

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 (AWM) surcharge will be added to each individual fee. The AWM surcharge for all discharges pursuant to section (a) Non- National Pollutant Discharge Elimination System (NPDES) and (c) Confined Animal Feeding Operations (CAFO) is 9% of the calculated fee; the surcharge for all discharges pursuant to section (b) NPDES is 18.5% of the calculated fee. The surcharge shall be applied to all permits prior to other surcharges prescribed herein.

(a) Non-NPDES fees: Annual fees for persons issued waste discharge requirement orders for discharges to land under the Waste Discharge Requirements¹ or surface waters not covered by a NPDES permit and Land Disposal² Programs, shall be based on the discharge's fee rating according to the following schedule, plus applicable surcharge(s), except as provided in subdivisions (a)(2) and c.

| ANNUAL FEE SCHEDULE FOR DISCHARGES TO LAND | | | |
|---|--------------------------|---|----------------------------------|
| Threat to Water Quality (TTWQ) | Complexity (CPLX) | Regulatory Programs | |
| | | Waste Discharge Requirements¹ | Land Disposal² |
| 1 | A | \$38,000 | \$26,000 ³ |
| 1 | B | \$24,000 | \$21,000 |
| 1 | C | \$12,950 | \$13,500 |
| 2 | A | \$8,650 | \$11,250 |
| 2 | B | \$5,200 | \$9,000 |
| 2 | C | \$3,900 | \$6,750 |
| 3 | A | \$3,380 | \$4,500 |
| 3 | B | \$1,800 | \$3,375 |
| 3 | C | \$800 | \$1,500 |

¹ Waste Discharge Requirements (WDRs) are those discharges of waste to land that are regulated through waste discharge requirements issued pursuant to Water Code Section 13263 and 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.

² Land Disposal WDRs are those discharges of waste to land that are regulated through waste discharge requirements issued pursuant to Water Code Section 13263 and that implement the requirements of CCR Title 27. Examples include, but are not limited to both active and closed landfills and surface impoundments.

³ A surcharge of \$12,000 will be added for Class I Landfills. Class I landfills are those that, during the time they are, or were, in operation, are so classified by the RWQCB 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 Substance Control under 22 CCR Chapter 10, §66270.1 et seq.

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

THREAT TO WATER QUALITY

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

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

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

COMPLEXITY

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

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

(a)(2) Dredge and Fill Operation fees shall be assessed as follows, not to exceed \$40,000, plus applicable surcharge(s)⁴.

| Type of Discharge | Fees |
|---|--|
| (i) Fill & Excavation ⁵ Discharges. Size of the area as expressed in hundredths of acres (0.01 acre) (436 square feet) rounded up. | \$500 Base Price + (Discharge area in hundredths of an acre x \$21.50) |
| (ii) Dredging Discharges Dredge volume expressed in Cubic Yards. | \$500 Base Price + (Dredge volume in cubic yards x \$0.08) |
| (iii) 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. | \$500 Base Price + (Discharge length in feet x \$5.00) |
| (iv) 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 (vi) restoration projects |
| (v) Low Impact Discharges. Projects may be classified as low impact discharges if they meet all of the following criteria: 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, (g) include "hazardous" or "designated" material. 4. Discharge is to a waterbody regulated as "Waters of the United States". | \$500 Flat fee. |
| (vi) Restoration Projects. Projects funded or sponsored by a government program with the primary 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 undertaken primarily for some other non-restorative purpose, e.g., land development. (vii) General Orders. Projects which are required to submit notification of a proposed discharge to the State and/or Regional Board as a condition of compliance with a general waste discharge requirement associated with permitting discharges authorized by a federal general permit or license, e.g., a U.S. Army Corps of Engineers nationwide permit. | \$500 Flat fee \$60 Flat Fee |

⁴ When a single project includes multiple discharges within a single dredge and fill fee category, the fee for that category shall be assessed based on the total area, volume, or length of discharge (as applicable) of the multiple discharges. When a single project includes discharges that are assessed under multiple fee categories, the total fee shall be the sum of the fees assessed under each applicable fee category; however a \$500 base fee, if required, shall be charged only once.

⁵ "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, removing sediment to increase channel capacity, and aggregate mining in fresh waters.

(b) NPDES fees: Annual fees for persons issued permits for discharges to surface waters pursuant to the program, except confined animal feeding operations, shall be based on the following schedules.

(b)(1) Each public entity that owns and/or operates a storm water conveyance system, or part of such a system, that is subject to a NPDES permit for storm water discharges from a municipal separate storm sewer system (MS4) shall pay an annual fee according to the following schedule, plus applicable surcharge(s). The fee shall be based on the population of the public entity according to the most recently published United States Census. For public entities other than cities or counties, the population figure shall be the number of people using the entity's facilities on a daily basis. Flood control districts or other special districts named as co-permittees to MS4 permits and school districts, serving students between kindergarten and 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 | \$25,000 |
| Population between 200,000 and 249,999 | \$21,875 |
| Population between 150,000 and 199,999 | \$18,875 |
| Population between 100,000 and 149,999 | \$15,625 |
| Population between 75,000 and 99,999 | \$12,500 |
| Population between 50,000 and 74,999 | \$9,375 |
| Population between 25,000 and 49,999 | \$6,250 |
| Population between 10,000 and 24,999 | \$3,750 |
| Population between 1,000 and 9,999 | \$2,500 |
| Less than 1,000 population | \$1,250 |
| Statewide Permit Holders | \$100,000 |

(b)(2) Storm water discharges associated with industrial activities that are regulated by a general NPDES storm water permit, including those issued by a Regional Board, shall pay an annual fee of \$700, 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)(3) Storm water discharges associated with construction activities that are regulated by a general NPDES storm water permit other than those covered under (b)(4), including those issued by a Regional Board, shall pay an annual fee of \$200 plus \$20 per acre, to a maximum fee of \$2,200, plus any applicable surcharge, based on the total acreage 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)(4) 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 1 –\$5,000 for each region in which activities subject to the permit are conducted, or
Tier 2 –A fee as prescribed by (b)(3), based on the area covered by the project.

(b)(5) All other NPDES permitted discharges with permitted flows of less than 100 million gallons per day (mgd) except as provided in (b)(6), (b)(7), (b)(8), (b)(9) and c, shall pay a fee according to the following formula:

Fee = \$1,000 plus 3418 multiplied by the permitted flow, in mgd, to the maximum plus any applicable surcharge(s).

The maximum fee for NPDES permitted industrial discharges⁶ is \$35,000, plus any applicable surcharge(s). NPDES permitted industrial discharges with a Threat/complexity⁷ rating of 1A, 1B or 1C are subject to a surcharge as follows:

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

The maximum fee for NPDES permitted public wastewater treatment facilities is \$50,000, plus applicable surcharge(s). 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.

(b)(6) All NPDES discharges with permitted flows of 100 mgd or greater shall pay a fee of \$100,000, plus applicable surcharges. The fee shall be based on permitted effluent flow specified in the discharge permit, except as provided in (b)(7), (b)(8) and (b)(9). If there is no permitted effluent flow specified, the fee shall be based on the designed flow of the facility.

⁶ 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).

⁷ Threat/complexity categories are listed on page 2 of this document titled "THREAT TO WATER QUALITY".

(b)(7) Flow for wet weather municipal facilities will be based on the previous five years actual daily average flow, as of the date the permit is issued. Wet weather municipal facilities are intermittently operated facilities that are designed specifically to handle flows during wet weather conditions, and otherwise operate at less than ten percent of their permitted flows due to seasonal or other considerations. The actual daily average flow is the average of all the daily flows during the previous five-year period. The calculation does not include days when discharge did not occur.

(b)(8)(A) Discharges associated with aquaculture activities that are regulated by an individual or general NPDES permit, including those issued by a Regional Board, shall pay a fee based on the categories listed in (b)(9), as determined by the Regional Board. An aquaculture activity (as defined in Chapter 40, Section 122.25(b) of the Code of Federal Regulations) is a defined managed water area which uses discharges of pollutants into that designated area for the maintenance or production of harvestable freshwater, estuarine, or marine plants or animals. The definition for purposes of this fee category includes fish hatcheries.

(B) Discharges associated with geothermal facilities, where water quality objectives are not likely to be exceeded or where beneficial uses are fully protected, that are regulated by an individual or general NPDES permit, including those issued by a Regional Board, shall pay a fee based on the categories listed in (b)(9), as determined by the Regional Board. A geothermal facility is an entity that utilizes, extracts, or produces energy from geothermal fluids for heating, generating power, or other beneficial uses, and discharges geothermal fluids to surface water.

(C) De minimis discharges that are regulated by an individual or general NPDES permit, including those issued by a Regional Board, shall pay a fee based on the categories listed in (b)(9), as determined by the Regional Board. De minimis discharge activities include the following: 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 affect on the beneficial uses of receiving waters yet technically must be regulated under an NPDES permit.

(D) All other NPDES general permits.

(b)(9) Discharges that fall within the categories specified in (b)(8) or that are regulated by a general NPDES permit (excluding storm water permits), 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: \$4,800.

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: \$2,900. (Examples of non-priority pollutants include, but are not limited to, nutrients, inorganic compounds, pH, and temperature).

Category 3 - Discharges that require minimal or no treatment systems to meet limits and pose no significant threat to water quality: \$1,000.

(c) Confined Animal Feeding Operation fees: Whether regulated by an NPDES permit or a waste discharge requirement order, dischargers who own or operate Confined Animal Feedlots, including dairies, shall pay a fee based on the following schedules plus applicable surcharge(s).

| FEEDLOTS | |
|--------------------------------------|------------|
| TYPE OF FACILITY | FEE |
| Cattle or cow/calf pairs | |
| Number of animals | |
| 100,000 or more | \$3,000 |
| 10,000 to 99,999 | \$1,500 |
| 5,000 to 9,999 | \$800 |
| 1,000 to 4,999 | \$400 |
| Less than 1,000 | \$200 |
| Calves | |
| 10,000 or more | \$3,000 |
| 5,000 to 9,999 | \$1,500 |
| 1,000 to 4,999 | \$800 |
| 300 to 999 | \$400 |
| Less than 300 | \$200 |
| Heifers (not at a dairy) | |
| 10,000 or more | \$3,000 |
| 5,000 to 9,999 | \$1,500 |
| 1,000 to 4,999 | \$800 |
| 300 to 999 | \$400 |
| Less than 300 | \$200 |
| Finishing Yards/Auction Yards | |
| 1,000 or more | \$800 |
| 300 to 999 | \$400 |
| Less than 300 | \$200 |

| DAIRIES | |
|-------------------------------|------------|
| TYPE OF FACILITY | FEE |
| Mature dairy cattle | |
| Number of animals | |
| 3,000 or more | \$4,000 |
| 1,500 to 2,999 | \$2,500 |
| 700 to 1,499 | \$1,200 |
| 300 to 699 | \$600 |
| Less than 300 | \$300 |
| Goat Dairies | |
| 1,000 or more | \$400 |
| Less than 1,000 | \$200 |
| HOGS | |
| Swine (> 55 pounds) | |
| 5,000 or more | \$1,500 |
| 2,500 to 4,999 | \$800 |
| 750 to 2,499 | \$400 |
| Less than 750 | \$200 |
| Swine (< 55 pounds) | |
| 20,000 or more | \$1,500 |
| 10,000 to 19,999 | \$800 |
| 3,000 to 9,999 | \$400 |
| Less than 3,000 | \$200 |
| OTHER | |
| Horses | |
| 500 or more | \$800 |
| 150 to 499 | \$400 |
| Less than 150 | \$200 |
| Sheep or Lambs | |
| 10,000 or more | \$800 |
| 3,000 to 9,999 | \$400 |
| Less than 3,000 | \$200 |

| POULTRY | | |
|---|------------------------------|-------------------------------|
| Number of Animals | On-Site Discharge Fee | Off-Site Discharge Fee |
| Layers or Broilers (liquid manure system) | | |
| 120,000 or more | \$2,000 | \$700 |
| 60,000 to 119,999 | \$1,000 | \$500 |
| 30,000 to 59,999 | \$750 | \$350 |
| 9,000 to 29,999 | \$400 | \$200 |
| Less than 9,000 | \$200 | \$0 |
| Non-layers (other than liquid manure system) | | |
| 500,000 of more | \$2,000 | \$700 |
| 250,000 to 499,999 | \$1,000 | \$500 |
| 125,000 to 249,999 | \$750 | \$350 |
| 37,500 to 124,999 | \$400 | \$200 |
| Less than 37,500 | \$200 | \$0 |
| Layers (other than liquid manure system) | | |
| 350,000 or more | \$2,000 | \$700 |
| 165,000 to 349,999 | \$1,000 | \$500 |
| 82,000 to 164,999 | \$750 | \$350 |
| 25,000 to 81,999 | \$400 | \$200 |
| Less than 25,000 | \$200 | \$0 |
| Ducks (other than liquid manure system) | | |
| 120,000 or more | \$2,000 | \$700 |
| 60,000 to 119,999 | \$1,000 | \$500 |
| 30,000 to 59,999 | \$750 | \$350 |
| 10,000 to 29,999 | \$400 | \$200 |
| Less than 10,000 | \$200 | \$0 |
| Ducks (liquid manure system) | | |
| 20,000 or more | \$1,000 | |
| 5,000 to 19,999 | \$750 | |
| 1,500 to 4,999 | \$400 | |
| Less than 1,500 | \$200 | |
| Turkeys | | |
| 200,000 or more | \$2,000 | \$700 |
| 100,000 to 199,999 | \$1,000 | \$500 |
| 55,000 to 99,999 | \$750 | \$350 |
| 16,500 to 54,999 | \$400 | \$200 |
| Less than 16,500 | \$200 | \$0 |

(c)(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.

(c)(2) Facilities that pose no potential to discharge, as determined by a Regional Board, shall pay a fee of \$200. 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.

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 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: Section 185 and 1058, Water Code. Reference: Section 13260.2, Water Code.*