

# **Bond Case Briefs**

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## **STORMWATER FEES - CALIFORNIA**

### **California Building Industry Association v. State Water Resources Control Board**

**Supreme Court of California - May 7, 2018 - P.3d - 2018 WL 2090997 - 18 Cal. Daily Op. Serv. 4189 - 2018 Daily Journal D.A.R. 4154**

Home-building industry association brought action against State Water Resources Control Board for declaratory, injunctive, and writ relief challenging storm water program fees.

The Superior Court entered judgment for the Board. Association appealed. The Court of Appeal affirmed. Petition for review was granted.

The Supreme Court of California held that:

- Statute providing that any final action of the Board shall be taken by a majority of all the Board members did not apply to approval of storm water program fee schedule;
- Annual permit fees and expenses need not be correlated for each of the program areas within Board's current waste discharge program;
- Association failed to show that storm water program fees exceeded costs of administering permit program;
- Association failed to show that storm water program fees were levied for unrelated revenue expenses; and
- Association failed to show that Board failed to allocate charges to payors fairly.