

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2010-0052**

ADOPTING EMERGENCY REGULATIONS AMENDING WATER RIGHT AND WATER
QUALITY CERTIFICATION FEE SCHEDULES IN TITLE 23, DIVISION 3, CHAPTER 5
(COMMENCING WITH SECTION 1061) AND CHAPTER 28, ARTICLE 1, SECTION 3833.1 OF
THE CALIFORNIA CODE OF REGULATIONS

WHEREAS:

1. Pursuant to Water Code section 1058, the State Water Resources Control Board (State Water Board) has the authority to adopt regulations to carry out its powers and duties under the Water Code.
2. The Water Code requires the State Water Board to adopt emergency regulations establishing and revising fees to be deposited in the Water Rights Fund in the State Treasury, including fees for water quality certification. (Wat. Code, §§ 1525, 1530, 1551, 13160.1.) The emergency regulations must be adopted to implement the fee revenue requirement in the Budget Act. The emergency regulations may include provisions concerning the administration and collection of the fees.
3. The State Water Board must set a [fee schedule](#) that will generate revenues to support expenditures in the amount the Budget Act sets for specified regulatory activities.
4. The Budget Act delegates to the Department of Finance the authority to make specified adjustments to the amounts specified in the Budget Act. The State Water Board has taken into account the anticipated adjustments that the Department of Finance will make under its delegated authority in determining the amount of fee revenues, consistent with the Budget Act, that are required to support the water right program.
5. State Water Board staff prepared recommended revisions to the State Water Board's water right and water quality certification regulations to implement the Water Code and the provisions of the Budget Act.
6. The water right and water quality certification fee regulations and schedules will be contained in title 23, division 3, chapter 5 (commencing with section 1061) and chapter 28, article 1, section 3833.1 of the California Code of Regulations.
7. These [emergency regulations](#) will take effect upon filing with the Secretary of State or the effective date of the Budget Act of 2010, whichever occurs later.

THEREFORE BE IT RESOLVED THAT:

The State Water Board adopts emergency regulations revising title 23, division 3, chapter 5 (commencing with section 1061) and chapter 28, article 1, section 3833.1 of the California Code of Regulations as recommended by staff to implement the Water Code and provisions of the Budget Act of 2010.

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 October 19, 2010.

AYE: Chairman Charles R. Hoppin
Vice Chair Frances Spivy-Weber
Board Member Arthur G. Baggett, Jr.
Board Member Tam M. Doduc

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board