



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

**REVISED
NOTICE OF PROPOSED EMERGENCY RULEMAKING**

Annual Waste Discharge Permit Fees

Amendments to Division 3 of Title 23 of the California Code of Regulations

Required Notice of Proposed Emergency Action

Government Code section 11346.1, subdivision (a)(2) requires that, at least five working days prior to submission of a proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to OAL, the OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6. This document provides the required notice.

Proposed Emergency Action

Water Code section 13260(f) requires the State Water Resources Control Board (State Water Board) to adopt emergency regulations revising and establishing fees to be deposited in the Waste Discharge Permit Fund in the State Treasury. Water Code section 13260(f)(1) requires the State Water Board to adjust the fee schedule each fiscal year to conform to the revenue levels set forth in the annual Budget Act. On September 19, 2011, the State Water Board adopted Resolution 2011-0042, which adjusted waste discharge permit fees to conform to the revenue levels set forth in the Budget Act for Fiscal Year (FY) 2011-12.

Proposed Text of Emergency Regulations

The proposed text of the emergency regulations is attached.

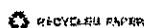
Finding of Emergency (Gov. Code, § 11346.1, subd. (b))

The State Water Board has a mandatory legal duty to adopt emergency regulations revising the fees as necessary each fiscal year pursuant to the Water Code 13260(f). Water Code section 13260(f)(2) states that "[t]he adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare." Notwithstanding chapter 3.5 (commencing with section 11340) of part 1 of division 3 of title 2 of the Government Code, the emergency regulations shall remain in effect until revised by the State Water Board.

Moreover, the State Water Board finds that the amendments to the regulations must be adopted immediately in order to allow for the timely collection of fees consistent with the Budget Act.

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

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Without fee revenue in the amounts established by the Budget Act, much of the water quality program would have to be shut down. Continued administration of the water quality program is essential to the economy and environment of the State of California. Adoption of the regulations is necessary for the immediate preservation of the public health and welfare. The State Water Board is unable to address the situation through nonemergency regulations because, as discussed above, it has a mandatory legal duty to adopt the fee schedules by emergency regulation.

Authority and Reference (Gov. Code, § 11346.5, subd. (a)(2))
Water Code section 13160(f).

Informative Digest (Gov. Code, § 11346.5, subd. (a)(3))
Under the Water Code and existing regulations, any person filing a report of waste discharge that could affect the quality of the waters of the state must pay an annual fee to the State Water Board.

The emergency regulations will adjust the fee schedule to increase fees for most waste discharger permit holders

There is no comparable federal statute or regulation.

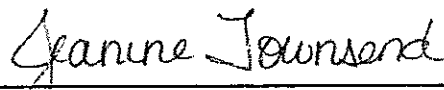
Other Matters Prescribed by Statute (Gov. Code, § 11346.5, subd. (a)(4))
No other matters are prescribed by statute or regulation applicable to the State Water Board.

Local Mandate (Gov. Code, § 11346.5, subd. (a)(5))
The proposed emergency regulations do not impose a mandate on local agencies or school districts because they do not mandate a new program or a higher level of service of an existing program. The fee schedule applies equally to public and private entities and is not unique to local government. No state reimbursement is required by part 7 (commencing with section 17500) of division 4 of the Government Code.

Estimate of Cost or Savings (Gov. Code, § 11346.5, subd. (a)(6))
Under the proposed emergency regulations for this fiscal year, most local and state agencies will pay increased fees over last year. The amended fee schedule will result in an estimated increase to state agencies of about \$312,000. There is no cost to any local agency or school district for which reimbursement is required or other nondiscretionary cost of savings imposed on local agencies. There is no cost or savings in federal funding to the state. ~~Under the proposed emergency regulations for this fiscal year, local and state agencies will not pay an increased fee. The amended fee schedule will result in no increases to state agencies. There is no cost to any local agency or school district for which reimbursement is required or other nondiscretionary cost of savings imposed on local agencies. There is no cost or savings in federal funding to the state.~~

October 4, 2011

Date



Jeanine Townsend
Clerk to the Board

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF ADMINISTRATIVE SERVICES
SEPTEMBER 19, 2011**

ITEM 9

SUBJECT

CONSIDERATION OF A RESOLUTION ADOPTING EMERGENCY REGULATIONS REVISING THE CORE REGULATORY FEE SCHEDULES CONTAINED IN TITLE 23, DIVISION 3, CHAPTER 9, ARTICLE 1, SECTIONS 2200 AND 2200.6, AND ADDING SECTION 2200.7 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 2011-12 will require the Board to increase fees by \$27.6 million to reach the budget level.

Financial Condition of the Waste Discharge Permit Fund

Attachment 1 shows an eight-year analysis of the fund condition for WDPF. The FY 2010-11 beginning balance is \$6.6 million. Total revenue is approximately \$75.1 million, including \$74.5 million in fee revenue and \$618,000 in other revenue. Total expenditures, including salary savings are \$73.3 million, resulting in a \$1.8 million gain with an ending balance of \$8.4 million and a fund reserve of 11.4 percent.

The FY 2011-12 beginning balance of approximately \$8.4 million includes \$2.4 million in fines and penalty revenue not available for expenditure for core regulatory activities, which leaves an adjusted beginning balance of \$6.0 million. Under the current fee schedule, total revenue is anticipated to be \$73.7 million and total expenditures are anticipated to be \$101.4 million, resulting in a loss of \$27.7 million and a deficit in the Fund of \$21.7 million. In order to eliminate the projected deficit and meet budgetary expenditures, the State Water Board needs to generate an additional \$27.6 million in fee revenue to bring total fee revenue up to \$100.7 million. This will result in a \$77,000 loss with an ending balance of \$5.9 million and a fund reserve of 5.8 percent

Program Expenditures

Table 1 shows the projected FY 2011-12 revenue based on the existing fee schedule, the budget for FY 2011-12 along with the projected fee revenue needed to meet anticipated budgetary expenditures by program, the cost drivers, and the revenue increases needed by program area to meet budgeted expenditures. The cost drivers include staff cost adjustments, planning fund shifts distributed to all programs, and specific fund shifts for the Irrigated Lands Regulatory Program (ILRP) and NPDES Program. In addition to the fund shifts, there is a

revenue shortfall from FY 2010-11 that is mainly attributable to a return to full program budget authority. As Table 1 indicates, of the \$27.6 million fee increase, \$3.1 million or 11.3 percent is attributable to specific General Fund shifts in the NPDES and ILRP programs, \$18.3 million or 66.5 percent is attributable to General Fund shifts for planning activities, and \$8.2 million or 29.8 percent is attributable to a base revenue shortfall. None of the increase is attributable to growth in WDPF fee funded programs.

Table 1

WDPF Program	Base Revenue Forecast FY 11-12	Base Revenue Shortfall	Base FY 11-12 Budget ¹	Staff Cost Adjust ²	Program Fund Shifts ³	Planning Fund Shift ⁴	FY 11-12 Budget ⁵	Forecasted Revenue Increase FY 11-12	Percent Increase
NPDES	\$19,715	\$3,037	\$22,752	(\$550)	\$1,373	\$4,953	\$28,528	\$8,813	44.7%
WDR	\$18,152	\$545	\$18,697	(\$518)		\$4,290	\$22,469	\$4,317	23.8%
LD - No Tip Fee	\$6,724	\$871	\$7,596	(\$210)		\$1,743	\$9,128	\$2,404	35.7%
LD - Tip Fee	\$2,359	\$179	\$2,538	(\$70)		\$582	\$3,050	\$691	29.3%
Storm Water	\$19,735	\$2,821	\$22,555	(\$558)		\$4,621	\$26,619	\$6,884	34.9%
401 Cert	\$2,895	\$609	\$3,505	(\$105)		\$871	\$4,271	\$1,375	47.5%
CAF	\$2,828	\$170	\$2,998	(\$83)		\$688	\$3,603	\$775	27.4%
Irrigated Lands	\$661	(\$18)	\$643	(\$13)	\$1,762	\$613	\$3,005	\$2,344	354.7%
TOTAL	\$73,070	\$8,214	\$81,284	(\$2,107)	\$3,135	\$18,360	\$100,672	\$27,602	37.8%

Footnotes:

- ¹ Includes redirected expenditures for SWAMP/GAMA, enforcement, Fee Unit and pro rata.
- ² Includes reduction for employee compensation, retirement, and pro rata along with increase for health care costs.
- ³ Includes General Fund shifts to fee authority for individual WDPF programs.
- ⁴ Includes \$6.849 million Basin Planning and \$11.511 million TMDL General Fund shifts to fee authority redirected to all WDPF programs.
- ⁵ Includes redirected expenditures, staff cost adjustments, individual program fund shifts and general planning fund shifts.

Methods for Revising the NPDES Program Fee Schedule

The NPDES program budget for FY 2011-12 (including its portion of SWAMP) is \$28.5 million and projected revenue is \$19.7 million. The NPDES Program needs to generate an additional \$8.8 million in revenue to meet the FY 2011-12 Budget. Of this \$8.8 million, approximately \$5.8 million is attributable to increases in budgetary expenditures as shown in Table 1 while the remaining \$3.0 million is attributable to fee increases needed to offset a projected revenue shortfall, mainly attributable to a return to full program budget authority.

The State Water Board directed staff to work with a NPDES Stakeholder Workgroup to analyze methods for assessing fees to NPDES permit holders. As a result of these discussions, the State Water Board staff developed four options to generate the necessary revenue to meet budgetary expenditures. One option is based on a straight percentage increase to all fee payers. The other three options follow a Sector Allocation method based on a work effort model that uses the 2001 Core Regulatory Program Needs Analysis (Needs Analysis) to approximate the workload associated with the following sectors: Municipals, Generals, and Industrials. The Industrial sector was then further split into two groups, Industrials and Steam Electric Power Plants (SEPPs). Each sector was then allocated a percentage of the program's costs based on the model.

Option 1 – Modified Status Quo

Calculated based on the volume of a facility’s permitted flow, Option 1 would raise all NPDES fees by approximately 60.6 percent above the FY 2010-11 fee schedule, except the General Category 3 permit fee, which would be raised by only 33.9 percent so that it did not exceed the minimum fee paid by individual permit holders. Table 1A compares the FY 2011-12 fee schedule to the FY 2010-11 fee schedule.

Table 1A – Modified Status Quo - Fee Schedule

	FY 10-11	FY 11-12	Percent Increase
Base	\$1,000	\$1,606	60.6%
Cost per MGD	\$1,768	\$2,840	60.6%
Maximum Cap*	\$250,000	\$401,568	60.6%
General Cat 1	\$5,760	\$9,252	60.6%
General Cat 2	\$3,480	\$5,590	60.6%
General Cat 3	\$1,200	\$1,606	33.9%

*Does not include the Industrial category surcharge, pretreatment surcharge or wet weather fee.

Option 2 – Modified Sector Allocation

Option 2 would bring each sector’s fee revenue in line with its workload sector allocation. The industrial sector would see the largest increase, approximately 254.5 percent, compared to FY 2010-11 fees. To help mitigate the effects of the large increase on Industrial fee payers, the SEPP sector would pay one percent above its sector allocation. This would reduce the Industrial sector increase to approximately 245.4 percent. To achieve the necessary fee revenue for FY 2011-12, each sector would have a separate fee schedule as shown in Table 2A.

Table 2A – Modified Sector Allocation - Fee Schedule

	FY 10-11	FY 11-12 General	FY 11-12 Municipal	FY 11-12 Industrial	FY 11-12 SEPP
Base	\$1,000		\$3,279	\$2,200	\$70,000
Cost per MGD	\$1,768		\$3,133	\$9,360	n/a
Maximum Cap*	\$250,000		\$296,000	\$500,000	\$70,000
General Cat 1	\$5,760	\$12,108			
General Cat 2	\$3,480	\$7,315			
General Cat 3	\$1,200	\$2,522			

*Does not include the pretreatment surcharge or wet weather fee.

Option 3 – Combined Industrial/SEPP

Option 3 also brings each sector’s fee revenue in line with its sector allocation; however, this option differs in that it combines the Industrial and SEPP sectors into one sector, as they were in the Needs Analysis, to generate a combined revenue target of approximately 33.7 percent. Option 3 would also increase the base fee above the General Category 3 permit fee because general permits require less State Water Board staff work than do individual permits, but currently pay a higher fee than many individual permit holders. Table 3A compares the proposed fee schedule for this option to FY 2010-11 fees.

Table 3A – Combined Industrial/SEPP – Fee Schedule

	FY 10-11	FY 11-12	Percent Increase
Base	\$1,000	\$3,279	227.9%
Cost per MGD	\$1,768	\$3,133	77.2%
Maximum Cap*	\$250,000	\$296,000	18.4%
General Cat 1	\$5,760	\$12,108	110.2%
General Cat 2	\$3,480	\$7,315	110.2%
General Cat 3	\$1,200	\$2,522	110.2%

*Does not include the pretreatment surcharge or wet weather fee.

Option 4 – Modified Combined Industrial/SEPP

Option 4 is a variation on the third option, with the added objective of minimizing the effect of the large fee increase to low flow dischargers seen in Option 3. This was accomplished by lowering the base fee for all individual facilities, lowering the General Category 3 permit fee, and raising the cost per MGD and maximum fee cap. Table 4A compares the proposed fee schedule for this option to FY 2010-11 fees.

Table 4A – Modified Combined Industrial/SEPP - Fee Schedule

	FY 10-11	FY 11-12	Percent Increase
Base	\$1,000	\$2,088	108.8%
Cost per MGD	\$1,768	\$3,387	91.6%
Maximum Cap*	\$250,000	\$320,000	28.0%
General Cat 1	\$5,760	\$12,108	110.2%
General Cat 2	\$3,480	\$5,987	72.0%
General Cat 3	\$1,200	\$1,606	33.9%

*Does not include the pretreatment surcharge or wet weather fee.

Other WDPF Program Fees

WDR

The WDR program budget for FY 2011-12 (including its portion of GAMA) is \$22.5 million and projected revenue is \$18.2 million. The WDR Program needs to generate an additional \$4.3 million in revenue to meet the FY 2011-12 Budget. This translates to a 23.8 percent increase to all WDR fee categories. Of this \$4.3 million, approximately \$3.8 million is attributable to increases in budgetary expenditures as shown in Table 1 while the remaining \$545,000 is attributable to fee increases needed to offset a projected revenue shortfall, mainly attributable to a return to full program budget authority.

Land Disposal – No Tipping Fee

The Land Disposal – No Tipping Fee program budget for FY 2011-12 (including its portion of GAMA) is \$9.1 million and projected revenue is \$6.7 million. The Land Disposal – No Tipping Fee Program needs to generate an additional \$2.4 million in revenue to meet the FY 2011-12 Budget. This translates to a 35.7 percent increase to all Land Disposal – No Tipping Fee categories. Of this \$2.4 million, approximately \$1.5 million is attributable to increases in budgetary expenditures as shown in Table 1 while the remaining \$871,000 is attributable to fee increases needed to offset a projected revenue shortfall, mainly attributable to a return to full program budget authority.

Land Disposal – Tipping Fee

The Land Disposal – Tipping Fee program budget for FY 2011-12 (including its portion of GAMA) is \$3.1 million and projected revenue is \$2.4 million. The Land Disposal – Tipping Fee Program needs to generate an additional \$691,000 in revenue to meet the FY 2011-12 Budget. This translates to a 29.3 percent increase to all Land Disposal – Tipping Fee categories. Of this \$691,000, approximately \$512,000 is attributable to increases in budgetary expenditures as shown in Table 1 while the remaining \$179,000 is attributable to fee increases needed to offset a projected revenue shortfall, mainly attributable to a return to full program budget authority.

Storm Water

The Storm Water program budget for FY 2011-12 (including its portion of SWAMP) is \$26.6 million and projected revenue is \$19.7 million. The Storm Water Program needs to generate an additional \$6.9 million in revenue to meet the FY 2011-12 Budget. This translates to a 34.9 percent increase to all Storm Water fee categories. Of this \$6.9 million, approximately \$4.1 million is attributable to increases in budgetary expenditures as shown in Table 1 while the remaining \$2.8 million is attributable to fee increases needed to offset a projected revenue shortfall, mainly attributable to a return to full program budget authority.

401 Certification

The 401 Certification program budget for FY 2011-12 (including its portion of GAMA) is \$4.3 million and projected revenue is \$2.9 million. The 401 Certification Program needs to generate an additional \$1.4 million in revenue to meet the FY 2011-12 Budget. This translates to a 47.5 percent increase to all 401 Certification fee categories. Of this \$1.4 million, approximately \$766,000 is attributable to increases in budgetary expenditures as shown in Table 1 while the remaining \$609,000 is attributable to fee increases needed to offset a projected revenue shortfall, mainly attributable to a return to full program budget authority.

Confined Animal Facilities (CAF)

The CAF program budget for FY 2011-12 (including its portion of GAMA) is \$3.6 million and projected revenue is \$2.8 million. The CAF Program needs to generate an additional \$775,000 in revenue to meet the FY 2011-12 Budget. This translates to a 27.4 percent increase to all CAF fee categories. Of this \$775,000, approximately \$605,000 is attributable to increases in budgetary expenditures as shown in Table 1 while the remaining \$170,000 is attributable to fee increases needed to offset projected revenue shortfall, mainly attributable to a return to full program budget authority.

Irrigated Lands Regulatory Program (ILRP)

The ILRP program budget for FY 2011-12 is \$3.0 million and projected revenue is \$661,000. The ILRP Program needs to generate an additional \$2.3 million in revenue to meet the FY 2011-12 Budget. This translates to a 354.7 percent increase to Tier 1 and Tier 2 fees. The entire \$2.3 million is attributable to increases in budgetary expenditures as shown in Table 1.

Storm Water Fee Rebalance

Between FY 2004-05 and FY 2009-10, the Storm Water Program collected approximately \$22 million more in revenue than it incurred in expenditures. This amount contributed to the large reserve balances carried in the WDPF during these years. It also allowed the State Water Board to minimize fee increases during this time period. Now that fees are increasing across all programs to cover various fund shifts, the State Water Board could minimize the fee increase on the Storm Water Program by holding its increase to 20 percent rather than the 34.9 percent outlined in Table 1. Table 3 below shows how limiting the Storm Water Program's fee increase to 20 percent would impact the other programs.

Table 3

WDPF Program	Base Revenue Forecast FY 11-12	Forecasted Revenue Increase FY 11-12	Percent Increase	Storm Water Adjustment ¹	Adjusted Revenue Increase	Adjusted Percent Increase
NPDES	\$19,715	\$8,813	44.7%	\$1,023	\$9,836	49.9%
WDR	\$18,152	\$4,317	23.8%	\$913	\$5,230	28.8%
LD - No Tipping Fee	\$6,724	\$2,404	35.7%	\$163	\$2,566	38.2%
LD - Tipping Fee	\$2,359	\$691	29.3%		\$691	29.3%
Storm Water	\$19,735	\$6,884	34.9%	(\$2,940)	\$3,944	20.0%
401 Cert	\$2,895	\$1,375	47.5%	\$129	\$1,504	51.9%
CAF	\$2,828	\$775	27.4%	\$359	\$1,133	40.1%
Irrigated Lands	\$661	\$2,344	354.7%	\$354	\$2,699	408.3%
TOTAL	\$73,070	\$27,602	37.8%	\$0	\$27,602	37.8%

Footnote:

¹ Based on actual revenue and actual expenditures from FY 04-05 through FY 09-10.

Other Fee Schedule Changes

In addition to the proposed fee increases, State Water Board staff is also recommending the following changes to the fee regulations:

- Minor language changes to clarify the fee regulations for the Irrigated Lands Regulatory Program.
- Minor language changes to clarify the fee categories for the Land Disposal program and the complexity definition in Category A used for the WDR and Land Disposal programs.

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 \$101.4 million while the current fee schedules would only generate a projected \$73.7 million in revenue, leaving a negative fund balance of \$21.7 million. The proposed changes would generate an additional \$27.6 million in fee revenue. With this increase, the ending fund balance for FY 2011-12 would be \$5.9 million, keeping the fund solvent with a prudent reserve of 5.8 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 summarized below:

- 1) NPDES Fees: State Water Board staff recommends adopting Option 1 – Modified Status Quo as the method for assessing NPDES fees.
- 2) Other WDPF Program Fees: State Water Board staff recommends assessing fees on other WDPF fee programs as specified in Table 1.
- 3) Other Fee Schedule Changes: State Water Board staff recommends making the minor language changes as proposed.

State Water Board action on this item will assist the Water Boards in reaching Goals 1-4 of the Strategic Plan Update: 2008-2012 to:

- Goal 1: Support beneficial uses
- Goal 2: Improved and protect groundwater equality
- Goal 3: Increase sustainable local water supplies
- Goal 4: Address water quality protection and restoration

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2011-

ADOPTING EMERGENCY REGULATIONS REVISING THE CORE REGULATORY FEE SCHEDULES CONTAINED IN TITLE 23, DIVISION 3, CHAPTER 9, ARTICLE 1, SECTIONS 2200 AND 2200.6, AND ADDING SECTION 2200.7 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 State 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 and 2200.6, and adding Section 2200.7 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 September 19, 2011.

Jeanine Townsend
Clerk to the Board

Proposed 2010-11-12 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 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).

09/19-20/11 BD MEETING – ITEM #9
CHANGE SHEET #1 (CIRCULATED 09/14/11)
CHANGES FROM 09/09/11 VERSION IDENTIFIED IN DOUBLE-UNDERLINE

Proposed 2010-11-12 Fee Schedules

ANNUAL FEE SCHEDULE FOR WASTE DISCHARGE REQUIREMENTS				
Threat to Water Quality (TTWQ)	Complexity (CPLX)	Type of Discharge		
		Discharge to Land or Surface Waters ⁴	Land Disposal ⁵	
			Closed Not Paying a Tipping Fee ⁶	Open Paying a Tipping Fee ⁷
1	A	\$58,520,725,665	\$35,360,481,258	\$32,275,417,323 ^{3g}
1	B	\$36,960,455,830	\$28,560,338,870	\$26,068,333,706
1	C	\$49,943,247,229	\$48,360,249,888	\$46,758,216,668
2	A	\$43,324,116,518	\$45,300,202,823	\$43,965,180,057
2	B	\$8,008,930	\$42,240,16,659	\$41,172,14,445
2	C	\$6,006,7,447	\$9,180,12,494	\$8,379,10,834
3	A	\$4,732,5,868	\$6,120,8,329	\$5,586,7,223
3	B	\$2,520,3,125	\$4,500,6,247	\$4,189,5,416
3	C	\$4,120,1,389	\$2,040,2,776	\$1,862,2,408

(1) Threat to water quality (TTWQ)⁹ 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

⁴ 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, discharges from agricultural lands, including irrigated lands, or discharge from animal feeding operations.

Dischargers caused covered by a 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. Dischargers covered by a Landscape Irrigation General Permits under Water Quality Order Number 2009-0006-DWQ issued by the State Water Board- 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, Division 2, except Chapter 7, Subchapter 2, §22560-22565 (confined animal facilities). Examples include, but are not limited to, discharges associated with active and closed landfills, waste piles, and surface impoundments, and mines.

⁶ For this table, Not Paying a Tipping Fee are those land disposal dischargers not subject to Public Resources Code (PRC) §48000 et seq.

⁷ For this table, Paying a Tipping Fee are those land disposal dischargers subject to PRC §48000 et seq.

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 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.

⁹ 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.

**09/19-20/11 BD MEETING – ITEM #9
CHANGE SHEET #1 (CIRCULATED 09/14/11)
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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~~ any small volume discharge containing toxic waste; ~~any facility or~~ any facility ~~or~~ having numerous discharge points ~~or~~ and ~~ground-water monitoring;~~ any or any Class 1 waste management unit.

Category “B” – Any discharger not included 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 in Category A or Category B as described above. Included 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 (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 Served ¹⁰	Threat and Complexity Designation
Less than 50,000	3C
50,000 or more	2C

(3) The fees for discharges of dredge and fill material shall be as follows, not to exceed ~~\$40,000~~\$9,000, plus applicable surcharge(s).¹¹

¹⁰ Assumes 2.5 persons per equivalent dwelling unit (EDU).

¹¹ 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

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Type of Discharge	Fees
(A) Fill & Excavation ¹² Discharges. Size of the discharge area expressed in acres to two decimals (0.01 acre). (436 square feet) rounded up.	<u>\$640944</u> Base Price + (Discharge area in acres x <u>\$2,7524,059</u>)
(B) Dredging Discharges ¹³ Dredge volume expressed in cubic yards.	<u>\$640944</u> Base Price + (Dredge volume in cubic yards x <u>\$0.150402</u>)
(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.	<u>\$1,0241,776</u>
(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.	<u>\$640944</u> Base Price + (Discharge length in feet x <u>\$6,409.44</u>)
(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
(F) Low Impact Discharges: Projects may be classified as low impact discharges if they meet all of the following criteria: <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 	<u>\$640944</u> Flat Fee

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 \$509738 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).

¹² "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.

¹³ "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.

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<p>"hazardous" or "designated" material. 4. Discharge is to a water body regulated as "Waters of the United States."</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><u>\$640944</u> 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><u>\$77114</u> 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> <ul 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. 	<ul style="list-style-type: none"> (a) No fee required (b) Appropriate flat fee (c) <u>\$640944</u> flat fee (d) Additional fee assessed per increased amount of discharge(s) per Section 2200 (a)(3) (plus <u>\$640944</u> 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-

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permittees to MS4 permits and school districts, serving students between kindergarten and 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>\$29,75040,103</u>
Population between 200,000 and 249,999	<u>\$26,03135,090</u>
Population between 150,000 and 199,999	<u>\$22,46130,277</u>
Population between 100,000 and 149,999	<u>\$18,59425,065</u>
Population between 75,000 and 99,999	<u>\$14,87520,052</u>
Population between 50,000 and 74,999	<u>\$11,15615,038</u>
Population between 25,000 and 49,999	<u>\$7,43810,026</u>
Population between 10,000 and 24,999	<u>\$4,4636,016</u>
Population between 1,000 and 9,999	<u>\$2,9764,010</u>
Less than 1,000 population	<u>\$1,4882,006</u>
Statewide Permit Holders	<u>\$119,000160,412</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 costs^{9,14} to review and oversee the implementation of the plan, which shall be calculated using a rate of \$150.00 per hour.

(3)(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 \$8331,123, 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.

~~(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.~~

(4)(A) Storm water discharges associated with construction activities that are regulated by a general NPDES storm water permit other than those covered under (b)(5), including those issued by a Regional Board, shall pay an annual fee of \$238321 plus \$2432 per acre (rounded to the nearest whole acre and dollar amount), to a maximum fee of \$2,6483,529, plus any

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

¹⁴ These costs include labor, State Board and Regional Board administrative costs, and overhead costs.

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applicable surcharge, based on the total acreage to be disturbed during the life of the project as 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 a General Permit to Discharge Storm Water Associated with Construction Activity (Order No. 2009-0009-DWQ) issued by the State Water Board shall pay an application fee of \$200, plus any applicable surcharge(s).

(5) 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 I: \$5,9508,021 for each region in which activities subject to the permit are conducted, or Tier II: A fee as prescribed by (b)(4)(A), based on the area covered by the project.

(6) Discharges associated with mosquito and vector control activities⁴⁰¹² that are regulated by an individual or general NPDES permit adopted ~~exclusively specifically~~ for these purposes, including those issued by a Regional Board, shall pay a fee of \$136183. Dischargers filing an application for a mosquito and vector control permit shall pay a fee of \$136183. 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.

(7) All other NPDES permitted discharges, except as provided in (b)(8), (b)(9), and (c), shall pay a fee according to the following formula:

Fee equals \$1,0001,606 plus 4,7682,840 multiplied by the permitted flow, in mgd, with a maximum fee of \$250,000401,568 plus 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 discharges⁴⁴¹³ with a threat/complexity⁴²¹⁴ rating of 1A, 1B, or 1C are subject to a surcharge as follows:

⁴⁰⁻¹² 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.

⁴⁴⁻¹³ 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).

⁴²⁻¹⁴ Threat/complexity categories are listed under (a)(1) of this document.

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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.

(8)(A) Flow for wet weather municipal facilities⁴⁶¹⁵ will be based on the previous five years' actual monthly average flow⁴⁴¹⁶, as of the date the permit is issued.

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

(9) All other general NPDES permits and de minimis discharges⁴⁵¹⁷ 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: \$5,7609,252.
- 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: \$3,4805,590.
- Category 3 - Discharges that require minimal or no treatment systems to meet limits and pose no significant threat to water quality: \$1,2001,606.

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

⁴⁶¹⁵ Wet weather municipal facilities are intermittently operated facilities that are designed specifically to handle flows during wet weather conditions.

⁴⁴¹⁶ 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.

⁴⁵¹⁷ 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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FEEDLOTS	
Type of Facility	
Number of Animals	Fee
Cattle or Cow/Calf Pairs	
100,000 or more	<u>\$4,2005,351</u>
10,000 to 99,999	<u>\$2,4002,675</u>
5,000 to 9,999	<u>\$1,4201,427</u>
1,000 to 4,999	<u>\$560713</u>
Less than 1,000	<u>\$280357</u>
Calves	
10,000 or more	<u>\$4,2005,351</u>
5,000 to 9,999	<u>\$2,4002,675</u>
1,000 to 4,999	<u>\$1,4201,427</u>
300 to 999	<u>\$560713</u>
Less than 300	<u>\$280357</u>
Heifers (not at a dairy)	
10,000 or more	<u>\$4,2005,351</u>
5,000 to 9,999	<u>\$2,4002,675</u>
1,000 to 4,999	<u>\$1,4201,427</u>
300 to 999	<u>\$560713</u>
Less than 300	<u>\$280357</u>
Finishing Yards/Auction Yards	
1,000 or more	<u>\$1,4201,427</u>
300 to 999	<u>\$560713</u>
Less than 300	<u>\$280357</u>

DAIRIES	
Type of Facility	
Number of Animals	Fee
Mature Dairy Cattle	
3,000 or more	<u>\$5,6007,134</u>
1,500 to 2,999	<u>\$3,5004,459</u>
700 to 1,499	<u>\$1,6802,140</u>
300 to 699	<u>\$8401,070</u>
Less than 300	<u>\$420535</u>
Goat Dairies	
1,000 or more	<u>\$560713</u>
Less than 1,000	<u>\$280357</u>
HOGS	
Swine (> 55 pounds)	
5,000 or more	<u>\$2,4002,675</u>
2,500 to 4,999	<u>\$1,4201,427</u>
750 to 2,499	<u>\$560713</u>
Less than 750	<u>\$280357</u>
Swine (< 55 pounds)	
20,000 or more	<u>\$2,4002,675</u>
10,000 to 19,999	<u>\$1,4201,427</u>
3,000 to 9,999	<u>\$560713</u>
Less than 3,000	<u>\$280357</u>
OTHER	
Horses	
500 or more	<u>\$1,4201,427</u>
150 to 499	<u>\$560713</u>
Less than 150	<u>\$280357</u>
Sheep or Lambs	
10,000 or more	<u>\$1,4201,427</u>
3,000 to 9,999	<u>\$560713</u>
Less than 3,000	<u>\$280357</u>

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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	<u>\$2,800</u> <u>3,567</u>	<u>\$980</u> <u>1,249</u>
60,000 to 119,999	<u>\$1,400</u> <u>1,784</u>	<u>\$700</u> <u>892</u>
30,000 to 59,999	<u>\$1,050</u> <u>1,338</u>	<u>\$490</u> <u>624</u>
9,000 to 29,999	<u>\$560</u> <u>713</u>	<u>\$280</u> <u>357</u>
Less than 9,000	<u>\$280</u> <u>357</u>	\$0
Non-layers (other than liquid manure system)		
500,000 or more	<u>\$2,800</u> <u>3,567</u>	<u>\$980</u> <u>1,249</u>
250,000 to 499,999	<u>\$1,400</u> <u>1,784</u>	<u>\$700</u> <u>892</u>
125,000 to 249,999	<u>\$1,050</u> <u>1,338</u>	<u>\$490</u> <u>624</u>
37,500 to 124,999	<u>\$560</u> <u>713</u>	<u>\$280</u> <u>357</u>
Less than 37,500	<u>\$280</u> <u>357</u>	\$0
Layers (other than liquid manure system)		
350,000 or more	<u>\$2,800</u> <u>3,567</u>	<u>\$980</u> <u>1,249</u>
165,000 to 349,999	<u>\$1,400</u> <u>1,784</u>	<u>\$700</u> <u>892</u>
82,000 to 164,999	<u>\$1,050</u> <u>1,338</u>	<u>\$490</u> <u>624</u>
25,000 to 81,999	<u>\$560</u> <u>713</u>	<u>\$280</u> <u>357</u>
Less than 25,000	<u>\$280</u> <u>357</u>	\$0
Ducks (other than liquid manure system)		
120,000 or more	<u>\$2,800</u> <u>3,567</u>	<u>\$980</u> <u>1,249</u>
60,000 to 119,999	<u>\$1,400</u> <u>1,784</u>	<u>\$700</u> <u>892</u>
30,000 to 59,999	<u>\$1,050</u> <u>1,338</u>	<u>\$490</u> <u>624</u>
10,000 to 29,999	<u>\$560</u> <u>713</u>	<u>\$280</u> <u>357</u>
Less than 10,000	<u>\$280</u> <u>357</u>	\$0
Ducks (liquid manure system)		
20,000 or more	<u>\$1,400</u> <u>1,784</u>	
5,000 to 19,999	<u>\$1,050</u> <u>1,338</u>	
1,500 to 4,999	<u>\$560</u> <u>713</u>	
Less than 1,500	<u>\$280</u> <u>357</u>	
Turkeys		
200,000 or more	<u>\$2,800</u> <u>3,567</u>	<u>\$980</u> <u>1,249</u>
100,000 to 199,999	<u>\$1,400</u> <u>1,784</u>	<u>\$700</u> <u>892</u>
55,000 to 99,999	<u>\$1,050</u> <u>1,338</u>	<u>\$490</u> <u>624</u>
16,500 to 54,999	<u>\$560</u> <u>713</u>	<u>\$280</u> <u>357</u>
Less than 16,500	<u>\$280</u> <u>357</u>	\$0

(1) Facilities that are certified under a Quality Assurance Program 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.

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(2) Facilities that pose no potential to discharge, as determined by a Regional Board, shall pay a fee of \$280357. 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.

(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.

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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.

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 Agricultural and Irrigated Lands Fee Schedule

~~(a) Any person for whom waste discharge requirements have been waived pursuant to Section 13260 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 ambient water monitoring surcharge shall apply to annual fees for waivers as specified in this section.

~~(ba) Annual fees for waste discharge requirements and waivers of waste discharge requirements for discharges from agricultural lands, including irrigated lands, 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 \$0.4256 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 \$0.2094 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	\$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.~~

Proposed 2040-11-12 Fee Schedules

(eb) Upon approval by the Regional Board to join a group subject to waste discharge requirements or waivers of waste discharge requirements for discharges from agricultural lands, including irrigated lands, the discharger shall submit to the State Water Board an application fee, unless such fee is not required by the Regional Board. The application fee is a one-time fee of \$200 for dischargers ~~responding that have received~~ 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.

(ec) For purposes of this section, the words "agricultural lands," "irrigated lands," "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.~~ have the meaning contained in the applicable Regional Board or State Board waste discharge requirements and/or waiver of waste discharge requirements for discharges from agricultural lands, including irrigated lands.

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

2200.7 Annual Fee Schedule for Waivers of Waste Discharge Requirements

(a) Any person for whom waste discharge requirements have been waived pursuant to 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 ambient water monitoring surcharge shall apply to annual fees specified in this section.

(b) [reserved]

