

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 Facilities (CAF) 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 Requirements ¹	Land Disposal ²
1	A	\$41,800	\$26,000 ³
1	B	\$26,400	\$21,000
1	C	\$14,245	\$13,500
2	A	\$9,515	\$11,250
2	B	\$5,720	\$9,000
2	C	\$4,290	\$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.

Municipal and domestic discharges of less than 50,000 gallons per day in category 2-B, 2-C, 3-B and 3-C will receive a 50% fee discount. Municipal and domestic discharges receiving the discount are defined as facilities that treat domestic wastewater or a mixture of wastewater that is predominately domestic wastewater. Domestic wastewater consists of wastes from bathroom toilets, showers, and sinks, from residential kitchens, and from residential clothes washing. It does not include discharges from food preparation and dish washing in restaurants or from commercial laundromats.

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.

Non-NPDES Land Disposal Program dischargers issued Waste Discharge Requirements shall receive a one-time credit in the fiscal year 2005/06 billing to adjust to the revenue levels set forth in the budget act for this activity.

(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.

Adopted by Resolution 2005-0039 and 2005-0049

(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 ⁶ 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. Fees shall be based on the largest discharge size specified in the original or revised report of waste discharge or water quality certification application, or as reduced by the applicant without any SWRCB/RWQCB intervention. If water quality certification is issued in conjunction with waste discharge requirements (WDRs) or is issued for a discharge regulated under preexisting WDRs, the current annual WDR fee as derived from this dredge and fill fee schedule shall be paid in advance during the application for water quality certification, and shall comprise the fee for water quality certification.

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, and removing sediment to increase channel capacity.

⁶ Includes aggregate extraction within stream channels where the substrate is composed of coarse sediment (e.g., gravel) and is reshaped by normal winter flows (e.g., point bars), where natural flood disturbance precludes establishment of significant riparian vegetation, and where extraction timing, location and volume will not cause changes in channel structure (except as required by regulatory agencies for habitat improvement) or impair the ability of the channel to support beneficial uses.

(b) NPDES fees: Annual fees for persons issued permits for discharges to surface waters pursuant to the program, except CAFs, 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)(A) 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 \$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) Facilities that satisfy the conditions of a State Board certified Quality Assurance Program, adopted as part of a general NPDES storm water permit or by special resolution of the State Board, may receive up to a 50 percent fee reduction.

(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 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)(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.

Storm water construction, industrial and linear activities that are regulated by an NPDES storm water general permit and public entities that own and/or operate 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 receive a one-time credit in the fiscal year 2005/06 billing to adjust to the revenue levels set forth in the budget act for this activity.

(b)(5) Discharges associated with mosquito and vector control activities that are regulated by an individual or general NPDES permit adopted exclusively for these purposes, including those issued by a Regional Board, shall pay a fee of \$100. 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 filing an application for a mosquito and vector control permit shall pay a fee of \$100. The fee shall be paid each time an application for initial certification or renewal is submitted. Mosquito and vector control fees are not subject to ambient water monitoring surcharges.

(b)(6) 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 discharges⁷ is \$35,000, plus any applicable surcharge(s). NPDES permitted industrial discharges with a Threat/complexity⁸ rating of 1A, 1B or 1C are subject to a surcharge as follows:

⁷ 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).

⁸ Threat/complexity categories are listed on page 2 of this document titled "THREAT TO WATER QUALITY."

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)(7) 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). NPDES permitted industrial discharges with a threat/complexity rating of 1A, 1B, or 1C are subject to a surcharge as specified in (b)(6). If there is no permitted effluent flow specified, the fee shall be based on the designed flow of the facility.

(b)(8)(A) Flow for wet weather municipal facilities will be based on the previous five years actual monthly 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. 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

(B) Notwithstanding paragraph 1, the minimum annual fee for wet weather municipal facilities shall be \$20,000.

(b)(9)(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)(10) Discharges that fall within the categories specified in (b)(9) 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 Facilities fees: Whether regulated by a WDR or a NPDES permit, dischargers who own or operate CAFs, 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 or 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.

Section 2200.6. Annual Waiver Fee Schedules

(a) Any person for whom waste discharge requirements have been waived pursuant to section 13269 of the Water Code shall submit to the State Water Board, an annual fee, if a fee is specified for the waiver in this section.

No Ambient Water Monitoring surcharge shall apply to annual fees for waivers as specified in this section.

(b) Annual fees for waivers for discharges from agricultural land adopted by the Regional Water Quality Control Boards for the Central Coast, Central Valley, or Los Angeles Regions shall be \$100 per farm plus \$0.30 per acre of land.⁹ If a discharger is a member of a group that has been approved by the State Water Resources Control Board to manage fee collection and payment, then the fee shall be \$100 per group plus \$0.12 per acre of land. If a discharger is a member of a group that has been approved by the State Water Resources Control Board but that does not manage fee collection and payment, then the fee shall be \$100 per farm plus \$0.20 per acre of land.

(c) For purposes of this section, the word “farm” and the word “discharger” refer to any person who is subject to Order No. R3-2004-0117 issued by the Central Coast Regional Water Quality Control Board, Order No. R4-2005-xxxx issued by the Los Angeles Regional Water Quality Control Board,¹⁰ or Order No. R5-2003-0105 issued by the Central Valley Regional Water Quality Control Board.

NOTE: Authority cited: Section 185 and 1058, Water Code. Reference: Section 13260.2, Water Code.

⁹ As used in this section, the acreage on which the fee is based refers to the area that has been irrigated by the farmer or discharger at any time in the previous five years.

¹⁰ The Los Angeles Regional Water Board has not adopted its Order as of the date this regulation was adopted. This section shall apply to the proposed Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Land, now proposed for adoption in Summer 2005. This fee schedule will apply to those farms and dischargers as soon as the Regional Water Board approves its order.