

## 2019-20 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.<sup>1</sup>

(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).

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<sup>1</sup> 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.

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

Standard Fee <sup>10</sup> Discharge Category	Application Fee <sup>11</sup>	Project Fee	Annual Fee <sup>12</sup>
<b>(A) Fill and Excavation<sup>13</sup> Discharges</b> Discharge area expressed in acres rounded to two decimal places (0.01 acre)	\$1,949	Impact area in acres x \$17,372, minus application fee, up to a maximum of \$169,099 (if balance equals less than the application fee, no project fee is required).	\$1,638

<sup>9</sup> Fees shall be based on the sum of temporary and permanent impact amounts to be authorized by the order. Impacts include both the excavation and fill area and the dredging area. If water quality certification is issued in conjunction with dredge or fill WDRs or issued for a discharge regulated under preexisting WDRs for the same project, the project will be assessed a single fee derived from this dredge and fill fee schedule. Discharges requiring certification and regulated under a federal permit or license other than a US Army Corps of Engineers Clean Water Act Section 404 permit or a Federal Energy Regulatory Commission License shall be assessed a fee determined from Section 2200(a).

<sup>10</sup> Fees shall be based on the sum of project impacts. Projects that include both category (A) and category (B) discharges shall be subject to the category (A) application and project fees. A single annual fee shall be assessed based on the higher of the applicable annual fee categories.

<sup>11</sup> Dischargers shall pay a one-time application fee for each project at the time that the application or report of waste discharge is submitted.

<sup>12</sup> Consistent with Section 2200.2, the sum of the application fee and the project 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 the application fee. The annual fee for category (B) dredging discharges will be calculated using the annual dredge volume authorized in the applicable Order.

<sup>13</sup> "Excavation" refers to removing sediment or soil in shallow waters or under no-flow conditions, typically for purposes other than navigation. Examples include, but are not limited to, trenching for utility lines; other earthwork preliminary to discharge; removing sediment to increase channel capacity; and other 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).

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<p><b>(B) Dredging<sup>14</sup> Discharges</b>  (except Sand Mining-see (C) below)  Dredge volume expressed in cubic yards.</p>	\$1,949	N/A	Annual dredge volume in cubic yards x \$0.426, up to a project maximum of \$169,099. The minimum annual fee is \$1,949.
Special/Flat Fee <sup>15</sup> Discharge Category	Application Fee <sup>11</sup>		Annual Fee
<p><b>(C) Sand Mining Dredging Discharges</b>  Aggregate extraction in marine waters where source material is free of pollutants and the dredging operation will not violate any basin plan provisions.</p>	\$1,949		\$975
<p><b>(D) Ecological Restoration and Enhancement Projects</b>  Projects undertaken for 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 that are not primarily intended for ecological restoration or enhancement, e.g., land development. This category does not include mitigation banking or in-lieu fee programs, or projects implemented in response to an enforcement action.</p>	\$520		\$260
<p><b>(E) Low Impact Discharges</b>  Projects may be classified as low impact discharges if the project meets all of the following criteria:</p> <ol style="list-style-type: none"> <li>1. The discharge size is less than all of the following: (a) for fill, 0.1 acre, and 300 linear feet, and (b) for dredging, 25 cubic yards.</li> <li>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</li> </ol>	\$1,949		\$260

<sup>14</sup> “Dredging” refers to removing sediment or aquatic vegetation, typically in deeper water for navigation purposes. For fee purposes, this fee category includes aggregate extraction within stream channels, where the substrate is composed of coarse sediment (e.g., gravel) and is replenished by normal winter flows (e.g., point bars).

<sup>15</sup> To qualify for a special/flat fee category, the whole of a project must meet the fee category description (i.e., all project discharges are limited to those defined by the fee category).

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<p>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.</p> <p>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.</p>		
<p><b>(F) Emergency Projects Authorized by a Water Board General Order</b></p>	<p>\$1,949</p>	<p>\$260</p>
<p><b>(G) Amended Orders<sup>16</sup></b>          Amendments of WDRs or water quality certifications previously issued.</p> <p>(1) All category (D) Ecological Restoration and Enhancement Projects, regardless of amendment type.</p> <p>(2) Administrative amendments including, but not limited to, ownership changes, typographic edits, or time extensions that do not result in a temporal loss of resource function. Amendments in this category require no technical analysis or additional compensatory mitigation.</p> <p>(3) Amendment results in change(s) in impact character, location, or volume of the discharge; or a time extension that results in a temporal loss of resource function, according to the following criteria:</p> <ul style="list-style-type: none"> <li>• Amendment increases the active certification’s impact quantity by less than 50 percent, and</li> <li>• Amendment does not require a change to the mitigated aquatic resource type.</li> </ul> <p>(4) Amendment requires a supplemental CEQA analysis, or Amendment results in change(s) in impact character, location, or volume of the discharge, or a time extension that results in a</p>	<p>(1) No fee required</p> <p>(2) No fee required</p> <p>(3) Additional standard fee assessed per increased amount of discharge(s). The minimum fee is \$1,949.</p> <p>(4) New standard fee assessed per new project discharge total. The</p>	<p>Annual fee applicable per discharge category</p>

<sup>16</sup> Dischargers that have met the project fee cap will be assessed the minimum fee for each amendment of previously-issued WDR or water quality certification.

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<p>temporal loss of resource function, according to the following criteria:</p> <ul style="list-style-type: none"> <li>• Amendment increases the active certification's impact quantity by more than 50 percent, or</li> <li>• Amendment requires a change to the mitigated aquatic resource type.</li> </ul>	<p>minimum fee is \$1,949.</p>	
<p><b>(H) Wildfire Mitigation by Electrical Corporations, Electric Utilities, and Electrical Cooperatives</b>  Dredge or fill activities conducted by electrical corporations, electric utilities, and electrical cooperatives pursuant to a wildfire mitigation plan prepared in accordance with Public Utilities Code, section 8386(b) or section 8387(b)(1). This annual fee covers all dredge or fill activities conducted by the electrical corporations, electric utilities, and electrical cooperatives pursuant to a wildfire mitigation plan, and is in lieu of the project-specific dredge or fill fees in section 2200(a)(3)(A)-(G) for dredge or fill activities conducted pursuant to a wildfire mitigation plan.</p>	<p style="text-align: center;">N/A</p>	<p style="text-align: center;">\$43.00 per mile of overhead electrical lines identified as high risk or high threat in the wildfire mitigation plan.</p>