
File #: 2023-3288

Agenda Date: 11/15/2023

Agenda Item No: 6.

FROM: Robert Thompson, General Manager
Originator: Lan C. Wiborg, Director of Environmental Services

SUBJECT:

PAYMENT OF ANNUAL NATIONAL POLLUTANT DISCHARGE AND ELIMINATION SYSTEM (NPDES) PERMIT FEES

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION:

Authorize the General Manager to approve payment in an amount not to exceed \$953,096 for the annual NPDES ocean discharge permit fees for Fiscal Year 2023-2024.

BACKGROUND

Under the Clean Water Act, the Orange County Sanitation District (OC San) lawfully discharges treated wastewater into the Pacific Ocean under its NPDES ocean discharge permit which is jointly administered by the SARWQCB and the USEPA. In accordance with Sections 13260 and 13269 of the California Water Code, an annual fee is required to maintain this permit. The fee is based on OC San's facility design flow.

OC San has not yet received an invoice, but has confirmed the payment amount from the State Water Resources Control Board (SWRCB) for payment which is typically issued in December. In anticipation of the SWRCB invoice and with a short turnaround time for payment, staff recommends that the Board of Directors delegate to the General Manager the authority to approve payment of the annual ocean discharge permit fees for fiscal year 2023-2024 in the amount not to exceed \$953,096.

RELEVANT STANDARDS

- Comply with environmental permit requirements
- 24/7/365 treatment plant reliability
- California Water Code Sections 13260 & 13269

PROBLEM

OC San is required by California Water Code Sections 13260 and 13269 to pay an annual fee to maintain our ocean discharge permit.

PROPOSED SOLUTION

Approve payment of the annual NPDES ocean discharge permit fees in the amount not to exceed \$953,096, as to be invoiced by the SWRCB for Fiscal Year 2023-2024.

TIMING CONCERNS

If the invoice is not paid in a timely manner, OC San may be subject to late fees.

RAMIFICATIONS OF NOT TAKING ACTION

If payment is delayed, OC San would be subject to penalties under provisions of the California Water Code Section 13261. These actions could include daily penalties in addition to the fee or other actions deemed appropriate by SARWQCB.

PRIOR COMMITTEE/BOARD ACTIONS

This fee is invoiced and paid annually.

ADDITIONAL INFORMATION

N/A

CEQA

N/A

FINANCIAL CONSIDERATIONS

This request complies with authority levels of OC San's Purchasing Ordinance. This item has been budgeted. (Line item: Section 6, Page 40).

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

N/A