

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

(a) The annual fees for persons issued waste discharge requirements (WDRs), except as provided in subdivisions (a)(3), (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).

(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. 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 MS4s¹⁷), shall pay an annual fee according to the following schedule, based on the average daily population¹⁸ 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.

ANNUAL FEE SCHEDULE FOR AREAWIDE MUNICIPAL STORM WATER SEWER SYSTEM PERMITS AND CO-PERMITTEES	
Population equal to or greater than 250,000	\$56,921
Population between 200,000 and 249,999	\$49,805
Population between 150,000 and 199,999	\$42,974
Population between 100,000 and 149,999	\$35,577
Population between 75,000 and 99,999	\$28,461
Population between 50,000 and 74,999	\$21,344
Population between 25,000 and 49,999	\$14,230
Population between 10,000 and 24,999	\$8,539
Population between 1,000 and 9,999	\$5,692
Less than 1,000 population	\$2,847
Statewide Permit Holders	\$227,682
High Speed Rail Authority	\$133,500

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.

¹⁷ 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)).

¹⁸ Total daily population must include resident and commuter populations. For community services districts, total daily population must include resident population and non-residents regularly employed in the areas served by the district.

(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.

(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 costs¹⁹ 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 \$1,400. 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.

(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 \$400 plus \$42 per acre (rounded to the nearest whole acre and dollar amount), to a maximum fee of \$6,700, 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.

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

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

¹⁹ These costs include labor, state board and regional board administrative costs, and overhead costs.