



ADMINISTRATION COMMITTEE

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Agenda Report

File #: 2024-3999

Agenda Date: 12/18/2024

Agenda Item No: 21.

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:

Approve payment to the State Water Pollution Control Board in an amount not to exceed \$950,000 for the annual NPDES ocean discharge permit fees for Fiscal Year 2024-2025.

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 SARWQCB and the United States Environmental Protection Agency (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 is expecting an invoice for the permit fee from the State Water Pollution Control Board (SWRCB) to arrive in December 2024 with a short turnaround time for payment. Staff has confirmed with SWRCB personnel the Fiscal Year 2024-2025 annual permit fee will be higher than the annual permit fee for Fiscal Year 2023-2024 (\$904,107) but below \$950,000. Thus, staff recommends that the Board of Directors approve payment of the annual ocean discharge permit fees for Fiscal Year 2024-2025 in the amount not to exceed \$950,000.

RELEVANT STANDARDS

- Comply with environmental permit requirements
- 24/7/365 treatment plant reliability
- Comply with Government Code Section (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 \$950,000, as to be invoiced by the SWRCB for Fiscal Year 2024-2025.

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 (Budget FY 2024-25 and 2025-26, Section 6, Page 64, Environmental Compliance) and the budget is sufficient for the recommended action.

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