

NOTICE OF PROPOSED EMERGENCY RULEMAKING

Annual Waste Discharge Permit Fees

Amendments to Division 3 of Title 23 of the California Code of Regulations

Required Notice of Proposed Emergency Action

Government Code section 11346.1, subdivision (a)(2) requires that, at least five working days prior to submission of a proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

Proposed Emergency Action

Water Code section 13260(f) requires the State Water Board to adopt emergency regulations revising and establishing fees to be deposited in the Waste Discharge Permit Fund in the State Treasury. On September 15, 2026, the State Water Board will consider adopting emergency regulations to adjust to the fee schedule as noted below. These changes will revise Title 23, Division 3, Chapter 9, Article 1, sections 2200 and 2200.7 of the California Code of Regulations.

Proposed Text of Emergency Regulations

The proposed text of the emergency regulations is attached. The State Water Board is not required to provide any additional public notice prior to adopting revisions to the proposed emergency regulations.

Finding of Emergency (Gov. Code, § 11346.1, subd. (b))

The State Water Board has a mandatory legal duty to adopt emergency regulations revising the fees as necessary each fiscal year pursuant to Water Code section 13260(f). Water Code section 13260(f)(2) states that “[t]he adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, any emergency regulations . . . shall remain in effect until revised by the State Water Board.”

Authority and Reference (Gov. Code, § 11346.5, subd. (a)(2))
Water Code section 13260(f).

Informative Digest (Gov. Code, § 11346.5, subd. (a)(3))
Under Water Code section 13260(d)(1)(A), any person discharging waste, or proposing to discharge waste, that could affect the quality of the waters of the state must pay an annual fee in accordance with the fee schedule adopted by the State Water Board.

The proposed emergency regulations will revise the fees for waste discharge permit holders and applicants for FY 2026-27 as follows:

Water Quality Certification (WQC)

- Consolidate the existing fee categories A (Fill & Excavation) and E (Low Impact) into one category;
- Assign point values to the different factors involved in a proposed project, as shown below in Table A1, which correlates to the risk of water pollution and more closely ties fees to the required staff resources;
- Reduce the application fee from \$4,212 to \$2,500, which also serves as the minimum fee for Tier 1 Baseline projects; and
- Create two different annual fees, one for those with impacts less than or equal to 0.10 acres and one for those with impacts greater than 0.10 acres.

Table A1: Fill and Excavation Project Fee Tier Evaluation

Fee Factor	Evaluation Criteria	Points
Temporary Impacts	Less than or equal to 0.10 acre	0
	Greater than 0.10 acre	1
Permanent Impacts	No permanent impacts	0
	Less than or equal to 0.01 acre	1
	Greater than 0.01 acre and less than or equal to 0.20 acre	2
	Greater than 0.20 acre	4
Permit Type	General Order Enrollee	0
	Waiver of Waste Discharge Requirements	0
	Individual Certification	2
	Individual Waste Discharge Requirements	5
Alternatives Analysis	None	0
	Tier 1 Alternatives Analysis	0
	Tier 2 Alternatives Analysis	1
	Tier 3 Alternatives Analysis	2

Assigned factor points are then totaled and categorized into five fee tiers:

Table A2: Fee Tier Determination

Fee Tier	Point Total
1. Baseline	0
2. Minimal	1-2
3. Moderate	3-4
4. Significant	5-6
5. Major	≥ 7

The fee tier is then weighed by the total impact size to determine the final project fee amount as shown in Table A3:

Table A3: Fill and Excavation Project Fee Tier Category Calculations

Fee Tier	Project Fee
1. Baseline	\$0
2. Minimal	Total Impact Acres multiplied by \$23,000
3. Moderate	Total Impact Acres multiplied by \$23,000 multiplied by 1.25
4. Significant	Total Impact Acres multiplied by \$23,000 multiplied by 1.50
5. Major	Total Impact Acres multiplied by \$23,000 multiplied by 2.00

Cannabis Cultivation

Increase fees by 28.0 percent to all fee categories.

There is no comparable federal statute or regulation.

Other Matters Prescribed by Statute (Gov. Code, § 11346.5, subd. (a)(4))

No other matters prescribed by statute or regulation are applicable to the State Water Board.

Local Mandate (Gov. Code, § 11346.5, subd. (a)(5))

The proposed emergency regulations do not impose a mandate on local agencies or school districts because they do not mandate a new program or a higher level of service of an existing program. The fee schedule applies equally to public and private entities and is not unique to local government. No state reimbursement is required by part 7 (commencing with section 17500) of Division 4 of the Government Code.

Fiscal Impact (Gov. Code, § 11346.5, subd. (a)(6))

Under the proposed emergency regulations for this fiscal year, most local and state agencies will pay the same fees as last year. There is no cost to any local agency or school district for which reimbursement is required or other non-discretionary cost or savings imposed on local agencies. There is no cost or savings in federal funding to the state.

CALIFORNIA CODE OF REGULATIONS

TITLE 23. Division 3. Chapter 9. Waste Discharge Reports and Requirements

Article 1. Fees

Section 2200. Annual Fee Schedules

(a)(4) The fees for discharges of dredge and fill material shall be as follows.⁹

Standard Fee:¹⁰

Discharge Category	Application Fee ¹¹	Project Fee	Annual Fee ¹²
(A) Fill and Excavation¹³ Discharges Discharge area expressed in acres rounded to two decimal places (0.01 acre)	\$4,212 <u>2,500</u>	Impact area in acres x \$37,544 <u>As specified in Table A1, projects shall be assigned points for each applicable project fee factor, the sum of which will determine the</u>	An annual fee will be assessed based on the fee schedule in effect at the time the invoice is issued until a Notice of Completion is submitted and

⁹ Fees shall be based on the sum of temporary and permanent impact amounts to be authorized by the order. Impacts include both the excavation and fill area and the dredging area. If water quality certification is issued in conjunction with dredge or fill WDRs or issued for a discharge regulated under preexisting WDRs for the same project, the project will be assessed a single fee derived from this dredge and fill fee schedule. Discharges requiring certification and regulated under a federal permit or license other than a US Army Corp of Engineers Clean Water Act Section 404 permit or a Federal Energy Regulatory Commission License shall be assessed a fee determined from Section 2200(a).

¹⁰ Fees shall be based on the sum of project impacts. Projects that include both category (A) and category (B) discharges shall be subject to the category (A) application and project fees. A single annual fee shall be assessed based on the higher of the applicable annual fee categories.

¹¹ Dischargers shall pay a one-time application fee and the project fee, if a project fee is required, for each project at the time that the application or report of waste discharge is submitted. Application and project fees shall be determined according to the fee schedule in effect on the date of application submittal.

¹² Consistent with Section 2200.2, the sum of the application fee and the project 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 the application fee. The annual fee for category (B) dredging discharges will be calculated using the annual dredge volume authorized in the applicable Order. Annual fee invoices are based on the fee schedule in effect for the fiscal year in which the invoice is issued.

¹³ "Excavation" refers to removing sediment or soil in shallow waters or under no-flow conditions, typically for purposes other than navigation. Examples include, but are not limited to, trenching for utility lines; other earthwork preliminary to discharge; 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).

		<u>fee tier as shown in Table A2, resulting in the corresponding project fee per Table A3, minus application fee, up to a maximum of \$365,465. If this amount is \$0 or less, then no project fee is required.</u>	approved. The annual fees for the current fiscal year are as follows: <u>\$3,540 for first five fiscal years following the effective date of the order, then \$563 beginning with the sixth fiscal year.</u> <u>Total project impacts less than or equal to 0.10 acre: \$563 annually.</u> <u>Total project impacts greater than 0.10 acre: \$3,540 annually for the first five years, then \$563 thereafter.</u>
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Table A1: Fill and Excavation Project Fee Tier Evaluation:

<u>Fee Factor</u>	<u>Evaluation Criteria</u>	<u>Points</u>
<u>Temporary Impacts</u>	<u>Less than or equal to 0.10 acre</u>	<u>0</u>
	<u>Greater than 0.10 acre</u>	<u>1</u>
<u>Permanent Impacts</u>	<u>No permanent impacts</u>	<u>0</u>
	<u>Less than or equal to 0.01 acre</u>	<u>1</u>
	<u>Greater than 0.01 acre and less than or equal to 0.20 acre</u>	<u>2</u>
	<u>Greater than 0.20 acre</u>	<u>4</u>
<u>Permit Type</u>	<u>General Order Enrollee</u>	<u>0</u>
	<u>Waiver of Waste Discharge Requirements</u>	<u>0</u>
	<u>Individual Certification</u>	<u>2</u>
	<u>Individual Waste Discharge Requirements</u>	<u>5</u>
<u>Alternatives Analysis¹⁴</u>	<u>None</u>	<u>0</u>
	<u>Tier 1 Alternatives Analysis</u>	<u>0</u>

¹⁴ Where required, the State Wetland Definition and Procedures for Discharges of Dredged or Fill Materials to Waters of the State (23 CCR 3013 § V, line 547), identifies three levels of effort for alternatives analyses (called Alternative Analysis Tiers) based on the amount of impact, the presence of sensitive resources, and the possibility of siting the project in an alternative location.

	<u>Tier 2 Alternatives Analysis</u>	<u>1</u>
	<u>Tier 3 Alternatives Analysis</u>	<u>2</u>

Table A2: Fee Tier Determination

Fee Tier	Point Total from Table A1
1. <u>Baseline</u>	<u>0</u>
2. <u>Minimal</u>	<u>1-2</u>
3. <u>Moderate</u>	<u>3-4</u>
4. <u>Significant</u>	<u>5-6</u>
5. <u>Major</u>	<u>≥ 7</u>

Table A3: Fill and Excavation Project Fee Tier Category Calculations

Fee Tier	Project Fee
1. <u>Baseline</u>	<u>\$0</u>
2. <u>Minimal</u>	<u>Total Impact Acres multiplied by \$23,000</u>
3. <u>Moderate</u>	<u>Total Impact Acres multiplied by \$23,000 multiplied by 1.25</u>
4. <u>Significant</u>	<u>Total Impact Acres multiplied by \$23,000 multiplied by 1.50</u>
5. <u>Major</u>	<u>Total Impact Acres multiplied by \$23,000 multiplied by 2.00</u>

Discharge Category	Application Fee¹¹	Project Fee	Annual Fee¹²
(B) Dredging¹⁴¹⁵ Discharges (except Category C activities see (C) below) Dredge volume expressed in cubic yards.	\$4,212	N/A	Annual dredge volume in cubic yards x \$0.921, up to a project maximum of \$365,465. The minimum annual fee is \$4,212.

Activity-Specific Fee:¹⁵¹⁶

Discharge Category	Application Fee	Annual Fee
(C) Sand Mining, In-Stream Gravel Mining and Beach Nourishment Discharges	\$4,212	\$1,405

¹⁴¹⁵ “Dredging” refers to removing sediment or aquatic vegetation, typically in deeper water for navigation purposes. For fee purposes, this fee category includes aggregate extraction within stream channels, where the substrate is composed of coarse sediment (e.g., gravel) and is replenished by normal winter flows (e.g., point bars).

¹⁵¹⁶ To qualify for an activity-specific fee category, the whole of a project must meet the fee category description (i.e., all project discharges are limited to those defined by the fee category).

Aggregate extraction in surface waters where source material is free of pollutants and the dredging operation will not violate any basin plan provisions and beach nourishment projects.		
(D) Ecological Restoration and Enhancement Projects The project meets the definition of an “Ecological Restoration and Enhancement Project” set forth in the State Wetland Definition and Procedures for Discharges of Dredged or Fill Materials to Waters of the State, adopted by the State Water Board on April 2, 2019. ⁴⁶¹⁷	\$1,123	\$563

⁴⁶¹⁷ Ecological Restoration and Enhancement Project means the project is voluntarily undertaken for the purpose of assisting or controlling the recovery of an aquatic ecosystem that has been degraded, damaged or destroyed to restore some measure of its natural condition and to enhance the beneficial uses, including potential beneficial uses of water. Such projects are undertaken:

1) in accordance with the terms and conditions of a binding stream or wetland enhancement or restoration agreement, or a wetland establishment agreement, between the real property interest owner or the entity conducting the habitat restoration or enhancement work and:

- a. a federal or state resource agency, including, but not limited to, the U.S. Fish and Wildlife Service, Natural Resources Conservation Service, Farm Service Agency, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Forest Service, U.S. Bureau of Land Management, California Department of Fish and Wildlife, California Wildlife Conservation Board, California Coastal Conservancy or the Delta Conservancy;
- b. a local agency with the primary function of managing land or water for wetland habitat purposes; or
- c. a non-governmental conservation organization; or

2) by a state or federal agency that is statutorily tasked with natural resource management. These projects do not include the conversion of a stream or natural wetland to uplands or stream channelization. It is recognized that Ecological Restoration and Enhancement Projects may require ongoing maintenance or management to maximize fish, wildlife, habitat, or other ecological benefits, or filling gullied stream channels and similar rehabilitative activities to re-establish stream and meadow hydrology. Changes in wetland plant communities that occur when wetland hydrology is more fully restored during rehabilitation activities are not considered a conversion to another aquatic habitat type. These projects also do not include actions required under

(E) Category Reserved Projects may be classified as low impact discharges if the project meets all of the following criteria: 1. The discharge size is less than all of the following: (a) for fill, 0.1 acre, and 300 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.	\$4,212	\$563
(F) Emergency Projects Authorized by a Water Board General Order	\$4,212	\$563

(G) Amended Orders¹⁷¹⁸ Amendments of WDRs or water quality certifications previously issued.	(1) No fee required	Annual fee applicable per
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a Water Board Order for mitigation, actions to service required mitigation, or actions undertaken for the primary purpose of land development.

¹⁷¹⁸ Dischargers that have met the project fee cap will be assessed the minimum fee for each amendment of previously-issued WDR or water quality certification.

(1) All category (D) Ecological Restoration and Enhancement Projects, regardless of amendment type. (2) Administrative amendments including, but not limited to, ownership changes, typographic edits, or time extensions that do not result in a temporal loss of resource function. Amendments in this category require no technical analysis or additional compensatory mitigation. (3) Amendment results in changes(s) in impact character, location, or volume of the discharge; or a time extension that results in a temporal loss of resource function, according to the following criteria: • Amendment increases the active certification's impact quantity by less than 50 percent, and • Amendment does not require a change to the mitigated aquatic resource type. (4) Amendment requires a supplemental CEQA analysis, or Amendment results in a change(s) in impact character, location, or volume of the discharge, or a time extension that results in a temporal loss of resource function, according to the following criteria: • Amendment increases the active certification's impact quantity by more than 50 percent, or • Amendment requires a change to the mitigated aquatic resource type.	(2) No fee required (3) Additional standard fee assessed per increased amount of discharge(s). The minimum fee is \$4,212. For Category A projects, amendment fees shall be calculated as a new Project Fee using the fee tier for the entirety of the project as amended, applied only to the incremental increase in impact acres. For all other project categories, the amendment fee shall equal the project application fee. The combined original project and amendment fee shall not exceed \$365,465. (4) New standard fee assessed per new project discharge total. The minimum fee is \$4,212<u>the application fee with the associated fee category. The combined original project and amendment fees shall not exceed \$365,465.</u>	discharge category
(H) Wildfire Mitigation by Electrical Corporations, Electrical Utilities, and Electrical Cooperatives Dredge or fill activities conducted by electrical corporations, electrical utilities, and electrical cooperatives pursuant to a wildfire mitigation plan prepared in accordance with Public Utilities Code, section 8386(b) or section 8387(b)(1).	N/A	\$40.00 per mile of overhead electrical lines identified as high risk or high threat in the wildfire

This annual fee covers all dredge or fill activities conducted by the electrical corporations, electrical utilities, and electrical cooperatives pursuant to a wildfire mitigation plan, and is in lieu of the project-specific dredge or fill fees in section 2200(a)(3)(A)-(G) for dredge or fill activities conducted pursuant to a wildfire mitigation plan.		mitigation plan.
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(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 dischargers from a municipal separate storm sewer system (MS4) shall pay an annual fee according to the following schedule. The fee shall be based on the population of the public entity according to the most recently published United States Census. Public entities other than cities or counties (Non-Traditional Small MS4s⁴⁸¹⁹), shall pay an annual fee according to the following schedule, based on the average daily population⁴⁹²⁰ 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 oversees the district's storm water compliance and pays an annual fee.

**ANNUAL FEE SCHEDULE FOR AREAWIDE MUNICIPAL STORM WATER
SEWER SYSTEM PERMITS AND CO-PERMITTEES**

Population	Fee
Equal to or greater than 250,000	\$72,787
200,000 to 249,999	\$63,688
150,000 to 199,999	\$54,953
100,000 to 149,999	\$45,494
75,000 to 99,999	\$36,393
50,000 to 74,999	\$27,293
25,000 to 49,999	\$18,196
10,000 to 24,999	\$10,920
1,000 to 9,999	\$7,279
Less than 1,000 population	\$3,641
Statewide Permit Holders	\$291,144
High Speed Rail Authority	\$170,711

(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 board shall pay an application fee of \$200.

⁴⁸¹⁹ 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)).

⁴⁹²⁰ Total daily population must include resident and commuter populations. For public entities other than cities or counties, total daily population must include resident population and non-residents regularly employed in the areas served by the public entity.

(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 costs²⁰²¹ to review and oversee the implementation of the plan, which shall be calculated using a rate of \$185 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 based on the total number of acres of industrial activities and materials exposed to storm water as follows:

Acres	Annual Fee
>0 to <1	\$1,701
1 to <5	\$1,723
5 or more	\$1,873

An amount equal to the fee prescribed shall be submitted with the discharger's Notice of Intent (NOI) to be regulated under the 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.

(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)(4)(B)-(D), including those issued by a regional board, shall pay an annual fee of \$511 plus \$54 per acre (rounded to the nearest whole acre and dollar amount), to a maximum fee of \$11,223, 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 the general NPDES permit and will serve as the first annual fee. If the total acreage to be disturbed is increased by a Change of Information (COI) submitted to the Water Boards, the per acre fee for the additional acreage shall be submitted with the COI. For the purposes of this section, an NOI is considered to be a report of waste discharge.

(B) Stormwater discharges associated with Executive Order N-73-20 requesting statewide programmatic General Permit coverage for multiple non-contiguous linear underground and overhead broadband projects, shall pay an annual fee of \$10,000 plus \$54 per acre (rounded to the nearest whole acre and dollar amount) 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 the 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.

(C) Stormwater discharges requesting programmatic General Permit coverage for multiple non-contiguous linear underground and overhead projects within a single

²⁰²¹ These costs include labor, state board and regional board administrative costs, and overhead costs.

Regional Water Board jurisdiction, shall pay an annual fee of \$11,223 per NOI. An amount equal to the fee prescribed shall be submitted with the discharger's NOI to be regulated under the 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.

(D) 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 board shall pay an application fee of \$200.

(5) Discharges associated with mosquito and vector control activities²⁴²² 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 \$250. Dischargers filing an application for a mosquito and vector control permit shall pay a fee of \$250. The fee shall be paid each time an application for initial certification or renewal of certification 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.

Dischargers with a Single System

Service Connections	Application Fee	Annual Fee
15 – 999	\$176	No Annual Fee
1,000 – 9,999	\$881	\$881
10,000 or more	\$3,630	\$3,630
Transmission System or Water Wholesaler	\$3,630	\$3,630

²⁴²² A mosquito and vector control activity involves discharge of pesticides into a designated area for the maintenance and control of mosquito larva 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.

Dischargers with Multiple Systems

Total Number of Service Connections	Application Fee	Annual Fee ²²²³
15 – 999	\$176	No Annual Fee
1,000 – 9,999	\$881	\$881 per Primary System fee plus \$176 per Secondary System
10,000 or more	\$3,630	\$3,630 per Primary System fee plus \$176 per Secondary System
Transmission System or Water Wholesaler System	\$3,630	\$3,630 per Primary System fee plus \$176 per Secondary System

(7) Seawater desalination facilities that have submitted a request for a determination of consistency with California Water Code section 13142.5(b) are subject to an annual fee according to the following fee schedule until a determination is made, with a maximum annual fee of \$282,241:

Fee Basis ²³²⁴	Base Fee	Proposed Intake Volume Multiplier
Subsurface Only	\$84,672	\$1,422 per mgd
Surface, Combined Surface and Subsurface, or Alternative Intake Technology	\$169,345	\$1,422 per mgd

(8) Discharges from public wastewater treatment facilities that are regulated by a general NPDES permit adopted specifically for this purpose and 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 \$3,630 plus 6,418 multiplied by the permitted flow, in mgd, with a maximum fee of \$907,519 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.

²²²³ All Transmission Systems and Water Wholesaler Systems are Primary Systems. If the Discharger does not have a Transmission System or a Water Wholesaler System, the Discharger's individual water system with the highest number of service connections will be designated as the Primary System. All systems that are not Primary Systems are designated as Secondary Systems.

²³²⁴ Fee shall be based on the intake type as defined in the Water Quality Control Plan for Ocean Waters of California Chapter III.M.2.d.(1)(a).

NPDES permitted industrial discharges²⁴²⁵ with a threat/complexity²⁵²⁶ 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

Public wastewater treatment facilities with approved pretreatment programs are subject to a surcharge of \$10,000. Facilities that are required to have a pretreatment program that are subject to both subdivision (a) and subdivision (b)(8) shall only pay a single annual \$10,000 surcharge. Agencies with multiple facilities under one approved pretreatment program shall pay a \$10,000 surcharge per program.

(9)(A) Flow for wet weather municipal facilities²⁶²⁷ will be based on the previous five years' actual monthly average flow,²⁷²⁸ as of the date the permit is issued.

(B) Notwithstanding (9)(A), the minimum annual fee for wet weather municipal facilities shall be \$20,000.

²⁴²⁵ 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).

²⁵²⁶ Threat/complexity categories are listed under (a)(1) of this document.

²⁶²⁷ Wet weather municipal facilities are intermittently operated facilities that are designated specifically to handle flows during wet weather conditions.

²⁷²⁸ 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.

(10) All other general NPDES permits and de minimis discharges²⁸²⁹ that are regulated by an individual or general NPDES permit, including those issued by a regional board, shall pay a fee as follows:

Category 1 – Discharges that require treatment systems to meet priority toxic pollutant limits and that could impair beneficial uses if limits are violated: \$20,907

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: \$12,635

Category 3 – Discharges that require minimal or no treatment systems to meet limits and pose no significant threat to water quality: \$3,630

Category 4 – Discharges that require minimal or no treatment systems to meet limits and are authorized by the Regional Water Board to augment ambient streamflow conditions to support aquatic organisms during times of low streamflows where conditions threaten survival of aquatic organisms: \$277

²⁸²⁹ 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.

(c) The annual fees for waste discharge requirements and waivers of waste discharge requirements for discharges from confined animal facilities shall be based on the following schedules. If a facility contains animals that fit multiple fee categories, the fee will be based on the number of animals in the category that results in the highest fee.

Dairies – Mature Dairy Cattle or Water Buffalo

Number of Animals	Fee
3,000 or more	\$21,006
1,500 to 2,999	\$13,129
700 to 1,499	\$6,301
300 to 699	\$3,150
150 to 299	\$1,576
50 to 149	\$788
0 to 49	\$0

Feedlots – Cattle or Cow/Calf Pairs

Number of Animals	Fee
100,000 or more	\$15,757
10,000 to 99,999	\$7,878
5,000 to 9,999	\$4,199
1,000 to 4,999	\$2,101
100 to 999	\$1,052
0 to 99	\$0

Feedlots – Calves

Number of Animals	Fee
10,000 or more	\$7,878
5,000 to 9,999	\$4,199
1,000 to 4,999	\$2,101
300 to 999	\$1,041
0 to 299	\$0

Feedlots – Heifers

Number of Animals	Fee
10,000 or more	\$15,757
5,000 to 9,999	\$7,878
1,000 to 4,999	\$4,199
300 to 999	\$2,101
137 to 299	\$1,052
0 to 136	\$0

Feedlots – Auction Yards

Number of Animals	Fee
1,000 or more	\$4,199
300 to 999	\$2,101
100 to 299	\$1,052
0 to 99	\$0

Dairies – Goat Dairies

Number of Animals	Fee
1,000 or more	\$2,101
550 to 999	\$1,041
0 to 549	\$0

Hogs – Swine (≥ 55 Pounds)

Number of Animals	Fee
5,000 or more	\$7,878
2,500 to 4,999	\$4,199
750 to 2,499	\$2,101
150 to 749	\$1,052
0 to 149	\$0

Hogs – Swine (< 55 Pounds)

Number of Animals	Fee
20,000 or more	\$7,878
10,000 to 19,999	\$4,199
3,000 to 9,999	\$2,101
300 to 2,999	\$1,052
0 to 299	\$0

Horses

Number of Animals	Fee
500 or more	\$4,199
150 to 499	\$2,101
75 to 149	\$1,052
0 to 74	\$0

Sheep or Lambs

Number of Animals	Fee
10,000 or more	\$4,199
3,000 to 9,999	\$2,101
550 to 2,999	\$1,052
0 to 549	\$0

Poultry

Number of Animal Equivalent Units (AEU)	Discharges with Low Threat to Water Quality ²⁹³⁰	All Other Discharges
2000 or more	\$3,677	\$10,502
700 - 1,999	\$2,627	\$5,254
300 - 699	\$1,838	\$3,940
10 - 299	\$1,052	\$2,101
2 - 9	\$526	\$1,041
0 - 1	\$0	\$0

Animal Count to Animal Equivalent Unit (AEU) Conversion Matrix

Animal Type	AEU Multiplier	Number of Animals per AEU ³⁰³¹
Turkey	0.0150000	67
Duck	0.0080000	125
Chicken – Broiler	0.0050000	200
Chicken – Layer	0.0040000	250
Guinea Fowl	0.0035000	286
Pheasant	0.0027500	364
Pullet	0.0024000	417
Squab	0.0015000	667
Chukar	0.0012500	800
Quail (Japanese)	0.0003750	2,667
Hatchery Chick (day old)	0.0000938	10,661

(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. 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 \$200. The fee shall be paid each time an application for initial certification or renewal of certification is submitted.

(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.

²⁹³⁰ These fees apply to discharges from poultry operations that are identified as posing a “low threat to water quality” in the applicable waste discharge requirements or waiver of waste discharge requirements.

³⁰³¹ Rounded to the nearest whole number

(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.

(5) Facilities covered under a waste discharge requirement or waiver of waste discharge requirement that do not pay annual fees shall pay an application fee for initial coverage and renewals of coverage of \$200. The fee shall be paid each time an application for coverage or report of waste discharge is submitted.

Note: Authority cited: Sections 185, 1058 and 13260, Water Code. Reference: Section 13260, Water Code.

2200.7. Annual Fee Schedule for Cannabis Cultivation.

(a) Annual fees for dischargers covered under Statewide General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation shall be as follows:

- (1) Tier 1 – Dischargers that have a disturbed area greater than 2,000 square feet and less than one acre:

Risk Designation	Annual Fee
Low Risk	<u>\$8041,029</u>
Moderate Risk	<u>\$2,2032,820</u>
High Risk	<u>\$5,6997,295</u>

- (2) Tier 2 – Dischargers that have a disturbed area equal to or greater than one acre:

Risk Designation	Annual Fee
Low Risk	<u>\$1,2711,627</u>
Moderate Risk	<u>\$3,6014,609</u>
High Risk	<u>\$9,42712,067</u>

Dischargers that have a disturbed area equal to or greater than two acres shall pay the applicable surcharge below to a maximum surcharge fee of \$24,02330,749:

Acres	Per Acre Surcharge
2-50	<u>\$216276</u>
51-100	<u>\$116148</u>
101 or more	<u>\$5874</u>

- (3) Waiver of Waste Discharge Requirements – Dischargers with indoor cultivation sites that meet the requirements for a waiver of waste discharge requirements or conditionally exempt outdoor sites:

Discharge Type	Application Fee	Annual Fee
Waste Hauler	<u>\$8041,029</u>	<u>\$8041,029</u>
Municipal Sewer	<u>\$8041,029</u>	<u>\$216276</u>
Conditionally Exempt Outdoor Site	<u>\$8041,029</u>	<u>\$216276</u>
Other Permitted Discharges ¹	<u>\$8041,029</u>	<u>\$8041,029</u>

Note: Authority cited: Sections 185, 1058 and 13260 Water Code. Reference: Sections 13260 and 13269, Water Code.

¹ Includes discharges to Onsite Wastewater Treatment Systems.