

Proposed 2013-1414-15 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.¹

~~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), ~~(a)(4)~~, (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 ⁴²	Land Disposal ²³	
			Not Paying a Tipping Fee ³⁴	Paying a Tipping Fee ⁴⁵
1	A	\$92,593,109,095	\$59,194,70,781⁵⁶	\$49,327,59,252⁵⁶
1	B	\$58,479,68,901	\$47,810,57,168	\$39,840,47,856
1	C	\$31,554,37,178	\$30,735,36,751	\$25,612,30,766

¹ ~~Federal facilities will generally not be invoiced for the portion of the annual fee that is attributable to the State Board's ambient water monitoring programs. See Massachusetts v. United States (1978) 435 U.S. 444.~~

⁴² 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 covered by a WDR 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 Permit issued by the State Water Board will be assessed a fee associated with TTWQ/CPLX rating of 3B ~~plus any applicable surcharges.~~

²³ 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, surface impoundments, and mines.

³⁴ For this table, Not Paying a Tipping Fee are those land disposal dischargers not subject to Public Resources Code (PRC) §48000 et seq.

⁴⁵ For this table, Paying a Tipping Fee are those land disposal dischargers subject to PRC §48000 et seq.

⁵⁶ 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.

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2	A	<u>\$21,077,24,833</u>	<u>\$25,61230,625</u>	<u>\$21,34325,638</u>
2	B	<u>\$12,67114,929</u>	<u>\$20,49424,502</u>	<u>\$17,07420,510</u>
2	C	<u>\$9,50211,195</u>	<u>\$15,36818,376</u>	<u>\$12,80615,383</u>
3	A	<u>\$7,4888,823</u>	<u>\$10,24512,250</u>	<u>\$8,53810,256</u>
3	B	<u>\$3,9884,699</u>	<u>\$7,6849,188</u>	<u>\$6,4027,690</u>
3	C	<u>\$1,7722,088</u>	<u>\$3,4144,082</u>	<u>\$2,8463,419</u>

(1) Threat to water quality (TTWQ)^{6Z} 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; any facility having numerous discharge points and groundwater monitoring; 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:

^{6Z} 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.

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Population Served ⁷⁸	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 \$68,558, plus applicable surcharge(s).~~⁸⁹

Type of Discharge	Fees
(A) Fill & Excavation¹⁰ Discharges. Size of the discharge area expressed in acres to two decimals (0.01 acre) (436 square feet) rounded up.	\$1,097 Base Price + (Discharge area in acres x \$4,717)
(B) Dredging Discharges¹¹ Dredge volume expressed in cubic yards.	\$1,097 Base Price + (Dredge volume in cubic yards x \$0.174)
(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.	-\$2,064
(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.	\$1,097 Base Price + (Discharge length in feet x \$10.97)
(E) Discharges to Non-federal (e.g. "Isolated") Waters. Discharges to waters or portions of waterbodies not regulated as "waters of the	Double the applicable fee schedules except for (G)

⁷⁸ Assumes 2.5 persons per equivalent dwelling unit (EDU).

⁸⁹ 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 standard fee categories, the total application fee shall be the sum of the application fees assessed under each applicable fee category; however only a \$858 base single annual active discharge fee or annual post-discharge monitoring fee, if required, shall be assessed for the project charged only once. The single annual active discharge fee and the single annual post-discharge monitoring fee for the project shall be based on the higher of the applicable fee categories. Single projects qualifying for a special/flat fee or amended order fee shall only be assessed the applicable special/flat fee or amended order fee.
 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).

⁴⁰ ~~"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.~~

⁴¹ ~~"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>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.</p>	<p>restoration projects</p>
<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>\$1,097 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>\$1,097 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>\$132 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) \$1,097 flat fee (d) Additional fee assessed per increased amount of discharge(s) per Section 2200 (a)(3) (plus \$1,097 base price) (e) New fee assessed per Section 2200 (a)(3)

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<u>STANDARD FEE</u>			
<u>Discharge Category</u>	<u>Application Fee¹⁰</u>	<u>Annual Active Discharge Fee¹¹</u>	<u>Annual Post-Discharge Monitoring Fee¹²</u>
<u>(A) Fill and Excavation¹³ Discharges</u> <u>Discharges will be assessed as the higher fee of "discharge length in feet" and "discharge area in acres." The size of the discharge area shall be rounded to two decimal places (0.01 acre = 436 square feet).</u>	<u>Discharge length in feet x \$13.50</u> <u>-or-</u> <u>Discharge area in acres x \$5,670</u> <u>whichever is higher, up to a maximum of \$90,000. The minimum application fee is \$600.</u>	<u>\$600</u>	<u>\$300</u>
<u>Discharge Category</u>	<u>Application Fee¹⁰</u>	<u>Annual Active Discharge Fee¹¹</u>	<u>Annual Post-Discharge Monitoring Fee¹²</u>
<u>(B) Dredging¹⁴ Discharges</u> <u>(except Sand Mining-see (C) below)</u> <u>Dredge volume expressed in cubic yards.</u>	<u>\$600</u>	<u>Annual dredge volume in cubic yards x \$0.21, up to a project maximum of \$90,000. The minimum annual active discharge fee is \$600.</u>	<u>\$300</u>
<u>SPECIAL/FLAT FEE</u>			
<u>Discharge Category</u>	<u>Application Fee¹⁰</u>	<u>Annual Active Discharge Fee¹¹</u>	<u>Annual Post-Discharge Monitoring Fee¹²</u>
<u>(C) Sand Mining Dredging Discharges</u> <u>Aggregate extraction in marine waters where source material is free of pollutants and the dredging operation will not violate any basin plan provisions.</u>	<u>\$600</u>	<u>\$600</u>	<u>\$300</u>

¹⁰ Dischargers shall pay a one-time application fee for each project at the time that the application or report of waste discharge is submitted. Notwithstanding section 2200.2, if discharges commence in a fiscal year other than the fiscal year in which the application or report of waste discharge is submitted, the application fee is in addition to the first annual active discharge fee for the project. If discharges commence in the same fiscal year as the application or report of waste discharge is submitted, the discharger shall pay only the greater of the application fee or the first annual active discharge fee. The application fee for category (A) fill and excavation discharges will be based on the discharger's estimate of project length and area. If, upon completion, the actual length or area is larger than the estimate, the discharger may receive an additional application fee invoice that is based on the actual project length and area, minus the application fee that was previously paid.

¹¹ Dischargers shall pay an annual active post-discharge fee each fiscal year or portion of a fiscal year during which discharges occur until the regional board or the State Board issues a Notice of Completion of Discharges Letter to the discharger. The annual active discharge fee for category (B) dredging discharges will be invoiced after the annual dredge volume has been determined.

¹² Dischargers shall pay an annual post-discharge monitoring fee each fiscal year or portion of a fiscal year commencing with the first fiscal year following the fiscal year in which the regional board or State Board issued a Notice of Completion of Discharges Letter to the discharger, but continued water quality monitoring or compensatory mitigation monitoring is required. Dischargers shall pay the annual post-discharge monitoring fee each fiscal year until the regional board or the State Board issues a Notice of Project Complete Letter to the discharger.

¹³ "Excavation" refers to removing 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 discharge, and removing sediment to increase channel capacity, and other flood control and drainage maintenance activities (e.g., debris removal, vegetation management and removal, detention basin maintenance and erosion control of slopes along open channels and other drainage facilities).

¹⁴ "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><u>(D) Ecological Restoration and Enhancement Projects</u> <u>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 are not primarily intended for ecological restoration or enhancement, e.g., land development.</u></p>	<p><u>\$200</u></p>	<p><u>\$200</u></p>	<p><u>\$100</u></p>
<p><u>(E) Low Impact Discharges</u> <u>Projects may be classified as low impact discharges if they meet all of the following criteria:</u> <u>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.</u> <u>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.</u> <u>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.</u></p>	<p><u>\$200</u></p>	<p><u>N/A</u></p>	<p><u>N/A</u></p>
<p><u>(F) General Orders for CEQA Exempt Projects</u> <u>Projects which are CEQA exempt and which are required to submit notification of a proposed discharge to the State and/or Regional Board pursuant to: (1) a general order authorizing impacts for the qualifying project CEQA exemption (e.g. Small Habitat Restoration General Permit); or (2) a general water quality certification permitting discharges authorized by a U.S. Army Corps of Engineers general permit (e.g., nationwide permit). Applies ONLY if a general order or general water quality certification was previously granted.</u></p>			
<p><u>(G) Emergency Projects authorized by a Water Board General Order</u> <u>(H) Amended Orders</u> <u>Amendments of WDR's or water quality certifications previously issued for one-time discharges not subject to annual billings.</u> <u>(a) Minor project changes, not requiring technical analysis and involving only minimal processing time.</u> <u>(b) Changes to projects eligible for flat fees (fee categories C and D) where technical analysis is needed to assure continuing eligibility for flat fee and that beneficial uses are still protected.</u></p>	<p>- - <u>(a) No fee required</u> <u>(b) \$300 flat fee</u></p>		

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<p><u>(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.</u></p> <p><u>(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.</u></p> <p><u>(e) Major project changes requiring an essentially new analysis and re-issuance of WDR's or water quality certification.</u></p>	<p><u>(c) \$200 flat fee</u></p> <p><u>(d) Additional standard fee assessed per increased amount of discharge(s)</u></p> <p><u>(e) New standard fee assessed</u></p>
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(4) The annual fee for discharges associated with marijuana cultivation shall be as follows:

<u>Total Area Cultivated</u>	<u>Annual Fee</u>
<u>Less than 0.25 acres</u>	<u>\$500</u>
<u>0.25 to 5 acres</u>	<u>\$2,500</u>
<u>Greater than 5 acres</u>	<u>\$10,000</u>

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

(1)(A) 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 (Non-Traditional Small MS4s⁴⁴¹⁵), shall pay an annual fee according to the following schedule, ~~plus applicable surcharge(s),~~ based on the average daily population using the entities facilities, unless otherwise provided in the schedule. Flood control districts or other special districts named as co-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. For Fiscal Year 2014-15, dischargers paying this fee will receive an 8.9 percent reduction of the total fee.

ANNUAL FEE SCHEDULE FOR AREAWIDE MUNICIPAL STORM WATER SEWER SYSTEM PERMITS AND CO-PERMITTEES	
Population equal to or greater than 250,000	\$52,856 <u>63,956</u>
Population between 200,000 and 249,999	\$46,249 <u>55,961</u>
Population between 150,000 and 199,999	\$39,905 <u>48,285</u>
Population between 100,000 and 149,999	\$33,036 <u>39,974</u>
Population between 75,000 and 99,999	\$26,429 <u>31,979</u>

⁴⁴¹⁵ Non-Traditional Small MS4s are facilities that have systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. (40 C.F.R. §122.26(b)(16)(iii)).

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Population between 50,000 and 74,999	\$19,820 <u>23,982</u>
Population between 25,000 and 49,999	\$13,214 <u>15,989</u>
Population between 10,000 and 24,999	\$7,929 <u>9,594</u>
Population between 1,000 and 9,999	\$5,285 <u>6,395</u>
Less than 1,000 population	\$2,644 <u>3,199</u>
Statewide Permit Holders	\$211,423 <u>255,822</u>
<u>High Speed Rail Authority</u>	<u>\$150,000</u>

(B) Dischargers applying for the Small MS4 Waiver of a General Permit to Discharge Storm Water Associated with Small Municipal Activity issued by the State Water Board shall pay an application fee of \$200, ~~plus any applicable surcharge(s).~~

(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 costs⁴²¹⁶ to review and oversee the implementation of the plan, which shall be calculated using a rate of \$150.00 per hour.

(3) 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 ~~\$1,4801,791, 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. For Fiscal Year 2014-15, dischargers paying this fee will receive an 8.9 percent reduction of the total fee.

(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 ~~\$423512~~ plus ~~\$4251~~ per acre (rounded to the nearest whole acre and dollar amount), to a maximum fee of ~~\$4,6415,612, plus any 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. For Fiscal Year 2014-15, dischargers paying this fee will receive an 8.9 percent reduction of the total calculated fee.

(B) Dischargers applying for the Small Construction Rainfall Erosivity Waiver of a General Permit to Discharge Storm Water Associated with Construction Activity 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):~~

⁴²¹⁶ These costs include labor, State Board and Regional Board administrative costs, and overhead costs.

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~~Tier I: \$10,572 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.~~

(65) Discharges associated with mosquito and vector control activities⁴³¹⁷ that are regulated by an individual or general NPDES permit adopted specifically for these purposes, including those issued by a Regional Board, shall pay a fee of \$241. Dischargers filing an application for a mosquito and vector control permit shall pay a fee of \$241. 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.

(6) Planned and emergency discharges from community water systems that are regulated by a general NPDES permit adopted specifically for this purpose shall pay an application fee and subsequent annual fees (if applicable) based on the number of service connections for the public water system in accordance with the following schedule. The application fee shall be submitted with the discharger’s NOI to be regulated by the general NPDES permit. For purposes of this section, an NOI is considered to be a report of waste discharge.

<u>Service Connections</u>	<u>Application Fee Only</u>	<u>Application & Annual Fee</u>
<u>15-999</u>	<u>\$100</u>	
<u>1,000-9,999</u>		<u>\$500</u>
<u>10,000+</u>		<u>\$2,062</u>
<u>Transmission Only</u>		<u>\$2,062</u>

(7) All other NPDES permitted discharges, except as provided in (b)(9), (b)(10), and (c), shall pay a fee according to the following formula:

Fee equals ~~\$1,7042,062~~ plus ~~3,0433,646~~ multiplied by the permitted flow, in mgd, with a maximum fee of ~~\$426,064515,537~~ 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.

For Fiscal Year 2014-15, dischargers paying this fee will receive a 3.2 percent reduction of the calculated fee, prior to the addition of any applicable surcharge.

NPDES permitted industrial discharges⁴³¹⁸ with a threat/complexity⁴⁴¹⁹ rating of 1A, 1B, or 1C are subject to a surcharge as follows:

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

⁴³¹⁷ A mosquito and vector control activity involved discharge of pesticides into a designated area for the maintenance and control of mosquito larvae 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.

⁴⁴¹⁸ NPDES permitted industrial discharger(s) means those industries identified in the Standard Industrial Classification Manual, Bureau of 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).

⁴⁵¹⁹ Threat/complexity categories are listed under (a)(1) of this document.

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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 facilities⁴⁶²⁰ will be based on the previous five years' actual monthly average flow⁴⁷²¹, 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 discharges⁴⁸²² 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: ~~\$9,816~~11,877.

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: ~~\$5,934~~7,177.

Category 3 - Discharges that require minimal or no treatment systems to meet limits and pose no significant threat to water quality: ~~\$1,704~~2,062.

For Fiscal Year 2014-15, dischargers paying this fee will receive a 3.2 percent reduction of the total fee.

⁴⁶²⁰ Wet weather municipal facilities are intermittently operated facilities that are designed specifically to handle flows during wet weather conditions.

⁴⁷²¹ 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.

⁴⁸²² 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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(c) The annual fees for discharges from confined animal facilities shall be based on the following schedules, ~~plus applicable surcharge(s)~~.

FEEDLOTS	
Type of Facility	
Number of Animals	Fee
Cattle or Cow/Calf Pairs	
100,000 or more	\$6,8238,965
10,000 to 99,999	\$3,4114,482
5,000 to 9,999	\$1,8192,390
1,000 to 4,999	\$9091,194
Less than 1,000	\$455598
Calves	
10,000 or more	\$6,8238,965
5,000 to 9,999	\$3,4114,482
1,000 to 4,999	\$1,8192,390
300 to 999	\$9091,194
Less than 300	\$455598
Heifers (not at a dairy)	
10,000 or more	\$6,8238,965
5,000 to 9,999	\$3,4114,482
1,000 to 4,999	\$1,8192,390
300 to 999	\$9091,194
Less than 300	\$455598
Finishing Yards/Auction Yards	
1,000 or more	\$1,8192,390
300 to 999	\$9091,194
Less than 300	\$455598

DAIRIES	
Type of Facility	
Number of Animals	Fee
Mature Dairy Cattle	
3,000 or more	\$9,09611,952
1,500 to 2,999	\$5,6857,470
700 to 1,499	\$2,7293,586
300 to 699	\$1,3641,792
Less than 300	\$682896
Goat Dairies	
1,000 or more	\$9091,194
Less than 1,000	\$455598
HOGS	
Swine (> 55 pounds)	
5,000 or more	\$3,4114,482
2,500 to 4,999	\$1,8192,390
750 to 2,499	\$9091,194
Less than 750	\$455598
Swine (< 55 pounds)	
20,000 or more	\$3,4114,482
10,000 to 19,999	\$1,8192,390
3,000 to 9,999	\$9091,197
Less than 3,000	\$455598
OTHER	
Horses	
500 or more	\$1,8192,390
150 to 499	\$9091,194
Less than 150	\$455598
Sheep or Lambs	
10,000 or more	\$1,8192,390
3,000 to 9,999	\$9091,194
Less than 3,000	\$455598

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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	\$4,5485,976	\$1,5922,092
60,000 to 119,999	\$2,2752,989	\$1,1371,494
30,000 to 59,999	\$1,7062,242	\$7961,046
9,000 to 29,999	\$9091,194	\$455598
Less than 9,000	\$455598	\$0
Non-layers (other than liquid manure system)		
500,000 of more	\$4,5485,976	\$1,5922,092
250,000 to 499,999	\$2,2752,989	\$1,1371,494
125,000 to 249,999	\$1,7062,242	\$7961,046
37,500 to 124,999	\$9091,194	\$455598
Less than 37,500	\$455598	\$0
Layers (other than liquid manure system)		
350,000 or more	\$4,5485,976	\$1,5922,092
165,000 to 349,999	\$2,2752,989	\$1,1371,494
82,000 to 164,999	\$1,7062,242	\$7961,046
25,000 to 81,999	\$9091,194	\$455598
Less than 25,000	\$455598	\$0
Ducks (other than liquid manure system)		
120,000 or more	\$4,5485,976	\$1,5922,092
60,000 to 119,999	\$2,2752,989	\$1,1371,494
30,000 to 59,999	\$1,7062,242	\$7961,046
10,000 to 29,999	\$9091,194	\$455598
Less than 10,000	\$455598	\$0
Ducks (liquid manure system)		
20,000 or more	\$2,2752,989	
5,000 to 19,999	\$1,7062,242	
1,500 to 4,999	\$9091,194	
Less than 1,500	\$455598	
Turkeys		
200,000 or more	\$4,5485,976	\$1,5922,092
100,000 to 199,999	\$2,2752,989	\$1,1371,494
55,000 to 99,999	\$1,7062,242	\$7961,046
16,500 to 54,999	\$9091,194	\$455598
Less than 16,500	\$455598	\$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 up to a maximum fee reduction of \$2,500. 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 \$455. 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~~.

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(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 Section 2200 provides otherwise, or the discharger is 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. Except as otherwise provided in Section 2200, 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 \$200 for each facility for which an application is submitted, as prescribed in a general industrial storm

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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~~ any surcharges.

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

Section 2200.6. Annual Agricultural and Irrigated Lands Fee Schedule

~~No ambient water monitoring surcharge shall apply to annual fees specified in this section.~~

(a) Annual fees for waste discharge requirements and waivers of waste discharge requirements for discharges from agricultural lands¹, including irrigated lands, 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 \$0.75 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 \$1.27 per acre of land.

(3)(A) Tier III: 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	\$404 + \$13.50/Acre	\$404	\$5389
11-100	\$1,084 10 + \$6.70/Acre	\$1,084	\$1,756 680
101-500	\$3,033 2,692 + \$3.40/Acre	\$3,033 5	\$4,715 392
501 or More	\$6,733 5,384 + \$2.70/Acre	\$6,733 7	No Max Fee

(b) 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 that have received a written request to submit an application or report of waste discharge, 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.

(c) For purposes of this section, the words "agricultural lands," "irrigated lands," "farm," and "discharger" have the meaning contained in the applicable Regional Board or State Board waste discharge requirements or waiver of waste discharge requirements for discharges from agricultural lands, including irrigated lands. These fees shall apply whether or not a regional board or the State Board has previously waived the payment of fees for the discharge of waste.

¹ As used in this section, the acreage on which the fee is based refers to the area that has been irrigated by the farmer or discharger at any time in the previous five years.

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

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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. These fees shall apply whether or not a regional board or the State Board has previously waived the payment of fees for the discharge of waste.

~~No ambient water monitoring surcharge shall apply to annual fees specified in this section.~~

(b) ~~[reserved]~~ The annual fee for waivers of waste discharge requirements for discharges from dairies shall be the same as the annual fee for waste discharge requirements for discharges from dairies specified in Section 2200.

(c) ~~[reserved]~~

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

§ 3833. Application Fees and Refunds.

(a) Each application for a Tax Certification shall be accompanied by a fee of \$200.

(b) Each application for a Water Quality Certification shall be accompanied by a fee deposit for processing the application. Processing the application includes evaluating the activity proposed in the application and determining whether the certification should be issued and what conditions, if any, should be imposed on the certification.

(1) If the activity subject to certification includes, or involves construction or modification of facilities for the purpose of, producing hydroelectric power, and the activity or facilities require the issuance or amendment of a FERC license, a deposit in the amount of any annual fees due under section 3833.1 that have not yet been paid shall accompany the application.

(2) If the activity is not subject to subsection (b)(1) of this section but is subject to subparagraph (b)(1)(B) of section 3855, then an initial deposit shall accompany the application, and subsequent deposits shall be required as necessary to cover the state board's reasonable costs of processing the application as follows:

(A) An initial deposit of \$1,000 shall accompany all applications.

(B) If the state board's reasonable costs exceed \$750, the applicant shall provide a second deposit in the amount of the unpaid reasonable costs, if any, plus \$5,000, or a lesser amount estimated by the state board to be necessary to complete processing the application.

The state board may require additional deposits when the state board's reasonable costs exceed the total amount previously deposited less \$2,000. The additional deposits shall be in the amount of the state board's unpaid reasonable costs, if any, plus \$5,000, or a lesser amount that the state board estimates to be necessary to complete processing the application. The state board shall notify the applicant by certified mail of any deposits required under this subsection (b)(1)(B), and the deposit shall be due within sixty (60) days from receipt of the notice.

(C) After the state board acts on the application, or if the applicant withdraws the application, the applicant shall make a final payment so that the total fee paid by the applicant equals the reasonable costs incurred by the state board in processing the application. The state board shall notify the applicant by certified mail if the applicant owes a final payment on the application fee, and the final payment shall be due within sixty (60) days from receipt of the notice. If the deposit(s) exceed the state board's reasonable costs, the state board shall refund the excess amount to the applicant within sixty (60) days of final action on the application.

(D) For the purposes of this subsection (b)(2), the reasonable costs of processing the application include the state board's reasonable costs incurred in anticipation of the filing of an application, including participation in pre-filing consultation and any investigations or studies to evaluate the impacts of the proposed activity, to the extent that these costs are reasonably necessary to process the subsequently filed application. The state board's reasonable costs include any reasonable costs of processing the application incurred by a regional board at the state board's request. The state board may seek reimbursement of costs pursuant to this subsection (b)(2) only after the applicant has submitted an application to the state board.

(E) If the activity subject to water quality certification is also the subject of a pending application, petition, or registration subject to section 1062, 1064, 1067 or 1068 of this division, and the application, petition, or registration is filed before or simultaneously with the application for certification, the applicant shall pay only the fees imposed under chapter 5 (commencing with section 1061) of this division, and no additional deposit is required under this subsection (b)(2).

(3) If the activity is not subject to Subsection (b)(1) or (b)(2) of this Section, then:

(A) ~~An initial~~ deposit consisting of the appropriate application fee determined from Section 2200, Title 23, of the California Code of Regulations \$500 shall accompany all applications.

(B) The total fee, including deposit, for taking any certification action shall be the appropriate ~~one-time~~ amount determined from Section 2200, Title 23, of the California Code of Regulations.

(C) If waste discharge requirements or a waiver of waste discharge requirements are to be issued in conjunction and simultaneously with taking action on the application for water quality certification, or the project is to be regulated through general waste discharge requirements or general waivers thereof, the applicant shall pay only one fee. ~~If action is taken on the application for water quality certification, but waste discharge requirements or a waiver of waste discharge requirements are later issued for the same or revised activity, the applicant shall pay a new fee for the subsequent waste discharge requirements.~~

(4) If a revised application for water quality certification is filed for the same project that had been previously denied certification without prejudice or when an original application is voluntarily withdrawn by the applicant pursuant to Subsections 3835(b), 3836(b), 3836(c), or 3838(c) of this Chapter, the revised application shall be accompanied by any unpaid fee or portion thereof for the original application. Except as provided in this Section, no additional fee shall be required for the revised application if:

(A) the revised application is filed within twelve (12) months of the denial without prejudice or voluntary application withdrawal,

(B) the revised application package corrects the procedural problems which caused the original denial without prejudice or voluntary application withdrawal, and

(C) the project has not changed significantly in scope or potential for adverse impact (i.e., no further technical review is necessary).

(c) The fee for processing an application if a specific fee is not established under this section shall be set at the hourly rate specified in Section 2200.4, Title 23, of the California Code of Regulations. An initial deposit of \$500 shall accompany all such applications.

(d) The fees described in this Section do not include the costs of preparation of any CEQA document, should one be required.

(e) Denial of certification shall not be grounds for refund of any part of a certification application fee.

(f) If the applicant is a federal agency, the fees described in this Section apply to the extent authorized by federal law.

Note: Authority cited: Sections 1058 and 13160.1, Water Code. Reference: 26 USC Section 169, 40 CFR Section 20; 33 USC Section 1341; and Sections 1060, 13160 and 13160.1, Water Code.