

**DRAFT**  
STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING – DIVISION OF ADMINISTRATIVE SERVICES  
MAY 19, 2005

**ITEM 4**

**SUBJECT**

ADOPTING EMERGENCY REGULATION REVISIONS TO THE FEE SCHEDULES CONTAINED IN TITLE 23, DIVISION 3, CHAPTER 9, ARTICLE 1, SECTION 2200 OF THE CALIFORNIA CODE OF REGULATIONS

**DISCUSSION**

The State Water Resources Control Board's (SWRCB) current [annual fee schedule](#) (contained in California Code of Regulations, Title 23, Division 3, Chapter 9, Article 1) was adopted by the SWRCB on May 20, 2004. The fee revenue supports the cost of regulating permitted discharges. Section 13260 of the Water Code requires the SWRCB to adjust fee revenue to levels set forth in the Budget Act.

As of June 30, 2004, the fund balance for the Waste Discharge Permit Fund was \$11.2 million. This includes \$6 million in reserves and \$5.2 million in surplus revenue. Most of this surplus is attributable to over collection of storm water (\$4.3 million) and land disposal (\$1.1 million) fees. SWRCB staff held stakeholder meetings in December 2004 and January 2005 to discuss, among other topics, the condition of the Waste Discharge Permit Fund and reached an agreement with stakeholders to refund approximately \$3 million to storm water and land disposal dischargers as a one-time credit in fiscal year 2005-06.

Other minor clarifying changes in the regulations have been made regarding dredge and fill activities and storm water construction and industrial permits

**POLICY ISSUE**

Should the State Water Board adopt a resolution to:

Adopt emergency regulations to approve changes in the current annual fee schedule and to authorize a \$3 million one-time credit to land disposal and storm water dischargers for fiscal year 2005/06 that refunds the money in approximately the same proportion by which it was paid.

**FISCAL IMPACT**

The credit will reduce the fund balance in the Waste Discharge Permit Fund by approximately \$3 million and bring fees collected in the land disposal and storm water programs in line with revenue levels set forth in the Budget Act for these programs.

**RWQCB IMPACT**

None

**STAFF RECOMMENDATION**

That the State Water Board:

Approve a resolution to adopt emergency regulations to approve changes in the current annual fee schedule and to authorize a \$3 million one-time credit to land disposal and storm water dischargers for fiscal year 2005/06 that refunds the money in approximately the same proportion by which it was paid.

Policy Review \_\_\_\_\_

Legal Review \_\_\_\_\_

Fiscal Review \_\_\_\_\_

**DRAFT**  
STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2005 -

ADOPTING EMERGENCY REGULATION REVISIONS TO THE FEE SCHEDULES  
CONTAINED IN TITLE 23, DIVISION 3, CHAPTER 9, ARTICLE 1, SECTION 2200 OF THE  
CALIFORNIA CODE OF REGULATIONS

WHEREAS:

1. SWRCB staff prepared recommended changes to the waste discharge fee schedule contained in current regulations.
2. Water Code Section 13260(d) requires each person for whom waste discharge requirements are issued to pay an annual fee to the SWRCB.
3. Water Code Section 13260(f) requires the SWRCB to adopt a schedule of fees by emergency regulation.
4. Water Code Section 13260(f) requires fees be adjusted to conform to the revenue levels set forth in the Budget Act for these activities.
5. SWRCB staff recommended a one-time fee credit in the NPDES storm water and WDR Land Disposal fee schedules to conform to the revenue levels set forth in the Budget Act.
6. SWRCB staff prepared recommended changes to the fee schedule (attachment A) contained in current regulation to implement the State Budget Act requirements, with input from a working group composed of representatives of fee payer groups that are affected by the changes.

THEREFORE BE IT RESOLVED THAT:

The State Water Resources Control Board:

1. Adopts emergency regulations approving the revisions to Title 23, Division 3, Chapter 9, Article 1, Section 2200 ~~and adding Section 2200.3~~ of the California Code of Regulations, as recommended by staff, to implement the provisions of the ~~2003~~ State Budget Act and pursuant to the provisions of Water Code Section 13260(f)(2) (Attachment A).

**CERTIFICATION**

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 19, 2005.

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Debbie Irvin  
Clerk to the Board