



Construction Stakeholder Group

Russ Van Skike

Representative for: Broadmoor village Park Properties (Individual)

Phone: 719 360-7844

Email: lr.environment.wwtp@gmail.com

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Did you attend the Construction workgroup meetings?: No

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	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
Scenario 1:	2	3	08-01	Construction Stormwater < 1 acre	136	\$190	\$120	\$150	\$80	\$160	\$90
Scenario 2:	2	3	08-02	Construction Stormwater >= 1 acre to 30 acres	2,725	\$380	\$240	\$300	\$160	\$320	\$180
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			08-05	High Complexity General Permit (Remediation)	53	\$2,440	\$2,300	\$1,800	\$1,660	\$1,930	\$1,790
			08-06	Individual Permit For Construction Activity	3	\$6,000	\$6,000	\$4,000	\$4,000	\$4,600	\$4,600

Fee Proposal Scenario Comments

Having to large of an increase may result in more construction trying to go under the radar and not file for a permit which would also bypass the inspection fees.

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

Expedited general permit certification application fee of three times the annual fee. 1

Discharge Permit Comments:

Again if the fees increase too much there may be more construction trying to bypass the permit process.

I know the need to increase but 25% is too much at one time.

A LA CARTE

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- Compliance assistance: 5
- Administrative Action: 4
- Low complexity service: 3
- Medium/low complexity service: 1
- Medium complexity service: 2
- 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. • R-factor waiver. • Minor permit modification (removal of an outfall).
Low complexity	\$600	<ul style="list-style-type: none"> • Permitting exemption, determination that an activity conforms with the division's low risk discharge policy. • Groundwater contamination analysis with non-dilution based effluent limits, one discharge location. • Groundwater contamination analysis without a determination that facility specific effluent limitations need to be applied (i.e., determination that coverage under the dewatering permit is appropriate).
Low/medium complexity	\$1,100	<ul style="list-style-type: none"> • Regulatory exemption, Determination that a land application activity meets complete evapotranspiration. • Groundwater contamination analysis with non-dilution based effluent limits, 2-5 discharge locations.
Medium complexity	\$3,800	<ul style="list-style-type: none"> • Groundwater contamination analysis with non-dilution based effluent limits, six or more discharge locations.
High to very high complexity	\$3,800 submitted with application, additional fees may apply, see hourly rates above.	<ul style="list-style-type: none"> • PELs for an individual permit. • Regulatory exemption, involving complex technical or legal analysis.

A la carte Comments:

WORK GROUP RECOMMENDATIONS

- 1. The department could be the sole authority in an MS4 jurisdiction per an agreement between CDPHE and the MS4. This would be funded by a fee to construction operators. 3
- 2. The department could be the sole authority in a multi-MS4 project per all party agreement. This would be funded by a fee to construction operators. 3
- 3. A la carte fee setting authority given to WQCC. 1

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: 2
- 2. Flexibility: 3
- 3. Accountability: 3
- 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): 3 Years

If selected Other, please explain:

- 7. What do you think is the best manner to adjust for inflation?: base the increase on the Government's national increase

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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. 4
2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 2
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. 1
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

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
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. 2
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. 4
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. 4
8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable. 5

General Fund Comments

While each permit holder needs to pay an established percent for their permit, the general fund should pay a larger percent because the State and Federal Governments require the actions.

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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. 2
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

Because of all the last minute change,s as being a small stake holder, I was unable to keep up with all the meetings and could pertisapte.

I had trouble find and understanding the information

The first time I tried to submitt my comments the system would not accept the "submitt"

Rick Willard

Representative for: CDOT (Group)

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Email: richard.willard@state.co.us

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Did you attend the Construction workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	Cat./ Sub-cat.	Category Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3	
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Fee Proposal Scenario Comments

CDOT is against any increased service fees until increased services are adequately defined. Where does the 30 acre or greater construction fee come from? Is the 30 acres based on disturbed acres or project area?

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

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

Expedited general permit certification application fee of three times the annual fee. 3

Discharge Permit Comments:

minor and major amendments need to be fully defined

Does CDPHE have the resources to meet the demand for expedited applications?

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

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. R-factor waiver. Minor permit modification (removal of an outfall).
Low complexity	\$600	<ul style="list-style-type: none"> Permitting exemption, determination that an activity conforms with the division's low risk discharge policy. Groundwater contamination analysis with non-dilution based effluent limits, one discharge location. Groundwater contamination analysis without a determination that facility specific effluent limitations need to be applied (i.e., determination that coverage under the dewatering permit is appropriate).
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A la carte Comments:

Is a training component part of the compliance assistance?

Does compliance assistance inspections/audits meet EPA regulations?

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WORK GROUP RECOMMENDATIONS

- 1. The department could be the sole authority in an MS4 jurisdiction per an agreement between CDPHE and the MS4. This would be funded by a fee to construction operators. 1
- 2. The department could be the sole authority in a multi-MS4 project per all party agreement. This would be funded by a fee to construction operators. 4
- 3. A la carte fee setting authority given to WQCC. 3

Recommendation Comments

All of the above recommendations apply to the MS4 workgroup recommendation as well.

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: 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?: have language added into the 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
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- 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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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 full completion of many discussions.

Robert Granica

Representative for: Lennar Colorado LLC (Group)

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Fee Proposal Scenario Comments

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Discharge Permit Comments:

A LA CARTE

- Compliance assistance: 5
- Administrative Action: 4
- Low complexity service: 4
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Service Type	Application Fee	Example Actions
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Recommendation Comments

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1. Certainty: 2
2. Flexibility: 2
3. Accountability: 1
4. Rationale for setting fees: 1
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:
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. 4
2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 5
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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. 3
7. Fees in statute without an adjustment for inflation (current model). 2

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Recommendation Comments

Ginny Johnson

Representative for: Colorado Springs Utilities (Individual)

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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.

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). 4
- 3. All permit holders receive some general funds but it should largely go to governmental entities. 3
- 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. 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

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. 4
- 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. 5
- 4. Facilitation was effective and objective. 5
- 5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest. 4
- 6. This process was helpful in building professional relationships with peers that I did not have before this process. 3

Final Comments

Michael Gifford

Representative for: Associated General Contractors of Colorado (Group)

Phone: 303-388-2422

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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.

Did you attend the Construction workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	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
Scenario 1:	2	1	08-01	Construction Stormwater < 1 acre	136	\$190	\$120	\$150	\$80	\$160	\$90
Scenario 2:	5	2	08-02	Construction Stormwater >= 1 acre to 30 acres	2,725	\$380	\$240	\$300	\$160	\$320	\$180
Scenario 3:	2	2	08-03	Construction Stormwater > 30 acres	627	\$570	\$240	\$450	\$160	\$480	\$180
			08-04	Low Complexity General Permit (Hydrostatic and Dewatering)	422	\$1,040	\$900	\$740	\$600	\$830	\$690
			08-05	High Complexity General Permit (Remediation)	53	\$2,440	\$2,300	\$1,800	\$1,660	\$1,930	\$1,790
			08-06	Individual Permit For Construction Activity	3	\$6,000	\$6,000	\$4,000	\$4,000	\$4,600	\$4,600

Fee Proposal Scenario Comments

AGC supports Fee Proposal Scenario 2 as it allows each industry sector to pay its own way through fees. Construction in particular is paying \$210,000 more into the program than it is using, subsidizing other industry groups.

AGC supports the the proposed Fee Structure for Construction/Stormwater because its sets up a formula based on acre/size, which is more fair to small and large projects, and it provides enough department funding to fully comply with EPA monitoring requirements. This will remove the threat of an EPA Region 8 site inspection. Contractors now have to deal with 3 different sets of inspectors (EPA, CDPHE and MS4). This proposal, if enacted, will remove one of those 3 from the mix, allowing contractors to focus on CDPHE and MS4 regulations. At the same time, fee setting authority remains with the legislature so we feel we have proper oversight of CDPHE as the new system is put in place.

Finally, this Fee Structure allows the Water Quality Division to implement the recommendations contained in HB12-1119.

1. Meet EPA monitoring goal of 10%
2. Shift from a "speed-trap" type of inspection and enforcement to an "Alternative Compliance Assurance Assistance model that both allows for improved targeting of enforcement resources on chronic and recalcitrant violators while encouraging and facilitating proactive compliance". (HB-12-1119 Report to the legislature, p.33). This will allow CDPHE to focus on chronic violators, and be more supportive of first-time violaters that make an effort to correct findings in a timely manner
3. Reduce fines for first-time violaters

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

Expedited general permit certification application fee of three times the annual fee. 5

Discharge Permit Comments:

AGC supports the option of paying for expedited Discharge Permits.

A LA CARTE

Michael Gifford

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

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. • R-factor waiver. • Minor permit modification (removal of an outfall).
Low complexity	\$600	<ul style="list-style-type: none"> • Permitting exemption, determination that an activity conforms with the division's low risk discharge policy. • Groundwater contamination analysis with non-dilution based effluent limits, one discharge location. • Groundwater contamination analysis without a determination that facility specific effluent limitations need to be applied (i.e., determination that coverage under the dewatering permit is appropriate).
Low/medium complexity	\$1,100	<ul style="list-style-type: none"> • Regulatory exemption, Determination that a land application activity meets complete evapotranspiration. • Groundwater contamination analysis with non-dilution based effluent limits, 2-5 discharge locations.
Medium complexity	\$3,800	<ul style="list-style-type: none"> • Groundwater contamination analysis with non-dilution based effluent limits, six or more discharge locations.
High to very high complexity	\$3,800 submitted with application, additional fees may apply, see hourly rates above.	<ul style="list-style-type: none"> • PELs for an individual permit. • Regulatory exemption, involving complex technical or legal analysis.

A la carte Comments:

WORK GROUP RECOMMENDATIONS

1. The department could be the sole authority in an MS4 jurisdiction per an agreement between CDPHE and the MS4. This would be funded by a fee to construction operators. 5

2. The department could be the sole authority in a multi-MS4 project per all party agreement. This would be funded by a fee to construction operators. 5

3. A la carte fee setting authority given to WQCC. 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 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: 2
- 2. Flexibility: 4
- 3. Accountability: 1
- 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): 3 Years

If selected Other, please explain:

7. What do you think is the best manner to adjust for inflation?: Permit fees should be adjusted over time by an inflation index agreed to by stakeholder group. This could then be approved by the legislature along with the fee structure. We need to make sure the fund stays solvent or CDPHE will have to lay-off, or not replace, personnel and EPA will be back inspecting construction sites in Colorado.

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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. | 2 |
| 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. | 4 |
| 6. Fees in statute with an inflation clause. | 5 |
| 7. Fees in statute without an adjustment for inflation (current model). | 2 |

Fee Comments

For now, we have made a huge change in the way fees are set versus the statute from the 1980's. AGC would like to see the new fee structure placed in statute and then we can evaluate in 3 years if more flexibility is warranted (such as setting a fee in statute with a formula and a ceiling on how much the Water Quality Control Commission can adjust 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.

- | | |
|---|---|
| 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). | 2 |
| 3. All permit holders receive some general funds but it should largely go to governmental entities. | 2 |
| 4. All permit holders receive equal distribution based on a percentage. | 5 |
| 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. | 2 |
| 8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable. | 2 |

General Fund Comments

AGC would rather see scarce and limited general fund dollars spent on state infrastructure needs like capital construction, controlled maintenance, K-12 BEST Grants, transportation, and support of local water & sewer projects via DOLA.

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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. 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 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. 4
- 5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest. 4
- 6. This process was helpful in building professional relationships with peers that I did not have before this process. 5

Final Comments

Theresa Conley

Representative for: Conservation Colorado (Group)

Phone: 303-605-3482

Email: theresa@conservationco.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 Construction workgroup meetings?: No

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	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
Scenario 1:	1	1	08-01	Construction Stormwater < 1 acre	136	\$190	\$120	\$150	\$80	\$160	\$90
Scenario 2:	2	2	08-02	Construction Stormwater >= 1 acre to 30 acres	2,725	\$380	\$240	\$300	\$160	\$320	\$180
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			08-05	High Complexity General Permit (Remediation)	53	\$2,440	\$2,300	\$1,800	\$1,660	\$1,930	\$1,790
			08-06	Individual Permit For Construction Activity	3	\$6,000	\$6,000	\$4,000	\$4,000	\$4,600	\$4,600

Fee Proposal Scenario Comments

Need changes to fee structure to ensure the WQCD can operate without creating an annual deficit.

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

Expedited general permit certification application fee of three times the annual fee. 5

Discharge Permit Comments:

The WCQD should charge for applications as well as modifications. Currently, they are not being paid for the extra time and effort incurred during the initial review and major modifications.

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.
Administrative action	\$80	<ul style="list-style-type: none"> Permit transfer. R-factor waiver. Minor permit modification (removal of an outfall).
Low complexity	\$600	<ul style="list-style-type: none"> Permitting exemption, determination that an activity conforms with the division's low risk discharge policy. Groundwater contamination analysis with non-dilution based effluent limits, one discharge location. Groundwater contamination analysis without a determination that facility specific effluent limitations need to be applied (i.e., determination that coverage under the dewatering permit is appropriate).
Low/medium complexity	\$1,100	<ul style="list-style-type: none"> Regulatory exemption, Determination that a land application activity meets complete evapotranspiration. Groundwater contamination analysis with non-dilution based effluent limits, 2-5 discharge locations.
Medium complexity	\$3,800	<ul style="list-style-type: none"> Groundwater contamination analysis with non-dilution based effluent limits, six or more discharge locations.
High to very high complexity	\$3,800 submitted with application, additional fees may apply, see hourly rates above.	<ul style="list-style-type: none"> PELs for an individual permit. Regulatory exemption, involving complex technical or legal analysis.

A la carte Comments:

Optional and fee amount is based on level of complexity which makes sense.

Theresa Conley

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WORK GROUP RECOMMENDATIONS

1. The department could be the sole authority in an MS4 jurisdiction per an agreement between CDPHE and the MS4. This would be funded by a fee to construction operators.
2. The department could be the sole authority in a multi-MS4 project per all party agreement. This would be funded by a fee to construction operators.
3. A la carte fee setting authority given to WQCC.

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: 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?:

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. 5
4. A la carte services and fees established in statute. 4
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 Commission has the experience and expertise necessary to establish and manage the fees and a la carte services. Conservation Colorado strongly supports the Commission having the authority to do so.

Theresa Conley

Representative for: Conservation Colorado (Group)

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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. 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). 5
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

General funds are limited and could be decreased in the future. Conservation Colorado strongly believes that the Gen Fund should be limited to public and governmental entities.

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 Clean Water 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

Fee back based on other meetings attended.

Tom Repp

Representative for: Douglas County (Group)
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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.

Did you attend the Construction workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services
Scenario 1:	3	3
Scenario 2:	3	3
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
08-01	Construction Stormwater < 1 acre	136	\$190	\$120	\$150	\$80	\$160	\$90
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08-06	Individual Permit For Construction Activity	3	\$6,000	\$6,000	\$4,000	\$4,000	\$4,600	\$4,600

Fee Proposal Scenario Comments

The ability of the WQCD to continue to retain and maintain its Program by meeting the requirements put forth by the EPA is very important to Douglas County. All permit and other fees collected by the WQCD should go towards funding that program. We dont want to subsidize other programs, nor do we expect to be subsidized by other programs.

In our opinion, the fee options are not as important as the process to obtain the fees and the justification/accountability of the fee increase.

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
- Expedited general permit certification application fee of three times the annual fee. 3

Discharge Permit Comments:

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

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. • R-factor waiver. • Minor permit modification (removal of an outfall).
Low complexity	\$600	<ul style="list-style-type: none"> • Permitting exemption, determination that an activity conforms with the division's low risk discharge policy. • Groundwater contamination analysis with non-dilution based effluent limits, one discharge location. • Groundwater contamination analysis without a determination that facility specific effluent limitations need to be applied (i.e., determination that coverage under the dewatering permit is appropriate).
Low/medium complexity	\$1,100	<ul style="list-style-type: none"> • Regulatory exemption, Determination that a land application activity meets complete evapotranspiration. • Groundwater contamination analysis with non-dilution based effluent limits, 2-5 discharge locations.
Medium complexity	\$3,800	<ul style="list-style-type: none"> • Groundwater contamination analysis with non-dilution based effluent limits, six or more discharge locations.
High to very high complexity	\$3,800 submitted with application, additional fees may apply, see hourly rates above.	<ul style="list-style-type: none"> • PELs for an individual permit. • Regulatory exemption, involving complex technical or legal analysis.

A la carte Comments:

We would like to see any compliance assistance offered/performed by the WQCD to be charged a la carte, or as needed, to those who either apply for it or are determined to require it by the WQCD.

We would like to see adequate justification regarding the WQCD's desire/need to obtain sufficient funding to increase

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Program Staff. We are inclined to believe the increase is necessary, but would like better justification so that we can support the increase. It appears to us that the additional staff could assist in field compliance at construction sites.

WORK GROUP RECOMMENDATIONS

1. The department could be the sole authority in an MS4 jurisdiction per an agreement between CDPHE and the MS4. This would be funded by a fee to construction operators. 1
2. The department could be the sole authority in a multi-MS4 project per all party agreement. This would be funded by a fee to construction operators. 1
3. A la carte fee setting authority given to WQCC. 1

Recommendation Comments

Standard engineering and construction practice dictates the most stringent regulation shall apply. Typical engineering and construction projects have standards and specifications that are tailored to the constraints of the specific jurisdiction. Prior to the start of design and construction, those standards are established. In the case of a multi-MS4 project, it is the project representatives responsibility to establish the jurisdictional requirements that will impact their project. When there are multiple MS4's affected, a coordination meeting be conducted very early in the project to establish the standards in the multi-MS4 project. Documenting the standards for all-parties to sign would be the suggested; it could be a Memorandum of Understanding or more formal agreement depending on the jurisdictional requirements. A great case example to follow is the pilot transmissions line project involving SB45. The project included the following MS4's Parker, Douglas County, Arapahoe County, and Aurora. Douglas County was the most stringent and all parties agreed to use Douglas County erosion control standards. This project proved the success of MS4's work together with the project representatives. In the stakeholder small group, it was admitted by the Division that the cost to the project by using the Division would be very expensive.

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: 5
2. Flexibility: 3
3. Accountability: 1
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): Other

If selected Other, please explain: A formal public stakeholder process should be conducted, so the Division can justify the need for additional fees or a change in structure. Internally the Division should account annually in checks and balances to have this information readily available in the time of revenue needs. Throughout this process, the Division struggled with justification of the current structure to the modified structure.

7. What do you think is the best manner to adjust for inflation?: Using a standard accounting method that is supported by the accounting industry and can be validated within the accounting industry.

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

Fee Comments

The fees determination should remain in statutes, not with the WQCC. The small stakeholder group strongly supported that the current statutory process for setting fees not be changed. We strongly believe that if the WQCD ignores the consensus, which does exist, of the stakeholders to only set fees through the legislative process, the WQCD will lose the support it now enjoys from its clientele. The WQCD now has a substantial base of support that it has built among its users through the stakeholder process and it would risk losing that, as would the CDPHE in general, if the decision is made to pursue giving the Commission the power to set fees. It is our opinion that the fee justification was not explained in enough detail and was therefore difficult for the WQCD to quantify its shortcomings to its stakeholders. This accounting problem should be resolved prior to moving forward with the legislative process.

Separating out categories in any legislative proposal should also be discouraged. The fees should continue to be evaluated in their entirety to also preserve the general fund.

It has been asked before, and we would still like to know the WQCDs formal position regarding having the fee process set by the Commission rather than the legislature, and why? Also, does it make any difference to the WQCD that the stakeholders want the legislature to set the fees? This topic has been generally avoided and yet is a constant stated issue in every group we have attended.

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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.

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). 2
3. All permit holders receive some general funds but it should largely go to governmental entities. 2
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. 4
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. 2
8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable. 4

General Fund Comments

Separating out categories in any legislative proposal should also be discouraged. The fees should continue to be evaluated in their entirety to also preserve the general fund.

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. 1
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. 2
4. Facilitation was effective and objective. 2
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. 5

Final Comments

To maintain what we consider to be our excellent working relationship with the WQCD in general, and the MS4 Program staff in particular, we sincerely hope that you all understand our input in this process is not personal, and that we genuinely care about trying to do our best with our MS4 Program, based on MEP and the resources available to both you and us.

All in all it was a good learning and participatory process. That being said, we have four exceptions to how the process was handled and how two are still being handled:

First, the start of the process could have been less positional from the WQCD's perspective. The term "silence equals agreement" was used immediately in the first meeting when setting ground rules. In fact, as a permit holder, we were not informed of the first meeting by the Division. If we were not present due to the lack of formal invites, we could not have developed a negotiated process of publicly stating an organizational opinion. Setting this position early on increased the lack of initial trust and reduced productivity in the early stages of the process. This could have been avoided through open invitations and less positional structure from the Division.

Tom Repp

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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.

Second, the whole concept of defining a consensus as being something less than the true meaning of the word defies the whole notion of consensus, in other words the Division's use of the "minus one" idea. One very significant example is, at one stakeholder large group meeting, there was one dissident that the WQCD was never willing to disclose at the meeting that may have been the "minus one." This example, in part, relates to this being an open and public process, but a "sense of fairness" seemed to be compromised in that there might be a "secret voter" that has the Division's "ear" and is just as, or more so, influential as the participating stakeholders. Assuming that to be true, why even have the stakeholder process if such an occurrence can control the outcome despite the stakeholder process.

Third, sometimes process took priority over substance. This was unfortunate and should be avoided in the future. What is the outcome desired, efficiency in process or a credible outcome that has legitimacy and authenticity?

Lastly, the facilitators basically did a good job representing the WQCD's interests, but perhaps inadvertently in some instances, caused stakeholder "comfort levels" to be reduced during some of the meetings. At times, the facilitators were pushy towards the stakeholders when trying to obtain information if nothing was forthcoming by stakeholders (e.g., singling out a stakeholder representative at times to try to facilitate further discussion). In all fairness, the WQCD should allow silence at times when the stakeholders present may not be in a position to immediately offer information to share and may need another meeting to discuss this issues.

Matthew Zoccali

Representative for: City of Fort Collins (Group)

Phone: 970-224-6008

Email: mzoccali@fcgov.com

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 Construction workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	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
Scenario 1:	4	2	08-01	Construction Stormwater < 1 acre	136	\$190	\$120	\$150	\$80	\$160	\$90
Scenario 2:	4	2	08-02	Construction Stormwater >= 1 acre to 30 acres	2,725	\$380	\$240	\$300	\$160	\$320	\$180
Scenario 3:	3	3	08-03	Construction Stormwater > 30 acres	627	\$570	\$240	\$450	\$160	\$480	\$180
			08-04	Low Complexity General Permit (Hydrostatic and Dewatering)	422	\$1,040	\$900	\$740	\$600	\$830	\$690
			08-05	High Complexity General Permit (Remediation)	53	\$2,440	\$2,300	\$1,800	\$1,660	\$1,930	\$1,790
			08-06	Individual Permit For Construction Activity	3	\$6,000	\$6,000	\$4,000	\$4,000	\$4,600	\$4,600

Fee Proposal Scenario Comments

The City of Fort Collins (COFC) is supportive of the Division's mission to achieve increased services and agrees that these new services are needed. COFC understands and appreciates that "with increased services" relates to additional oversight inspections to EPA compliance goals and assist the permittee in a return to compliance. COFC is supportive of the three acreage based tiers for permitting.

It is understood that the Division intends to apply one scenario across all sectors. It is also understood that the 32.2% increase presented in scenario 1 is not per individual permit, but applied across the sector. COFC is supportive of an emphasis on compliance consultation with no increase in enforcement. COFC is supportive of the increased services but also must keep an eye on costs to rate-payers. Scenario 2 appears to meet both these goals but with out additional details on the specific differences in services provided it is hard to offer more in-depth comments. Additionally, as a municipality with permits in all sectors, it is difficult to comment on each scenario individually and provide consistent feedback. COFC staff attended stakeholder sessions for some sectors, but not all. Trying to get feedback on this idea of subsidizing MS4 if they turn over governance to Division

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee or \$80 (whichever is greater) 4

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

Expedited general permit certification application fee of three times the annual fee. 3

Discharge Permit Comments:

It is difficult for COFC to comment on permit modification fees without knowing what activities constitute a major or minor amendment.

A LA CARTE

Matthew Zoccali

Representative for: City of Fort Collins (Group)

Phone: 970-224-6008

Email: mzoccali@fcgov.com

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

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. • R-factor waiver. • Minor permit modification (removal of an outfall).
Low complexity	\$600	<ul style="list-style-type: none"> • Permitting exemption, determination that an activity conforms with the division's low risk discharge policy. • Groundwater contamination analysis with non-dilution based effluent limits, one discharge location. • Groundwater contamination analysis without a determination that facility specific effluent limitations need to be applied (i.e., determination that coverage under the dewatering permit is appropriate).
Low/medium complexity	\$1,100	<ul style="list-style-type: none"> • Regulatory exemption, Determination that a land application activity meets complete evapotranspiration. • Groundwater contamination analysis with non-dilution based effluent limits, 2-5 discharge locations.
Medium complexity	\$3,800	<ul style="list-style-type: none"> • Groundwater contamination analysis with non-dilution based effluent limits, six or more discharge locations.
High to very high complexity	\$3,800 submitted with application, additional fees may apply, see hourly rates above.	<ul style="list-style-type: none"> • PELs for an individual permit. • Regulatory exemption, involving complex technical or legal analysis.

A la carte Comments:

We are supportive of keeping compliance assistance as a no fee service, and supportive of paying a fee for the listed a la carte services.

WORK GROUP RECOMMENDATIONS

- 1. The department could be the sole authority in an MS4 jurisdiction per an agreement between CDPHE and the MS4. This would be funded by a fee to construction operators. 2
- 2. The department could be the sole authority in a multi-MS4 project per all party agreement. This would be funded by a fee to construction operators. 4
- 3. A la carte fee setting authority given to WQCC. 1

Recommendation Comments

The City of Fort Collins has concerns about how the first recommendation might affect city-administered programs and fees that currently exist to cover these activities, but is open to discussion about how that recommendation would work operationally. There may be benefits to the second recommendation in sites that cross jurisdictional boundaries, such as consistency and clarity for construction site operators.

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

If selected Other, please explain: 3-5 years is a reasonable time frame.

7. What do you think is the best manner to adjust for inflation?: Given that the expenses are mainly for labor rather than capital, it would be appropriate to adjust for inflation with the consumer price index.

Matthew Zoccali

Representative for: City of Fort Collins (Group)

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Email: mzoccali@fcgov.com

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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. 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. 4
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

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
4. All permit holders receive equal distribution based on a percentage. 3
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. 3
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

More details about how some of above items work in real-world are necessary to be swayed one way or another. An allowance for department discretion in distribution of general funds is less-than-desirable.

Matthew Zoccali

Representative for: City of Fort Collins (Group)

Phone: 970-224-6008

Email: mzoccali@fcgov.com

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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

Joe Jenkins, PG, CHMM, CPESC

Representative for: Black Hills Corporation (Group)

Phone: 303-566-3446

Email: joe.jenkins@blackhillscorp.com

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 Construction workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	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
Scenario 1:	1	2	08-01	Construction Stormwater < 1 acre	136	\$190	\$120	\$150	\$80	\$160	\$90
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			08-06	Individual Permit For Construction Activity	3	\$6,000	\$6,000	\$4,000	\$4,000	\$4,600	\$4,600

Fee Proposal Scenario Comments

We have concerns with this comment process as it is difficult to evaluate and comment on a two-sentence description for the scenarios. Scenario 3 is confusing because it makes an assumption related to federal funding that is contradictory to the assumptions immediately below (federal funds not incorporated vs. federal funding remains static). We support increased services being available so they can promote compliance through open dialogue with the regulated community outside of the inspection process. We also support fees based on impact and complexity and that appears to fit Scenario 2 best.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee or \$80 (whichever is greater) 4

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

Expedited general permit certification application fee of three times the annual fee. 2

Discharge Permit Comments:

We believe the permit fee should include these costs.

A LA CARTE

Compliance assistance: 5

Administrative Action: 3

Low complexity service: 3

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. R-factor waiver. Minor permit modification (removal of an outfall).
Low complexity	\$600	<ul style="list-style-type: none"> Permitting exemption, determination that an activity conforms with the division's low risk discharge policy. Groundwater contamination analysis with non-dilution based effluent limits, one discharge location. Groundwater contamination analysis without a determination that facility specific effluent limitations need to be applied (i.e., determination that coverage under the dewatering permit is appropriate).
Low/medium complexity	\$1,100	<ul style="list-style-type: none"> Regulatory exemption, Determination that a land application activity meets complete evapotranspiration. Groundwater contamination analysis with non-dilution based effluent limits, 2-5 discharge locations.
Medium complexity	\$3,800	<ul style="list-style-type: none"> Groundwater contamination analysis with non-dilution based effluent limits, six or more discharge locations.
High to very high complexity	\$3,800 submitted with application, additional fees may apply, see hourly rates above.	<ul style="list-style-type: none"> PELs for an individual permit. Regulatory exemption, involving complex technical or legal analysis.

A la carte Comments:

Joe Jenkins, PG, CHMM, CPESC

Representative for: Black Hills Corporation (Group)

Phone: 303-566-3446

Email: joe.jenkins@blackhillscorp.com

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WORK GROUP RECOMMENDATIONS

1. The department could be the sole authority in an MS4 jurisdiction per an agreement between CDPHE and the MS4. This would be funded by a fee to construction operators. 3
2. The department could be the sole authority in a multi-MS4 project per all party agreement. This would be funded by a fee to construction operators. 3
3. A la carte fee setting authority given to WQCC. 3

Recommendation Comments

We prefer to have the a la carte fees set through a statutory process consistent with the current fee setting process.

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:
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): 5 Years

If selected Other, please explain:

7. What do you think is the best manner to adjust for inflation?: Inflation should be considered in setting fees on the front side of the process. Inflation should be considered as part of any fee adjustments proposed at the minimum five-year point.

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. 3
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. 3
6. Fees in statute with an inflation clause. 2
7. Fees in statute without an adjustment for inflation (current model). 4

Fee Comments

We are good with fee structure defined in the first few boxes that is descriptive to provide certainty for budget and planning purposes.

Joe Jenkins, PG, CHMM, CPESC

Representative for: Black Hills Corporation (Group)

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Email: joe.jenkins@blackhillscorp.com

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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
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
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. 3
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

Distribution of funds should be equitable to those participating in the program.

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. 4
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. 4
5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest. 4
6. This process was helpful in building professional relationships with peers that I did not have before this process. 5

Final Comments

At times there were too many meetings to fully participate, particularly if you had a vested interest in multiple stakeholder groups.

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 Construction workgroup meetings?: No

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	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

While we are not against fee increases in general, there is not enough information at this time to provide meaningful feedback. The alignment of staff and duties in the Division may or may support the most efficient use of the current funds so it is difficult to assess the actual need for any fee increases. Even if past tracking doesn't allow for complete analysis, justification and rationale for moving forward are needed before proceeding.

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. 2
- Expedited general permit certification application fee of three times the annual fee. 4

Discharge Permit Comments:

Without understanding what would be considered a minor or major modification, it is difficult to comment on the suggestion. Initially it seems like modifications could be a flat fee based on Division time rather than scaled by percent of permit fees.

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: 4

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. R-factor waiver. Minor permit modification (removal of an outfall).
Low complexity	\$600	<ul style="list-style-type: none"> Permitting exemption, determination that an activity conforms with the division's low risk discharge policy. Groundwater contamination analysis with non-dilution based effluent limits, one discharge location. Groundwater contamination analysis without a determination that facility specific effluent limitations need to be applied (i.e., determination that coverage under the dewatering permit is appropriate).
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High to very high complexity	\$3,800 submitted with application, additional fees may apply, see hourly rates above.	<ul style="list-style-type: none"> PELs for an individual permit. Regulatory exemption, involving complex technical or legal analysis.

A la carte Comments:

We recommend a cap on fees in the high to very high complexity categories. We appreciate having clear examples of the a la carte services in each category.

Cal Youngberg

Representative for: City of Longmont (Individual)

Phone: 303-651-8399

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WORK GROUP RECOMMENDATIONS

1. The department could be the sole authority in an MS4 jurisdiction per an agreement between CDPHE and the MS4. This would be funded by a fee to construction operators. 3
2. The department could be the sole authority in a multi-MS4 project per all party agreement. This would be funded by a fee to construction operators. 3
3. A la carte fee setting authority given to WQCC. 2

Recommendation Comments

The delegation of authority to CDPHE is an interesting concept, but the practical and legal ramifications need more discussion and investigation to determine if this would be workable or not. Having CDPHE as the sole authority on construction sites would probably result in less inspections and oversight than is currently provided by MS4s. Local jurisdictions are still required to have a local control ordinance and local regulatory programs so legal responsibilities would overlap with CDPHE unless the MS4/CDPHE agreement was very specific. If these concepts are seriously considered, they need to be discussed with the MS4 workgroup.

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: 4
3. Accountability: 1
4. Rationale for setting fees: 2
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?: Use a consistent and thorough method to assess your future needs and set your fees for the next cycle accordingly. Relying on CPI or other indexes does not necessarily reflect the actual Division needs.

Cal Youngberg

Representative for: City of Longmont (Individual)

Phone: 303-651-8399

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

Fee Comments

If fee authority were to go to the WQCC, their authority and limitations would have to be clearly defined in statute.

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. 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. 4
- 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. 1

General Fund Comments

Cal Youngberg

Representative for: City of Longmont (Individual)

Phone: 303-651-8399

Email: cal.youngberg@ci.longmont.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.

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

Brandon Simao

Representative for: Kraemer North America (Group)

Phone: 303-356-3001

Email: bsimao@edkraemer.com

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 Construction workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	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
Scenario 1:	4	1	08-01	Construction Stormwater < 1 acre	136	\$190	\$120	\$150	\$80	\$160	\$90
Scenario 2:	5	1	08-02	Construction Stormwater >= 1 acre to 30 acres	2,725	\$380	\$240	\$300	\$160	\$320	\$180
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			08-04	Low Complexity General Permit (Hydrostatic and Dewatering)	422	\$1,040	\$900	\$740	\$600	\$830	\$690
			08-05	High Complexity General Permit (Remediation)	53	\$2,440	\$2,300	\$1,800	\$1,660	\$1,930	\$1,790
			08-06	Individual Permit For Construction Activity	3	\$6,000	\$6,000	\$4,000	\$4,000	\$4,600	\$4,600

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

Expedited general permit certification application fee of three times the annual fee. 3

Discharge Permit Comments:

A LA CARTE

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

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. • R-factor waiver. • Minor permit modification (removal of an outfall).
Low complexity	\$600	<ul style="list-style-type: none"> • Permitting exemption, determination that an activity conforms with the division's low risk discharge policy. • Groundwater contamination analysis with non-dilution based effluent limits, one discharge location. • Groundwater contamination analysis without a determination that facility specific effluent limitations need to be applied (i.e., determination that coverage under the dewatering permit is appropriate).
Low/medium complexity	\$1,100	<ul style="list-style-type: none"> • Regulatory exemption, Determination that a land application activity meets complete evapotranspiration. • Groundwater contamination analysis with non-dilution based effluent limits, 2-5 discharge locations.
Medium complexity	\$3,800	<ul style="list-style-type: none"> • Groundwater contamination analysis with non-dilution based effluent limits, six or more discharge locations.
High to very high complexity	\$3,800 submitted with application, additional fees may apply, see hourly rates above.	<ul style="list-style-type: none"> • PELs for an individual permit. • Regulatory exemption, involving complex technical or legal analysis.

A la carte Comments:

WORK GROUP RECOMMENDATIONS

1. The department could be the sole authority in an MS4 jurisdiction per an agreement between CDPHE and the MS4. This would be funded by a fee to construction operators. 5
2. The department could be the sole authority in a multi-MS4 project per all party agreement. This would be funded by a fee to construction operators. 5
3. A la carte fee setting authority given to WQCC. 2

Recommendation Comments

We believe that fee setting authority should remain in Statue, however we would be open to legislative language that

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allows for an increase based upon a metric in order to account for inflation.

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: 4
- 2. Flexibility: 1
- 3. Accountability: 3
- 4. Rationale for setting fees: 2
- 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. 2
- 2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 2
- 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. 5
- 7. Fees in statute without an adjustment for inflation (current model). 1

Fee Comments

Brandon Simao

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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. 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). 3
3. All permit holders receive some general funds but it should largely go to governmental entities. 3
4. All permit holders receive equal distribution based on a percentage. 3
5. All permit holders receive a percentage based on the department's discretion and other to be determined factors. 3
6. No permit holder general fund as it should be a completely cash funded program. 3
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. 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. 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. 4
6. This process was helpful in building professional relationships with peers that I did not have before this process. 4

Final Comments

Large group meetings were most effective to share information across the various stakeholder groups, but were a poor mechanism for discussion of specific topics. Those in attendance appeared to be present in order to collect information and therefore had difficulty coming to consensus, even so far as agreement to how meetings should be conducted.

Meeting facilitation was heavily restricted by agenda and time, and at times restricted solid discussion regarding the issues. Would recommend that some of the smaller groups had longer working periods with less restrictive agendas in order to discuss topics fully. Emphasis should be placed on quality of discussion rather than time allotted for meeting.

Chantell Johnson

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

Phone: 303.254.3185

Email: cjohnson@tristategt.org

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Did you attend the Construction workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	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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			08-06	Individual Permit For Construction Activity	3	\$6,000	\$6,000	\$4,000	\$4,000	\$4,600	\$4,600

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) 4

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

Expedited general permit certification application fee of three times the annual fee. 4

Discharge Permit Comments:

Expedited general permit certifications would be most valuable if they could be issued in fewer than five days.

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. • R-factor waiver. • Minor permit modification (removal of an outfall).
Low complexity	\$600	<ul style="list-style-type: none"> • Permitting exemption, determination that an activity conforms with the division's low risk discharge policy. • Groundwater contamination analysis with non-dilution based effluent limits, one discharge location. • Groundwater contamination analysis without a determination that facility specific effluent limitations need to be applied (i.e., determination that coverage under the dewatering permit is appropriate).
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High to very high complexity	\$3,800 submitted with application, additional fees may apply, see hourly rates above.	<ul style="list-style-type: none"> • PELs for an individual permit. • 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.

WORK GROUP RECOMMENDATIONS

1. The department could be the sole authority in an MS4 jurisdiction per an agreement between CDPHE and the MS4. This would be funded by a fee to construction operators. 3

2. The department could be the sole authority in a multi-MS4 project per all party agreement. This would be funded by a fee to construction operators. 3

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3. A la carte fee setting authority given to WQCC.☐

1

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: 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 strongly supports keeping fees in statute.

Chantell Johnson

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General Fund

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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. 2

Final Comments

Rebecca Sturgeon

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

Phone: 303-294-2189

Email:

rebecca.sturgeon@xcelenergy.com

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 Construction workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	Cat./ Sub-cat.	Category Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3	
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Fee Proposal Scenario Comments

It is difficult to provide feedback on the three proposed scenerios as the division has not provided sufficient information that explained the Division funding deficiencies. They have also not clearly defined what "new services" will include. For the construction section it is difficult to support increased permit fees since this section has been self funding itself all along. It is also hard to support increased services for the compliance assistance request since the Colorado Stormwater Excellence Program is already available for contractors. If a contractor wants compliance assistance than they should pay the extra cost to take advantage of the CSEP on their site instead of increasing permit fees for everyone who may not necessarily want compliance assistance on their project.

I appreciate the breakdown on the construction stormwater permit fees based on acreage. However, I am wonder how the 30 acre cut was determined. Why not 40 or 50 acres?

If fee increases are adopted how quickly will the new fees go into effect? Companies have budgets that are often approved 1-2 years in advance. If a permit fee is going to increase companies need to know how that will impact their budgets.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee or \$80 (whichever is greater) 4

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

Expedited general permit certification application fee of three times the annual fee. 2

Discharge Permit Comments:

It has not been clearly defined as to what is considered a minor and major amendment. For construction permits, the review time for a modification should not be difficult or time consuming. The proposed 25% and 50% charges seem extreme. The "payment is due at the time of application" is concerning. At the present time invoices are sent to the permittee after the permit/modification has been issued. Will permittees be expected to submit a payment when the application is dropped off or will the Division continue to invoice permittees at a later time?

I do not recall seeing anything in writing as to what is considered an expedited permit review other than Division Staff verbally indicating that for Dewatering Permits it would be 4-7 days and Remediation Permits would be 7-10 days. Again the "payment is due at the time of application" is concerning. Will permittees be expected to submit a payment when the application is dropped off for expedited services or will the Division invoice permittees at a later time? We are also concerned if everyone is submitting requests for expedited services how will that impact permittees that are not seeking expedited services, will there be a delay in issuing non-expedited permits? The new proposed permit fee for dewatering

Rebecca Sturgeon

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permits is almost double from what it currently is. Expedited services would not be adding additional work for the Division only reviewing/approving and issuing the permit in a shorter time period. Three times the annual permit fees seems extreme, would recommend only charging double the annual permit fee to expedite.

A LA CARTE

- Compliance assistance: 3
- Administrative Action: 2
- 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.
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High to very high complexity	\$3,800 submitted with application, additional fees may apply, see hourly rates above.	<ul style="list-style-type: none"> • PELs for an individual permit. • Regulatory exemption, involving complex technical or legal analysis.

A la carte Comments:

For Administrative Action I am supportive of the fee for permit transfer and R Factor Waiver, however I am confused by the permit modification (removal of an outfall) in this section because I figure that would be covered under the minor/major modification charge of 25% or 50% above.

For Low Complexity Service we agree this is an important service to provide, but \$600 seems extreme. Assuming a Senior Level Staff member performs this duty the cost equates to approximately 6 hours which seems like more time than it would take to make the determination and write the letter.

Assuming the Low, Medium/Low, Medium, High to very High complexity service is a charge for the Division to do the investigation for a permittee because they are unable/capable of doing the investigation for permit submittal on their own, we support a fee charge (though this is a service Xcel would most likely never utilize). However, if the proposed fees are in addition to the annual permit fee for the Division to review what the permittee has submitted in the application than we are not in support of this complexity service fee as the Division's review should be covered by the Annual Permit Fee. If a permittee calls with questions/clarification needed for a specific project would these service fees apply just for calling to ask a question or guidance.

WORK GROUP RECOMMENDATIONS

- 1. The department could be the sole authority in an MS4 jurisdiction per an agreement between CDPHE and the MS4. This would be funded by a fee to construction operators. 3
- 2. The department could be the sole authority in a multi-MS4 project per all party agreement. This would be funded by a fee to construction operators. 3
- 3. A la carte fee setting authority given to WQCC. 1

Recommendation Comments

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

Rebecca Sturgeon

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

Phone: 303-294-2189

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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. The Division needs to remember that companies budgets are approved and allocated 1-2 years in advance. If there is to be inflation costs that would need to be built into annual budgets. Xcel is not in support of increasing fees on an annual basis.

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
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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

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

Rebecca Sturgeon

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(Individual)

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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 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 also use General Funds to provide compliance assistance and issue permit certifications. Or General Funds could be used for water quality related to fires, floods, etc. or in 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. 1
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. 2
4. Facilitation was effective and objective. 2
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. 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 discussion was cut short.

Jim Moody

Representative for: Colorado Contractors Association (Group)

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Did you attend the Construction workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	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
Scenario 1:	2	1	08-01	Construction Stormwater < 1 acre	136	\$190	\$120	\$150	\$80	\$160	\$90
Scenario 2:	5	2	08-02	Construction Stormwater >= 1 acre to 30 acres	2,725	\$380	\$240	\$300	\$160	\$320	\$180
Scenario 3:	3	3	08-03	Construction Stormwater > 30 acres	627	\$570	\$240	\$450	\$160	\$480	\$180
			08-04	Low Complexity General Permit (Hydrostatic and Dewatering)	422	\$1,040	\$900	\$740	\$600	\$830	\$690
			08-05	High Complexity General Permit (Remediation)	53	\$2,440	\$2,300	\$1,800	\$1,660	\$1,930	\$1,790
			08-06	Individual Permit For Construction Activity	3	\$6,000	\$6,000	\$4,000	\$4,000	\$4,600	\$4,600

Fee Proposal Scenario Comments

CCA supports a shift in focus to upstream compliance assistance and away from downstream enforcement. Specifically, CCA supports CDPHEs plans to (1) increase its inspection rate from 2% to 10%; and (2) to maintain its current level of enforcement actions as a percentage of permits issued and not as a percentage of inspections conducted. It is crucial to CCAs support for this proposal that CDPHEs intent to maintain enforcement actions as a percentage of permits issued be memorialized in writing. Accordingly, CCAs support for increased permit fees to fund increased inspections is contingent upon assurances through legislation or an MOU that (1) new revenue from permit fees will be used for inspections and compliance assistance, and will NOT be used to fund additional enforcement efforts, and (2) that enforcement will not increase proportionally with the increase in inspections, but rather that annual enforcement actions will be capped at 0.3% of all permits. (The proposed figure of 0.3% is based upon CCAs understanding that 9-16% of inspections at the current 2% inspection rate result in enforcement actions, which equates to 0.18 - 0.32% of all current permits. CCA proposes memorializing CDPHEs intent for future enforcement actions by using the higher figure but then rounding to the nearest one-tenth of a percent.)

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

Expedited general permit certification application fee of three times the annual fee. 5

Discharge Permit Comments:

CCA strongly supports the option of paying for expedited permits. Transparency about the amount of time that will be saved by paying for an expedited permit rather than a traditional permit is crucial, and the time savings opportunity needs to be significant enough to justify the additional expense.

A LA CARTE

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- Compliance assistance: 5
- Administrative Action: 3
- Low complexity service: 3
- 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. • R-factor waiver. • Minor permit modification (removal of an outfall).
Low complexity	\$600	<ul style="list-style-type: none"> • Permitting exemption, determination that an activity conforms with the division's low risk discharge policy. • Groundwater contamination analysis with non-dilution based effluent limits, one discharge location. • Groundwater contamination analysis without a determination that facility specific effluent limitations need to be applied (i.e., determination that coverage under the dewatering permit is appropriate).
Low/medium complexity	\$1,100	<ul style="list-style-type: none"> • Regulatory exemption, Determination that a land application activity meets complete evapotranspiration. • Groundwater contamination analysis with non-dilution based effluent limits, 2-5 discharge locations.
Medium complexity	\$3,800	<ul style="list-style-type: none"> • Groundwater contamination analysis with non-dilution based effluent limits, six or more discharge locations.
High to very high complexity	\$3,800 submitted with application, additional fees may apply, see hourly rates above.	<ul style="list-style-type: none"> • PELs for an individual permit. • Regulatory exemption, involving complex technical or legal analysis.

A la carte Comments:

WORK GROUP RECOMMENDATIONS

1. The department could be the sole authority in an MS4 jurisdiction per an agreement between CDPHE and the MS4. This would be funded by a fee to construction operators. 5
2. The department could be the sole authority in a multi-MS4 project per all party agreement. This would be funded by a fee to construction operators. 5
3. A la carte fee setting authority given to WQCC. 4

Recommendation Comments

CCA strongly supports maximizing the areas of Colorado that are governed by a statewide set of standards. An MS4 wishing to step aside and allow WQCD to be solely responsible for compliance of projects within that MS4 should be allowed to do so.

CCA also strongly supports the notion that a single set of compliance standards should apply to an individual project. Standards that change based upon which side of a municipal boundary a crew happens to be working, or which MS4 happens to be visiting a site, hinder overall compliance.

The WQCC should be allowed to adjust a la carte fees to ensure that the requested a la carte services continue to be provided in a timely manner.

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: 3
3. Accountability: 3
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): 3 Years

If selected Other, please explain:

7. What do you think is the best manner to adjust for inflation?: Permit fees should be adjusted pursuant to an inflation clause agreed upon by the stakeholders. WQCD and stakeholders should meet periodically to determine whether the

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inflation clause is adequately funding the services agreed upon by stakeholders in the 2014 Clean Water Fee Structure stakeholder process.

Also, we were unclear how to communicate the meaning behind our response to #5 above. CCA supports ending construction's subsidy of the other service categories.

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. 2
- 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. 4
- 6. Fees in statute with an inflation clause. 5
- 7. Fees in statute without an adjustment for inflation (current model). 2

Fee Comments

Permit fees should be set by the legislature, preferably with an inflation clause or formula which ensures that inspection rates remain at a level which supports an 'upstream' compliance assistance model. Legislative involvement ensures that any proposed shift away from the agreed-upon compliance assistance model is first debated by the legislature.

A la carte services and fees are viewed differently. Because a la carte services only come into play when a permit holder / permit seeker wants the service, it is important to give the WQCC the ability to adjust prices when necessary, thus guarding against desired services atrophying or disappearing if the a la carte price no longer covers the cost of those services.

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). 3
- 3. All permit holders receive some general funds but it should largely go to governmental entities. 3
- 4. All permit holders receive equal distribution based on a percentage. 3
- 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. 4
- 8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable. 2

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. 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 CleanWater 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. 3
- 6. This process was helpful in building professional relationships with peers that I did not have before this process. 3

Final Comments