

September 19, 2013

Felicia Marcus, Chair  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

**RE: Comments on the Proposed Resolution Adopting Emergency Regulations Revising the Core Regulatory Fee Schedules Contained in Title 23, Division 3, Chapter 9, Article 1, Sections 2200, 2200.5, and 2200.6 of the California Code of Regulations**

Dear Chair Marcus:

On behalf of the California State Association of Counties (CSAC), Rural County Representatives of California (RCRC), and the League of California Cities (League), we would like to offer comments on the proposed Resolution Adopting Emergency Regulations Revising the Core Regulatory Fee Schedules Contained in Title 23, Division 3, Chapter 9, Article 1, Sections 2200, 2200.5, And 2200.6 of the California Code of Regulations.

Counties and cities are both enforcers of the permits covered under the fees in question, as well as regulated dischargers. Our boards are 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. Staff is proposing to increase fees by 20.5% overall, which we feel is excessive and unfair to certain dischargers that pay into the Waste Discharge Permit Fund (WDPF).

We are particularly concerned about the 30.9% fee increase for the stormwater program. Many counties and cities fall under both the MS4 and Industrial General permits, and will be affected in multiple ways by the proposed fee increase. Stormwater permit fees have been disproportionate to the expenditures for the program for many years, which has led to those dischargers essentially subsidizing the rest of the programs under the WDPF. Even though dischargers have advocated for a change in

the program, staff has shown little inclination to balance the fees to make them equitable, leaving municipalities and other stormwater dischargers to absorb multiple fee hikes over the years to make up for the other programs. We feel it is time to take a serious look at these inequities and work toward relieving the undue burden on stormwater dischargers.

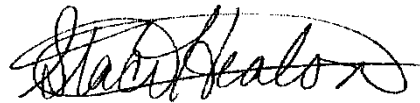
CSAC, RCRC and the League feel that pushing these fee increases through on an emergency basis without more meaningful discussion is fundamentally unfair and is also bad public policy. It is our understanding that the California Stormwater Quality Association (CASQA) has asked the Board to postpone adoption of the resolution until October, and to direct staff to work with their organization on a rebalance plan as part of the FY 13-14 fee structure. Our organizations fully endorse the CASQA proposal, and would also be happy to take part in those discussions to develop a fee structure that is more equitable for stormwater dischargers of all types.

Thank you again for the opportunity to comment. Your consideration of our input is very much appreciated, and we would be happy to work with staff in the future to resolve our concerns about the proposed fee increases. Please feel free to contact us with any questions or concerns regarding our comments.

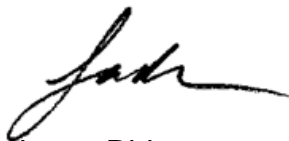
Sincerely,



Karen A. Keene, CSAC  
Legislative Representative



Staci Heaton, RCRC  
Regulatory Affairs Advocate



Jason Rhine  
Legislative Representative  
League of California Cities

CC: Matthew Rodriguez, Secretary, California Environmental Protection Agency  
Members of the State Water Resources Control Board  
Tom Howard, Executive Director, State Water Resources Control Board  
Martha Guzman-Aceves, Governor's Office  
Michael Cohen, Director, Department of Finance