

FREQUENTLY ASKED QUESTIONS ABOUT WASTE DISCHARGE REQUIREMENT (WDR) FEES

(And the answers to them)

1. WHY DID I GET AN INVOICE?

Annual WDR fee invoices are sent to persons who hold a WDR order issued by a Regional Board. The order number issued to you is shown on the invoice. There are three types of WDR orders: NPDES, Chapter 15, and Non-chapter 15 orders (See Question 5). Your name, company name, agency and billing address was obtained from Regional Water Quality Control Boards' (Regional Boards) records or from an address change you or your company submitted with prior year fee remittances.

2. WHAT IS AN "ANNUAL WDR FEE"?

Annual WDR fees are assessed for the privilege of discharging wastes pursuant to a WDR order that may affect California's surface and ground water. State law (California Water Code Section 13260) requires that every holder of a WDR order pay a yearly fee for each order to SWRCB.

3. WHAT IS THE FEE FOR?

Annual fees are assessed to discharges (also called "permittees") for each WDR they hold. The total WDR fee revenue supports the majority of the costs of the State Water Resources Control Board (SWRCB) and the Regional Boards' regulatory programs. General state and federal tax revenues make up the remainder of the costs of these regulatory programs.

4. HOW IS THE FEE DETERMINED?

SWRCB has developed fee schedules to implement the annual WDR fee law (California Water Codes Section 13260). The schedules are listed on the Internet site at: http://www.waterboards.ca.gov/resources/fees/docs/waste_discharge_requirement_fees.pdf The current fee schedules establish a range of fees based on certain criteria depending on the type of program the discharges is enrolled under.

Waste Discharge Requirements (Non Chapter 15). A threat and complexity rating given to each waste discharge permit will determine fees for the WDR program. There are three categories of threat and three categories of complexity described below in questions 5 and 6. The combination of the threat and complexity ratings provides a total of nine possible ratings from IA through 3C. The fees associated with these ratings can be viewed at the SWRCB website listed above.

Land Disposal (Chapter 15). The land disposal program will be determined by threat and complexity categories and will follow the same criteria as described in WDRs listed above.

NPDES (Municipal Storm Water). Public entities subject to an area-wide Storm Water permit will receive an invoice based on population of the public entity. A sliding fee scale based on population can also be located at the SWRCB website listed above. The population-based programs will be referred to as MNSTW1.

NPDES (Flow). The balance of NPDES permittees will pay fees based on “Permitted Flow” or “Designed Flow” specified in each waste discharge permit. A sliding fee scale based on flow as measured in millions of gallons per day (MGD) can be found at the SWRCB website listed above. Special categories, not subject to the above flow categories (such as Aquaculture) are charged on an individual basis.

5. WHAT IS THREAT TO WATER QUALITY (TTWQ)?

Threat to Water Quality (TTWQ) is a relative categorization of the waste discharge’s potential effect upon the surface or ground water quality and the beneficial uses of those waters. Category I include those discharges that could cause long-term loss of a beneficial use, such as drinking water supply, aquatic habitat, etc. Category II includes those discharges that could impair the designated beneficial uses, cause short-term violations of water quality objectives, violate secondary drinking water standards, etc. Category III are those discharges that could degrade water quality without violating objectives or could cause minor impairment of beneficial uses.

6. WHAT IS COMPLEXITY (CPLX)?

Category (a) includes any major discharge, any influent involving priority pollutants of toxics, those discharges having numerous discharge points or ground water monitoring, etc. Category (b) includes those dischargers (not included in (a)) who have physical, chemical, or biological treatment systems, and Class II or Class III waste management unit, etc. Category (b) treatment systems exclude septic systems with subsurface disposal. All other dischargers are ranked in Category (c).

7. WHO DECIDES WHAT RATINGS APPLY TO MY WDR ORDER? WHO DO I CONTACT ABOUT IT?

The Regional Board that issued your WDR order determined the rating criteria shown on your fee invoice. Their telephone number is shown on your invoice.

The first digit of you “AFBS Code” also indicates which Regional Board regulates your facility or operation. A map showing Regional Board jurisdictions (keyed by number), addresses, and telephone numbers is shown on the reverse side of the invoice cover letter.

8. WHAT DO I DO IF I THINK THIS INVOICE ISN’T MINE?

Our records indicate that you or your company or agency is named as the discharger (i.e., permittee) in the specified WDR order. The person or company named may be the person, department, or office responsible for operating the regulated waste treatment and disposal works. However, in many instances, bills are paid by a different office and we may have been instructed to use that name and address.

If the invoice has been mistakenly sent to the wrong office within your company, please re-route it to the proper person. Remind that person to update the name and address information on the remittance stub. Please use titles rather than personal names.

9. SHOULDN'T THE NEW OWNER GET THE INVOICE?

Not necessarily. If you sold your facility or operation, state law requires that you notify the Regional Board in writing. Under law, the new owner/operator must also notify the Regional Board the she or he accepts responsibility for compliance with the WDR order.

As the transfer of property and who should pay the bill is a private matter between the seller and buyer, we must bill the discharger named in the WDR order. The named permittee is responsible for payment of the annual WDR fee until the Regional Board transfers or re-issues the WDR order.

10. IF I'M NOT DISCHARGING, IS A FEE REQUIRED?

Yes. The annual WDR fee pertains to your order, not the frequency or duration of your discharge. Since your WDR order allows you to discharge wastes as specified, you must pay an annual fee as long as your WDR order remains in force.

State law requires that you report any material changes in your discharge to the Regional Board. If you are no longer discharging and think you should not be assessed future fees, you must notify the Regional Board. As appropriate, and after you have complied with all laws and permit conditions, the Regional Board may determine that your WDR order can be rescinded. If rescinded, you will not be assessed future fees but you may still be required to pay current and past annual WDR fees.

11. IF I DISPUTE MY FEE, WHAT SHOULD I DO?

If you disagree with the assessment or the amount of the fee, you must pay the fee to SWRCB and, most importantly, submit a written description of your dispute along with any key facts to the Regional Board. The Regional Board may require additional information from you so it can resolve your dispute.

The Regional Board will notify you if a portion or all of the disputed fee should be refunded, SWRCB will then refund any monies due you as the law allows.

12. DO INTEREST CHARGES ACCRUE AFTER THE DUE DATE?

No, but because of the serious consequences of not paying, you should immediately contact the Regional Board by the due date.

All outstanding fees will be considered delinquent thirty (30) days after the date of the invoice. Failure to pay the required fee is a misdemeanor and will result in the Regional Board seeking collection of the fee through the Enforcement provisions of the California Water Code. Civil liability may be administratively imposed by a Regional Board or the SWRCB in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for violation of subdivision (a) in an amount that may not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

13. WHAT IS THE SWRCB'S TAXPAYER IDENTIFICATION NUMBER?

For persons or companies that require our taxpayer identification number for tax purposes, the SWRCB's number is 68-0281986.