



September 18, 2014

Ms. Felicia Marcus, Chair  
State Water Resources Control Board  
1001 I St.  
Sacramento, CA 95814

**RE: 2014-15 Proposed Water Quality Fees**

Dear Chair Marcus:

The Rural County Representatives of California (RCRC) represents thirty-four California counties statewide. Our Board of Directors consists of an elected Supervisor from each of our member counties. Counties are both enforcers of the permits covered under the fees in question, as well as regulated dischargers. Our Board is also sensitive to the financial strain placed on businesses within their jurisdictions when the State summarily raises fees, particularly when we can be assured of no extra services for those increased costs. In light of the proposed adjustments to the 2014-15 Water Quality Fees, we offer the following comments.

RCRC is pleased that there will be a reduction in both the storm water and National Pollutant Discharge Elimination System (NPDES) fee categories for 2014-15. However, the proposed increase for Land Disposal Waste Discharge Requirements continues to reflect significant increases over previous years (10.6% for Tipping Fee sites and 9.5% for No Tipping Fee sites), and RCRC feels that the staff report does not provide adequate detail to explain to ratepayers the justification for the continued annual increases. These increases, and other increased program costs, are imposed upon solid waste landfills that have experienced significant revenue losses of 30% due to decreased waste stream from the economy and continued waste diversion programs.

The fee increases also continue to disproportionately impact rural landfills, which typically do not require as much effort by water board staff as larger urban landfills that accept significantly more tonnage. Distributing the Waste Discharge Requirement (WDR) fee on a per ton basis for landfills in the same ranking commonly shows a cost per ton ten times greater for rural landfills and in some cases more than 50 times greater on a per person basis. The distribution of the WDR fee by ranking threat (1, 2, 3) and complexity (A, B, C) is also not based on any quantifiable criterion that has been explained to stakeholders, and it is extremely difficult to appeal a higher ranking. Stakeholders have attempted to provide data to justify a lower ranking, but Regional Water Boards have no established system on which to appeal a site ranking. There have only been a few cases where an operator has been successful in reducing a ranking for their site.

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In addition, RCRC questions the inclusion of the Groundwater Ambient Monitoring and Assessment (GAMA) surcharge into the fee as opposed to reflecting it as a separate line item. Including the fee as a separate line item on the invoice provides information on how the fee is distributed. Combining fees does not provide sufficient transparency and makes it more difficult to determine the portion of future increases attributed to each program. RCRC requests that staff provide clearer justification for the increased costs for Land Disposal WDR fees. We also request that the SWRCB work with stakeholders to review the Threat and Complexity system adequacy as a basis for assigning costs to landfills and develop a system to allow petitions to change the ranking.

RCRC strongly supports your agency's efforts to collect fees to aid in your efforts to mitigate the profound environmental damage being caused by illegal activities associated with marijuana cultivation. We would also support a future expansion of the fee collection throughout the State so that your agency has a greater reserve of funding for clean up and enforcement. We do recommend that staff provide some clarifying language in the staff report on exactly how the cannabis cultivation fee will be implemented so that counties and other local agencies have a clear picture of how this fee assessment program will relate to established and future local ordinances. .

Thank you for considering our comments, and we encourage you to contact us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Staci Heaton", with a stylized flourish at the end.

STACI HEATON  
Regulatory Affairs Advocate

cc: RCRC Board of Directors  
Environmental Services Joint Powers Authority Board of Directors