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NOTICE OF PROPOSED EMERGENCY ACTION

FEE RATES FOR FACILITY FEE, GENERATION & HANDLING FEE, AND ENVIRONMENTAL FEE FOR FISCAL YEAR 2024-25 AND ANNUAL ADJUSTMENT OF FEE RATE LIMITS

22 CCR §§ 66269.3, 66269.4, 66269.5, 66269.6, 66269.7, and 66269.8

NOTICE IS HEREBY GIVEN that the Board of Environmental Safety (Board) proposes to adopt the emergency regulations described below to set fee rates for fiscal year 2024-25 (FY 2024-25) for the Facility Fee, Generation & Handling Fee, and Environmental Fee of the Department of Toxic Substances Control (DTSC or the "Department") and to adjust the fee rate limits in accordance with the Consumer Price Increase (CPI) from June 2023 to June 2024 set by the Department of Industrial Relations. Sections revised: 22 CCR sections 66269.3, 66269.4, and 66269.5. Sections added: 22 CCR sections 66269.6, 66269.7, and 66269.8.

COMMENT PERIOD

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the Board provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action. After submission of the proposed emergency action to OAL, OAL must allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

The Board intends to submit this proposed emergency action to OAL on **September 16, 2024**. The submitted action will appear on the list of "Emergency Regulations Under Review" on OAL's website at: https://oal.ca.gov/emergency_regulations/Emergency_Regulations_Under_Review/.

Comments must be submitted in writing directly to OAL:

OAL Reference Attorney
300 Capitol Mall, Suite 1250
Sacramento, California 95814
Fax Number: (916) 324-6826
staff@oal.ca.gov

A copy of the comment must also be submitted in writing to the Board at:

Board of Environmental Safety
P.O. Box 806
Sacramento, California 95812-0806
Fax Number: (916) 325-1808
besinfo@bes.dtsc.ca.gov

STATUTORY FINDING OF EMERGENCY

Health and Safety Code (HSC) section 25125.4 grants the Board the authority to adopt emergency regulations as may be necessary to allow the Board to carry out its powers. With respect to the adoption of fee rates, subdivision (e) of HSC section 25205.2.1, subdivision (e) of section 25205.5.01, and subdivision (d) of section 25205.6.1 contain identical grants of emergency rulemaking authority as follows:

“A regulation adopted pursuant to this section may be adopted as an emergency regulation in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, and safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, an emergency regulation adopted by the department [of Toxic Substances Control] pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law. A regulation adopted pursuant to this section shall remain in effect until repealed by the Board of Environmental Safety.”

Changes to the regulations at 22 CCR sections 66269.3, 66269.4, and 66269.5 are necessary to establish fee rates for the FY 2024-25. The additions of new regulations at 22 CCR sections 66269.6, 66269.7, and 66269.8 are necessary to adjust fee rate limits by CPI as required by law. The foregoing regulatory changes were approved with the Board’s adoption of Resolution 2024-0001 on August 29, 2024. By law, this emergency action is deemed necessary for the immediate preservation of the public peace, health, safety, and general welfare.

AUTHORITY & REFERENCE

HSC sections 25205.2.1, 25205.5.01, and 25205.6.1 grant the Board the authority to adopt emergency regulations for the specific purposes of setting annual fee rates for the Facility Fee, Generation & Handling Fee, and Environmental Fee, respectively. Please refer to HSC sections 25205.2, 25205.5, and 25205.6, which describe the Facility Fee, Generation & Handling Fee, and Environmental Fee, respectively, and the fee rates established by the Legislature for the 2022-23 fiscal year. HSC sections 25205.2, 25205.5, and 25205.6 also describe the fee limits of the Facility Fee, Generation & Handling Fee, and Environmental Fee, respectively, and identify the method for adjusting fee limits annually beginning with the 2024-25 fiscal year.

BENEFITS OF THE REGULATION

By setting rates for fiscal year 2024-25 for the Facility Fee, Generation & Handling Fee, and Environmental Fee, this emergency rulemaking will, in light of other sources of revenue in the current state budget, ensure stable funding of the Hazardous Waste Control Account (HWCA), Hazardous Waste Facilities Account (HWFA), and Toxic Substances Control Account (TSCA) (collectively the “DTSC Accounts”). Combined with all sources of revenue available to the Department, the fee rates set by this emergency rulemaking are anticipated to generate revenues that will allow DTSC operations to be maintained at the levels of service planned for the Department during the current fiscal year while also maintaining a prudent reserve, which accounts for a reasonable level of financial uncertainty. This rulemaking ensures that the DTSC

Accounts will remain solvent with modest reserve levels for the 2024-25 fiscal year, allowing DTSC to protect human health and the environment by regulating facilities that safely handle, process, recycle, and dispose of hazardous wastes, permitting hazardous waste facilities, and cleaning up sites contaminated with hazardous substances.

INFORMATIVE DIGEST

Policy Statement Overview

The objective of this emergency rulemaking is to set rates for FY 2024-25 for the Facility Fee, Generation & Handling Fee, and Environmental Fee, which are imposed by HSC sections 25205.2, 25205.5, and 25205.6, respectively. These fee rates are necessary to ensure stable funding of the DTSC Accounts for FY 2024-25. The fee rates adopted by this emergency rulemaking have an effective date of July 1, 2024. This rulemaking also adjusts the fee rate limits for the Facility Fee, Generation & Handling Fee, and Environmental Fee, in accordance with a statutory cost-of-living increase.

Background

State law requires the Board to establish a schedule of fee rates based upon the costs of the administration and collection of fees and the statewide general administrative costs assessed to the DTSC Accounts. Fee rates must allow for a reserve of not more than 10 percent in each of the DTSC Accounts at an amount determined by the Board to be sufficient to ensure that all programs funded by the account will not be adversely affected by any revenue shortfalls or additional baseline expenditure adjustments. The Board established a subcommittee of two board members to recommend fee rates for FY 2024-25. On August 15, the subcommittee held a public workshop to provide public outreach regarding its proposal to increase fee rates for FY 2024-25. This proposal was adopted by the Board on August 29, 2024.

Effect of the Proposed Regulatory Action

DTSC is the lead agency in California for hazardous waste management. DTSC enforces the state's Hazardous Waste Control laws, issues permits to hazardous waste facilities, and conducts oversight of actions to clean up sites contaminated with hazardous substances. The Facility Fee, Generation & Handling Fee, and Environmental Fee generate revenue for DTSC Accounts, which fund DTSC operations. The California Department of Tax and Fee Administration (CDTFA) partners with DTSC to collect fee revenue.

Consistency with Existing Regulations

The amendments to 22 CCR sections 66269.3, 66269.4, and 66269.5 are consistent with existing state regulations because those sections established rates for the Facility Fee, Generation & Handling Fee, and Environmental Fee, respectively, for the 2023-24 fiscal year, and this rulemaking merely changes those fee rates to the rates approved by the Board for the 2024-25 fiscal year and replaces references to fiscal year 2023-24 with references to fiscal year 2024-25. The addition of new 22 CCR sections 66269.6, 66269.7, and 66269.8 is consistent with state regulations because these new sections implement CPI adjustments of the fee rate limits for the Facility Fee, Generation & Handling Fee, and Environmental Fee, respectively, as required by HSC sections 25205.2, 25205.5, and 25205.6.

Fee Rate Schedule for Fiscal Year 2024-25

Facility Fee (HSC section 25205.2)

SB 158 (Chapter 73, Statutes of 2021) established the Hazardous Waste Facilities Account within the Hazardous Waste Control Account (HSC section 25174.01). Effective July 1, 2022, the Facility Fee collected for FY 2022-23 was deposited into the Hazardous Waste Facilities Account, and upon appropriation by the Legislature, was used only for hazardous waste regulatory activities associated with authorized (permitted) facilities. SB 158 also revised the timing of Facility Fee payments to correspond to the fiscal year for which the fees were assessed. The base rate of \$94,910 for FY 2022-23 was set (in HSC section 25205.2) at a level sufficient to generate revenues necessary to fund DTSC’s level of service expected in FY 2022-23 and to begin to establish a prudent reserve.

In 2023, the Board adopted 22 CCR section 66269.3, which established fee rates for the Facility Fee for FY 2023-24. These rates maintained the FY 2022-23 rates of the Facility Fee with no change for FY 2023-24.

On August 29, 2024, the Board set the annual base rate of the Facility Fee for FY 2024-25 at a level commensurate with the amount of the Legislature’s annual appropriation for FY 2024-25. This rulemaking increases the fee rates for all facility types. This rulemaking also amends section 66269.3 to include fee rates for transportable treatment units operating pursuant to a permit-by-rule, generators operating under grants of conditional authorization, and generators performing conditionally exempted treatment, as fee rates for these facility types were inadvertently omitted from the rulemaking in 2023.

This rulemaking amends section 66269.3 to establish the following rates for the **Facility Fee** for FY 2024-25:

Facility Type	Fee
Disposal Facility	\$ 1,101,380
Large Onsite/Offsite Treatment Facility	\$ 330,415
Small Treatment Facility	\$ 220,277
Mini Treatment Facility	\$ 55,069
Large Storage Facility	\$ 220,277
Small Storage Facility	\$ 110,138
Mini Storage Facility	\$ 27,535
Standard Permit Facility Series A	\$ 64,150
Standard Permit Facility Series B	\$ 30,067
Standard Permit Facility Series C	\$ 25,251
Standard Permit Facility Series C (Small Quantity)	\$ 12,626
Postclosure Permit Facility - Within 5 Years - Small	\$ 31,309
Postclosure Permit Facility - Within 5 Years - Medium	\$ 62,618
Postclosure Permit Facility - Within 5 Years - Large	\$ 93,927
Postclosure Permit Facility - Beyond 5 Years - Small	\$ 16,681
Postclosure Permit Facility - Beyond 5 Years - Medium	\$ 33,363
Postclosure Permit Facility - Beyond 5 Years - Large	\$ 56,340
TTU - Permit By Rule	\$ 5,338
TTU - Conditional Authorization	\$ 5,338
TTU - Conditional Exemption	\$ 209

Generation & Handling Fee (HSC Section 25205.5)

Historically, DTSC administered four fees related to disposal activity known as the Disposal Fee, Generator Fee, Environmental Protection Agency Identification Number Verification (EPA ID) Fee, and Manifest Fee. Effective July 1, 2022, SB 158 eliminated those four fees and replaced them with a new Generation and Handling Fee at HSC section 25205.5. State law requires the Board to set a rate for the Generation and Handling Fee for FY 2024-25 by no later than October 1, 2024. The rate established by the Board is based upon the costs of the administration and collection of the fee and the statewide general administrative costs assessed to the HWCA for that purpose. The total amount of Generation and Handling Fee revenue collected each fiscal year must conform with the amounts appropriated by the Legislature for that fiscal year from the HWCA for expenditure as authorized pursuant to HSC section 25174. The rate established by the Board must also allow for a reserve in the HWCA in an amount determined by the Board which is sufficient to ensure that all programs funded by the HWCA will not be adversely affected by any revenue shortfalls or additional baseline expenditure adjustments, but not to exceed 10 percent of authorized expenditure levels.

In 2023, the Board adopted 22 CCR section 66269.4, which established a fee rate for the Generation and Handling Fee for FY 2023-24. This fee rate maintained the FY 2022-23 rate with no change for FY 2023-24.

As determined by the Board at its meeting on August 29, 2024, this rulemaking revises section 66269.4 to set the **Generation and Handling Fee** rate for FY 2024-25 as follows:

\$60.05 per ton or fraction of a ton of hazardous waste generated in calendar year 2023.

Environmental Fee (HSC Section 25205.6)

SB 158 (2021) made changes to the Environmental Fee by revising the timing for the period of assessment of the Environmental Fee from an annual calendar year fee to an annual fiscal year fee. SB 158 also changed the timing that DTSC provides data to CDTFA from November 1 to October 1, and added a fee exemption for small businesses with less than 100 employees.

In 2023, the Board adopted 22 CCR section 66269.5, which established fee rates for the Environmental Fee for FY 2023-24, and which maintained the FY 2022-23 rates of the Environmental Fee with no change for FY 2023-24.

On August 29, 2024, the Board set FY 2024-25 Environmental Fee rates to correspond to the amount of the annual appropriation for FY 2024-25 per HSC section 25205.6.1. This rulemaking amends section 66269.5 to establish the following rates for the **Environmental Fee** for FY 2024-25:

Business Size	Fee
Less than 100 employees	\$0
100 but less than 250 employees	\$1,283
250 but less than 500 employees	\$2,754
500 but less than 1,000 employees	\$16,283
1,000 or more employees	\$55,056

Adjustment of Fee Rate Limits

SB 158 (2021) established limits (maximums) for the Facility Fee, Generation & Handling Fee, and Environmental Fee at HSC Sections 25205.2, 25205.5, and 25205.6, respectively. Beginning in FY 2024-25, these fee rate limits must be adjusted in accordance with the annual cost of living increase established by the Consumer Price Index (CPI) determined by the Department of Industrial Relations (DIR). DIR calculated an annual CPI of **3.3%** from June 2023 to June 2024. On August 29, 2024, the Board applied this CPI rate to adjust the fee rate limits.

Facility Fee Rate Limits

This rulemaking adds section 66269.6 to establish the following limits for the Facility Fee:

Fee Rate Category	Limit
Base Rate	\$ 196,084
Standard Permit Facility Series A	\$ 114,208
Standard Permit Facility Series B	\$ 53,530
Standard Permit Facility Series C	\$ 44,956
Standard Permit Facility Series C (Small Quantity)	\$ 22,478
Postclosure Permit Facility - Within 5 Years - Small	\$ 55,741
Postclosure Permit Facility - Within 5 Years - Medium	\$ 111,481
Postclosure Permit Facility - Within 5 Years - Large	\$ 167,222
Postclosure Permit Facility - Beyond 5 Years - Small	\$ 29,699
Postclosure Permit Facility - Beyond 5 Years - Medium	\$ 59,398
Postclosure Permit Facility - Beyond 5 Years - Large	\$ 100,304
TTU - Permit By Rule	\$ 9,504
TTU - Conditional Authorization	\$ 9,504
TTU - Conditional Exemption	\$ 372

Generation & Handling Fee Rate Limits

Section 66269.7 is added to establish a new limit of the Generation and Handling Fee of **\$101.75** per ton or fraction of a ton of hazardous waste.

Environmental Fee Rate Limits

This rulemaking adds section 66269.8 to establish limits for the Environmental Fee as follows:

Fee Category	Limit
Less than 100 employees	\$0
100 but less than 250 employees	\$ 2,605
250 but less than 500 employees	\$ 5,591
500 but less than 1,000 employees	\$ 33,056
1,000 or more employees	\$ 111,771

Related State Laws and Regulations

Existing state law lists the activities and entities subject to payment of the fees, and establishes standards for collection of the fees. Facilities that are authorized to store, treat, and dispose of hazardous waste pay the Facility Fee, which generates revenue for the Hazardous Waste Facility Account, which funds activities of DTSC’s regulatory activities associated with permitted facilities including permitting, inspection, and enforcement related activities. Generators of

hazardous waste pay the Generation & Handling Fee, which funds the activities of DTSC's hazardous waste regulatory and oversight activities that are separate from the activities funded by the Hazardous Waste Control Account. Nearly all businesses in California with 100 or more employees pay the Environmental Fee, which generates revenue for the for response and clean-up activities related to the release of hazardous substances through the Toxic Substances Control Account. State law includes standards for collection of these fees, including certain exemptions. Existing state regulations specify additional fee standards (California Code of Regulations, title 22, division 4.5, chapter 19, sections 66269.1 and 66269.2.).

FISCAL IMPACT TO STATE AGENCIES

The proposed rules are anticipated to provide fiscal stability for the Department for FY 2024-25. As required by state law, the Board is required to establish the annual fee rates to provide adequate revenue necessary to sustain DTSC expenditures based on the appropriations provided to the Department in the state budget act, while maintaining adequate reserves. This emergency rulemaking is not anticipated to result in any new or different costs or savings to any other state agencies.

OTHER FINDINGS

Mandate on Local Agencies or School Districts: None

Document(s) Relied Upon: None

Reimbursable Cost to Any Local Agency or School District: None

Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None

Cost or Savings in Federal Funding to the State: None

Cost or Savings to State Agencies: None

REGULATORY TEXT

Note: Proposed changes are illustrated with additions in underlining to show where the new text is being added. Proposed text for deletion (repeal) is shown in strikethrough.

Amend Title 22, division 4.5, chapter 19, section 66269.3 to read:

66269.3. Facility Fee Rates for Fiscal Year 2024-25. ~~the 2023-24 Fiscal Year.~~

- (a) The annual fee amounts for the 2023-24-2024-25 fiscal year are as follows.
- (b) The base fee is ninety-four thousand nine hundred ten one hundred ten thousand one hundred thirty-eight dollars (\$94,910)-(\$110,138). Except as provided in subsection (c), in computing the facility fees, all of the following shall apply:
 - (1) The fee to be paid by a ministorage facility shall equal 25 percent of the base facility rate.
 - (2) The fee to be paid by a small storage facility shall equal the base facility rate.
 - (3) The fee to be paid by a large storage facility shall equal twice the base facility rate.
 - (4) The fee to be paid by a mini treatment facility shall equal 50 percent of the base facility rate.
 - (5) The fee to be paid by a small treatment facility shall equal twice the base facility rate.

- (6) The fee to be paid by a large onsite treatment facility shall equal three times the base facility rate.
- (7) The fee to be paid by a large offsite treatment facility shall be three times the base facility rate.
- (8) The fee to be paid by a disposal facility shall equal 10 times the base facility rate.
- (c) The fee to be paid by a facility with a postclosure permit during the first five years of the postclosure period shall be:
 - (1) ~~Twenty-six thousand nine hundred eighty~~ Thirty-one thousand three hundred nine dollars ~~(\$26,980)~~ (\$31,309) annually for a small facility.
 - (2) ~~Fifty-three thousand nine hundred sixty~~ Sixty-two thousand six hundred eighteen dollars ~~(\$53,960)~~ (\$62,618) annually for a medium facility.
 - (3) ~~Eighty thousand nine hundred forty~~ Ninety-three thousand nine hundred twenty-seven dollars ~~(\$80,940)~~ (\$93,927) annually for a large facility.
- (d) The fee to be paid by a facility with a postclosure permit after the first five years of the postclosure care period shall be:
 - (1) ~~Fourteen thousand three hundred seventy-five~~ Sixteen thousand six hundred eighty-one dollars ~~(\$14,375)~~ (\$16,681) annually for a small facility.
 - (2) ~~Twenty-eight thousand seven hundred fifty~~ Thirty-three thousand three hundred sixty-three dollars ~~(\$28,750)~~ (\$33,363) annually for a medium facility.
 - (3) ~~Forty-eight thousand five hundred fifty~~ Fifty-six thousand three hundred forty dollars ~~(\$48,550)~~ (\$56,340) annually for a large facility.
- (e) Notwithstanding subsection (b), the fee for a facility that has been issued a standardized permit shall be as follows:
 - (1) The fee to be paid for a facility that has been issued a Series A standardized permit shall be ~~fifty-five thousand two hundred eighty~~ sixty-four thousand one hundred fifty dollars ~~(\$55,280)~~ (\$64,150).
 - (2) The fee to be paid for a facility that has been issued a Series B standardized permit shall be ~~twenty-five thousand nine hundred ten~~ thirty thousand sixty-seven dollars ~~(\$25,910)~~ (\$30,067).
 - (3) Except as specified in paragraph (4), the fee to be paid for a facility that has been issued a Series C standardized permit shall be ~~twenty-one thousand seven hundred~~ sixty-two thousand five hundred one dollars ~~(\$21,760)~~ (\$25,251).
 - (4) The fee for a facility that has been issued a Series C standardized permit is ~~ten thousand eight hundred eighty~~ twelve thousand six hundred twenty-six dollars ~~(\$10,880)~~ (\$12,626) if the facility meets all of the following conditions:
 - A. The facility treats not more than 1,500 gallons of liquid hazardous waste and not more than 3,000 pounds of solid hazardous waste in any calendar month.
 - B. The total facility storage capacity does not exceed 15,000 gallons of liquid hazardous waste and 30,000 pounds of solid hazardous waste.
 - C. If the facility both treats and stores hazardous waste, the facility does not exceed the volume limitations specified in subparagraphs (A) and (B) for each individual activity.

(f)

- (1) The fee for a facility or transportable treatment unit operating pursuant to a permit-by-rule for the 2024-25 fiscal year is five thousand three hundred thirty-eight dollars (\$5,338).
- (2) The fee for a generator operating under a grant of conditional authorization pursuant to Section 25200.3 of the Health and Safety Code for the 2024–25 fiscal year is five thousand three hundred thirty-eight dollars (\$5,338).
- (3) The fee for a generator performing treatment conditionally exempted pursuant to Section 25144.6 or subdivision (a) or (c) of Section 25201.5 of the Health and Safety Code for the 2024–25 fiscal year is two hundred nine dollars (\$209).

Authority: Sections 25125.2, 25125.4, and 25205.2.1, Health and Safety Code.

Reference: Section 25205.2, Health and Safety Code.

Amend Title 22, division 4.5, chapter 19, section 66269.4 to read:

66269.4. Generation & Handling Fee Rate for Fiscal Year ~~2023-24~~ 2024-25.

The annual fee amount for the ~~2023-24~~ 2024-25 fiscal year shall be ~~forty-nine dollars and twenty-five cents (\$49.25)~~ sixty dollars and five cents (\$60.05) for each ton or fraction of a ton of hazardous waste generated in calendar year ~~2022~~ 2023.

Authority: Sections 25125.2, 25125.4, and 25205.5.01, Health and Safety Code.

Reference: Section 25205.5, Health and Safety Code.

Amend Title 22, division 4.5, chapter 19, section 66269.5 to read:

66269.5. Environmental Fee Rates for Fiscal Year ~~2023-24~~ 2024-25.

- (a) The annual fee amounts for the ~~2023-24~~ 2024-25 fiscal year for the fee imposed by Section 25205.6 of the Health and Safety Code are set at the following amounts:
 - (1) One thousand two hundred ~~sixty-one~~ eighty-three dollars ~~(\$1,261)~~ (\$1,283) for those organizations with 100 or more employees, but fewer than 250 employees.
 - (2) Two thousand seven hundred ~~six~~ dollars fifty-four ~~(\$2,706)~~ (\$2,754) for those organizations with 250 or more employees, but fewer than 500 employees.
 - (3) Sixteen thousand ~~two hundred~~ eighty-three dollars ~~(\$16,000)~~ (\$16,283) for those organizations with 500 or more employees, but fewer than 1,000 employees.
 - (4) ~~Fifty-four~~ five thousand ~~one hundred~~ fifty-six dollars ~~(\$54,100)~~ (\$55,056) for those organizations with 1,000 or more employees.

Authority: Sections 25125.2, 25125.4, and 25205.6.1, Health and Safety Code.

Reference: Section 25205.6, Health and Safety Code.

Add Title 22, division 4.5, chapter 19, section 66269.6 to read:

66269.6. Facility Fee Rate Limits

- (a) The fee rates established by the Board of Environmental Safety pursuant to subdivision (a) of Section 25201.2.1 of the Health and Safety Code shall not exceed the following limits:

- (1) The base rate in paragraph (1) of subdivision (b) of Section 25205.2 of the Health and Safety Code shall not exceed one hundred ninety-six thousand eighty-four dollars (\$196,084).
- (2) The rate for a small facility with a postclosure permit in the first five years of the postclosure period established in paragraph (1) of subdivision (c) of Section 25205.2 of the Health and Safety Code shall not exceed fifty-five thousand seven hundred forty-one dollars (\$55,741).
- (3) The rate for a medium facility with a postclosure permit in the first five years of the postclosure period established in paragraph (2) of subdivision (c) of Section 25205.2 of the Health and Safety Code shall not exceed one hundred eleven thousand four hundred eighty-one dollars (\$111,481).
- (4) The rate for a large facility with a postclosure permit in the first five years of the postclosure period established in paragraph (3) of subdivision (c) of Section 25205.2 of the Health and Safety Code shall not exceed one hundred sixty-seven thousand two hundred twenty-two dollars (\$167,222).
- (5) The rate for a small facility with a postclosure permit after the first five years of the postclosure period established in paragraph (1) of subdivision (d) of Section 25205.2 of the Health and Safety Code shall not exceed twenty-nine thousand six hundred ninety-nine dollars (\$29,699).
- (6) The rate for a medium facility with a postclosure permit after the first five years of the postclosure period established in paragraph (2) of subdivision (d) of Section 25205.2 of the Health and Safety Code shall not exceed fifty-nine thousand three hundred ninety-eight dollars (\$59,398).
- (7) The rate for a large facility with a postclosure permit after the first five years of the postclosure period established in paragraph (3) of subdivision (d) of Section 25205.2 of the Health and Safety Code shall not exceed one hundred thousand three hundred four dollars (\$100,304).
- (8) The rate for a facility that has been issued a Series A standardized permit established in paragraph (1) of subdivision (f) of Section 25205.2 of the Health and Safety Code shall not exceed one hundred fourteen thousand two hundred eight dollars (\$114,208).
- (9) The rate for a facility that has been issued a Series B standardized permit established in paragraph (2) of subdivision (f) of Section 25205.2 of the Health and Safety Code shall not exceed fifty-three thousand five hundred thirty dollars (\$53,530).
- (10) The rate for a facility that has been issued a Series C standardized permit established in paragraph (3) of subdivision (f) of Section 25205.2 of the Health and Safety Code shall not exceed forty-four thousand nine hundred fifty-six dollars (\$44,956).
- (11) The rate for a facility that has been issued a Series C standardized permit established in paragraph (4) of subdivision (f) of Section 25205.2 of the Health and Safety Code shall not exceed twenty-two thousand four hundred seventy-eight dollars (\$22,478).

(12) The rate for a transportable treatment unit operating pursuant to a permit-by-rule established in paragraph (1) of subdivision (j) of Section 25205.2 of the Health and Safety Code shall not exceed nine thousand five hundred four dollars (\$9,504).

(13) The rate for a generator operating under a grant of conditional authorization established in paragraph (2) of subdivision (j) of Section 25205.2 of the Health and Safety Code shall not exceed nine thousand five hundred four dollars (\$9,504).

(14) The rate for a generator performing conditionally exempted treatment established in paragraph (3) of subdivision (j) of Section 25205.2 of the Health and Safety Code shall not exceed three hundred seventy-two dollars (\$372).

Authority: Sections 25125.2, 25125.4, and 25205.2.1, Health and Safety Code.

Reference: Section 25205.2.1, Health and Safety Code.

Add Title 22, division 4.5, chapter 19, section 66269.7 to read:

66269.7. Generation and Handling Fee Rate Limit

The fee rate established by the Board of Environmental Safety pursuant to subdivision (a) of Section 25205.5.01 of the Health and Safety Code shall not exceed one hundred one dollars and seventy-five cents (\$101.75).

Authority: Sections 25125.2, 25125.4, and 25205.5.01, Health and Safety Code.

Reference: Section 25205.5.01, Health and Safety Code.

Add Title 22, division 4.5, chapter 19, section 66269.8 to read:

66269.8. Environmental Fee Rate Limits

(a) The fee rates established by the Board of Environmental Safety pursuant to subdivision (a) of Section 25205.6.1 of the Health and Safety Code shall not exceed the following limits:

(1) Organizations with 100 or more employees, but fewer than 250 employees. This fee shall not exceed two thousand six hundred five dollars (\$2,605).

(2) Organizations with 250 or more employees, but fewer than 500 employees. This fee shall not exceed five thousand five hundred ninety-one dollars (\$5,591).

(3) Organizations with 500 or more employees, but fewer than 1,000 employees. This fee shall not exceed thirty-three thousand fifty-six dollars (\$33,056).

(4) Organizations with 1,000 or more employees. This fee shall not exceed one hundred eleven thousand seven hundred seventy-one dollars (\$111,771).

Authority: Sections 25125.2, 25125.4, and 25205.6.1, Health and Safety Code.

Reference: Section 25205.6.1, Health and Safety Code.