STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2003 - 0077

ADOPTING EMERGENCY REGULATIONS ESTABLISHING WATER RIGHT AND WATER QUALITY CERTIFICATION FEE SCHEDULES IN TITLE 23, DIVISION 3, OF THE CALIFORNIA CODE OF REGULATIONS

WHEREAS:

1. Pursuant to Water Code section 1058, the SWRCB has the authority to adopt regulations to carry out its powers and duties under the Water Code.

2. In Fiscal Year 2003-2004, the Budget Act requires the State Water Resources Control Board's (SWRCB) water rights program to be supported by fee revenues amounting to $4.4 million.

3. Senate Bill 1049 (Stats. 2003, ch. 741) amends the Water Code to require the SWRCB to adopt emergency regulations revising and establishing fees to be deposited in the Water Rights Fund in the State Treasury and to allow the SWRCB to revise fees for water quality certification. The emergency regulations may include provisions concerning the administration and collection of the fees.

4. The water right fee regulations must be adopted to implement the fee revenue requirement in the Budget Act.

5. SWRCB staff prepared recommended revisions to the SWRCB's water right and water quality regulations to implement the Water Code and the requirements of the Budget Act and Senate Bill 1049.

6. The water right and water quality certification fee regulations and schedules will be contained in division 3 of title 23 of the California Code of Regulations.

7. The SWRCB heard comments on the staff proposal at public workshops conducted on October 27 and November 3, 2003, and received written comments from interested persons.

8. Senate Bill 1049 will not take effect until January 1, 2004; these emergency regulations are being adopted to take effect on that date and not before.

THEREFORE BE IT RESOLVED THAT:

1. The SWRCB adopts emergency regulations revising division 3 of title 23 of the California Code of Regulations as recommended by staff to implement the Water Code and provisions of the 2003 Budget Act and pursuant to provisions of Senate Bill 1049 (Attachment).

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on December 15, 2003.

Debbie Irvin
Clerk to the Board