

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 12-1083

BY REPRESENTATIVE(S) Sonnenberg, Coram, Fischer;
also SENATOR(S) Schwartz.

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

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

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

25-8-502. Application - definitions - fees - water quality control fund - animal feeding operations fund - public participation - repeal.
(1) (b) (I) Except as otherwise provided by law, in addition to the fees assessed pursuant to paragraphs (b.5), (b.6), (b.7), and (g) 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:

**Facility Categories and Subcategories
for Permit Fees**

Annual Fees

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

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

(CAFOs)

- Subcategory 1 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 permitted capacity; except that, from July 1, 2009, through ~~July 1, 2012~~ JUNE 30, 2015, the division shall assess a CAFO an annual permit fee not to exceed \$750 plus \$0.09 per animal unit, based on the CAFO's permitted capacity
- Subcategory 2 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 permitted capacity; except that, from July 1, 2009, through ~~July 1, 2012~~ JUNE 30, 2015, the division shall assess a CAFO an annual permit fee not to exceed \$1,500 plus \$0.09 per animal unit, based on the CAFO's permitted capacity

(R) Category 24.5 Housed commercial swine feeding operations

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

(S) Category 25 Permit Amendments Should a permittee holding a permit issued under any of categories 1 to 24 or 26

to 46 or, through June 30, ~~2012~~ 2015, category 24.5, 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 | \$ 2,810 |
| Subcategory 2 | Major amendment - an amount equal to fifty-five percent of the annual fee for the permit being amended, not to exceed | \$ 5,950 |

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

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

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

SECTION 3. 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.

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO