

State Water Resources Control Board
Resolution No. 87-106

ADOPTION OF REGULATIONS AMENDING SUBCHAPTER 9 OF CHAPTER 3 OF
TITLE 23 OF THE CALIFORNIA ADMINISTRATIVE CODE

WHEREAS :

1. The Porter-Cologne Water Quality Control Act, Division 7 of the California Water Code, commencing with Section 13000, provides the authority for the regulation of waste discharges to the waters of the State through the issuance of Waste Discharge Requirements (WDRs).
2. Section 13260 of the California Water Code requires the submittal of a report of waste discharge and filing fee to the appropriate Regional Water Quality Control Board prior to the issuance of Waste Discharge Requirements.
3. Regulations establishing the Filing Fee Schedule in Section 2200 of Subchapter 9 of Chapter 3 of Title 23 of the California Administrative Code (Subchapter 9) were last updated in 1982. The maximum fee payable under this schedule is \$10,000. The \$10,000 maximum fee was the statutory limit in 1982.
4. In 1984, the Legislature established a new maximum fee authorization of \$50,000.
5. The Budget Act for Fiscal Year 1987-88 as contained in Chapter 135 of the Statutes of 1987 directs the State Board to adopt a revised Filing Fee Schedule through emergency regulations increasing the maximum fee from \$10,000 to \$20,000.
6. On August 20, 1987, the State Board adopted an emergency regulation revising the Filing Fee Schedule to increase the maximum filing fee to \$20,000 and revised certain categories of discharge contained in the Filing Fee Schedule to reflect current regulations. The inclusion of a filing fee for stormwater discharges does not imply that the State Board intends to implement the NPDES permit program for municipal and industrial stormwater discharges pursuant to Section 402(p) of the Clean Water Act.
7. On October 2, 1987, the emergency regulation became effective commencing a 120 day period during which the State Board had to conduct and complete the regulation adoption process (regular rulemaking) and formally adopt the emergency regulation.
8. In conjunction with this regulation adoption process, the State Board proposes to amend or repeal Sections 2205, 2230, 2232.2, 2234, 2235, and 2235.1 of Subchapter 9. These sections deal with Preliminary Procedures.

Monitoring Program Results, Periodic Review of Waste Discharge Requirements, Inspections, Definitions, and Filing and Processing of a Report of Waste Discharge.

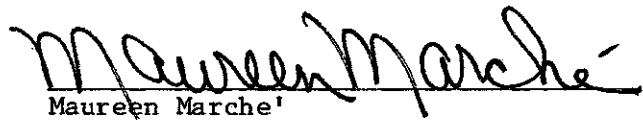
9. Changes to these sections are necessary to retain consistency with the Statutes and to avoid duplication of Statutes.
10. On November 17, 1987, the State Board conducted a public hearing relative to the proposed amendments to Subchapter 9.
11. Comments received during the public comment period and at the public hearing have been considered in developing the final amendments to Subchapter 9.

THEREFORE BE IT RESOLVED:

That the State Water Resources Control Board adopts regulations (Attachment 1) to be codified in Subchapter 9 of Chapter 3 of Title 23 of the California Administrative Code, and authorizes the Executive Director to complete the regulation adoption process and transmit the rulemaking file to the Office of Administrative Law for their approval.

CERTIFICATION

The undersigned, Administrative Assistant 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 the State Water Resource Control Board held on December 17, 1987.


Maureen Marche
Administrative Assistant to the Board