

**BOARD OF ENVIRONMENTAL SAFETY  
RESOLUTION 2025-0001**

ADOPTING EMERGENCY REGULATIONS ESTABLISHING FEE RATES AND ADJUSTING FEE RATE LIMITS FOR FISCAL YEAR 2025-26 IN TITLE 22, CALIFORNIA CODE OF REGULATIONS SECTIONS 66269.41, 66269.42, 66269.43, 66269.44, 66269.45 AND 66269.46.

WHEREAS:

1. The Board of Environmental Safety (BES or the "Board") is responsible for establishing fee rates for the Facility Fee, Generation and Handling Fee, and Environmental Fee (collectively "DTSC Fees") (Health & Saf. Code, § 25205.1 *et seq.*). Health and Safety Code (HSC) section 25125.2, subdivision (b)(3) requires BES to set fee rates on an annual basis pursuant to HSC sections 25205.2.1, 25205.5.01, and 25205.6.1.
2. HSC sections 25205.2.1, 25205.5.01, and 25205.6.1, authorize BES to adopt emergency regulations to set fee rates on an annual basis for DTSC Fees.
3. HSC section 25205.2.1 requires BES to set the schedule of rates for the Facility Fee based upon the costs of the administration and collection of fees and statewide general administrative costs assessed to the Hazardous Waste Facilities Account for that fiscal year. The total amount of Facility Fee revenue must conform with the amounts appropriated by the Legislature for that fiscal year from the Hazardous Waste Facilities Account for expenditure, as authorized pursuant to Section 25174.01. The rates set by BES must allow for a reserve in the Hazardous Waste Facilities Account at an amount determined by the Board to be sufficient to ensure that all programs funded by the Hazardous Waste Facilities Account will not be adversely affected by any revenue shortfalls or additional baseline expenditure adjustments, but not to exceed 10 percent of authorized expenditure levels.
4. The schedule of fee rates for the Facility Fee for the 2025-26 fiscal year will be set forth in amendments to California Code of Regulations, title 22, section 66269.41.
5. HSC section 25205.5.01 requires BES to set the rate of the Generation and Handling Fee based upon the costs of the administration and collection of fees and statewide general administrative costs assessed to the Hazardous Waste Control Account for that fiscal year. The total amount of Generation and Handling Fee revenue must conform with the amounts appropriated by the Legislature for that fiscal year from the Hazardous Waste Control Account for expenditure, as authorized pursuant to Section 25174. The rate set by BES must allow for a reserve in the Hazardous Waste Control Account at an amount determined by the Board to be sufficient to ensure that all programs funded by the Hazardous Waste Control Account will not be adversely affected by any revenue shortfalls or additional baseline expenditure adjustments, but not to exceed 10 percent of authorized expenditure levels.
6. The Generation and Handling Fee rate for the 2025-26 fiscal year will be set forth in amendments to California Code of Regulations, title 22, section 66269.42.

7. HSC section 25205.6.1 requires BES to set the schedule of rates for the Environmental Fee based upon the costs of the administration and collection of fees and statewide general administrative costs assessed to the Toxic Substances Control Account for that fiscal year. The total amount of Environmental Fee revenue must conform with the amounts appropriated by the Legislature for that fiscal year from the Toxic Substances Control Account for expenditure, as authorized pursuant to Section 25173.6. The rates set by BES must allow for a reserve in the Toxic Substances Control Account at an amount determined by the Board to be sufficient to ensure that all programs funded by the Toxic Substances Control Account will not be adversely affected by any revenue shortfalls or additional baseline expenditure adjustments, but not to exceed 10 percent of authorized expenditure levels.
8. The schedule of fee rates for the Environmental Fee for the 2025-26 fiscal year will be set forth in amendments to California Code of Regulations, title 22, section 66269.43.
9. Rate limits for the Facility Fee, Generation and Handling Fee, and Environmental Fee for the 2023-24 fiscal year were established in HSC section 25205.2.1, 25205.5.01, and 25205.6.1. Beginning with the 2024-25 fiscal year, and for each year thereafter, those rate limits are required to be adjusted annually to reflect increases or decreases in the cost of living during the prior fiscal year, as measured by the Consumer Price Index (CPI) issued by the Department of Industrial Relations (DIR) or by a successor agency.
10. Rate limits for the Facility Fee, Generation and Handling Fee, and Environmental Fee will be set forth in California Code of Regulations, title 22, sections 66269.44, 66269.45 and 66269.46, respectively.
11. These regulations are exempt from review by the Office of Administrative Law (OAL) and will take effect upon being filed with the Secretary of State by the Office of Administrative Law.
12. The California Environmental Quality Act (CEQA) provides a statutory exemption for the review and modification of charges by public agencies. Specifically, Public Resources Code section 21080, subdivision (b)(8), provides for such statutory exemption if the public agency finds that such charges "are for the purpose of (A) meeting operating expenses, including employee wage rates and fringe benefits, (B) purchasing or leasing supplies, equipment, or materials, (C) meeting financial reserve needs and requirements, (D) obtaining funds for capital projects necessary to maintain service within existing service areas, or (E) obtaining funds necessary to maintain those intracity transfers as are authorized by city charter."
13. The Board finds that the DTSC Fees are for the purpose of: meeting operating expenses, including employee wage rates and fringe benefits; purchasing or leasing supplies, equipment, or materials; and meeting financial reserve needs and requirements.

THEREFORE BE IT RESOLVED THAT:

The Board of Environmental Safety:

1. Adopts amendments to California Code of Regulations, title 22, sections 66269.41, 66269.42, and 66269.43, establishing fee rates for DTSC Fees for the 2025-26 Fiscal

Year, as set forth in the Notice of Proposed Emergency Action appended to this resolution.

2. Adopts new California Code of Regulations, title 22, sections 66269.44, 66269.45, and 66269.46, adjusting rate limits for DTSC Fees by 3.0%, which is the Consumer Price Increase from June 2024 to June 2025 determined by the DIR and set forth in the Notice of Proposed Emergency Action appended to this resolution.
3. BES determines that adoption of California Code of Regulations, title 22, sections 66269.41, 66269.42, 66269.43, 66269.44, 66269.45 and 66269.46 is exempt from CEQA for the reasons given above, and directs BES staff to prepare and submit to the State Clearinghouse a Notice of Exemption reflecting this determination.
4. BES staff will mail out the Notice of Proposed Emergency Action to interested persons a minimum of 5 working days prior to submitting the regulations to the Office of Administrative Law (OAL) for filing with the Secretary of State.
5. If, prior to OAL filing the regulations with the Secretary of State, BES staff or the Board determines that minor corrections to the language of the regulations or supporting documentation are needed for clarity or consistency, the BES Executive Officer or the Executive Officer's designee may make such changes.

#### **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 Board of Environmental Safety held on August 27, 2025.

<b>Member</b>	<b>Aye</b>	<b>Nye</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recusal</b>
Chair Rakestraw					
Vice Chair Strauss-Hacker					
Member Bhatia					
Member Gomez					
Member Brostrom					

Clerk of the Board: \_\_\_\_\_  
Sheena Q. Brooks