



C&I Stakeholder Group

Dianna Orf

Representative for: Colorado Mining Association (Group)
 Employed by: Orf & Orf, PC

Phone: 303-324-8825
 Email: dianna@orfco.net

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

Did you attend the C&I workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

Do you support the monitoring goals as recommended by EPA and described in the above table?:

Number of permits	Master General Permit Name	Current monitoring level	Monitoring goal* - with increased services
109	Subterranean dewatering or well development:	0%	10%
104	Commercial washing of outdoor structures:	0%	10%
964	Non-extractive industries stormwater:	2%	10%
92	Metal mining industry stormwater:	2%	10%
498	Sand & gravel mining and processing stormwater only:	2%	10%
162	Sand & gravel mining wastewater and stormwater combined:	2%	20%
13	Aquatic animal production:	3%	20%
11	Coal mining process water and stormwater combined:	20%	20%
14	Non-contact cooling water:	8%	20%
10	Produced water treatment facilities:	20%	20%

With New Services Without New Services

Scenario 1:

Scenario 2:

Scenario 3:

Cat./ Sub-cat.	Category Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3	
			with increased services	without increased services	with increased services	without increased services	with increased services	without increased services
07-01	Individual Permits - Low complexity	32	\$3,650	\$3,480	\$4,800	\$4,650	\$3,000	\$2,760
07-02	Individual Permits - medium complexity	22	\$5,900	\$5,630	\$7,800	\$7,560	\$4,800	\$4,420
07-03	Individual Permits - high complexity	48	\$8,100	\$7,730	\$10,750	\$10,430	\$6,700	\$6,160
07-04	Individual Permits - very high complexity	11	\$11,100	\$10,600	\$14,700	\$14,260	\$9,100	\$8,365
07-05	General Permits - low complexity	1,767	\$360	\$160	\$480	\$280	\$300	\$100
07-06	General Permits - medium complexity	175	\$900	\$700	\$1,200	\$1,000	\$750	\$550
07-07	General Permits - high complexity	35	\$3,500	\$3,430	\$4,650	\$4,500	\$2,900	\$2,630

Fee Proposal Scenario Comments

See comment box on page 8.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee or \$80 (whichever is greater)

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments.

Discharge Permit Comments:

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Compliance assistance:

Administrative Action:

Low complexity service:

Medium/low complexity service:

Medium complexity service:

High to very high complexity service:

A la carte Comments:

Service Type	Application Fee	Example Actions
Compliance assistance	no fee, fee based on hourly rates above.	<ul style="list-style-type: none">Compliance assistance inspection or audit, upon request.
Administrative action	\$80	<ul style="list-style-type: none">Permit transfer.NOX.Minor permit modification (removal of an outfall).
Low complexity service	\$600	<ul style="list-style-type: none">Permitting exemption, determination that an activity conforms with the division's low risk discharge policy.
Medium/low complexity service	\$1,100	<ul style="list-style-type: none">Regulatory exemption, determination that a land application activity meets complete evapotranspiration.
Medium complexity service	\$3,800	<ul style="list-style-type: none">Determination of the types of permit coverage required for a proposed new type of discharge.
High to very high complexity service	\$3,800 submitted with application, additional fees may apply, see hourly rates above	<ul style="list-style-type: none">PELS.Regulatory exemption, involving complex technical or legal analysis.

WORK GROUP RECOMMENDATIONS

1. Request that division identify trends in non-compliance within sectors and create a compliance assistance model.
2. Create a frequently asked question section on the division website organized by topic that includes a string of questions with division responses.
3. Permit renewal recommendations for commerce and industry sector:
 - a. Provide education on the permit renewal process for this sector.
 - b. Provide education on the drivers of change during permit renewals.

Recommendation Comments

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has tradeoffs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

1. Certainty:

2. Flexibility:

3. Accountability:

4. Rationale for setting fees:

5. Subsidies for permit holders:

6. What do you think is an appropriate frequency to review fees and fee structure? (Select one):

Other

If selected Other, please explain:

7. What do you think is the best manner to adjust for inflation?:

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Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

1. Fees established by the Water Quality Control Commission.
2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission.
3. A la carte services and fees established and managed by the Water Quality Control Commission.
4. A la carte services and fees established in statute.
5. Fee formulas in statute.
6. Fees in statute with an inflation clause.
7. Fees in statute without an adjustment for inflation (current model).

Fee Comments

General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

1. The division has the discretion to spend as needed.
2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation).
3. All permit holders receive some general funds but it should largely go to governmental entities.
4. All permit holders receive equal distribution based on a percentage.
5. All permit holders receive a percentage based on the department's discretion and other to be determined factors.
6. No permit holder general fund as it should be a completely cash funded program.
7. Only small public and private entities receive general fund.
8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable.

General Fund Comments

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Final Ratings

1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group.
2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest.
3. Meeting materials increased my overall level of understanding about the history of CleanWater Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities.
4. Facilitation was effective and objective.
5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest.
6. This process was helpful in building professional relationships with peers that I did not have before this process.

Final Comments

To: Water Quality Control Division

From: Colorado Mining Association

Date: November 27, 2014

Response to the Water Quality Control Division Regarding Proposed Fee Increase Scenarios

The Colorado Mining Association participated in numerous stakeholder meetings with the Water Quality Control Division in an effort to further understand the Divisions need for additional funding in the form of higher cash fees both for permit issuance/ renewal and on an annual basis. The Division met with the various permitted sectors as well as smaller industry groups within the sectors. At the end of the day, however, CMA is unable to support the various proposed scenarios for fee increase. We submit these comments to voice our concerns in narrative form, because the interactive feedback form implies varying degrees of agreement; we strongly disagree with all scenarios presented. However, we do not oppose fee increases per se.

Under the scenarios presented, individual permits for mines would double, triple, and increase as much as ten times on an annual basis. And these increases do not provide any improved permitting process, they only maintain the existing structure. Our members consistently say that the Division must look to cost-cutting measures, efficiencies, and allocation of existing resources before proposing increases of this magnitude. Based on experience of members permitting facilities in other states, we believe the division could streamline the Colorado permitting process.

As previously pointed out to the Division, we believe complexity as a weighting factor for allocating fee increases is due to the Divisions practices in applying permit conditions and requirements not expressly required by EPA standards. And, if third-party challenges to a permit add to the complexity, then a portion of those costs should be provided by the General Fund.

The Division could move forward with legislation covering the 401 certification and pesticide fees (the two programs not currently covered by fees). Regarding the commerce and industry sector fees, those which would experience the greatest increase under the Divisions proposals, CMA members are discussing potential alternatives that they might recommend to the Division and the legislature. One approach would be to hold current fees as a baseline and time any increase for individual permits to the effective date of permit renewals. As we come up with additional ideas we will share them with the Division.

Ronda Sandquist

Representative for: Glenwood Hot Springs Lodge & Pool, Inc. (Group)
 Employed by: Brownstein Hyatt Farber Schreck

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 Email: rsandquist@bhfs.com

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Did you attend the C&I workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

Do you support the monitoring goals as recommended by EPA and described in the above table?:

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With New Services Without New Services

Scenario 1:
 Scenario 2:
 Scenario 3:

Cat./ Sub-cat.	Category Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3	
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Fee Proposal Scenario Comments

These are broad EPA 'oversight goals'-not rules or mandates. Therefore, Colorado has discretion to implement the objectives of these goals in a manner which better suits Colorado. For example, a risk-based approach could be used. Facilities, like Glenwood Hot Springs, which primarily pass intake waters through their system are low-risk. So fees for Glenwood Hot Springs to support EPA's goals are not warranted.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee or \$80 (whichever is greater) 2

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 2

Discharge Permit Comments:

We disagree with the premises for these proposed fees, so cannot support their implementation even in a staged fashion.

Glenwood Hot Springs timely submitted its permit renewal application in 2006; the permit remains on administrative extension. Now, eight years later, WQCD has changed its permitting approach for hot springs twice-general permit, now individual permit. Glenwood Hot Springs should not bear the costs for such administrative changes.

A LA CARTE

Ronda Sandquist

Representative for: Glenwood Hot Springs Lodge & Pool, Inc. (Group)

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Compliance assistance:

1

Service Type	Application Fee	Example Actions
Compliance assistance	no fee, fee based on hourly rates above.	<ul style="list-style-type: none">Compliance assistance inspection or audit, upon request.
Administrative action	\$80	<ul style="list-style-type: none">Permit transfer.NOX.Minor permit modification (removal of an outfall).
Low complexity service	\$600	<ul style="list-style-type: none">Permitting exemption, determination that an activity conforms with the division's low risk discharge policy.
Medium/low complexity service	\$1,100	<ul style="list-style-type: none">Regulatory exemption, determination that a land application activity meets complete evapotranspiration.
Medium complexity service	\$3,800	<ul style="list-style-type: none">Determination of the types of permit coverage required for a proposed new type of discharge.
High to very high complexity service	\$3,800 submitted with application, additional fees may apply, see hourly rates above	<ul style="list-style-type: none">PELS.Regulatory exemption, involving complex technical or legal analysis.

Administrative Action:

Low complexity service:

Medium/low complexity service:

Medium complexity service:

High to very high complexity service:

A la carte Comments:

The WQCD proposal would impose uncertain fees for routine permit actions: the WQCD would solely determine, in its discretion, how to classify the permit related actions and, therefore the base fee. Additionally, the permittee is charged an hourly fee for services-costs which are completely uncontrolled. There is no maximum fee or oversight of staff time and productivity. Often the staff responsible for a permit are changed which results in delays and, under the fee structure, could greatly increase the costs for permittees.

WORK GROUP RECOMMENDATIONS

1. Request that division identify trends in non-compliance within sectors and create a compliance assistance model. 1
2. Create a frequently asked question section on the division website organized by topic that includes a string of questions with division responses. 4
3. Permit renewal recommendations for commerce and industry sector:
 - a. Provide education on the permit renewal process for this sector. 3
 - b. Provide education on the drivers of change during permit renewals. 3

Recommendation Comments

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trade-offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

1. Certainty: 1
2. Flexibility:
3. Accountability: 1
4. Rationale for setting fees: 1
5. Subsidies for permit holders:
6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): Other

If selected Other, please explain: N/A

7. What do you think is the best manner to adjust for inflation?: This question assumes only inflation: how does the program adjust for deflation? As WQCD staff gains more experience with complex permits, shouldn't the costs decrease? How will this be reflected for sector, such as hot springs?

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Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

1. Fees established by the Water Quality Control Commission. 5
2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 5
3. A la carte services and fees established and managed by the Water Quality Control Commission. 5
4. A la carte services and fees established in statute. 5
5. Fee formulas in statute. 2
6. Fees in statute with an inflation clause. 1
7. Fees in statute without an adjustment for inflation (current model). 1

Fee Comments

This seems out of context with prior comments. The Division needs to remember that the Clean Water Program cannot adversely affect water rights, whether water rights associated with hot springs or new water storage projects.

General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

1. The division has the discretion to spend as needed.
2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation).
3. All permit holders receive some general funds but it should largely go to governmental entities.
4. All permit holders receive equal distribution based on a percentage.
5. All permit holders receive a percentage based on the department's discretion and other to be determined factors.
6. No permit holder general fund as it should be a completely cash funded program.
7. Only small public and private entities receive general fund.
8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable.

General Fund Comments

General funds support many WQCD activities other than permits. Permit fees, as established by statute have supported the permit program. The "state" has an interest in maintaining a permit program, so it is appropriate that general funds also support the permit portion of the state water quality program.

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Final Ratings

1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 2
2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest. 1
3. Meeting materials increased my overall level of understanding about the history of CleanWater Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities. 1
4. Facilitation was effective and objective. 1
5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest. 1
6. This process was helpful in building professional relationships with peers that I did not have before this process. 1

Final Comments

The Division developed a discharge permit exemption, funding "minimal risk" for recreational pools that direct water (regardless of source) heat and provide disinfection controls for those waters; then discharge to state waters. Those activities would not be subject to any review or permit fees. However, natural hot springs would have their permit fees increase.

Theresa Conley

Representative for: Conservation Colorado (Group)

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Email: theresa@conservationco.org

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Did you attend the C&I workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

Do you support the monitoring goals as recommended by EPA and described in the above table?: 5

Number of permits	Master General Permit Name	Current monitoring level	Monitoring goal* - with increased services
109	Subterranean dewatering or well development:	0%	10%
104	Commercial washing of outdoor structures:	0%	10%
964	Non-extractive industries stormwater:	2%	10%
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11	Coal mining process water and stormwater combined:	20%	20%
14	Non-contact cooling water:	8%	20%
10	Produced water treatment facilities:	20%	20%

	With New Services	Without New Services
Scenario 1:	1	1
Scenario 2:	5	5
Scenario 3:	1	1

Cat./ Sub-cat.	Category Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3	
			with increased services	without increased services	with increased services	without increased services	with increased services	without increased services
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Fee Proposal Scenario Comments

Scenario 2 makes the most sense to make the clean water program whole. It provides the most equity with everyone paying their own way.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee or \$80 (whichever is greater) 5

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 5

Discharge Permit Comments:

WQCD should be paid for the time and resources put into reviewing, investigating and approving permits and those that require major modification.

A LA CARTE

Compliance assistance:	5
Administrative Action:	5
Low complexity service:	5
Medium/low complexity service:	5
Medium complexity service:	5
High to very high complexity service:	5

Service Type	Application Fee	Example Actions
Compliance assistance	no fee, fee based on hourly rates above.	<ul style="list-style-type: none"> Compliance assistance inspection or audit, upon request.
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High to very high complexity service	\$3,800 submitted with application, additional fees may apply, see hourly rates above	<ul style="list-style-type: none"> PELS. Regulatory exemption, involving complex technical or legal analysis.

A la carte Comments:

These are optional services. Cost depends on level of complexity which makes sense. Entities should pay for the services they are provided.

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WORK GROUP RECOMMENDATIONS

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2. Create a frequently asked question section on the division website organized by topic that includes a string of questions with division responses. 5
3. Permit renewal recommendations for commerce and industry sector:
 - a. Provide education on the permit renewal process for this sector. 5
 - b. Provide education on the drivers of change during permit renewals. 5

Recommendation Comments

Unclear as to Q1. Agree with the compliance goals laid out in the Overview document. Increase compliance through streamlined site visits, provide initial consultations, and increased assistance. While enforcement will not increase, it will be more targeted, with focus on chronic violators and those with recalcitrant response actions. Conservation CO supports this compliance model.

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1. Certainty: 4
2. Flexibility: 3
3. Accountability: 2
4. Rationale for setting fees: 1
5. Subsidies for permit holders: 5
6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 5 Years
If selected Other, please explain:
7. What do you think is the best manner to adjust for inflation?: 5

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|--|---|
| 1. Fees established by the Water Quality Control Commission. | 5 |
| 2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. | 4 |
| 3. A la carte services and fees established and managed by the Water Quality Control Commission. | 5 |
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| 5. Fee formulas in statute. | 4 |
| 6. Fees in statute with an inflation clause. | 1 |
| 7. Fees in statute without an adjustment for inflation (current model). | 1 |

Fee Comments

The WQCD has the expertise and experience necessary to establish the fees and be the entity responses for periodic adjustment and review. Conservation Colorado strongly supports WQCD having the authority to set, change and review the fees.

General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

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| 7. Only small public and private entities receive general fund. | 1 |
| 8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable. | 1 |

General Fund Comments

While the WQCD has benefitted from an increased in General Funds over the last several years, there is no guarantee that these will continue or that the GF could greatly decrease over the next several years. As such, it is difficult for small communities, towns and public entities to provide the additional capital needed for permits, compliance, etc. Therefore, Conservation Colorado strongly believes that these limited GF should be shared by all permit holders and rather should be focused and limited on governmental, public and local entities.

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Final Ratings

- 1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 5
- 2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest. 5
- 3. Meeting materials increased my overall level of understanding about the history of CleanWater Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities. 5
- 4. Facilitation was effective and objective. 5
- 5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest. 5
- 6. This process was helpful in building professional relationships with peers that I did not have before this process. 5

Final Comments

The stakeholder process was thorough and in-depth. These are well vetted ideas.

Doug Flanders

Representative for: Colorado Oil & Gas Association (Group)

Phone: 303-81-0362

Email: doug.flanders@coga.org

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

Did you attend the C&I workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

Do you support the monitoring goals as recommended by EPA and described in the above table?:

Number of permits	Master General Permit Name	Current monitoring level	Monitoring goal* - with increased services
109	Subterranean dewatering or well development:	0%	10%
104	Commercial washing of outdoor structures:	0%	10%
964	Non-extractive industries stormwater:	2%	10%
92	Metal mining industry stormwater:	2%	10%
498	Sand & gravel mining and processing stormwater only:	2%	10%
162	Sand & gravel mining wastewater and stormwater combined:	2%	20%
13	Aquatic animal production:	3%	20%
11	Coal mining process water and stormwater combined:	20%	20%
14	Non-contact cooling water:	8%	20%
10	Produced water treatment facilities:	20%	20%

With New Services Without New Services

Scenario 1:

Scenario 2:

Scenario 3:

Cat./ Sub-cat.	Category Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3	
			with increased services	without increased services	with increased services	without increased services	with increased services	without increased services
07-01	Individual Permits - Low complexity	32	\$3,650	\$3,480	\$4,800	\$4,650	\$3,000	\$2,760
07-02	Individual Permits - medium complexity	22	\$5,900	\$5,630	\$7,800	\$7,560	\$4,800	\$4,420
07-03	Individual Permits - high complexity	48	\$8,100	\$7,730	\$10,750	\$10,430	\$6,700	\$6,160
07-04	Individual Permits - very high complexity	11	\$11,100	\$10,600	\$14,700	\$14,260	\$9,100	\$8,365
07-05	General Permits - low complexity	1,767	\$360	\$160	\$480	\$280	\$300	\$100
07-06	General Permits - medium complexity	175	\$900	\$700	\$1,200	\$1,000	\$750	\$550
07-07	General Permits - high complexity	35	\$3,500	\$3,430	\$4,650	\$4,500	\$2,900	\$2,630

Fee Proposal Scenario Comments

COGA has not taken a position on the process or any of the proposals (scenarios) at this time. I would make the following suggested change. Might be useful to consider reducing the number of complexity tiers from 4 to 3 (High, Medium, and Low). This may help smooth out differences in payments by eliminating the extremes on either end of the scale.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee or \$80 (whichever is greater)

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments.

Discharge Permit Comments:

A LA CARTE

Compliance assistance:

Administrative Action:

Low complexity service:

Medium/low complexity service:

Medium complexity service:

High to very high complexity service:

A la carte Comments:

Service Type	Application Fee	Example Actions
Compliance assistance	no fee, fee based on hourly rates above.	<ul style="list-style-type: none"> Compliance assistance inspection or audit, upon request.
Administrative action	\$80	<ul style="list-style-type: none"> Permit transfer. NOX. Minor permit modification (removal of an outfall).
Low complexity service	\$600	<ul style="list-style-type: none"> Permitting exemption, determination that an activity conforms with the division's low risk discharge policy.
Medium/low complexity service	\$1,100	<ul style="list-style-type: none"> Regulatory exemption, determination that a land application activity meets complete evapotranspiration.
Medium complexity service	\$3,800	<ul style="list-style-type: none"> Determination of the types of permit coverage required for a proposed new type of discharge.
High to very high complexity service	\$3,800 submitted with application, additional fees may apply, see hourly rates above	<ul style="list-style-type: none"> PELS. Regulatory exemption, involving complex technical or legal analysis.

Doug Flanders

Representative for: Colorado Oil & Gas Association (Group)

Phone: 303-81-0362

Email: doug.flanders@coga.org

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WORK GROUP RECOMMENDATIONS

1. Request that division identify trends in non-compliance within sectors and create a compliance assistance model.
2. Create a frequently asked question section on the division website organized by topic that includes a string of questions with division responses.
3. Permit renewal recommendations for commerce and industry sector:
 - a. Provide education on the permit renewal process for this sector.
 - b. Provide education on the drivers of change during permit renewals.

Recommendation Comments

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trade-offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

1. Certainty:
 2. Flexibility:
 3. Accountability:
 4. Rationale for setting fees:
 5. Subsidies for permit holders:
 6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): Other
- If selected Other, please explain:
7. What do you think is the best manner to adjust for inflation?:

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

1. Fees established by the Water Quality Control Commission.
2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission.
3. A la carte services and fees established and managed by the Water Quality Control Commission.
4. A la carte services and fees established in statute.
5. Fee formulas in statute.
6. Fees in statute with an inflation clause.
7. Fees in statute without an adjustment for inflation (current model).

Fee Comments

Doug Flanders

Representative for: Colorado Oil & Gas Association (Group)

Phone: 303-81-0362

Email: doug.flanders@coga.org

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

1. The division has the discretion to spend as needed.
2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation).
3. All permit holders receive some general funds but it should largely go to governmental entities.
4. All permit holders receive equal distribution based on a percentage.
5. All permit holders receive a percentage based on the department's discretion and other to be determined factors.
6. No permit holder general fund as it should be a completely cash funded program.
7. Only small public and private entities receive general fund.
8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable.

General Fund Comments

Final Ratings

1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group.
2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest.
3. Meeting materials increased my overall level of understanding about the history of Clean Water Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities.
4. Facilitation was effective and objective.
5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest.
6. This process was helpful in building professional relationships with peers that I did not have before this process.

Final Comments

Mark O'Meara

Representative for: Town of Carbondale Utility Department (Group)

Phone: 970-963-3140

Email: momeara@carbondalecto.net

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

Did you attend the C&I workgroup meetings?: No

FEE PROPOSAL SCENARIOS

Do you support the monitoring goals as recommended by EPA and described in the above table?: 2

Number of permits	Master General Permit Name	Current monitoring level	Monitoring goal* - with increased services
109	Subterranean dewatering or well development:	0%	10%
104	Commercial washing of outdoor structures:	0%	10%
964	Non-extractive industries stormwater:	2%	10%
92	Metal mining industry stormwater:	2%	10%
498	Sand & gravel mining and processing stormwater only:	2%	10%
162	Sand & gravel mining wastewater and stormwater combined:	2%	20%
13	Aquatic animal production:	3%	20%
11	Coal mining process water and stormwater combined:	20%	20%
14	Non-contact cooling water:	8%	20%
10	Produced water treatment facilities:	20%	20%

	With New Services	Without New Services
Scenario 1:	3	1
Scenario 2:	5	2
Scenario 3:	5	5

Cat./ Sub-cat.	Category Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3	
			with increased services	without increased services	with increased services	without increased services	with increased services	without increased services
07-01	Individual Permits - Low complexity	32	\$3,650	\$3,480	\$4,800	\$4,650	\$3,000	\$2,760
07-02	Individual Permits - medium complexity	22	\$5,900	\$5,630	\$7,800	\$7,560	\$4,800	\$4,420
07-03	Individual Permits - high complexity	48	\$8,100	\$7,730	\$10,750	\$10,430	\$6,700	\$6,160
07-04	Individual Permits - very high complexity	11	\$11,100	\$10,600	\$14,700	\$14,260	\$9,100	\$8,365
07-05	General Permits - low complexity	1,767	\$360	\$160	\$480	\$280	\$300	\$100
07-06	General Permits - medium complexity	175	\$900	\$700	\$1,200	\$1,000	\$750	\$550
07-07	General Permits - high complexity	35	\$3,500	\$3,430	\$4,650	\$4,500	\$2,900	\$2,630

Fee Proposal Scenario Comments

I am not clear on the issue of State primacy here. Will the EPA pitch in with increased funding for this as well? Many programs remain underfunded as a result of new regulations.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee or \$80 (whichever is greater) 5

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 4

Discharge Permit Comments:

A LA CARTE

- Compliance assistance: 5
- Administrative Action: 5
- Low complexity service: 4
- Medium/low complexity service: 4
- Medium complexity service: 4
- High to very high complexity service: 5

A la carte Comments:

Service Type	Application Fee	Example Actions
Compliance assistance	no fee, fee based on hourly rates above.	<ul style="list-style-type: none"> • Compliance assistance inspection or audit, upon request.
Administrative action	\$80	<ul style="list-style-type: none"> • Permit transfer. • NOX. • Minor permit modification (removal of an outfall).
Low complexity service	\$600	<ul style="list-style-type: none"> • Permitting exemption, determination that an activity conforms with the division's low risk discharge policy.
Medium/low complexity service	\$1,100	<ul style="list-style-type: none"> • Regulatory exemption, determination that a land application activity meets complete evapotranspiration.
Medium complexity service	\$3,800	<ul style="list-style-type: none"> • Determination of the types of permit coverage required for a proposed new type of discharge.
High to very high complexity service	\$3,800 submitted with application, additional fees may apply, see hourly rates above	<ul style="list-style-type: none"> • PELS. • Regulatory exemption, involving complex technical or legal analysis.

Mark O'Meara

Representative for: Town of Carbondale Utility Department (Group)

Phone: 970-963-3140

Email: momeara@carbondaleco.net

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

WORK GROUP RECOMMENDATIONS

1. Request that division identify trends in non-compliance within sectors and create a compliance assistance model. 5
2. Create a frequently asked question section on the division website organized by topic that includes a string of questions with division responses. 4
3. Permit renewal recommendations for commerce and industry sector:
 - a. Provide education on the permit renewal process for this sector. 5
 - b. Provide education on the drivers of change during permit renewals. 5

Recommendation Comments

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trade-offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

1. Certainty: 3
2. Flexibility: 1
3. Accountability: 2
4. Rationale for setting fees: 4
5. Subsidies for permit holders: 5
6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 3 Years

If selected Other, please explain:

7. What do you think is the best manner to adjust for inflation?:

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

1. Fees established by the Water Quality Control Commission. 5
2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 4
3. A la carte services and fees established and managed by the Water Quality Control Commission. 4
4. A la carte services and fees established in statute. 2
5. Fee formulas in statute. 5
6. Fees in statute with an inflation clause. 4
7. Fees in statute without an adjustment for inflation (current model). 1

Fee Comments

Mark O'Meara

Representative for: Town of Carbondale Utility Department (Group)

Phone: 970-963-3140

Email: momeara@carbondaleco.net

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

1. The division has the discretion to spend as needed. 5
2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation). 5
3. All permit holders receive some general funds but it should largely go to governmental entities. 4
4. All permit holders receive equal distribution based on a percentage. 4
5. All permit holders receive a percentage based on the department's discretion and other to be determined factors. 2
6. No permit holder general fund as it should be a completely cash funded program. 4
7. Only small public and private entities receive general fund. 5
8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable. 2

General Fund Comments

Final Ratings

1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 4
2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest.
3. Meeting materials increased my overall level of understanding about the history of Clean Water Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities. 4
4. Facilitation was effective and objective.
5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest.
6. This process was helpful in building professional relationships with peers that I did not have before this process.

Final Comments

Chantell Johnson

Representative for: Tri-State Generation and Transmission Association, Inc. (Individual)

Phone: 303.254.3185

Email: cjohnson@tristategt.org

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

Did you attend the C&I workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

Do you support the monitoring goals as recommended by EPA and described in the above table?: 3

Number of permits	Master General Permit Name	Current monitoring level	Monitoring goal* - with increased services
109	Subterranean dewatering or well development:	0%	10%
104	Commercial washing of outdoor structures:	0%	10%
964	Non-extractive industries stormwater:	2%	10%
92	Metal mining industry stormwater:	2%	10%
498	Sand & gravel mining and processing stormwater only:	2%	10%
162	Sand & gravel mining wastewater and stormwater combined:	2%	20%
13	Aquatic animal production:	3%	20%
11	Coal mining process water and stormwater combined:	20%	20%
14	Non-contact cooling water:	8%	20%
10	Produced water treatment facilities:	20%	20%

	With New Services	Without New Services
Scenario 1:	2	2
Scenario 2:	1	1
Scenario 3:	2	2

Cat./ Sub-cat.	Category Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3	
			with increased services	without increased services	with increased services	without increased services	with increased services	without increased services
07-01	Individual Permits - Low complexity	32	\$3,650	\$3,480	\$4,800	\$4,650	\$3,000	\$2,760
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07-03	Individual Permits - high complexity	48	\$8,100	\$7,730	\$10,750	\$10,430	\$6,700	\$6,160
07-04	Individual Permits - very high complexity	11	\$11,100	\$10,600	\$14,700	\$14,260	\$9,100	\$8,365
07-05	General Permits - low complexity	1,767	\$360	\$160	\$480	\$280	\$300	\$100
07-06	General Permits - medium complexity	175	\$900	\$700	\$1,200	\$1,000	\$750	\$550
07-07	General Permits - high complexity	35	\$3,500	\$3,430	\$4,650	\$4,500	\$2,900	\$2,630

Fee Proposal Scenario Comments

We are willing to pay our fair share for permitting services for our operations but we strongly disagree with Scenario 2. We somewhat disagree with Scenarios 1 and 3. We would like to see streamlining in the permit renewal process and other improvements to ensure the additional fees are well-spent.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee or \$80 (whichever is greater) 3

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 3

Discharge Permit Comments:

Again, we would like to see streamlining in the permit renewal process and other improvements to ensure the additional fees are well-spent.

A LA CARTE

Compliance assistance:	3
Administrative Action:	4
Low complexity service:	4
Medium/low complexity service:	3
Medium complexity service:	3
High to very high complexity service:	3

Service Type	Application Fee	Example Actions
Compliance assistance	no fee, fee based on hourly rates above.	<ul style="list-style-type: none"> Compliance assistance inspection or audit, upon request.
Administrative action	\$80	<ul style="list-style-type: none"> Permit transfer. NOX. Minor permit modification (removal of an outfall).
Low complexity service	\$600	<ul style="list-style-type: none"> Permitting exemption, determination that an activity conforms with the division's low risk discharge policy.
Medium/low complexity service	\$1,100	<ul style="list-style-type: none"> Regulatory exemption, determination that a land application activity meets complete evapotranspiration.
Medium complexity service	\$3,800	<ul style="list-style-type: none"> Determination of the types of permit coverage required for a proposed new type of discharge.
High to very high complexity service	\$3,800 submitted with application, additional fees may apply, see hourly rates above	<ul style="list-style-type: none"> PELs. Regulatory exemption, involving complex technical or legal analysis.

A la carte Comments:

Tri-State would like to clarify that our determination of neutral is based our assessment that we would not use these services often, if at all. Tri-State participates in workgroups to confirm our understanding of new programs or permits.

Chantell Johnson

Representative for: Tri-State Generation and Transmission Association, Inc. (Individual)

Phone: 303.254.3185
Email: cjohnson@tristategt.org

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WORK GROUP RECOMMENDATIONS

- 1. Request that division identify trends in non-compliance within sectors and create a compliance assistance model. 3
- 2. Create a frequently asked question section on the division website organized by topic that includes a string of questions with division responses. 5
- 3. Permit renewal recommendations for commerce and industry sector:
 - a. Provide education on the permit renewal process for this sector. 4
 - b. Provide education on the drivers of change during permit renewals. 4

Recommendation Comments

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trade offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

- 1. Certainty: 1
 - 2. Flexibility: 4
 - 3. Accountability: 2
 - 4. Rationale for setting fees: 3
 - 5. Subsidies for permit holders: 5
 - 6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 5 Years
- If selected Other, please explain:
- 7. What do you think is the best manner to adjust for inflation?: Include in statutory language and include in review process.

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

- 1. Fees established by the Water Quality Control Commission. 1
- 2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 1
- 3. A la carte services and fees established and managed by the Water Quality Control Commission. 1
- 4. A la carte services and fees established in statute. 3
- 5. Fee formulas in statute. 3
- 6. Fees in statute with an inflation clause. 4
- 7. Fees in statute without an adjustment for inflation (current model). 4

Fee Comments

Tri-State would like to clarify that our determination of neutral for #5, above, is based on an understanding that currently there is no fee formula proposed for C & I.

Chantell Johnson

Representative for: Tri-State Generation and Transmission Association,
Inc. (Individual)

Phone: 303.254.3185

Email: cjohnson@tristategt.org

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General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

1. The division has the discretion to spend as needed.
2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation).
3. All permit holders receive some general funds but it should largely go to governmental entities. 4
4. All permit holders receive equal distribution based on a percentage.
5. All permit holders receive a percentage based on the department's discretion and other to be determined factors.
6. No permit holder general fund as it should be a completely cash funded program. 1
7. Only small public and private entities receive general fund.
8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable.

General Fund Comments

Final Ratings

1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 4
2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest. 2
3. Meeting materials increased my overall level of understanding about the history of Clean Water Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities. 4
4. Facilitation was effective and objective. 3
5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest. 2
6. This process was helpful in building professional relationships with peers that I did not have before this process.

Final Comments

Paul Szilagyi

Representative for: Western Small Miners Association (Group)

Employed by: Nuvemco, LLC

Phone: 303 443 9086

Email: nuvemco@comcast.net

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

Did you attend the C&I workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

Do you support the monitoring goals as recommended by EPA and described in the above table?:

Number of permits	Master General Permit Name	Current monitoring level	Monitoring goal* - with increased services
109	Subterranean dewatering or well development:	0%	10%
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11	Coal mining process water and stormwater combined:	20%	20%
14	Non-contact cooling water:	8%	20%
10	Produced water treatment facilities:	20%	20%

With New Services Without New Services

Scenario 1:

Scenario 2:

Scenario 3:

Cat./ Sub-cat.	Category Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3	
			with increased services	without increased services	with increased services	without increased services	with increased services	without increased services
07-01	Individual Permits - Low complexity	32	\$3,650	\$3,480	\$4,800	\$4,650	\$3,000	\$2,760
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07-07	General Permits - high complexity	35	\$3,500	\$3,430	\$4,650	\$4,500	\$2,900	\$2,630

Fee Proposal Scenario Comments

all comments inserted in last section - please copy and paste to obtain legible size

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee or \$80 (whichever is greater)

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments.

Discharge Permit Comments:

all comments inserted in last section - please copy and paste to obtain legible size

A LA CARTE

Compliance assistance:

Administrative Action:

Low complexity service:

Medium/low complexity service:

Medium complexity service:

High to very high complexity service:

A la carte Comments:

all comments inserted in last section - please copy and paste to obtain legible size

Service Type	Application Fee	Example Actions
Compliance assistance	no fee, fee based on hourly rates above.	<ul style="list-style-type: none"> Compliance assistance inspection or audit, upon request.
Administrative action	\$80	<ul style="list-style-type: none"> Permit transfer. NOX. Minor permit modification (removal of an outfall).
Low complexity service	\$600	<ul style="list-style-type: none"> Permitting exemption, determination that an activity conforms with the division's low risk discharge policy.
Medium/low complexity service	\$1,100	<ul style="list-style-type: none"> Regulatory exemption, determination that a land application activity meets complete evapotranspiration.
Medium complexity service	\$3,800	<ul style="list-style-type: none"> Determination of the types of permit coverage required for a proposed new type of discharge.
High to very high complexity service	\$3,800 submitted with application, additional fees may apply, see hourly rates above	<ul style="list-style-type: none"> PELS. Regulatory exemption, involving complex technical or legal analysis.

Paul Szilagyi

Representative for: Western Small Miners Association (Group)
Employed by: Nuvemco, LLC

Phone: 303 443 9086
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WORK GROUP RECOMMENDATIONS

1. Request that division identify trends in non-compliance within sectors and create a compliance assistance model.
2. Create a frequently asked question section on the division website organized by topic that includes a string of questions with division responses.
3. Permit renewal recommendations for commerce and industry sector:
 - a. Provide education on the permit renewal process for this sector.
 - b. Provide education on the drivers of change during permit renewals.

Recommendation Comments

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POLICY CONSIDERATIONS FOR OVERALL SUCCESS

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trade-offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

1. Certainty:
 2. Flexibility:
 3. Accountability:
 4. Rationale for setting fees:
 5. Subsidies for permit holders:
 6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): Other
- If selected Other, please explain:
7. What do you think is the best manner to adjust for inflation?:

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

1. Fees established by the Water Quality Control Commission.
2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission.
3. A la carte services and fees established and managed by the Water Quality Control Commission.
4. A la carte services and fees established in statute.
5. Fee formulas in statute.
6. Fees in statute with an inflation clause.
7. Fees in statute without an adjustment for inflation (current model).

Fee Comments

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General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

1. The division has the discretion to spend as needed.
2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation).
3. All permit holders receive some general funds but it should largely go to governmental entities.
4. All permit holders receive equal distribution based on a percentage.
5. All permit holders receive a percentage based on the department's discretion and other to be determined factors.
6. No permit holder general fund as it should be a completely cash funded program.
7. Only small public and private entities receive general fund.
8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable.

General Fund Comments

all comments inserted in last section - please copy and paste to obtain legible size

Final Ratings

1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group.
2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest.
3. Meeting materials increased my overall level of understanding about the history of Clean Water Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities.
4. Facilitation was effective and objective.
5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest.
6. This process was helpful in building professional relationships with peers that I did not have before this process.

Final Comments

Dear CDPHE:

We would like to provide comment on the Water Quality Control Division ("WQCD") Clean Water Fee Structure under development.

By way of background, Western Small Miners Association is headquartered in Montrose County, Colorado in the town of Naturita. Our membership demographic includes individuals who live and work in Arizona, Colorado, New Mexico, Nevada, and Utah. Our membership varies greatly in occupation, including miners, ranchers, farmers, energy producers, small businesses and conservationists. WSMA members work long and hard against ever increasing odds to proudly provide the basic materials upon which our civilization depends.

WSMA has read with interest the WQCD fee proposals and the manner in which they have been developed. WSMA supports CDPHE's efforts to simplify fees; WSMA recognizes that any system utilizing averages by definition will charge some permit holders more and some less than their actual discrete costs. Unfortunately, in practice, this also means that smaller, lower risk, mining operations will end up supporting larger, higher risk, mining operations. We recognize WQCD identified the challenge of those permits which have a very low potential for water quality impacts (those addressed by low risk policy guidance) and wonder if a broad category to capture such low risk sites across all categories would be both beneficial to

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CDPHE and fairer financially to individual permit holders.

WSMA is concerned that the CDPHE process identifies the costs of public comment as part of the cost permit holders must bear. WSMA members already have to spend substantial sums, both in terms of internal costs and the external costs of lawyers, engineers and environmental consultants, to prepare permit applications and to respond to public concerns. WSMA believes that the public should similarly pay its fair share of the costs of the process, either by assessing a fee for issues raised or by recognizing such costs as a responsibility of the general fund (which essentially is the public's pocketbook). Either approach might serve to reduce frivolous filings to the economic benefit of Colorado and certainly would improve the fairness of fees proposed.

WSMA would suggest that any fee increases should be met with similar magnitude improvements by CDPHE in the timeliness and responsiveness of its permit actions. WSMA believes that uncertainty in the timing of obtaining permit decisions from CDPHE adversely impacts the Colorado economy and thereby its citizens. Improving the certainty and timeliness of actions seems in keeping with the Governor's desire to implement a "lean" culture, which WSMA strongly supports.

From a statewide perspective, WSMA is also concerned that these proposed increases are driven by recently issued federal (EPA) regulations. WSMA views this as an unfunded federal mandate increasing federal control over Colorado's most precious natural resource. WSMA believes that the State of Colorado should be generally opposed to such unfunded mandates and look to maintain as much control of its natural resources in Colorado as it can, most forcefully when it involves water rights. Whether it is this issue, other percolating issues, or a combination thereof, WSMA feels that at some point the State of Colorado needs to push back against federal overreach if the western way of life, water rights and other property rights are to be sustained.

An ongoing WSMA concern is the poor international reputation of Colorado as a place to conduct the business of mining. This bottom quartile ranking hurts Colorado, depriving its citizens of fundamental economic opportunities upon which the western way of life was built. This economic injustice hits Western slope communities and families particularly hard. Fee increases of any kind simply make it harder for mining development in Colorado. WSMA is concerned negative rumors on Colorado fees being increased by multiples fueled by the proposed CDPHE fee increases will quickly travel the globe and perhaps deter economic investment in Colorado.

Similarly, WSMA is concerned about rumors CDPHE views the mining industry as "deep pockets" and has heard from others their concerns that mining is bearing a disproportionate amount of the proposed fee increases compared to other water permit groups. If true, both of these rumors would be negative for mining in Colorado and those whose depend on this industry to provide for their families; WSMA hopes they are not true.

WSMA appreciates this opportunity to provide comment and respectfully requests your consideration of them in your discussions, deliberations and decisions. We would be happy to discuss this matter further with you at your convenience. Please feel to contact Mr. John Reams, WSMA President, at 970 865-2886 or john@reams-construction.com.

Sincerely,

Western Small Miners Association

Rick Willard

Representative for: CDOT (Group)

Phone: 303-757-9343

Email: richard.willard@state.co.us

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

Did you attend the C&I workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

Do you support the monitoring goals as recommended by EPA and described in the above table?: 3

Number of permits	Master General Permit Name	Current monitoring level	Monitoring goal* - with increased services
109	Subterranean dewatering or well development:	0%	10%
104	Commercial washing of outdoor structures:	0%	10%
964	Non-extractive industries stormwater:	2%	10%
92	Metal mining industry stormwater:	2%	10%
498	Sand & gravel mining and processing stormwater only:	2%	10%
162	Sand & gravel mining wastewater and stormwater combined:	2%	20%
13	Aquatic animal production:	3%	20%
11	Coal mining process water and stormwater combined:	20%	20%
14	Non-contact cooling water:	8%	20%
10	Produced water treatment facilities:	20%	20%

	With New Services	Without New Services
Scenario 1:	1	3
Scenario 2:	1	3
Scenario 3:	1	2

Cat./ Sub-cat.	Category Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3	
			with increased services	without increased services	with increased services	without increased services	with increased services	without increased services
07-01	Individual Permits - Low complexity	32	\$3,650	\$3,480	\$4,800	\$4,650	\$3,000	\$2,760
07-02	Individual Permits - medium complexity	22	\$5,900	\$5,630	\$7,800	\$7,560	\$4,800	\$4,420
07-03	Individual Permits - high complexity	48	\$8,100	\$7,730	\$10,750	\$10,430	\$6,700	\$6,160
07-04	Individual Permits - very high complexity	11	\$11,100	\$10,600	\$14,700	\$14,260	\$9,100	\$8,365
07-05	General Permits - low complexity	1,767	\$360	\$160	\$480	\$280	\$300	\$100
07-06	General Permits - medium complexity	175	\$900	\$700	\$1,200	\$1,000	\$750	\$550
07-07	General Permits - high complexity	35	\$3,500	\$3,430	\$4,650	\$4,500	\$2,900	\$2,630

Fee Proposal Scenario Comments

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee or \$80 (whichever is greater) 3

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 3

Discharge Permit Comments:

"minor" and "major" need to be fully defined

A LA CARTE

Compliance assistance: 3

Administrative Action: 3

Low complexity service: 3

Medium/low complexity service: 3

Medium complexity service: 3

High to very high complexity service: 3

A la carte Comments:

Service Type	Application Fee	Example Actions
Compliance assistance	no fee, fee based on hourly rates above.	<ul style="list-style-type: none"> Compliance assistance inspection or audit, upon request.
Administrative action	\$80	<ul style="list-style-type: none"> Permit transfer. NOX. Minor permit modification (removal of an outfall).
Low complexity service	\$600	<ul style="list-style-type: none"> Permitting exemption, determination that an activity conforms with the division's low risk discharge policy.
Medium/low complexity service	\$1,100	<ul style="list-style-type: none"> Regulatory exemption, determination that a land application activity moots complete evapotranspiration.
Medium complexity service	\$3,800	<ul style="list-style-type: none"> Determination of the types of permit coverage required for a proposed new type of discharge.
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Representative for: CDOT (Group)

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WORK GROUP RECOMMENDATIONS

- 1. Request that division identify trends in non-compliance within sectors and create a compliance assistance model. 4
- 2. Create a frequently asked question section on the division website organized by topic that includes a string of questions with division responses. 4
- 3. Permit renewal recommendations for commerce and industry sector:
 - a. Provide education on the permit renewal process for this sector. 4
 - b. Provide education on the drivers of change during permit renewals. 4

Recommendation Comments

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trade-offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

- 1. Certainty: 2
- 2. Flexibility: 2
- 3. Accountability: 2
- 4. Rationale for setting fees: 5
- 5. Subsidies for permit holders: 5
- 6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 5 Years

If selected Other, please explain:

- 7. What do you think is the best manner to adjust for inflation?: Language in State statute

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

- 1. Fees established by the Water Quality Control Commission. 2
- 2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 4
- 3. A la carte services and fees established and managed by the Water Quality Control Commission. 3
- 4. A la carte services and fees established in statute. 3
- 5. Fee formulas in statute. 4
- 6. Fees in statute with an inflation clause. 4
- 7. Fees in statute without an adjustment for inflation (current model). 2

Fee Comments

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General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

1. The division has the discretion to spend as needed. 3
2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation). 3
3. All permit holders receive some general funds but it should largely go to governmental entities. 3
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5. All permit holders receive a percentage based on the department's discretion and other to be determined factors. 3
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7. Only small public and private entities receive general fund. 3
8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable. 3

General Fund Comments

Final Ratings

1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 4
2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest. 3
3. Meeting materials increased my overall level of understanding about the history of Clean Water Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities. 3
4. Facilitation was effective and objective. 3
5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest. 3
6. This process was helpful in building professional relationships with peers that I did not have before this process. 3

Final Comments

Time allotted prevented the full completion of many discussions

Christine Johnston

Representative for: Xcel Energy (Public Service Company of Colorado)
(Individual)

Phone: 303-294-2224

Email:

christine.johnston@xcelenergy.com

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Did you attend the C&I workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

Do you support the monitoring goals as recommended by EPA and described in the above table?: 4

Number of permits	Master General Permit Name	Current monitoring level	Monitoring goal* - with increased services
109	Subterranean dewatering or well development:	0%	10%
104	Commercial washing of outdoor structures:	0%	10%
964	Non-extractive industries stormwater:	2%	10%
92	Metal mining industry stormwater:	2%	10%
498	Sand & gravel mining and processing stormwater only:	2%	10%
162	Sand & gravel mining wastewater and stormwater combined:	2%	20%
13	Aquatic animal production:	3%	20%
11	Coal mining process water and stormwater combined:	20%	20%
14	Non-contact cooling water:	8%	20%
10	Produced water treatment facilities:	20%	20%

	With New Services	Without New Services
Scenario 1:	1	1
Scenario 2:	1	4
Scenario 3:	1	5

Cat./ Sub-cat.	Category Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3	
			with increased services	without increased services	with increased services	without increased services	with increased services	without increased services
07-01	Individual Permits - Low complexity	32	\$3,650	\$3,480	\$4,800	\$4,650	\$3,000	\$2,760
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07-07	General Permits - high complexity	35	\$3,500	\$3,430	\$4,650	\$4,500	\$2,900	\$2,630

Fee Proposal Scenario Comments

It is difficult to provide feedback on the three proposed scenarios as the Division has not provided sufficient information that explains the Division's funding deficiencies in all areas of Commerce & Industry permitting. "New Services" is defined as "compliance oversight" but it's not clear what that means.

It's unclear how the Division determined the category of complexity for existing facilities that have individual discharge permits. It seems like it was a subjective decision. Also, it's unclear if the range of complexity could change during future permit terms. Also, the complexity should not be based on new regulations that might be implemented in the future. The Division should have a good understanding of how a new regulation will impact the permittee's discharge ahead of time and not charge a higher fee to figure it out.

If it is decided to move forward with a fee increase, we are concerned about when the fees would go into effect. Most entities have already set budgets set for 2015, and it may be difficult for entities to absorb this additional cost without sufficient time for planning.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee or \$80 (whichever is greater) 2

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 5

Discharge Permit Comments:

Bullet #3 above is not clear. If the Division requests new information following the draft of the permit documents and that data is provided by the permittee, the permittee should not be subject to a supplemental fee. If the permittee provides unsolicited new information after the draft of the permit is completed, which causes the reanalysis of permit documents, then perhaps a supplemental fee should be considered. However, it should be made clear to the permittee in a general sense at what time in the process and the type of information that is submitted would be subject to the fee. Also, this

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Permit modifications - more clarity should be provided about what constitutes a minor or major application. I think this is confusing currently. The current process is that payment is made after the amendment is completed. So if we're not sure what type of amendment we have then it will be difficult to make proper payment ahead of time. These comments are focused on individual wastewater discharge permits; however, modification fees at these levels may be inappropriate for general permits. It's also unclear what fee would be charged for requested modifications to general permit certifications - this percentage fee, or the a la carte fee listed below.

A LA CARTE

- Compliance assistance: 3
- Administrative Action: 4
- Low complexity service: 4
- Medium/low complexity service: 4
- Medium complexity service: 4
- High to very high complexity service: 2

Service Type	Application Fee	Example Actions
Compliance assistance	no fee, fee based on hourly rates above.	<ul style="list-style-type: none"> • Compliance assistance inspection or audit, upon request.
Administrative action	\$80	<ul style="list-style-type: none"> • Permit transfer. • NOX. • Minor permit modification (removal of an outfall).
Low complexity service	\$600	<ul style="list-style-type: none"> • Permitting exemption, determination that an activity conforms with the division's low risk discharge policy.
Medium/low complexity service	\$1,100	<ul style="list-style-type: none"> • Regulatory exemption, determination that a land application activity meets complete evapotranspiration.
Medium complexity service	\$3,800	<ul style="list-style-type: none"> • Determination of the types of permit coverage required for a proposed new type of discharge.
High to very high complexity service	\$3,800 submitted with application, additional fees may apply, see hourly rates above	<ul style="list-style-type: none"> • PELS. • Regulatory exemption, involving complex technical or legal analysis.

A la carte Comments:

Administrative Action: We are confused that a permit modification falls into this section, and the example given is a removal of an outfall; however, above there was a fee for a permit modification based on 25 or 50 percent of the application fee. So it's unclear about when this fee would be charged vs. the permit modification fee.

Low complexity Service: We think this is an important service to provide, but \$600 seems high. It is assumed that a senior level person would perform this service, which equates to approximately 6 hours, which seems like too much time to make this decision and write the letter.

Medium complexity service: In the example provided, it's unclear in what circumstances this would apply and why there is such a high fee.

High to very high complexity service: If the Division will charge additional hourly fees beyond the initial application fee, then they should be very clear about the number of hours that will be required to complete the review, and the Division should provide justification for the additional hourly charges.

In general, we are concerned about transparency and accountability concerning these a la carte fees.

WORK GROUP RECOMMENDATIONS

- 1. Request that division identify trends in non-compliance within sectors and create a compliance assistance model. 4
- 2. Create a frequently asked question section on the division website organized by topic that includes a string of questions with division responses. 4
- 3. Permit renewal recommendations for commerce and industry sector:
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Recommendation Comments

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trades offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

- 1. Certainty: 1
- 2. Flexibility: 2
- 3. Accountability: 4
- 4. Rationale for setting fees: 3
- 5. Subsidies for permit holders: 5
- 6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 5 Years

If selected Other, please explain:

- 7. What do you think is the best manner to adjust for inflation?: Not sure.

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

- 1. Fees established by the Water Quality Control Commission. 1
- 2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 1
- 3. A la carte services and fees established and managed by the Water Quality Control Commission. 1
- 4. A la carte services and fees established in statute. 4
- 5. Fee formulas in statute. 1
- 6. Fees in statute with an inflation clause. 4
- 7. Fees in statute without an adjustment for inflation (current model). 4

Fee Comments

We would somewhat agree with a proposal to establish fees in statute with a periodic review by the legislature every 5 years, which doesn't appear as one of the options above.

Christine Johnston

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General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

- 1. The division has the discretion to spend as needed. 4
- 2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation). 1
- 3. All permit holders receive some general funds but it should largely go to governmental entities. 1
- 4. All permit holders receive equal distribution based on a percentage. 2
- 5. All permit holders receive a percentage based on the department's discretion and other to be determined factors. 1
- 6. No permit holder general fund as it should be a completely cash funded program. 2
- 7. Only small public and private entities receive general fund. 2
- 8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable. 4

General Fund Comments

If the fees in the permits program are established at the appropriate level, then it seems that General Fund monies would not need to be divided up amongst different types of permittees. General Fund monies should be spent in the areas of most need during the fiscal year, which could include a category of permits. A recent example could be the new requirement to obtain a pesticide permit. The Division could use General Fund to provide compliance assistance and issue permit certifications. Or General Fund could be used for water quality related to fires, floods, etc., or for the Standards setting process.

Final Ratings

- 1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 2
- 2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest. 2
- 3. Meeting materials increased my overall level of understanding about the history of Clean Water Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities. 4
- 4. Facilitation was effective and objective. 2
- 5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest. 2
- 6. This process was helpful in building professional relationships with peers that I did not have before this process. 3

Final Comments

Discussion in the small workgroup meetings was often good and productive, only to be interrupted by the facilitator to move on to the next topic. We understand and appreciate the need to respect the time set for the meeting, but we feel like some thoughts and opinions were lost because the discussions were cut short.

Gayle Berry

Representative for: G Berry Corp (Individual)

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Did you attend the C&I workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

Do you support the monitoring goals as recommended by EPA and described in the above table?: 3

Number of permits	Master General Permit Name	Current monitoring level	Monitoring goal* - with increased services
109	Subterranean dewatering or well development:	0%	10%
104	Commercial washing of outdoor structures:	0%	10%
964	Non-extractive industries stormwater:	2%	10%
92	Metal mining industry stormwater:	2%	10%
498	Sand & gravel mining and processing stormwater only:	2%	10%
162	Sand & gravel mining wastewater and stormwater combined:	2%	20%
13	Aquatic animal production:	3%	20%
11	Coal mining process water and stormwater combined:	20%	20%
14	Non-contact cooling water:	8%	20%
10	Produced water treatment facilities:	20%	20%

	With New Services	Without New Services
Scenario 1:	1	1
Scenario 2:	2	2
Scenario 3:	3	3

Cat./ Sub-cat.	Category Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3	
			with increased services	without increased services	with increased services	without increased services	with increased services	without increased services
07-01	Individual Permits - Low complexity	32	\$3,650	\$3,480	\$4,800	\$4,650	\$3,000	\$2,760
07-02	Individual Permits - medium complexity	22	\$5,900	\$5,630	\$7,800	\$7,560	\$4,800	\$4,420
07-03	Individual Permits - high complexity	48	\$8,100	\$7,730	\$10,750	\$10,430	\$6,700	\$6,160
07-04	Individual Permits - very high complexity	11	\$11,100	\$10,600	\$14,700	\$14,260	\$9,100	\$8,365
07-05	General Permits - low complexity	1,767	\$360	\$160	\$480	\$280	\$300	\$100
07-06	General Permits - medium complexity	175	\$900	\$700	\$1,200	\$1,000	\$750	\$550
07-07	General Permits - high complexity	35	\$3,500	\$3,430	\$4,650	\$4,500	\$2,900	\$2,630

Fee Proposal Scenario Comments

None of the proposals are ready for prime time at this point. The Department should continue to work with stakeholders for a reasonable increase and solution to structural funding shortfalls.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee or \$80 (whichever is greater) 1

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 1

Discharge Permit Comments:

None of the proposals are ready for prime time at this point. The Department should continue to work with stakeholders for a reasonable increase and solution to structural funding shortfalls.

A LA CARTE

Compliance assistance:	1
Administrative Action:	1
Low complexity service:	1
Medium/low complexity service:	1
Medium complexity service:	1
High to very high complexity service:	1

Service Type	Application Fee	Example Actions
Compliance assistance	no fee, fee based on hourly rates above.	<ul style="list-style-type: none"> Compliance assistance inspection or audit, upon request.
Administrative action	\$80	<ul style="list-style-type: none"> Permit transfer. NOX. Minor permit modification (removal of an outfall).
Low complexity service	\$600	<ul style="list-style-type: none"> Permitting exemption, determination that an activity conforms with the division's low risk discharge policy.
Medium/low complexity service	\$1,100	<ul style="list-style-type: none"> Regulatory exemption, determination that a land application activity meets complete evapotranspiration.
Medium complexity service	\$3,800	<ul style="list-style-type: none"> Determination of the types of permit coverage required for a proposed new type of discharge.
High to very high complexity service	\$3,800 submitted with application, additional fees may apply, see hourly rates above	<ul style="list-style-type: none"> PELS. Regulatory exemption, involving complex technical or legal analysis.

A la carte Comments:

None of the proposals are ready for prime time at this point. The Department should continue to work with stakeholders for a reasonable increase and solution to structural funding shortfalls.

Gayle Berry

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Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

WORK GROUP RECOMMENDATIONS

1. Request that division identify trends in non-compliance within sectors and create a compliance assistance model. 1
2. Create a frequently asked question section on the division website organized by topic that includes a string of questions with division responses. 1
3. Permit renewal recommendations for commerce and industry sector:
 - a. Provide education on the permit renewal process for this sector. 1
 - b. Provide education on the drivers of change during permit renewals. 1

Recommendation Comments

None of the proposals are ready for prime time at this point. The Department should continue to work with stakeholders for a reasonable increase and solution to structural funding shortfalls.

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trade-offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

1. Certainty: 1
2. Flexibility: 5
3. Accountability: 3
4. Rationale for setting fees: 2
5. Subsidies for permit holders: 4
6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 5 Years

If selected Other, please explain: None of the proposals are ready for prime time at this point. The Department should continue to work with stakeholders for a reasonable increase and solution to structural funding shortfalls.

7. What do you think is the best manner to adjust for inflation?: As part of the overall, comprehensive look at costs and fees. For example, if the state is in an economic downturn, the fees should not automatically go down; similarly, fees should not automatically increase. Department efficiencies should be reviewed. Implementing best practices from other states should be considered.

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Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

- 1. Fees established by the Water Quality Control Commission. 1
- 2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 1
- 3. A la carte services and fees established and managed by the Water Quality Control Commission. 1
- 4. A la carte services and fees established in statute. 5
- 5. Fee formulas in statute. 5
- 6. Fees in statute with an inflation clause. 1
- 7. Fees in statute without an adjustment for inflation (current model). 5

Fee Comments

None of the proposals are ready for prime time at this point. The Department should continue to work with stakeholders for a reasonable increase and solution to structural funding shortfalls.

General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

- 1. The division has the discretion to spend as needed. 1
- 2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation). 1
- 3. All permit holders receive some general funds but it should largely go to governmental entities. 1
- 4. All permit holders receive equal distribution based on a percentage. 1
- 5. All permit holders receive a percentage based on the department's discretion and other to be determined factors. 1
- 6. No permit holder general fund as it should be a completely cash funded program. 1
- 7. Only small public and private entities receive general fund. 1
- 8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable. 1

General Fund Comments

None of the proposals are ready for prime time at this point. The Department should continue to work with stakeholders for a reasonable increase and solution to structural funding shortfalls.

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Final Ratings

- 1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 1
- 2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest. 1
- 3. Meeting materials increased my overall level of understanding about the history of CleanWater Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities. 1
- 4. Facilitation was effective and objective. 1
- 5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest. 1
- 6. This process was helpful in building professional relationships with peers that I did not have before this process. 3

Final Comments

Item 3 above. Meeting materials provided by CDPHE staff contained inaccurate information. When pressed, accurate information was not provided and questions not adequately answered by staff.

Item 4 above. A third party facilitator should have been acquired by CDPHE. A facilitator who also represents one of the major participants is strongly perceived as not being objective, not being open to other ideas, and not opening objective discussion on shortcomings of proposals.

None of the proposals are ready for prime time at this point. The Department should continue to work with stakeholders for a reasonable increase and solution to structural funding shortfalls.