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AMENDED IN ASSEMBLY MAY 23, 2008
AMENDED IN ASSEMBLY APRIL 8, 2008
AMENDED IN ASSEMBLY MARCH 25, 2008
AMENDED IN ASSEMBLY MARCH 24, 2008
CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2986

**Introduced by Assembly Member Leno
(Coauthor: Assembly Member Huffman)**

February 22, 2008

An act to amend Section 75050.2 of the Public Resources Code, *and to amend Section 13167 of*, and to add Chapter 18 (commencing with Section 14080) to Division 7 of, the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2986, as amended, Leno. ~~Waste discharge requirements.~~ *Water quality.*

(1) Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for publicly owned treatment works and other dischargers in accordance with the Porter-Cologne Water Quality Control Act (state act) and the federal Clean Water Act. Existing law, commencing the year in which funding is provided, requires the state board to develop a uniform overflow event report form to be used by the system owner or operator to report sanitary sewer system overflows.

Existing law, commencing the year in which funding is provided, requires a database on sanitary sewer system overflows and spills to be developed and made available to the public.

~~This bill, by January 1, 2010, would require the state board and each regional board to post on their respective Internet Web sites, at a minimum, copies of specified water quality documents maintained in their files and generated on or after January 1, 2009. The state board and each regional board would be required to post on their respective Internet Web sites additional water quality documents generated between January 1, 2006, and December 31, 2008, if they have electronic copies of those documents.~~

~~The~~

~~This bill would require the state board, commencing January 1, 2011, to issue annually a letter grade, as specified, for each separate sanitary sewer system, sewage treatment plant, combined sewer system, and combined sewer system treatment plant in the state that is subject to waste discharge requirements in accordance with letter grading methodologies that the state board would be required to establish. The state board would be required, by ~~July 1, 2009~~ *January 1, 2010*, to establish a methodology for measuring “~~peaking factors,~~” as defined; *a sewer system’s peaking factor for specified flows, to designate a prescribed peaking factor*; and to establish, as necessary, monitoring and reporting requirements to measure peaking factors *and per capita flow rates*.~~

~~The bill would require the state board, by July 1, 2010, and by July 1 of each year thereafter, to establish a list of all sewage treatment plants that treat waste collected from separate sanitary sewer systems and for which the state board makes specified findings ~~relating to wet weather peak flows~~. A satellite sewer system, as defined, that discharges sewage to a sewage treatment plant that has been placed on that list would be required to install and operate flow meters or employ another ~~flow monitoring~~ methodology *to estimate satellite sewer system flows that is approved by the state board or a regional board*, for at least 3 years, as described, unless the state board or the appropriate regional board makes a specified finding regarding the satellite sewer system.~~

~~The bill would revise requirements relating to a public information program that the state board is required to implement with the assistance of the regional boards under the state act. Permits, waste discharge requirements, quarterly monitoring reports, and other water quality information would be required to be placed in a specified~~

information file and maintained on the state board's Internet Web site in accordance with a prescribed timeframe.

The bill would require the state board to impose fees upon owners and operators of separate sanitary sewer systems, sewage treatment plants, combined sewer systems, and combined sewer system treatment plants *servicing a population of 10,000 or more*, and others subject to waste discharge requirements, as provided, to finance the prudent implementation of these provisions, *including the public information program, as revised*. The state board would be required to establish, *by regulation*, a fee schedule so that the total amount of fees collected ~~equals~~ *does not exceed* the amount necessary to recover costs incurred in the implementation of these provisions, *subject to a specified maximum amount*. The bill would require the state board to deposit the fees in the ~~California Clean Water Act Fund, which the bill would establish in the State Treasury~~ *Waste Discharge Permit Fund*. The moneys in the fund would be available, upon appropriation by the Legislature, to the state board for expenditure by the state board and for allocation to the regional boards, as ~~necessary~~ *appropriate*, to implement ~~the bill's~~ *these* provisions.

(2) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, approved by the voters at the November 7, 2006, statewide general election, makes available, upon appropriation by the Legislature, \$90,000,000 to the state board for matching grants to local public agencies to reduce and prevent stormwater contamination of rivers, lakes, and streams. Existing law establishes a list of projects that are eligible to receive funding pursuant to this stormwater program.

This bill would specify that, under prescribed circumstances and upon appropriation for those purposes, projects to install flow meters or implement other flow ~~monitoring~~ *estimation* methods approved by the state board to measure *infiltration and* specified stormwater impacts and projects to assist with certain sanitary sewer system and combined sewer system improvements to reduce stormwater inflow and infiltration are eligible to receive funding pursuant to this stormwater program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 California Clean Water Act.

3 SEC. 2. Section 75050.2 of the Public Resources Code is
4 amended to read:

5 75050.2. (a) The state board shall develop project selection
6 and evaluation guidelines for the allocation of funds made available
7 pursuant to subdivision (m) of Section 75050. Upon appropriation,
8 the funds shall be available for matching grants to local public
9 agencies, not to exceed five million dollars (\$5,000,000) per
10 project, for projects to achieve any of the following purposes in
11 accordance with the requirements of that subdivision:

12 (1) Complying with total maximum daily load requirements
13 established pursuant to Section 303(d) of the Clean Water Act (33
14 U.S.C. Sec. 1313(d)) and this division where pollutant loads have
15 been allocated to stormwater, including, but not limited to, metals,
16 pathogens, and trash pollutants.

17 (2) Assistance in implementing low-impact development and
18 other onsite and regional practices, on public and private lands,
19 that seek to maintain predevelopment hydrology for existing and
20 new development and redevelopment projects. Projects funded
21 pursuant to this paragraph shall be designed to infiltrate, filter,
22 store, evaporate, or retain runoff in close proximity to the source
23 of water.

24 (3) Implementing treatment and source control practices to meet
25 design and performance standard requirements for new
26 development.

27 (4) Treating and recycling stormwater discharge.

28 (5) Implementing improvements to combined municipal sewer
29 and stormwater systems.

30 (6) Implementing best management practices, and other
31 measures, required by municipal stormwater permits issued by a
32 California regional water quality control board or the state board.

33 (7) Assessing project effectiveness, including, but not limited
34 to, monitoring receiving water quality, determining pollutant load
35 reductions, and assessing improvements in stormwater discharge
36 water quality.

37 (8) Installing flow meters, or implementing other flow
38 ~~monitoring~~ *estimation* methods approved by the state board, to

1 measure *infiltration and* stormwater impacts pursuant to Section
2 ~~14083~~ 14082 of the Water Code in satellite sewer systems serving
3 severely disadvantaged communities.

4 (9) Assistance for sanitary sewer systems and combined sewer
5 systems that have received a grade of ~~“F”~~ “C” or lower pursuant
6 to Section ~~14082~~ 14081 of the Water Code for improvements to
7 reduce stormwater inflow and infiltration in severely disadvantaged
8 communities.

9 (b) (1) For the purpose of implementing subdivision (a), the
10 state board shall give preference to a project that does one or more
11 of the following:

12 (A) Supports sustained, long-term water quality improvements.

13 (B) Is coordinated or consistent with any applicable integrated
14 regional water management plan.

15 (2) The allocation of funds pursuant to this section shall be
16 consistent with water quality control plans and Section 75072.

17 (c) The state board shall require grant recipients for projects
18 described in subdivision (a) to assess and report on project
19 effectiveness, which may include monitoring receiving water
20 quality, determining pollutant load reductions, and assessing
21 improvements in stormwater discharge water quality resulting
22 from project implementation.

23 *SEC. 3. Section 13167 of the Water Code is amended to read:*

24 13167. (a) The state board shall implement, with the assistance
25 of the regional boards, a public information program on matters
26 involving water quality, and shall place and maintain on its Internet
27 Web site, in a format accessible to the general public, an
28 information file on water quality monitoring, assessment, research,
29 standards, regulation, enforcement, and other pertinent matters.

30 (b) The information file described in subdivision (a) shall
31 include, but need not be limited to, copies of permits, waste
32 discharge requirements, waivers, enforcement actions, *tentative*
33 *or final administrative enforcement orders, inspection reports,*
34 and petitions for review of these actions pursuant to this division.
35 The file shall include copies of water quality control plans and
36 policies, including any relevant management agency agreements
37 pursuant to this chapter and Chapter 4 (commencing with Section
38 13200), and monitoring data, *including information or reports*
39 *required to be submitted to the state board or the regional boards*
40 *on a quarterly or annual basis,* and assessment information, or

1 shall identify Internet links to that information. The state board,
 2 in consultation with the regional boards, shall ensure that the
 3 information is available in single locations, rather than separately
 4 by region, and that the information is presented in a manner easily
 5 understandable by the general public.

6 *(c) On or before January 1, 2012, permits, waste discharge*
 7 *requirements, and quarterly monitoring reports shall be placed*
 8 *into the information file and maintained on the state board’s*
 9 *Internet Web site pursuant to subdivision (a). On or before January*
 10 *1, 2015, all other information described in subdivision (b) shall*
 11 *be placed into the information file and maintained on the state*
 12 *board’s Internet Web site pursuant to subdivision (a).*

13 *(d) The state board or a regional board may require a person*
 14 *subject to waste discharge requirements or permits to submit*
 15 *documents required by the waste discharge requirements or permits*
 16 *in electronic form as prescribed by the relevant board.*

17 *(e) Pursuant to Section 14083, the state board shall impose fees*
 18 *upon those persons subject to waste discharge requirements for*
 19 *the purposes of funding the implementation of this section.*

20 ~~SEC. 3:~~

21 *SEC. 4.* Chapter 18 (commencing with Section 14080) is added
 22 to Division 7 of the Water Code, to read:

23

24 CHAPTER 18. ~~PUBLIC INFORMATION,~~ SEWER SYSTEM GRADING,
 25 AND WET WEATHER FLOWS

26

27 14080. For the purposes of this chapter, all of the following
 28 terms shall have the following meanings:

29 (a) “Combined sewer system” means any wastewater collection
 30 system that conveys sanitary, commercial, and industrial
 31 wastewater and stormwater through a single-pipe collection system
 32 to a sewage treatment plant.

33 (b) “Combined sewer overflows” means sewage overflows from
 34 a combined sewer system, as defined by the United States
 35 Environmental Protection Agency Combined Sewer Overflow
 36 Control Policy (59 Fed. Reg. 18688, April 19, 1994).

37 (c) “Peaking factor” means the ratio of peak wet weather flows
 38 in sewer lines *or entering sewage treatment plants* compared to
 39 average dry weather flows in sewer lines *or entering sewage*
 40 *treatment plants.*

1 (d) “Per capita flow rate” means the total measured volume of
2 wastewater passing a designated point of measurement near the
3 terminus of a sanitary sewer system or the headworks of a sewage
4 treatment plant, minus any measured volume of industrial
5 discharges within the same system, divided by the population within
6 the sewer service area for a designated period of time and reported
7 as gallons per person per day.

8 ~~(d)~~

9 (e) “Sanitary sewer overflow” means any overflow, spill, release,
10 discharge, or diversion of untreated or partially treated wastewater
11 from a sanitary sewer system. Sanitary sewer overflows include
12 all of the following:

13 (1) Overflows or releases of untreated or partially treated
14 wastewater that reach the waters of the United States.

15 (2) Overflows or releases of untreated or partially treated
16 wastewater that do not reach the waters of the United States.

17 (3) Wastewater backups into buildings or private property that
18 are caused by blockages or flow conditions within the
19 system-maintained portion of a separate sanitary sewer system.

20 ~~(e)~~

21 (f) “Sanitary sewer system” means any separate sanitary sewer
22 system or any combined sewer system that is a system of pipes,
23 pump stations, sewer lines, or other conveyances designed and
24 used to collect and convey sanitary sewage to a sewage treatment
25 plant. Sanitary sewer systems include only those systems that are
26 comprised of more than one mile of pipes or sewer lines.

27 ~~(f)~~

28 (g) “Satellite sewer system” means the portion, if any, of a
29 sanitary sewer system that is owned or operated by an entity or
30 public agency other than the entity or public agency that owns and
31 operates the sewage treatment plant to which the sanitary sewer
32 system is tributary.

33 ~~(g)~~

34 (h) “Secondary treatment” means a level of treatment that
35 complies with Section 133.102 of Title 40 of the Code of Federal
36 Regulations.

37 ~~(h)~~

38 (i) “Separate sanitary sewer system” means any system of pipes,
39 pump stations, sewer lines, or other conveyances designed and

1 used to collect and convey sanitary sewage, separate from
2 stormwater, to a sewage treatment plant.

3 ~~(i)~~

4 (j) “Sewage treatment plant” means any facility used for the
5 treatment of sewage and capable of providing secondary treatment
6 of sewage, unless the owner or operator of the facility has secured
7 a modified permit pursuant to 33 U.S.C. Section 1311(h), in which
8 case the plant is capable of achieving primary treatment or
9 equivalent treatment, as defined in 33 U.S.C. Section 1311(h).

10 (k) “Sewer system management plan” means the system-specific
11 sewer system management plan required pursuant to the state
12 board’s Statewide General Waste Discharge Requirements for
13 Sanitary Sewer Systems, Order No. 2006-0003-DWQ, adopted
14 May 2, 2006, or required by subsequent orders by the state board.

15 ~~(j)~~

16 (l) “Waste discharge requirements” means waste discharge
17 requirements prescribed pursuant to this division, including waste
18 discharge requirements issued in accordance with the national
19 pollutant discharge elimination system (NPDES) permit program,
20 or the state board’s Statewide General Waste Discharge
21 Requirements for Sanitary Sewer Systems, Order No.
22 2006-0003-DWQ, adopted May 2, 2006, or subsequent orders by
23 the state board.

24 ~~14081. (a) By January 1, 2010, the state board and each~~
25 ~~regional board shall post on their respective Internet Web sites, at~~
26 ~~a minimum, copies of the following documents maintained in their~~
27 ~~files and generated on or after January 1, 2009:~~

28 ~~(1) All waste discharge requirements prescribed by the state~~
29 ~~board or a regional board.~~

30 ~~(2) Any information, data, or report required to be submitted to~~
31 ~~the state board or a regional board pursuant to monitoring~~
32 ~~requirements set forth in waste discharge requirements.~~

33 ~~(3) Any report addressing inspection, including, but not limited~~
34 ~~to, United States Environmental Protection Agency inspection~~
35 ~~reports, of any permitted facility by the state board, a regional~~
36 ~~board, or any contractor retained by the state board or a regional~~
37 ~~board.~~

38 ~~(4) Any tentative or final administrative enforcement order~~
39 ~~issued by the state board or a regional board, including any~~
40 ~~administrative compliance order, time schedule order, and final~~

1 ~~administrative civil liability order, and any administrative civil~~
2 ~~liability complaint issued by the state board or a regional board.~~

3 ~~(5) Any judicial complaint filed by or against the state board or~~
4 ~~a regional board, or in which the state board or a regional board~~
5 ~~is a party, relating to a violation of this division or the federal Clean~~
6 ~~Water Act, and any settlement agreement, consent decree, or~~
7 ~~judgment resolving any judicial case relating to a violation of this~~
8 ~~division or the federal Clean Water Act in which the state board~~
9 ~~or a regional board is a party.~~

10 ~~(6) Any list established pursuant to subdivision (b) of Section~~
11 ~~14083.~~

12 ~~(b) By January 1, 2010, the state board and each regional board~~
13 ~~shall post on their respective Internet Web sites copies of any of~~
14 ~~the documents described in subdivision (a), generated between~~
15 ~~January 1, 2006, and December 31, 2008, for which the state board~~
16 ~~or a regional board has electronic copies.~~

17 ~~(c) For purposes of this section, “post” means placing the~~
18 ~~documents on the Internet Web site in a format that may be readily~~
19 ~~downloaded by the public.~~

20 ~~(d) The state board or a regional board may require a person~~
21 ~~subject to waste discharge requirements to submit documents~~
22 ~~required by the waste discharge requirements in electronic form~~
23 ~~as prescribed by the relevant board.~~

24 ~~(e) Documents sealed by a court, exempt from disclosure under~~
25 ~~the California Public Records Act (Chapter 3.5 (commencing with~~
26 ~~Section 6250) of Division 7 of Title 1 of the Government Code),~~
27 ~~or for distribution or consideration in a closed session under the~~
28 ~~Bagley-Keene Open Meeting Act (Article 9 (commencing with~~
29 ~~Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of~~
30 ~~the Government Code), shall not be subject to posting on an~~
31 ~~Internet Web site pursuant to this section.~~

32 ~~14082.~~

33 *14081.* (a) Commencing January 1, 2011, the state board shall
34 issue a letter grade of “A,” “B,” “C,” “D,” or “F” annually for each
35 *issue annually a letter grade using a scale consisting of “A,” “B,”*
36 *“C,” and “F” and additional letters or symbols such as “plus”*
37 *or “minus” at the discretion of the state board, for each of the*
38 following that is subject to waste discharge requirements:

39 (1) A separate sanitary sewer system.

40 (2) A sewage treatment plant.

1 (3) A combined sewer system.

2 (4) A combined sewer system treatment plant.

3 (b) By July 1, 2009, *following consultation with stakeholders,*
4 *including owners and operators of entities subject to waste*
5 *discharge requirements and water quality advocates,* the state
6 board shall propose a letter grading ~~methodology consisting of~~
7 ~~grades “A,” “B,” “C,” “D,” or “F”~~ *for methodology pursuant to*
8 *subdivision (a) for each of the following:*

9 (1) Separate sanitary sewer systems.

10 (2) Sewage treatment plants.

11 (3) Combined sewer systems.

12 (4) Combined sewer system treatment plants.

13 (c) By January 1, 2010, and after providing public notice and
14 opportunity for public comment, the state board shall establish a
15 letter grading methodology for each type of system or plant
16 described in subdivision (b).

17 (d) The state board shall review the letter grading methodologies
18 established pursuant to subdivision (c) every five years
19 commencing with 2015, to determine whether advances in
20 wastewater collection and treatment warrant revisions to ~~impose~~
21 ~~more stringent~~ *the* methodologies. The state board shall provide
22 public notice and opportunity for comment prior to making changes
23 to a letter grading methodology.

24 ~~(e) The letter grading methodology for separate sanitary sewer~~
25 ~~systems shall consist of the number, volume, and cause of sanitary~~
26 ~~sewer overflows for each 100 miles of sewer line.~~

27 ~~(f) The letter grading methodology for sewage treatment plants~~
28 ~~shall reflect violations of waste discharge requirements.~~

29 ~~(g) The letter grading methodology for each combined sewer~~
30 ~~system shall reflect the combined sewer system’s adherence to the~~
31 ~~provisions set forth in the system’s waste discharge requirements~~
32 ~~and long-term combined sewer system control plan.~~

33 ~~(h) The letter grading methodology for each combined sewer~~
34 ~~system treatment plant shall reflect adherence to the requirements~~
35 ~~set forth in each treatment plant’s waste discharge requirements.~~

36 *(e) The letter grading methodology for each separate sanitary*
37 *sewer system shall grade not more than six criteria that shall*
38 *include, at a minimum, the number of sanitary sewer overflows*
39 *for each 100 miles of sewer line, the total volume of sanitary sewer*
40 *overflows for each 100 miles of sewer line, the percentage of system*

1 capacity utilized, and the status of the system's sewer system
2 management plan.

3 (f) The letter grading methodology for each sewage treatment
4 plant shall grade not more than six criteria that shall include, at
5 a minimum, the rate of compliance with this division calculated
6 pursuant to Section 13225, violations of acute or chronic toxicity
7 tests for facilities that discharge to surface waters of the state,
8 performance related to waste discharge requirements, and the
9 percentage of system capacity utilized.

10 (g) The letter grading methodology for each combined sewer
11 system shall grade not more than six criteria that shall include,
12 at a minimum, the number of combined sewer overflows for each
13 100 miles of sewer line, the total volume of combined sewer
14 overflows for each 100 miles of sewer line, and the combined sewer
15 system's adherence to the provision set forth in the system's waste
16 discharge requirements and long-term combined sewer system
17 control plan.

18 (h) The letter grading methodology for each combined sewer
19 system treatment plant shall grade not more than six criteria that
20 shall include, at a minimum, the rate of compliance with this
21 division calculated pursuant to Section 13225, violations of acute
22 or chronic toxicity tests, performance related to the requirements
23 set forth in each treatment plant's waste discharge requirements,
24 and the percentage of system capacity utilized.

25 ~~14083.~~

26 ~~14082.~~ (a) By July 1, 2009, ~~the state board shall establish~~
27 ~~following consultation with stakeholders, including owners and~~
28 ~~operators of entities subject to waste discharge requirements and~~
29 ~~water quality advocates, the state board shall propose a~~
30 ~~methodology for measuring a separate sanitary sewer system's~~
31 ~~peaking factors for purposes of this section, and shall propose a~~
32 ~~designated peaking factor for purposes of subdivision (c). The~~
33 ~~state board shall also establish~~ propose, as necessary, monitoring
34 and reporting requirements to measure peaking factors and per
35 capita flow rates.

36 (b) For the purposes of this section, on or before January 1,
37 2010, and after providing public notice and opportunity for public
38 comment, the state board shall establish a methodology for
39 measuring a sewer system's peaking factor for flows entering
40 sewage treatment plants and for flows in separate sanitary sewer

1 *systems, and shall designate a peaking factor for the purposes of*
 2 *subdivision (c). The state board shall establish, as necessary,*
 3 *monitoring and reporting requirements to measure peaking factors*
 4 *and per capita flow rates.*

5 ~~(b)~~

6 (c) By July 1, 2010, and by July 1 of each year thereafter, the
 7 state board shall establish a list of all sewage treatment plants that
 8 treat waste collected from separate sanitary sewer systems and for
 9 which the state board finds both of the following:

10 (1) The sewage treatment plant has experienced a peaking factor
 11 that equals or exceeds a ~~designation of “seven.”~~ *designated peaking*
 12 *factor established by the state board.*

13 (2) Peak wet weather flows have either caused or contributed
 14 to discharges in violation of waste discharge requirements from
 15 the sewage treatment plant, or caused or contributed to a bypass
 16 of secondary treatment during a storm that does not exceed the
 17 rainfall depth duration frequency of 10 years and 24 hours as posted
 18 by the Department of Water Resources.

19 ~~(e)~~

20 (d) The state board may review *periodically*, and modify if
 21 necessary, the designated peaking factor established in ~~paragraph~~
 22 ~~(4)~~ of subdivision (b) to reflect current information about the levels
 23 of peak wet weather flow that correlate with increased risk of
 24 sanitary sewer overflows, or discharges in violation of waste
 25 discharge requirements. Before establishing the list pursuant to
 26 subdivision ~~(b)~~ (c), the state board shall provide public notice and
 27 opportunity for comment.

28 ~~(d)~~

29 (e) (1) Any satellite sewer system that discharges sewage to a
 30 sewage treatment plant that has been placed on the list pursuant
 31 to subdivision ~~(b)~~ (c) shall, within two years of that placement,
 32 install and operate flow meters, or employ another ~~flow monitoring~~
 33 ~~methodology~~ *methodology to estimate satellite sewer system flows*
 34 *that is approved by the state board or a regional board, adequate*
 35 *in order to measure or accurately estimate discharges average dry*
 36 *weather flows and peak wet weather flows to the sewage treatment*
 37 *plant, for at least three years.*

38 (2) Paragraph (1) does not apply if the state board or a regional
 39 board finds, based on ~~clear and convincing~~ *substantial* evidence,
 40 that the satellite sewer system’s contribution of wet weather peak

1 flows does not pose a risk of causing or contributing to discharges
2 in violation of waste discharge requirements or causes or
3 contributes to a bypass of secondary treatment during a storm that
4 does not exceed the rainfall depth duration frequency of 10 years
5 and 24 hours as determined by the department.

6 ~~(e)~~

7 (f) The satellite sewer system shall continue to operate the flow
8 meters or employ other flow ~~monitoring~~ *estimation* methodologies
9 required pursuant to subdivision ~~(d)~~ (e) unless either the sewage
10 treatment plant to which it discharges is removed from the list
11 established pursuant to subdivision ~~(b)~~ (c) or the state board or a
12 regional board finds, based on ~~clear and convincing~~ *substantial*
13 evidence, that the satellite sewer system's additional contribution
14 of wet weather peak flows no longer poses a risk of causing or
15 contributing to discharges in violation of waste discharge
16 requirements or causes or contributes to a bypass of secondary
17 treatment during a storm that does not exceed the rainfall depth
18 duration frequency of 10 years and 24 hours as determined by the
19 department. Before making that finding, the state board shall
20 provide public notice and opportunity for comment.

21 ~~14084.~~

22 *14083.* (a) The state board shall impose fees upon owners and
23 operators of separate sanitary sewer systems, sewage treatment
24 plants, combined sewer systems, and combined sewer system
25 treatment plants, *serving a population of 10,000 or more, for the*
26 *purposes of funding the state board's implementation of Sections*
27 *14081 and 14082, and on those persons subject to waste discharge*
28 *requirements for the purposes of funding implementation of Section*
29 ~~14081~~ *13167, as determined by the state board, to finance the*
30 *prudent implementation of this chapter and Section 13167.* ~~The~~

31 (b) (1) *On or before July 1, 2009, the state board shall establish,*
32 *by regulation, a fee schedule so that the total amount of fees*
33 *collected pursuant to this section equals does not exceed the amount*
34 *necessary to recover costs, including, but not limited to,*
35 *administrative costs, incurred in the implementation of this chapter.*
36 *chapter and Section 13167. The total amount of fees assessed*
37 *annually to fund the implementation of this chapter shall not exceed*
38 *three million dollars (\$3,000,000).*

39 (2) *Any fee imposed pursuant to this section shall be consistent*
40 *with all applicable legal requirements for imposing fees, including*

1 *the requirements set forth in Sinclair Paint Co. v. State Bd. of*
2 *Equalization (1997) 15 Cal.4th 866.*

3 ~~(b)~~

4 (c) The fees shall be deposited in the ~~California Clean Water~~
5 ~~Act Fund, which is hereby established in the State Treasury. Waste~~
6 ~~Discharge Permit Fund.~~ Moneys ~~in the fund~~ deposited into the
7 fund pursuant to this section shall be available, upon appropriation
8 by the Legislature, to the state board for expenditure by the state
9 board and for allocation to regional boards, as appropriate, to
10 implement this chapter *and Section 13167.*