

ORDINANCE NO. OC SAN-XX

AN ORDINANCE OF THE BOARD OF DIRECTORS OF ORANGE COUNTY SANITATION DISTRICT ADOPTING MISCELLANEOUS CHARGES AND FEES RELATING TO INDUSTRIAL DISCHARGERS, SOURCE CONTROL PERMITTEES AND WASTEHAULERS AND REPEALING ORDINANCE NO. OCSD-51

WHEREAS, Health & Safety Code Section 5471 authorizes the Board of Directors of the Orange County Sanitation District (OC San) to impose fees and other charges for services and facilities furnished by OC San in connection with OC San's wastewater collection, treatment, disposal, and reuse system; and

WHEREAS, OC San imposes charges and fees on industrial dischargers, source control permittees, and waste haulers pursuant to Ordinance No. OCSD-51 and

WHEREAS, OC San recently retained HDR Engineering, Inc. to evaluate OC San's projected revenue needs and recommend service fees and charges for the period July 1, 2023 to June 30, 2028. In December of 2022, HDR Engineering, Inc. issued its "Final Wastewater Rates, Fees, and Charges Study" (HDR Report). OC San's Board of Directors received the HDR Report on December 15, 2022, and the HDR Report is on file with OC San; and

WHEREAS, the HDR Report recommended specified adjustments to the fees and charges that OC San imposes on industrial dischargers, source control permittees, and waste haulers; and

WHEREAS, the recommendations set forth in the HDR Report are based on various studies and plans including, among others, financial forecasts and OC San's 2017 Facilities Master Plan ("Master Plan"). The Master Plan identified the capital improvement projects that will be needed over the next 20 years and estimated the cost of each project. OC San's Board of Directors adopted the Master Plan on December 20, 2017; and

WHEREAS, on Wednesday, March 22, 2023 at 6:00 P.M., in OC San's Boardroom on the first floor of its Administration Building located at 10844 Ellis Avenue, Fountain Valley, California, OC San held a properly noticed public hearing, and received and considered comments concerning the proposed charges; and

WHEREAS, the Board of Directors has carefully reviewed the HDR Report and considered oral and written comments from the public, Board Members, OC San staff, and OC San consultants made at and prior to the March 22, 2023 public hearing;

NOW, THEREFORE, the Board of Directors of the Orange County Sanitation District does hereby ORDAIN:

SECTION I. Adopt miscellaneous charges and fees relating to industrial discharges, source control permittees, and waste haulers.

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ARTICLE I

RECITAL OF FINDINGS

Section 1.01. Findings – Declaration of Intent.

A. OC San operates a system for the collection, treatment, disposal, and reuse of wastewater ("System"). The System protects human health and the environment from the potentially harmful effects of wastewater.

B. The revenues collected pursuant to this Ordinance shall be used to finance the improvements, programs, and staffing needed to operate, maintain, replace, and improve OC San's existing facilities, fund necessary reserves, and retire debt incurred to finance such activities. The revenues shall be used for no other purpose.

C. The fees and charges established by this Ordinance are based on the information and analysis set forth in the HDR Report and the Master Plan, both of which were made available to the public in accordance with Government Code Section 66016 and other provisions of law.

D. The fees and charges established by this Ordinance do not exceed the estimated reasonable cost of providing the wastewater collection, treatment, disposal, and reuse services for which the fees are charged. The manner in which the costs are allocated to each payor bears a fair or reasonable relationship to the payor's burdens on, and benefits received from, OC San's System.

E. The fees and charges established by this Ordinance will fund the operations, maintenance, construction, rehabilitation, and repair necessary to maintain service within OC San's existing service area. Therefore, adoption of this Ordinance is statutorily exempt under the California Environmental Quality Act pursuant to the provisions of Public Resources Code Section 21080(b)(8) and California Code of Regulations Section 15273(a).

ARTICLE II

MISCELLANEOUS CHARGES AND FEES RELATING TO INDUSTRIAL DISCHARGERS, SOURCE CONTROL PERMITTEES AND WASTEHAULERS

Section 2.01. Purpose and Scope. The purpose of this Ordinance is to recover those costs incurred by OC San (i) on account of industrial dischargers' and waste haulers' use of OC San's facilities; (ii) when administering OC San's source control program; and (iii) when performing non-compliance sampling of industrial wastewater dischargers who have violated OC San's Wastewater Discharge Regulations or the terms and conditions of the discharger's permit. Revenues derived under the provisions of this Ordinance shall be used to defray the costs incurred by OC San (i) on account of such use of OC San's facilities; and (ii) in performing these tasks.

Section 2.02. Administrative Fees and Charges Relating to Permittees. Administrative fees and charges relating to permittees are hereby established in the sum or sums as set forth in Tables E, F, G, H, I and J, below.

Section 2.03. Source Control Non-Compliance Fees. Source control non-compliance fees are hereby established for dischargers' non-compliance sampling and for self-monitoring and data reporting non-compliance, in the sum or sums as set forth in Table F, below.

Section 2.04. Special Purpose Discharge Permittees; Charges for Use. As authorized by Sections 305.5 and 305.6 of OC San's Wastewater Discharge Regulations, charges for use are hereby established for Special Purpose Discharge Permittees, as set forth in Table G, below.

Section 2.05. Class I and Class II Permittees – Charges for Use. As authorized by Sections 302.3, 302.6, 303.3 and 303.6 of OC San's Wastewater Discharge Regulations, the charges for use are hereby established for Class I and Class II Permittees as set forth in Table F, below.

Section 2.06. Wastehauler Charges for Use. As authorized by Sections 306.3 and 306.7 of the OC San's Wastewater Discharge Regulations, the charges for use are hereby established for wastehaulers as set forth in Table H, below.

Section 2.07 Discharge Certifications Charges for Use As authorized by Section 307 of the OC San's Wastewater Discharge Regulations, the charges for use are hereby established for a discharge certification (certified discharger) and Zero Discharge Certification (Certified Zero/No Discharge) as set forth in Table F, below.

Section 2.08. Administrative Appeals.

A. Any user, permit applicant, or permittee affected by any decision, action, or determination by OC San may, within forty-five (45) days of the date of mailing by OC San of the initial invoice for fees imposed pursuant to this Ordinance, request that OC San reconsider imposition of such fees. Following review of such a request, OC San shall notify the user, permit applicant, or permittee by certified mail of OC San's decision on the reconsideration request.

B. Any user, permit applicant, or permittee adversely affected by OC San's decision on the reconsideration request, may file an appeal in accordance with Sections 618 and 621 of OC San's Wastewater Discharge Regulations.

TABLE E

ADMINISTRATIVE FEES AND CHARGES
RELATING TO PERMITTEES

Permit Fees Charges per Fiscal Year

		<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>
	Class I/Certified					
A.	Discharger	\$ 1685.00	\$1,791.00	\$1,904.00	\$2,024.00	\$2,152.00
B.	Class II	\$ 554.00	\$ 591.00	\$ 630.00	\$ 672.00	\$ 717.00

C.	SPDP ¹	\$1,192.00	\$1,225.00	\$1,259.00	\$1,293.00	\$1,328.00
D.	SPDP Renewal	\$ 860.00	\$ 913.00	\$ 969.00	\$ 1,029.00	\$ 1,092.00
E.	Wastehauler Zero Discharge	\$ 207.00	\$ 225.00	\$ 245.00	\$ 267.00	\$ 291.00
E.	Certifications	\$ 126.00	\$ 133.00	\$ 140.00	\$ 147.00	\$ 155.00

¹ New permit only - add nonrefundable deposit for first 1 million gallons as defined in Table G

Wastehauler Fees

Charges

F.	Permit Decal Initial Issue	\$ 25.00
G.	Permit Decal Replacement	\$ 50.00
H.	Entry Card Initial Issue	\$ 50.00
I.	Entry Card Replacement	\$100.00
J.	After Hours Discharge – Prearranged	\$102.00/event
K.	After Hours Discharge – Emergency	\$165.00/event

Administrative/Processing Fees

Charges

L.	OC San's Collection of Water Consumption Data	\$ 500.00/permit
M.	Appeal Hearing Filing Fee	\$ 800.00/appeal
N.	Late Application (30 days or less from expiration date)	\$ 500.00
O.	Late Application (15 days or less from expiration date)	\$1,000.00

TABLE F **INDUSTRIAL DISCHARGER, SOURCE CONTROL** **AND NON-COMPLIANCE SAMPLING FEES**

<u>Cost of Processing and Sampling</u> <u>Following a Minor Violation</u>	<u>Charge</u> \$200.00/event
<u>Cost of Processing and Sampling</u> <u>Following a Major Violation</u>	\$400.00/event
<u>Non-Compliance Resampling Fee</u>	\$275.00/event
<u>Cost of Analysis per Fiscal year</u>	

Heavy Metals:	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>
	\$52.00	\$54.00	\$56.00	\$58.00	\$60.00

- Aluminum
- Antimony
- Arsenic
- Cadmium
- Chromium
- Copper
- Gold
- Lead

- Molybdenum
- Nickel
- Palladium
- Platinum
- Selenium
- Silver
- Thallium
- Tin
- Titanium
- Vanadium
- Zinc

	<u>Per Fiscal Year</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>
Ammonia Analysis as Nitrogen		\$38.00	\$39.00	\$40.00	\$41.00	\$43.00
Biochemical Oxygen Demand (BOD)		\$57.00	\$59.00	\$60.00	\$62.00	\$64.00
BOD and Suspended Solids (SS) Analysis		\$114.00	\$117.00	\$121.00	\$124.00	\$128.00
Chemical Oxygen Demand		\$38.00	\$39.00	\$40.00	\$41.00	\$43.00
Conductivity		\$76.00	\$78.00	\$81.00	\$83.00	\$85.00
Cyanide (Amenable)		\$171.00	\$176.00	\$181.00	\$187.00	\$182.00
Cyanide (Total)		\$99.00	\$102.00	\$105.00	\$108.00	\$111.00
Total Radium Determination		\$207.00	\$213.00	\$219.00	\$226.00	\$232.00
Gross Alpha and Beta Determination		\$111.00	\$114.00	\$117.00	\$121.00	\$124.00
Tritium Determination		\$102.00	\$105.00	\$108.00	\$112.00	\$115.00
Oil & Grease (Hexane Soluble Matter)		\$95.00	\$98.00	\$101.00	\$104.00	\$107.00
Total Organic Nitrogen		\$76.00	\$78.00	\$81.00	\$83.00	\$85.00
pH		\$38.00	\$39.00	\$40.00	\$41.00	\$43.00
Fluoride		\$38.00	\$39.00	\$40.00	\$41.00	\$43.00
Suspended Solids (Total)		\$57.00	\$59.00	\$60.00	\$62.00	\$64.00
Suspended Solids (Total and Volatile)		\$171.00	\$176.00	\$181.00	\$187.00	\$182.00
Total Dissolved Solids		\$57.00	\$59.00	\$60.00	\$62.00	\$64.00
Total Sulfides		\$83.00	\$87.00	\$89.00	\$92.00	\$95.00
Strontium Determination		\$134.00	\$138.00	\$142.00	\$146.00	\$150.00
Uranium Determination		\$45.00	\$46.00	\$48.00	\$49.00	\$50.00
Mercury (EPA 245.1)		\$76.00	\$78.00	\$81.00	\$83.00	\$86.00
Pharmaceutical Industry (EPA 1666)		\$342.00	\$352.00	\$363.00	\$374.00	\$385.00
Chlorinated Pesticides and Aroclors (EPA 608)		\$128.00	\$132.00	\$136.00	\$140.00	\$144.00
Volatile Organics (EPA 624)		\$304.00	\$313.00	\$322.00	\$332.00	\$342.00
Semi-Volatile Organics (EPA 625)		\$683.00	\$704.00	\$725.00	\$747.00	\$769.00
PFAS		\$413.00	\$431.00	\$444.00	\$457.00	\$471.00
Dissolved Sulfides		\$58.00	\$60.00	\$62.00	\$64.00	\$66.00

SELF-MONITORING AND DATA REPORTING
NON-COMPLIANCE

Cost of Processing and Issuing Significant Non-Compliance Notification	\$165.00
Cost of Processing Annual SNC and Publication	\$485.00
Non-Compliance Appeal Filing Fee*	\$150.00

*Filing Fee will be refunded if customer wins appeal

TABLE G

CLASS I AND CLASS II PERMITTEES AND
SPECIAL PURPOSE DISCHARGE PERMITTEES

CHARGES FOR USE (Fiscal Year)

Class I and II	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>
Flow (*)	\$1676.09	\$1754.41	\$1836.37	\$1922.17	\$2011.98
B.O.D. (**)	\$705.08	\$744.23	\$785.55	\$829.17	\$875.21
S.S. (***)	\$815.51	\$855.92	\$898.34	\$842.86	\$989.58

Special Purpose

Discharge Permit	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>
Flow (*) (Fiscal Year)	\$1676.09	\$1754.41	\$1836.37	\$1922.17	\$2011.98

(*) Flow Per million gallons of Flow

(**) B.O.D. Per thousand pounds of Biochemical Oxygen Demand

(***) S.S. Per thousand pounds of Suspended Solids

All properties located within Revenue Area No. 14 pay no annual service fees. OC San's costs relating to providing service to these properties are billed by OC San directly to the Irvine Ranch Water District, the local agency providing the local sewer service.

TABLE H

WASTEHAULER CHARGES FOR USE

	Per Fiscal Year	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>
Within OC San						
Boundaries*		\$0.09	\$0.09	\$0.09	\$0.09	\$0.09
Outside OC San						
Boundaries*,**		\$0.32	\$0.32	\$0.32	\$0.32	\$0.32

(*) Per gallon of truck capacity

(**) Outside OC San boundaries and inside OC San service area or authorized by OC San's General Manager.

Waste hauled from a source that is not within OC San's service area is prohibited unless authorized by the General Manager. Service area is defined as any area the OC San has an agreement to serve.

ARTICLE IV

MISCELLANEOUS

Section 4.01. Application of Ordinance. The provisions of this Ordinance shall be in addition to the provisions of OC San's Wastewater Discharge Regulations for use of OC San's sewage facilities, including provisions for payment of charges or fees related thereto; OC San's ordinance establishing Fees Concerning Annexations of Territory to OC San; and any other OC San Ordinances and Resolutions not in conflict herewith.

Section 4.02. Exceptions. The provisions of this Ordinance shall apply to all owners of properties within OC San, including those properties otherwise deemed exempt from payment of taxes or assessments by provisions of the State Constitution or statute, including properties owned by other public agencies or tax-exempt organizations, except as expressly provided herein.

Section 4.03 Out of Area Sewer Service Agreements. OC San is empowered to contract for the transport, treatment and disposal of wastewaters originating within areas outside of OC San if it is in the best interest of OC San to do so. These Out of Area Sewer Service Agreements will establish fees and charges relative to the services provided by OC San for each individual agreement.

The Board of Directors of the Orange County Sanitation District does further hereby ORDAIN:

SECTION II. Severability. If any provision of this Ordinance, or the application to any person or circumstances is held invalid by order of Court, the remainder of the Ordinance, or the application of such provision to other persons or other circumstances, shall not be affected.

SECTION III. Effective Date. This Ordinance shall take effect July 1, 2023.

SECTION IV. Repeal. Ordinance No. OCSD-51 is hereby repealed.

SECTION V. Certification and Publication. The Clerk of the Board shall certify to the adoption of this Ordinance and shall cause a summary to be published in a newspaper of general circulation as required by law.

PASSED AND ADOPTED by a vote of not less than two-thirds of the Board of Directors of the Orange County Sanitation District at a Regular Meeting held on March 22, 2023.

Chad P. Wanke
Chairman, Board of Directors
Orange County Sanitation District

ATTEST:

Kelly A. Lore, MMC
Clerk of the Board
Orange County Sanitation District

APPROVED AS TO FORM:

Bradley R. Hogin
General Counsel
Orange County Sanitation District

STATE OF CALIFORNIA)
)SS.
COUNTY OF ORANGE)

I, Kelly A. Lore, Clerk of the Board of Directors of Orange County Sanitation District, do hereby certify that the above and foregoing Ordinance No. OCSD-XX was introduced for first reading at a regular meeting of said Board on the 22nd day of February 2023, and passed and adopted by a vote of not less than two-thirds at a regular meeting of said Board on the 22nd day of March 2023, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Orange County Sanitation District this 22nd day of March, 2023.

Kelly A. Lore, MMC
Clerk of the Board
Orange County Sanitation District