



**STATE WATER RESOURCES CONTROL BOARD
ANNUAL FEES
REPORT TO THE LEGISLATURE
FISCAL YEAR 2012-2013**

February 2014



STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

**STATE WATER RESOURCES CONTROL BOARD
ANNUAL FEES REPORT
Fiscal Year 2012-13**



STATE OF CALIFORNIA

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CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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**STATE WATER RESOURCES
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I. EXECUTIVE SUMMARY

The State Water Resources Control Board (State Water Board) is providing this report on the expenditure of annual fees to comply with Water Code Section 13260.3, which states “On or before January 1 of each year, the state board shall report to the Governor and the Legislature on the expenditure of annual fees collected pursuant to Section 13260.” This report presents these expenditures and discusses the following core regulatory programs and activities:

- National Pollutant Discharge Elimination System (NPDES) Permit Program
- National Pollutant Discharge Elimination System Storm Water Program
- Waste Discharge Requirement Program
- Land Disposal Program
- Confined Animal Facilities Program
- Surface Water Monitoring Program
- Groundwater Monitoring Program
- 401 Certification Program
- Irrigated Lands Regulatory Program

The mission of the State Water Board is to “preserve, enhance and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.” This mission is accomplished, in part, through the regulation of facilities that discharge wastewater and storm water into surface waters and ground waters of the state.

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 Quality Control Board (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 fees annually to conform to the revenue levels set forth in the Budget Act.

II. EXPENDITURE OF ANNUAL FEES COLLECTED PURSUANT TO WATER CODE SECTION 13260

As provided in Table 1, the budget for the WDPF for Fiscal Year 2012-13 was \$101.7 million, including appropriations for the State Water Board, California Environmental Protection Agency and State Controller's Office. For FY 2012-2013, the WDPF had a beginning balance of \$5.9 million. Total revenue was \$99.4 million, including \$229,000 in fines and penalty revenue and \$164,000 in other revenue. Total expenditures were \$101.6 million with expenditures exceeding revenue by \$2.2 million and the fund reserve absorbing the shortfall in revenue. The ending balance of \$3.8 million is a combination of restricted revenue to be used for cleanup and abatement activities and funds obligated for ongoing projects.

Table 1. FY 2012-2013 WDPF Financial Summary (in thousands)

Budget	\$101,731
Beginning Fund Balance	\$5,953
Revenue	
Fee Revenue	\$99,037
Fines and Penalty Revenue	\$229
Other Revenue ¹	\$164
Total Revenue	\$99,430
Expenditures	
NPDES	\$27,189
Storm Water	\$22,497
WDR	\$24,282
Land Disposal	\$10,277
401 Certification	\$4,321
Confined Animal Facilities	\$3,259
Irrigated Lands	\$3,232
SWAMP	\$3,251
GAMA	\$2,172
Subtotal	\$100,480
Water Recycling ²	\$262
Other Expenditures ³	\$841
Total Expenditures	\$101,583
Net (revenues minus expenditures)⁴	-\$2,153
Ending Fund Balance	\$3,800

¹ Income from surplus money investments and escheat of unclaimed checks.

² Legislative Augmentation for Water Recycling.

³ Includes various state operations charges for other agencies.

⁴ The shortfall in revenue was absorbed by the fund reserve.

III. DISCUSSION OF CORE REGULATORY PROGRAMS

A. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PROGRAM

Water pollution degrades surface waters, making them unsafe for drinking, fishing, swimming and other activities. NPDES permits are required for all point source pollution discharges of waste into California's surface waters to prevent pollution and loss or impairment of beneficial uses of the waters, prevent damage to or loss of aquatic species and habitat, and prevent human health problems and waterborne diseases. Point sources are discrete conveyances such as pipes or man-made ditches. Industrial, municipal, and other facilities must obtain a permit if their discharges go directly to surface waters. Individual homes that are connected to a municipal sewer system, use a septic system, or do not have a surface discharge do not need a NPDES permit.

The NPDES Permit Program is mandated by the Federal Clean Water Act and administered by the State. The Clean Water Act requires the United States Environmental Protection Agency (US EPA) to set effluent limits on discharges to surface waters to ensure protection of the receiving water. The Clean Water Act requires all persons who want to discharge pollutants to first obtain a NPDES permit. Pollutant discharges without a NPDES permit are illegal.

The Clean Water Act allows the US EPA to approve State programs to issue NPDES permits in lieu of the US EPA, enabling states to perform many of the permitting, administrative, and enforcement aspects of the program. The US EPA has authorized the State Water Board and Regional Water Quality Control Boards to administer the NPDES program in California. The US EPA retains oversight responsibilities in states that have been authorized to implement Clean Water Act programs. Since its introduction in 1972, the NPDES Permit Program has significantly improved the nation's water quality.

B. NPDES STORM WATER PROGRAM

Storm water discharges are runoff from land and impervious areas such as paved streets, parking lots and building rooftops during rainfall and snow melt-off. These discharges often contain pollutants in quantities that could adversely affect water quality. Discharges of pollutants to storm water conveyance systems are significant sources of pollution to surface waters. Federal law designates these discharges as nonpoint source discharges subject to a NPDES permit.

Storm water activities are separated into three major categories: construction, industrial and municipal.

- **Construction Activities.** Storm water runoff from construction activities can have a significant impact on water quality. As storm water flows over a construction site, it picks up pollutants like sediment, debris, and chemicals. Polluted storm water runoff can harm or kill fish and other wildlife. Sedimentation can destroy aquatic habitat and high volumes of runoff can cause stream bank erosion. The NPDES Storm Water Program requires operators of construction sites one acre or larger (including smaller sites that are part of a larger common plan of development) to obtain authorization to discharge storm water under a NPDES construction storm water permit.

- **Industrial Activities.** Runoff from activities that take place at industrial facilities, such as material handling and storage, often discharge industrial pollutants to nearby storm sewer systems and water bodies. This may adversely impact water quality. To limit pollutants in storm water discharges from industrial facilities, the NPDES Storm Water Program regulates these activities. Operators of industrial facilities included in one of the 11 categories of "storm water discharges associated with industrial activity" that discharge storm water to a municipal separate storm sewer system or directly to waters of the United States require authorization under a NPDES industrial storm water permit.
- **Municipal Activities.** Under the NPDES Storm Water Program, operators of large, medium and small regulated municipal separate storm sewer systems (MS4s) require authorization to discharge pollutants under a NPDES storm water permit. Medium and large MS4 operators are required to submit comprehensive permit applications and are issued individual permits while small MS4 operators are covered under a general permit.

C. WASTE DISCHARGE REQUIREMENT (WDR) PROGRAM

The Water Code requires the State Water Board to establish policies to protect the state's waters through the development of Water Quality Control Plans (Basin Plans) and the issuance of WDRs. The purpose of Basin Plans and WDRs is to ensure, to the greatest extent possible, that discharges to the State's waters do not adversely affect the quality and beneficial uses of such waters.

WDRs are issued under state authority to regulate discharges to land or surface waters of the state for specified types of discharges not covered by NPDES permits. The WDR Program regulates discharges that include percolation through disposal ponds, discharges through leach fields, and irrigation of landscapes and farmland. Regulatory requirements for wastewater discharges to land are contained in California Code of Regulations (CCR) Title 23. To comply with the effluent limitations in WDRs, wastewater usually must be treated before being discharged. These discharges, unless waived under Water Code Section 13269, must meet WDRs. Discharges that are waived under Water Code Section 13269 also must meet water quality regulatory requirements and pay water quality fees.

D. LAND DISPOSAL PROGRAM

The Land Disposal Program regulates waste discharges to land for treatment, storage and disposal in waste management units. Waste management units include landfills, waste piles, and surface impoundments. Waste discharged to waste management units may contain chemicals and substances that leach pollutants into the groundwater underlying the unit, impacting local drinking supplies.

Regulatory requirements for hazardous waste discharges are contained in CCR Title 23, Chapter 15. Regulatory requirements for non-hazardous waste discharges are contained in CCR Title 27.

E. CONFINED ANIMAL FACILITIES PROGRAM

Confined animal facilities (CAFs) are agricultural operations where animals are kept and raised in confined situations. CAFs generally congregate animals, feed, manure, dead animals, and production operations on a small land area. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures. Animal waste and wastewater can enter water bodies from spills or breaks of waste storage structures (due to accidents or excessive rain), and non-agricultural application of manure to cropland. CAFs that meet the regulatory definition of a concentrated animal feeding operation have the potential of being regulated under either the NPDES or WDR permitting programs.

F. SURFACE WATER MONITORING

The Surface Water Ambient Monitoring Program (SWAMP) is a comprehensive statewide monitoring program designed to assess the condition of surface waters throughout the State of California.

Administered by the State Water Board, SWAMP was developed to integrate the existing water quality monitoring activities of the State Water Board and the Regional Water Boards and coordinate with the monitoring programs of other agencies, dischargers, and citizen groups. Under SWAMP, the State Water Board is responsible for statewide monitoring efforts and oversees the monitoring activities of the Regional Water Boards. The Regional Water Boards, in turn, establish monitoring priorities for the water bodies in their regions for site-specific monitoring. To ensure statewide consistency, SWAMP also specifies the protocols and methods to be used for sampling, data analysis, and data reporting. Monitoring for SWAMP is conducted through the California Department of Fish and Wildlife and US Geological Survey master contracts, and Regional Board monitoring contracts. Among other uses, the State Water Board uses SWAMP data to evaluate water bodies for potential listing under Section 303(d) of the Clean Water Act.¹ Funding for SWAMP comes from a 21 percent surcharge assessed to holders of NPDES and storm water permits.

G. GROUNDWATER MONITORING

Groundwater is one of California's most valuable natural resources. Nearly half of California's population relies on groundwater for its drinking water supplies. Groundwater is the source of about 30 percent of the water for urban and agricultural use in average years and can increase to about 40 percent when surface supplies are reduced in drought years. The Legislature and the public have become increasingly concerned about groundwater quality and public supply well closures due to the detection of chemicals such as the gasoline additive MTBE, industrial solvents, and more recently perchlorate.

To address these concerns, Water Code Section 10780 et al. was added in 2001 to require the State Water Board to integrate existing monitoring programs and design new program elements, as necessary, for the purpose of establishing a comprehensive monitoring program capable of assessing each groundwater basin. To meet this mandate, the State Water Board created the Groundwater Ambient Monitoring and Assessment (GAMA) Program.

¹Section 303(d) of the Clean Water Act requires states to identify waters that do not meet applicable water quality standards after the application of certain technology-based controls.

The primary objective of the GAMA Program is to assess on a comprehensive basis statewide groundwater quality and gain an understanding about contamination risks to specific groundwater resources. Ambient groundwater monitoring collects physical, chemical, or biological data in order to evaluate the status of groundwater resources as well as trends of improvement or deterioration in groundwater quality. Groundwater monitoring data may then be used to identify priority areas where groundwater quality protection or restoration efforts are necessary. The GAMA Program is funded by a 9.5 percent surcharge assessed on WDR permittees and operators of confined animal facilities operating under either a WDR or NPDES permit.

H. 401 CERTIFICATION & 404 DREDGE/FILL PROGRAMS

Section 404 of the Clean Water Act establishes a program to regulate discharges of dredge and fill material into waters of the United States, including wetlands. Activities in waters of the United States that are regulated under this program include fills for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports), and conversion of wetlands to lands that support farming and forestry activities.

A permit review process controls regulated activities. An individual permit is usually required for potentially significant impacts; however, for most discharges that will have only minimal adverse impacts as the Army Corps of Engineers often grants up-front general permits. These may be issued on a national, regional, or statewide basis for particular categories of activities (for example, minor road crossings, utility line backfill, and bedding) as a means to expedite the permitting process.

Section 401 of the Clean Water Act allows states and tribes to approve, condition, or deny all federal permits or licenses that might result in a discharge to state or tribal waters, including wetlands. Under this authority, states and tribes decide to approve, condition, or deny permits or licenses primarily on the basis of whether the proposed activity will comply with state water quality standards. In addition, states and tribes consider whether the activity will violate effluent limitations, new source performance standards, restrictions on the discharge of toxic pollutants, and other state or tribal water resource and water quality requirements. The major federal licenses and permits subject to Section 401 include NPDES point sources and nonpoint source discharge permits, 402 404 dredge and fill permits, Federal Energy Regulatory Commission hydropower licenses, and Rivers and Harbors Act Section 9 and 10 permits.

I. IRRIGATED LANDS REGULATORY PROGRAM

The Irrigated Lands Regulatory Program regulates discharges from irrigated agricultural lands, which includes irrigation return flow, flows from tile drains, and storm water runoff. These discharges can affect water quality by transporting pollutants, including pesticides, sediment, nutrients, salts, pathogens, and heavy metals, from irrigated fields to surface waters.

Many surface water bodies are impaired because of pollutants from agricultural sources. Recently, some groundwater aquifers have been contaminated by pesticides, nitrates, and salts. Statewide, approximately 9,493 miles of rivers and streams and approximately

513,130 acres of lakes and reservoirs are listed as impaired under the Clean Water Act due to the impacts of irrigated agriculture. Of these, approximately 2,800 miles of rivers and streams, approximately 28 percent of the total amount of impaired rivers and streams, have been identified as being impaired by pesticides.

To control and assess the effects of discharges from irrigated agricultural lands, the Los Angeles, Central Coast, Central Valley, and San Diego Regional Water Quality Control Boards have adopted comprehensive conditional waivers. These Regional Water Boards have made significant strides to implement their waiver programs and are committed to continue their efforts to work with the agricultural community to protect and improve water quality.

Additional Information

The State Water Board's Annual Performance Report can be found at:
http://www.waterboards.ca.gov/about_us/performance_report_1112/.

Questions concerning the information provided in this report or requests for additional information should be sent to:

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