

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2003-0064

ADOPTING EMERGENCY REGULATION REVISIONS TO THE FEE SCHEDULES CONTAINED
IN TITLE 23, DIVISION 3, CHAPTER 9, ARTICLE 1, SECTION 2200 OF THE CALIFORNIA
CODE OF REGULATIONS

WHEREAS:

1. The 2003 State Budget Act requires that the entire general fund portion of the SWRCB's Core Regulatory Program be paid by those to whom waste discharge requirements are issued.
2. The 2003 State Budget Act appropriates an additional \$6.8 million in fee revenue to fund the SWRCB's monitoring program, to be paid by those to whom waste discharge requirements are issued.
3. Water Code Section 13260 requires each person for whom waste discharge requirements are issued to pay an annual fee to the SWRCB.
4. Water Code Section 13260 requires the SWRCB to adopt a schedule of fees by emergency regulation.
5. The fee schedule for waste discharge requirements adopted pursuant to Water Code Section 13260 is found at Title 23, Division 3, Chapter 9, Article 1, Section 2200 of the California Code of Regulations.
6. Recent legislation, Chapter 1, Statutes of 2003-04 First Extraordinary Session (ABX1-10, Oropeza), has amended Water Code Section 13260 to remove the maximum limit on an annual fee that the SWRCB can impose and has added Water Code Section 13260.2 requiring the SWRCB to establish a fee for "no exposure" certifications issued to facilities that apply for those certifications in accordance with the general industrial storm water permit.
7. All fee levels must be increased to generate the fee revenue appropriated in the State Budget Act.
8. All fees are based on the overall cost of the services provided by the program funded by fees. ([Attachment A](#)) sets forth the approximate breakdown of the expenditure of money for preparing, implementing, and enforcing a typical individual permit in each of the primary program areas.)
9. SWRCB staff prepared recommended changes to the fee schedule contained in current regulation to implement the State Budget Act requirements, with input from a working group composed of representatives of fee payer groups that are affected by the increases.

10. The SWRCB heard comments on the staff proposal at public workshops conducted on July 28, 2003 in northern California and August 11, 2003 in southern California and received 103 comments in writing from interested persons.
11. The revised terms of Water Code Sections 13260 and the provisions of Water Code Section 13260.2 will not take effect until October 28, 2003; these emergency regulations are being adopted to take effect on that date and not before. The revised fee schedule will be applied to all fees due and owing for fiscal year 2003-2004.

THEREFORE BE IT RESOLVED THAT:

SWRCB:

1. Adopts emergency regulations approving the revisions to Title 23, Division 3, Chapter 9, Article 1, Section 2200 and adding Section 2200.3 of the California Code of Regulations, as recommended by staff, to implement the provisions of the 2003 State Budget Act and pursuant to the provisions of Water Code Section 13260(f)(2) ([Attachment B](#)).

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 30, 2003.


Debbie Irvin
Clerk to the Board