

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 22, California Code of Regulations

Adopt sections: 64300, 64305, 64310,
64315

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

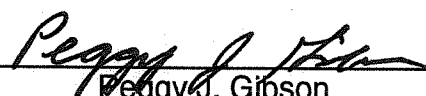
OAL Matter Number: 2017-0316-01

OAL Matter Type: Regular Resubmittal (SR)

The State Water Resources Control Board in this resubmittal (2016-1115-01S) is adopting three sections in title 22 of the California Code of Regulations. These new regulations establish a fee schedule for annual fees that must be paid by all public water systems. The regulations establish how the fee will be calculated and the due date for the payment of the fees. Additionally, these regulations provide that water systems serving disadvantaged communities may receive a reduction in the annual fee.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 4/10/2017.

Date: April 10, 2017



Peggy J. Gibson
Senior Attorney

For: Debra M. Cornez
Director

Original: Thomas Howard
Copy: Catherine Ewing

RESUBMITTAL

ons on
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For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z2016-0419-05	REGULATORY ACTION NUMBER 2017-0316-01SR	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
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ENDORSED - FILED
in the office of the Secretary of State
of the State of California

APR 10 2017

1:40PM

2017 MAR 16 A 10:47

OFFICE OF
ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY
State Water Resources Control Board

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Drinking Water Fee Regulations	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2016-1115-01S
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
ADOPT 64300, 64305, 64310 and 64315
AMEND
REPEAL
TITLE(S) 22

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
Beginning July 13, 2016 and ending July 29, 2016; Beginning January 23, 2017 and ending February 8, 2017

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal

7. CONTACT PERSON Catherine Ewing	TELEPHONE NUMBER 916-440-7769	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) catherine.ewing@waterboards.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Thomas Howard</i>	DATE 3/15/17
TYPED NAME AND TITLE OF SIGNATORY Thomas Howard, Executive Director	

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ENDORSED APPROVED

APR 10 2017

Office of Administrative Law

Drinking Water Fee Regulations
Public Water Systems

Add Chapter 14.5, Division 4, Title 22 California Code of Regulations.

Chapter 14.5. Fees.

Article 1. Public Water System Annual Fees.

Add Section 64300

Section 64300. Definitions.

As used in this article:

(a) "Disadvantaged community" means a community with a median annual household income of less than eighty percent (80 %) of the statewide median annual household income.

(b) "Wholesaler" means a public water system that sells water to other public water systems. A public water system that has 1,000 or more service connections or that sells water only on a short-term or intermittent basis is not a wholesaler.

Note: Authority cited: Sections 116271, 116350, 116375, and 116565, Health and Safety Code.

Reference: Sections 116565 and 116590, Health and Safety Code.

Add Section 64305.

Section 64305. Fee Schedule for Annual Fees

(a) Each public water system shall pay an annual fee to the State Board in the amount provided in Table 64305-A.

TABLE 64305-A – Public Water Systems Annual Fee

Water System Type	Fee
Community Water System	
100 or fewer service connections	\$250.00 or \$6.00 per service connection, whichever is greater.
100 or fewer service connections (disadvantaged community)	\$100.00
101 to 1,000 service connections	\$6.00 per service connection
101 to 1,000 service connections (disadvantaged community)	\$100 plus \$2.00 per each service connection greater than 100
1,001 to 5,000 service connections	\$6.00 per each of first 1,000 service connections plus \$3.50 per each service connection greater than 1,000
1,001 to 5,000 service connections (disadvantaged community)	\$100 plus \$2.00 per each service connection greater than 100
5,001 to 15,000 service connections	\$6.00 per each of first 1,000 service connections plus \$3.50 per each service connection greater than 1,000 but less than 5,001 plus \$2.00 per each service connection greater than 5,000
5,001 to 15,000 service connections (disadvantaged community)	\$100 plus \$2.00 per each service connection greater than 100
15,001 or more service connections	\$6.00 per each of first 1,000 service connections plus \$3.50 per each service connection greater than 1,000 but less than 5,001 plus \$2.00 per each service connection greater than 5,000 but less than 15,001 plus \$1.35 per each service connection greater than 15,000
15,001 or more service connections (disadvantaged community)	\$100 plus \$2.00 per each service connection greater than 100 but less than 15,001 plus \$1.35 per each service connection greater than 15,000
Nontransient Noncommunity Water System	\$2.00 per person served, but not less than \$456.00.
Transient Noncommunity Water System	\$800.00.
Wholesaler	\$6,000.00 plus \$1.36 per each MG ¹

¹ "Million Gallons" means the annual average, rounded to the nearest million, as reported to the State Board by the wholesaler for the three most recent years of data available, of the total gallons of water that the wholesaler produced from surface water and from groundwater and gallons of finished water that the wholesaler purchased or received from another public water system.

Note: Authority cited: Sections 116271, 116350, 116375, and 116565, Health and Safety Code.

Reference: Sections 116565 and 116590, Health and Safety Code.

Add Section 64310.

Section 64310. Reduction of Fees for Public Water Systems Serving Disadvantaged Community.

(a) A public water system must pay the full amount of the annual fee unless it requests and receives from the State Board a determination that its annual fees are reduced because it is a community water system that serves a disadvantaged community in which case the fee to be paid is the amount for a disadvantaged community as shown in Table 64305-A.

(b) To qualify for the reduction provided for in subsection (a), a public water system must certify, and provide documentation to the State Board upon request, that it serves a disadvantaged community.

Note: Authority cited: Sections 116271, 116350, 116375, and 116565, Health and Safety Code.

Reference: Sections 116565 and 116590, Health and Safety Code.

Add Section 64315.

Section 64315. Payment of Fees

(a) Each fee required by this chapter shall be paid to the State Board within forty five (45) calendar days of the date of the invoice, except that this date may be extended by the State Board for good cause, which shall be determined at the State Board's sole discretion.

Note: Authority cited: Sections 116271, 116350, 116375, and 116565, Health and Safety Code.

Reference: Sections 116565 and 116590, Health and Safety Code.