



STATE WATER BOARD

BOARD MEETING

Tuesday, October 19, 2010 – 9:00 a.m.
Coastal Hearing Room – Second Floor
Joe Serna Jr./Cal/EPA Building
1001 I Street, Sacramento

DECLARATION OF A QUORUM

Charles R. Hoppin, Chairman; Frances Spivy-Weber, Vice Chair; Arthur G. Baggett, Jr., Member;
Tam M. Doduc, Member

BOARD MEETING

Public comments on agenda items will be limited to 3 minutes or otherwise at the discretion of the Board Chair

PUBLIC FORUM

Any member of the public may address and ask questions of the Board relating to any matter within the State Water Board's jurisdiction provided the matter is not on the agenda, or pending before the State Water Resources Control Board or any California Regional Water Quality Control Board.

BOARD BUSINESS

1. The Board will consider adoption of the October 5, 2010 Board Meeting minutes.
2. Board Member Report.

UNCONTESTED ITEM* (Item 3)

- *3. Consideration of a proposed Resolution approving additional funds to San Mateo Resource Conservation District's Pillar Point Harbor Source Identification Project.

DIVISION OF ADMINISTRATIVE SERVICES

Please note that Items 4 & 5 will be moved to a subsequent Board Meeting if the 2010-2011 State budget is not signed by the Governor by 9:00 a.m. on Monday, October 18, 2010.

Items 4 & 5 were originally published with the agenda for the October 5, 2010 Board Meeting. Due to recent adjustments to the proposed 2010-2011 State Budget, the staff reports and fee schedules for these items are being amended and will be linked to the agenda by Tuesday, October 12 at 5:00 pm.

4. Consideration of a proposed Resolution adopting emergency regulations revising the core regulatory water quality fee schedules contained in Title 23, Division 3, Chapter 9, Article 1, Sections 2200 and 2200.6 of the California Code of Regulations.
5. Consideration of a proposed Resolution adopting emergency regulations amending water right and water quality certification fee schedules in Title 23, Division 3, Chapter 5 (commencing with section 1061) and Chapter 28, Article 1, Section 3833.1 of the California Code of Regulations.

DIVISION OF FINANCIAL ASSISTANCE

6. Consideration of a proposed Order directing Underground Storage Tank Case Closures Pursuant to Health and Safety Code Section 25299.39.2: Various Locations in California. *(Written comments were due on September 17, 2010 by 12 noon.)*
 - Sacramento Valley Crane Service, Inc., Fund Claim No. 14560, Sacramento Crane Co., 7037 Power Inn Road, Sacramento, CA 95829
 - Navtej Riar, Fund Claim No. 13224, Northgate Liquor & Food, 3016 Northgate Blvd., Sacramento, CA 95833
 - Sam Arman, Fund Claim No. 14002, Silver Gas and Food, 4625 El Camino Avenue, Sacramento, CA 95828
 - John Ralich, Fund Claim No. 10943, Pac Tel Cellular (Former Shell Station), 8897 Greenback Lane, Orangevale, CA 95662
 - River Delta Unified School District, Fund Claim No. 11469, Walnut Grove Elementary School, 14181 Grove Street, Walnut Grove, CA 95690
 - Olympian JV, Fund Claim No. 15460, Former Olympian Fueling Station, 2732 Citrus Road, Rancho Cordova, CA 94070
 - Geremia Pools, Inc., Fund Claim No. 15879, Geremia Pools, 3264 Ramona Street, Sacramento, Ca 95819

INFORMATIONAL ITEMS

7. Update on a program to voluntarily provide automated email notification to dischargers when required self-monitoring reports are due, in order to avoid the submission of late reports and the resultant mandatory minimum penalties (MMPs).
8. Executive Director's Report.

PUBLIC HEARING

No final action will be taken at the Public Hearing on Item 9

9. The State Water Board will hold a Public Hearing on the Draft Statewide General National Pollutant Discharge Elimination System (NPDES) permit for vector control pesticide applications . *(Written comments are due on November 2, 2010 by 12 noon.)*

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF ADMINISTRATIVE SERVICES
OCTOBER 5, 2010**

ITEM 3

SUBJECT

CONSIDERATION OF A RESOLUTION ADOPTING EMERGENCY REGULATIONS REVISING THE CORE REGULATORY WATER QUALITY FEE SCHEDULES CONTAINED IN TITLE 23, DIVISION 3, CHAPTER 9, ARTICLE 1, SECTIONS 2200 AND 2200.6 OF THE CALIFORNIA CODE OF REGULATIONS

DISCUSSION

Water Code Section 13260 requires each person who discharges waste or proposes to discharge waste that could affect the quality of the waters of the state to file a report of waste discharge with the appropriate regional water board and to pay an annual fee set by the State Water Board, the funds from which are deposited in the Waste Discharge Permit Fund (WDPF). Water Code Section 13260 requires the State Water Board to adopt, by emergency regulations, an annual schedule of fees for persons discharging waste to the waters of the state. Water Code Section 13260 further requires the State Water Board to adjust the annual fees each fiscal year to conform to the revenue levels set forth in the Budget Act. The Budget Act for FY 2010-11 will require the Board to increase fees by \$19.5 million to reach the budget level.

Financial Condition of the Waste Discharge Permit Fund

Attachment 1 shows a nine-year analysis of the fund condition for WDPF. The FY 2009-10 beginning balance is \$8.2 million. Total revenue is approximately \$75.5 million, including \$74.7 million in fee revenue and \$858,000 in other revenue. Total expenditures are \$74.4 million, resulting in a \$1.1 million gain with an ending balance of \$9.3 million and a fund reserve of 12.6 percent. Revenue was down in FY 2009-10 because of a one-time credit to NPDES fee payers. Expenditures were down due to savings attributable to the furlough program.

The FY 2010-11 beginning balance of \$9.3 million includes \$2.3 million in fines and penalty revenue that is not available for expenditure for core regulatory activities, which leaves an adjusted beginning balance of \$7.1 million. Under the current fee schedule rates, total revenue is anticipated to be \$72.4 million and total expenditures are anticipated to be \$91.7 million, which would result in a \$19.3 million deficit and a negative ending balance of \$12.2 million. The \$19.3 million projected deficit is attributable to a combination of a shortfall in revenue and increasing expenditures.

The shortfall in revenue is a result of under-collection of revenue in the Surface Water Ambient Monitoring Program (SWAMP) in FY 2009-10 and a substantial drop in enrollment under the State Water Board's recently adopted storm water construction permit. In July 2009, the State Water Board adopted Order 2009-0009-DWQ requiring storm water construction dischargers to enroll in a new storm water construction permit by July 1, 2010. Approximately 7,000 or 64 percent of previous storm water construction permit holders did not renew their permits by the deadline and have been terminated from coverage. Many of these permittees did not reenroll because of a decline in construction activity, though some will likely renew during the

year. At the same time, the downturn in the construction industry has resulted in a reduction of the number of new permits being issued. The State Water Board anticipates that these two factors will result in a \$3.2 million decline in storm water revenue for FY 2010-11.

Increasing Expenditures

Table 1 shows the budget changes from FY 2009-10 to FY 2010-11 for each program. The total FY 2009-10 WDPF program budget was \$76.2 million. Primarily due to fund shifts and a return to full payroll costs due to the discontinuance of the furlough program, the FY 2010-11 Budget will be \$91.3 million, an increase of \$15.1 million. The total amount of fund shifts, including a shift in funding for basin planning from General Fund support to fee support, is \$12.5 million or 82.6 percent of the increase. The increase in payroll costs as a result of the discontinuance of the furlough program is \$2.5 million or 16.5 percent of the increase.

Table 1

WDPF Program	FY 2009-10 Budget ¹	Fund Shift ²	Payroll Increase	Basin Planning	Other ³	FY 2010-11 Budget	Difference
NPDES	\$22,210,128	\$1,373,000	\$722,870	\$1,850,063	\$142,804	\$26,298,864	\$4,088,737
WDR	\$17,706,820		\$593,558	\$1,598,071	\$136,713	\$20,035,162	\$2,328,342
Land Disposal-Closed	\$7,190,472		\$244,243	\$649,233	\$55,541	\$8,139,488	\$949,016
Land Disposal-Open	\$0	\$2,468,165	\$2,682	\$216,949	\$32,111	\$2,719,907	\$2,719,907
Stormwater	\$22,410,561		\$700,551	\$1,726,436	-\$298,726	\$24,538,822	\$2,128,261
401 Cert	\$3,241,134		\$116,814	\$324,000	\$29,465	\$3,711,413	\$470,279
CAF	\$2,839,900		\$94,559	\$256,250	\$21,922	\$3,212,631	\$372,731
Ag Waivers	\$585,985	\$1,762,000	\$14,995	\$227,998	\$20,734	\$2,611,713	\$2,025,727
TOTAL	\$76,185,000	\$5,603,165	\$2,490,272	\$6,849,000	\$140,563	\$91,268,000	\$15,083,000

Footnotes:

¹ SWAMP and GAMA program expenditures have been distributed to the applicable programs.

² Fund Shift for Land Disposal - Open includes a \$2 million fund shift plus applicable WDPF expenditure redirects.

³ Other includes budget change adjustments for expiring BCP's, Senate/Assembly bills, enforcement, Fee Unit and pro rata.

Proposed Changes

The State Water Board is proposing to raise fees by approximately \$19.5 million for FY 2010-11 to eliminate the projected deficit, meet Budget Act expenditures, and keep the Fund solvent.

Table 2 shows the revenue increases needed by program area to meet budgeted expenditures.

Table 2

Program	FY 2010-11 (\$000)					
	FY 2010-11 Budget	Forecasted Base Revenue (FY 09-10 Fee Schedule)	Additional New Revenue	Projected Revenue Increase	Projected Program Fee Increase	Projected Total Revenue
NPDES	\$26,299	\$19,932	\$6,367	31.9%	31.4%	\$26,299
WDR	\$20,035	\$18,516	\$1,519	8.2%	8.3%	\$20,035
Land Disposal - Closed	\$8,139	\$6,642	\$1,498	22.6%	22.9%	\$8,139
Land Disposal - Open ¹	\$2,720	n/a	\$2,720	n/a	n/a	\$2,720
Stormwater	\$24,539	\$20,114	\$4,425	22.0%	21.5%	\$24,539
401 Cert	\$3,711	\$2,895	\$816	28.2%	28.2%	\$3,711
CAF	\$3,213	\$2,990	\$223	7.5%	7.6%	\$3,213
Ag Waivers	\$2,612	\$662	\$1,950	294.6%	308.3%	\$2,612
Total	\$91,268	\$71,751	\$19,517			\$91,268

Footnotes:

¹ Projected New Revenue for Land Disposal - Open reflects new fee payers in the program that previously did not pay an annual WDR fee.

NPDES

The NPDES program budget for FY 2010-11 (including its portion of SWAMP) is \$26.3 million. The NPDES program needs to generate an additional \$6.4 million in revenue to meet the FY 2010-11 Budget. This translates to a 31.4 percent increase to all NPDES fee categories. Of this \$6.4 million, approximately \$4.1 million is attributable to increases in budgetary expenditures as shown in Table 1 while the remaining \$2.3 million is attributable to fee increases needed to offset a revenue shortfall and an increase in the program's share of pro rata costs.

WDR

The WDR program budget for FY 2010-11 (including its portion of GAMA) is \$20.0 million. The WDR program needs to generate an additional \$1.5 million in revenue to meet the FY 2010-11 Budget. This translates to an 8.3 percent increase to all WDR fee categories. The entire \$1.5 million is attributable to increases in budgetary expenditures as shown on Table 1.¹

Land Disposal – Closed

The Land Disposal – Closed program budget for FY 2010-11 (including its portion of GAMA) is \$8.1 million. The Land Disposal – Closed program needs to generate an additional \$1.5 million in revenue to meet the FY 2010-11 Budget. Of this \$1.5 million, approximately \$949,000 is attributable to increases in budgetary expenditures as shown in Table 1 while the remaining \$551,000 is attributable to fee increases needed to offset a revenue shortfall and an increase in the program's share of pro rata costs. This translates to a 22.9 percent increase to all Land Disposal – Closed fees categories.

¹ Approximately \$800,000 of the \$2.3 million in budget increases can be absorbed through existing fee rates.

Land Disposal – Open

Historically, the Water Boards' costs of regulating open landfills has been supported by tipping fees levied by CalRecycle (formerly known as the California Integrated Waste Management Board) and deposited into the Integrated Waste Management Account (IWMA). Due to declining revenue in the IWMA, the Budget Act shifts \$2.03 million in budget authority from IWMA to the Waste Discharge Permit Fund. Consequently, the State Water Board expects to assess permit fees to open landfills in order to make up for the decline in tipping fee revenue and meet anticipated budgetary expenditures for the Land Disposal – Open program. The Land Disposal – Open program budget for FY 2010-11 (including its portion of GAMA) is \$2.7 million. The State Water Board will add a Land Disposal – Open fee schedule to its existing fee schedules by using the proposed Land Disposal – Closed fee schedule, discounted by approximately 24.4 percent, to assess fees at the appropriate revenue level.

Storm Water

The Storm Water program budget for FY 2010-11 (including its portion of SWAMP) is \$24.5 million. The Storm Water program needs to generate an additional \$4.4 million in revenue to meet the FY 2010-11 Budget. Of this \$4.4 million, approximately \$2.1 million is attributable to increases in budgetary expenditures as shown in Table 1 while the remaining \$2.3 million is due to an anticipated sharp decline in revenue from a 64 percent reduction in the number of storm water construction projects under permit. The \$4.4 million increase translates to a 21.5 percent increase to all Storm Water fee categories.

401 Certification

The 401 Certification program budget for FY 2010-11 (including its portion of GAMA) is \$3.7 million. The 401 Certification program needs to generate an additional \$816,000 in revenue to meet the FY 2010-11 Budget. Of this \$816,000, approximately \$470,000 is attributable to increases in budgetary expenditures as shown in Table 1 while the remaining \$346,000 is attributable to fee increases needed to offset a revenue shortfall and an increase in the program's share of pro rata costs. The \$816,000 increase translates to a 7.6 percent increase in all 401 Certification fee categories.

Confined Animal Facilities (CAF)

The CAF program budget for FY 2010-11 (including its portion of GAMA) is \$3.2 million. The CAF program needs to generate an additional \$223,000 in revenue to meet the FY 2010-11 Budget. This translates to a 7.8 percent increase to all CAF fee categories. The entire \$223,000 increase is attributable to increases in budgetary expenditures as shown on Table 1.²

Agricultural Waivers

The Agricultural Waivers program budget for FY 2010-11 is \$2.6 million. The Agricultural Waivers program needs to generate an additional \$1.9 million in revenue to meet the FY 2010-11 Budget. This translates to a 308.3 percent increase to the per acre foot charge in all Tier I (from 12 cents per acre to 49 cents per acre) and Tier II (from 20 cents per acre to 82 cents per acre) fee categories. The entire \$2.6 million increase is attributable to increases in budgetary expenditures as shown on Table 1.³

SWAMP

The SWAMP surcharge will remain at 21 percent in order to generate the required revenue level to meet budget expenditures.

² Approximately \$150,000 of the \$373,000 in budget increases can be absorbed through existing fee rates.

³ Approximately \$75,000 of the \$2.03 million in budget increases can be absorbed through existing fee rates.

GAMA

The GAMA surcharge will be reduced from 9.5 percent to 7.9 percent in order to generate the required revenue level to meet budget expenditures.

POLICY ISSUE

Should the State Water Board consider adopting a resolution amending the annual fee schedules as proposed by staff?

FISCAL IMPACT

The Budget Act includes expenditure authority for the Waste Discharge Permit Fund of \$91.3 million while the current fee schedules would only generate a projected \$72.2 million in revenue, leaving a negative fund balance of \$12.4 million. The proposed changes would generate an additional \$19.5 million in fee revenue. The ending fund balance for FY 2010-11 would be \$7.1 million, keeping the fund solvent with a prudent reserve of 7.9 percent.

REGIONAL BOARD IMPACT

Fee increases would allow program staffing and activities to remain at current budget levels.

STAFF RECOMMENDATION

That the State Water Board approves the resolution to adopt emergency regulations to change the current annual fee schedules as proposed by staff.

State Water Board action on this item will assist the Water Boards in reaching Goal 6 of the Water Boards' Strategic Plan: to enhance consistency across the Water Boards, on an ongoing basis, to ensure our processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies, and procedures.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2010-

ADOPTING EMERGENCY REGULATIONS REVISING THE CORE REGULATORY WATER QUALITY FEE SCHEDULES CONTAINED IN TITLE 23, DIVISION 3, CHAPTER 9, ARTICLE 1, SECTIONS 2200 AND 2200.6 OF THE CALIFORNIA CODE OF REGULATIONS.

WHEREAS:

1. Water Code Section 13260(d) requires each person for whom waste discharge requirements are issued to pay an annual fee to the State Water Board.
2. Water Code Section 13260(f) requires the State Water Board to adopt a schedule of fees by emergency regulation.
3. Water Code Section 13260(f) requires fees to be adjusted annually to conform to the revenue levels set forth in the Budget Act for these activities.
4. State Water Board staff prepared recommended changes to the annual fee schedule contained in current regulation to implement the State Budget Act requirements.

THEREFORE BE IT RESOLVED THAT:

The State Water Board adopts emergency regulations approving the revisions to Title 23, Division 3, Chapter 9, Article 1, Sections 2200, 2200.3, 2200.4, 2200.5 and 2200.6 of the California Code of Regulations to implement the provisions of the 2010 State Budget Act pursuant to the provisions of Water Code Section 13260(f) (annual fee schedule).

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on October 5, 2010.

Jeanine Townsend
Clerk to the Board

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION - DIVISION OF ADMINISTRATIVE SERVICES
OCTOBER 5, 2010**

ITEM 4

SUBJECT

CONSIDERATION OF A RESOLUTION ADOPTING EMERGENCY REGULATIONS AMENDING WATER RIGHT AND WATER QUALITY CERTIFICATION FEE SCHEDULES IN TITLE 23, DIVISION 3, CHAPTER 5, SECTIONS 1062, 1064, AND 1066 AND CHAPTER 28, ARTICLE 1, SECTION 3833.1 OF THE CALIFORNIA CODE OF REGULATIONS

DISCUSSION

Water Code section 1525 requires the State Water Resources Control Board (State Water Board) to adopt, by emergency regulations, a schedule of fees to recover the costs incurred in connection with the State Water Board's water rights program. Water Code section 1525 further requires the State Water Board to adjust the fees annually to conform to the revenue levels set forth in the Budget Act. Water Code section 1551 requires that all water rights fee revenue be deposited in the Water Rights Fund (WRF). Similar provisions in Water Code section 13160.1 govern water quality certification fees. The current fee schedules were adopted on September 15, 2009.

Financial Condition of the Water Rights Fund

Attachment 1 shows an analysis of the fund condition for the WRF. The Fiscal Year (FY) 2009-10 beginning balance is \$5.5 million. Total estimated revenue is approximately \$7.7 million including \$262,000 in other revenue. Total expenditures were \$7.5 million, resulting in a \$245,000 gain with an ending balance of \$5.8 million.

The projected beginning balance for FY 2010-11 is \$5.8 million. Under the current fee schedule rates, total revenue is estimated to be \$11.2 million. As a result of a shift in General Fund to water rights fee authority and legislative mandates, including the approval of 25.0 enforcement positions in Senate Bill 8 in 2009, total expenditures are anticipated to be \$17.5 million, resulting in a \$6.3 million deficit and a negative ending balance of \$542,000.

Proposed Changes for FY 2010-11

The State Water Board proposes to: (1) increase annual permit and license fees by increasing the minimum annual fee from \$100 to \$150 and increasing the per acre-foot charge from \$0.03 to \$0.057 to conform with revenue levels in the Budget Act; (2) provide a one-time credit in the FY 2010-11 billing cycle in the amount of \$0.019 for each acre-foot by which the annual diversion authorized by the permit or license is greater than 10 acre-feet to adjust for higher than anticipated fund reserves; (3) increase the per kilowatt charge for licensed Federal Energy Regulatory Commission (FERC) projects from \$0.017 to \$0.125 and the per kilowatt charge for FERC projects undergoing licensing from \$0.220 to \$0.342 per kilowatt to conform to revenue levels in the in the Budget Act; (4) adjust the caps on application and petition filing fees based on changes in the consumer price index; and (5) remove the reference to the one-time credit in the FY 2009-10 billing cycle.

POLICY ISSUE

Should the State Water Board approve a resolution to adopt emergency regulations to change the current water rights and water quality certification fee schedules as proposed by staff?

FISCAL IMPACT

- 1) **Increase fees to conform to the Budget Act:** Under the current fee schedules, total revenue would be approximately \$11.2 million while expenditures increase to \$17.5 million leaving a loss of \$6.3 million and a negative ending balance of \$542,000. The revised fee schedules will:
 - Increase annual fees to conform to revenue levels in the Budget Act.
 - Provide a one-time credit for FY 2010-11 to maintain a prudent fund reserve while making adjustments for a higher than anticipated reserve.
 - Increase FERC fees, for both licensed and those undergoing licensing, to conform to the \$603,000 increase in appropriation to the FERC program.
 - Remove the one-time credit in the FY 2009-10 billing cycle.

- 2) **Adjust the caps on application and petition filing fees based on the consumer price index:** Currently, the caps for application and petition filing fees are set at \$454,960 for applications and for change petitions involving water transfers, and \$5,715 for most other change petitions. The adjustments will:
 - Decrease the current cap of \$454,960 by the decrease in the consumer price index of -.03% to \$454,823.
 - Decrease the current cap of \$5,715 by the decrease in the consumer price index of -.03% to \$5,713.

REGIONAL BOARD IMPACT

No.

STAFF RECOMMENDATION

That the State Water Board approves the resolution to adopt emergency regulations to change the current water rights and water quality certification fee schedules as proposed by staff.

State Water Board action on this item will assist the Water Boards in reaching Goal 6 of the Water Boards' Strategic Plan: to enhance consistency across the Water Boards, on an ongoing basis, to ensure our processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies, and procedures.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2010-

ADOPTING EMERGENCY REGULATIONS REVISING THE CORE REGULATORY WATER QUALITY FEE SCHEDULES CONTAINED IN TITLE 23, DIVISION 3, CHAPTER 9, ARTICLE 1, SECTIONS 2200 AND 2200.6 OF THE CALIFORNIA CODE OF REGULATIONS.

WHEREAS:

1. Water Code Section 13260(d) requires each person for whom waste discharge requirements are issued to pay an annual fee to the State Water Board.
2. Water Code Section 13260(f) requires the State Water Board to adopt a schedule of fees by emergency regulation.
3. Water Code Section 13260(f) requires fees to be adjusted annually to conform to the revenue levels set forth in the Budget Act for these activities.
4. State Water Board staff prepared recommended changes to the annual fee schedule contained in current regulation to implement the State Budget Act requirements.

THEREFORE BE IT RESOLVED THAT:

The State Water Board adopts emergency regulations approving the revisions to Title 23, Division 3, Chapter 9, Article 1, Sections 2200, 2200.3, 2200.4, 2200.5 and 2200.6 of the California Code of Regulations to implement the provisions of the 2010 State Budget Act pursuant to the provisions of Water Code Section 13260(f) (annual fee schedule).

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on October 5, 2010.

Jeanine Townsend
Clerk to the Board

State Water Resources Control Board - Proposed Landfill Waste Discharge Fees 2011

Status	TTWQ/CPLX	New Fee	Old WDR Fee	County	Region	WDID	Facility Name
Closed	3 A	\$7,521	\$6,120	Amador			MADERA MUNICIPAL AIRPORT
Closed	1 B	\$35,100	\$28,560	Amador			BUENA VISTA CLASS II LANDFILL
OPEN	2B	\$11,372		Butte	5R	5A040300001	Neal Road Class III Landfill
OPEN	2B	\$11,372		Calaveras	5S	5B050302002	ROCK CREEK LANDFILL
OPEN	3B	\$4,265		Colusa	5S	5A060300002	LANDFILL SITE 2, STONYFORD SWD
Closed	2 B	\$15,043	\$12,240	Colusa	5		EVANS ROAD LANDFILL
OPEN	1A	\$32,854		Del Norte	1	1A77002ODN	DEL NORTE CO SWDS, CRESCENT CI
OPEN	1B	\$26,536		El Dorado	5S	5B090300001	UNION MINE LANDFILL
OPEN	2B	\$11,372		Glenn	5R	5A110301001	Glenn County Class III Sanitary Landfill
OPEN	1B	\$26,536		Imperial	7	7A130301011	BRAWLEY CLS III WMF 97-007
OPEN	1B	\$26,536		Imperial	7	7A130301021	CALEXICO CLS III WMF 02-104
OPEN	1B	\$26,536		Imperial	7	7A130301031	HOLTVILLE CLS III WMF 03-066
OPEN	1B	\$26,536		Imperial	7	7A130301051	IMPERIAL CLS III WMF 02-105
OPEN	3B	\$4,265		Imperial	7	7A130301041	HOT SPA WMF
OPEN	3B	\$4,265		Imperial	7	7A130301081	OCOTILLO WMF 97-044
OPEN	3B	\$4,265		Imperial	7	7B130301101	PICACHO SWDS 88-005
Closed	2 B	\$15,043	\$12,240	Imperial	7		NILAND III WMF 97-046
Closed	2 B	\$15,043	\$12,240	Imperial	7		PALO VERDE III WMF
Closed	3 B	\$5,641	\$4,590	Imperial	7		SALTON CITY WMF
OPEN	3B	\$4,265		Inyo	6B	6B140300004	INDEPENDENCE CLASSIII LANDFILL
OPEN	1B	\$26,536		Inyo	6B	6B140300002	BISHOP(SUNLAND)CLASS III LF
OPEN	3B	\$4,265		Inyo	6B	6B140300006	LONE PINE CLASS III LANDFILL
Closed	3 C	\$2,507	\$2,040	Inyo	6		SHOSHONE CLASS III LANDFILL
Closed	3 C	\$2,507	\$2,040	Inyo	6		TECOPA CLASS III LANDFILL
Closed	3 C	\$2,507	\$2,040	Inyo	6		KEELER CLASS III LANDFILL
OPEN	2B	\$11,372		Lassen	6A	6A180013000	LASSEN CO SANITARY LANDFILL
OPEN	3C	\$1,895		Lassen	6A	6A180010000	HERLONG SOLID WDS
OPEN	2B	\$11,372		Lassen	5R	5A180300001	Westwood Class III Landfill
Closed	3 C	\$2,507	\$2,040	Lassen			MADELINE SWDS
Closed	3 C	\$2,507	\$2,040	Lassen			RAVENDALE SWDS
Closed				Lassen			Bieber
OPEN	2B	\$11,372		Madera	5F	5D160305001	AVENAL SWDS
OPEN	1B	\$26,536		Madera	5F	5C200300001	FAIRMEAD SWDS
Closed	3 C	\$2,507	\$2,040	Madera	5		NORTH FORK SWDS
OPEN	1B	\$26,536		Mariposa	5F	5C220300001	MARIPOSA CO LANDFILL
OPEN	1B	\$26,536		Merced	5F	5C240303002	HIGHWAY 59 LANDFILL
OPEN	2B	\$11,372		Merced	5F	5C240303001	BILLIE WRIGHT LANDFILL
OPEN	2B	\$11,372		Modoc	5R	5A250300006	Alturas Class III Landfill
Closed	3 C	\$2,507	\$2,040	Modoc			CEDARVILLE SWDS
Closed	3 C	\$2,507	\$2,040	Modoc			FORT BIDWELL SWDS
Closed	3 C	\$2,507	\$2,040	Modoc			LAKE CITY SWDS OLD
Closed	3 C	\$2,507	\$2,040	Modoc			CEDARVILLE SOLID WDS (OLD)
Closed	3 C	\$2,507	\$2,040	Modoc			EAGLEVILLE SOLID WDS
OPEN	1B	\$26,536		Mono	6B	6B260300002	BENTON CROSSING LANDFILL
OPEN	1B	\$26,536		Mono	6B	6B260300011	PUMICE VALLEY CLASS III LF
OPEN	2B	\$11,372		Mono	6B	6B260012000	WALKER LANDFILL
OPEN	3C	\$1,895		Mono	6B	6B260004000	BRIDGEPORT SWDS
OPEN	2B	\$11,372		Mono	6B	6B260012000	WALKER SANITARY LANDFILL
Closed	1 B	\$35,100	\$28,560	Nevada			MCCOURTNEY ROAD LANDFILL
OPEN	2B	\$11,372		Plumas	5R	5A320300002	CHESTER CLASS III LANDFILL
Closed	2 B	\$15,043	\$12,240	Plumas			GOPHER HILL CLASS III LANDFILL
Closed	2 B	\$15,043	\$12,240	Plumas, Portal			PORTOLA CLASS III LANDFILL
OPEN	2B	\$11,372		Sierra	5S	5A460300001	LOYALTON SANITARY LANDFILL
OPEN	2B	\$11,372		Siskiyou	1	1A751500SIS	YREKA CITY SWDS
Closed	2 B	\$15,043	\$12,240	Siskiyou			BLACK BUTTE CLASS III LANDFILL
Closed	3 B	\$5,641	\$4,590	Siskiyou			SISKIYOU CO HAPPY CAMP SWDS
Closed	2 B	\$15,043	\$12,240	Siskiyou			MCCLOUD CLASS III LANDFILL
OPEN	2B	\$11,372		Tehama	5R	5A520301001	Tehama Cnty Red Bluff Landfill
Closed	1 B	\$35,100	\$28,560	Trinity			TRINITY CO SWDS WEAVERVILLE
Closed	2 B	\$15,043	\$12,240	Tuolumne			JAMESTOWN MINE
Closed	2 B	\$15,043	\$12,240	Tuolumne			BIG OAK FLAT DISPOSAL SITE
Closed	2 B	\$15,043	\$12,240	Tuolumne			JAMESTOWN SAN LF - CLASS III

Proposed 2010-2011 Fee Schedule

ANNUAL FEE SCHEDULE FOR WASTE DISCHARGE REQUIREMENTS				
Threat to Water Quality (TTWQ)	Complexity (CPLX)	Type of Discharge - Land Disposal		
		Closed (Old Fee)	Closed (New Fee)	Open (New Fee)
1	A	\$35,360	\$43,457	\$32,854
1	B	\$28,560	\$35,400	\$26,536
1	C	\$18,360	\$22,554	\$17,059
2	A	\$15,300	\$18,804	\$14,216
2	B	\$12,240	\$15,043	\$11,372
2	C	\$9,180	\$11,282	\$8,529
3	A	\$6,120	\$7,521	\$5,686
3	B	\$4,590	\$5,641	\$4,265
3	C	\$2,040	\$2,507	\$1,895

Proposed 200910-101 Fee Schedules

CALIFORNIA CODE OF REGULATIONS TITLE 23. Division 3. Chapter 9. Waste Discharge Reports and Requirements Article 1. Fees

Section 2200. Annual Fee Schedules

Each person for whom waste discharge requirements have been prescribed pursuant to ~~§~~Section 13263 of the Water Code shall submit, to the State Board, an annual fee in accordance with the following schedules. The fee shall be submitted for each waste discharge requirement order issued to that person.

An ambient water monitoring surcharge will be added to each individual fee as required. The ambient water monitoring surcharge for all discharges pursuant to subdivisions (a) and (c) is ~~9.5%~~7.9 percent of the calculated fee; the surcharge for all discharges pursuant to subdivision (b) is 21% percent of the calculated fee. The surcharge shall be applied to all permits prior to other surcharges prescribed herein.

(a) The annual fees for persons issued waste discharge requirements (WDRs), except as provided in subdivisions (a)(3), (b), and (c), shall be based on the discharge's threat to water quality (TTWQ) and complexity (CPLX) rating according to the following fee schedule, plus applicable surcharge(s).

ANNUAL FEE SCHEDULE FOR WASTE DISCHARGE REQUIREMENTS				
Threat to Water Quality (TTWQ)	Complexity (CPLX)	Type of Discharge		
		Discharge to Land or Surface Waters ¹	Land Disposal Land Disposal ²	
			Closed	Open
1	A	\$58,52063,377	\$35,36043,457 ³	\$32,854 ³
1	B	\$36,96040,028	\$28,56035,100	\$26,536
1	C	\$19,94321,598	\$18,36022,564	\$17,059
2	A	\$13,32414,427	\$15,30018,804	\$14,216
2	B	\$8,0088,673	\$12,24015,043	\$11,372
2	C	\$6,0066,504	\$9,18011,282	\$8,529
3	A	\$4,7325,125	\$6,1207,521	\$5,686
3	B	\$2,5202,729	\$4,5905,641	\$4,265
3	C	\$1,1201,213	\$2,0402,507	\$1,895

¹ For this table, discharges to land or surface waters- are those discharges of waste to land or surface waters not covered by NPDES permits that are regulated pursuant to Water Code Section 13263 that do not implement the requirements of Title 27 of the California Code of Regulations (CCR). Examples include, but are not limited to, wastewater treatment plants, erosion control projects, and septic tank systems. It does not include discharge of dredge or fill material or discharge from animal feeding operations.

WDRs for municipal and domestic discharges with permitted flows of less than 50,000 gallons per day in categories 2-B, 2-C, 3-B and 3-C will receive a 50% percent fee discount. The design flow shall be used where no permitted flow is present. Municipal and domestic discharges receiving the discount are defined as discharges from facilities that treat domestic wastewater or a mixture of wastewater that is predominately domestic wastewater. Domestic wastewater consists of wastes from bathroom toilets, showers, and sinks from residential kitchens and residential clothes washing. It does not include discharges from food preparation and dish washing in restaurants or from commercial laundromats. Landscape Irrigation General Permits under Water Quality Order Number 2009-0006-DWQ will be assessed a fee associated with TTWQ/CPLX rating of 3B plus any applicable surcharges.

² For this table, land disposal discharges are those discharges of waste to land that are regulated pursuant to Water Code Section 13263 that implement the requirements of CCR Title 27. Examples include, but are not limited to, discharges associated with active and closed landfills and surface impoundments.

³ A surcharge of \$12,000 will be added for Class I ~~landfills~~. Class I landfills are those that, during the time they are, or were, in operation, are so classified by the ~~RWQCB-Regional Board~~ under 23 CCR Chapter 15, have WDRs that allow (or, for closed units, allowed) them to receive hazardous waste, and have a permit issued by the Department of Toxic Substances Control under 22 CCR Chapter 10, §66270.1 et seq.

Proposed 200910-101 Fee Schedules

(1) Threat to water quality (TTWQ)⁴ and complexity (CPLX) of the discharge is assigned by the Regional Board in accordance with the following definitions:

THREAT TO WATER QUALITY

Category "1" – Those discharges of waste that could cause the long-term loss of a designated beneficial use of the receiving water. Examples of long-term loss of a beneficial use include the loss of drinking water supply, the closure of an area used for water contact recreation, or the posting of an area used for spawning or growth of aquatic resources, including shellfish and migratory fish.

Category "2" – Those discharges of waste that could impair the designated beneficial uses of the receiving water, cause short-term violations of water quality objectives, cause secondary drinking water standards to be violated, or cause a nuisance.

Category "3" – Those discharges of waste that could degrade water quality without violating water quality objectives, or could cause a minor impairment of designated beneficial uses as compared with Category 1 and Category 2.

COMPLEXITY

Category "A" – Any discharge of toxic wastes, any small volume discharge containing toxic waste or having numerous discharge points or ground water monitoring, or any Class 1 waste management unit.

Category "B" – Any discharger not included ~~above in Category A~~ that has physical, chemical, or biological treatment systems (except for septic systems with subsurface disposal), or any Class 2 or Class 3 waste management units.

Category "C" – Any discharger for which waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code not included ~~as a in Category "A" or Category "B"~~ as described above. Included ~~would be are~~ dischargers having no waste treatment systems or that must comply with best management practices, dischargers having passive treatment and disposal systems, or dischargers having waste storage systems with land disposal.

(2) For dischargers covered under Statewide General WDRs for Sanitary Sewer Systems (~~Water Quality Order No. 2006-0003-DWQ~~), the TTWQ and CPLX designations are assigned based on the population served by the sanitary sewer system. The table below describes the correlation between population served and TTWQ and CPLX designations to determine the appropriate annual fee:

Population Served⁵	Threat and Complexity Designation
Less than 50,000	3C
50,000 or more	2C

⁴ In assigning a category for TTWQ, a regional board should consider duration, frequency, seasonality, and other factors that might limit the impact of the discharge.

⁵ Assumes 2.5 persons per equivalent dwelling unit (EDU).

Proposed 200910-101 Fee Schedules

(3) The fees for discharges of dredge and fill material shall be as follows, not to exceed \$40,00051,280, plus applicable surcharge(s).⁶

Type of Discharge	Fees
(A) Fill & Excavation ⁷ Discharges. Size of the discharge area expressed in acres to two decimals -(0.01 acre) (436 square feet) rounded up.	\$ 640820 Base Price + (Discharge area in acres x \$ 2,7523,528)
(B) Dredging Discharges ⁸ Dredge volume expressed in cubic yards.	\$ 640820 Base Price + (Dredge volume in cubic yards x \$ 0.402131)
(C) Dredging Discharges (Sand Mining). Aggregate extraction in marine waters where source material is free of pollutants and the dredging operation will not violate any basin plan provisions.	\$ 1,024,1544
(D) Channel and Shoreline Discharges Includes linear discharges to drainage features and shorelines, e.g., bank stabilization, revetment and channelization projects. -(Note): The fee for channel and shoreline linear discharges will be assessed under the "Fill and Excavation" or "Channel and Shoreline" schedules, whichever results in the higher fee.	\$ 640820 Base Price + (Discharge length in feet x \$ 6.408,20)
(E) Discharges to Non-federal (e.g. "isolated") Waters. Discharges to waters or portions of waterbodies not regulated as "waters of the United States," including waters determined to be "isolated" pursuant to the findings of <i>Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers</i> (2001) 121 S. Ct. 675.	Double the applicable fee schedules except for (G) restoration projects

- ⁶ i. For "excavation" the area of the discharge is the area of excavation; if the excavated material is then discharged to waters, an additional "fill" fee will be assessed.
- ii. When a single project includes multiple discharges within a single dredge and fill fee category, the fee for that category shall be assessed based on the total area, volume, or length of discharge (as applicable) of the multiple discharges. When a single project includes discharges that are assessed under multiple fee categories, the total fee shall be the sum of the fees assessed under each applicable fee category; however a \$~~600820~~ base fee, if required, shall be charged only once.
- iii. Fees shall be based on the largest discharge size specified in the original or revised report of waste discharge or Clean Water Act (CWA) ~~Section~~ 401 water quality certification application, or as reduced by the applicant without any State Board or Regional Board intervention.
- iv. If water quality certification is issued in conjunction with dredge or fill WDRs or is issued for a discharge regulated under such preexisting WDRs, the current annual WDR fee as derived from this dredge and fill fee schedule shall be paid in advance during the application for water quality certification, and shall comprise the fee for water quality certification.
- v. Discharges requiring water quality certification and regulated under a federal permit or license other than a US Army Corps of Engineers CWA ~~Section~~ 404 permit or a Federal Energy Regulatory Commission License shall be assessed a fee determined from CCR 23, Section 2200(a).

⁷ "Excavation" refers to moving sediment or soil in shallow waters or under no-flow conditions where impacts to beneficial uses are best described by the area of the discharge. It typically is done for purposes other than navigation. Examples include trenching for utility lines, other earthwork preliminary to construction, and removing sediment to increase channel capacity.

⁸ "Dredging" generally refers to removing sediment in deeper water to increase depth. The impacts to beneficial uses are best described by the volume of the discharge and typically occur to facilitate navigation. For fee purposes it also includes aggregate extraction within stream channels where the substrate is composed of coarse sediment (e.g., gravel) and is reshaped by normal winter flows (e.g., point bars), where natural flood disturbance precludes establishment of significant riparian vegetation, and where extraction timing, location and volume will not cause changes in channel structure (except as required by regulatory agencies for habitat improvement) or impair the ability of the channel to support beneficial uses.

Proposed 200910-101 Fee Schedules

<p>(F) Low Impact Discharges. Projects may be classified as low impact discharges if they meet all of the following criteria:</p> <ol style="list-style-type: none"> 1. The discharge size is less than all of the following: (a) for fill, 0.1 acre, and 200 linear feet, and (b) for dredging, 25 cubic yards. 2. The discharger demonstrates that: (a) all practicable measures will be taken to avoid impacts; (b) where unavoidable temporary impacts take place, waters and vegetation will be restored to pre-project conditions as quickly as practicable; and (c) where unavoidable permanent impacts take place, there will be no net loss of wetland, riparian area, or headwater functions, including onsite habitat, habitat connectivity, floodwater retention, and pollutant removal. 3. The discharge will not do any of the following: (a) directly or indirectly destabilize a bed of a receiving water; (b) contribute to significant cumulative effects; (c) cause pollution, contamination, or nuisance; (d) adversely affect candidate, threatened, or endangered species; (e) degrade water quality or beneficial uses; (f) be toxic; or (g) include "hazardous" or "designated" material. 4.- Discharge is to a water body regulated as "Waters of the United States." 	<p>\$640820 Flat Fee-</p>
<p>(G) Restoration Projects. Projects undertaken for the sole purpose of restoring or enhancing the beneficial uses of water. This schedule does not apply to projects required under a regulatory mandate or to projects that include a non-restorative component, e.g., land development, property protection, or flood management.</p>	<p>\$640820 Flat Fee</p>
<p>(H) General Orders. Projects which are required to submit notification of a proposed discharge to the State and/or Regional Board pursuant to a general water quality certification permitting discharges authorized by a federal general permit or license, (e.g., a U.S. Army Corps of Engineers nationwide permit). Applies ONLY if general water quality certification was previously granted.</p>	<p>\$7799 Flat Fee</p>
<p>(I) Amended Orders Amendments of WDR's or water quality certifications previously issued for one-time discharges not subject to annual billings.</p> <ol style="list-style-type: none"> (a) Minor project changes, not requiring technical analysis and involving only minimal processing time. (b) Changes to projects eligible for flat fees (fee categories C, F, G, and H) where technical analysis is needed to assure continuing eligibility for flat fee and that beneficial uses are still protected. (c) Project changes not involving an increased discharge amount, but requiring some technical analysis to assure that beneficial uses are still protected and that original conditions are still valid, or need to be modified. (d) Project changes involving an increased discharge amount and requiring some technical analysis to assure that beneficial uses are still protected and that original conditions are still valid, or need to be modified. (e) Major project changes requiring an essentially new analysis and re-issuance of WDR's or water quality certification. 	<ol style="list-style-type: none"> (a) No fee required (b) Appropriate flat fee (c) \$640-820 flat fee (d) Additional fee assessed per increased amount of discharge(s) per Section 2200 (a)(3) (plus \$640-820 base price)- (e) New fee assessed per Section 2200 (a)(3)-

(b) The annual fees for persons issued NPDES permits shall be based on the following schedules, plus applicable surcharge(s).

(1) Each public entity that owns and/or operates a storm water conveyance system, or part of such a system, that is subject to a NPDES permit for storm water discharges from a municipal separate storm sewer system (MS4) shall pay an annual fee according to the following schedule, plus applicable surcharge(s). The fee shall be based on the population of the public entity according to the most recently published United States Census. For public entities other than cities or counties, the population figure shall be the number of people using the entity's facilities on a daily basis. Flood control districts or other special districts named as co-permittees to MS4 permits and school districts, serving students between kindergarten and

Proposed 200910-101 Fee Schedules

fourteenth grade, shall not pay an annual fee if the city or county within whose jurisdiction the district lies, pays an annual fee.

ANNUAL FEE SCHEDULE FOR AREAWIDE MUNICIPAL STORM WATER SEWER SYSTEM PERMITS AND CO-PERMITTEES	
Population equal to or greater than 250,000	<u>\$29,75036,146</u>
Population between 200,000 and 249,999	<u>\$26,03431,628</u>
Population between 150,000 and 199,999	<u>\$22,46427,290</u>
Population between 100,000 and 149,999	<u>\$18,59422,592</u>
Population between 75,000 and 99,999	<u>\$14,87518,073</u>
Population between 50,000 and 74,999	<u>\$11,15613,555</u>
Population between 25,000 and 49,999	<u>\$7,4389,037</u>
Population between 10,000 and 24,999	<u>\$4,4635,423</u>
Population between 1,000 and 9,999	<u>\$2,9753,615</u>
Less than 1,000 population	<u>\$1,4881,808</u>
Statewide Permit Holders	<u>\$119,000144,585</u>

(2) Any entity or entities submitting a watershed improvement plan to the Regional Board for review pursuant to Section 16102 of the Water Code shall reimburse the Regional Board for its costs⁹ to review and oversee the implementation of the plan, which shall be calculated using a rate of \$150.00 per hour.

~~(23)(A) Facilities that discharge storm water associated with industrial activities that are regulated by a State Board or Regional Board general NPDES storm water permit, shall pay an annual fee of \$8331,012, plus applicable surcharge(s). An amount equal to the fee prescribed shall be submitted with the discharger's Notice of Intent (NOI) to be regulated under a general NPDES permit and will serve as the first annual fee. For the purposes of this section, an NOI is considered to be a report of waste discharge.~~

~~Storm water industrial permit holders who have filed a complete Annual Report electronically prior to July 1st for fiscal years 2006-07, 2007-08 and 2008-09 shall receive a credit of \$100 for each of these same fiscal years.~~

(B) Facilities that satisfy the conditions of a State Board certified Quality Assurance Program, adopted as part of a general NPDES storm water permit or by special resolution of the State Board, may receive up to a 50 percent fee reduction.

~~(34)(A) Storm water discharges associated with construction activities that are regulated by a general NPDES storm water permit other than those covered under (b)(45), including those issued by a Regional Board, shall pay an annual fee of \$238-289 plus \$24-29 per acre (rounded to the nearest whole acre and dollar amount), to a maximum fee of \$2,6183,181, plus any applicable surcharge, based on the total acreage to be disturbed during the life of the project as~~

⁹ These costs include labor, State Board and Regional Board administrative costs, and overhead costs.

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listed on the NOI. An amount equal to the fee prescribed shall be submitted with the discharger's NOI to be regulated under a general NPDES permit and will serve as the first annual fee. For the purposes of this section, an NOI is considered to be a report of waste discharge.

(B) Dischargers applying for the Small Construction Rainfall Erosivity Waiver of the General Permit to Discharge Storm Water Associated with Construction Activity (Order No. 2009-0009-DWQ) shall pay an application fee of \$200, plus any applicable surcharge(s).

~~(45)~~ Storm water discharges associated with small linear underground and overhead construction projects, that include but are not limited to, any conveyance, pipe or pipeline for the distribution of any gaseous liquid (including water for domestic municipal services or wastewater), liquescent, or slurry substance; any cable line or wire for the transmission of electrical energy; and any cable line or wire for communications, that are regulated by a general NPDES storm water permit are subject to the following annual fees, plus applicable surcharge(s):

~~Tier 4:~~ \$5,9507,229 for each region in which activities subject to the permit are conducted, or ~~Tier 2:~~ A fee as prescribed by (b)(34)(A), based on the area covered by the project.

~~(56)~~ Discharges associated with mosquito and vector control activities¹⁰ that are regulated by an individual or general NPDES permit adopted exclusively for these purposes, including those issued by a Regional Board, shall pay a fee of \$136179. ~~A mosquito and vector control activity involves discharge of pesticides into a designated area for the maintenance and control of mosquito larva for the protection of public health from the outbreak of lethal diseases. A mosquito and vector control agency discharges pesticides into surface waters for the control of mosquito larva.~~ Dischargers filing an application for a mosquito and vector control permit shall pay a fee of \$136179. The fee shall be paid each time an application for initial certification or renewal is submitted. Mosquito and vector control fees are not subject to ambient water monitoring surcharges.

~~(67)~~ All NPDES permitted discharges, except as provided in (b)(78), (b)(89), and (c), shall pay a fee according to the following formula:

Fee equals \$1,0001,314 plus 4768-2,323 multiplied by the permitted flow, in mgd, with a maximum fee of \$250,000328,500 plus any applicable surcharge(s).

~~For fiscal year 2009-10, a one-time 35 percent credit will be given to all dischargers with flows equal to or below 140 mgd. This credit will be calculated based on the flow portion of the fee prior to any applicable surcharge(s).~~

If there is no permitted effluent flow specified, the fee shall be based on the design flow of the facility.

NPDES permitted industrial discharges⁹¹¹ with a threat/complexity¹⁰¹² rating of 1A, 1B, or 1C are subject to a surcharge as follows:

¹⁰ A mosquito and vector control activity involves discharge of pesticides into a designated area for the maintenance and control of mosquito larva for the protection of public health from the outbreak of lethal diseases. A mosquito and vector control agency discharges pesticides into surface waters for the control of mosquito larva.

^{9,11} NPDES permitted industrial discharger(s) means those industries identified in the Standard Industrial Classification Manual, Bureau of the Budget, 1967, as amended and supplemented, under the category "Division D—Manufacturing" and such other classes of significant waste producers as, by regulation, the U.S. EPA Administrator deems appropriate. (33 USC Sec. 1362).

^{10,12} Threat/complexity categories are listed under (a)(1) of this document.

Proposed 200910-101 Fee Schedules

Threat / Complexity Rating 1A - -\$15,000
Threat / Complexity Rating 1B - -\$10,000
Threat / Complexity Rating 1C - -\$5,000

Public wastewater treatment facilities with approved pretreatment programs are subject to a surcharge of \$10,000. Agencies with multiple facilities under one approved pretreatment program shall pay a \$10,000 surcharge per program.

(78)(A) Flow for wet weather municipal facilities¹³ will be based on the previous five years' actual monthly average flow¹⁴, as of the date the permit is issued. ~~Wet weather municipal facilities are intermittently operated facilities that are designed specifically to handle flows during wet weather conditions. The actual monthly average flow is defined as the average of the flows during each of the months that the discharge occurred during the previous five-year period.~~

(B) Notwithstanding paragraph 4(8)(A), the minimum annual fee for wet weather municipal facilities shall be \$20,000.

(89) All other general NPDES permits and de minimis discharges¹⁵ that are regulated by an individual or general NPDES permit, including those issued by a Regional Board, shall pay a fee as follows, plus applicable surcharge(s):

Category 1 - Discharges that require treatment systems to meet priority toxic pollutant limits and that could impair beneficial uses if limits are violated: ~~\$5,7607,569.~~

Category 2 - Discharges that require treatment systems to meet non-priority pollutant limits, but are not expected to impair beneficial uses if limits are violated. Examples of non-priority pollutants include, but are not limited to, nutrients, inorganic compounds, pH, and temperature: ~~\$3,4804,573.~~

Category 3 - Discharges that require minimal or no treatment systems to meet limits and pose no significant threat to water quality: ~~\$1,2001,577.~~

~~De minimis discharge activities include the following: aquaculture activities (as defined in Chapter 40, Section 122.25(b) of the Code of Federal Regulations) defined as managed water areas that use discharges of pollutants into that designated area for maintenance or reproduction of harvestable freshwater, estuarine, or marine plants or animals including fish hatcheries; geothermal facilities that utilize, extract, or produce energy from geothermal fluids for heating, generating power, or other beneficial uses, and discharge geothermal fluids to surface waters; aquatic pesticide applications; evaporative condensate; swimming and landscape pool drainage; discharges from fire hydrant testing or flushing; discharges resulting~~

¹³ ~~Wet weather municipal facilities are intermittently operated facilities that are designed specifically to handle flows during wet weather conditions.~~

¹⁴ ~~The actual monthly average flow is defined as the average of the flows during each of the months that the discharge occurred during the previous five-year period.~~

¹⁵ ~~De minimis discharge activities include, but are not limited to, the following: aquaculture activities (as defined in Chapter 40, Section 122.25(b) of the Code of Federal Regulations) defined as managed water areas that use discharges of pollutants into that designated area for maintenance or reproduction of harvestable freshwater, estuarine, or marine plants or animals including fish hatcheries; geothermal facilities that utilize, extract, or produce energy from geothermal fluids for heating, generating power, or other beneficial uses, and discharge geothermal fluids to surface waters; aquatic pesticide applications; evaporative condensate; swimming and landscape pool drainage; discharges from fire hydrant testing or flushing; discharges resulting from construction dewatering; discharges associated with supply well installation, development, test pumping, and purging; discharges resulting from the maintenance of uncontaminated water supply wells, pipelines, tanks, etc.; discharges resulting from hydrostatic testing of water supply vessels, pipelines, tanks, etc.; discharges resulting from the disinfection of water supply pipelines, tanks, reservoirs, etc.; discharges from water supply systems resulting from system failures, pressure releases, etc.; discharges of non-contact cooling water, not including steam/electric power plants; discharges resulting from diverted stream flows; water treatment plant discharges; and other similar types of wastes that have low pollutant concentrations and are not likely to cause or have a reasonable potential to cause or contribute to an adverse impact on the beneficial uses of receiving waters yet technically must be regulated under an NPDES permit.~~

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~~from construction dewatering; discharges associated with supply well installation, development, test pumping, and purging; discharges resulting from the maintenance of uncontaminated water supply wells, pipelines, tanks, etc.; discharges resulting from hydrostatic testing of water supply vessels, pipelines, tanks, etc.; discharges resulting from the disinfection of water supply pipelines, tanks, reservoirs, etc.; discharges from water supply systems resulting from system failures, pressure releases, etc.; discharges of non-contact cooling water, not including steam/electric power plants; discharges resulting from diverted stream flows; water treatment plant discharges; and other similar types of wastes that have low pollutant concentrations and are not likely to cause or have a reasonable potential to cause or contribute to an adverse impact on the beneficial uses of receiving waters yet technically must be regulated under an NPDES permit.~~

(c) The annual fees for discharges from confined animal facilities shall be based on the following schedules, plus applicable surcharge(s).

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FEEDLOTS	
Type of Facility	
TYPE OF FACILITY	Number of Animals
Cattle or eCow/eCalf	pPairs
Number of animals	
100,000 or more	\$4,2004,519
10,000 to 99,999	\$2,1002,260
5,000 to 9,999	\$1,1201,205
1,000 to 4,999	\$560603
Less than 1,000	\$280301
Calves	
10,000 or more	\$4,2004,519
5,000 to 9,999	\$2,1002,260
1,000 to 4,999	\$1,1201,205
300 to 999	\$560603
Less than 300	\$280301
Heifers (not at a dairy)	
10,000 or more	\$4,2004,519
5,000 to 9,999	\$2,1002,260
1,000 to 4,999	\$1,1201,205
300 to 999	\$560603
Less than 300	\$280301
Finishing Yards/Auction Yards	
1,000 or more	\$1,1201,205
300 to 999	\$560603
Less than 300	\$280301

DAIRIES	
Type of Facility	
TYPE OF FACILITY	Number of Animals
Mature dDairy eCattle	FEEe
Number of animals	
3,000 or more	\$5,6006,026
1,500 to 2,999	\$3,5003,766
700 to 1,499	\$1,6801,808
300 to 699	\$840904
Less than 300	\$420452
Goat Dairies	
1,000 or more	\$560603
Less than 1,000	\$280301
HOGS	
Swine (> 55 pounds)	
5,000 or more	\$2,1002,260
2,500 to 4,999	\$1,1201,205
750 to 2,499	\$560603
Less than 750	\$280301
Swine (< 55 pounds)	
20,000 or more	\$2,1002,260
10,000 to 19,999	\$1,1201,205
3,000 to 9,999	\$560603
Less than 3,000	\$280301
OTHER	
Horses	
500 or more	\$1,1201,205
150 to 499	\$560603
Less than 150	\$280301
Sheep or Lambs	
10,000 or more	\$1,1201,205
3,000 to 9,999	\$560603
Less than 3,000	\$280301

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POULTRY		
Number of Animals	On-Site Discharge Fee	Off-Site Discharge Fee
Layers or Broilers (liquid manure system)		
120,000 or more	\$2,8003,013	\$9801,054
60,000 to 119,999	\$1,4001,506	\$700753
30,000 to 59,999	\$1,0501,130	\$490527
9,000 to 29,999	\$560603	\$280301
Less than 9,000	\$280301	\$0
Non-layers (other than liquid manure system)		
500,000 or more	\$2,8003,013	\$9801,054
250,000 to 499,999	\$1,4001,506	\$700753
125,000 to 249,999	\$1,0501,130	\$490527
37,500 to 124,999	\$560603	\$280301
Less than 37,500	\$280301	\$0
Layers (other than liquid manure system)		
350,000 or more	\$2,8003,013	\$9801,054
165,000 to 349,999	\$1,4001,506	\$700753
82,000 to 164,999	\$1,0501,130	\$490527
25,000 to 81,999	\$560603	\$280301
Less than 25,000	\$280301	\$0
Ducks (other than liquid manure system)		
120,000 or more	\$2,8003,013	\$9801,054
60,000 to 119,999	\$1,4001,506	\$700753
30,000 to 59,999	\$1,0501,130	\$490527
10,000 to 29,999	\$560603	\$280301
Less than 10,000	\$280301	\$0
Ducks (liquid manure system)		
20,000 or more	\$1,4001,506	
5,000 to 19,999	\$1,0501,130	
1,500 to 4,999	\$560603	
Less than 1,500	\$280301	
Turkeys		
200,000 or more	\$2,8003,013	\$9801,054
100,000 to 199,999	\$1,4001,506	\$700753
55,000 to 99,999	\$1,0501,130	\$490527
16,500 to 54,999	\$560603	\$280301
Less than 16,500	\$280301	\$0

(1) Facilities that are certified under a eQuality aAssurance pProgram approved by the State Board or under a County regulatory program approved by the appropriate Regional Board, will receive a 50 percent fee reduction. Any facility that is issued a notice of violation by a Regional Board for an off-property discharge shall not be eligible to receive this fee reduction for a minimum of one billing cycle, and for all subsequent billing cycles until recertification and all corrective actions are complete as determined by the Regional Board.

(2) Facilities that pose no potential to discharge, as determined by a Regional Board, shall pay a fee of \$280301. The fee shall be paid each time an application for initial certification or renewal is submitted and shall not be subject to ambient water monitoring surcharges.

Proposed 200910-101 Fee Schedules

(3) Facilities that are required to submit a report of waste discharge (ROWD) while the facility is under construction and remains so subsequent to the billing cycle will have the annual fee waived until the facility is in operation and animals are present at the facility.

(4) Facility closures that are required to maintain a permit until all requirements are met shall continue to be assessed a fee based at the same rate as when the facility was in operation.

Note: Authority cited: Sections 185 and 1058, of the Water Code. Reference: Section 13260, of the Water Code.

Section 2200.1

The State Board shall notify each discharger annually of the fee to be submitted, the basis upon which the fee was calculated, and the date upon which the fee is due.

Section 2200.2

Persons proposing a new discharge shall submit to the State Board or Regional Board a report of waste discharge. Unless specifically instructed otherwise by the State Board, a fee equal in amount to the annual fee based on the fee schedules in Section 2200 shall be submitted with the discharger's report of waste discharge. This fee shall serve as the first annual fee. If the submittal of this first annual fee does not coincide with the current fiscal year billing cycle, then the next, and only the next, fiscal year billing shall be adjusted to account for the payment of a full annual fee that accompanied the discharger's report of waste discharge. Persons proposing a material change in an existing discharge are not required to submit a fee with the report of waste discharge.

Section 2200.3

Failure to pay the annual fee is a misdemeanor and will result in the State Board or Regional Board seeking the collection of fees through the enforcement provisions provided pursuant to Water Code §Section 13261.

Section 2200.4

Any refund made pursuant to Water Code §Section 13260(e) or for any other reason, shall withhold sufficient funds to cover actual staff time spent in reviewing the report of waste discharge, which shall be calculated using a rate of \$100.00 per hour.

Note: Authority cited: Sections 185 and 1058, of the Water Code. Reference: Section 13260, of the Water Code.

Section 2200.5. No Exposure Certification

Dischargers filing an application for a No Exposure Certification (NEC) shall pay a fee of \$242 for each facility for which an application is submitted, as prescribed in a general industrial storm water permit. The fee shall be paid each time an application for initial certification or renewal is submitted. NEC fees are not subject to ambient water monitoring surcharges.

Proposed 200910-101 Fee Schedules

Note: Authority cited: Sections 185 and 1058, of the Water Code. Reference: Section 13260.2, of the Water

Section 2200.6. Annual Waiver Fee Schedules

(a) Any person for whom waste discharge requirements have been waived pursuant to ~~Section~~ Section 13269 of the Water Code shall submit an annual fee to the State Board if a fee is specified for the waiver in this section.

No ~~A~~ambient ~~W~~water ~~M~~monitoring surcharge shall apply to annual fees for waivers as specified in this section.

(b) Annual fees for waivers for discharges from agricultural land⁴ adopted by the Regional Water Quality Control Boards for the Central Coast, Central Valley, or Los Angeles Regions shall be as follows:

(1) Tier I: If a discharger is a member of a group that has been approved by the State Board to manage fee collection and payment, then the fee shall be \$100 per group plus ~~\$0.4249~~ \$0.4249 per acre of land.

(2) Tier II: If a discharger is a member of a group that has been approved by the State Board but that does not manage fee collection and payment, then the fee shall be \$100 per farm plus ~~\$0.2082~~ \$0.2082 per acre of land.

(3)(A) Tier III: Except as provided in (b)(3)(B), if a discharger is not a member of a group that has been approved by the State Board, the following fee schedule applies:

Acres	Fee Rate	Min Fee	Max Fee
0-10	\$300 + \$10/Acre	\$300	\$400
11-100	\$750 + \$5/Acre	\$805	\$1,250
101-500	\$2,000 + \$2.5/Acre	\$2,253	\$3,250
501 or More	\$4,000 + \$2/Acre (Max. \$6,500)	\$5,002	\$6,500

(B) Annual fees for waivers for discharges of wastes from water districts, subject to Order No. R5-2006-0054 issued by the Central Valley Regional Water Quality Control Board, shall be \$4,500.

(c) Upon approval by the ~~Regional Water Quality Control Board~~ to join a group subject to waivers of discharges from agricultural land, the discharger shall submit to the State Water Board an application fee, unless such fee is not required by the ~~Regional Water Quality Control Board~~. The application fee is a one-time fee of \$200 for dischargers responding to a California Water Code §13267 Order and \$50 for all other dischargers. This application fee shall not apply to dischargers who were members of a group on or before June 30, 2008.

(d) For purposes of this section, the word "farm" and the word "discharger" refer to any person who is subject to Order No. R3-2004-0117 issued by the Central Coast Regional Water Quality Control Board, Order No. R4-2005-0080 issued by the Los Angeles Regional Water Quality Control Board, or Amended Order No. R5-2006-0053 and Order No. R5-2006-0054 issued by the Central Valley Regional Water Quality Control Board.

Note: Authority cited: Sections 185 and 1058, of the Water Code. Reference: Section 13269, of the Water Code.

**State Water Resources Control Board
WDPF Fund Condition (\$000)**

	Actuals							Forecast		
	FY 02-03	FY 03-04	FY 04-05	FY 05-06	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11 No Fee Increase	FY 10-11 Fee Increases
BEGINNING BALANCE										
Prior year adjustments ¹	\$6,000	\$8,808	\$11,201	\$14,244	\$19,131	\$17,288	\$9,795	\$8,204	\$9,341	\$9,341
Restricted Revenue ²			(\$343)	\$381	\$1,247	\$1,807	(\$56)			(\$2,251)
Adjusted Beginning Balance	\$6,000	\$8,808	\$10,858	\$14,625	\$20,378	\$19,095	\$9,739	\$8,204	\$7,090	\$7,090
Revenue										
Regulatory Fees	\$34,009	\$53,699	\$59,978	\$60,561	\$62,435	\$60,958	\$77,340	\$74,673	\$71,751	\$91,268
Other ³		\$1,019	\$2,968	\$2,622	\$3,038	\$2,027	\$2,027	\$858	\$602	\$602
Total Revenue	\$34,009	\$53,699	\$60,997	\$63,529	\$65,057	\$63,996	\$79,367	\$75,531	\$72,353	\$91,870
Expenditures										
Water Bd. State Operations	\$28,736	\$51,305	\$57,607	\$58,726	\$67,651	\$72,977	\$80,597	\$74,080	\$91,268	\$91,268
Other State Operations ⁴	\$2,465	\$1	\$4	\$297	\$496	\$319	\$305	\$314	\$410	\$410
Total Expenditures	\$31,201	\$51,306	\$57,611	\$59,023	\$68,147	\$73,296	\$80,902	\$74,394	\$91,678	\$91,678
Gain/(Loss)	\$2,808	\$2,393	\$3,386	\$4,506	(\$3,090)	(\$9,300)	(\$1,535)	\$1,137	(\$19,325)	\$192
ENDING BALANCE	\$8,808	\$11,201	\$14,244	\$19,131	\$17,288	\$9,795	\$8,204	\$9,341	(\$12,235)	\$7,282
Fund Reserve	28.2%	21.8%	24.7%	32.4%	25.4%	13.4%	10.1%	12.6%		7.9%

Footnotes:

- 1 Most adjustments represent unspent contract dollars that revert to the Fund.
- 2 Restricted revenue is revenue received from fines and penalties that must be expended on cleanup and abatement activities.
- 3 Other revenue includes fines and penalties, interest from the state's pooled money investment fund, and escheat from unclaimed checks. Forecast years do not include Escheat or Penalties.
- 4 Other state operations includes appropriations for CalEPA, the State Controller's Office, and prorata.

