

Water Quality Certification Fees Stakeholder Meeting



Monday, December 8, 2025 at 10:00 AM – 12:00 PM

Webcast and Zoom Meeting Only

NO PHYSICAL MEETING LOCATION

Live Webcast: <https://video.calepa.ca.gov/>

Fee Branch Email: FeeBranch@waterboards.ca.gov

AGENDA

1. Welcome and Introductions
2. Water Quality Certification Fee Background
 - a. Fee Development Timeline
3. Stakeholder Feedback
4. Water Quality Certification Fee Proposal (Attachment 1)
5. Open Discussion
6. Next Steps

Water Quality Certification Fee Schedule Proposal

Background

State Water Resources Control Board staff is considering fee schedule changes to improve the consistency and predictability of the Water Quality Certification (WQC) program revenue. The revenue- expenditure gap over the past six years raised permit fees an average of 12.3% each year. Additionally, fees increase by 41% in Fiscal Year 2024-25 to account for staff and resource increases.

The goals of this proposal are to:

1. Determine if an alternative fee approach improves predictability of fees,
2. Ensure sufficient resources to cover program resources,
3. Reduce the fee barrier to permitting, and
4. More accurately scale fees based on required staff resources.

Current Fee Regulations: [FY 2025-26 Water Quality Fee Schedule](#).

Key Changes Since Last Stakeholder Meeting

On May 7, 2025, the Division of Administrative Services held a public meeting to discuss the WQC Fee methodology proposal. The main changes to the proposal since the meeting are:

1. Keeping the fee cap as per the current schedule.
2. Adjusting the points system so that projects with temporary impacts are not paying more than those with permanent impacts of the same size.
3. Proposing an annual fee lower than the application fee.

Additionally, stakeholders at the last meeting raised the topic of evaluating flood control and restoration costs. Some flood control project fees would be impacted by this proposal. Although changes to maximum fee flood control projects and restoration fees are outside the scope of this proposal, staff are planning on further examining these fees in a separate, future analysis.

Overview of the Proposed Fee Methodology

The proposal would merge existing Fee Categories A (Fill/Excavation) and E (Low Impact) into one category with five tiers. Each tier would have a new range of fees.

To find the fee amount, first identify the factors relevant to the project. These factors include:

1. The type of regulatory measure (general order, individual certification, or Waste Discharge Requirements).
2. The project's impacts to waters (both permanent and temporary).
3. The applicable procedures alternatives analysis tier.

These factors correlate with increased risk to water quality and would align fees with the required staff resources for the WQC program.

Permit Types:

- Individual Clean Water Act Section 401 Water Quality Certification – Projects that discharge dredge or fill materials to waters of the US, or a combination of Waters of the US and non-federal Waters of the State, and for which the Project requires a federal permit.
- Individual Waste Discharge Requirement – Projects that discharge exclusively to Waters of the State and do not require a permit from the U.S. Army Corps of Engineers.
- General Order Enrollee or Waiver – Projects meet the conditions for enrollment under a General Order, such as the Nationwide Permit General Order, Regional Board General Permits, and General WDR Waivers.

Aquatic Resource Impacts (acres):

- Permanent Impacts – Generally will permanently change an aquatic resource to a non-aquatic habitat type or permanently changes the bottom elevation of an aquatic resource or converts a resource from one aquatic resource type to another (e.g., type conversion). Permanent impacts can result in physical loss of area, loss of wetland function, and ecological degradation.
- Temporary Impacts – Generally temporary aquatic resource impacts are impacts that temporarily cause a physical loss, loss of wetland function or ecological degradation of an aquatic resource. Temporary impacts are restored to pre-project conditions through natural ecological processes or active restoration.

Alternatives Analysis:

- An alternatives analysis is the process of analyzing project alternatives, including the proposed project, to identify the least environmentally damaging practicable alternative.
- Where required, the Dredge or Fill Procedures identify three levels of effort (Tiers 1-3) for alternatives analyses based on the amount of impact, the presence of sensitive resources, and the possibility of siting the project in an alternative location.
- For more information, refer to section IV.A.1.h of The State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2021/procedures.pdf).

Fee Proposal

Tables 1 and 2 are fee calculator mockups and tier breakdowns, which can be used to determine project fees.

Table 1 A mockup of a points calculator showing the proposed fee factors, criteria, and point values.

Points Calculator			
Fee Factor	Do these criteria apply to your project?	Check if Yes	Points
Regulatory Measure Type	Qualifies for enrollment in a General Order	☐	0
	Waiver	☐	0
	Individual Certification	☐	1
Permanent Impacts	Individual Waste Discharge Requirement	☐	4
	Up to 0.01 acre	☐	1
	Greater than 0.01 acre and up to 0.5 acres	☐	3
	Greater than 0.5 acres	☐	6
Temporary Impacts	Less than 0.1 acre	☐	0
	Greater than 0.1 and up to 0.2 acres	☐	1
	Greater than 0.2 acres	☐	2
Alternatives Analysis	Not required	☐	0
	Tier 1	☐	0
	Tier 2	☐	1
	Tier 3	☐	2
		Total Points:	

Table 2: Using the calculator from Table 1, point totals determine the fee tier.

Fee Tier Determination					
Fee Tiers:	1	2	3	4-5	More than 5
Point Ranges:	1	2	3	4-5	≥ 5

Once a project's Fee Tier is determined according to the factors listed in Table 1, the fee is weighted by impact size to determine the final amount. The annual fee would operate similarly to the current one, with low impact discharge projects receiving a reduced fee. Below is the structure of the proposed fee calculations using placeholders for the dollar amounts.

Fee Tier	Fee Calculation	Annual Fee
1 (<i>1 points</i>)	Flat fee	For All Fee Tiers:
2 (<i>2 Points</i>)	Total Impact Acres * \$TBD * 1	Lower fee for projects less than or equal to 0.10 acre: \$TBD annually
3 (<i>3 Points</i>)	Total Impact Acres * \$TBD * 1.25	
4 (<i>4-5 Points</i>)	Total Impact Acres * \$TBD * 1.5	Greater than 0.10 acre: \$TBD annually for the first 5 years, then \$TBD thereafter
5 (<i>6 or more Points</i>)	Total Impact Acres * \$TBD * 2	