
Tri-TAC
Jointly Sponsored by:
League of California Cities
California Association of Sanitation Agencies
California Water Environment Association

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Via Electronic and U.S. Mail

August 1, 2003

Arthur G. Baggett, Jr., Chair
State Water Resources Control Board
c/o Fee Revisions
Division of Administrative Services
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95814

**SUBJECT: SUPPLEMENTAL COMMENTS ON PROPOSED
REVISIONS TO THE STATE WATER RESOURCES
CONTROL BOARD'S ANNUAL FEE SCHEDULE**

Dear Chairman Baggett:

The California Association of Sanitation Agencies (CASA) and Tri-TAC provided comments on the State Water Resources Control Board's (SWRCB) proposed revisions to the annual fee schedule for the core regulatory program. (See letter dated July 25, 2003.) The purpose of this letter is to supplement our prior comments in light of new information.

NPDES FEE SCHEDULE FOR POTWS

Our earlier comments expressed support for an alternative to the proposed NPDES fee schedule for POTWs that applied a linear increase to a \$100,000 maximum fee. Our preference for this approach was due to an understanding that this methodology

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would operate more fairly for medium-sized POTWs. Upon further review, however, we have determined that due to the upward adjustment in the multiplier that would be applied to the treatment plant flow, few POTWs would fare better under this scenario. Therefore, we no longer consider the linear increase to a \$100,000 maximum to be more equitable, and prefer the fee formula with a \$50,000 cap as proposed by SWRCB staff.

FEES TO SUPPORT AMBIENT MONITORING

We understand that the budget passed by the Legislature increases the total fee burden to be borne by the regulated community by another \$6.8 million, over and above the \$16 million in new fees to be imposed upon fee payers under the proposed schedule. As noted in our earlier letter, CASA and tri-TAC do not believe it is appropriate or fair to shift the costs of these types of general benefit programs to a subset of Californians who are covered by the SWRCB's regulatory programs. We request that the SWRCB consider funding the ambient monitoring program at a level less than the \$6.8 million, which will still enhance the program above its existing \$600,000 funding level while softening the rate impact on POTWs, many of which are facing 200 to 300 percent increases already.

In addition, we urge the SWRCB not to simply add the \$6.8 million to the existing \$48 million in program funding. Instead, the fees for monitoring should be expressed as a separate surcharge, along the lines of the pretreatment program surcharge. CASA and Tri-TAC have pledged to work with the SWRCB to identify a long term, stable alternative funding source for ambient monitoring, and if we are able to accomplish this, the surcharge can simply be dropped from the fee schedule without recalculating all the fees. Secondly, expressing the fee as a surcharge will allow those entities currently supporting regional ambient monitoring programs to be exempted from the surcharge. Without some mechanism for an exemption, agencies will be faced with the choice of either paying twice for monitoring or discontinuing their support for the regional programs.

Lastly, the shift of ambient monitoring costs to the regulated community makes it even more imperative that the SWRCB direct the regional boards to review the Monitoring and Reporting Program requirements for NPDES permit holders during the 2003-04 fiscal year to determine how their individual monitoring programs can be designed more cost-effectively. This should include reduced frequencies for those parameters that are consistently not detected or are detected but are in compliance with effluent limits (for example, if a parameter is monitored on a monthly basis for a year and is never detected, then the frequency of monitoring could be reduced to quarterly.)

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Thank you for your consideration of our comments.

Sincerely,

Roberta Larson
Director, Legal & Regulatory Affairs
CASA

David R. Williams
Chair
Tri-TAC

RLL/jlp

cc: Celeste Cantu, Executive Director, SWRCB
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