

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections:

Amend sections: 2200, 2200.1, 2200.2,
2200.5, 2200.6, 2200.7,
2200.8, 2200.9

Repeal sections:

**NOTICE OF FILING AND PRINTING ONLY
OF EMERGENCY REGULATION(S) OR
ORDER(S) OF REPEAL**

Government Code Section 11343.8

OAL Matter Number: 2016-1104-01

**OAL Matter Type: Emergency File and Print
Only (EFP)**

This emergency regulatory action by the State Water Resources Control Board is the annual adjustment to fees assessed to persons issued waste discharge permits. These fees are adjusted each fiscal year to conform to the revenue levels set forth in the Budget Act. This is a statutorily deemed emergency and exempt from review by the Office of Administrative Law pursuant to Water Code section 13260(f)(2).

OAL filed this emergency regulation(s) or order(s) of repeal with the Secretary of State, and will publish the emergency regulation(s) or order(s) of repeal in the California Code of Regulations. These regulations are effective upon filing with the Secretary of State and shall remain in effect until revised by the State Water Resources Control Board pursuant to Water Code section 13260(f)(2).

Date: November 14, 2016


Debra M. Cornez
Director

Original: Thomas Howard
Copy: Glen Osterhage

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

EMERGENCY

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2016-1104-01 EFP
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ENDORSED - FILED
in the office of the Secretary of State
of the State of California

NOV 14 2016
3:07 PM

For use by Office of Administrative Law (OAL) only

2016 NOV -4 A 8:37
OFFICE OF ADMINISTRATIVE LAW

NOTICE

REGULATIONS

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 Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) FY 2016-17 Waste Discharge Requirement Fees	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2015-1002-01 EFP
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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
	AMEND Title 23, Division 3, Chapter 9, Article 1, Sections 2200, 2200.1, 2200.2, 2200.3 , 2200.5, 2200.6,
TITLE(S) CCR Title 23	REPEAL AMEND Cont'd: 2200.7, 2200.8, 2200.9

*su asney
Dmc 11-14-16*

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code § 11346)	<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 type="checkbox"/> Emergency Readopt (Gov. Code, § 11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§ 11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)	<input checked="" type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) <u>Water Code 13260(f)(2)</u>	

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)

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 type="checkbox"/> Department of Finance (Form STD. 399) (SAM § 6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			

7. CONTACT PERSON Glen Osterhage	TELEPHONE NUMBER (916) 341-5032	FAX NUMBER (Optional) (916) 341-5248	E-MAIL ADDRESS (Optional) Glen.Osterhage@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 <i>10/19/16</i>
TYPED NAME AND TITLE OF SIGNATORY Thomas Howard, Executive Director	

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ENDORSED APPROVED

NOV 14 2016

Office of Administrative Law

2015-16-17 Fee Schedules

**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), (a)(4), (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). For Fiscal Year 2015-16, Land Disposal dischargers Not Paying a Tipping Fee will receive a 19.2 percent fee reduction of the calculated fee, prior to the addition of any applicable surcharge. For Fiscal Year 2015-16, Land Disposal dischargers Paying a Tipping Fee will receive an 18.8 percent fee reduction of the calculated fee, prior to the addition of any applicable surcharge.

ANNUAL FEE SCHEDULE FOR WASTE DISCHARGE REQUIREMENTS				
Threat to Water Quality (TTWQ)	Complexity (CPLX)	Type of Discharge		
		Discharge to Land or Surface Waters ²	Land Disposal ³	
			Not Paying a Tipping Fee ⁴	Paying a Tipping Fee ⁵
1	A	\$109,095	\$70,781 ⁶	\$59,252 ⁶
1	B	\$68,901	\$57,168	\$47,856
1	C	\$37,178	\$36,751	\$30,766
2	A	\$24,833	\$30,625	\$25,638

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.

² For this table, discharges to land or surface waters are those discharges of waste to land or surface waters not covered by NPDES permits that are regulated pursuant to Water Code Section 13263 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. It does not include discharge of dredge or fill material, discharges from agricultural lands, including irrigated lands, or discharge from animal feeding operations.

Dischargers covered by a WDR for municipal and domestic discharges with permitted flows of less than 50,000 gallons per day in categories 2-B, 2-C, 3-B and 3-C will receive a 50 percent fee discount. The design flow shall be used where no permitted flow is present. Municipal and domestic discharges receiving the discount are defined as discharges from 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 residential clothes washing. It does not include discharges from food preparation and dish washing in restaurants or from commercial laundromats. Dischargers covered by a Landscape Irrigation General Permit issued by the State Water Board will be assessed a fee associated with TTWQ/CPLX rating of 3B.

³ For this table, land disposal discharges are those discharges of waste to land that are regulated pursuant to Water Code Section 13263 that implement the requirements of CCR Title 27, Division 2, except Chapter 7, Subchapter 2, §22560-22565 (confined animal facilities). Examples include, but are not limited to, discharges associated with active and closed landfills, waste piles, surface impoundments, and mines.

⁴ For this table, Not Paying a Tipping Fee are those land disposal dischargers not subject to Public Resources Code (PRC) § 48000 et seq.

⁵ For this table, Paying a Tipping Fee are those land disposal dischargers subject to PRC § 48000 et seq.

⁶ 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 Regional Board 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 Substances Control under 22 CCR Chapter 10, § 66270.1 et seq.

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2	B	\$14,929	\$24,502	\$20,510
2	C	\$11,195	\$18,376	\$15,383
3	A	\$8,823	\$12,250	\$10,256
3	B	\$4,699	\$9,188	\$7,690
3	C	\$2,088	\$4,082	\$3,419

Oil and gas produced water storage and disposal facilities regulated by waste discharge requirements are subject to a surcharge as follows according to the following formula:

Barrels/Year	Surcharge
0-19,999	\$4,500
20,000-99,999	\$9,000
100,000+	\$13,500

Surcharge equals \$0.00083 multiplied by the number of barrels of waste water discharged in the prior 12 months. The minimum annual surcharge amount is \$500.

(1) Threat to water quality (TTWQ)⁷ 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; any facility having numerous discharge points and groundwater monitoring; or any Class 1 waste management unit.

Category "B" – Any discharger not included in Category A 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 discharger for which waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code not included in Category A or Category B as described above. Included are dischargers having no waste treatment

⁷ In assigning a category for TTWQ, a regional board should consider duration, frequency, seasonality, and other factors that might limit the impact of the discharge.

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systems or that must comply with best management practices, dischargers having passive treatment and disposal systems, or dischargers having waste storage systems with land disposal.

(2) For dischargers covered under Statewide General WDRs for Sanitary Sewer Systems, the TTWQ and CPLX designations are assigned based on the population served by the sanitary sewer system. The table below describes the correlation between population served and TTWQ and CPLX designations to determine the appropriate annual fee:

Population Served ⁸	Threat and Complexity Designation
Less than 50,000	3C
50,000 or more	2C

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

STANDARD FEE			
Discharge Category	Application Fee ¹⁰	Annual Active Discharge Fee ¹¹	Annual Post-Discharge Monitoring Fee ¹²
(A) Fill and Excavation¹³ Discharges	Discharge length in feet x	\$600720	\$3060

⁸ Assumes 2.5 persons per equivalent dwelling unit (EDU).

⁹ i. For "excavation" the area of the discharge is the area of excavation; if the excavated material is then discharged to waters, an additional "fill" fee will be assessed.

ii. 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 standard fee categories, the total application fee shall be the sum of the application fees assessed under each applicable fee category; however only a single annual active discharge fee or annual post-discharge monitoring fee, if required, shall be assessed for the project. The single annual active discharge fee and the single annual post-discharge monitoring fee for the project shall be based on the higher of the applicable fee categories. Single projects qualifying for a special/flat fee or amended order fee shall only be assessed the applicable special/flat fee or amended order fee.

iii. Fees shall be based on the largest discharge size specified in the original or revised report of waste discharge or Clean Water Act (CWA) Section 401 water quality certification application, or as reduced by the applicant without any State Board or Regional Board intervention.

iv. If water quality certification is issued in conjunction with dredge or fill WDRs or is issued for a discharge regulated under such 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.

v. Discharges requiring water quality certification and regulated under a federal permit or license other than a US Army Corps of Engineers CWA Section 404 permit or a Federal Energy Regulatory Commission License shall be assessed a fee determined from CCR 23, Section 2200(a).

¹⁰ Dischargers shall pay a one-time application fee for each project at the time that the application or report of waste discharge is submitted. Notwithstanding section 2200.2, if discharges commence in a fiscal year other than the fiscal year in which the application or report of waste discharge is submitted, the application fee is in addition to the first annual active discharge fee for the project. If discharges commence in the same fiscal year as the application or report of waste discharge is submitted, the discharger shall pay only the greater of the application fee or the first annual active discharge fee. The application fee for category (A) fill and excavation discharges will be based on the discharger's estimate of project length and area. If, upon completion, the actual length or area is larger than the estimate, the discharger may receive an additional application fee invoice that is based on the actual project length and area, minus the application fee that was previously paid.

¹¹ Dischargers shall pay an annual active discharge fee each fiscal year or portion of a fiscal year during which discharges occur until the regional board or State Board issues a Notice of Completion of Discharges Letter to the discharger. The annual active discharge fee for category (B) dredging discharges will be invoiced after the annual dredge volume has been determined.

¹² Dischargers shall pay an annual post-discharge monitoring fee each fiscal year or portion of a fiscal year commencing with the first fiscal year following the fiscal year in which the regional board or State Board issued a Notice of Completion of Discharges Letter to the discharger, but continued water quality monitoring or compensatory mitigation monitoring is required. Dischargers shall pay the annual post-discharge monitoring fee each fiscal year until the regional board or State Board issues a Notice of Project Complete Letter to the discharger.

¹³ "Excavation" refers to removing 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 discharge, removing sediment to increase channel capacity, and other

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Discharges will be assessed as the higher fee of "discharge length in feet" and "discharge area in acres." The size of the discharge area shall be rounded to two decimal places (0.01 acre = 436 square feet).	\$13,508.10 -or- Discharge area in acres x \$5,670 10,206 Whichever is higher, up to a maximum of \$90,000. The minimum application fee is \$600720		
(B) Dredging¹⁴ Discharges (except Sand Mining-see (C) below) Dredge volume expressed in cubic yards.	\$600720	Annual dredge volume in cubic yards x \$0.2452, up to a project maximum of \$9120,000. The minimum annual active discharge fee is \$600720.	\$3060
SPECIAL/FLAT FEE			
Discharge Category	Application Fee¹⁰	Annual Active Discharge Fee¹¹	Annual Post-Discharge Monitoring Fee¹²
(C) Sand Mining Dredging Discharges Aggregate extraction in marine waters where source material is free of pollutants and the dredging operation will not violate any basin plan provisions.	\$600720	\$600720	\$3060
(D) Ecological Restoration and Enhancement Projects Projects undertaken for the sole 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 that are not primarily intended for ecological restoration or enhancement, e.g., land development. <u>This category does not include mitigation banking or in-lieu fee programs.</u>	\$200	\$200	\$100
(E) Low Impact Discharges Projects may be classified as low impact discharges if they meet all of the following criteria: <ol style="list-style-type: none"> 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; or (g) include "hazardous" or "designated" material. 	\$200720	N/A\$200	N/A\$100
(F) General Orders for CEQA Exempt Projects Projects which are CEQA exempt and which are required	\$200	N/A	N/A

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).

¹⁴ "Dredging" generally refers to removing sediment in deeper water to increase depth. The impacts to beneficial uses are best described by the volume of the discharge and typically occur to facilitate navigation. For fee purposes it also 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.

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<p>to submit notification of a proposed discharge to the State and/or Regional Board pursuant to: (1) a general order authorizing impacts for the qualifying project CEQA exemption (e.g. Small Habitat Restoration General Permit); or (2) a general water quality certification permitting discharges authorized by a U.S. Army Corps of Engineers general permit (e.g., nationwide permit). Applies ONLY if a general order or general water quality certification was previously granted.</p>			
<p>(G) Emergency Projects authorized by a Water Board General Order</p>	<p><u>\$720</u></p>	<p><u>\$200</u></p>	<p><u>\$100</u></p>
<p>(H) Amended Orders Amendments of WDR's or water quality certifications previously issued for one-time discharges not subject to annual billings.</p> <ul style="list-style-type: none"> (a) Minor project changes, not requiring technical analysis and involving only minimal processing time. (b) Changes to projects eligible for flat fees (fee categories C and D) where technical analysis is needed to assure continuing eligibility for flat fee and that beneficial uses are still protected. (c) Project changes not involving an increased discharge amount, but requiring some technical analysis to assure that beneficial uses are still protected and that original conditions are still valid, or need to be modified. (d) Project changes involving an increased discharge amount and requiring some technical analysis to assure that beneficial uses are still protected and that original conditions are still valid, or need to be modified. (e) Major project changes requiring an essentially new analysis and re-issuance of WDR's or water quality certification. 	<ul style="list-style-type: none"> (a) No fee required (b) \$300 flat fee (c) \$200 flat fee (d) Additional standard fee assessed per increased amount of discharge(s) (e) New standard fee assessed 		

(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 MS4s¹⁵), shall pay an annual fee according to the following schedule, based on the average daily population¹⁶ 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. For Fiscal Year 2015-16-17, dischargers paying this fee will receive a 28.4 percent reduction of the total fee.

¹⁵ 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)).

¹⁶ 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.

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ANNUAL FEE SCHEDULE FOR AREAWIDE MUNICIPAL STORM WATER SEWER SYSTEM PERMITS AND CO-PERMITTEES	
Population equal to or greater than 250,000	\$63,956
Population between 200,000 and 249,999	\$55,961
Population between 150,000 and 199,999	\$48,285
Population between 100,000 and 149,999	\$39,974
Population between 75,000 and 99,999	\$31,979
Population between 50,000 and 74,999	\$23,982
Population between 25,000 and 49,999	\$15,989
Population between 10,000 and 24,999	\$9,594
Population between 1,000 and 9,999	\$6,395
Less than 1,000 population	\$3,199
Statewide Permit Holders	\$255,822
High Speed Rail Authority	\$150,000

(B) Dischargers applying for the Small MS4 Waiver of a General Permit to Discharge Storm Water Associated with Small Municipal Activity issued by the ~~S~~state ~~W~~ater ~~B~~oard shall pay an application fee of \$200.

(2) Any entity or entities submitting a watershed improvement plan to the ~~R~~regional ~~B~~oard for review pursuant to Section 16102 of the Water Code shall reimburse the ~~R~~regional ~~B~~oard for its costs¹⁷ 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 ~~S~~state ~~B~~oard or ~~R~~regional ~~B~~oard general NPDES storm water permit shall pay an annual fee of \$1,791. 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. For Fiscal Year 2015-16-17, dischargers paying this fee will receive a 286.4 percent reduction of the total fee.

(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 ~~R~~regional ~~B~~oard, shall pay an annual fee of \$512 plus \$51 per acre (rounded to the nearest whole acre and dollar amount), to a maximum fee of \$5,612, 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. For Fiscal Year 2015-16-17, dischargers paying this fee will receive a 286.4 percent reduction of the total fee.

(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 ~~S~~state ~~W~~ater ~~B~~oard shall pay an application fee of \$200.

¹⁷ These costs include labor, ~~S~~state ~~B~~oard and ~~R~~regional ~~B~~oard administrative costs, and overhead costs.

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(5) Discharges associated with mosquito and vector control activities¹⁸ 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 \$241. Dischargers filing an application for a mosquito and vector control permit shall pay a fee of \$241. 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	\$100	No Annual Fee
1,000 – 9,999	\$500	\$500
10,000+	\$2,062	\$2,062
Transmission System or Water Wholesaler	\$2,062	\$2,062

Dischargers with Multiple Systems		
Total Number of Service Connections	Application Fee	Annual Fee ¹⁹
15 – 999	\$100	No Annual Fee
1,000 – 9,999	\$500	\$500 per Primary System fee plus \$100 per Secondary System
10,000+	\$2,062	\$2,062 per Primary System fee plus \$100 per Secondary System
Transmission System or Water Wholesaler System	\$2,062	\$2,062 per Primary System fee plus \$100 per Secondary System

(7) All other NPDES permitted discharges, except as provided in (b)(98), (b)(109), and (c), shall pay a fee according to the following formula:

Fee equals \$2,062 plus 3,646 multiplied by the permitted flow, in mgd, with a maximum fee of \$515,537 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.

For Fiscal Year 2015-16, dischargers paying this fee will receive a 1.2 percent reduction of the calculated fee, prior to the addition of any applicable surcharge.

¹⁸ 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.

¹⁹ 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.

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NPDES permitted industrial discharges²⁰ with a threat/complexity²¹ 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. Agencies with multiple facilities under one approved pretreatment program shall pay a \$10,000 surcharge per program.

(8)(A) Flow for wet weather municipal facilities²² will be based on the previous five years' actual monthly average flow²³, as of the date the permit is issued.

(B) Notwithstanding (8)(A), the minimum annual fee for wet weather municipal facilities shall be \$20,000.

(9) All other general NPDES permits and de minimis discharges²⁴ 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: \$11,877
- 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: \$7,177
- Category 3 – Discharges that require minimal or no treatment systems to meet limits and pose no significant threat to water quality: \$2,062

~~For Fiscal Year 2015-16, dischargers paying this fee will receive a 1.2 percent reduction of the calculated fee, prior to the addition of any applicable surcharge.~~

²⁰ 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).

²¹ Threat/complexity categories are listed under (a)(1) of this document.

²² Wet weather municipal facilities are intermittently operated facilities that are designated specifically to handle flows during wet weather conditions.

²³ 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.

²⁴ 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.

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(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.

FEEDLOTS (not at a dairy)	
Type of Facility	
Number of Animals	Fee
Cattle or Cow/Calf Pairs	
100,000 or more	\$9,937
10,000 to 99,999	\$4,968
5,000 to 9,999	\$2,649
1,000 to 4,999	\$1,324
Less than 1,000	\$663
0 to 49	\$0
Calves	
10,000 or more	\$9,937
5,000 to 9,999	\$4,968
1,000 to 4,999	\$2,649
300 to 999	\$1,324
Less than 300	\$663
0 to 49	\$0
Heifers (not at a dairy)	
10,000 or more	\$9,937
5,000 to 9,999	\$4,968
1,000 to 4,999	\$2,649
300 to 999	\$1,324
Less than 300	\$663
0 to 49	\$0
Finishing Yards/Auction Yards	
1,000 or more	\$2,649
300 to 999	\$1,324
Less than 300	\$663
0 to 49	\$0

DAIRIES	
Type of Facility	
Number of Animals	Fee
Mature Dairy Cattle	
3,000 or more	\$13,248
1,500 to 2,999	\$8,279
700 to 1,499	\$3,974
300 to 699	\$1,987
150 to 299	\$994
50 to 149	\$497
0 to 49	\$0
Goat Dairies	
1,000 or more	\$1,324
Less than 1,000	\$663
0 to 549	\$0
OTHER	
HOGS	
Swine (> 55 pounds)	
5,000 or more	\$4,968
2,500 to 4,999	\$2,649
750 to 2,499	\$1,324
Less than 750	\$663
0 to 149	\$0
Swine (< 55 pounds)	
20,000 or more	\$4,968
10,000 to 19,999	\$2,649
3,000 to 9,999	\$1,324
Less than 3,000	\$663
0 to 299	\$0
OTHER	
Horses	
500 or more	\$2,649
150 to 499	\$1,324
Less than 150	\$663
0 or 74	\$0
Sheep or Lambs	
10,000 or more	\$2,649
3,000 to 9,999	\$1,324
Less than 3,000	\$663
0 to 549	\$0

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POULTRY		
Number of Animals	On-Site Discharge Fee	Off-Site Discharge Fee
Layers or Broilers (liquid manure system)		
120,000 or more	\$6,623	\$2,319
60,000 to 119,999	\$3,313	\$1,656
30,000 to 59,999	\$2,485	\$1,159
9,000 to 29,999	\$1,324	\$663
Less than 9,000 400 to 8,999	\$663	\$0 \$332
0 to 399	\$0	\$0
Non-layers (other than liquid manure system)		
500,000 or more	\$6,623	\$2,319
250,000 to 499,999	\$3,313	\$1,656
125,000 to 249,999	\$2,485	\$1,159
37,500 to 124,999	\$1,324	\$663
Less than 37,500 1,500 to 37,499	\$663	\$0 \$332
0 to 1,499	\$0	\$0
Layers (other than liquid manure system)		
350,000 or more	\$6,623	\$2,319
165,000 to 349,999	\$3,313	\$1,656
82,000 to 164,999	\$2,485	\$1,159
25,000 to 81,999	\$1,324	\$663
Less than 25,000 1,000 to 24,999	\$663	\$0 \$332
0 to 999	\$0	\$0
Ducks (other than liquid manure system)		
120,000 or more	\$6,623	\$2,319
60,000 to 119,999	\$3,313	\$1,656
30,000 to 59,999	\$2,485	\$1,159
10,000 to 29,999	\$1,324	\$663
Less than 10,000 500 to 9,999	\$663	\$0 \$332
0 to 499	\$0	\$0
Ducks (liquid manure system)		
20,000 or more	\$3,313	
5,000 to 19,999	\$2,485	
1,500 to 4,999	\$1,324	
Less than 1,500 60 to 1,499	\$663	
0 to 59	\$0	
Turkeys		
200,000 or more	\$6,623	\$2,319
100,000 to 199,999	\$3,313	\$1,656
55,000 to 99,999	\$2,485	\$1,159
16,500 to 54,999	\$1,324	\$663
Less than 16,500 750 to 16,499	\$663	\$0 \$332
0 to 749	\$0	\$0

(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,

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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.

(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 with 0-49 mature dairy cattle 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 ~~under waste discharge requirements or waivers of waste discharge requirements~~ 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 and 1058 of the Water Code. Reference: Section 13260 of the Water Code.

Section 2200.1.

The State Board shall notify each discharger annually of the fee to be submitted, the basis upon which the fee was calculated, and the date upon which the fee is due.

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

Section 2200.2.

Persons proposing a new discharge shall submit to the State Board or Regional Board a report of waste discharge. Unless Section 2200 provides otherwise, or the discharger is specifically instructed otherwise by the State Board, a fee equal in amount to the annual fee based on the fee schedules in Section 2200 shall be submitted with the discharger's report of waste discharge. Except as otherwise provided in Section 2200, this 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 a full annual fee that accompanied the discharger's report of waste discharge. Persons proposing a material change in an existing discharge are not required to submit a fee with the report of waste discharge.

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

Section 2200.5. No Exposure Certification.

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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 of certification is submitted. NEC fees are not subject to any surcharges.

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Section 13260 and 13260.2 of the Water Code.

Section 2200.6. Annual Agricultural and Irrigated Lands Fee Schedule.

(a) Annual fees for waste discharge requirements and waivers of waste discharge requirements for discharges from agricultural lands¹, including irrigated lands, shall be as follows:

(1) Tier I: If a discharger is a member of a group that has been approved by the ~~S~~state ~~B~~board to manage fee collection and payment, then the fee shall be \$100 per group plus \$0.75 per acre of land.

(2) Tier II: If a discharger is a member of a group that has been approved by the ~~S~~state ~~B~~board but that does not manage fee collection and payment, then the fee shall be \$100 per farm plus \$1.27 per acre of land.

(3)(A) Tier III: If a discharger is not a member of a group that has been approved by the ~~S~~state ~~B~~board, the following fee schedule applies:

Acres	Fee Rate	Min Fee	Max Fee
0-10	\$404 + \$13.50/Acre	\$404	\$539
11-100	\$1,010 + \$6.70/Acre	\$1,084	\$1,680
101-500	\$2,692 + \$3.40/Acre	\$3,035	\$4,392
501 or More	\$5,384 + \$2.70/Acre	\$6,737	No Max Fee

(b) Upon approval by the ~~R~~regional ~~B~~board to join a group subject to waste discharge requirements or waivers of waste discharge requirements for discharges from agricultural lands, including irrigated lands, the discharger shall submit to the ~~S~~state ~~W~~ater ~~B~~board an application fee, unless such fee is not required by the ~~R~~regional ~~B~~board. The application fee is a one-time fee of \$200 for dischargers that have received a written request to submit an application or report of waste discharge, and \$50 for all other dischargers. This application fee shall not apply to dischargers who were members of a group on or before June 30, 2008.

(c) For purposes of this section, the words "agricultural lands," "irrigated lands," "farm," and "discharger" have the meaning contained in the applicable ~~R~~regional ~~B~~board or ~~S~~state ~~B~~board waste discharge requirements or waiver of waste discharge requirements for discharges from agricultural lands, including irrigated lands. These fees shall apply whether or not a regional board or the ~~S~~state ~~B~~board has previously waived the payment of fees for the discharge of waste.

¹ As used in this section, the acreage on which the fee is based refers to the area that has been irrigated or cultivated by the farmer or discharger at any time in the previous five years.

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Section 13260 and 13269 of the Water Code.

2200.7. Annual Fee Schedule for Marijuana Cultivation.

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(a) Annual fees for waste discharge requirements and waivers of waste discharge requirements for discharges associated with marijuana cultivation shall be as follows:

(1) Category 1: If a discharger is not a member of a group that has been approved by the appropriate ~~R~~regional Water Quality Control ~~B~~board, the following fee schedule applies:

Tier	Discharge Threat ¹	Annual Fee
1	Low Threat to Water Quality	\$1,000
2	Moderate Threat to Water Quality	\$2,500
3	Elevated Threat to Water Quality	\$10,000

(2) Category 2: If a discharger is a member of a group that has been approved by the appropriate ~~R~~regional Water Quality Control ~~B~~board, the following fee schedule applies:

Tier	Discharge Threat ¹	Annual Fee ²
1	Low Threat to Water Quality	\$700
2	Moderate Threat to Water Quality	\$1,750
3	Elevated Threat to Water Quality	N/A

¹ As assigned by the appropriate ~~R~~regional Water Quality Control ~~B~~board.

² Dischargers in Tier 3 may join a third-party group, but must pay the Category 1 fee unless the ~~R~~regional Water Quality Control ~~B~~board subsequently assigns the Discharger to a lower tier. Any Discharger that is required by the ~~R~~regional Water Quality Control ~~B~~board to take corrective action shall be subject to the fee schedule in Category 1 for a minimum of one billing cycle, and for all subsequent billing cycles until all corrective actions are complete as determined by the ~~R~~regional Water Quality Control ~~B~~board.

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

2200.8. General Requirements for the Use of Recycled Water.

Any person who serves as an Administrator under a General Order authorizing the use of recycled water shall pay an annual fee in accordance with the threat/complexity ratings in Section 2200(a)(1) for each recycled water program that the person administers. The first annual fee shall be submitted with the Notice of Intent to be covered by the General Order.

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

2200.9. Annual Fee Schedule for Waivers of Waste Discharge Requirements.

(a) Any person for whom waste discharge requirements have been waived pursuant to Section 13269 of the Water Code shall submit an annual fee to the ~~S~~state ~~B~~board if a fee is specified for the waiver in this section. These fees shall apply whether or not a regional board or the ~~S~~state ~~B~~board has previously waived the payment of fees for the discharge of waste.

(b) [reserved]

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Section 13260 and 13269 of the Water Code.