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RESOLUTION NO. OCSD 05-04

ESTABLISHING FATS, OIL, AND GREASE CONTROL
PROGRAM FEES APPLICABLE TO FOOD SERVICE
ESTABLISHMENTS

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE ORANGE COUNTY SANITATION DISTRICT,
ESTABLISHING FATS, OIL, AND GREASE CONTROL
PROGRAM FEES

WHEREAS, the State of California Regional Water Quality Control Board (“RWQCB”) for the Santa Ana Region adopted Order R8-2002-0014, which prescribes general waste discharge requirements prohibiting sanitary sewer overflows (“SSOs”) by sewer collection agencies; and

WHEREAS, in Order R8-2002-0014, the RWQCB found that one of the leading causes of SSOs within the Santa Ana Region, which encompasses the District’s service area is “grease blockages;” and

WHEREAS, SSOs often caused by discharge of wastewater containing high levels of fat, oils and grease (“FOG”), suspended solids, pathogenic organisms, and other pollutants, may cause temporary exceedances of applicable water quality objectives, pose a threat to the public health, adversely affect aquatic life, and impair the public recreational use and aesthetic enjoyment of surface waters within the District’s service area; and

WHEREAS, the 2000-2001 Orange County Grand Jury (“Grand Jury”) conducted a survey among 35 wastewater collection and treatment agencies in Orange County and concluded that one of the leading causes of SSOs and sewage spills is sewer lines clogged from the accumulation of FOG discharged from Food Service Establishments; and

WHEREAS, the Grand Jury further concluded that more effective methods of minimizing grease discharges into the sewer system must be developed and implemented to reduce the discharge of FOG to the sewer system in order to prevent sewer blockages and SSOs; and

WHEREAS, Orange County Sanitation District (“District”), together with 32 other agencies, are collectively named as “Dischargers” in Order No. R8-2002-0014; and

WHEREAS, Order No. R8-2002-0014 requires the District to monitor and control SSOs and to develop a FOG Control Program by December 30, 2004; and

WHEREAS, in light of the overwhelming evidence that FOG is a primary cause of SSOs, the District desires to implement a FOG Control Program to prevent SSOs; and

WHEREAS, the foregoing findings indicate that a FOG Control Program is required for Food Service Establishments within the District's jurisdiction to comply with waste discharge regulations and prevent the harmful effects of SSOs; and

WHEREAS, on November 17, 2004, the Board of Directors adopted Ordinance No. OCSD-25 adopting FOG control regulations applicable to Food Service Establishments; and

WHEREAS, Ordinance No. OCSD-25 requires Food Service Establishments subject to the regulations to obtain a FOG Wastewater Discharge Permit, and to pay an application fee in the amount set by resolution of the Board; and

WHEREAS, Food Service Establishments who are found to be in noncompliance with the terms and conditions of their FOG Wastewater Discharge Permit, Ordinance No. OCSD-25 or other relevant regulations are required to pay a general noncompliance fee, which includes the District's costs of additional monitoring activities and administrative processing incurred resulting from the noncompliance.

NOW, THEREFORE, the Board of Directors of the Orange County Sanitation District DOES HEREBY RESOLVE, DETERMINE, AND ORDER:

Section 1: Annual Permit Fee. The fee for each FOG Wastewater Discharge Permit issued pursuant to Ordinance No. OCSD-25 or its successors, is \$100 per year. For example, a permit for a two-year term is subject to a \$200 fee.

Section 2: General Noncompliance Fee. The general noncompliance fee is \$100.00 per event for the District follow-up activities due to permit, ordinance or regulatory noncompliance.

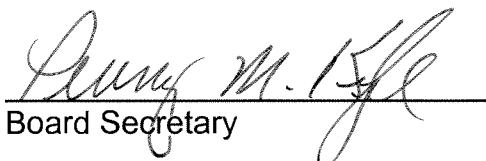
Section 3: Effective Date. This Resolution shall take effect on May 1, 2005.

PASSED AND ADOPTED at a regular meeting held March 23, 2005.



Chair

ATTEST:



Board Secretary