENTS, INCLUDING THE INFORMATION, PLANS,  
22 SPECIFICATIONS, AND DATA REQUIRED TO BE FURNISHED WITH THE PERMIT  
23 APPLICATION.

24 (c) THE DIVISION SHALL BEGIN THE REVIEW OF AN APPLICATION  
25 WITHIN FORTY-FIVE DAYS AFTER THE RECEIPT OF THE APPLICATION AND  
26 SHALL NOTIFY THE APPLICANT WITHIN NINETY DAYS AFTER RECEIPT OF  
27 THE APPLICATION WHETHER THE APPLICATION IS COMPLETE. IF THE

1 DIVISION DETERMINES THAT AN APPLICATION IS INCOMPLETE, THE DIVISION  
2 MAY REQUEST THAT THE APPLICANT SUBMIT ADDITIONAL INFORMATION.  
3 IF THE DIVISION REQUESTS ADDITIONAL INFORMATION FROM THE  
4 APPLICANT, THE DIVISION HAS FIFTEEN DAYS AFTER THE DATE THE  
5 ADDITIONAL INFORMATION IS SUBMITTED TO DETERMINE WHETHER THE  
6 ADDITIONAL INFORMATION SATISFIES THE REQUEST AND TO ADVISE THE  
7 APPLICANT IF AND IN WHAT RESPECTS THE ADDITIONAL INFORMATION  
8 DOES NOT SATISFY THE REQUEST. A FINAL DECISION THAT AN APPLICATION  
9 IS NOT COMPLETE IS FINAL AGENCY ACTION UPON ISSUANCE OF SUCH  
10 DECISION TO THE APPLICANT AND IS SUBJECT TO JUDICIAL REVIEW. THE  
11 COURT SHALL GIVE PRIORITY SCHEDULING TO A PETITION FOR REVIEW OF  
12 SUCH DECISION.

13 (9) (a) THE DIVISION SHALL EVALUATE COMPLETE PERMIT  
14 APPLICATIONS TO DETERMINE WHETHER THE PROPOSED DISCHARGE WILL  
15 COMPLY WITH ALL APPLICABLE FEDERAL AND STATE STATUTORY AND  
16 REGULATORY REQUIREMENTS.

17 (b) THE DIVISION SHALL GIVE PUBLIC NOTICE OF A COMPLETE  
18 PERMIT APPLICATION AND THE DIVISION'S PRELIMINARY ANALYSIS OF THE  
19 APPLICATION AS PROVIDED IN SUBSECTION (10) OF THIS SECTION. THE  
20 NOTICE MUST ADVISE OF THE OPPORTUNITY FOR INTERESTED PERSONS TO  
21 SUBMIT WRITTEN COMMENTS ON THE PERMIT APPLICATION AND THE  
22 DIVISION'S PRELIMINARY ANALYSIS OR TO REQUEST, FOR GOOD CAUSE  
23 SHOWN, A PUBLIC MEETING ON THE APPLICATION AND ANALYSIS. A  
24 REQUEST FOR A PUBLIC MEETING MUST BE MADE WITHIN THIRTY DAYS  
25 AFTER THE INITIAL PUBLIC NOTICE OF THE PERMIT APPLICATION AND THE  
26 DIVISION'S PRELIMINARY ANALYSIS. IF A PUBLIC MEETING IS REQUESTED  
27 AND THE DIVISION, IN ITS DISCRETION AND FOR GOOD CAUSE SHOWN,



1 GRANTS THE REQUEST, THE DIVISION SHALL HOLD THE PUBLIC MEETING  
2 NOT MORE THAN SEVENTY-FIVE DAYS AFTER THE INITIAL PUBLIC NOTICE.  
3 THE DIVISION SHALL PROVIDE NOTICE OF THE PUBLIC MEETING AS  
4 PROVIDED IN SUBSECTION (10) OF THIS SECTION NOT LESS THAN THIRTY  
5 DAYS BEFORE THE DATE OF THE MEETING.

6 (c) THE PERIOD FOR PUBLIC COMMENT CLOSES THIRTY DAYS AFTER  
7 THE DATE OF NOTICE OF THE PERMIT APPLICATION AND THE DIVISION'S  
8 PRELIMINARY ANALYSIS OF THE APPLICATION; EXCEPT THAT, IF A PUBLIC  
9 MEETING IS HELD ON THE APPLICATION AND ANALYSIS, THE PERIOD FOR  
10 PUBLIC COMMENT CLOSES SIXTY DAYS AFTER THE DATE OF NOTICE OF THE  
11 APPLICATION.

12 (10) THE DIVISION SHALL CIRCULATE PUBLIC NOTICE OF EVERY  
13 COMPLETE PERMIT APPLICATION AND THE DIVISION'S PRELIMINARY  
14 ANALYSIS IN A MANNER DESIGNED TO INFORM INTERESTED AND  
15 POTENTIALLY INTERESTED PERSONS OF THE APPLICATION AND ANALYSIS.  
16 THE COMMISSION SHALL ESTABLISH PROCEDURES FOR THE CIRCULATION  
17 OF THE PUBLIC NOTICE OR OF A NOTICE REGARDING A PUBLIC MEETING  
18 CONCERNING AN APPLICATION AND ANALYSIS, AND MUST INCLUDE AT  
19 LEAST THE FOLLOWING:

20 (a) NOTICE SHALL BE GIVEN BY AT LEAST ONE PUBLICATION IN A  
21 NEWSPAPER OF GENERAL CIRCULATION THAT IS DISTRIBUTED WITHIN THE  
22 GEOGRAPHIC AREAS OF THE PROPOSED DISCHARGE.

23 (b) NOTICE SHALL BE MAILED TO ANY PERSON OR GROUP UPON  
24 REQUEST.

25 (c) THE DIVISION SHALL ADD THE NAME OF ANY PERSON OR GROUP  
26 UPON REQUEST TO A MAILING LIST TO RECEIVE COPIES OF NOTICES FOR ALL  
27 DISCHARGE PERMIT APPLICATIONS WITHIN THE STATE OR WITHIN A

1 CERTAIN GEOGRAPHIC AREA.

2 (d) THE DIVISION SHALL ALSO, DURING THE PERIOD FROM THE  
3 DATE OF THE INITIAL PUBLIC NOTICE OF THE APPLICATION AND ANALYSIS  
4 TO THE CLOSE OF THE PUBLIC COMMENT PERIOD, MAINTAIN IN THE OFFICE  
5 OF THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE  
6 PROPOSED DISCHARGE, OR A PART THEREOF, IS TO OCCUR A COPY OF ITS  
7 PRELIMINARY ANALYSIS AND A COPY OF THE PERMIT APPLICATION WITH  
8 ALL ACCOMPANYING DATA FOR PUBLIC INSPECTION.

9 (11) (a) (I) EXCEPT AS PROVIDED IN THIS SUBSECTION (11), IF THE  
10 DIVISION HAS NOT FINALLY ISSUED OR DENIED A PERMIT WITHIN ONE  
11 HUNDRED EIGHTY DAYS AFTER RECEIPT OF THE PERMIT APPLICATION,  
12 UNLESS THIS TIME LIMIT IS WAIVED OR EXTENDED BY THE APPLICANT OR  
13 IF THE DIVISION DETERMINES AT ANY TIME AFTER RECEIVING AN  
14 APPLICATION THAT IT CANNOT ISSUE A PERMIT BEFORE THE EXPIRATION OF  
15 AN EXISTING PERMIT, THE DIVISION SHALL ISSUE A TEMPORARY PERMIT OR  
16 THE EXISTING PERMIT IS EXTENDED PURSUANT TO THE OPERATION OF  
17 SECTION 24-4-104, C.R.S.

18 (II) THE DEADLINES ESTABLISHED PURSUANT TO SUBPARAGRAPH  
19 (I) OF THIS PARAGRAPH (a) FOR A DETERMINATION ON A PERMIT  
20 APPLICATION ARE EXTENDED BY:

21 (A) THE NUMBER OF DAYS THAT AN APPLICANT TAKES TO SUBMIT  
22 INFORMATION REQUESTED BY THE DIVISION PURSUANT TO PARAGRAPH (c)  
23 OF SUBSECTION (8) OF THIS SECTION PLUS THE FIFTEEN DAYS PROVIDED  
24 FOR THE DIVISION TO EVALUATE SUCH ADDITIONAL INFORMATION; AND

25 (B) FORTY-FIVE DAYS, IF A PUBLIC MEETING IS HELD PURSUANT TO  
26 SUBSECTION (9) OF THIS SECTION.

27 (b) ALL TEMPORARY PERMITS MUST CONTAIN SUCH CONDITIONS AS

1 ARE NECESSARY TO PROTECT PUBLIC HEALTH AND MUST NOT BE LESS  
2 RESTRICTIVE THAN REQUIRED BY STATE AND FEDERAL EFFLUENT  
3 GUIDELINES UNLESS A SCHEDULE OF COMPLIANCE OR A VARIANCE IS SET  
4 FORTH IN THE TEMPORARY PERMIT. A TEMPORARY PERMIT MUST BE ISSUED  
5 FOR A PERIOD NOT TO EXCEED TWO YEARS AND EXPIRES AS PROVIDED IN  
6 THE ISSUANCE OR DENIAL OF THE FINAL PERMIT. ISSUANCE OF A  
7 TEMPORARY PERMIT IS FINAL AGENCY ACTION FOR THE PURPOSES OF  
8 SECTION 24-4-106, C.R.S.

9 **SECTION 2.** In Colorado Revised Statutes, 25-8-308, **amend** (2)  
10 as follows:

11 **25-8-308. Additional authority and duties of division - fee and**  
12 **penalties.** (2) ~~All fees collected by the division shall be transmitted to the~~  
13 ~~state treasurer for deposit to the credit of the water quality control fund~~  
14 ~~created by section 25-8-502 and shall be subject to appropriation by the~~  
15 ~~general assembly.~~ Except as provided in section 25-8-608, all fines and  
16 penalties for violations of this article shall be transmitted to the state  
17 treasurer for deposit to the credit of the general fund.

18 **SECTION 3.** In Colorado Revised Statutes, 25-8-503.5, **amend**  
19 (1) introductory portion and (3) as follows:

20 **25-8-503.5. General permits - process for changing permit**  
21 **requirements.** (1) With respect to a general permit, ~~listed in section~~  
22 ~~25-8-502 (1) (b) (F) (G),~~ when proposing new or amended permit  
23 requirements for dischargers to meet, to obtain, or to maintain  
24 authorization for discharges under the permit, the division shall:

25 (3) A party may appeal a general permit ~~issued under section~~  
26 ~~25-8-502 (1) (b) (F) (G)~~ pursuant to the appeals process set forth in  
27 section 24-4-105, C.R.S.

1           **SECTION 4.** In Colorado Revised Statutes, 25-10-107, **amend**  
2 (3) as follows:

3           **25-10-107. Fees.** (3) ~~In addition to the fees established in this~~  
4 ~~section,~~ The division may assess a fee ~~of twenty-three dollars~~  
5 ESTABLISHED PURSUANT TO SECTION 25-8-502 (2) (a) for each permit  
6 authorized for a new, repaired, or upgraded on-site wastewater treatment  
7 system. Of that fee, the county in which the on-site wastewater treatment  
8 system is or will be located shall retain ~~three dollars~~ AN AMOUNT  
9 ESTABLISHED PURSUANT TO SECTION 25-8-502 (2) to cover the county's  
10 administrative costs, and ~~twenty dollars~~ THE REMAINDER shall be  
11 transmitted to the state treasurer, who shall deposit that sum in the ~~water~~  
12 ~~quality control~~ PUBLIC AND PRIVATE UTILITIES fund created in section  
13 25-8-502 ~~(1)~~ ~~(c)~~ (2) (a).

14           **SECTION 5.** In Colorado Revised Statutes, 25-1.5-209, **amend**  
15 (1) as follows:

16           **25-1.5-209. Drinking water fee - drinking water cash fund -**  
17 **rules.** (1) ~~Effective July 1, 2007, the division may assess~~ The WATER  
18 QUALITY CONTROL COMMISSION CREATED IN SECTION 25-8-201 SHALL  
19 PROMULGATE RULES TO ESTABLISH an annual fee upon CATEGORIES AND  
20 SUBCATEGORIES OF public water systems. ~~and all such fees shall be in~~  
21 ~~accordance with the following schedule:~~ THE COMMISSION SHALL SET THE  
22 FEES TO COVER THE DIVISION'S DIRECT AND INDIRECT COSTS ASSOCIATED  
23 WITH SERVICES PROVIDED BY THE DIVISION IN CONNECTION WITH THE  
24 DIVISION'S ADMINISTRATION AND IMPLEMENTATION OF THE FEDERAL  
25 "SAFE DRINKING WATER ACT", 42 U.S.C. SEC. 300f ET SEQ., WITH  
26 REGARD TO THE CATEGORIES AND SUBCATEGORIES OF PUBLIC WATER  
27 SYSTEMS.

1	<b>Facility Categories and Subcategories for</b>		
2		<b>Drinking Water Fees</b>	<b>Annual Fees</b>
3	<b>(a) <del>Category 01</del> Community surface water systems</b>		
4	Subcategory 1	Population from 25 - 250	\$ 75
5	Subcategory 2	Population from 251 - 500	\$ 100
6	Subcategory 3	Population from 501 - 1,000	\$ 310
7	Subcategory 4	Population from 1,001 - 3,300	\$ 465
8	Subcategory 5	Population from 3,301 - 10,000	\$ 865
9	Subcategory 6	Population from 10,001 - 30,000	\$ 1,850
10	Subcategory 7	Population from 30,001 - 100,000	\$ 4,940
11	Subcategory 8	Population from 100,001 - 200,000	\$ 9,270
12	Subcategory 9	Population from 200,001 - 500,000	\$ 15,450
13	Subcategory 10	Population greater than 500,000	\$ 21,630
14	<b>(b) <del>Category 02</del> Community groundwater systems</b>		
15	Subcategory 1	Population from 25 - 250	\$ 75
16	Subcategory 2	Population from 251 - 500	\$ 100
17	Subcategory 3	Population from 501 - 1,000	\$ 220
18	Subcategory 4	Population from 1,001 - 3,300	\$ 310
19	Subcategory 5	Population from 3,301 - 10,000	\$ 680
20	Subcategory 6	Population from 10,001 - 30,000	\$ 1,545
21	Subcategory 7	Population greater than 30,001	\$ 4,450
22	<b>(c) <del>Category 03</del> Community-purchased surface water or</b>		
23	<b>groundwater systems</b>		
24	Subcategory 1	Population from 25 - 250	\$ 75
25	Subcategory 2	Population from 251 - 500	\$ 100
26	Subcategory 3	Population from 501 - 1,000	\$ 155
27	Subcategory 4	Population from 1,001 - 3,300	\$ 250

1	Subcategory 5	Population from 3,301 - 10,000	\$ 490
2	Subcategory 6	Population from 10,001 - 30,000	\$ 865
3	Subcategory 7	Population greater than 30,001	\$ 2,470

4            **(d) ~~Category 04 Nontransient, noncommunity surface water~~**  
5            **~~systems~~**

6	Subcategory 1	Population from 25 - 250	\$ 75
7	Subcategory 2	Population from 251 - 500	\$ 100
8	Subcategory 3	Population from 501 - 1,000	\$ 280
9	Subcategory 4	Population from 1,001 - 3,300	\$ 400
10	Subcategory 5	Population from 3,301 - 10,000	\$ 620
11	Subcategory 6	Population from 10,001 - 30,000	\$ 1,670
12	Subcategory 7	Population greater than 30,001	\$ 4,450

13           **(e) ~~Category 05 Nontransient, noncommunity groundwater~~**  
14           **~~systems~~**

15	Subcategory 1	Population from 25 - 250	\$ 75
16	Subcategory 2	Population from 251 - 500	\$ 100
17	Subcategory 3	Population from 501 - 1,000	\$ 155
18	Subcategory 4	Population from 1,001 - 3,300	\$ 245
19	Subcategory 5	Population from 3,301 - 10,000	\$ 495
20	Subcategory 6	Population from 10,001 - 30,000	\$ 1,360
21	Subcategory 7	Population greater than 30,001	\$ 3,650

22           **(f) ~~Category 06 Nontransient, noncommunity-purchased~~**  
23           **~~surface water or groundwater systems~~**

24	Subcategory 1	Population from 25 - 250	\$ 75
25	Subcategory 2	Population from 251 - 500	\$ 100
26	Subcategory 3	Population from 501 - 1,000	\$ 125
27	Subcategory 4	Population from 1,001 - 3,300	\$ 185

1	Subcategory 5	Population from 3,301 - 10,000	<del>\$ 325</del>
2	Subcategory 6	Population from 10,001 - 30,000	<del>\$ 805</del>
3	Subcategory 7	Population greater than 30,001	<del>\$ 1,980</del>
4	<del>(g) Category 07 Transient, noncommunity surface water</del>		
5	<del>systems</del>		
6	Subcategory 1	Population from 25 - 250	<del>\$ 75</del>
7	Subcategory 2	Population from 251 - 500	<del>\$ 100</del>
8	Subcategory 3	Population from 501 - 1,000	<del>\$ 245</del>
9	Subcategory 4	Population from 1,001 - 3,300	<del>\$ 310</del>
10	Subcategory 5	Population from 3,301 - 10,000	<del>\$ 555</del>
11	Subcategory 6	Population from 10,001 - 30,000	<del>\$ 620</del>
12	Subcategory 7	Population greater than 30,001	<del>\$ 3,960</del>
13	<del>(h) Category 08 Transient, noncommunity groundwater</del>		
14	<del>systems</del>		
15	Subcategory 1	Population from 25 - 250	<del>\$ 75</del>
16	Subcategory 2	Population from 251 - 500	<del>\$ 100</del>
17	Subcategory 3	Population from 501 - 1,000	<del>\$ 125</del>
18	Subcategory 4	Population from 1,001 - 3,300	<del>\$ 185</del>
19	Subcategory 5	Population from 3,301 - 10,000	<del>\$ 495</del>
20	Subcategory 6	Population from 10,001 - 30,000	<del>\$ 535</del>
21	Subcategory 7	Population greater than 30,001	<del>\$ 2,970</del>
22	<del>(i) Category 09 Transient, noncommunity-purchased surface</del>		
23	<del>water or groundwater systems</del>		
24	Subcategory 1	Population from 25 - 250	<del>\$ 75</del>
25	Subcategory 2	Population from 251 - 500	<del>\$ 100</del>
26	Subcategory 3	Population from 501 - 1,000	<del>\$ 110</del>
27	Subcategory 4	Population from 1,001 - 3,300	<del>\$ 125</del>

1	<del>Subcategory 5</del>	<del>Population from 3,301 - 10,000</del>	<del>\$ 310</del>
2	<del>Subcategory 6</del>	<del>Population from 10,001 - 30,000</del>	<del>\$ 435</del>
3	<del>Subcategory 7</del>	<del>Population greater than 30,001</del>	<del>\$1,490</del>

4           **SECTION 6. Effective date.** This act takes effect July 1, 2014.

5           **SECTION 7. Safety clause.** The general assembly hereby finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, and safety.