

SOME FREQUENTLY ASKED QUESTIONS AND ANSWERS ABOUT WDR FEES

1. *Why did I get an invoice?*

Annual WDR fee invoices are sent to persons who hold a WDR order issued by a Regional Board (except dairies). The order number issued to you is shown on the invoice. (There are three types of WDR orders: NPDES, Chapter 15, and Non-chapter 15 orders; see Question 5). Your name, company name, and address was obtained from Regional Board records or from an address change you or your company submitted with prior year fee remittances.

2. *What is an "annual WDR fee"?*

Annual WDR fees are assessed for the privilege of discharging wastes, pursuant to a WDR order, that *may* affect California's surface and ground water. State law (California Water Code Section 13260) requires that every holder of a WDR order pay a yearly fee for each order to SWRCB.

3. *What is the fee for?*

Annual fees are assessed to dischargers (sometimes also called "permittees") for each WDR order they hold. The total WDR fee revenue partially supports the costs of the SWRCB and the Regional Boards' regulatory programs. General state and federal tax revenues support the majority of the costs of these regulatory programs.

4. *How is the fee determined?*

SWRCB developed a schedule of fees to implement the annual WDR fee law (Section 13260 of the California Water Code).

The current schedule establishes a range of fees based on certain ratings. These are:

- ⊖ the threat to water quality (*TTWQ*) associated with the discharge;
- ⊖ the complexity (*CPLX*) of the discharge; and
- ⊖ the program type for the WDR order.

5. *What is the schedule of fees?*

The three program types are defined as:

(a) National Pollutant Discharge Elimination System (NPDES) permits are issued to point source discharges of pollutants to surface waters and are issued pursuant to Water Code Chapter 5.5 which implements the federal Clean Water Act. Examples include, but are not limited to, public wastewater treatment facilities, industries, power plants, and ground water

cleanups discharging to surface waters.

(b) Non-Chapter 15 Waste Discharge Requirements (Non-Chap 15 WDRs) are those discharges of waste to land which are regulated through waste discharge requirements that do not implement the requirements of Chapter 15 of Division 3 of Title 23. Examples include, but are not limited to, wastewater treatment plants, erosion control projects, and septic systems.

(c) Chapter 15 Waste Discharge Requirements (Chap 15 WDRs) are those discharges of waste to land which are regulated through waste discharge requirements that implement the requirements of Chapter 15 of Division 3 of Title 23. Examples include, but are not limited to, landfills--both active and closed--and mining operations.

ANNUAL FEE SCHEDULE

A New Fee Schedule was adopted on 10/3/2002, click here to see the [Annual Fee Schedule](#)

6. *What is threat to water quality or TTWQ?*

Threat to Water Quality (TTWQ) is a relative categorization of the waste discharge's potential effect upon surface or ground water quality and the beneficial uses of those waters. Category I includes those discharges which could cause long-term loss of beneficial use, such as a drinking water supply, aquatic habitat, etc. Category II includes those discharges which

could impair the designated beneficial uses, cause short-term violations of water quality objectives, violate secondary drinking water standards, etc. Category III are those discharges which could degrade water quality without violating objectives or could cause minor impairment of beneficial uses.

7. *What is complexity or CPLX?*

Category "a" includes any major NPDES discharge, any influent involving priority pollutants or toxics, those discharges having numerous discharge points or ground water monitoring, etc. Category (b) includes those dischargers [not in (a)] who have physical, chemical, or biological treatment systems, any Class II or III waste management unit, etc. Category (b) treatment systems exclude septic systems with subsurface disposal. All other discharges are ranked in Category (c).

8. *Who decides what ratings apply to my WDR order? Who do I contact about it?*

The Regional Board that issued your WDR order determined the rating criteria shown on your fee invoice. Their telephone number is shown on your invoice.

The first digit of your "AFBS Code" also indicates which Regional Board regulates your facility or operation. A map showing Regional Board jurisdictions (keyed by number), addresses, and telephone numbers is shown on the reverse side of the invoice cover letter.

9. *What do other codes on my invoice mean?*

Under the current regulations, certain types of WDR fees are not determined according to TTWQ and CPLX ratings. These include: dredge and fill operations, general NPDES permits, and areawide urban stormwater NPDES permits. "DXX" (where "XX" is a number between "01" and "34") indicates that your fee is calculated according to the total *permitted* volume (in cubic "DXX" (where "XX" is a number between "01" and "34") indicates that your fee is calculated according to the total *permitted* volume (in cubic yards) for dredge operations. "GEN" indicates that you are regulated by a general NPDES permit and are subject to fees. "AW1" or "AW2" indicates that your WDR order is an areawide urban stormwater NPDES permit.

10. *What do I do if I think this invoice isn't mine?*

Our records indicate that you or your company or agency is named as the discharger (i.e., permittee) in the specified WDR order. The person or company named may be the person, department, or office responsible for operating the regulated waste treatment and disposal works. However, in many instances, bills are paid by a different office and we may have been instructed to use that name and address.

If the invoice has been mistakenly sent to the wrong office within your company, please re-route it to the proper person. Remind that person to update the name and address information on the remittance stub. Please use titles rather than personal names.

11. *Shouldn't the new owner get the invoice?*

Not necessarily. If you sold your facility or operation, state law requires that you notify the Regional Board in writing. Under law, the new owner/operator must also notify the Regional Board that s/he accepts responsibility for compliance with the WDR order.

As the transfer of property and who should pay the bill is a private matter between the seller and buyer, we must bill the discharger named in the WDR order. The named permittee

is responsible for payment of the annual WDR fee until the Regional Board transfers or re-issues the WDR order.

12. *If I'm not discharging, is a fee required?*

Yes. The annual WDR fee pertains to your order, not the frequency or duration of your discharge. Since your WDR order allows you to discharge wastes as specified, you must pay an annual fee as long as your WDR order remains in force.

State law requires that you report any material changes in your discharge to the Regional Board. If you are no longer discharging and think you should not be assessed future fees, you must notify the Regional Board. As appropriate, and after you have complied with all laws and permit conditions, the Regional Board *may* determine that your WDR order can be rescinded. If rescinded, you will not be assessed future fees but you may still be required to pay current and past annual WDR fees.

13. *If I dispute my fee, what should I do?*

If you disagree with the assessment or the amount of the fee, you must pay the fee to SWRCB and, most importantly, submit a written description of your dispute along with any key facts to the Regional Board. The Regional Board may require additional information from you so it can resolve your dispute.

The Regional Board will notify you if a portion or all of the disputed fee should be refunded. SWRCB will then refund any monies due you as the law allows.

14. *Do interest charges accrue after the due date?*

No, but because of the serious consequences of not paying, you should immediately contact the Regional Board by the due date.

All outstanding fees will be considered delinquent forty-five (45) days after the date of the invoice. Failure to pay the required fee is a misdemeanor and will result in the Regional Board seeking collection of the fee through the enforcement provisions of the California Water Code.

15. *What is SWRCB's taxpayer identification number?*

For persons or companies that require our taxpayer identification number for tax purposes, SWRCB's number is 68-0281986.