



# BOARD OF DIRECTORS

## Agenda Report

Administration Building  
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**File #:** 2022-2069

**Agenda Date:** 1/26/2022

**Agenda Item No:** 6.

**FROM:** James D. Herberg, 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 of \$796,532 for the annual NPDES ocean discharge permit fees.

**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 Santa Ana Regional Water Quality Control Board (RWQCB) 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.

On January 12, 2022, OC San received an invoice from the State Water Resources Control Board (SWRCB) in the amount of \$796,532 for fiscal year 2021-2022. This amount is approximately an 11.7% increase from fiscal year 2020-2021.

**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 of \$796,532 as invoiced by the California State Water Resources Control Board for Fiscal Year 2021-2022.

## **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 provision of the Water Code Section 13261. These actions could include daily penalties in addition to the fee or other actions deemed appropriate by RWQCB.

## **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 48).

## **ATTACHMENT**

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

- Invoice No. WD-0196850