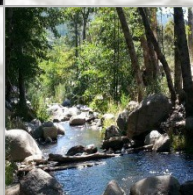
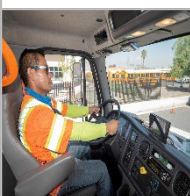




San Bernardino Municipal Water Department Sewer System Management Plan

May 2, 2025





San Bernardino Municipal Water Department Sewer System Management Plan (SSMP)

Revision Log

Date Approved	Reference	Change Summary	Authorized By
July 23, 2020	Page 4	Update sewer mileage to 677 miles	Barry G. Berggren
July 23, 2020	Page 8	Update Table 2-1 due to supervisory change	Barry G. Berggren
July 23, 2020	Attachment F	Update Contact Information due to personnel changes	Barry G. Berggren
July 23, 2020	Attachment G	Update Organization Chart due to supervisory change	Barry G. Berggren
July 23, 2020	Attachment H	Update Notification List due to personnel changes	Barry G. Berggren
August 13, 2020	Page 8	Update Table 2-1 due to supervisory change	Barry G. Berggren
August 13, 2020	Attachment F	Update Contact Information due to personnel changes	Barry G. Berggren
August 13, 2020	Attachment H	Update Notification List due to personnel changes.	Barry G. Berggren
July 13, 2021	Chapter 1.2	Updated to reflect two-year audit and the East Valley Water District separating from the SBMWD system.	Barry G. Berggren
July 13, 2021	Chapter 1.4	Reference to the East Valley Water District separating from the SBMWD.	Barry G. Berggren
July 13, 2021	Page 6	Added reference to City of San Bernardino Municipal Water Department Rules and Regulations.	Barry G. Berggren
July 13, 2021	Chapter 2	Updated Table 2-1 to reflect supervisory change. Updated several titles due to position/section changes.	Barry G. Berggren
July 13, 2021	Table 3-1	Added addition references to the San Bernardino Municipal Code.	Barry G. Berggren
July 13, 2021	Page 20	Added reference to City of San Bernardino Municipal Water Department Rules and Regulations.	Barry G. Berggren
July 13, 2021	Chapter 4	There were several grammatical changes and referenced to the Sewer Master Plan Update being completed.	Barry G. Berggren



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Revision Log

Date Approved	Reference	Change Summary	Authorized By
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July 13, 2021	Chapter 4.4.2	Updated chapter to reflect the remediation planning program as implemented.	Barry G. Berggren
July 13, 2021	Chapter 5	Updated references to Project Engineer.	Barry G. Berggren
July 13, 2021	Chapter 8	Updated references to the completed Sewer Master Plan Update.	Barry G. Berggren
July 13, 2021	Chapter 9	Updated references to the 2019 Strategic Plan update.	Barry G. Berggren
July 13, 2021	Table 9-1	Deleted the reference to Wrike as it is no longer in use by the Department.	Barry G. Berggren
July 13, 2021	Chapter 10.2.2	Updated the audit process to reflect the current process.	Barry G. Berggren
July 13, 2021	Chapter 11	Updated various departmental links.	Barry G. Berggren
July 13, 2021	Attachment F	Update Contact Information due to personnel changes. Corrected title of Environmental Compliance Officer.	Barry G. Berggren
July 13, 2021	Attachment H	Update Notification List due to personnel changes.	Barry G. Berggren
July 13, 2021	Attachment J	Included a copy of the Fiscal Year 21-22 CIP.	Barry G. Berggren
July 13, 2021	Table 10-1	Included the Biennial Audit completed on July 13, 2021.	Barry G. Berggren
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April 05, 2023	-	Certified continuation of existing regulatory coverage	Juan Martinez
April 05, 2023	-	Uploaded existing Sewer System Management Plan	Juan Martinez



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Appendices

- Appendix A. Documentation of Water Board (Governing Board) Approval
- Appendix B. Waste Discharge Requirements ORDER NO. 2006-0003-DWQ
- Appendix C. City Charter, City of San Bernardino
- Appendix D. City of San Bernardino Municipal Code
- Appendix E. Interagency Agreements
- Appendix F. Contact Information
- Appendix G. Organization Chart
- Appendix H. Sanitary Sewer Overflow Response and Reporting Procedures
- Appendix I. Enforcement Response Plan
- Appendix J. Capital Improvement Plan
- Appendix K. FOG Public Outreach Brochures & Posters



San Bernardino Municipal Water Department Sewer System Management Plan (SSMP)

Acronyms

Acronym	Definition
BMPs	Best Management Practices
BOD	Biological Oxygen Demand
CCTV	Closed-Circuit Television
CEQA	California Environmental Quality Act
CIP	Capital Improvement Program
City	City of San Bernardino
CIWQS	California Integrated Water Quality System
CMMS	Computerized Maintenance Management System
CS	Collection System
CWEA	California Water Environment Association
d/D	The ratio of the depth of flow (d) in a sewer pipe to the diameter (D) of the pipe
DEPARTMENT	San Bernardino Municipal Water Department
ERP	Enforcement Response Plan
FOG	Fats, Oils, and Grease
FSE	Food Service Establishment
FY	City of San Bernardino's Fiscal Year (July 1 through June 30)
GIS	Geographic Information System
MGD	Million Gallons per Day
O&M	Operations & Maintenance
PDWF	Peak Dry Weather Flow
PM	Preventative Maintenance
POTW	Publicly Owned Treatment Works
NEPA	National Environmental Policy Act
SBMWD	San Bernardino Municipal Water Department
SCADA	Supervisory Control and Data Acquisition
SIIP	Stormwater Inflow and Infiltration Prevention
SOP	Standard Operating Procedure
SSMP	Sewer System Management Plan
SSO	Sanitary Sewer Overflow
SWRCB	State Water Resources Control Board
Water Board	San Bernardino Municipal Water Department Board
WDID	Waste Discharger Identification
WDRs	Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (Order No. 2006-0003)



San Bernardino Municipal Water Department Sewer System Management Plan (SSMP)

Chapter 1 : SEWER SYSTEM MANAGEMENT PLAN GOAL AND INTRODUCTION

1.1. State Regulatory Requirement

The goal of the Sewer System Management Plan (SSMP) is to provide a plan and schedule to properly manage, operate, and maintain all parts of the Sanitary Sewer System. This will help reduce and prevent Sanitary Sewer Overflows (SSO), as well as mitigate any SSOs that do occur.

1.2. Overview

The City of San Bernardino Municipal Water Department (SBMWD or Department) has prepared this Sewer System Management Plan (SSMP) for the City's wastewater collection system pursuant to the State Water Resources Control Board (SWRCB), Waste Discharge Requirements (WDR) issued May 2, 2006 and amendments thereto and submitted the SSMP to the Santa Ana Regional Water Quality Control Board. The original SSMP was approved by the City of San Bernardino City Council on September 2, 2014 and a two-year update was submitted in September 2016, as required by the WDRs. This updated version serves as the City's five-year update to the SSMP and fully documents the organizational changes that occurred on May 1, 2017 when the responsibility for operation and maintenance of the wastewater collection system was transferred from the Department of Public Works to the SBMWD. This SSMP was approved by the Water Board at a public meeting on September 10, 2019. Appendix A includes documentation of approval by the Water Board. Appendix B includes the SWRCB WDR.

Pursuant to the WDRs, this SSMP was prepared in accordance with the SSMP Program Audit procedures.

By agreements, the City accepts, conveys, and treats wastewater from two municipal satellite collection agencies. Because the City does not own, operate, fund, or control any of the collection systems of these communities and they are not included under the NPDES permit conditions of the City's treatment facilities, it is assumed that these satellite agencies will be required to apply for permit coverage under the WDRs and develop and implement their own SSMPs. A pdf copy of this SSMP is available on the internet at:

<https://www.ci.san-bernardino.ca.us/water/transparency.asp>

1.3. Goal and Key Value Statements

The goal of the SSMP is to provide a plan and schedule to properly manage, operate, and maintain all parts of the collection system. This will help reduce and prevent SSOs, as well as mitigate any SSOs that do occur. The long-standing policy adopted by the Water Board of the SBMWD provides the basis for and guides the actions of operating Divisions and Sections in protecting the waters of the City and the region.



San Bernardino Municipal Water Department Sewer System Management Plan (SSMP)

Mission Statement

“To meet the needs of the community by providing sustainable, high quality water supply and wastewater services in the most professional, environmentally responsible, and cost-effective manner possible.”

Key Value Statements

1. *Provide the highest level of customer service to our community.*
 - *Promote prompt, courteous and exceptional customer service*
 - *Promote community engagement and involvement*
 - *Develop a two-way community information/communication program*
 - *Keep the public well informed of Department affairs*

2. *Responsibly establish necessary rates in the most cost-effective manner*
 - *Exercise responsible financial management*
 - *Equitably distribute costs over ratepayer base*
 - *Provide responsible stewardship of public funds*
 - *Ensure a transparent budgeting process*

3. *Provide the highest quality water and wastewater services*
 - *Responsible planning of resources to meet current and future needs*
 - *Develop effective/efficient infrastructure repair and replacement programs*
 - *Meet or exceed all regulatory requirements*
 - *Promote partnership with local water and wastewater agencies*

4. *Provide responsible stewardship of our resources and our environment*
 - *Always act in the best interest of the public’s health and safety*
 - *Promote environmental awareness and protection*
 - *Protect and strengthen our regional water resources*
 - *Promote partnership with entities that share mutual interests in environmental protection*



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5. *Require ethical business practices*

- *Always conduct business in a professional, fair, and trustworthy manner*
- *Require accountability from all levels of staff*
- *Actively engage in efforts to ensure transparency*

6. *Foster a strong, positive organizational culture and promote staff development*

- *Recognize, develop, and encourage leadership*
- *Promote teamwork and reward innovative thinking*
- *Empower staff and encourage open communication*
- *Promote staff training/development and establish recognition programs*

Consistent with the Department policy and its mission to protect public health and the environment, the Water Board of the SBMWD has adopted and is dedicated to achieving the following broad objectives:

- *Repair, rehabilitate, replace, and upgrade system components as/when needed;*
- *Provide sufficient sewage capacity to accommodate current and projected flows;*
- *Eliminate all preventable dry-weather overflows;*
- *Eliminate wet-weather overflows from all storm events less severe than or equal to a 10-year design storm;*
- *Maintain an effective SSO response plan to mitigate any SSOs that do occur in a timely manner;*
- *Control corrosion and minimize odor releases; and*
- *Provide operational reliability and flexibility.*

These objectives correspond with the State General Waste Discharge Requirements (WDRs) provisions which require Enrollees to maintain all parts of the system, provide adequate capacity to minimize sewer overflows, and maintain a plan to respond to and mitigate overflows when they do occur.

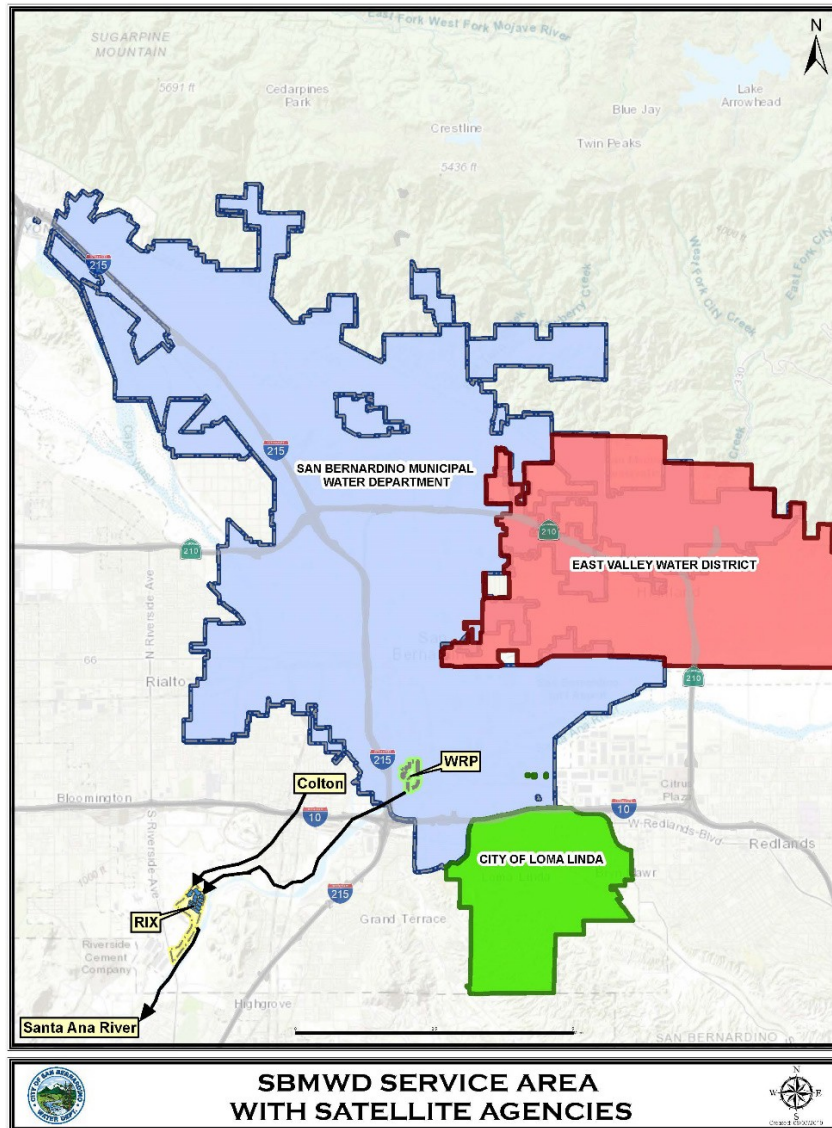


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1.4. System Overview

The wastewater collection system owned and operated by the SBMWD conveys wastewater via approximately 477 miles of gravity mains, a mile of force mains, and 15 lift stations. Currently, an average wastewater flow rate of approximately 21 million gallons per day (MGD) is conveyed by the SBMWD collection system, with approximately 12.8 MGD being generated within the SBMWD service area. The collection system also conveys the flows of two satellite agencies (Loma Linda - 2.2 MGD and East Valley Water District – 6 MGD) to the Water Reclamation Plant (WRP) and the Rapid Infiltration and Extraction (RIX) Facility for treatment. Figure 1-1 shows the geographic area of the SBMWD service area.

Figure 1-1: SBMWD Service Area





San Bernardino Municipal Water Department Sewer System Management Plan (SSMP)

1.4.1 Summary of Operating Requirements

Table 1-1 summarizes the requirements under which the collection systems operate that are addressed by this SSMP. These requirements are defined by WDR provisions and associated monitoring and reporting requirements. All agencies that own and operate collection systems greater than one mile in length must comply with these requirements.

Table 1-1: Summary of WDR Requirements

Requirement	Description	Applies to
D.3-5, 7	SSO prevention, response, and control	Element 4, Operation and Maintenance Program; Element 6, Overflow Emergency Response Plan; Element 7, FOG Control Program; Element 8, System Evaluation and Capacity Assurance Plan
D.8-9	System operations and maintenance, adequate resource allocation, Appropriate training, knowledge, and abilities	Element 4, Operation and Maintenance Program
D.10	Adequate capacity for base, peak, and wet weather flows	Element 8, System Evaluation and Capacity Assurance Plan
D.11, 13-14	SSMP requirement, content, update and certification	All Elements of SSMP
D.12	Use of qualified professionals for engineering and geological evaluations and judgments	Element 5, Design and Performance Provisions
Monitoring and Reporting Requirements	SSO reporting and notification; water quality monitoring; change log	Element 6, Overflow Emergency Response Plan; Water Quality Monitoring Plan; SSMP Revision Log

1.5. SSMP Overview

This SSMP is in full compliance with the WDR and meets the following WDR objectives:

- a) Properly fund, manage, operate and maintain, with adequately trained staff and/or contractors possessing adequate knowledge, skills, and abilities as demonstrated through a validated certification program at all times, all parts of the collection system owned and/or operated by the discharger.



San Bernardino Municipal Water Department Sewer System Management Plan (SSMP)

- b) Provide adequate capacity to convey base flows and peak flows, including flows during wet weather events, to the minimum design criteria as defined in the discharger's System Evaluation and Capacity Assurance Plan (a required component of the SSMP), for all parts of the collection system owned and/or operated by the discharger.
- c) Take all feasible steps to stop and mitigate the impact of SSOs in the collection system owned and/or operated by the discharger.

The Department achieves the above objectives by implementing a comprehensive sewer infrastructure asset management program that is documented in the following eleven (11) SSMP Chapters:

1. Goal
2. Organization
3. Legal Authority
4. Operation and Maintenance Program
5. Design and Performance Provisions
6. Overflow Emergency Response Plan
7. FOG Control Program
8. System Evaluation and Capacity Assurance Plan
9. Monitoring, Measurement, and Program Modifications
10. SSMP Program Audits
11. Communication Program

This SSMP integrates documentation of numerous collection system management programs into one formal document. These programs are described in greater detail in a variety of documents, which are referenced in this SSMP when appropriate.

References for Further Information

- *City Charter, City of San Bernardino, latest edition adopted by the voters on November 8, 2016*
- *Municipal Code for the City of San Bernardino, latest version, https://sbcity.org/residents/municipal_code.asp*



San Bernardino Municipal Water Department Sewer System Management Plan (SSMP)

Chapter 2 Organization:

2.1. State Regulatory Requirement

The SSMP must identify:

- (a) The name of the responsible or authorized representative as described in Section J of the Waste Discharge Requirement (WDR) ORDER NO. 2022-0103-DWQ. The WDR is included in Appendix B.
- (b) The names and telephone numbers for management, administrative, and maintenance positions responsible for implementing specific measures in the SSMP program. The SSMP must identify lines of authority through an organization chart or similar document with a narrative explanation; and
- (c) The chain of communication for reporting Spills, from receipt of a complaint or other information, including the person responsible for reporting Spills to the State and Regional Water Board and other agencies if applicable (such as County Health Officer, County Environmental Health Agency, Regional Water Board, and/or State Office of Emergency Services).

2.2. Overview

The City of San Bernardino is governed by the Mayor, who serves as the City's chief spokesperson, and 7 part-time Council Members. The Mayor and the City Council appoint the members of the Water Board who in turn provide the necessary funding for the collection system.

The Water Board, a part-time Board serves as the "governing body" for the SBMWD and the City's wastewater collection system. The Board appoints the General Manager, who is responsible for the overall operation of the Department, including the wastewater collection system.

The Department has five Divisions, all of which participate in the various functions of collection system management with some support from the City's Department of Public Works.

2.3. Authorized Representatives

The SBMWD has designated a primary Legally Responsible Official (LRO) pursuant to Section J., REPORT DECLARATION, of the State General WDR (Order No. 2022-0103). The SBMWD has also designated a secondary LRO to serve as a backup LRO in the event the primary LRO is on leave or is otherwise unavailable. Table 2-1 summarizes the names and contact information of the LROs and Data Submitters.



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Table 2-1: LROs and Data Submitters

Primary Legally Responsible Official
Richard H Hyle, Collections System Supervisor 399 Chandler Place, San Bernardino CA 92408 (909) 659-6582 Richard.Hyle@sbmwd.org
Secondary Legally Responsible Official
Jennifer L. Shepardson, Director of Environmental and Regulatory Compliance 399 Chandler Place, San Bernardino CA 92408 (909) 453-6020 Jennifer.Shepardson@sbmwd.org
Data Submitters
Marissa Flores-Acosta, Environmental Supervisor 399 Chandler Place, San Bernardino CA 92408 (909) 453-5358 Marissa.Flores@sbmwd.org



San Bernardino Municipal Water Department Sewer System Management Plan (SSMP)

2.4. Positions Responsible for Specific Measures of the SSMP

2.4.1 Positions Responsible

A list of responsible positions is provided in Table 2-2. They may be reached by dialing (909) 384-5095. The operator will transfer the call to the intended office. Additionally, Appendix F contains the names currently filling each position, and telephone number. Appendix G includes an SSMP Program Implementation organization chart showing the lines of authority for the positions responsible for the management of the collection system and implementation of the SSMP.

Table 2-2: Positions Responsible for the SSMP

Org. Unit	Position	Responsibilities
SBMWD Executive Management	SBMWD General Manager Deputy General Manager Director of Finance Director of Water Reclamation Director of Water Utility Director of Environmental and Regulatory Compliance	<ul style="list-style-type: none"> Final oversight of all programs Leadership of strategic plan, goals
Collection System Section	Collections System Superintendent Collections System Supervisor Administrative Assistant	<ul style="list-style-type: none"> Operation and Maintenance Programs Overflow Emergency Response Monitoring, Measurement and Program Modifications for O&M
Lift Station Maintenance	WR Maintenance Superintendent WR Maintenance Supervisor	<ul style="list-style-type: none"> Operation and Maintenance of the lift stations. Assistance with Overflow Emergency Response
Electrical, Instrumentation and SCADA	Electrical Services Superintendent Electrical/Instrumentation Supervisor SCADA/Instrumentation Supervisor	<ul style="list-style-type: none"> Operation and Maintenance of the lift stations. Operation and Maintenance of the SCADA system.



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Org. Unit	Position	Responsibilities
Environmental and Regulatory Compliance	Environmental Control Officer Environmental Control Technician Environmental Control Assistant Safety Manager Environmental Supervisor	<ul style="list-style-type: none"> Fats-Oils-Grease (FOG) Control Program: permitting, outreach, and inspection Implementation of Legal Authority Prevent illicit discharges Safety and Training Programs Compliance evaluation and reporting
Financial Services Division	Director of Finance Principal Accountant Purchasing Supervisor Fleet Supervisor	<ul style="list-style-type: none"> Budget and Financial Support for Capital Improvement and O&M Programs Sewer Collection Charge Administration Contracts with Satellite Agencies Purchasing and warehouse services Fleet Maintenance
Customer Service and Information Technology Sections	Administrative Services Manager Customer Service Supervisor Customer Service Representatives Information Technology Manager Senior Network Analyst Senior Business System Support Analyst	<ul style="list-style-type: none"> Customer Relations Customer Service Requests Billing/Collections Communication Program Support of operation information management systems (monitoring technologies, SCADA, etc.) Administration and support of information management systems.



San Bernardino Municipal Water Department Sewer System Management Plan (SSMP)

Org. Unit	Position	Responsibilities
Engineering Services Section	Engineering Manager Construction Services Manager Principal Engineer GIS Manager Development Services Manager	<ul style="list-style-type: none"> System Evaluation and Capacity Assurance Plan Monitoring, Measurement and Program Modifications for Capital Improvements GIS and Mapping Design and Performance Provisions Sewer Rehab/Replacement Planning, Design, Bid & Award Utility Connection permitting and Review
City of San Bernardino Department of Community & Economic Development	Director Building and Safety Manager Building Inspectors	<ul style="list-style-type: none"> Uniform Plumbing Code enforcement SB Municipal Code Sewer Ordinance enforcement for work on private properties
City of San Bernardino Department of Public Works	Director of Public Works Deputy Director/City Engineer NPDES Coordinator	<ul style="list-style-type: none"> Permitting in the Public ROW enforcement Encroachment Permits MS4 NPDES Enforcement

2.5. SPILL Reporting Chain of Communication

The Department has established procedures that provide for effective notification of each Category of SSOs through a clear, step-by-step method, as described further in *Chapter 6 Overflow Emergency Response Plan* and the associated *Sanitary Sewer Overflow Response and Reporting Procedures*. The policies and procedures for SSO reporting are reviewed and updated at appropriate intervals to ensure that they remain current and in full compliance with all regulatory and legal requirements. These reporting procedures are described in Chapter 6: *Overflow Emergency Response Plan* and included in Appendix H.

References for Further Information

- Sanitary Sewer Overflow Response and Reporting Procedures, latest version*



Chapter 3 Legal Authority

3.1. State Regulatory Requirement

Each Enrollee must demonstrate, through sanitary sewer system use ordinances, service agreements, or other legally binding procedures, that it possesses the necessary legal authority to:

- (a) Prevent illicit discharges into its sanitary sewer system (examples may include infiltration/inflow (I/I) of storm water, chemical dumping, unauthorized debris and cut roots, etc.)
- (b) Require that sewers and connections be properly designed and constructed;
- (c) Ensure access for maintenance, inspection, or repairs for portions of the lateral owned or maintained by the Public Agency;
- (d) Limit the discharge of FOG and other debris that may cause blockages, and;
- (e) Enforce any violation of its sewer ordinances.

3.2. Legal Authority Description for Wastewater Collection System

The California State Constitution provides in Article 11, Section 7 that “A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.” The City of San Bernardino Charter, **Section 101 - Powers of the City** states that “The City shall have all powers possible for a city to have under the constitution and laws of the State of California as fully and completely as though they were specifically enumerated in this Charter.

The City of San Bernardino Charter **Section 603 - Water and Wastewater** establishes that a Water Board of five (5) Commissioners shall be appointed by a vote of the Mayor and entire Council, as provided in Section 304(b). The Board shall have the following powers and responsibilities:

- (a) Be responsible to oversee and manage the City’s water supply, recycled water, wastewater collection and treatment (“Water and Wastewater Systems”) functions in accordance with State law.
- (b) Employ such persons, including a general manager, as may be needed for proper administration of the City’s Water and Wastewater Systems.
- (c) Set and collect all rates, fees and charges for operation of the Water and Wastewater Systems.
- (d) Allocate all receipts and expenditures to separate, independent, Water and Sewer Funds in accordance with State law.



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- (e) Provide for an annual, independent audit of all water and wastewater accounts, and may provide for more frequent audits as it deems necessary. Copies of all auditors' reports shall be filed with the City Clerk and Council.
- (f) Compensate members of the Water Board in accordance with actions of the Water Board following public hearing.
- (g) Collaborate with the Council, Mayor and City Manager concerning the City's Water and Wastewater Systems. In this regard, the Council shall take such actions as may be appropriate to enforce rules and regulations of the Board.
- (h) Establish and periodically review and revise such rules and regulations as may be appropriate for managing the City's Water and Wastewater Systems.

More specifically, the City possesses the necessary legal authority to meet the WDRs through the City of San Bernardino Municipal Code (SBMC). Table 3-1 summarizes these authorities and relates them to elements of the SSMP that are impacted or utilize these authorities. Specific legal authorities are described in more detail in the elements that follow.

Table 3-1: Legal Authorities Summary

Requirement	Reference in Municipal Code	Related SSMP Element
PREVENT ILLICIT DISCHARGES		
Prevent illicit discharges into the wastewater collection system	Sec 13.32.305	N/A
Limit the discharge of FOG and other debris that may cause blockages	Sec 13.32.305 Sec 13.32.320 Sec 13.32.325	7. FOG Control Program
Control infiltration and inflow (I/I) from private service laterals	Sec 13.08.010 Sec 13.08.090 Sec 13.32.305 Sec 13.32.710 Sec 15.04.020 (CA Plumbing Code)	8. System Evaluation and Capacity Assurance Plan
PROPER DESIGN AND CONSTRUCTION		
Require that sewers and connection be properly designed and constructed	Sec 13.08.010 Sec 13.08.090 Sec 13.32.500 Sec 13.32.710 Sec 13.32.715 Sec 15.04.020 (CA Plumbing Code)	5. Design and Performance Provisions



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ACCESS TO LATERALS		
Ensure access for maintenance, inspection, or repairs for portions of the service lateral owned or maintained by the Agency	The City does not own or maintain any portion of the lateral.	4. Operation and Maintenance Program
FOG SOURCE CONTROL		
Requirements to install grease removal devices (such as interceptors)	Sec. 13.32.420 Sec. 13.32.435	7. FOG Control Program
Design standards for the grease removal devices	Sec. 13.32.415 Sec. 13.32.425 Sec. 13.32.435	7. FOG Control Program 5. Design and Performance Provisions
Maintenance requirements, BMP requirements, record keeping and reporting requirements for grease removal devices	Sec. 13.32.445	7. FOG Control Program
Authority to inspect grease producing facilities	Sec. 13.32.210	7. FOG Control Program
ENFORCEMENT		
Enforce any violations of its sewer ordinances	Sec. 13.32.110 Sec. 13.32.210	7. FOG Control Program 5. Design and Performance Provisions

3.2.1 Authority to Prevent Illicit Industrial Waste Discharges into the Collection System

The SBMWD implements the industrial waste pretreatment requirements set forth in the United States Environmental Protection Agency’s Standard Pretreatment Implementation Requirements for Municipal NPDES Permits (40 CFR Section 403.8) in the manner specified in the SBMC, Section 13.32, as more specifically described herein. The pretreatment standards are applied to individual industrial users through Industrial Wastewater Permits issued to the users, which specify the limits at which an industrial user may discharge to the public system for things like FOG, which are prohibited.

The SBMC Section 13.32 provides the legal authority to implement provisions specified under Part 40 CFR Section 403.8(f)(1), which provides the basis for each procedure under 40 CFR Section 403.8(f)(2), as follows:

“Purpose and Policy - The SBMWD, pursuant to SBMC Section 13.32, commonly referred to as the Industrial Waste Control Ordinance (Ordinance) regulates industrial wastewater discharges into the Publicly Owned Treatment Works (POTW). Section



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13.32.105 sets forth the objectives of the Ordinance. The objectives are met through a permit and inspection program administered under the jurisdiction of the Water Board to ensure compliance with all applicable State and Federal laws. The Director under the jurisdiction of the Board is given the authority to administer, implement and enforce the provisions of the Ordinance. The Ordinance gives the Director the power, jurisdiction, and supervision over places of discharge of wastewater into the POTW, necessary to adequately enforce and administer all applicable State and Federal laws. Section 13.32.105 (b) states "This Section shall apply to all users of the WRP".

The Department's Industrial User Permit is the control mechanism employed in applying pretreatment standards to industrial users: Section 13.32.105 of the SBMC provides for the regulation of dischargers to the Publicly Owned Treatment Works (POTW) through the issuance of Industrial User Permits containing specific discharge requirements and through enforcement of general discharge prohibitions. It also authorizes monitoring and enforcement activities, imposes reporting requirements on specific permittees, and sets fees for the recovery of program costs.

The SBMC Section 13.32.120 states *"It shall be unlawful for any user to commence, significantly increase, or substantially change the quantity or quality of wastewater discharged to the WRP without the express written consent of the Director."*

Section 13.32.505 (B) states: *"After receiving the completed application and all required support information, the Director shall evaluate the application and information furnished by the applicant and either issue an industrial user permit subject to the terms and conditions provided in Chapter 13.32, suspend the issuance of the permit or disapprove the application pursuant to Subsection F of this Section. The Director shall issue the permit, if the Director believes that sufficient and accurate information has been provided by the applicant in the permit application and the Director finds that all of the following conditions are met:*

- 1. The proposed discharge of the applicant is in compliance with the prohibitions and limitations of Chapter 13.32;*
- 2. The proposed operation and discharge of the applicant would not interfere with the normal and efficient operation of the WRP;*
- 3. The proposed operation and discharge of the applicant shall not result in a violation by the SBMWD of the terms and conditions of its NPDES permit or cause a pass through of any toxic materials to the WRP; and*
- 4. The applicant has paid all applicable industrial user permit fees."*

The SBMC Section 13.32.350 specifies conditions on the Industrial User Permits that require compliance with applicable pretreatment standards and requirements by industrial users. Industrial Wastewater Permits incorporate pretreatment standard limitations based on such standards and requirements. It provides that upon the promulgation of mandatory National Categorical Pretreatment Standards (NCPS) for any industrial category, the NCPS, if more restrictive than limitations otherwise imposed



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under the Ordinance, shall apply, and that a discharger shall comply with applicable NCPS as set forth in 40 CFR Chapter I, Subchapter N. All other general pretreatment standards and prohibitions and local limits developed to implement the general and specific standards are included as permit conditions.

3.2.2 Discharges from Tributary Agencies

The Department provides sewer conveyance and treatment services to residents and businesses within the City of San Bernardino, City of Loma Linda, and the East Valley Water District. The Department has several Interagency Sewer Use agreements and Interagency Sewer Maintenance agreements. These interagency agreements, singly or in combination as applicable to the satellite collection system, ensures that those systems maintain the same levels and standards of discharge of wastewater indirectly to the Department-operated sewer systems as those who are direct dischargers.

The following public agencies have one or more interagency agreements with the Department:

- City of Loma Linda
- East Valley Water District

Appendix E contains the agency name and up-to-date interagency agreement(s) names.

3.2.3 Prevention of Illicit Discharge and Infiltration/Inflow

The SBMC Section 13.32.305 (H) prohibits the discharge of any storm water, groundwater, well water, street drainage, subsurface drainage, roof drainage, yard drainage or runoff from any field, driveway or street to the collection system. This includes connections of storm drains, downspouts, area drains, storm sewer connections and other sources that could contribute infiltration and/or inflow to the public system, either directly or through lateral connections. The SBMC also provides for the inspection of new and rehabilitated private sewer laterals and mainline sewers to ensure that installation meets the Department's performance standards and prevent infiltration. Additionally, the California Uniform Plumbing Code prohibit the connection of storm water or surface water drains to sanitary sewers.

3.3. Authority to Require Proper Design and Construction of Sewers

SBMC Title 13 – Public Utilities and Title 15 – Building and Construction codifies the City's policy for the design and construction of sewers and connections. The SBMC requires that all sewers constructed in the City comply with the Department's standard plans, specifications, policies and practices. These standards are continuously updated to incorporate new materials and construction methods to ensure that the completed installations meet construction and performance standards. Service connections must be designed and constructed to meet the California Plumbing Code. The Department enforces construction and performance standards for projects in the public right-of way. *Chapter 5 Design and Performance Provisions* provides more detail on the Department's



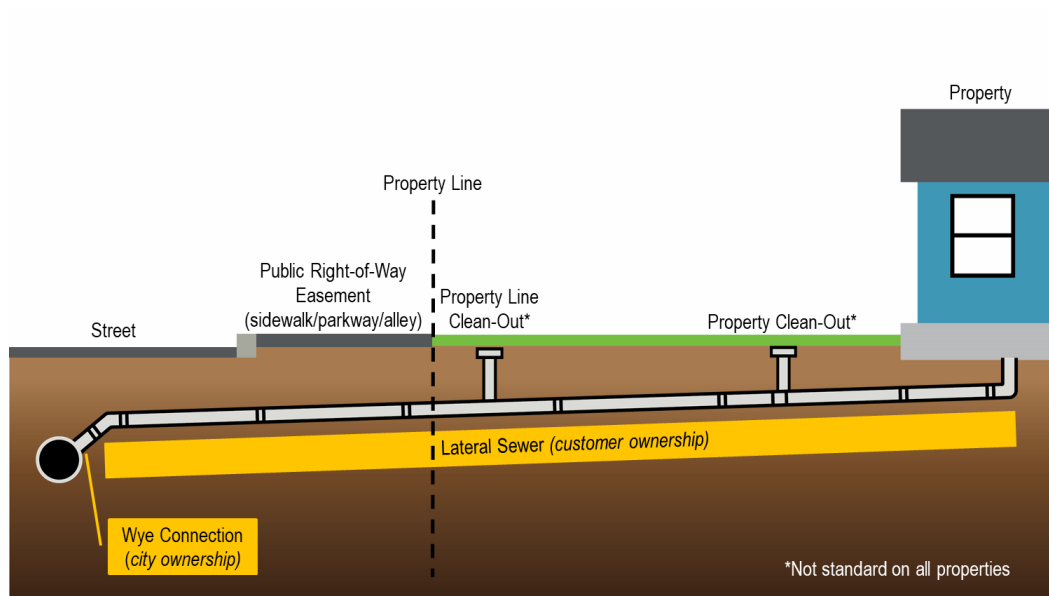
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standards and specifications.

3.4. Authority to Ensure Access to Publicly Owned Portion of the Lateral

The SBMWD does not own or maintain private lateral sewer lines. Property owners are responsible for proper installation, operation, and maintenance of laterals (the pipe that connects from the building to the sewer main) and clean-outs (which provide access to clean and repair the pipe from the building to the main). This includes laterals on the City-owned easements. The Department owns the wye connection to the public sewer main line (which connects the lateral to the main line). Property owners are required to obtain permits from the City's Department of Community and Economic Development for work on private properties and both the Department of Public Works and SBMWD for work in the public right-of-way.

Figure 3-1: Schematic of City- vs. Privately-Owned Sewer Components





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3.5. Authority to Limit the Discharge of FOG and other Debris

SBMC Chapter 13.32.305 (A) states:

“Except as hereinafter provided, no person or user shall discharge or cause to be discharged into the POTW, or any opening, sump, tank, clarifier, piping or waste treatment system, which drains or flows into the POTW, any of the following: Any earth, sand, rocks, ashes, cinders, spent lime, stone, stone cutting dust, gravel, plaster, concrete, glass, metal filings, or metal or plastic objects, garbage, grease, viscera, paunch manure, bones, hair, hides, or fleshings, whole blood, feathers, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing fuel or lubrication oil and similar substances, or solid, semi-solid or viscous material in quantities or volume which will obstruct the flow of sewage in the collection system or any object which will cause clogging of a sewer or sewage lift pump, or interfere with the normal operation of the POTW.”

The SBMC also states that *“No user that owns, operates, or maintains a restaurant facility shall discharge wastewater to the POTW without first complying with all oil/grease interceptor requirements specified by the Director. Such restaurant users shall complete and submit a Class III Restaurant User Permit Application to the Director for review of oil/ grease interceptor requirements.”* Certain exceptions for grease interceptors are made based on an FSE’s size and type of food product; these FSEs are required to install a grease trap. These Condition Waivers are granted by Director. Similarly, Environmental Control Staff certify the types of equipment that may be installed using guidelines from the California Uniform Plumbing Code.

The Industrial User Permit applies to FSEs to control the introduction of FOG into POTW. Section 13.32.520 specifies the maximum duration of Industrial Wastewater Permits is three years. Section 13.32.540 prohibits the transfer of permits. The SBMC specifies that any discharger may be required by the Director, by permit or otherwise, to engage in periodic monitoring and sampling of its discharge. Chapter 13.32.510 specifies that the Director shall have authority to impose permit conditions including limits regarding the discharge of specific pollutants, requirements, which may include specific sampling locations, frequency of sampling, times of sampling, number, types, test standards and reporting schedules, for monitoring programs, and requirements for maintaining and affording SBMWD staff access to plant records relating to discharges, including hauled waste records and manifests.

SBMC Chapter 13.32.630 requires the development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements. Chapter 13.32.110 specifies that the Director may require all industrial users to install pretreatment systems, upgrade existing pretreatment systems and/or install additional pretreatment systems, implement BMPs, and any other conditions deemed appropriate to achieve the objectives of the Ordinance. Chapter 13.32.220 requires industrial users to submit reports necessary to assess and assure compliance.



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3.6. Authority to Enforce Violations of Sewer Ordinances

SBMC Chapter 13.32.210 provides the authority to carry out all inspection, surveillance, and monitoring procedures necessary to make a determination on compliance or noncompliance by industrial users and FSEs with applicable pretreatment standards and requirements, independent of information supplied by industrial users. The SBMC gives the Director the power, jurisdiction, and supervision over places of discharge of wastewater into the POTW, necessary to adequately enforce and administer all applicable State and Federal laws. Chapter 13.32 specifies that whenever it is necessary to make an inspection to enforce any of the provisions of, or perform any duty imposed by this section or other applicable law, or whenever the Director has reasonable cause to believe that there exists upon any premises any violation of the provisions of this section or other applicable law, or any condition which makes such premises hazardous, unsafe, or dangerous, the Director or his/her designee is authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the Director or his/her designee by this section or other applicable law.

The SBMWD ensures industrial user compliance with pretreatment standards, requirements, and conditions of the permit by taking administrative enforcement actions consistent with the SBMWD's Enforcement Response Plan (ERP) in the event of noncompliance, included as Appendix I. The enforcement procedures described in the ERP have established criteria and other considerations for responding to violations of pretreatment regulations and discharge standards in a consistent and timely manner. The procedures provide a range of enforcement responses with the objectives of regulating industrial users to achieve and maintain consistent compliance and subjecting repeat offenders to escalated enforcement actions in a timely manner. The types of escalated enforcement actions can range from notices of violation and administrative orders to suspension of discharge privileges, permit revocation, water or utility service termination, and/or City Attorney referral for filing of civil/criminal charges. The Department reviews and updates its ERP periodically to ensure that it accurately reflects modifications to its authority and describes current operating practices.

References for Further Information

- *City of San Bernardino Municipal Code*
- *City of San Bernardino Municipal Water Department Enforcement Response Plan*



Chapter 4 Operation and Maintenance Program

4.1. State Regulatory Requirement

The SSMP must include those elements listed below that are appropriate and applicable to the Enrollee's system:

- (a) Maintain an up-to-date map of the sanitary sewer system, showing all gravity line segments and manholes, lift stations, pressure pipes and valves, and applicable stormwater conveyance facilities;
- (b) Describe routine preventative operation and maintenance activities by staff and contractors, including a system for scheduling regular maintenance and cleaning of the sanitary sewers system with more frequent cleaning and maintenance targeted at known problem areas. The Preventative Maintenance Program should have a system to document scheduled and conducted activities, such as work orders;
- (c) Develop a rehabilitation and replacement plan to identify and prioritize system deficiencies and implement short-term and long-term rehabilitation actions to address each deficiency. The program should include regular visual and TV inspections of manholes and sewer pipes, and a system for ranking the condition of sewer pipes and scheduling rehabilitation. Rehabilitation and replacement should focus on sewer pipes that are at risk of collapse or prone to more frequent blockages due to pipe defects. Finally, the rehabilitation and replacement plan should include a Capital Improvement Plan that addresses proper management and protection of the infrastructure assets. The plan shall include a time schedule for implementing the short- and long-term plans plus a schedule for developing the funds needed for the Capital Improvement Plan;
- (d) Provide training on a regular basis for staff in sanitary sewer operations and maintenance, and require contractors to be appropriately trained; and
- (e) Provide equipment and replacement part inventories, including identification of critical replacement parts.

4.2. Up-To-Date Map of the Collection System

The City of San Bernardino maintains separate sanitary sewer and storm drain systems. Plans for the sanitary sewer system are in the process of being digitized for incorporation into the SBMWD GIS database. The Department has separate mapping layers for gravity and pressurized sewer pipelines, maintenance access holes, sewer laterals, and stormwater pipelines. The Department has also mapped lift stations and water utility assets. Field Mapplet is also used in the field for locating pipelines, maintenance holes, service connections, and other features of the Department's sanitary sewer systems. For operation and maintenance, customized GIS datasets



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and other information layers are used in work prioritization and other decision-making processes. The GIS datasets are used in multiple tasks ranging from pipe cleaning, to root control, condition assessment, and hydrodynamic sewer modeling. Figure 4-1 shows a section of the Department’s sewer system, represented in the mapping database. The map contains different asset types in the system, including primary and secondary gravity mains, maintenance holes, and sewer grid delineations.

Figure 4-1: Sanitary Sewer Map (example)



4.2.1 GIS Maintenance Process

The Department’s maps are routinely updated to include new and rehabilitated sanitary sewers, as well as the addition of any new developments or tracts. Contractors and Developers are required to provide as-builts of new and rehabilitated assets, as well as corresponding asset attribute information. The Development



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Services Group provides this as-built information to the GIS Mapping Group as part of the acceptance and close-out process. The Mapping Group then enters this information into the GIS database. A project cannot be closed until the Engineering Section has acknowledged that all the necessary information has been received. This includes a process to document the rehabilitation of an existing pipe segment. The rehabilitation material and date are stored in GIS along with the host pipe segment original installation date and material.

The GIS database is also updated to correct inconsistencies between the maps and conditions in the field on an on-going basis. SBMWD maintenance crews, planning and design staff, and contractors may find errors in GIS maps that do not reflect what is found in the field. These errors are reported through several methods including Redline images in Field Mapplet or work order notes and may include a sketch or photograph. This information is then sent to the GIS Group for correction. If there is a considerable difference between what is shown in the maps and found in the field, the GIS Group may accompany collection system staff to perform a field survey. Typically, these changes are made within a few weeks, however they can be expedited as needed.

4.3. Preventative Maintenance Program

The Department operates and maintains the wastewater collection system for the City of San Bernardino, serving a population of over two hundred thousand within a 55 square mile service area. It consists of approximately 467 miles of sewers, 8,000 maintenance holes, and 15 lift stations. In addition, there are about 47,000 privately owned sewer laterals with an estimated total length of 450 miles. Laterals are owned and maintained by private property owners.

The Department also provides wastewater conveyance and treatment services to two satellite collection systems under contractual agreements, as listed in Appendix E, but is not responsible for management of these satellite collection systems.

To effectively manage the system, maintenance crews are dispatched from the WRP to locations located throughout the city. Through proper scheduling and routing of assignments, travel time is minimized, and crews are able to maximize the efficiency of preventive, and corrective maintenance activities. The preventative maintenance program is largely carried out by Department staff through the following programs:

- Sewer Cleaning
- Root Control
- Odor, Roach, and Pest Control
- Maintenance Hole Raising
- Lift Station Maintenance
- Emergency Repairs



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For each program, tasks and their frequency are determined based on operation and maintenance experience, past performance of an asset or area of the system, manufacturer's recommendations, and site-specific conditions. A Superintendent is assigned to each program, and they are responsible for developing an annual schedule for the work to be performed, updating the schedule to accommodate new needs, and monitoring the performance of the program. To do this, each Superintendent uses a program-specific database to track assets included in the program. Scheduled and completed tasks are catalogued and tracked by work orders in the three separate maintenance management systems: Maximo, iWorQ, or Field Mapplet. Field Mapplet also houses asset level performance information, which is used by the Collections System Superintendent to determine asset-specific maintenance frequencies. The maintenance program includes preventive, proactive, predictive, and corrective maintenance; maintenance engineering; and quality control, with a focus on the most critical or problematic areas of the system. Problem sewers are identified, prioritized and scheduled for maintenance based on comprehensive review of the maintenance history and system characteristics including overflows, blockages, excessive maintenance, potential root intrusion, pipe slope, and sewer condition.

The Department uses NaviLine software to track warehouse parts and streamline maintenance-related purchases. The Department uses Field Mapplet to provide field employees with an interface to GIS-based maintenance data. Field Mapplet greatly reduces the amount of paperwork required to collect closure data for work orders. Work orders are closed in the field, thus reducing data entry by clerks and supervisors. GIS integration ties collection system assets to actual field locations, searchable by street address or intersection. Real-time access to data in the field is currently not available to crews but is under consideration.

The primary means for preventing SSOs through system maintenance are regular cleaning, which includes cleaning due to FOG build-up, debris accumulation and root intrusion.

4.3.1 Scheduled System Cleaning

The Department utilizes Combination Sewer Cleaners to clean sanitary sewer mains of various types of debris that may impede flow or cause an overflow. The Department's sanitary sewers are classified into two groups: primary sewers (greater than 15 inches in diameter) and secondary sewers (15 inches or smaller in diameter). Both primary sewers and secondary sewers are divided into grids along geographical boundaries.

Both primary and secondary sewers are cleaned on a frequency that is determined primarily by its performance history and previous cleaning findings. Pipe segments with a history of overflow are cleaned more frequently than others. Any pipe that has had an overflow is inspected using CCTV to identify any necessary repairs or special maintenance needs as soon as possible, usually within 48 hours after the initial occurrence of an overflow. Additionally, during cleaning, findings are collected as to



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the type and severity of debris removed during cleaning. The cleaning findings are reviewed periodically to analyze maintenance history to optimize and modify the maintenance approach and cleaning frequency.

Overflows caused by FOG-related blockages are monitored to identify locations and determine cleaning frequency. Cleaning frequency is increased for sewers with repeated FOG-related blockages or overflows. Additionally, the Department's Environmental Control Section is notified whenever a FOG-related SSO has occurred, so that they may perform inspections of all FSEs adjacent to the event. These measures help to reduce future occurrences of SSOs in the same area.

Additionally, flow monitoring, CCTV inspection records, GIS SSO layers, and pipe attribute information are reviewed to identify performance deficiencies. High d/D (flow depth to pipe diameter levels) or operational failure (SSO history) trigger further reviews to determine cause and take immediate or accelerated corrective actions, which may include cleaning. Priorities and schedules are set based on the severity of the problem.

In addition to the preventive maintenance, the Department's Sewer Collections System Section has implemented a proactive maintenance program where "non-problem" sewers are scheduled for maintenance and cleaning, but on a less frequent basis than pipes with a history of problems. All "non-problem" pipes that are 15 inches or less in diameter are cleaned on a two-year cycle; pipes that are 16-30 inches are cleaned on a 5 to 6-year cycle; pipes greater than 30 inches are cleaned as needed. Proactive maintenance of secondary sewers is performed on a grid by grid basis.

A master schedule for sewer cleaning that includes all pipes is maintained for the system and is developed on an annual basis. This schedule is used for resource planning and to equally distribute the work within each maintenance area. The schedule is updated on a month-to-month basis to accommodate pipes that must be put on a more frequent cleaning schedule.

The Department has implemented a sewer cleaning quality control/quality assurance program designed to examine the effectiveness of cleaning. After cleaning a sewer, sample pipes are inspected by CCTV to ensure that cleaning has restored the flow area of the sewer to at least 95 percent of the pipe diameter. Any sewer that fails the inspection is re-cleaned and the crew is retrained on the proper cleaning procedures.

The Department has historically conducted maintenance hole inspections when visually checking for flow obstructions at maintenance holes. However, this program was finding very few blockages, so all resources have been assigned to the cleaning program. Currently, crews will create a referral for any maintenance hole in need of repair, and maintenance holes that have caused odor problems are sealed.



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4.3.2 Root Control

In addition to the Department's sanitary sewer cleaning program, crews are assigned to root removal activities. A schedule for root removal has been developed and the overall effectiveness is being closely monitored through SSO history, actual conditions identified by field staff and CCTV inspections. This program is relatively new and depending on the data gathered, sanitary sewers that are prone to tree root intrusion may be treated for root control in the future using environmentally safe chemicals.

4.3.3 Odor, Roach and Pest Control

The Department tracks and monitors the odor, roach, and pest complaints that are received throughout the system. Each complaint received is investigated and added to a database tracking all complaints. The appropriate remediation measure is determined by looking systematically at each area. Remediation measures include:

- Sewer cleaning;
- Sealing of maintenance holes;
- Pesticide treatment of maintenance holes.

4.3.4 Maintenance Hole Raising

The Department operates a Maintenance Hole Raising program to ensure that all pipe segments of the system are accessible for maintenance renewal activities. Work is identified by crews and contractors, who can report a paved-over maintenance hole, and during inspections following street paving and repair projects. Maintenance holes requiring raising are added to a master schedule and addressed based on immediacy of need and pipe segment criticality.

4.3.5 Lift Station Maintenance

The Department has 15 sanitary sewage lift stations, three are located at or adjacent to the WRP, while the remaining 12 are located throughout the service area. A total of six plants have either backup power or an engine-driven pump on-site and all of the others have a quick connection receptacle for a portable generator. All the Department's 15 sanitary sewage lift stations have some form of remote alarm monitoring. The largest three plants have a telemetry system that is incorporated into the WRP SCADA system. The other 12 locations have auto-dialers that are utilized to ensure alarms are acknowledged in a timely manner. The WRP serves as the main center for alarm monitoring of all lift stations. The Department is in the process of developing a Sewer Master Plan, which will include the lift stations.

As a part of the routine preventive maintenance program, mechanical maintenance staff conducts scheduled preventive maintenance inspections of all lift stations. On the average, each station is visited for inspection/maintenance at least twice weekly by



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mechanical crews. The crews perform facility inspections, equipment testing, pump flow monitoring, and check run times. Any repairs that can be made at this time are completed by the crews. Any other required maintenance is scheduled using the work order system.

4.3.6 Work Order Scheduling and Tracking

Currently, only the sanitary sewer system has a master schedule that tracks all scheduled work in a separate database. The master schedule is migrated to Field Mapplet monthly so that crew activities may be scheduled via work orders. Once the work has been performed, all pertinent information is entered into Field Mapplet, and the sanitary sewer system master database is updated with any findings that would impact future scheduling and need. The master schedule is developed on an annual basis so that adequate resources are available to perform the work. The annual schedule is updated throughout the year to account for new work.

4.4. Repair, Rehabilitation and Replacement Planning

The Department is currently updating the previous Sewer Master Plan for the wastewater collection system. The Sewer Master Plan is being updated to reflect changes in the system, establish a new baseline condition assessment and to develop a plan to guide the future operation and maintenance of the wastewater collection system. The project has several key objectives and is scheduled to be completed in late 2019.

The key objectives are to:

- 1) Assess the condition of the collection system.
- 2) Identify existing hydraulic deficiencies and pipeline problems.
- 3) Project future demands.
- 4) Identify needed improvements to accommodate future growth.
- 5) Facilitate an orderly and planned expansion of the collection system to accommodate future growth as well as correct existing system deficiencies.

The scope of this project includes the following tasks:

- 1) Update the GIS sewer data to the correct spatial reference and incorporating new facilities known to the SBMWD.
- 2) Update the current sewer collection system inventory.
- 3) Create a new sewer model using Innovyze software.
- 4) Evaluate the condition of existing siphons and lift stations.



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- 5) Identify existing and future hydraulic deficiencies.
- 6) Perform a CCTV inspection of all pipes 12 inches or greater in diameter.
- 7) Integrate the CCTV inspection reports and videos into the existing GIS system.
- 8) Prepare a final priority list of repairs, upgrades and replacements necessary for the sewer collection system to meet all current and future demands.

4.4.1 Condition Assessment

While the Department has been performing CCTV inspections for several years, the updated Sewer Master Plan will establish the baseline condition of the sanitary sewer collection system. Upon completion of the Sewer Master Plan, an improved Condition Assessment Program will be implemented whereby the Department will conduct comprehensive and systematic inspections and assessments of all components of its collection system on a regular basis. The Condition Assessment Program will include CCTV, visual inspections, hydraulic assessments, assessment of operating history, system performance, and analysis and projection of performance based on asset attributes. Any deficiencies that are identified or improvements required will be included in the Department's Capital Improvement Plan.

4.4.2 Remediation Planning

An outcome of the Sewer Master Plan process is the identification of preliminary recommendations for condition remediation. The Department will decide between near-term condition remediation actions (e.g., one or more spot repairs) or longer-term condition remediation actions such as rehabilitation or replacement. Consultant staff will then apply average unit costs to these preliminary remediation actions to forecast capital costs associated with the Sewer Master Plan. The Finance Division places these costs estimates into the capital plan and uses these to project funding needs.

4.4.3 Immediate and Near-Term Renewal Needs

All pipes are rated according to National Association of Sewer Service Companies (NASSCO) Pipeline Assessment Certification Program (PACP) standards. A collapsed condition finding indicates that a pipe failure has already occurred or there is a full flow obstruction. These conditions are considered, and any necessary repairs are initiated for sewers that have either failed or are at extreme risk of failure. In these cases, the Department will bypass the usual capital improvement planning process to expedite the necessary repairs. The Department maintains a list of Emergency On-Call Contractors that are required to respond to emergencies within 24 hours. Sanitary



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Sewers with Condition 4 or 5 defects that are deemed not to be an emergency may require monitoring and/or near-term rehabilitation and, if remediation is needed in the near-term, will be included in the Capital Improvement Plan for planning, design and construction. More frequent inspections are conducted at locations with known problems to avoid emergency situations. Some at-risk pipes are scheduled for routine CCTV inspections as frequently as once per year, especially if a capital project is pending. In addition, follow-up CCTV inspections are conducted at overflow locations usually within 48 hours of overflow occurrence to determine the root cause of the overflow and identify the extent of necessary repairs or any special maintenance needs. The inspection schedule will be used to build the long-term renewal plan for the collection system.

4.4.4 Long Term Condition Monitoring and Renewal Planning

In addition to supporting identification of immediate and near-term rehabilitation and renewal needs, the Condition Rating will be used to prioritize long-term condition monitoring and renewal needs. The condition ratings will trigger a follow-up action that includes either rehabilitation within a certain time frame or a follow-up inspection. Rehabilitation projects will be developed and scheduled for implementation on a prioritized basis with other identified needs. Sanitary sewers that are in excellent to good condition will be scheduled for continued inspections and monitoring on a regular frequency, which is dictated by the grid prioritization and inspection schedule. Sanitary sewers that are considered to be in fair condition will be scheduled for follow-up inspections every five to seven years until condition remediation addresses the issues identified.

A major component of the Sewer Master Plan is to develop a process where rehabilitation and replacement projects will be developed and included in the Capital Improvement Plan for pipes requiring condition remediation within the 10-year planning horizon and that are not at imminent risk of failure. Remediation planning will be performed for all pipes within a specific geographic area and packaged together into a basin plan. Pipes within a sewer basin are to be selected for remediation based on the condition rating and the number and severity of structural defects. The Department has implemented InfoMaster, an asset management software designed to support sewer rehabilitation and replacement decision-making. Condition remediation decisions identified as a result of this review are combined and coordinated with pipe segments selected for capacity remediation.

The Capital Improvement Plan for FY 19/20, included as Appendix J, is prepared annually and covers a 5-year period. This annual report contains a planned expenditure summary for identified projects, projects description, and a 5-year project expenditure plan. Detailed project plans are developed and implemented when they are scheduled for implementation. Projects in the Capital Improvement Plan are prioritized using a risk rating framework. Projects receiving the highest score are prioritized first, and any projects that do not get funded in the current year CIP are monitored on a regular basis.



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4.5. Staff Training Program

Department staff are trained in a number of functions related to wastewater system management including safety, equipment operation and standard operating procedures (SOPs), overflow response and mitigation, emergency management, cross-training, and professional development for wastewater professionals (certifications). Training is provided in both a classroom setting, and through on-the-job, hands-on training. Training is facilitated by both Department staff and through vendors. New training courses are added, and existing courses are modified to stay current with the rapidly changing technology and requirements, including computer-aided and online training. Training records are maintained in a training information management system, used to monitor completed classes and to schedule employee training on appropriate frequencies to keep skills current and meet certification requirements. Table 4-1 summarizes the training program.

The Department identifies training needs for staff development in its annual budget and provides adequate funding for certification and possible tuition reimbursement. Contractors are required to demonstrate proficiency in meeting the Department’s standards and specifications, and for eliminating construction-related overflows.

Table 4-1: Summary of Training Program

Training Type	Description	Recurrence
Safety	Safety training is an integral part of the Department’s training program. Every staff member receives formal classroom training on important safety topics as applicable for their job requirements. For example, confined space entry and hazardous materials management as required by regulations. Crews are not allowed to begin work until they have demonstrated proficiency in a task. Ad hoc training on a variety of topics is performed via “tailgates” with staff. Topics range from hands free cell phone requirements, to hearing protection, to power tool safety, to operation of various types of heavy equipment and Heat Illness Prevention.	On-boarding for new employees, scheduled weekly tailgates refreshers, etc.
Equipment	Crews are initially trained in the proper operation and maintenance of all new major mobile equipment and facilities by the contractor/manufacturer. Written operation and maintenance manuals are used as resource material for initial start-up training as well as new staff training.	As needed
SOPs	On-the-job and classroom training for standard operating procedures is provided for the Collections System crews.	Annual
Overflow Response	All crews responsible for responding to overflows receive training on response and reporting protocols, and volume estimation methods. Re-training is provided when significant updates to standard procedures are made. Tailgate and tabletop exercises for major/regional events are held periodically.	On-boarding for new employees, annually for all staff



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Emergency Management	Safety and Training prepares employees to respond to major emergencies and disasters and has established an operation center and emergency response teams.	Annual
Technology	Information Systems staff visits field staff to perform training for new hires and for all staff when major updates occur. Training documents have been developed and are available for staff through supervisors.	Roll-out and major updates (as needed)
Cross-Training	On-the-Job cross training is actively pursued to ensure that staff has a proficient working knowledge of their tasks and subtasks. Staff is cross-trained so that critical tasks can be performed without interruption when assigned crew members are not available.	As needed
Certifications/ Professional Development	All Collections System Workers must be certified at a minimum Grade 1 by the California Water Environment Association for collection system maintenance within 12 months of hire. Studying is done on the employee's time, although the Department may provide seminars and internal training to assist with certification testing preparation.	On-going continuing education credits continued training to advance
FOG Inspection	<p>The training program consists of mainly on-the -job training with an experienced Environmental Control Technician providing new technicians with specific skills and knowledge necessary for their duties.</p> <p>To stay current and highly proficient, staff routinely attends seminars and presents information at specialty conferences.</p> <p>In order to ensure a complete and thorough inspection of an FSE, Standard Operating Procedures (SOPs) have been developed to guide Environmental Control staff through inspection process in a systematic fashion.</p>	As needed

4.6. Equipment and Parts Inventory

The Department maintains an electronic inventory of equipment, replacement parts, and supplies and follows a structured process to ensure an up-to-date accounting and complete inventory of equipment and replacement parts. Additionally, the Department has an expedited purchasing process that can be used to purchase items that are not covered by a contract. Currently, the Collections crews utilize standardized sewer cleaning tools and equipment and will pursue establishing annual contracts for these items. This standardization will reduce inventories, simplify procurement procedures, reduce the amount of training required and provide for an overall reduction in operation & maintenance costs.

4.6.1 Non-Critical Spare Parts

Parts needed for preventive maintenance are identified ahead of time for each maintenance task and secured prior to the start of preventive maintenance tasks. Repair and replacement of underground pipelines are contracted out to licensed contractors who have the equipment, materials and staff to complete the work.



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An inventory of non-critical lift station parts and equipment is stored either at the Department's warehouse or in a centralized location at the WRP. Equipment needed to perform maintenance tasks, such as cleaning nozzles, are maintained by collections staff, inspected regularly and re-built or replaced as necessary.

4.6.2 Critical Spare Parts

Redundancy is provided for key lift station equipment and several lift stations have either emergency backup power or engine-driven pumps and replacement parts are readily available to minimize the risk of a complete shut-down. The Department also maintains equipment such as portable pumps, hoses, fittings, portable generators, traffic control, night lighting systems and an Emergency Response Trailer, in a ready state for immediate deployment in an emergency. This equipment is stored at the WRP and additional equipment can be deployed from the Water Utility Yard located nearby.

References for Further Information

- *Maximo User Interface*
- *iWorQ User Interface*
- *Field Mapplet User Manual*



Chapter 5 Design and Performance Provisions

5.1. State Regulatory Requirement

- (a) Design and construction standards and specifications for the installation of new Sanitary Sewer Systems, pump stations and other appurtenances; and for the rehabilitation and repair of existing sanitary sewer systems;
- (b) Procedures and standards for inspecting and testing the installation of new sewers, pumps, and other appurtenances and for rehabilitation and repair projects.

5.2. Design and Construction Standards and Specifications

New and rehabilitated conveyance pipelines and lift stations are planned, designed, and constructed to meet the highest performance standards in the industry in accordance with the Department's standards and specifications. These are comprised of:

- Sewer Design and Construction Standard. The Manual was adopted from the Department of Public Works and it is currently undergoing revision. The Manual contains criteria for planning and design of new gravity sewers and for the rehabilitation of existing assets. It is designed to be utilized in conjunction with the Standard Specifications for Public Works Construction and includes information on:
 - o Flow projections and sewer hydraulics
 - o Sewer alignments
 - o Sewer materials and structures
 - o Planning and design for sewer rehabilitation and replacement
 - o Sewer construction
- Standard Plans: standard designs for rehabilitation and replacement of collection system assets. Contractors are expected to utilize these standards where possible and must receive approval for deviations.
- Plans for Public Works Construction, and the Special Provisions Guide for use with the Standard Specifications for Public Works Construction: provides standards and specifications for construction in Southern California, produced under the oversight of Public Works Standards Inc.

All system components are designed to meet permit requirements of the various federal, state and local agencies. In addition, environmental documents are prepared to comply with the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), or both as appropriate. This process ensures that projects benefit from the input of all affected and interested parties including the communities. Standard Plans are used to provide consistency and quality in design



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and construction. In addition, the Sewer Master Plan will include specific recommendations and design standards for sewers and lift stations that will be incorporated into the Department's design manual.

5.2.1 Updating Standards and Specifications

The Engineering Services Section is responsible for maintaining and updating the Department's design standards and specifications. The Department encourages users of the Design and Construction Standard Manual and Standard Plans to critique and provide feedback on the guidelines and standards for consideration in future updates. In addition, collection system staff will provide recommendations to the Engineering Services Section for modifying the standard details and master specifications for construction projects. This input provides for improved performance of system components based on experience gained in operation and maintenance. Proposed changes to the criteria and the Standard Plans are evaluated thoroughly before they are adopted.

As new products and methods are introduced to the industry, they undergo a thorough review and evaluation by the "Green Book" Committee, a group of public works officials in the Southern California area that is dedicated to high performance construction materials and standards. The "Green Book" Committee is a clearinghouse for the review of new products and construction methods. It develops standard specifications that become part of the "Green Book." The Department supports this committee and references applicable "Green Book" specifications as appropriate for the construction of new and rehabilitation sewer projects.

5.2.2 Construction Related Overflow Prevention

In a determined effort to reach the Department's goal to have no preventable dry weather overflows, all contractors are required to provide a Spill Prevention and Response Plan for controlling sewage flow during construction. Staff reviews and approves the Contractor's plan prior to the start of construction.

The Collections System Superintendent, in coordination with the Project Engineer, is responsible for communicating the Department's "no-spills" policy to the contractor, enforcing the plans and specifications, and ensuring the contractor responds appropriately in case of emergencies. This information covering the bypass plan and Spill Prevention and Response Plan is discussed during the pre-construction meeting with the contractor. A Department representative will inspect all sewage bypass activities and depending on the situation may remain on-site during the entire bypass operation.



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5.3. Procedures and Standards for Inspection and Testing System Improvements

The Department performs inspection on all rehabilitation and new collection system construction contracts. Project specific inspection procedures are followed to ensure that collection system facilities and components are built to conform to the plans and specifications. Inspections are conducted both on the jobsite and at manufacturers for specialized equipment. For example, during a cured-in-place re-lining project for a gravity main, a representative is on site during construction to ensure that the proper methods for installation are followed. They also do follow-up testing after installation to ensure the specifications are met before work is accepted. The Department does not accept the installed components until they pass all required performance tests and a field acceptance from collection system personnel is provided. If something is not accepted or a test is failed, the Project Engineer notifies the contractor to resolve the issue. New or rehabilitated system components are placed into service upon verification by the both Engineering and Operations/Maintenance staff that they have been installed in accordance with plans and specifications, and all necessary testing has been performed by the contractor.

5.4. Asset Information Requirements

The Department requires all asset-related information be provided before a project can be accepted, the contractor must:

- Provide as-builts documentation in the format stipulated by the contract documents.
- Include O&M manuals, spare parts inventory, etc. on delivery
- Provide all asset attribute information, which are specified to the contractor, so that the applicable GIS data can be updated.

Upon receipt of this information and verifying completeness, then the project may be closed.

References for Further Information

- *City of San Bernardino Municipal Water Department Design and Construction Standards and Specifications*
- *Building News, "Standard Specifications for Public Works Construction," (referred to as the "Green Book"), Anaheim, California, Latest Edition*



Chapter 6 Spill Emergency Response Plan

6.1 State Regulatory Requirement

Each Enrollee shall develop and implement an overflow emergency response plan that identifies measures to protect public health and the environment. At a minimum, this plan must include:

- (a) Proper notification procedures so that the primary responders and regulatory agencies are informed of all Spills in a timely manner;
- (b) A program to ensure an appropriate response to all spills;
- (c) Procedures to ensure prompt notification to appropriate regulatory agencies and other potentially affected entities (e.g. health agencies, Regional Water Boards, water suppliers, etc.) of all Spills that potentially affect public health or reach the waters of the State in accordance with the Monitoring Response Plan. All spills shall be reported in accordance with this Monitoring Response Plan, the California Water Code, other State Law, and other applicable Regional Water Board WDRs or National Pollution Discharge Elimination System permit requirements. The SSMP should identify the officials who will receive immediate notification;
- (d) Procedures to ensure that appropriate staff and contractor personnel are aware of and follow the Emergency Response Plan and are appropriately trained;
- (e) Procedures to address emergency operations, such as traffic and crowd control and other necessary response activities; and
- (f) A program to ensure that all reasonable steps are taken to contain and prevent the discharge of untreated and partially treated wastewater to waters of the United States and to minimize or correct any adverse impact on the environment resulting from the Spills, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the discharge.

6.2. Proper Notification Procedures

The Sewer Collections System Section maintains the *Spill Emergency Response Plan and Reporting Workbook Procedures* included in Appendix H. These procedures ensure that all permit and regulatory requirements are met.

6.2.1 Spill Notification

The City encourages citizens to report Spills to the SBMWD. Citizens may contact the SBMWD at (909) 384-5141 to report overflows and other sewer problems. Staff is



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available 24 hours per day, seven days per week to receive calls. Calls to the Fire Department (SBCFD), Police Department (SBPD), 911, and directly to other Departments are relayed to the SBMWD Call Center.

6.2.2 Receipt of Notification

During working hours, the SBMWD Call Center notifies either the Collections System Supervisor or Superintendent of all Customer Service Requests. Then the appropriate personnel are dispatched to investigate the situation. After hours, the SBMWD Call Center notifies the On-Call staff who immediately respond to the location.

6.2.3 Notification of Internal and External Parties

Once verified, the Collections System Supervisor and/or Collections System Superintendent notifies all appropriate internal and external parties in the chain of communication, regardless of volume or potential impact. The chain of notification is documented in detail in SBMWD's *Spill Emergency Response Plan and Reporting Workbook Procedures*. When a spill is due to private construction activities, the responsible contractor is required to report the overflow to the SBMWD immediately. Notification to the State of California Office of Emergency Services (Cal OES), the County of San Bernardino Health Department and the SARWQCB must occur within two hours of the knowledge of a Category I or II spill event and within 24 hours for all other events. In addition, additional agencies may be notified depending on the size and impact of the spill. A list of SSO definitions, a contact flow chart and a contact list are included in Appendix H, SBMWD's *Sanitary Sewer Overflow Response and Reporting Procedures*, Latest Edition.

6.3. Appropriate Response Program

The SBMWD's *Spill Emergency Response Plan and Reporting Workbook Procedures* require full, immediate, and appropriate attention and response to a Spill with the goal of minimizing impacts to public health, safety and the environment. It is Department policy that "Every reported sewage spill affecting public or private property within the City of San Bernardino shall be immediately investigated by staff." Telephone calls to report overflows or other maintenance problems are answered 24 hours per day, 7 days per week. Collections System staff are immediately notified upon receipt of a reported potential sewer overflow and are instructed to respond immediately. Written procedures are provided for assessing the overflow, notifying supervisors, documenting the overflow, estimating the volume of the spill, performing sampling and laboratory analysis, posting of warning signs and all necessary follow up activities.

The highest priorities are to contain the spill and minimize, if not prevent the spill from reaching the storm drain system, and to minimize or eliminate exposure to the public and impact on public health. These procedures are designed to protect



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public health and safety, meet all regulatory reporting requirements, and ensure immediate and effective response. Spill response procedures require responders to implement the Department's Best Management Practices (BMPs) for responding to sanitary sewer overflows upon arrival to a Spill event. The best management practices are as follows:

Best Management Practices for Responding to Sanitary Sewer Overflows

I. Contain

- Contain spill, keeping it from entering waterways.
- Divert Spill away from sensitive areas such as a school, hospital, daycare facility, playground or high pedestrian traffic area.
 - ◇ Quickly build a make-shift berm by utilizing surrounding soil or sandbags to contain the Spill.
 - ◇ Divert back into the sewer or contain by using a small berm and/or sandbag.
- Make the best of containment opportunities, take advantage of:
 - ◇ Containment materials such as sand, sandbags, poly sheeting, etc. should be used to ensure sewage does not enter waters of the United States.
 - ◇ Keep the sewage where it can be recovered and returned to the sewer.
 - ◇ Flood control facilities such as catch basins, storm drains or channels can be utilized provided that all sewage is contained, and the affected structure(s) are disinfected.
- Photograph diversion and containment.

II. Control

- Control the Spill by removing the blockage.
- If unsuccessful in removing the blockage, then bypass the area of failure.
 - ◇ Bypass the obstructed line with a Combination Sewer Cleaner or;
 - ◇ Bypass pump around the area of failure or;
 - ◇ Bypass pump the flow into a different line.
- Control the scene and prevent or minimize public exposure.
 - ◇ Ensure public contact does not occur.
 - ◇ Direct staff to cone & barricade spill area and utilize appropriate signage to direct pedestrian and auto traffic around/away from spill area (signs & cones). Post flyers "Warning! Raw Sewage Spill. Area Closed. Keep children and pets out of the area. Sewer Maintenance 909-384-5141." Street may be closed as necessary after contacting City of San Bernardino Police/Fire Department and Public Works.



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- ◇ If discharge is reaching storm waters, post the “Contaminated Water” signs and block the contaminated areas with yellow caution tape and barricades.” Signs are not to be removed until authorized by a Supervisor.
- Photograph Bypass, Diversion, Barricaded Area and Warning Signs.

III. Cleanup

- Cleanup the affected areas to protect public health.
 - ◇ Return the contained Spill back into the sanitary sewer system.
 - ◇ Remove all signs of gross pollution (solids, Toilet Paper, etc.)
 - ◇ If necessary, remove any contaminated soil and deliver to the Water Reclamation Facility.
 - ◇ Apply approved disinfectant (currently Morning Mist by Diversey) liberally to ensure complete coverage of the affected area. This is best accomplished by use of a hand sprayer for small areas or the spill response truck can be utilized for larger areas. Then wait for 10 minutes to allow for enough contact time.
 - ◇ Flush area with water. In general, the amount of flush water should be equal to at least three times that of the Spill amount.
 - ◇ Water shall be contained and returned to sanitary sewer system.
- Photograph area after clean-up and restoration of affected area.

To ensure the fastest possible response, the closest crew to a reported overflow is dispatched to respond. The first responding crew will set up immediate containment measures and, upon assessing the spill, notify a supervisor and determine if more people or equipment is needed. The first responding crew will work to relieve the blockage and restore flow while a second crew is en route, if a second crew was requested. Bypass pumps, extra materials and equipment, sandbags, etc. are located at the WRP.

Construction contractors are required to have an approved sewage flow bypass system and Spill Prevention and Response Plan in place prior to start of construction. Contractors are instructed to take immediate action to stop any overflow. These are discussed at the pre-construction conference and enforced by SBMWD staff.

6.4. **Prompt Notification of Spill/s Potentially Affecting Public Health**

The SBMWD’s *Sanitary Sewer Overflow Response and Reporting Procedures* outlines notification steps following an overflow. Notification to the State of California Office of Emergency Services (Cal OES), the County of San Bernardino Health Department and the SARWQCB must occur within two hours of the knowledge of a Category I or II overflow event and within 24 hours for all other events. In addition, immediate notification of the public, health agencies, and others of overflows “that may imminently



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and substantially endanger human health” is required. For example, schools that may be impacted must be notified so that staff and students can stay away from the affected area. Initial notification includes posting warning signs and barricades as necessary by the responding crews.

Appropriate agencies and impacted entities are notified in accordance with SBMWD notification procedures outlined in the Department’s *Sanitary Sewer Overflow Response and Reporting Procedures* included in Appendix H. Other notifications are required for specific areas and are identified in the Procedures. Finally, procedures are provided in the event that an overflow is verified, but it is not the responsibility of the Department. In all cases, crews will continue to contain and bypass as necessary until relieved by a Supervisor.

Construction contractors are required to take immediate measures to mitigate and report overflows to SBMWD staff as soon as they are discovered. Department staff will immediately report construction-related overflows to Collections System staff and document the time, location, cause, estimated quantity, and any impact of the overflow, and take mitigation measures as needed.

6.4.1 Notification List

The SBMWD’s *Sanitary Sewer Overflow Response and Reporting Procedures* includes a comprehensive contact and notification list. The notification lists are updated to keep officials’ names and positions current.

6.5. Emergency Response Plan and Appropriate Staff Training

The sanitary sewer overflow response plan is clearly documented and available to all personnel. It is used as a resource in emergency response training. All wastewater operation and maintenance staff are trained on emergency response procedures at least annually. Additional training is provided if reporting requirements or response procedures are updated. New employees receive this training as part of their initial training. The Department emphasizes its goal to have no construction-related overflows during pre-bid and pre-construction meetings. Construction contractors are required to submit and obtain approval of all flow bypasses and a Spill Prevention and Response Plan prior to the start of construction.

6.6. Emergency Operation Procedures

The SBMWD has developed and implemented an advanced and comprehensive overflow prevention, response and reporting program. These include timely reporting to the impacted agencies and stakeholders, computer templates for estimating overflow volume and follow-up CCTV inspection to accurately determine cause and prevention methods. Field crews are trained in flagging and traffic control, which is set



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up depending on the location and nature of the spill.

Adequate staff is placed on standby status to respond to an emergency after hours. The Department maintains a list of pre-qualified on-call contractors who provide specific equipment, materials, and crews to the Department in emergency operations. Operation Staff at the WRP constantly monitor the status of the remote lift stations and are authorized to dispatch standby personnel as necessary. In addition, the City's Police Department, Public Works Department and County of San Bernardino Fire Department can be utilized to assist in emergency situations.

6.7. Containment and Prevention Program for Spill Discharge into US Waters

The Department seeks to protect public health & safety and the environment through the implementation of all federal and state laws, standards, and orders applicable to untreated wastewater. Through a comprehensive and systematic program of cleaning, condition assessment, repair, and upgrade of its collection system, the Department controls the discharge of untreated and partially treated wastewater into receiving waters such as ground water, streams, and rivers by minimizing the number of overflows that occur in the first place.

When an overflow occurs, the highest priorities are to contain the overflow and minimize, if not prevent, the overflow discharge into the storm drain system, and to minimize or eliminate exposure to the public and impact on public health.

The SBMWD's *Spill Emergency Response Plan and Reporting Workbook Procedures* provide guidance to the crews in order to accomplish this objective.

A comprehensive investigation is performed for each spill event to diagnose cause and take remedial measures to prevent and mitigate similar future events.

Furthermore, the Department has ongoing public outreach and education programs on untreated or partially treated wastewater, its health risk and impact to the receiving waters.

The Department's response and containment have proved very effective in protecting public waterways and the environment.

References for Further Information

- SBMWD's *Spill Emergency Response Plan and Reporting Workbook Procedures*, latest edition.



Chapter 7 Pipe Blockage Control Program

7.1. State Regulatory Requirement

Each Enrollee shall evaluate its service area to determine whether a FOG pretreatment program is needed. If an Enrollee determines that a FOG pretreatment program is not needed, the Enrollee must provide justification for why it is not needed. If FOG is found to be a problem, the Enrollee must prepare and implement a FOG pretreatment control program to reduce the amount of these substances discharged to the sanitary sewer system. This plan shall include the following as appropriate:

- (a) An implementation plan and schedule for a public education outreach program that promotes proper disposal of FOG;
- (b) A plan and schedule for the disposal of FOG generated within the sewer system service area. This may include a list of acceptable disposal facilities and/or additional facilities needed to adequately dispose of FOG generated within a sewer system service area;
- (c) The legal authority to prohibit discharges to the system and identify measures to prevent Spills and blockages caused by FOG;
- (d) Requirements to install grease removal devices (such as traps or interceptors), design standards for the removal devices, maintenance requirements, best management practice requirements, record keeping and reporting requirements;
- (e) Authority to inspect grease producing facilities, enforcement authorities, and whether the Enrollee has sufficient staff to inspect and enforce the FOG ordinance;
- (f) An identification of sanitary sewer system sections subject to FOG blockages and establishment of a cleaning maintenance schedule for each section; and
- (g) Development and implementation of source control measures for all sources of FOG discharged to the sanitary sewer system for each section identified in (f) above.

7.2. Implementation Plan and Schedule for Public Outreach

Ongoing public and stakeholder education, outreach, and participation are one of the three pillars of the FOG Control Program. This includes outreach to both commercial and residential FOG generators. SBMWD maintains an up-to-date website,



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www.sbcity.org/water/default.asp, which serves as an additional source of information to the food service industry and the community at large. A summary of the FOG Control Program, BMP Guide for FSEs, and general information about eliminating FOG discharges into the collection system are provided during outreach events.

7.2.1 Summary of Public Education Outreach

Public education outreach is coordinated by the Environmental Control Section and staff from the satellite agencies which send sanitary sewage for treatment at the Department's Water Reclamation Facility. The Department has Best Management Practices (BMP's) brochures, in English and Spanish, which are distributed to all industrial users. The Department also has posters, in English and Spanish, that are distributed to FOG dischargers to encourage Best Management Practices. Copies of the outreach materials are included in Appendix K. The public outreach activities, including public FOG education, are covered in Chapter 11, the Communication portion of the Department's SSMP.

7.2.2 Annual Plan and Schedule of Events, Spill Driven Activities

Outreach is conducted through scheduled events and ad hoc basis. Planned outreach is timed around FSE inspections. Environmental Control Technicians and/or Assistants visit each FSE to inspect grease traps and interceptors and check for any violations. At this time, they also provide educational material on BMPs to the FSE. Newly permitted FSEs are also provided with material on BMPs. Educational material is shared with residents prior to the holiday season, and other sewer educational material that is shared at scheduled events contains information on FOG control. Finally, SBMWD is developing door hangers and BMP pamphlets that can be distributed to homes in the area following an SSO event. Environmental Control Technicians also perform surprise inspections of FSEs in the vicinity of an SSO event.

7.2.3 Plan and Schedule for Disposal of FOG within the Service Area

The Department does not own or operate any FOG disposal facilities. The FSEs must, at a minimum, collect waste FOG and prevent its discharge into the collection system by implementing the following BMPs to reduce the amount of FOG requiring disposal:

- "Dry wipe" pots, pans, dishware and work areas prior to washing. Use rubber scrapers or paper towels to remove FOG from cookware, utensils, and serving ware.
- Use absorbent products to clean under fryer baskets and other locations where FOG may be spilled or dripped.

For waste FOG that is generated, it must be collected and stored properly in recycling barrels or drums in accordance with SBMWD requirements. FSEs must use a licensed



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hauler or recycling facility to dispose of this waste. FSEs must save receipts for the proper disposal, which are reviewed during an FSE inspection conducted by Environmental Control Technicians and Assistants.

7.3. Authority to Prohibit FOG Discharges and Identify Measures to Prevent FOG Related Spills

7.3.1 Legal Authority

The Department's FOG Control Program is supported by San Bernardino Municipal Code, Chapter 13.32 – Wastewater Facilities, Articles 13.32.100 through 13.32.810. Chapter 13.32 gives the Department the legal authority to prohibit discharges to the sewer system, authority to require installation of pretreatment (i.e. grease removal devices), authority to inspect grease producing facilities and authority to enforce these provisions. San Bernardino Municipal Code, Chapter 13.32 can be found at the following webpage on the City of San Bernardino's website:

https://www.sbcity.org/residents/municipal_code.asp

7.3.2 Preventative Measures

SBMWD's measures for preventing FOG-related Spills are two-fold:

1. **Outreach and Enforcement:** as described above, SBMWD conducts both planned and ad hoc outreach to educate customers on what they can do to reduce or eliminate the amount of FOG (and other debris such as flushable wipes) that get into the system. For FSEs, this includes regular inspections of their grease interceptors and traps. For those FSEs that are found to be out of compliance, enforcement actions can be taken to ensure any additional FOG does not get into the system.
2. **Sewer Cleaning:** SBMWD has an aggressive cleaning schedule for the collection system to keep FOG from building up in pipes. All pipes up to 30 inches in diameter are cleaned on a set frequency, and pipes in known problem areas are cleaned at a higher frequency. As pipes are inspected and cleaned if they are found to contain FOG deposits, their cleaning frequency can be adjusted.

7.4. FOG Program Requirements and Design Standards

7.4.1 Requirements to Install Grease Interceptors

All FSEs are required to submit a Class III Restaurant User Permit Application to the



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Department before discharging any wastewater to the sewer system. Upon review of the application, the Department will notify the FSE whether an oil/grease interceptor is required. The Department may elect to issue a Conditional Waiver or require a under sink grease trap as approved by the County of San Bernardino Department of Environmental Health Services, if it is determined that the FSE does not have the reasonable potential to cause an adverse effect on the POTW. However, the Department may revoke the condition waiver for the following reasons:

- A. Changes in menu;
- B. Falsification of information in the Wastewater discharge survey form;
- C. Changes in operating hours;
- D. Changes in the maximum seating capacity;
- E. Changes in the maximum meals served per peak hour;
- F. Changes in the equipment used;
- G. Changes in the quantity or quality of the wastewater discharged;
- H. Increased sewer line maintenance or sanitary sewer overflows (SSOs) which are attributed to the restaurant user's wastewater discharge.

7.4.2 Design Standards for Grease Removal Devices

The design, construction, installation and testing of grease interceptors or grease traps is determined by the California Plumbing Code as adopted by the SBMC Chapter 15.04.020 The actual sizing of an interceptor is determined by the Department according to SBMC Chapter 13.32.435.

7.4.3 Maintenance Requirements

The SBMC Section 13.32.445 states that:

- A. *Any user who owns or operates an interceptor shall properly maintain the interceptor at all times. The interceptor shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the interceptor and odors do not cause a public nuisance. An interceptor is considered to be in violation of Chapter 13.32 under the following conditions:*
 - 1. *Odors generated from the interceptor cause a public nuisance.*
 - 2. *The interceptor is not in good working condition and appears to be surcharging or bypassing.*



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3. *The operational fluid capacity of the interceptor has been reduced by more than twenty-five percent by the accumulation of floating material, sediment, solids, oil or grease.*
 4. *The industrial wastewater discharged from the user is determined to contain more than 250 mg/L of oil and grease.*
- B. When an interceptor is cleaned, the interceptor must be pumped out completely and the removed sediment, liquid and floating material shall be lawfully disposed at a facility legally approved to accept such waste.*
- C. The user shall maintain a manifest for the removed interceptor waste. The manifest shall include at a minimum: the name and address of the facility where the waste is removed, the disposal site for the interceptor waste, the volume removed, and the date and time of removal. Failure to maintain and provide the required information may require the user to document the required information on a SBMWD issued grease hauler manifest form.*
- D. The removed pretreatment waste shall not be reintroduced into the interceptor or discharged into another interceptor at another location which has not been approved by the Director to accept such waste.*

FSEs are also required to comply with the requirements for the operation and maintenance of grease traps as follows:

- Grease traps shall be cleaned on a daily basis.
- A visual inspection of grease traps shall be conducted on a daily basis to check for leaking seams and pipes and ensure effective operation of the baffles and flow regulating device.
- Grease traps and baffles shall be maintained free of all caked-on FOG and food waste.
- Removable baffles shall be removed and cleaned during the maintenance process.
- Grease traps shall be maintained free of all food residues and any FOG waste dislodged during the cleaning and scraping process.
- Any waste including FOG and solid material removed from the grease removal device shall not be discharged into the sanitary sewer.



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7.4.4 BMP Requirements

All FSEs are required to implement Best Management Practices to control the discharge of FOG to the sewer system and prevent SSOs. The BMPs are subject to the approval of the Department and at a minimum must include the following elements:

- Dispose food waste directly into the trash or garbage and not in sinks.
- Install drain screens on all drainage pipes. Periodically clean the screens and dispose screened solids into trash or garbage cans.
- "Dry wipe" pots, pans, dishware and work areas prior to washing. Use rubber scrapers or paper towels to remove fats, oil and grease from cookware, utensils, and serving ware.
- Collect waste cooking oil and store properly in recycling barrels or drums. Use a licensed hauler or recycling facility to dispose of this waste.
- Use absorbent products to clean under fryer baskets and other locations where fats, oil and grease may be spilled or dripped.
- Train kitchen staff and other employees to follow BMPs.
- Post all applicable BMPs in the food preparation and/or dishwashing area.
- Observe proper grease trap or interceptor cleaning and maintenance procedures to ensure the device is properly operating.
- Comply with other BMPs deemed appropriate by the Department.

7.5. Inspection and Enforcement Program

7.5.1 Authority to Inspect Grease Producing Facilities

The San Bernardino Municipal Code provides the Department with the legal authority to visit and inspect FSEs and monitor the implementation of BMPs. The specific provisions of SBMC Chapter 13.32.210 are as follows:

- A. The Director shall inspect the facilities of any user to ascertain whether all requirements of Chapter 13.32 are being met. Persons on the premises shall allow the Director ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, and records examination.*



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- B. *The user shall ensure that there is always a person on site, during normal business hours, knowledgeable of the user's processes and activities to accompany the Director during the inspection.*
- C. *The user shall provide immediate access when an emergency exists.*
- D. *All pretreatment equipment shall be immediately accessible at all times for the purpose of inspection. At no time shall any material, debris, obstacles or obstructions be placed in such a manner that will prevent immediate access to the pretreatment equipment.*
- E. *No user shall interfere with, delay, resist or refuse entrance to the Director when attempting to inspect any facility which discharges wastewater to the POTW.*
- F. *Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make all necessary arrangements so that, upon presentation of identification, the Director will be permitted to enter, without delay.*
- G. *The user shall make available for copying by the Director, all records required to be kept under the provisions of Chapter 13.32.*

7.5.2 Authority to Enforce

SBMC Chapter 13.32.110 provides the authority to carry out all inspection, surveillance, and monitoring procedures necessary to make a determination on compliance or noncompliance by industrial users and FSEs with applicable pretreatment standards and requirements, independent of information supplied by industrial users. The SBMC gives the Director the power, jurisdiction, and supervision over places of discharge of wastewater into the POTW, necessary to adequately enforce and administer all applicable State and Federal laws. Chapter 13.32. specifies that whenever it is necessary to make an inspection to enforce any of the provisions of, or perform any duty imposed by this section or other applicable law, or whenever the Director has reasonable cause to believe that there exists upon any premises any possible violation of the provisions of this section or other applicable law, or any condition which makes such premises hazardous, unsafe, or dangerous, the Director or his/her designate is authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the Director or his/her designate by this section or other applicable law.

7.5.3 Resource Plan to Inspect and Enforce

The Environmental Control Section currently has adequate resources to conduct annual inspections of all FSEs within the Department's jurisdiction for compliance with



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SBMC 13.32. In addition, they may establish Enforcement timelines if the user is found to be non-compliant during the time of inspection and/or found to be the cause of FOG related SSO. Some industrial users may require semi-annual or quarterly inspections. Staffing levels are reviewed annually during the preparation of the Department's Annual Operating Budget.

7.6. Maintenance Plan to Address FOG Issues

The maintenance program to address FOG and reduce FOG-related SSOs consists of two parts:

1. Identification of FOG accumulation and problems related to FOG
2. Maintenance of pipes subject to FOG accumulation

7.6.1 Identification of Specific Pipe Segments with FOG Accumulation Issues

Pipe segments with FOG accumulation are identified in three ways:

1. Routine CCTV inspections
2. Cleaning, which pulls back FOG and other debris visible by cleaning staff. Findings from inspections and cleanings are used to adjust a pipe's cleaning frequency, so that pipes found to have accumulation can be cleaned more frequently to prevent build up that might cause an SSO.
3. SSO event investigation and inspection. SSOs caused by blockages from FOG are monitored for location and required cleaning frequency. All blockages are plotted on a GIS overlay map. Locations with a high number of FOG blockages are given special investigation and cleaning status. Sewers prone to FOG accumulation or blockages are given high priority and cleaned more frequently in an effort to prevent FOG-related overflows.

The process for adjusting the cleaning frequency of pipes is described in more detail in *Chapter 4 Operation and Maintenance Program. Maintenance Program to Address Pipe Segments with FOG Accumulation Issues*

The SBMWD uses cleaning of pipes to reduce FOG accumulation. Pipes with a history of FOG accumulation or FOG-related SSOs are cleaned more frequently than the system-wide cleaning frequency of one or two years. These pipes may be cleaned on a monthly basis, every three months, six months, etc., depending on the severity of the problem. Pipes with observed FOG deposits during inspection are cleaned immediately.

All secondary pipe segments, including "non-problem" sewers, are included in a routine preventive maintenance cleaning schedule of once every two years.

In order to ensure that required cleaning is occurring, scheduled and completed tasks are catalogued and tracked by work orders in the SBMWD Computerized Maintenance



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Management System (CMMS), Field Mapper. The maintenance program includes all preventive, proactive, predictive, and corrective maintenance; maintenance engineering; and quality control.

7.7. Source Control Program to Address FOG Issues

The Environmental Control Section investigates potential source(s) of FOG waste through its permit program for FSEs. All FSEs are required to submit a Class III Restaurant User Permit Application to the Department before discharging any wastewater to the sewer system. Upon review of the application, the Department will notify the FSE whether an oil/grease interceptor is required. This helps to prevent FOG waste from getting into the collection system. To verify compliance, Environmental Control Technicians and Assistants carry out inspections of FSEs to ensure they are in compliance with their industrial user permit, comply with source control measures for all sources of grease, implement BMPs, and maintain their grease control device(s) as applicable.

As part of routine inspection activities, Environmental Control Technicians and Assistants provide information and training materials such as BMP brochures and posters, an ordinance summary, and lists of licensed grease waste haulers.

In the event an industrial user fails to comply with the requirements of the SBMC 13.32, the Department may take immediate enforcement action to reduce the risk of FOG entering the collection system by applying one or more appropriate enforcement action(s). The enforcement actions available to the Department are outlined in an Enforcement Response Plan (ERP), and an individual ERP is developed for the non-compliant FSE.

References for Further Information

- *City of San Bernardino Municipal Code*
- *City of San Bernardino Municipal Water Department Enforcement Response Plan*



Chapter 8 System Evaluation, Capacity Assurance, & Capital Improvements

8.1. State Regulatory Requirement

The Enrollee shall prepare and implement a capital improvement plan (CIP) that will provide hydraulic capacity of key sanitary sewer system elements for dry weather peak flow conditions, as well as the appropriate design storm or wet weather event. At a minimum, the plan must include:

- (a) Evaluation: Actions needed to evaluate those portions of the sanitary sewer system that are experiencing or contributing to a Spill discharge caused by hydraulic deficiency. The evaluation must provide estimates of peak flows (including flows from Spills that escape from the system) associated with conditions like those causing overflow events, estimates of the capacity of key system components, hydraulic deficiencies (including components of the system with limiting capacity) and the major sources that contribute to the peak flows associated with overflow events;
- (b) Design Criteria: Where design criteria do not exist or are deficient, undertake the evaluation identified in (a) above to establish appropriate design criteria;
- (c) Capacity Enhancement Measures: The steps needed to establish a short- and long-term CIP to address identified hydraulic deficiencies, including prioritization, alternatives analysis, and schedules. The CIP may include increases in pipe size, I/I reduction programs, increases and redundancy in pumping capacity, and storage facilities. The CIP shall include an implementation schedule and shall identify sources of funding.
- (d) Schedule: The Enrollee shall develop a schedule of completion dates for all portions of the CIP developed in (a) – (c) above. This schedule shall be reviewed and updated consistent with the SSMP review and update requirements as described in Section D.14 of the WDR Order.

8.2. Overview

The City's collection system has sufficient capacity to handle peak dry-weather flows. Over the past ten years, the City of San Bernardino has not experienced any capacity-related Spills. Beginning in December 2011, California began experiencing the longest duration of drought on record. This has led to increased conservation over the past seven years, which shows no signs of changing. This has led to significant reductions in the volume of wastewater flows conveyed by the City's collection system over the past 10 years. As weather patterns change, the system will continue to have the capacity to convey wet-weather flows from 10-year design storms. However, the new hydraulic



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model will be utilized to determine if there is potential for overflows during larger than 10-year storm events.

8.3. Collection System Evaluation

The Department is currently updating the previous Sewer Master Plan for the wastewater collection system. The Master Plan is being updated to reflect changes in the system, establish a new baseline condition assessment and develop a plan to guide the future operation and maintenance of the wastewater collection system. The project has several key objectives and is scheduled to be completed in late 2019.

The key objectives are to:

- 1) Assess the condition of the collection system.
- 2) Identify existing hydraulic deficiencies and pipeline problems.
- 3) Project future demands.
- 4) Identify needed improvements to accommodate future growth.
- 5) Facilitate an orderly and planned expansion of the collection system to accommodate future growth as well as correct existing system deficiencies.

The scope of this project includes the following tasks:

- 1) Update the GIS sewer data to the correct spatial reference and incorporate new facilities known to the SBMWD.
- 2) Update the current sewer collection system inventory.
- 3) Create a new sewer model using Innowyze software.
- 4) Evaluate the condition of existing siphons and lift stations.
- 5) Identify existing and future hydraulic deficiencies.
- 6) Perform a CCTV inspection of all pipes 12 inches or greater in diameter.
- 7) Integrate the CCTV inspection reports and videos into the existing GIS system.
- 8) Prepare a final priority list of repairs, upgrades and replacements necessary for the sewer collection system to meet all current and future demands.



8.3.1 Monitoring

Monitoring for Hydraulic Deficiencies

A major component of the Sewer Master Plan is the development of a new hydraulic sewer model that will include both the sewer pipelines and the lift stations. Upon completion, the Department will evaluate the Sewer Flow Monitoring and Inflow/Infiltration Study component to determine the need for a regular flow gauging program or a more detailed Inflow/Infiltration study. In the meantime, any hydraulic deficiencies will be identified through maintenance activities and CCTV inspections. If system components with hydraulic deficiencies are identified, then the Department will utilize outside vendors to provide periodic flow gauging. In addition, any sizable development may trigger a special gauging study before the project can be approved.

Monitoring for Structural Deficiencies

As described in *Chapter 4.3 Repair, Rehabilitation, and Replacement Plan*, the Department regularly inspects the collection system for structural deficiencies that may lead to blockages and overflows. Inspections are made primarily using CCTV, while LiDAR and SONAR can be used in addition to CCTV for some primary sewers. This information is included with any capacity deficiencies to develop a project that is area specific for a particular sewer system. In addition, the Department is currently studying the relationship between reduced sewer flows, higher solids concentrations and the increased generation of Hydrogen Sulfide within the sanitary sewer system. This information will be utilized to determine infrastructure deterioration rates. Finally, projects are prioritized in the Capital Improvement Program to meet near-term needs and accommodate future growth

8.3.2 Lift Stations

A condition assessment of all lift stations will be completed in 2019. The intent will be to assess the condition of all major infrastructure and componentry of each lift station and analyze the hydraulic capacity to project flow based on system growth. From this, a list of lift station rehabilitation projects will be developed, which include everything from complete rehabilitation to minor upgrade projects. All of the projects will be incorporated into a single Sewer Collection Capital Improvement Plan that is prioritized according to need.



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8.4. Design Criteria

8.4.1 Summary of Criteria and Differences by Asset Type

The collection system is currently being modeled against 2-year, 5-year, and 10-year design storms as a part of the Sewer Master Plan effort. The goal is to determine if the system has sufficient capacity to convey 10-year design storms and, in some parts of the system, can handle larger and less frequent storms. Primary sewers indicating a Peak Dry Weather Flow (PDWF) greater than 50 percent d/D but less than 75 percent d/D will be monitored. Any sanitary sewer with a PDWF greater than 75 percent d/D by 2060 will be a target of further evaluation, monitoring, and identification of measures to address capacity issues. Modeled SSOs, if any, will be immediately reviewed to ensure an overflow will not occur in wet weather events using gauge information, system performance during past events, etc. In the secondary collection system, any pipe segments with a PDWF greater than 50 percent d/D will be closely monitored.

8.5. Capital Improvement Plan

The Department's 5-Year Sewer Collections Capital Improvement Plan (CIP) is reviewed and updated annually. It is an expenditure plan for the sewer collection and lift station projects. Projects are included in the CIP based on a risk-based prioritization system. Then, on an annual basis, all collection and lift station projects are reviewed. All project descriptions, expenditure plans and schedules must be reviewed and approved by the Executive Management team before they can be included in the CIP. A copy of the latest plan is included as Appendix J.



Chapter 9 Monitoring, Measurement, and Program Modifications

9.1. State Regulatory Requirement

The Enrollee shall:

- (a) Maintain relevant information that can be used to establish and prioritize appropriate SSMP activities;
- (b) Monitor the implementation and, where appropriate, measure the effectiveness of each element of the SSMP;
- (c) Assess the success of the preventative maintenance program;
- (d) Update program elements, as appropriate, based on monitoring or performance evaluations; and
- (e) Identify and illustrate SSO trends, including: frequency, location and volume.

9.2. Overview of Performance Management System

The Department recently adopted a Strategic Plan for FY 2019/20. The Strategic Plan includes new Department level goals that will be used to guide all individual Division / Section level goals, objectives and initiatives. The Water Reclamation Division and Collection System Section goals are in turn supported by measures and metrics that range from key performance indicators such as SSO rates, to operating metrics that are measured on a weekly and monthly basis. The performance management systems also track the progress of implementation of various initiatives, actions, and tasks identified to help the Department achieve its goals.

9.3. Maintenance of Information to Prioritize SSMP Activities

The Department maintains several software systems to collect, store, and translate data on the collection system for the purposes of monitoring and decision-making. Table 9-1 inventories the Department's software systems relevant to implementation and monitoring of the SSMP.



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Table 9-1: Information Systems relevant to SSMP implementation and monitoring

System	Description of Primary Functions	Related SSMP Activities
Field Mapplet - Mobile	Crew level work order management system.	Contains work order information needed by crews to complete work, and tracks work order completion information (time completed, materials used, etc.)
Field Mapplet – Desktop	Master work order management system, interfaces with GIS system, interfaces with program management databases	Central repository for all preventative maintenance schedules (PMs) and record of work performed on individual assets, tracks and aggregates work order information by maintenance program.
Program Management Databases	Development and tracking of individual program preventative and corrective maintenance, interfaces with Field Mapplet system, directs contractor work	Used for planning, scheduling work and tracking of activities for individual SSMP maintenance programs: Cleaning, Maintenance hole Raising, Root Control, Cleaning QA/QC, CCTV, Emergency Sewer Repair, manages contractor information.
Mapplet (GIS)	Asset database of record, including asset attribute information such as material type, diameter. Represents asset physical location spatially.	Work order planning and schedule, emergency response, system modeling and evaluation, asset on-boarding, retirements, etc.
California Integrated Water Quality System (CIWQS)	Maintains record of all spills that occur in the system	Used for regulatory reporting, maintains individual spill history. Data can be downloaded for performing SSO performance analysis, trending, and spatial analysis. This data is combined with maintenance data to evaluate the overall collection system performance.
Wrike	Tracks progress of goals, objectives and initiatives	Project Management software that is utilized by the WR Division for tracking various goals, objectives and initiatives.
Sewer Flow Estimation Model (SFEM)	Delineate system into growth areas, forecast population and other growth Factors	Capacity assurance forecasting tool used to assess population and employment growth; input into modeling program
InfoMaster	Sewer planning tool	Upon completion of the Sewer Master Plan this program will use CCTV condition information for expected pipes to review found defects and select an appropriate renewal method and technology based on the severity of the defect, number of defects, and overall pipe risk.
Industrial User Information Management System	Maintains inventory of FSEs, permitted variances, grease traps and interceptors, etc.	Primary database for FOG program, including planning and scheduling of inspections, tracking permitted variances and tracking violations and follow-up enforcement actions.
Naviline	Financial management system for inventory, ordering, monitoring O&M and capital expenditures	Purchasing, Inventory Management, Capital and operating expenditure tracking.

These information systems support the Operations and Maintenance program, Sewer Condition Assessment Program, emergency response, and system survey and capacity assurance programs, serving as a repository of information for analysis. This, in turn, provides for the prioritization of



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SSMP activities, such as work order planning and scheduling, hydraulic modeling to identify capacity constraints and other issues, and performance trend analysis based on asset attribute information. The following sections provide examples of how these programs provide information to support SSMP activities.

Preventative Maintenance and GIS

Information regarding all maintenance activities, sewer condition, overflows, and complaints are entered into Field Mapplet, which serves as the central repository for sewer collection system maintenance data. This information is routinely evaluated to document maintenance needs, identify problem locations, and assist in analysis of overflow events and odor complaints. This data is overlaid on a GIS base map of the sewer collection system to quickly identify and visualize problem areas, communicate actual condition and maintenance needs to operation and maintenance staff, prioritize cleaning and root removal activities, and provide corrective measures. The GIS maps are among the primary tools used in prioritizing and scheduling sewer assessments and maintenance activities in the preventive maintenance program.

Overflow Prevention

In an effort to prevent overflows, maintenance records, flow monitoring and CCTV records are reviewed to identify potential weaknesses in the system. Sanitary sewer locations that exhibit abnormal conditions, high flow levels and sanitary sewers that are in poor condition are identified through this process. These assessment activities may trigger further reviews to determine cause and/or may trigger immediate or accelerated corrective actions. Maintenance priorities are set based on the relative severity of the problem. This process relies on information from multiple sources, including the collection system model, CCTV log, and Field Mapplet CMMS.

9.4. Monitoring of Implementation and Effectiveness of the SSMP

The SSMP is a well-integrated plan with each element designed to complement and support the others. Each year, the sewer system management performance goals are set through the annual strategic planning process, the deliverables required to meet goals are defined and prioritized, the project managers are assigned, and progress is measured and reported to ensure that the Department is meeting established goals. Operations and maintenance program elements are tracked on a regular basis through the WRP's operational performance management system. Overall sewer system management performance is evaluated and reported to management weekly, monthly and annually following the end of each fiscal year. Any plan updates necessary to enhance sewer system management performance are identified and become a part of the Strategic Planning process. These cyclical reviews are described below.

Collection System Operational Monthly Report

This report is compiled monthly and submitted as a chapter in the overall Water Reclamation Division Monthly Report. The Sewer Collections section of the Report includes metrics for each of the maintenance programs (sewer cleaning, customer service, SSOs, Private Lateral Sewer Discharges (PLSDs), maintenance hole raising, etc.) performance compared to annual goals and



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resource management metrics. Much of this information is tracked on a weekly and daily basis through the Department's work order management system which is collected into reports designated by sewer grids and crews. It is used by the Collections Section management team for overseeing daily collection system operational activities.

Weekly Performance Reports

On a weekly basis, progress on the SSMP is reported to the WRP Director. This progress report is focused primarily on implementation progress metrics including the Sewer Master Plan, operational metrics and specific project information. The reports serve as an opportunity to course correct and reallocate resources if progress is not meeting plan.

Annual Reporting

Beginning in FY 2019/20, a Collection System Annual Performance Report will be produced. The annual report will cover all program sections (cleaning, condition assessment, basin planning, capacity, etc.), reporting on metrics for each, such as SSO performance, annual renewal quantities, etc. During the review of this annual report, targets and goals will be revisited, and each section will review resource allocations and determines the next year's targets and resources. SSMP implementation progress is also reported at this time, and any updates necessary are incorporated into the following year's business plan.

9.5. Assessment of the Preventative Maintenance Program

The Department assesses the success of its programs by analyzing condition assessment results, responding with the appropriate corrective measures and keeping track of the quantities and trends of various types of sewer blockages and overflows as well as odor problems or other complaints. Based on these trends, successful practices are continued, and program adjustments are made when appropriate.

Examples of these assessments include: weekly Quality Assurance meeting, monthly SSO reviews, Bi-weekly performance meetings with staff, and a comprehensive annual review of the preventive maintenance program.

9.6. Identification and Illustration of SSO Trends

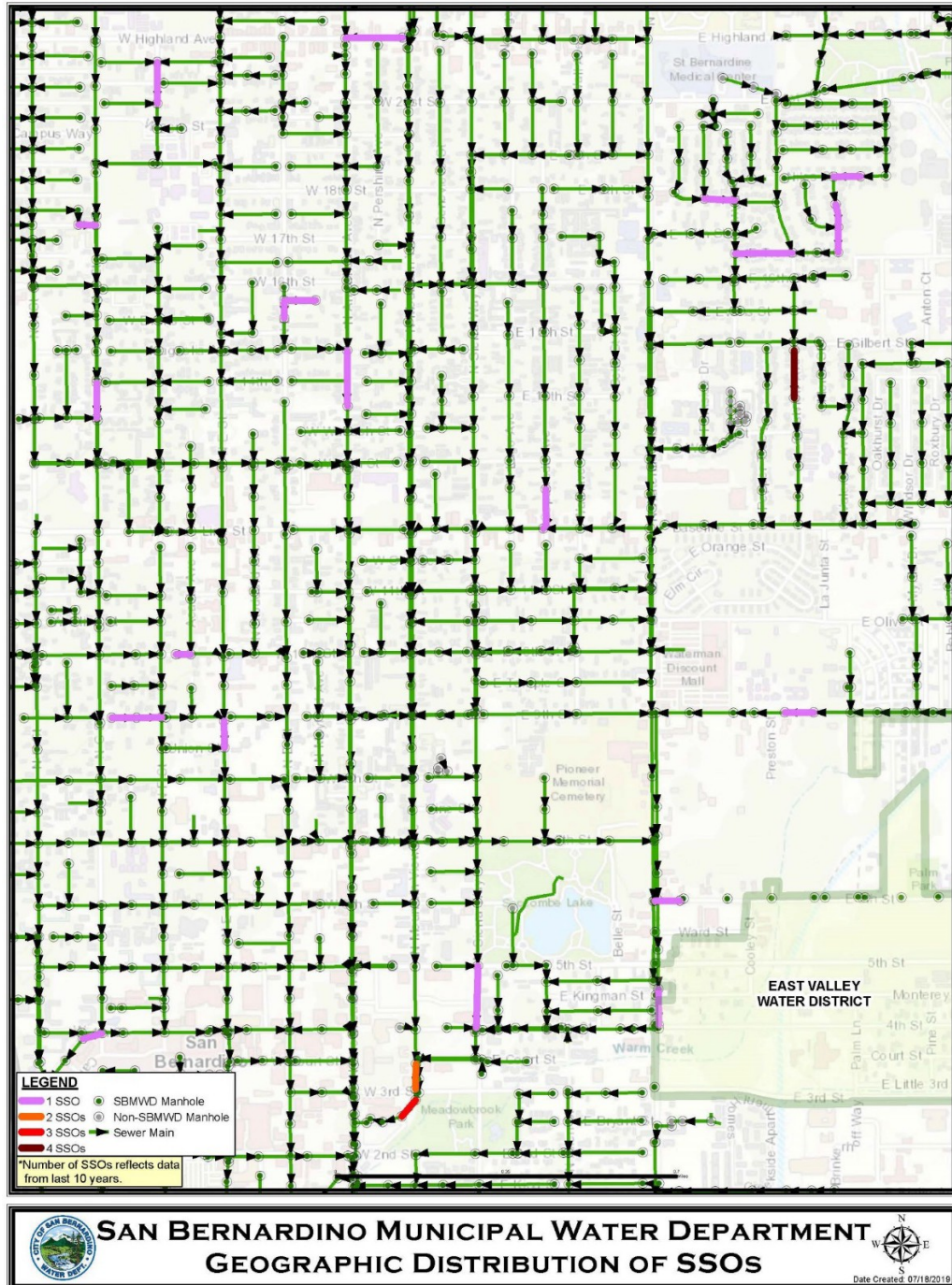
Data acquisition, analysis, and management of SSOs is supported by various information management systems. SSO trends are identified and tracked through a GIS tracking system. When events are reported, they are uploaded to a master database and plotted on a system-wide map. All attributes of each sewer pipe gravity and pressure segment are included in a comprehensive SSO event inventory database. Information collected during the response to a new overflow or complaint is also entered into the Field Mapplet database. This information is evaluated to document locations, causes, frequency of overflows and odors (which are a public nuisance but also might indicate a greater problem in a particular area). This data is then superimposed on a GIS base map of the collection system to quickly identify and visualize problem areas; communicate conditions and needs to management; and prioritize maintenance activities, urgent and emergency repairs, and mid- and long-term solutions. This system allows the Department to review SSO performance by frequency (seasonal variations, year-over-year comparisons), location (known problem areas,



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system characteristics such as pipe material and installation timeline), and changes to volume over time, which can indicate effectiveness of response time). The following figures represent some of the analyses the Department performs routinely to identify SSO trends; each is included in either the monthly or annual collection system performance report.

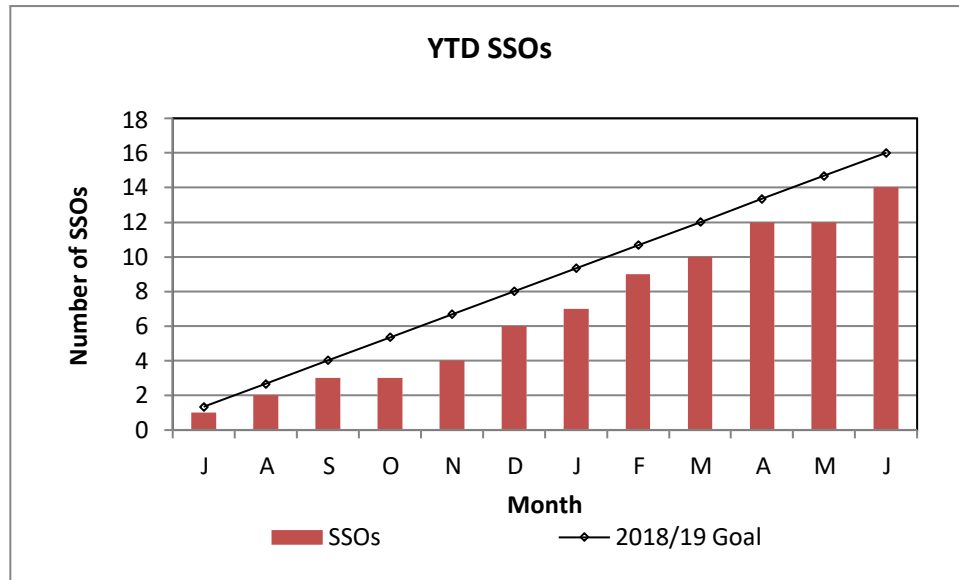
Figure 9-1: Geographic distribution of SSOs





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Figure 9-2: Number of SSOs for 2018



9.7. Approach to Program Modifications

The Department uses its cyclical performance evaluations (weekly, monthly, quarterly, annually) to review and update the various elements of the SSMP. Specifically, the Department tracks both progress of implementation, and the performance of the various elements.

9.7.1 Course Correction Measures

Depending on the nature of the finding of performance or progress, the Department may act in one of three ways:

1. **Do nothing:** progress or performance is going according to plan, and no action is required. This indicates that the schedule, resource allocation, and implementation plan is appropriate.
2. **Address acute/isolated incident:** if an action is behind schedule or a program element is not performing as expected, it is assessed to determine the cause, and whether that cause is an isolated instance or an acute problem. If it is an isolated instance, then a corrective measure appropriate to the specific incident is taken.
3. **Address programmatically for on-going issues:** if the reason for unexpected performance is chronic, then a programmatic solution is developed. For instance, if SSOs due to root intrusion are increasing in a particular area, then the entire area may be put on a root removal schedule, rather than just the individual pipes that have caused an SSO.



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Table 9-2: Program of Work and typical program modifications identified for core SSMP elements

SSMP Element	Program of Work	Typical Program Modifications
Operations and Maintenance Program	Sewer cleaning Sewer inspection Sewer repairs Lift Station operations and maintenance	Cleaning frequency changes Cleaning method changes Cleaning referrals Inspection referrals Sewer repairs and renewal identified
Overflow Emergency Response Plan	SSO Response and Reporting	After Action Review leads to lessons learned for response team
FOG Control Program	FOG inspections FOG enforcement Outreach	FOG investigations Targeted outreach
System Evaluation and Capacity Assurance	Sewer System planning Sewer Capacity Availability Request Gauging	Problem areas identified Flow monitoring Capacity upgrades identified

Ad hoc teams are also formed to address specific issues as they are identified. For example, Section Teams, which are joint labor and management teams, meet regularly to identify opportunities for task enhancement and determine optimal workload, resource and personnel requirements. Core business activities are identified, and a task analysis of each activity is used to determine appropriate staffing levels and equipment needs. This information is then utilized to develop SOPs.

9.7.2 Proactive Planning of Program Elements

In addition to tracking the various program elements and implementing course correction measures as appropriate, the Department incorporates data review and analysis into the proactive planning for each of the program elements. Examples of this are described below.

Annual Review of Preventive Maintenance

On an annual basis, in a comprehensive review, the critical sanitary sewers are identified, prioritized, and scheduled for maintenance based on parameters such as blockage and overflow records, frequency of maintenance, age, pipe material, and condition assessment results. Flow monitoring and CCTV records are reviewed to identify potential weaknesses in the system. Sewer locations that exhibit high flow levels and sewers that are in poor condition are identified through this process. As appropriate, further reviews may follow to determine cause, then develop and prioritize corrective actions. Based on this review, the Department can then plan its upcoming year for preventive maintenance, appropriate targets, etc.



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Root Control Program

The Department has initiated a root control program that is focused on root removal activities and CCTV inspection. The overall effectiveness is being closely monitored and, depending on the results, additional actions may be necessary. The potential modifications to the program may include chemically treating problem sewer reaches using environmentally friendly chemicals or adding a community outreach and education program for private laterals susceptible to root intrusion.

Construction

To avoid construction related sewer overflows to comply with the Department's "zero spill" policy, the SBMWD requires that a Spill Prevention and Response Plan be developed and implemented for all sewer construction projects.

9.7.3 Audit Driven Program Modifications

Every five years, the SSMP document is updated. The update consists of:

- Reviewing the existing SSMP language and updating any outdated information. This includes things like organizational structures and reporting lines that have changed, changes to system characteristics such as basin areas, etc.
- Updates to reflect new goals identified through the Department's strategic planning process.
- Incorporation of the adopted and implemented recommendations from previous SSMP program audits.

Upon completion of the five-year SSMP update, the SSMP is provided to the SBMWD Water Board with a request for approval. Upon acceptance by the Board, the SSMP is re-certified under the State Water Board CIWQS database and made publicly available on the SBMWD website.

References for Further Information

- *SBMWD Strategic Plan, latest version*



Chapter 10 Internal Audits

10.1. State Regulatory Requirement

- (a) As part of the SSMP, the Enrollee shall conduct periodic internal audits, appropriate to the size of the system and the number of SSOs. At a minimum, these audits must occur every two years and a report must be prepared and kept on file. This audit shall focus on evaluating the effectiveness of the SSMP and the Enrollee’s compliance with SSMP requirements identified in this Section D.13 of the WDR Order, including identification of any deficiencies in the SSMP and steps to correct them.
- (b) The SSMP must be updated every five (5) years and must include any significant program changes.

10.2. Overview

The Department uses the SSMP update process to identify actions for improving how it manages, operates, and maintains the collection system. This process identifies the tasks and actions that are required to meet SSMP goals and defines and prioritizes them. Resourcing and planning for delivery of the actions identified in the SSMP audit are incorporated into the Department’s strategic planning process, described in *Chapter 9 Monitoring, Measurement and Program Modifications*.

10.2.1 Schedule of Program Audits and Updates

The Department monitors the performance of the collection system on an on-going basis through monthly performance reviews performed at the operating unit level, annually during Division level business planning, goal setting and the annual strategic plan review. It also performs a formal audit of its SSMP every two years in accordance with WDR requirements. Every five years, the Department formally updates and recertifies the SSMP. Table 10-1 shows the timeline for SSMP audits and updates for the last five years and the anticipated schedule for the next five years.

Table 10-1: SSMP Audit and Update Schedule

Year	Audit
2014	SSMP approved on September 2, 2014
2016	Biennial self-audit performed in September 2016
2017	Collection System was transferred to the SBMWD
2019	5-year SSMP update performed
2021	Biennial self-audit planned in early 2021
2024	5-year SSMP update planned in early 2024



San Bernardino Municipal Water Department Sewer System Management Plan (SSMP)

10.2.2 Program Audit and Update Process

A team of experienced personnel is formed once every two years to perform biennial self-audits in accordance with the WDR requirements for SSMP Program Audits. The team consists of representatives from the relevant sections and is led by the Collections System Section. In a series of in-person meetings over the course of approximately three months, the audit team evaluates the effectiveness of each SSMP Part and Sub-part, identifies any deficiencies, and makes recommendations for improvements and updates. This is done by answering a set of questions developed specifically for the purpose of the audit for each chapter of the SSMP. It also includes referencing and reviewing performance reports and measures monitored throughout the year in accordance with the strategic plan. These findings are documented in an audit report. Once the audit is complete, a Quality Control review of the audit report is performed by the team, with a focus on consistency, completeness, and inclusion of references and attachments as appropriate. The final audit report is reviewed by the Department's LRO before final acceptance. Audit reports and related materials are maintained in a hard copy and an electronic document tracking and management system.

10.2.3 Audit Implementation and Tracking of Results

The SSMP program audit recommendations and corrective actions are incorporated into the annual strategic plan review and budgeting process to ensure the necessary resources are in place to implement audit corrective actions and recommendations. Through that process, implementation progress is measured and reported on an ongoing basis to ensure timely completion of corrective actions. Any deficiencies in meeting the schedule are identified or anticipated and mitigation measures developed and implemented to ensure the corrective actions from the audit are addressed. Each subsequent audit update begins with a review of the previous audit to ensure all recommendations have been implemented and anything outstanding is incorporated. As described in *Chapter 9 Monitoring, Measurement and Program Modifications*, any updates necessary to enhance the SSMP performance are included as a part of the following year's Five-Year Strategic Planning process and/or the formal SSMP program audit.



Chapter 11 Communication Program

11.1. State Regulatory Requirement

The Enrollee shall communicate on a regular basis with the public on the development, implementation, and performance of its SSMP. The communication system shall provide the public the opportunity to provide input to the Enrollee as the program is developed and implemented. The Enrollee shall also create a plan of communication with systems that are tributary and/or satellite to the Enrollee's sanitary sewer system.

11.2. Communication with Public

The Department's primary means to communicate to the public applicable aspects of its SSMP implementation activities is through the Department's website. The Department's SSMP is available for public viewing on the Department's webpage at the following website: www.sbcity.org/water/default.asp or SBMWD.org

11.2.1 Semi-Annual Newsletters

The Department publishes semi-annual newsletters to communicate important issues to the public. These newsletters are available on the Water Department website, on social media, at the Department's Customer Service Center and are included in customer billings. The Department's current and past newsletters are posted on the Department's webpage at the following website: www.sbcity.org/water/default.asp or SBMWD.org

11.2.2 Bill Messages

The Department periodically inserts Bill Messages at the bottom of monthly billing statements.

11.2.3 Special Inserts

The Department can also provide special inserts with the billing statement each month.

11.2.4 E-Notification

The aforementioned communication process is the means that the Department relays information to its consumers by hardcopy or for the public to view via website. Additionally, the public can receive e-mail notification about what the Department is doing or being sent out through e-Notification. The public can sign up for e-Notification at the following website location: www.sbcity.org/water/default.asp or SBMWD.org

11.2.5 Social Media

The Department is also active across multiple social media platforms. The Department's updates, newsletter links and other pertinent information are posted on the following Departmental social media accounts: Facebook (<https://www.facebook.com/sbcitywater/>), Twitter (<https://twitter.com/sbcitywater>) and Instagram (<https://www.instagram.com/sbcitywater/>).

*San Bernardino Municipal Water Department
Sewer System Management Plan (SSMP)*

Attachment B

Waste Discharge Requirements

**STATE WATER RESOURCES CONTROL BOARD
ORDER NO. 2006-0003-DWQ**

**STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS
FOR
SANITARY SEWER SYSTEMS**

The State Water Resources Control Board, hereinafter referred to as "State Water Board", finds that:

1. All federal and state agencies, municipalities, counties, districts, and other public entities that own or operate sanitary sewer systems greater than one mile in length that collect and/or convey untreated or partially treated wastewater to a publicly owned treatment facility in the State of California are required to comply with the terms of this Order. Such entities are hereinafter referred to as "Enrollees".
2. Sanitary sewer overflows (SSOs) are overflows from sanitary sewer systems of domestic wastewater, as well as industrial and commercial wastewater, depending on the pattern of land uses in the area served by the sanitary sewer system. SSOs often contain high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oxygen-demanding organic compounds, oil and grease and other pollutants. SSOs may cause a public nuisance, particularly when raw untreated wastewater is discharged to areas with high public exposure, such as streets or surface waters used for drinking, fishing, or body contact recreation. SSOs may pollute surface or ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters.
3. Sanitary sewer systems experience periodic failures resulting in discharges that may affect waters of the state. There are many factors (including factors related to geology, design, construction methods and materials, age of the system, population growth, and system operation and maintenance), which affect the likelihood of an SSO. A proactive approach that requires Enrollees to ensure a system-wide operation, maintenance, and management plan is in place will reduce the number and frequency of SSOs within the state. This approach will in turn decrease the risk to human health and the environment caused by SSOs.
4. Major causes of SSOs include: grease blockages, root blockages, sewer line flood damage, manhole structure failures, vandalism, pump station mechanical failures, power outages, excessive storm or ground water inflow/infiltration, debris blockages, sanitary sewer system age and construction material failures, lack of proper operation and maintenance, insufficient capacity and contractor-caused damages. Many SSOs are preventable with adequate and appropriate facilities, source control measures and operation and maintenance of the sanitary sewer system.

SEWER SYSTEM MANAGEMENT PLANS

5. To facilitate proper funding and management of sanitary sewer systems, each Enrollee must develop and implement a system-specific Sewer System Management Plan (SSMP). To be effective, SSMPs must include provisions to provide proper and efficient management, operation, and maintenance of sanitary sewer systems, while taking into consideration risk management and cost benefit analysis. Additionally, an SSMP must contain a spill response plan that establishes standard procedures for immediate response to an SSO in a manner designed to minimize water quality impacts and potential nuisance conditions.
6. Many local public agencies in California have already developed SSMPs and implemented measures to reduce SSOs. These entities can build upon their existing efforts to establish a comprehensive SSMP consistent with this Order. Others, however, still require technical assistance and, in some cases, funding to improve sanitary sewer system operation and maintenance in order to reduce SSOs.
7. SSMP certification by technically qualified and experienced persons can provide a useful and cost-effective means for ensuring that SSMPs are developed and implemented appropriately.
8. It is the State Water Board's intent to gather additional information on the causes and sources of SSOs to augment existing information and to determine the full extent of SSOs and consequent public health and/or environmental impacts occurring in the State.
9. Both uniform SSO reporting and a centralized statewide electronic database are needed to collect information to allow the State Water Board and Regional Water Quality Control Boards (Regional Water Boards) to effectively analyze the extent of SSOs statewide and their potential impacts on beneficial uses and public health. The monitoring and reporting program required by this Order and the attached Monitoring and Reporting Program No. 2006-0003-DWQ, are necessary to assure compliance with these waste discharge requirements (WDRs).
10. Information regarding SSOs must be provided to Regional Water Boards and other regulatory agencies in a timely manner and be made available to the public in a complete, concise, and timely fashion.
11. Some Regional Water Boards have issued WDRs or WDRs that serve as National Pollution Discharge Elimination System (NPDES) permits to sanitary sewer system owners/operators within their jurisdictions. This Order establishes minimum requirements to prevent SSOs. Although it is the State Water Board's intent that this Order be the primary regulatory mechanism for sanitary sewer systems statewide, Regional Water Boards may issue more stringent or more

prescriptive WDRs for sanitary sewer systems. Upon issuance or reissuance of a Regional Water Board's WDRs for a system subject to this Order, the Regional Water Board shall coordinate its requirements with stated requirements within this Order, to identify requirements that are more stringent, to remove requirements that are less stringent than this Order, and to provide consistency in reporting.

REGULATORY CONSIDERATIONS

12. California Water Code section 13263 provides that the State Water Board may prescribe general WDRs for a category of discharges if the State Water Board finds or determines that:

- The discharges are produced by the same or similar operations;
- The discharges involve the same or similar types of waste;
- The discharges require the same or similar treatment standards; and
- The discharges are more appropriately regulated under general discharge requirements than individual discharge requirements.

This Order establishes requirements for a class of operations, facilities, and discharges that are similar throughout the state.

13. The issuance of general WDRs to the Enrollees will:

- a) Reduce the administrative burden of issuing individual WDRs to each Enrollee;
- b) Provide for a unified statewide approach for the reporting and database tracking of SSOs;
- c) Establish consistent and uniform requirements for SSMP development and implementation;
- d) Provide statewide consistency in reporting; and
- e) Facilitate consistent enforcement for violations.

14. The beneficial uses of surface waters that can be impaired by SSOs include, but are not limited to, aquatic life, drinking water supply, body contact and non-contact recreation, and aesthetics. The beneficial uses of ground water that can be impaired include, but are not limited to, drinking water and agricultural supply. Surface and ground waters throughout the state support these uses to varying degrees.

15. The implementation of requirements set forth in this Order will ensure the reasonable protection of past, present, and probable future beneficial uses of water and the prevention of nuisance. The requirements implement the water quality control plans (Basin Plans) for each region and take into account the environmental characteristics of hydrographic units within the state. Additionally, the State Water Board has considered water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect

water quality in the area, costs associated with compliance with these requirements, the need for developing housing within California, and the need to develop and use recycled water.

16. The Federal Clean Water Act largely prohibits any discharge of pollutants from a point source to waters of the United States except as authorized under an NPDES permit. In general, any point source discharge of sewage effluent to waters of the United States must comply with technology-based, secondary treatment standards, at a minimum, and any more stringent requirements necessary to meet applicable water quality standards and other requirements. Hence, the unpermitted discharge of wastewater from a sanitary sewer system to waters of the United States is illegal under the Clean Water Act. In addition, many Basin Plans adopted by the Regional Water Boards contain discharge prohibitions that apply to the discharge of untreated or partially treated wastewater. Finally, the California Water Code generally prohibits the discharge of waste to land prior to the filing of any required report of waste discharge and the subsequent issuance of either WDRs or a waiver of WDRs.
17. California Water Code section 13263 requires a water board to, after any necessary hearing, prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge. The requirements shall, among other things, take into consideration the need to prevent nuisance.
18. California Water Code section 13050, subdivision (m), defines nuisance as anything which meets all of the following requirements:
 - a. Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
 - b. Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
 - c. Occurs during, or as a result of, the treatment or disposal of wastes.
19. This Order is consistent with State Water Board Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality of Waters in California) in that the Order imposes conditions to prevent impacts to water quality, does not allow the degradation of water quality, will not unreasonably affect beneficial uses of water, and will not result in water quality less than prescribed in State Water Board or Regional Water Board plans and policies.
20. The action to adopt this General Order is exempt from the California Environmental Quality Act (Public Resources Code §21000 et seq.) because it is an action taken by a regulatory agency to assure the protection of the environment and the regulatory process involves procedures for protection of the environment. (Cal. Code Regs., tit. 14, §15308). In addition, the action to adopt

this Order is exempt from CEQA pursuant to Cal.Code Regs., title 14, §15301 to the extent that it applies to existing sanitary sewer collection systems that constitute “existing facilities” as that term is used in Section 15301, and §15302, to the extent that it results in the repair or replacement of existing systems involving negligible or no expansion of capacity.

21. The Fact Sheet, which is incorporated by reference in the Order, contains supplemental information that was also considered in establishing these requirements.
22. The State Water Board has notified all affected public agencies and all known interested persons of the intent to prescribe general WDRs that require Enrollees to develop SSMPs and to report all SSOs.
23. The State Water Board conducted a public hearing on February 8, 2006, to receive oral and written comments on the draft order. The State Water Board received and considered, at its May 2, 2006, meeting, additional public comments on substantial changes made to the proposed general WDRs following the February 8, 2006, public hearing. The State Water Board has considered all comments pertaining to the proposed general WDRs.

IT IS HEREBY ORDERED, that pursuant to California Water Code section 13263, the Enrollees, their agents, successors, and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted hereunder, shall comply with the following:

A. DEFINITIONS

1. **Sanitary sewer overflow (SSO)** - Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system. SSOs include:
 - (i) Overflows or releases of untreated or partially treated wastewater that reach waters of the United States;
 - (ii) Overflows or releases of untreated or partially treated wastewater that do not reach waters of the United States; and
 - (iii) Wastewater backups into buildings and on private property that are caused by blockages or flow conditions within the publicly owned portion of a sanitary sewer system.
2. **Sanitary sewer system** – Any system of pipes, pump stations, sewer lines, or other conveyances, upstream of a wastewater treatment plant headworks used to collect and convey wastewater to the publicly owned treatment facility. Temporary storage and conveyance facilities (such as vaults, temporary piping, construction trenches, wet wells, impoundments, tanks, etc.) are considered to be part of the sanitary sewer system, and discharges into these temporary storage facilities are not considered to be SSOs.

For purposes of this Order, sanitary sewer systems include only those systems owned by public agencies that are comprised of more than one mile of pipes or sewer lines.

3. **Enrollee** - A federal or state agency, municipality, county, district, and other public entity that owns or operates a sanitary sewer system, as defined in the general WDRs, and that has submitted a complete and approved application for coverage under this Order.
4. **SSO Reporting System** – Online spill reporting system that is hosted, controlled, and maintained by the State Water Board. The web address for this site is <http://ciwqs.waterboards.ca.gov>. This online database is maintained on a secure site and is controlled by unique usernames and passwords.
5. **Untreated or partially treated wastewater** – Any volume of waste discharged from the sanitary sewer system upstream of a wastewater treatment plant headworks.
6. **Satellite collection system** – The portion, if any, of a sanitary sewer system owned or operated by a different public agency than the agency that owns and operates the wastewater treatment facility to which the sanitary sewer system is tributary.
7. **Nuisance** - California Water Code section 13050, subdivision (m), defines nuisance as anything which meets all of the following requirements:
 - a. Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
 - b. Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
 - c. Occurs during, or as a result of, the treatment or disposal of wastes.

B. APPLICATION REQUIREMENTS

1. **Deadlines for Application** – All public agencies that currently own or operate sanitary sewer systems within the State of California must apply for coverage under the general WDRs within six (6) months of the date of adoption of the general WDRs. Additionally, public agencies that acquire or assume responsibility for operating sanitary sewer systems after the date of adoption of this Order must apply for coverage under the general WDRs at least three (3) months prior to operation of those facilities.
2. **Applications under the general WDRs** – In order to apply for coverage pursuant to the general WDRs, a legally authorized representative for each agency must submit a complete application package. Within sixty (60) days of adoption of the general WDRs, State Water Board staff will send specific instructions on how to

apply for coverage under the general WDRs to all known public agencies that own sanitary sewer systems. Agencies that do not receive notice may obtain applications and instructions online on the Water Board's website.

3. Coverage under the general WDRs – Permit coverage will be in effect once a complete application package has been submitted and approved by the State Water Board's Division of Water Quality.

C. PROHIBITIONS

1. Any SSO that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited.
2. Any SSO that results in a discharge of untreated or partially treated wastewater that creates a nuisance as defined in California Water Code Section 13050(m) is prohibited.

D. PROVISIONS

1. The Enrollee must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for enforcement action.
2. It is the intent of the State Water Board that sanitary sewer systems be regulated in a manner consistent with the general WDRs. Nothing in the general WDRs shall be:
 - (i) Interpreted or applied in a manner inconsistent with the Federal Clean Water Act, or supersede a more specific or more stringent state or federal requirement in an existing permit, regulation, or administrative/judicial order or Consent Decree;
 - (ii) Interpreted or applied to authorize an SSO that is illegal under either the Clean Water Act, an applicable Basin Plan prohibition or water quality standard, or the California Water Code;
 - (iii) Interpreted or applied to prohibit a Regional Water Board from issuing an individual NPDES permit or WDR, superseding this general WDR, for a sanitary sewer system, authorized under the Clean Water Act or California Water Code; or
 - (iv) Interpreted or applied to supersede any more specific or more stringent WDRs or enforcement order issued by a Regional Water Board.
3. The Enrollee shall take all feasible steps to eliminate SSOs. In the event that an SSO does occur, the Enrollee shall take all feasible steps to contain and mitigate the impacts of an SSO.
4. In the event of an SSO, the Enrollee shall take all feasible steps to prevent untreated or partially treated wastewater from discharging from storm drains into

flood control channels or waters of the United States by blocking the storm drainage system and by removing the wastewater from the storm drains.

5. All SSOs must be reported in accordance with Section G of the general WDRs.
6. In any enforcement action, the State and/or Regional Water Boards will consider the appropriate factors under the duly adopted State Water Board Enforcement Policy. And, consistent with the Enforcement Policy, the State and/or Regional Water Boards must consider the Enrollee's efforts to contain, control, and mitigate SSOs when considering the California Water Code Section 13327 factors. In assessing these factors, the State and/or Regional Water Boards will also consider whether:
 - (i) The Enrollee has complied with the requirements of this Order, including requirements for reporting and developing and implementing a SSMP;
 - (ii) The Enrollee can identify the cause or likely cause of the discharge event;
 - (iii) There were no feasible alternatives to the discharge, such as temporary storage or retention of untreated wastewater, reduction of inflow and infiltration, use of adequate backup equipment, collecting and hauling of untreated wastewater to a treatment facility, or an increase in the capacity of the system as necessary to contain the design storm event identified in the SSMP. It is inappropriate to consider the lack of feasible alternatives, if the Enrollee does not implement a periodic or continuing process to identify and correct problems.
 - (iv) The discharge was exceptional, unintentional, temporary, and caused by factors beyond the reasonable control of the Enrollee;
 - (v) The discharge could have been prevented by the exercise of reasonable control described in a certified SSMP for:
 - Proper management, operation and maintenance;
 - Adequate treatment facilities, sanitary sewer system facilities, and/or components with an appropriate design capacity, to reasonably prevent SSOs (e.g., adequately enlarging treatment or collection facilities to accommodate growth, infiltration and inflow (I/I), etc.);
 - Preventive maintenance (including cleaning and fats, oils, and grease (FOG) control);
 - Installation of adequate backup equipment; and
 - Inflow and infiltration prevention and control to the extent practicable.
 - (vi) The sanitary sewer system design capacity is appropriate to reasonably prevent SSOs.

- (vii) The Enrollee took all reasonable steps to stop and mitigate the impact of the discharge as soon as possible.
7. When a sanitary sewer overflow occurs, the Enrollee shall take all feasible steps and necessary remedial actions to 1) control or limit the volume of untreated or partially treated wastewater discharged, 2) terminate the discharge, and 3) recover as much of the wastewater discharged as possible for proper disposal, including any wash down water.

The Enrollee shall implement all remedial actions to the extent they may be applicable to the discharge and not inconsistent with an emergency response plan, including the following:

- (i) Interception and rerouting of untreated or partially treated wastewater flows around the wastewater line failure;
 - (ii) Vacuum truck recovery of sanitary sewer overflows and wash down water;
 - (iii) Cleanup of debris at the overflow site;
 - (iv) System modifications to prevent another SSO at the same location;
 - (v) Adequate sampling to determine the nature and impact of the release; and
 - (vi) Adequate public notification to protect the public from exposure to the SSO.
8. The Enrollee shall properly, manage, operate, and maintain all parts of the sanitary sewer system owned or operated by the Enrollee, and shall ensure that the system operators (including employees, contractors, or other agents) are adequately trained and possess adequate knowledge, skills, and abilities.
9. The Enrollee shall allocate adequate resources for the operation, maintenance, and repair of its sanitary sewer system, by establishing a proper rate structure, accounting mechanisms, and auditing procedures to ensure an adequate measure of revenues and expenditures. These procedures must be in compliance with applicable laws and regulations and comply with generally acceptable accounting practices.
10. The Enrollee shall provide adequate capacity to convey base flows and peak flows, including flows related to wet weather events. Capacity shall meet or exceed the design criteria as defined in the Enrollee's System Evaluation and Capacity Assurance Plan for all parts of the sanitary sewer system owned or operated by the Enrollee.
11. The Enrollee shall develop and implement a written Sewer System Management Plan (SSMP) and make it available to the State and/or Regional Water Board upon request. A copy of this document must be publicly available at the Enrollee's office and/or available on the Internet. This SSMP must be approved by the Enrollee's governing board at a public meeting.

12. In accordance with the California Business and Professions Code sections 6735, 7835, and 7835.1, all engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. Specific elements of the SSMP that require professional evaluation and judgments shall be prepared by or under the direction of appropriately qualified professionals, and shall bear the professional(s)' signature and stamp.
13. The mandatory elements of the SSMP are specified below. However, if the Enrollee believes that any element of this section is not appropriate or applicable to the Enrollee's sanitary sewer system, the SSMP program does not need to address that element. The Enrollee must justify why that element is not applicable. The SSMP must be approved by the deadlines listed in the SSMP Time Schedule below.

Sewer System Management Plan (SSMP)

- (i) **Goal:** The goal of the SSMP is to provide a plan and schedule to properly manage, operate, and maintain all parts of the sanitary sewer system. This will help reduce and prevent SSOs, as well as mitigate any SSOs that do occur.
- (ii) **Organization:** The SSMP must identify:
- (a) The name of the responsible or authorized representative as described in Section J of this Order.
 - (b) The names and telephone numbers for management, administrative, and maintenance positions responsible for implementing specific measures in the SSMP program. The SSMP must identify lines of authority through an organization chart or similar document with a narrative explanation; and
 - (c) The chain of communication for reporting SSOs, from receipt of a complaint or other information, including the person responsible for reporting SSOs to the State and Regional Water Board and other agencies if applicable (such as County Health Officer, County Environmental Health Agency, Regional Water Board, and/or State Office of Emergency Services (OES)).
- (iii) **Legal Authority:** Each Enrollee must demonstrate, through sanitary sewer system use ordinances, service agreements, or other legally binding procedures, that it possesses the necessary legal authority to:
- (a) Prevent illicit discharges into its sanitary sewer system (examples may include I/I, stormwater, chemical dumping, unauthorized debris and cut roots, etc.);

- (b) Require that sewers and connections be properly designed and constructed;
 - (c) Ensure access for maintenance, inspection, or repairs for portions of the lateral owned or maintained by the Public Agency;
 - (d) Limit the discharge of fats, oils, and grease and other debris that may cause blockages, and
 - (e) Enforce any violation of its sewer ordinances.
- (iv) **Operation and Maintenance Program.** The SSMP must include those elements listed below that are appropriate and applicable to the Enrollee's system:
- (a) Maintain an up-to-date map of the sanitary sewer system, showing all gravity line segments and manholes, pumping facilities, pressure pipes and valves, and applicable stormwater conveyance facilities;
 - (b) Describe routine preventive operation and maintenance activities by staff and contractors, including a system for scheduling regular maintenance and cleaning of the sanitary sewer system with more frequent cleaning and maintenance targeted at known problem areas. The Preventative Maintenance (PM) program should have a system to document scheduled and conducted activities, such as work orders;
 - (c) Develop a rehabilitation and replacement plan to identify and prioritize system deficiencies and implement short-term and long-term rehabilitation actions to address each deficiency. The program should include regular visual and TV inspections of manholes and sewer pipes, and a system for ranking the condition of sewer pipes and scheduling rehabilitation. Rehabilitation and replacement should focus on sewer pipes that are at risk of collapse or prone to more frequent blockages due to pipe defects. Finally, the rehabilitation and replacement plan should include a capital improvement plan that addresses proper management and protection of the infrastructure assets. The plan shall include a time schedule for implementing the short- and long-term plans plus a schedule for developing the funds needed for the capital improvement plan;
 - (d) Provide training on a regular basis for staff in sanitary sewer system operations and maintenance, and require contractors to be appropriately trained; and

- (e) Provide equipment and replacement part inventories, including identification of critical replacement parts.

(v) **Design and Performance Provisions:**

- (a) Design and construction standards and specifications for the installation of new sanitary sewer systems, pump stations and other appurtenances; and for the rehabilitation and repair of existing sanitary sewer systems; and
- (b) Procedures and standards for inspecting and testing the installation of new sewers, pumps, and other appurtenances and for rehabilitation and repair projects.

(vi) **Overflow Emergency Response Plan** - Each Enrollee shall develop and implement an overflow emergency response plan that identifies measures to protect public health and the environment. At a minimum, this plan must include the following:

- (a) Proper notification procedures so that the primary responders and regulatory agencies are informed of all SSOs in a timely manner;
- (b) A program to ensure an appropriate response to all overflows;
- (c) Procedures to ensure prompt notification to appropriate regulatory agencies and other potentially affected entities (e.g. health agencies, Regional Water Boards, water suppliers, etc.) of all SSOs that potentially affect public health or reach the waters of the State in accordance with the MRP. All SSOs shall be reported in accordance with this MRP, the California Water Code, other State Law, and other applicable Regional Water Board WDRs or NPDES permit requirements. The SSMP should identify the officials who will receive immediate notification;
- (d) Procedures to ensure that appropriate staff and contractor personnel are aware of and follow the Emergency Response Plan and are appropriately trained;
- (e) Procedures to address emergency operations, such as traffic and crowd control and other necessary response activities; and
- (f) A program to ensure that all reasonable steps are taken to contain and prevent the discharge of untreated and partially treated wastewater to waters of the United States and to minimize or correct any adverse impact on the environment resulting from the SSOs, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the discharge.

- (vii) **FOG Control Program:** Each Enrollee shall evaluate its service area to determine whether a FOG control program is needed. If an Enrollee determines that a FOG program is not needed, the Enrollee must provide justification for why it is not needed. If FOG is found to be a problem, the Enrollee must prepare and implement a FOG source control program to reduce the amount of these substances discharged to the sanitary sewer system. This plan shall include the following as appropriate:
- (a) An implementation plan and schedule for a public education outreach program that promotes proper disposal of FOG;
 - (b) A plan and schedule for the disposal of FOG generated within the sanitary sewer system service area. This may include a list of acceptable disposal facilities and/or additional facilities needed to adequately dispose of FOG generated within a sanitary sewer system service area;
 - (c) The legal authority to prohibit discharges to the system and identify measures to prevent SSOs and blockages caused by FOG;
 - (d) Requirements to install grease removal devices (such as traps or interceptors), design standards for the removal devices, maintenance requirements, BMP requirements, record keeping and reporting requirements;
 - (e) Authority to inspect grease producing facilities, enforcement authorities, and whether the Enrollee has sufficient staff to inspect and enforce the FOG ordinance;
 - (f) An identification of sanitary sewer system sections subject to FOG blockages and establishment of a cleaning maintenance schedule for each section; and
 - (g) Development and implementation of source control measures for all sources of FOG discharged to the sanitary sewer system for each section identified in (f) above.
- (viii) **System Evaluation and Capacity Assurance Plan:** The Enrollee shall prepare and implement a capital improvement plan (CIP) that will provide hydraulic capacity of key sanitary sewer system elements for dry weather peak flow conditions, as well as the appropriate design storm or wet weather event. At a minimum, the plan must include:
- (a) **Evaluation:** Actions needed to evaluate those portions of the sanitary sewer system that are experiencing or contributing to an SSO discharge caused by hydraulic deficiency. The evaluation must provide estimates of peak flows (including flows from SSOs

that escape from the system) associated with conditions similar to those causing overflow events, estimates of the capacity of key system components, hydraulic deficiencies (including components of the system with limiting capacity) and the major sources that contribute to the peak flows associated with overflow events;

- (b) **Design Criteria:** Where design criteria do not exist or are deficient, undertake the evaluation identified in (a) above to establish appropriate design criteria; and
 - (c) **Capacity Enhancement Measures:** The steps needed to establish a short- and long-term CIP to address identified hydraulic deficiencies, including prioritization, alternatives analysis, and schedules. The CIP may include increases in pipe size, I/I reduction programs, increases and redundancy in pumping capacity, and storage facilities. The CIP shall include an implementation schedule and shall identify sources of funding.
 - (d) **Schedule:** The Enrollee shall develop a schedule of completion dates for all portions of the capital improvement program developed in (a)-(c) above. This schedule shall be reviewed and updated consistent with the SSMP review and update requirements as described in Section D. 14.
- (ix) **Monitoring, Measurement, and Program Modifications:** The Enrollee shall:
- (a) Maintain relevant information that can be used to establish and prioritize appropriate SSMP activities;
 - (b) Monitor the implementation and, where appropriate, measure the effectiveness of each element of the SSMP;
 - (c) Assess the success of the preventative maintenance program;
 - (d) Update program elements, as appropriate, based on monitoring or performance evaluations; and
 - (e) Identify and illustrate SSO trends, including: frequency, location, and volume.
- (x) **SSMP Program Audits** - As part of the SSMP, the Enrollee shall conduct periodic internal audits, appropriate to the size of the system and the number of SSOs. At a minimum, these audits must occur every two years and a report must be prepared and kept on file. This audit shall focus on evaluating the effectiveness of the SSMP and the

Enrollee's compliance with the SSMP requirements identified in this subsection (D.13), including identification of any deficiencies in the SSMP and steps to correct them.

- (xi) **Communication Program** – The Enrollee shall communicate on a regular basis with the public on the development, implementation, and performance of its SSMP. The communication system shall provide the public the opportunity to provide input to the Enrollee as the program is developed and implemented.

The Enrollee shall also create a plan of communication with systems that are tributary and/or satellite to the Enrollee's sanitary sewer system.

14. Both the SSMP and the Enrollee's program to implement the SSMP must be certified by the Enrollee to be in compliance with the requirements set forth above and must be presented to the Enrollee's governing board for approval at a public meeting. The Enrollee shall certify that the SSMP, and subparts thereof, are in compliance with the general WDRs within the time frames identified in the time schedule provided in subsection D.15, below.

In order to complete this certification, the Enrollee's authorized representative must complete the certification portion in the Online SSO Database Questionnaire by checking the appropriate milestone box, printing and signing the automated form, and sending the form to:

State Water Resources Control Board
Division of Water Quality
Attn: SSO Program Manager
P.O. Box 100
Sacramento, CA 95812

The SSMP must be updated every five (5) years, and must include any significant program changes. Re-certification by the governing board of the Enrollee is required in accordance with D.14 when significant updates to the SSMP are made. To complete the re-certification process, the Enrollee shall enter the data in the Online SSO Database and mail the form to the State Water Board, as described above.

15. The Enrollee shall comply with these requirements according to the following schedule. This time schedule does not supersede existing requirements or time schedules associated with other permits or regulatory requirements.

Sewer System Management Plan Time Schedule

<u>Task and Associated Section</u>	Completion Date			
	Population > 100,000	Population between 100,000 and 10,000	Population between 10,000 and 2,500	Population < 2,500
Application for Permit Coverage Section C	6 months after WDRs Adoption			
Reporting Program Section G	6 months after WDRs Adoption ¹			
SSMP Development Plan and Schedule No specific Section	9 months after WDRs Adoption ²	12 months after WDRs Adoption ²	15 months after WDRs Adoption ²	18 months after WDRs Adoption ²
Goals and Organization Structure Section D 13 (i) & (ii)	12 months after WDRs Adoption ²		18 months after WDRs Adoption ²	
Overflow Emergency Response Program Section D 13 (vi)	24 months after WDRs Adoption ²	30 months after WDRs Adoption ²	36 months after WDRs Adoption ²	39 months after WDRs Adoption ²
Legal Authority Section D 13 (iii)				
Operation and Maintenance Program Section D 13 (iv)				
Grease Control Program Section D 13 (vii)	36 months after WDRs Adoption	39 months after WDRs Adoption	48 months after WDRs Adoption	51 months after WDRs Adoption
Design and Performance Section D 13 (v)				
System Evaluation and Capacity Assurance Plan Section D 13 (viii)				
Final SSMP, incorporating all of the SSMP requirements Section D 13				

1. In the event that by July 1, 2006 the Executive Director is able to execute a memorandum of agreement (MOA) with the California Water Environment Association (CWEA) or discharger representatives outlining a strategy and time schedule for CWEA or another entity to provide statewide training on the adopted monitoring program, SSO database electronic reporting, and SSMP development, consistent with this Order, then the schedule of Reporting Program Section G shall be replaced with the following schedule:

Reporting Program Section G	
Regional Boards 4, 8, and 9	8 months after WDRs Adoption
Regional Boards 1, 2, and 3	12 months after WDRs Adoption
Regional Boards 5, 6, and 7	16 months after WDRs Adoption

If this MOU is not executed by July 1, 2006, the reporting program time schedule will remain six (6) months for all regions and agency size categories.

2. In the event that the Executive Director executes the MOA identified in note 1 by July 1, 2006, then the deadline for this task shall be extended by six (6) months. The time schedule identified in the MOA must be consistent with the extended time schedule provided by this note. If the MOA is not executed by July 1, 2006, the six (6) month time extension will not be granted.

E. WDRs and SSMP AVAILABILITY

1. A copy of the general WDRs and the certified SSMP shall be maintained at appropriate locations (such as the Enrollee's offices, facilities, and/or Internet homepage) and shall be available to sanitary sewer system operating and maintenance personnel at all times.

F. ENTRY AND INSPECTION

1. The Enrollee shall allow the State or Regional Water Boards or their authorized representative, upon presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the Enrollee's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;

- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
- d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the California Water Code, any substances or parameters at any location.

G. GENERAL MONITORING AND REPORTING REQUIREMENTS

1. The Enrollee shall furnish to the State or Regional Water Board, within a reasonable time, any information that the State or Regional Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The Enrollee shall also furnish to the Executive Director of the State Water Board or Executive Officer of the applicable Regional Water Board, upon request, copies of records required to be kept by this Order.
2. The Enrollee shall comply with the attached Monitoring and Reporting Program No. 2006-0003 and future revisions thereto, as specified by the Executive Director. Monitoring results shall be reported at the intervals specified in Monitoring and Reporting Program No. 2006-0003. Unless superseded by a specific enforcement Order for a specific Enrollee, these reporting requirements are intended to replace other mandatory routine written reports associated with SSOs.
3. All Enrollees must obtain SSO Database accounts and receive a "Username" and "Password" by registering through the California Integrated Water Quality System (CIWQS). These accounts will allow controlled and secure entry into the SSO Database. Additionally, within 30 days of receiving an account and prior to recording spills into the SSO Database, all Enrollees must complete the "Collection System Questionnaire", which collects pertinent information regarding a Enrollee's collection system. The "Collection System Questionnaire" must be updated at least every 12 months.
4. Pursuant to Health and Safety Code section 5411.5, any person who, without regard to intent or negligence, causes or permits any untreated wastewater or other waste to be discharged in or on any waters of the State, or discharged in or deposited where it is, or probably will be, discharged in or on any surface waters of the State, as soon as that person has knowledge of the discharge, shall immediately notify the local health officer of the discharge. Discharges of untreated or partially treated wastewater to storm drains and drainage channels, whether man-made or natural or concrete-lined, shall be reported as required above.

Any SSO greater than 1,000 gallons discharged in or on any waters of the State, or discharged in or deposited where it is, or probably will be, discharged in or on any surface waters of the State shall also be reported to the Office of Emergency Services pursuant to California Water Code section 13271.

H. CHANGE IN OWNERSHIP

1. This Order is not transferable to any person or party, except after notice to the Executive Director. The Enrollee shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new Enrollee containing a specific date for the transfer of this Order's responsibility and coverage between the existing Enrollee and the new Enrollee. This agreement shall include an acknowledgement that the existing Enrollee is liable for violations up to the transfer date and that the new Enrollee is liable from the transfer date forward.

I. INCOMPLETE REPORTS

1. If an Enrollee becomes aware that it failed to submit any relevant facts in any report required under this Order, the Enrollee shall promptly submit such facts or information by formally amending the report in the Online SSO Database.

J. REPORT DECLARATION

1. All applications, reports, or information shall be signed and certified as follows:
 - (i) All reports required by this Order and other information required by the State or Regional Water Board shall be signed and certified by a person designated, for a municipality, state, federal or other public agency, as either a principal executive officer or ranking elected official, or by a duly authorized representative of that person, as described in paragraph (ii) of this provision. (For purposes of electronic reporting, an electronic signature and accompanying certification, which is in compliance with the Online SSO database procedures, meet this certification requirement.)
 - (ii) An individual is a duly authorized representative only if:
 - (a) The authorization is made in writing by a person described in paragraph (i) of this provision; and
 - (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity.

K. CIVIL MONETARY REMEDIES FOR DISCHARGE VIOLATIONS

1. The California Water Code provides various enforcement options, including civil monetary remedies, for violations of this Order.
2. The California Water Code also provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or

falsifying any information provided in the technical or monitoring reports is subject to civil monetary penalties.

L. SEVERABILITY

1. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.
2. This order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the Enrollee from liability under federal, state or local laws, nor create a vested right for the Enrollee to continue the waste discharge.

CERTIFICATION

The undersigned Clerk to the State Water Board does hereby certify that the foregoing is a full, true, and correct copy of general WDRs duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 2, 2006.

AYE: Tam M. Doduc
Gerald D. Secundy

NO: Arthur G. Baggett

ABSENT: None

ABSTAIN: None



Song Her
Clerk to the Board

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ORDER NO. WQ 2008-0002-EXEC

ADOPTING AMENDED MONITORING AND REPORTING REQUIREMENTS FOR
STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER
SYSTEMS

The State of California, Water Resources Control Board (State Water Board) finds:

1. The State Water Board is authorized to prescribe statewide general waste discharge requirements for categories of discharges that involve the same or similar operations and the same or similar types of waste pursuant to Water Code 13263, subdivision (i).
2. The State Water Board on May 2, 2006, adopted Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Order No. 2006-0003-DWQ, pursuant to that authority.
3. The State Water Board on May 2, 2006, adopted Monitoring and Reporting Requirements to implement the General Waste Discharge Requirements for Sanitary Sewer Systems.
4. State Water Board Order No. 2006-0003-DWQ, paragraph G.2., and the Monitoring and Reporting Requirements, both provide that the Executive Director may modify the terms of the Monitoring and Reporting Requirements at any time.
5. The time allowed in those Monitoring and Reporting Requirements for the filing of the initial report of an overflow is too long to adequately protect the public health and safety or the beneficial uses of the waters of the state when there is a sewage collection system spill. An additional notification requirement is necessary and appropriate to ensure the Office of Emergency Services, local public health officials, and the applicable regional water quality control board are apprised of a spill that reaches a drainage channel or surface water.
6. Further, the burden of providing a notification as soon as possible is de minimis and will allow response agencies to take action as soon as possible to protect public health and safety and beneficial uses of the waters of the state.

IT IS HEREBY ORDERED THAT:

Pursuant to the authority delegated by Resolution No. 2002-0104 and Order No. 2006-0003-DWQ, the Monitoring and Reporting Requirements for Statewide General Waste Discharge Requirements for Sanitary Sewer Systems No. 2006-0003-DWQ is hereby amended as shown in Attachment A, with new text indicated by double-underline.

Dated:

February 20, 2008

Dorothy Rice

Dorothy Rice
Executive Director

ATTACHMENT A

STATE WATER RESOURCES CONTROL BOARD MONITORING AND REPORTING PROGRAM NO. 2006-0003-DWQ (AS REVISED BY ORDER NO. WQ 2008-0002-EXEC)

STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS

This Monitoring and Reporting Program (MRP) establishes monitoring, record keeping, reporting and public notification requirements for Order No. 2006-2003-DWQ, "Statewide General Waste Discharge Requirements for Sanitary Sewer Systems." Revisions to this MRP may be made at any time by the Executive Director, and may include a reduction or increase in the monitoring and reporting.

NOTIFICATION

Although State and Regional Water Board staff do not have duties as first responders, this Monitoring and Reporting Program is an appropriate mechanism to ensure that the agencies that do have first responder duties are notified in a timely manner in order to protect public health and beneficial uses.

1. For any discharges of sewage that results in a discharge to a drainage channel or a surface water, the Discharger shall, as soon as possible, but not later than two (2) hours after becoming aware of the discharge, notify the State Office of Emergency Services, the local health officer or directors of environmental health with jurisdiction over affected water bodies, and the appropriate Regional Water Quality Control Board.
2. As soon as possible, but no later than twenty-four (24) hours after becoming aware of a discharge to a drainage channel or a surface water, the Discharger shall submit to the appropriate Regional Water Quality Control Board a certification that the State Office of Emergency Services and the local health officer or directors of environmental health with jurisdiction over the affected water bodies have been notified of the discharge.

A. SANITARY SEWER OVERFLOW REPORTING

SSO Categories

1. Category 1 - All discharges of sewage resulting from a failure in the Enrollee's sanitary sewer system that:
 - A. Equal or exceed 1000 gallons, or
 - B. Result in a discharge to a drainage channel and/or surface water; or
 - C. Discharge to a storm drainpipe that was not fully captured and returned to the sanitary sewer system.

2. Category 2 – All other discharges of sewage resulting from a failure in the Enrollee's sanitary sewer system.
3. Private Lateral Sewage Discharges – Sewage discharges that are caused by blockages or other problems within a privately owned lateral.

SSO Reporting Timeframes

4. Category 1 SSOs – Except as provided above, all SSOs that meet the above criteria for Category 1 SSOs must be reported as soon as: (1) the Enrollee has knowledge of the discharge, (2) reporting is possible, and (3) reporting can be provided without substantially impeding cleanup or other emergency measures. Initial reporting of Category 1 SSOs must be reported to the Online SSO System as soon as possible but no later than 3 business days after the Enrollee is made aware of the SSO. Minimum information that must be contained in the 3-day report must include all information identified in section 9 below, except for item 9.K. A final certified report must be completed through the Online SSO System, within 15 calendar days of the conclusion of SSO response and remediation. Additional information may be added to the certified report, in the form of an attachment, at any time.

The above reporting requirements are in addition to do not preclude other emergency notification requirements and timeframes mandated by other regulatory agencies (local County Health Officers, local Director of Environmental Health, Regional Water Boards, or Office of Emergency Services (OES)) or State law.

5. Category 2 SSOs – All SSOs that meet the above criteria for Category 2 SSOs must be reported to the Online SSO Database within 30 days after the end of the calendar month in which the SSO occurs (e.g. all SSOs occurring in the month of January must be entered into the database by March 1st).
6. Private Lateral Sewage Discharges – All sewage discharges that meet the above criteria for Private Lateral sewage discharges may be reported to the Online SSO Database based upon the Enrollee's discretion. If a Private Lateral sewage discharge is recorded in the SSO Database, the Enrollee must identify the sewage discharge as occurring and caused by a private lateral, and a responsible party (other than the Enrollee) should be identified, if known.
7. If there are no SSOs during the calendar month, the Enrollee will provide, within 30 days after the end of each calendar month, a statement through the Online SSO Database certifying that there were no SSOs for the designated month.
8. In the event that the SSO Online Database is not available, the enrollee must fax all required information to the appropriate Regional Water Board office in

accordance with the time schedules identified above. In such event, the Enrollee must also enter all required information into the Online SSO Database as soon as practical.

Mandatory Information to be Included in SSO Online Reporting

All Enrollees must obtain SSO Database accounts and receive a "Username" and "Password" by registering through the California Integrated Water Quality System (CIWQS). These accounts will allow controlled and secure entry into the SSO Database. Additionally, within thirty (30) days of receiving an account and prior to recording SSOs into the SSO Database, all Enrollees must complete the "Collection System Questionnaire", which collects pertinent information regarding an Enrollee's collection system. The "Collection System Questionnaire" must be updated at least every 12 months.

At a minimum, the following mandatory information must be included prior to finalizing and certifying an SSO report for each category of SSO:

9. Category 2 SSOs:

- A. Location of SSO by entering GPS coordinates;
- B. Applicable Regional Water Board, i.e. identify the region in which the SSO occurred;
- C. County where SSO occurred;
- D. Whether or not the SSO entered a drainage channel and/or surface water;
- E. Whether or not the SSO was discharged to a storm drain pipe that was not fully captured and returned to the sanitary sewer system;
- F. Estimated SSO volume in gallons;
- G. SSO source (manhole, cleanout, etc.);
- H. SSO cause (mainline blockage, roots, etc.);
- I. Time of SSO notification or discovery;
- J. Estimated operator arrival time;
- K. SSO destination;
- L. Estimated SSO end time; and
- M. SSO Certification. Upon SSO Certification, the SSO Database will issue a Final SSO Identification (ID) Number.

10. Private Lateral Sewage Discharges:

- A. All information listed above (if applicable and known), as well as;
- B. Identification of sewage discharge as a private lateral sewage discharge; and
- C. Responsible party contact information (if known).

11. Category 1 SSOs:

- A. All information listed for Category 2 SSOs, as well as;
- B. Estimated SSO volume that reached surface water, drainage channel, or not recovered from a storm drain;
- C. Estimated SSO amount recovered;
- D. Response and corrective action taken;
- E. If samples were taken, identify which regulatory agencies received sample results (if applicable). If no samples were taken, NA must be selected.
- F. Parameters that samples were analyzed for (if applicable);
- G. Identification of whether or not health warnings were posted;
- H. Beaches impacted (if applicable). If no beach was impacted, NA must be selected;
- I. Whether or not there is an ongoing investigation;
- J. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
- K. OES control number (if applicable);
- L. Date OES was called (if applicable);
- M. Time OES was called (if applicable);
- N. Identification of whether or not County Health Officers were called;
- O. Date County Health Officer was called (if applicable); and
- P. Time County Health Officer was called (if applicable).

Reporting to Other Regulatory Agencies

These reporting requirements do not preclude an Enrollee from reporting SSOs to other regulatory agencies pursuant California state law. These reporting requirements do not replace other Regional Water Board telephone reporting requirements for SSOs.

1. The Enrollee shall report SSOs to OES, in accordance with California Water Code Section 13271.

Office of Emergency Services
Phone (800) 852-7550

2. The Enrollee shall report SSOs to County Health officials in accordance with California Health and Safety Code Section 5410 et seq.
3. The SSO database will automatically generate an e-mail notification with customized information about the SSO upon initial reporting of the SSO and final certification for all Category 1 SSOs. E-mails will be sent to the appropriate County Health Officer and/or Environmental Health Department if the county desires this information, and the appropriate Regional Water Board.

B. Record Keeping

1. Individual SSO records shall be maintained by the Enrollee for a minimum of five years from the date of the SSO. This period may be extended when requested by a Regional Water Board Executive Officer.

[2. Omitted.]

3. All records shall be made available for review upon State or Regional Water Board staff's request.
4. All monitoring instruments and devices that are used by the Enrollee to fulfill the prescribed monitoring and reporting program shall be properly maintained and calibrated as necessary to ensure their continued accuracy;
5. The Enrollee shall retain records of all SSOs, such as, but not limited to and when applicable:
 - a. Record of Certified report, as submitted to the online SSO database;
 - b. All original recordings for continuous monitoring instrumentation;
 - c. Service call records and complaint logs of calls received by the Enrollee;
 - d. SSO calls;
 - e. SSO records;
 - f. Steps that have been and will be taken to prevent the SSO from recurring and a schedule to implement those steps.
 - g. Work orders, work completed, and any other maintenance records from the previous 5 years which are associated with responses and investigations of system problems related to SSOs;
 - h. A list and description of complaints from customers or others from the previous 5 years; and
 - i. Documentation of performance and implementation measures for the previous 5 years.
6. If water quality samples are required by an environmental or health regulatory agency or State law, or if voluntary monitoring is conducted by the Enrollee or its agent(s), as a result of any SSO, records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical technique or method used; and,
 - f. The results of such analyses.


C. Certification

1. All final reports must be certified by an authorized person as required by Provision J of the Order.
2. Registration of authorized individuals, who may certify reports, will be in accordance with the CIWQS' protocols for reporting.

Monitoring and Reporting Program No. 2006-0003 will become effective on the date of adoption by the State Water Board. The notification requirements added by Order No. WQ 2008-0002-EXEC will become effective upon issuance by the Executive Director.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of an order amended by the Executive Director of the State Water Board.



Jeanne Townsend
Clerk to the Board

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
ORDER NO. WQ 2013-0058-EXEC

AMENDING MONITORING AND REPORTING PROGRAM
FOR
STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR
SANITARY SEWER SYSTEMS

The State of California, Water Resources Control Board (hereafter State Water Board) finds:

1. The State Water Board is authorized to prescribe statewide general Waste Discharge Requirements (WDRs) for categories of discharges that involve the same or similar operations and the same or similar types of waste pursuant to Water Code section 13263(i).
2. Water Code section 13193 *et seq.* requires the Regional Water Quality Control Boards (Regional Water Boards) and the State Water Board (collectively, the Water Boards) to gather Sanitary Sewer Overflow (SSO) information and make this information available to the public, including but not limited to, SSO cause, estimated volume, location, date, time, duration, whether or not the SSO reached or may have reached waters of the state, response and corrective action taken, and an enrollee's contact information for each SSO event. An enrollee is defined as the public entity having legal authority over the operation and maintenance of, or capital improvements to, a sanitary sewer system greater than one mile in length.
3. Water Code section 13271, *et seq.* requires notification to the California Office of Emergency Services (Cal OES), formerly the California Emergency Management Agency, for certain unauthorized discharges, including SSOs.
4. On May 2, 2006, the State Water Board adopted Order 2006-0003-DWQ, "Statewide Waste Discharge Requirements for Sanitary Sewer Systems"¹ (hereafter SSS WDRs) to comply with Water Code section 13193 and to establish the framework for the statewide SSO Reduction Program.
5. Subsection G.2 of the SSS WDRs and the Monitoring and Reporting Program (MRP) provide that the Executive Director may modify the terms of the MRP at any time.
6. On February 20, 2008, the State Water Board Executive Director adopted a revised MRP for the SSS WDRs to rectify early notification deficiencies and ensure that first responders are notified in a timely manner of SSOs discharged into waters of the state.
7. When notified of an SSO that reaches a drainage channel or surface water of the state, Cal OES, pursuant to Water Code section 13271(a)(3), forwards the SSO notification information² to local government agencies and first responders including local public health officials and the applicable Regional Water Board. Receipt of notifications for a single SSO event from both the SSO reporter

¹ Available for download at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2006/wqo/wqo2006_0003.pdf

² Cal OES Hazardous Materials Spill Reports available Online at:

[http://w3.calema.ca.gov/operational/mal haz.nsf/\\$defaultview](http://w3.calema.ca.gov/operational/mal haz.nsf/$defaultview) and <http://w3.calema.ca.gov/operational/mal haz.nsf>

and Cal OES is duplicative. To address this, the SSO notification requirements added by the February 20, 2008 MRP revision are being removed in this MRP revision.

8. In the February 28, 2008 Memorandum of Agreement between the State Water Board and the California Water and Environment Association (CWEA), the State Water Board committed to re-designing the CIWQS³ Online SSO Database to allow "event" based SSO reporting versus the original "location" based reporting. Revisions to this MRP and accompanying changes to the CIWQS Online SSO Database will implement this change by allowing for multiple SSO appearance points to be associated with each SSO event caused by a single asset failure.
9. Based on stakeholder input and Water Board staff experience implementing the SSO Reduction Program, SSO categories have been revised in this MRP. In the prior version of the MRP, SSOs have been categorized as Category 1 or Category 2. This MRP implements changes to SSO categories by adding a Category 3 SSO type. This change will improve data management to further assist Water Board staff with evaluation of high threat and low threat SSOs by placing them in unique categories (i.e., Category 1 and Category 3, respectively). This change will also assist enrollees in identifying SSOs that require Cal OES notification.
10. Based on over six years of implementation of the SSS WDRs, the State Water Board concludes that the February 20, 2008 MRP must be updated to better advance the SSO Reduction Program⁴ objectives, assess compliance, and enforce the requirements of the SSS WDRs.

IT IS HEREBY ORDERED THAT:

Pursuant to the authority delegated by Water Code section 13267(f), Resolution 2002-0104, and Order 2006-0003-DWQ, the MRP for the SSS WDRs (Order 2006-0003-DWQ) is hereby amended as shown in Attachment A and shall be effective on September 9, 2013.

8/6/13

Date



Thomas Howard
Executive Director

³ California Integrated Water Quality System (CIWQS) publicly available at <http://www.waterboards.ca.gov/ciwqs/publicreports.shtml>

⁴ Statewide Sanitary Sewer Overflow Reduction Program information is available at: http://www.waterboards.ca.gov/water_issues/programs/ssor/

ATTACHMENT A

STATE WATER RESOURCES CONTROL BOARD ORDER NO. WQ 2013-0058-EXEC

AMENDING MONITORING AND REPORTING PROGRAM FOR STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS

This Monitoring and Reporting Program (MRP) establishes monitoring, record keeping, reporting and public notification requirements for Order 2006-0003-DWQ, "Statewide General Waste Discharge Requirements for Sanitary Sewer Systems" (SSS WDRs). This MRP shall be effective from September 9, 2013 until it is rescinded. The Executive Director may make revisions to this MRP at any time. These revisions may include a reduction or increase in the monitoring and reporting requirements. All site specific records and data developed pursuant to the SSS WDRs and this MRP shall be complete, accurate, and justified by evidence maintained by the enrollee. Failure to comply with this MRP may subject an enrollee to civil liabilities of up to \$5,000 a day per violation pursuant to Water Code section 13350; up to \$1,000 a day per violation pursuant to Water Code section 13268; or referral to the Attorney General for judicial civil enforcement. The State Water Resources Control Board (State Water Board) reserves the right to take any further enforcement action authorized by law.

A. SUMMARY OF MRP REQUIREMENTS

Table 1 – Spill Categories and Definitions

CATEGORIES	DEFINITIONS [see Section A on page 5 of Order 2006-0003-DWQ, for Sanitary Sewer Overflow (SSO) definition]
CATEGORY 1	Discharges of untreated or partially treated wastewater of any volume resulting from an enrollee's sanitary sewer system failure or flow condition that: <ul style="list-style-type: none">Reach surface water and/or reach a drainage channel tributary to a surface water; orReach a Municipal Separate Storm Sewer System (MS4) and are not fully captured and returned to the sanitary sewer system or not otherwise captured and disposed of properly. Any volume of wastewater not recovered from the MS4 is considered to have reached surface water unless the storm drain system discharges to a dedicated storm water or groundwater infiltration basin (e.g., infiltration pit, percolation pond).
CATEGORY 2	Discharges of untreated or partially treated wastewater of 1,000 gallons or greater resulting from an enrollee's sanitary sewer system failure or flow condition that do not reach surface water, a drainage channel, or a MS4 unless the entire SSO discharged to the storm drain system is fully recovered and disposed of properly.
CATEGORY 3	All other discharges of untreated or partially treated wastewater resulting from an enrollee's sanitary sewer system failure or flow condition.
PRIVATE LATERAL SEWAGE DISCHARGE (PLSD)	Discharges of untreated or partially treated wastewater resulting from blockages or other problems within a privately owned sewer lateral connected to the enrollee's sanitary sewer system or from other private sewer assets. PLSDs that the enrollee becomes aware of may be voluntarily reported to the California Integrated Water Quality System (CIWQS) Online SSO Database.

Table 2 – Notification, Reporting, Monitoring, and Record Keeping Requirements

ELEMENT	REQUIREMENT	METHOD
NOTIFICATION (see section B of MRP)	<ul style="list-style-type: none"> • Within two hours of becoming aware of any Category 1 SSO greater than or equal to 1,000 gallons discharged to surface water or spilled in a location where it probably will be discharged to surface water, notify the California Office of Emergency Services (Cal OES) and obtain a notification control number. 	Call Cal OES at: (800) 852-7550
REPORTING (see section C of MRP)	<ul style="list-style-type: none"> • Category 1 SSO: Submit draft report within three business days of becoming aware of the SSO and certify within 15 calendar days of SSO end date. • Category 2 SSO: Submit draft report within 3 business days of becoming aware of the SSO and certify within 15 calendar days of the SSO end date. • Category 3 SSO: Submit certified report within 30 calendar days of the end of month in which SSO the occurred. • SSO Technical Report: Submit within 45 calendar days after the end date of any Category 1 SSO in which 50,000 gallons or greater are spilled to surface waters. • “No Spill” Certification: Certify that no SSOs occurred within 30 calendar days of the end of the month or, if reporting quarterly, the quarter in which no SSOs occurred. • Collection System Questionnaire: Update and certify every 12 months. 	Enter data into the CIWQS Online SSO Database (http://ciwqs.waterboards.ca.gov/), certified by enrollee’s Legally Responsible Official(s).
WATER QUALITY MONITORING (see section D of MRP)	<ul style="list-style-type: none"> • Conduct water quality sampling within 48 hours after initial SSO notification for Category 1 SSOs in which 50,000 gallons or greater are spilled to surface waters. 	Water quality results are required to be uploaded into CIWQS for Category 1 SSOs in which 50,000 gallons or greater are spilled to surface waters.
RECORD KEEPING (see section E of MRP)	<ul style="list-style-type: none"> • SSO event records. • Records documenting Sanitary Sewer Management Plan (SSMP) implementation and changes/updates to the SSMP. • Records to document Water Quality Monitoring for SSOs of 50,000 gallons or greater spilled to surface waters. • Collection system telemetry records if relied upon to document and/or estimate SSO Volume. 	Self-maintained records shall be available during inspections or upon request.

B. NOTIFICATION REQUIREMENTS

Although Regional Water Quality Control Boards (Regional Water Boards) and the State Water Board (collectively, the Water Boards) staff do not have duties as first responders, this MRP is an appropriate mechanism to ensure that the agencies that have first responder duties are notified in a timely manner in order to protect public health and beneficial uses.

1. For any Category 1 SSO greater than or equal to 1,000 gallons that results in a discharge to a surface water or spilled in a location where it probably will be discharged to surface water, either directly or by way of a drainage channel or MS4, the enrollee shall, as soon as possible, but not later than two (2) hours after (A) the enrollee has knowledge of the discharge, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures, notify the Cal OES and obtain a notification control number.
2. To satisfy notification requirements for each applicable SSO, the enrollee shall provide the information requested by Cal OES before receiving a control number. Spill information requested by Cal OES may include:
 - i. Name of person notifying Cal OES and direct return phone number.
 - ii. Estimated SSO volume discharged (gallons).
 - iii. If ongoing, estimated SSO discharge rate (gallons per minute).
 - iv. SSO Incident Description:
 - a. Brief narrative.
 - b. On-scene point of contact for additional information (name and cell phone number).
 - c. Date and time enrollee became aware of the SSO.
 - d. Name of sanitary sewer system agency causing the SSO.
 - e. SSO cause (if known).
 - v. Indication of whether the SSO has been contained.
 - vi. Indication of whether surface water is impacted.
 - vii. Name of surface water impacted by the SSO, if applicable.
 - viii. Indication of whether a drinking water supply is or may be impacted by the SSO.
 - ix. Any other known SSO impacts.
 - x. SSO incident location (address, city, state, and zip code).
3. Following the initial notification to Cal OES and until such time that an enrollee certifies the SSO report in the CIWQS Online SSO Database, the enrollee shall provide updates to Cal OES regarding substantial changes to the estimated volume of untreated or partially treated sewage discharged and any substantial change(s) to known impact(s).
4. PLSDs: The enrollee is strongly encouraged to notify Cal OES of discharges greater than or equal to 1,000 gallons of untreated or partially treated wastewater that result or may result in a discharge to surface water resulting from failures or flow conditions within a privately owned sewer lateral or from other private sewer asset(s) if the enrollee becomes aware of the PLSD.

C. REPORTING REQUIREMENTS

1. **CIWQS Online SSO Database Account:** All enrollees shall obtain a CIWQS Online SSO Database account and receive a “Username” and “Password” by registering through CIWQS. These accounts allow controlled and secure entry into the CIWQS Online SSO Database.
2. **SSO Mandatory Reporting Information:** For reporting purposes, if one SSO event results in multiple appearance points in a sewer system asset, the enrollee shall complete one SSO report in the CIWQS Online SSO Database which includes the GPS coordinates for the location of the SSO appearance point closest to the failure point, blockage or location of the flow condition that caused the SSO, and provide descriptions of the locations of all other discharge points associated with the SSO event.
3. **SSO Categories**
 - i. **Category 1** – Discharges of untreated or partially treated wastewater of any volume resulting from an enrollee’s sanitary sewer system failure or flow condition that:
 - a. Reach surface water and/or reach a drainage channel tributary to a surface water; or
 - b. Reach a MS4 and are not fully captured and returned to the sanitary sewer system or not otherwise captured and disposed of properly. Any volume of wastewater not recovered from the MS4 is considered to have reached surface water unless the storm drain system discharges to a dedicated storm water or groundwater infiltration basin (e.g., infiltration pit, percolation pond).
 - ii. **Category 2** – Discharges of untreated or partially treated wastewater greater than or equal to 1,000 gallons resulting from an enrollee’s sanitary sewer system failure or flow condition that does not reach a surface water, a drainage channel, or the MS4 unless the entire SSO volume discharged to the storm drain system is fully recovered and disposed of properly.
 - iii. **Category 3** – All other discharges of untreated or partially treated wastewater resulting from an enrollee’s sanitary sewer system failure or flow condition.
4. **Sanitary Sewer Overflow Reporting to CIWQS - Timeframes**
 - i. **Category 1 and Category 2 SSOs** – All SSOs that meet the above criteria for Category 1 or Category 2 SSOs shall be reported to the CIWQS Online SSO Database:
 - a. Draft reports for Category 1 and Category 2 SSOs shall be submitted to the CIWQS Online SSO Database within three (3) business days of the enrollee becoming aware of the SSO. Minimum information that shall be reported in a draft Category 1 SSO report shall include all information identified in section 8.i.a. below. Minimum information that shall be reported in a Category 2 SSO draft report shall include all information identified in section 8.i.c below.
 - b. A final Category 1 or Category 2 SSO report shall be certified through the CIWQS Online SSO Database within 15 calendar days of the end date of the SSO. Minimum information that shall be certified in the final Category 1 SSO report shall include all information identified in section 8.i.b below. Minimum information that shall be certified in a final Category 2 SSO report shall include all information identified in section 8.i.d below.

- ii. **Category 3 SSOs** – All SSOs that meet the above criteria for Category 3 SSOs shall be reported to the CIWQS Online SSO Database and certified within 30 calendar days after the end of the calendar month in which the SSO occurs (e.g., all Category 3 SSOs occurring in the month of February shall be entered into the database and certified by March 30). Minimum information that shall be certified in a final Category 3 SSO report shall include all information identified in section 8.i.e below.
- iii. **“No Spill” Certification** – If there are no SSOs during the calendar month, the enrollee shall either 1) certify, within 30 calendar days after the end of each calendar month, a “No Spill” certification statement in the CIWQS Online SSO Database certifying that there were no SSOs for the designated month, or 2) certify, quarterly within 30 calendar days after the end of each quarter, “No Spill” certification statements in the CIWQS Online SSO Database certifying that there were no SSOs for each month in the quarter being reported on. For quarterly reporting, the quarters are Q1 - January/ February/ March, Q2 - April/May/June, Q3 - July/August/September, and Q4 - October/November/December.

If there are no SSOs during a calendar month but the enrollee reported a PLSD, the enrollee shall still certify a “No Spill” certification statement for that month.
- iv. **Amended SSO Reports** – The enrollee may update or add additional information to a certified SSO report within 120 calendar days after the SSO end date by amending the report or by adding an attachment to the SSO report in the CIWQS Online SSO Database. SSO reports certified in the CIWQS Online SSO Database prior to the adoption date of this MRP may only be amended up to 120 days after the effective date of this MRP. After 120 days, the enrollee may contact the SSO Program Manager to request to amend an SSO report if the enrollee also submits justification for why the additional information was not available prior to the end of the 120 days.

5. **SSO Technical Report**

The enrollee shall submit an SSO Technical Report in the CIWQS Online SSO Database within 45 calendar days of the SSO end date for any SSO in which 50,000 gallons or greater are spilled to surface waters. This report, which does not preclude the Water Boards from requiring more detailed analyses if requested, shall include at a minimum, the following:

- i. **Causes and Circumstances of the SSO:**
 - a. Complete and detailed explanation of how and when the SSO was discovered.
 - b. Diagram showing the SSO failure point, appearance point(s), and final destination(s).
 - c. Detailed description of the methodology employed and available data used to calculate the volume of the SSO and, if applicable, the SSO volume recovered.
 - d. Detailed description of the cause(s) of the SSO.
 - e. Copies of original field crew records used to document the SSO.
 - f. Historical maintenance records for the failure location.
- ii. **Enrollee’s Response to SSO:**
 - a. Chronological narrative description of all actions taken by enrollee to terminate the spill.
 - b. Explanation of how the SSMP Overflow Emergency Response plan was implemented to respond to and mitigate the SSO.

- c. Final corrective action(s) completed and/or planned to be completed, including a schedule for actions not yet completed.

iii. **Water Quality Monitoring:**

- a. Description of all water quality sampling activities conducted including analytical results and evaluation of the results.
- b. Detailed location map illustrating all water quality sampling points.

6. **PLSDs**

Discharges of untreated or partially treated wastewater resulting from blockages or other problems within a privately owned sewer lateral connected to the enrollee's sanitary sewer system or from other private sanitary sewer system assets may be voluntarily reported to the CIWQS Online SSO Database.

- i. The enrollee is also encouraged to provide notification to Cal OES per section B above when a PLSD greater than or equal to 1,000 gallons has or may result in a discharge to surface water. For any PLSD greater than or equal to 1,000 gallons regardless of the spill destination, the enrollee is also encouraged to file a spill report as required by Health and Safety Code section 5410 et. seq. and Water Code section 13271, or notify the responsible party that notification and reporting should be completed as specified above and required by State law.
- ii. If a PLSD is recorded in the CIWQS Online SSO Database, the enrollee must identify the sewage discharge as occurring and caused by a private sanitary sewer system asset and should identify a responsible party (other than the enrollee), if known. Certification of PLSD reports by enrollees is not required.

7. **CIWQS Online SSO Database Unavailability**

In the event that the CIWQS Online SSO Database is not available, the enrollee must fax or e-mail all required information to the appropriate Regional Water Board office in accordance with the time schedules identified herein. In such event, the enrollee must also enter all required information into the CIWQS Online SSO Database when the database becomes available.

8. **Mandatory Information to be Included in CIWQS Online SSO Reporting**

All enrollees shall obtain a CIWQS Online SSO Database account and receive a "Username" and "Password" by registering through CIWQS which can be reached at CIWQS@waterboards.ca.gov or by calling (866) 792-4977, M-F, 8 A.M. to 5 P.M. These accounts will allow controlled and secure entry into the CIWQS Online SSO Database. Additionally, within thirty (30) days of initial enrollment and prior to recording SSOs into the CIWQS Online SSO Database, all enrollees must complete a Collection System Questionnaire (Questionnaire). The Questionnaire shall be updated at least once every 12 months.

i. **SSO Reports**

At a minimum, the following mandatory information shall be reported prior to finalizing and certifying an SSO report for each category of SSO:

- a. **Draft Category 1 SSOs**: At a minimum, the following mandatory information shall be reported for a draft Category 1 SSO report:
1. SSO Contact Information: Name and telephone number of enrollee contact person who can answer specific questions about the SSO being reported.
 2. SSO Location Name.
 3. Location of the overflow event (SSO) by entering GPS coordinates. If a single overflow event results in multiple appearance points, provide GPS coordinates for the appearance point closest to the failure point and describe each additional appearance point in the SSO appearance point explanation field.
 4. Whether or not the SSO reached surface water, a drainage channel, or entered and was discharged from a drainage structure.
 5. Whether or not the SSO reached a municipal separate storm drain system.
 6. Whether or not the total SSO volume that reached a municipal separate storm drain system was fully recovered.
 7. Estimate of the SSO volume, inclusive of all discharge point(s).
 8. Estimate of the SSO volume that reached surface water, a drainage channel, or was not recovered from a storm drain.
 9. Estimate of the SSO volume recovered (if applicable).
 10. Number of SSO appearance point(s).
 11. Description and location of SSO appearance point(s). If a single sanitary sewer system failure results in multiple SSO appearance points, each appearance point must be described.
 12. SSO start date and time.
 13. Date and time the enrollee was notified of, or self-discovered, the SSO.
 14. Estimated operator arrival time.
 15. For spills greater than or equal to 1,000 gallons, the date and time Cal OES was called.
 16. For spills greater than or equal to 1,000 gallons, the Cal OES control number.
- b. **Certified Category 1 SSOs**: At a minimum, the following mandatory information shall be reported for a certified Category 1 SSO report, in addition to all fields in section 8.i.a :
1. Description of SSO destination(s).
 2. SSO end date and time.
 3. SSO causes (mainline blockage, roots, etc.).
 4. SSO failure point (main, lateral, etc.).
 5. Whether or not the spill was associated with a storm event.
 6. Description of spill corrective action, including steps planned or taken to reduce, eliminate, and prevent reoccurrence of the overflow; and a schedule of major milestones for those steps.
 7. Description of spill response activities.
 8. Spill response completion date.
 9. Whether or not there is an ongoing investigation, the reasons for the investigation and the expected date of completion.

10. Whether or not a beach closure occurred or may have occurred as a result of the SSO.
 11. Whether or not health warnings were posted as a result of the SSO.
 12. Name of beach(es) closed and/or impacted. If no beach was impacted, NA shall be selected.
 13. Name of surface water(s) impacted.
 14. If water quality samples were collected, identify parameters the water quality samples were analyzed for. If no samples were taken, NA shall be selected.
 15. If water quality samples were taken, identify which regulatory agencies received sample results (if applicable). If no samples were taken, NA shall be selected.
 16. Description of methodology(ies) and type of data relied upon for estimations of the SSO volume discharged and recovered.
 17. SSO Certification: Upon SSO Certification, the CIWQS Online SSO Database will issue a final SSO identification (ID) number.
- c. **Draft Category 2 SSOs**: At a minimum, the following mandatory information shall be reported for a draft Category 2 SSO report:
1. Items 1-14 in section 8.i.a above for Draft Category 1 SSO.
- d. **Certified Category 2 SSOs**: At a minimum, the following mandatory information shall be reported for a certified Category 2 SSO report:
1. Items 1-14 in section 8.i.a above for Draft Category 1 SSO and Items 1-9, and 17 in section 8.i.b above for Certified Category 1 SSO.
- e. **Certified Category 3 SSOs**: At a minimum, the following mandatory information shall be reported for a certified Category 3 SSO report:
1. Items 1-14 in section 8.i.a above for Draft Category 1 SSO and Items 1-5, and 17 in section 8.i.b above for Certified Category 1 SSO.

ii. **Reporting SSOs to Other Regulatory Agencies**

These reporting requirements do not preclude an enrollee from reporting SSOs to other regulatory agencies pursuant to state law. In addition, these reporting requirements do not replace other Regional Water Board notification and reporting requirements for SSOs.

iii. **Collection System Questionnaire**

The required Questionnaire (see subsection G of the SSS WDRs) provides the Water Boards with site-specific information related to the enrollee's sanitary sewer system. The enrollee shall complete and certify the Questionnaire at least every 12 months to facilitate program implementation, compliance assessment, and enforcement response.

iv. **SSMP Availability**

The enrollee shall provide the publicly available internet web site address to the CIWQS Online SSO Database where a downloadable copy of the enrollee's approved SSMP, critical supporting documents referenced in the SSMP, and proof of local governing board approval of the SSMP is posted. If all of the SSMP documentation listed in this subsection is not publicly available on the Internet, the enrollee shall comply with the following procedure:

- a. Submit an **electronic** copy of the enrollee's approved SSMP, critical supporting documents referenced in the SSMP, and proof of local governing board approval of the SSMP to the State Water Board, within 30 days of that approval and within 30 days of any subsequent SSMP re-certifications, to the following mailing address:

State Water Resources Control Board
Division of Water Quality
Attn: SSO Program Manager
1001 I Street, 15th Floor, Sacramento, CA 95814

D. WATER QUALITY MONITORING REQUIREMENTS:

To comply with subsection D.7(v) of the SSS WDRs, the enrollee shall develop and implement an SSO Water Quality Monitoring Program to assess impacts from SSOs to surface waters in which 50,000 gallons or greater are spilled to surface waters. The SSO Water Quality Monitoring Program, shall, at a minimum:

1. Contain protocols for water quality monitoring.
2. Account for spill travel time in the surface water and scenarios where monitoring may not be possible (e.g. safety, access restrictions, etc.).
3. Require water quality analyses for ammonia and bacterial indicators to be performed by an accredited or certified laboratory.
4. Require monitoring instruments and devices used to implement the SSO Water Quality Monitoring Program to be properly maintained and calibrated, including any records to document maintenance and calibration, as necessary, to ensure their continued accuracy.
5. Within 48 hours of the enrollee becoming aware of the SSO, require water quality sampling for, at a minimum, the following constituents:
 - i. Ammonia
 - ii. Appropriate Bacterial indicator(s) per the applicable Basin Plan water quality objective or Regional Board direction which may include total and fecal coliform, enterococcus, and e-coli.

E. RECORD KEEPING REQUIREMENTS:

The following records shall be maintained by the enrollee for a minimum of five (5) years and shall be made available for review by the Water Boards during an onsite inspection or through an information request:

1. General Records: The enrollee shall maintain records to document compliance with all provisions of the SSS WDRs and this MRP for each sanitary sewer system owned including any required records generated by an enrollee's sanitary sewer system contractor(s).
2. SSO Records: The enrollee shall maintain records for each SSO event, including but not limited to:
 - i. Complaint records documenting how the enrollee responded to all notifications of possible or actual SSOs, both during and after business hours, including complaints that do not

result in SSOs. Each complaint record shall, at a minimum, include the following information:

- a. Date, time, and method of notification.
 - b. Date and time the complainant or informant first noticed the SSO.
 - c. Narrative description of the complaint, including any information the caller can provide regarding whether or not the complainant or informant reporting the potential SSO knows if the SSO has reached surface waters, drainage channels or storm drains.
 - d. Follow-up return contact information for complainant or informant for each complaint received, if not reported anonymously.
 - e. Final resolution of the complaint.
- ii. Records documenting steps and/or remedial actions undertaken by enrollee, using all available information, to comply with section D.7 of the SSS WDRs.
 - iii. Records documenting how all estimate(s) of volume(s) discharged and, if applicable, volume(s) recovered were calculated.
3. Records documenting all changes made to the SSMP since its last certification indicating when a subsection(s) of the SSMP was changed and/or updated and who authorized the change or update. These records shall be attached to the SSMP.
 4. Electronic monitoring records relied upon for documenting SSO events and/or estimating the SSO volume discharged, including, but not limited to records from:
 - i. Supervisory Control and Data Acquisition (SCADA) systems
 - ii. Alarm system(s)
 - iii. Flow monitoring device(s) or other instrument(s) used to estimate wastewater levels, flow rates and/or volumes.

F. CERTIFICATION

1. All information required to be reported into the CIWQS Online SSO Database shall be certified by a person designated as described in subsection J of the SSS WDRs. This designated person is also known as a Legally Responsible Official (LRO). An enrollee may have more than one LRO.
2. Any designated person (i.e. an LRO) shall be registered with the State Water Board to certify reports in accordance with the CIWQS protocols for reporting.
3. Data Submitter (DS): Any enrollee employee or contractor may enter draft data into the CIWQS Online SSO Database on behalf of the enrollee if authorized by the LRO and registered with the State Water Board. However, only LROs may certify reports in CIWQS.
4. The enrollee shall maintain continuous coverage by an LRO. Any change of a registered LRO or DS (e.g., retired staff), including deactivation or a change to the LRO's or DS's contact information, shall be submitted by the enrollee to the State Water Board within 30 days of the change by calling (866) 792-4977 or e-mailing help@ciwqs.waterboards.ca.gov.

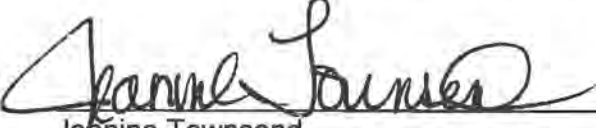
5. A registered designated person (i.e., an LRO) shall certify all required reports under penalty of perjury laws of the state as stated in the CIWQS Online SSO Database at the time of certification.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of an order amended by the Executive Director of the State Water Resources Control Board.

7/30/13

Date



Jeanine Townsend
Clerk to the Board

***San Bernardino Municipal Water Department
Sewer System Management Plan (SSMP)***

Attachment C

City Charter, City of San Bernardino

**The Charter of the
City of San Bernardino, California**



Approved at Special Municipal Election on November 8, 2016

Adopted by the Mayor and City Council on December 19, 2016

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**CHARTER
of the
CITY OF SAN BERNARDINO STATE OF CALIFORNIA**

PREAMBLE

We, the people of the City of San Bernardino, in order to secure the benefits of home rule and a council-manager form of government, hereby adopt this Charter.

**ARTICLE 1:
NAME, BOUNDARIES, POWERS, RIGHTS AND SUCCESSION,
INTERGOVERNMENTAL RELATIONS**

Section 100. Name and Boundaries

The City of San Bernardino, hereinafter termed the City, shall continue to be a municipal corporation under its present name of "City of San Bernardino." The boundaries of the City shall be as now established until changed in the manner authorized by law.

Section 101. Powers of the City

The City shall have all powers possible for a city to have under the constitution and laws of the State of California as fully and completely as though they were specifically enumerated in this Charter.

Section 102. Interpretation of Powers

The powers of the City under this Charter shall be construed in favor of the City, and the specific mention of particular powers in the Charter shall not be interpreted as limiting in any way the general power granted in this article.

Section 103. Rights and Succession

The City shall continue to own, possess and control all rights and property of every kind and nature, owned, possessed or controlled by it at the time this Charter takes effect and shall be subject to all of its debts, obligations and liabilities.

All ordinances, codes, resolutions, rules, regulations, and portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent with this Charter, shall continue in force until they shall have been duly repealed, amended, changed, or superseded by proper authority as provided by this Charter.

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Subject to the provisions of this Charter, the present officers and employees of the City shall continue to perform the duties of their respective offices and employments under the same conditions as those of the existing offices and positions until the election or appointment and qualification of their successors, subject to such removal and control as provided in this Charter.

No action or proceeding, civil or criminal, pending at the time this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or anything herein contained.

Section 104. Intergovernmental Relations

The City may participate by contract or otherwise with any governmental entity of this state or any other state or states in the United States in the performance of any activity, which one or more of such entities has the authority to undertake, to the maximum extent permitted by applicable law.

ARTICLE II: FORM OF GOVERNMENT

Section 200. Form of Government

The municipal government established by this Charter is the council-manager form of government.

ARTICLE III: CITY COUNCIL AND MAYOR

Section 300. General Powers and Duties

All powers of the City shall be vested in the City Council ("Council"), and to the extent provided in this Charter, the Mayor. The Council shall provide for the exercise and performance of all duties and obligations imposed on the City by State and Federal laws.

Except as otherwise required by law, the role of the Council is legislative, which includes the power to set policy, approve contracts and agreements, and undertake other obligations consistent with this Charter and the City's Municipal Code, while deferring to the discretion of management to choose the appropriate means to achieve the Council's goals.

Section 301. Composition, Eligibility, and Terms

- (a) **Composition.** The Council shall be composed of seven (7) Council members. The term "Council," "legislative body," or other similar terms as used in this Charter or any other provisions of law shall be deemed to refer to the collective body composed of the Council members.

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- (b) Eligibility. Only registered voters of the City shall be eligible to hold the office of Council member or Mayor. Those elected shall have been qualified electors and residents of their respective wards for a period of at least thirty (30) consecutive days immediately preceding the date of filing their nomination papers for the office.

Section 302. Powers and Duties of the Council

The Council, in collaboration with the Mayor, shall ensure fundamental municipal services are provided to protect and promote public health, safety, and welfare. The Council and Mayor shall operate together to serve the best interests of the City.

The Council, in collaboration with the Mayor, will develop and implement a Code of Conduct to guide and direct their interactions and duties, including measures to hold one another accountable for deviations from the goals and principles set forth in this Charter and the City Code of Conduct.

The Council, in collaboration with the Mayor, shall create and implement a plan to maintain the City's fiscal integrity.

Each Council member shall be entitled to vote on all matters coming before the Council. The Council shall have the power to override any veto of the Mayor by a vote of five (5) or more Council members.

The Council shall select a Mayor Pro Tempore from one of its own members. In the event of a temporary absence from the City, illness, or any other cause that makes the Mayor temporarily unable to perform the duties of his or her office, the Mayor Pro Tempore shall have all powers and authority that the Mayor would have possessed if present to perform his or her duties.

However, the Mayor Pro Tempore may not cast an additional vote in the event of a tie or exercise veto powers over Council action, but may continue to exercise his or her vote as a Council member.

Section 303. Powers and Duties of the Mayor

The Mayor shall have the following powers and perform the following duties, in addition to others as specified in this Charter:

- (a) Attend and preside at meetings of the Council and may participate fully in all discussions, but shall not be entitled to vote except in the event of a tie, to veto a matter, and as otherwise provided in this Charter;
- (b) Have the authority to veto any Council action approved by fewer than five (5) members of the Council;

- (c) Shall participate in the vote (1) to appoint or remove the City Manager, City Attorney and City Clerk and fix their compensation and (2) to appoint or remove members of boards, commissions or committees, except committees made up wholly of less than a majority of City Council members;
- (d) Appoint the members and officers of Council committees (committees made up wholly of less than a majority of City Council members), and perform other duties as specified by the Council;
- (e) Be recognized as the head of the City government for all ceremonial purposes and by the governor for purposes of military law;
- (f) Be the chief spokesperson for the City; and
- (g) Represent the City in intergovernmental relations and establish and maintain partnerships and regional leadership roles to advance the City's interest; and may delegate such roles to other members of the Council; and
- (h) Execute all ordinances, resolutions and contracts approved by the City Council except as otherwise authorized by the City Council.

The Mayor shall have no administrative, appointment or removal powers except as otherwise provided in this Charter.

The office of Mayor shall be a full-time position and the incumbent shall not engage in any business, professional or occupational activities that interfere with the discharge of the duties of the office.

Section 304. Manners of Action

Actions of the Council require a simple majority vote of the quorum present for approval unless:

- (a) Otherwise required for charter cities under State or Federal law; or
- (b) Required by this Charter to be approved by at least five affirmative votes of the Mayor and members of the Council.

Section 305. Compensation; Expenses

Compensation for the Mayor and Council members shall be established by ordinance following a public hearing, giving due consideration to the recommendations of an advisory commission charged with the periodic review of compensation for City-elected officials. Compensation for the Mayor shall be commensurate with that for a full-time position.

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No ordinance increasing such salaries shall become effective until the date of commencement of the terms of Council members elected at the next regular election. The Mayor and Council members shall receive reimbursement for actual and necessary expenses incurred in the performance of their duties of office.

Section 306. Prohibitions

- (a) **Holding Other Office.** No Mayor or Council member shall hold any other City office or City employment during the term for which he or she was elected. No former Mayor or Council member shall hold any compensated appointive office or employment with the City until one (1) year after the expiration of the term for which he or she was elected.
- (b) **Conflict of Interest.** Elected and appointed officials shall adhere to conflict of interest codes as established by State law and/or City ordinance.
- (c) **Appointments and Removals.** Neither the Mayor nor any Council member shall, in any manner, control or demand the appointment or removal of any City administrative officer or employee whom the City Manager is empowered to appoint. This does not preclude the Mayor or members of the Council from expressing their views and fully and freely discussing with the City Manager anything pertaining to the appointment and removal of such officers and employees.
- (d) **Interference with Administration.** Neither the Mayor nor any Council member shall interfere with the discretion of the City Manager in the exercise or performance of his or her powers or duties. The Mayor and Council members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and shall not give orders to or attempt to direct the work of such officers and employees either publicly or privately. Inquiries may be made directly to officers and employees under the supervision of the City Manager with the knowledge and consent of the City Manager.

Section 307. Vacancies; Filling of Vacancies

- (a) **Vacancies.** If the Council determines any of the events enumerated in provisions of the Government Code or California Constitution pertaining to vacancies in public offices have occurred, the Council shall declare a vacancy for the office of Council member or for the office of Mayor.
- (b) **Filling of Vacancies.** The method of filling vacancies shall be as prescribed by ordinance.

Section 308. Judge of Qualifications

The Council shall be the judge of the election and qualifications of its members and whether grounds exist for forfeiture of their office.

Section 309. Council Organization, Meetings and Rules of Order

The Council shall establish by ordinance the time, place and the method of calling meetings, the rules of order for the conduct of proceedings by the Council, and the order of succession in the event of a vacancy in the office of Mayor.

ARTICLE IV: CITY MANAGER

Section 400. City Manager Appointment, Qualifications and Compensation

The Mayor and Council, by a vote of the Mayor and entire Council, shall appoint a City Manager and fix the City Manager's compensation, as provided in section 304(b) of this Charter. The City Manager may be removed by the Mayor and entire Council in the same manner. The City Manager shall be appointed on the basis of education and experience in the accepted competencies and practices of local government management. The Mayor and Council shall establish and communicate clear expectations for the City Manager. An evaluation of the City Manager's performance shall be conducted at least annually.

Section 401. Powers and Duties

The City Manager shall be the chief executive officer of the City, responsible to the Council for the management of all City affairs placed in the City Manager's charge by or under this Charter. The City Manager will be the sole authority for managing City operations and appointing and directing City staff, except as otherwise provided in this Charter.

The City Manager shall:

- (a) Appoint and suspend or remove all City employees and appoint administrative officers, except as otherwise provided by law, this Charter, or established personnel rules. The City Manager may authorize any administrative officer subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (b) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law;

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- (c) Attend all Council meetings. The City Manager shall have the right to take part in the discussion but shall not vote;
- (d) Ensure the Mayor and Council are informed on all aspects of important emerging issues, including the City's financial condition and future needs, and as part of that responsibility, brief the Mayor and Council at their meetings on the business matters before them;
- (e) See that all laws, provisions of this Charter, and acts of the Council are faithfully executed;
- (f) Prepare and submit the annual budget and capital improvement program to the Mayor and Council and implement the final budget approved by the Council to achieve the goals of the City;
- (g) Submit to the Mayor and Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- (h) Make such other reports as the Mayor or Council may request regarding operations;
- (i) Make recommendations to the Mayor and Council concerning the affairs of the City and facilitate the work of the Council in developing policy;
- (j) Provide staff support services for the Mayor and Council members;
- (k) Assist the Mayor and Council in developing long-term goals for the City and strategies to implement these goals;
- (l) Be accountable for the implementation of Council goals and policies and the overall performance of the City;
- (m) Encourage and provide staff support for regional and intergovernmental cooperation;
- (n) Promote partnerships among the Mayor, Council, staff, and citizens in developing public policy and building a sense of community;
- (o) Make business and policy recommendations based solely on his or her independent professional judgment and best practices in the interests of the City; and
- (p) Perform other such duties as are specified in this Charter or may be requested by the Council.

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ARTICLE V: DEPARTMENTS, SERVICES, OFFICERS AND EMPLOYEES

Section 501. General Provisions

The City Manager may establish City departments, offices, or agencies in addition to those created by this Charter, subject to approval of the City Council, and may prescribe the functions of all departments, offices and agencies to meet the needs of the community in the most effective and efficient manner.

Section 502. Direction by City Manager

Each City department, office and agency shall be administered by an executive appointed by and subject to the direction and supervision of the City Manager, except the Offices of the Council, Mayor, City Attorney and City Clerk, the Library Board of Trustees, and the Water Board, which shall be administered by their respective executive officers as provided for elsewhere in this Charter but which shall in all other respects be governed by the policies applicable to all other departments, offices and agencies.

With the consent of the Council, the City Manager may serve as the executive of one or more such departments, offices or agencies.

The City Manager may appoint one person to serve as the executive of two or more departments.

Section 503. Continuation of Departments

All departments, agencies, offices, and services in existence at the time this Charter is adopted shall continue in the same manner as before the adoption of this Charter, unless and until changed by ordinance.

Section 504. City Attorney

A duly qualified City Attorney shall be hired by a vote of the Mayor and entire Council, as provided in section 304(b) of this Charter. The City Attorney may be removed by the Mayor and entire Council in the same manner. The City Attorney shall serve as chief legal advisor to the Council, the City Manager and all City departments, offices and agencies; shall represent the City in all legal proceedings; and shall perform any other duties prescribed by State law, this Charter or by ordinance.

Section 505. City Clerk

A duly qualified City Clerk shall be hired by a vote of the Mayor and entire Council, as provided in section 304(b) of this Charter. The City Clerk may be removed by the Mayor and entire Council in the same manner. The City Clerk shall give notice of Council meetings to its members and the public, keep the journal of its proceedings, and shall perform any other duties prescribed by State law, this Charter or by ordinance.

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Section 506. Departmental Administrators; Appointive Powers

Each departmental executive shall have the power to appoint, supervise, suspend, or remove such assistants, deputies, subordinates and employees as are provided for the department, subject to the approval of the City Manager and subject to the provisions of the personnel rules and regulations adopted by the Council.

Section 507. Services

The City shall provide for a municipal police department. The City also shall provide for community development, finance, fire and emergency medical services, information technology, library, parks and recreation, personnel, public works, water and wastewater, and such other services as the Council deems appropriate for the public's health, safety and welfare.

Section 508. Personnel System

All appointments and promotions of City officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence. The administration of employee matters shall be delegated to a personnel or human resources department.

Consistent with all applicable Federal and State laws, the Council shall provide for the establishment, regulation and maintenance of a merit system and governing personnel rules and regulations necessary for the effective administration of the employees of the City's departments, offices and agencies. Such personnel rules and regulations may include but are not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations.

Section 509. Official Bonds

The Council shall fix by resolution the amounts and terms of the official bonds of all officers or employees who are required by the Council to acquire such bonds. All bonds shall be executed by a responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his or her bond, for any wrongful act or omission of his or her subordinate, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

ARTICLE VI: BOARDS, COMMISSIONS AND COMMITTEES

Section 600. General Provisions

Each board, commission and committee established prior to the adoption of this Charter shall continue to exist, exercise the powers and perform the duties assigned to it upon adoption of this Charter. However, the Council may alter the structure, membership, powers and duties of boards, commissions and committees. The Council also may abolish or create particular boards, commissions and committees, provided that the Council may not abolish the Commissions or Boards specifically provided for in this Charter. The Council may grant powers and duties to boards, commissions and committees that are consistent with the provisions of this Charter.

Section 601. Appointment, Removal, Terms of Office and Procedural Rules

Except as provided elsewhere in this Charter, the appointment, removal, and terms of office of boards, commissions, committees and their members and the rules and regulations pertaining to the conduct of board, commission or committee business shall be as prescribed by a vote of the Mayor and entire Council, as provided in section 304(b) of this Charter. Members of boards, commissions and committees shall be residents of the City, unless exempted by ordinance or State law.

Section 602. Library

A Library Board of Trustees consisting of five (5) members shall be appointed by a vote of the Mayor and entire Council to serve as an honorary trust without compensation. The Mayor and entire Council may remove Trustees in the same manner. The Board shall:

- a. Be responsible for providing adequate library services;
- b. Appoint a Library Director;
- c. Administer the Library budget allocated by the Council;
- d. Make and enforce all rules and regulations applicable to library services; and
- e. Administer such additional matters as may be determined by ordinance.

Section 603. Water and Wastewater

A Water Board of five (5) Commissioners shall be appointed by a vote of the Mayor and entire Council, as provided in section 304(b). Commissioners shall serve terms of six (6) years each, staggered in the same manner as at the time of the adoption of this Charter. Any one or more of these Commissioners may be removed by a vote of the Mayor and entire Council. The Board shall have the following powers and responsibilities:

- a. Be responsible to oversee and manage the City's water supply, recycled water, wastewater collection and treatment ("Water and Wastewater Systems") functions in accordance with State law.
- b. Employ such persons, including a general manager, as may be needed for proper administration of the City's Water and Wastewater Systems.
- c. Set and collect all rates, fees and charges for operation of the Water and Wastewater Systems.
- d. Allocate all receipts and expenditures to separate, independent, Water and Sewer Funds in accordance with State law.
- e. Provide for an annual, independent audit of all water and wastewater accounts, and may provide for more frequent audits as it deems necessary. Copies of all auditors' reports shall be filed with the City Clerk and Council.
- f. Compensate members of the Water Board in accordance with actions of the Water Board following public hearing.
- g. Collaborate with the Council, Mayor and City Manager concerning the City's Water and Wastewater Systems. In this regard, the Council shall take such actions as may be appropriate to enforce rules and regulations of the Board.
- h. Establish and periodically review and revise such rules and regulations as may be appropriate for managing the City's Water and Wastewater Systems.

Section 604. Personnel Commission

A Personnel Commission consisting of five (5) members shall be appointed by a vote of the Mayor and entire Council, as provided for in section 304(b) of this Charter, to serve without compensation. The Mayor and entire Council may remove Commissioners in the same manner. The Commission's sole responsibility shall be to hear appeals of disciplinary action by City employees, subject to the provisions of adopted labor agreements. Decisions of the Commission shall be final without further review within the City.

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ARTICLE VII: FINANCIAL MANAGEMENT

Section 700. Fiscal Year

The fiscal year of the City shall begin on the first day of July of each year and end on the last day of June of the following year. The Council may change the fiscal year by ordinance.

Section 701. Submission of Budget and Budget Message

At least sixty (60) days prior to the beginning of each fiscal year, the City Manager shall prepare and submit to the Mayor and Council the proposed budget and an accompanying message. The City Manager's budget message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the City for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget and indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes. It shall summarize the City's debt position, including factors affecting the ability to raise resources through debt issues, and include other such material as the City Manager deems desirable.

Section 702. Budget and Capital Improvement Program

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the Council or Mayor may request for effective management and understanding of the relationship between the budget and the City's strategic goals. In addition, the City Manager shall prepare and submit a multi-year capital improvement plan (CIP). The CIP shall be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

The City's budget and CIP should strive to achieve the best practice standards set by the Government Finance Officers Association (GFOA) for distinguished budget presentation.

Section 703. Council Action on the Budget and Capital Improvement Plan

The Council shall publish a general summary of the budget and CIP and hold one (1) or more public hearings. After the public hearing(s), the Budget and CIP shall be adopted as they may be amended, by the Council before the beginning of each fiscal year.

Section 704. Independent Audit

The Council shall provide for an annual independent audit of all City accounts and may provide for more frequent audits as it deems necessary. An independent certified public accountant or firm of such accountants shall make such audits, which should be performed in accordance with General Accepted Auditing Standards (GAAS) and Generally Accepted Governmental Auditing Standards (GAGAS). Using competitive bidding, the Council shall designate such accountant or firm for a period not to exceed five (5) years.

As soon as practicable after the end of the fiscal year, a final certified audit and report shall be submitted by such accountant to the Mayor, each member of the Council, the City Manager, Finance Director and City Attorney. Three (3) additional copies shall be placed on file in the office of the City Clerk, where they shall be available for inspection by the general public, and the audit and report shall be published on the City's website.

Section 800. City Elections

ARTICLE VIII: ELECTIONS

Beginning in 2018, primary and general election shall be held in said City in consolidation with the State Primary Election and the State General Election and every two (2) years thereafter. City elections shall follow the provisions and procedures of the State Elections Code as applicable to general law cities. The Mayor and Council members shall be sworn in and begin their term of service upon certification of the election results, and shall serve until their successors qualify.

To facilitate the transition of elections from odd to even numbered years, consistent with the timing of elections for state and federal offices, the terms of the Mayor and each Council member in office at the time of the adoption of this Charter shall be extended for one (1) year.

Section 801. Elective Officers; Terms

The elective officers of the City shall consist of a Mayor and seven Council members. Council members shall continue to be elected for terms of four (4) years, with such terms staggered between the wards as established by ordinance. Each Council member shall be elected by ward by the voters within that ward. The Mayor shall continue to be elected at large for a term of four years.

Section 802. Number of Wards

There shall be seven (7) wards.

Section 803. Adjustment of Ward Boundaries

Periodic adjustments to ward boundaries shall be made to maintain each in compact form and as nearly equal in population as possible, consistent with applicable State and Federal laws.

ARTICLE IX: INITIATIVE, CITIZEN REFERENDUM AND RECALL

Section 900. Initiative, Citizen Referendum and Recall

Initiatives, citizen referenda, and recalls shall follow the procedures of the State Elections Code, as applicable to general law cities.

ARTICLE X: CHARTER AMENDMENTS

Section 1000. Charter Amendments

Amendments to this Charter shall be made in accordance with the procedures of the State Elections Code, as applicable to charter cities.

Section 1001. Periodic Review of Charter

By December 2017, the Council shall establish a process to ensure the periodic review of this Charter to identify potential amendments that enhance clarity, efficiency, and the principles of the council-manager form of government.

Section 1100. Severability

ARTICLE XI: SEVERABILITY

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected. If the application of the Charter or any of its provisions to any persons or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected.

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***San Bernardino Municipal Water Department
Sewer System Management Plan (SSMP)***

Attachment D

City of San Bernardino Municipal Code

Latest Version:

<http://www.ci.san-bernardino.ca.us/civicax/filebank/blobdload.aspx?blobid=19233>

***San Bernardino Municipal Water Department
Sewer System Management Plan (SSMP)***

Attachment E

Interagency Agreements

8

East San Bernardino **COUNTY WATER DISTRICT**

7337 DEL ROSA AVENUE • PHONE TUrner 9-9501
SAN BERNARDINO, CALIFORNIA 92410

DIRECTORS

JOHN W. LITTLETON, President
PHILIP A. DISCH
NORMAN W. FORREST
G. J. LeVESQUE
O. A. (Art) WALL

April 12, 1965

PLEASE REFER TO FILE NUMBER
682.2

HAROLD G. RICKERT, General Manager, Sec'y.
HERBERT W. BRAGG, Auditor-Treasurer

Board of Water Commissioners
City of San Bernardino
195 No. "D" Street
San Bernardino, California 92401

Attention: Herbert B. Wessel
Deputy Ex-Officio Secretary

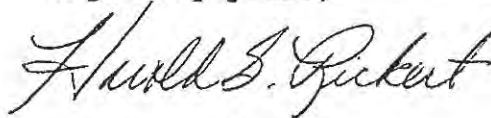
Gentlemen:

We are enclosing 6 copies of the Joint Powers Agreement of 1965 between the City of San Bernardino and the East San Bernardino County Water District fully executed by the authorized officers of this District.

By letter of April 7, 1965 we forwarded to your office 5 copies of Resolution No. 725 which should be attached to the enclosed copies of the Joint Powers Agreement.

We would appreciate your distributing the enclosed copies of the Agreement to the proper departments of the City.

Very truly yours,



Harold G. Rickert
General Manager-Secretary

HGR/ad

Encl.

— A —

April 9, 1965

East San Bernardino County Water District
7337 Del Rosa Ave.
San Bernardino, California

Attention Harold Rickert,
General Manager - Sec'y.

Gentlemen:

We are enclosing herewith an original and six copies of the Joint Powers Agreement between the City of San Bernardino and the East San Bernardino County Water District, together with a copy of Resolution No. 7658 of the Mayor and Council authorizing the execution of said agreement.

It would be appreciated if the President and Secretary of East San Bernardino County Water District would sign and date all copies of said agreement, retain one copy of same for your files, and return the balance of the documents to this Department for proper distribution.

Very truly yours,

BOARD OF WATER COMMISSIONERS
CITY OF SAN BERNARDINO

Herbert B. Wessel
Deputy Ex-Officio Secretary

bnk

Encls.

East San Bernardino COUNTY WATER DISTRICT

7337 DEL ROSA AVENUE • PHONE TUrner 9-9501
SAN BERNARDINO, CALIFORNIA 92410

DIRECTORS

JOHN W. LITTLETON, President
PHILIP A. DISCH
NORMAN W. FORREST
G. J. LeVESQUE
O. A. (Art) WALL

HAROLD G. RICKERT, General Manager, Sec'y.
HERBERT W. BRAGG, Auditor-Treasurer

April 7, 1965

PLEASE REFER TO FILE NUMBER

682.2

Mr. W. R. Holcomb, President
Board of Water Commissioners
San Bernardino Municipal Water Department
195 No. "D" Street
San Bernardino, California 92401

Re: Resolution No. 725 amending
various sections of Joint
Powers Agreement (water) of
1965, City of San Bernardino
and East San Bernardino County
Water District.

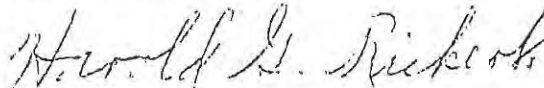
Dear Bob:

We are enclosing 5 copies of the
above referenced resolution
adopted by the Board of Directors
at a Special Meeting on April 6,
1965.

This Resolution should be attached
to the 5 copies of the Agreement
mailed to you by letter of March
11, 1965.

As soon as the Agreements have been fully
executed by the Mayor and Common Council
we would appreciate your returning
three (3) copies to this District.

Very truly yours,



Harold G. Rickert
General Manager-Secretary

HGR/ad

Encl.

RESOLUTION NO. 725

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST SAN BERNARDINO COUNTY WATER DISTRICT

RESOLVED, by the Board of Directors of the East San Bernardino County Water District as follows:

WHEREAS, prior hereto and pursuant to Resolution No. 713 the President and Secretary of the East San Bernardino County Water District were directed and empowered to execute, on behalf of the District, that certain Agreement entitled "Joint Powers Agreement of 1965" between the City of San Bernardino and the East San Bernardino County Water District, a true copy of which Agreement was attached to said Resolution, and

WHEREAS, pursuant thereto said Agreement in said form was so executed, and

WHEREAS, subsequent to the execution thereof, certain amendments to said Agreement have been requested by the City of San Bernardino, and the execution thereof by the City with said amendments, has been approved, and

WHEREAS, said amendments are satisfactory to the East San Bernardino County Water District,

NOW, THEREFORE, BE IT RESOLVED

That the President and Secretary of the East San Bernardino County Water District are hereby authorized, directed and empowered to execute, on behalf of said District, said Agreement in the form attached to said resolution 713 with the following amendments:

1. The last sentence of Section 1, Page 3 of said Agreement shall be amended to read as follows:
"This Agreement may be amended or modified by said Public Agencies by mutual consent and shall continue until terminated by said Public Agencies by mutual consent but in

Original in Water Dept.
File 928-A

978-A 4036

CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT

BOARD OF WATER COMMISSIONERS

B. WARREN COCKE
President

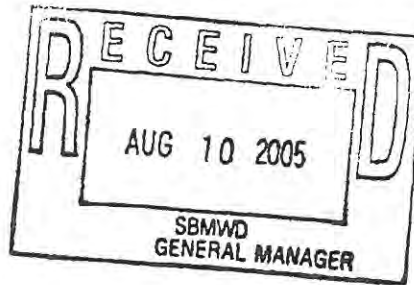
Commissioners
JUDITH W. BATTEY
TONI CALLICOTT
NORINE I. MILLER



BERNARD C. KERSEY
General Manager Emeritus
STACEY R. ALDSTADT
General Manager
W. WILLIAM BRYDEN, P.E.
Director of Water Utility
JOHN A. PERRY, P.E.
Director of Water Reclamation
DAVID S. ERICKSON
Director of Administration & Finance
JON K. TURNIPSEED
Safety Program Manager

August 10, 2005

Mr. Bob Martin
General Manager
East Valley Water District
P.O. Box 3427
San Bernardino, Ca 92413



RE: Water Service for 1233 E. 39th Street
APN 0271-501-01-0000
Property Owners William Lloyd and Sun Chong

Dear Bob:

East Valley Water District currently serves domestic water and sewer service to the property referenced above. The service connection for the property is located on Echo Drive requiring the property owner to have a water service lateral through an adjoining property owner's lot located south of the subject parcel. Apparently the water service lateral has failed and will require a complete replacement at significant expense to the property owners. It is my understanding the property has been without water service for approximately one week. The property owners are an elderly couple both of whom have recently had strokes. Their son has flown home from Korea to assist with getting water service back to the property so that it is habitable.

Paul Dolter called me on this matter on August 9, 2005 to determine if we could help the property owner by providing water service from our system through installation of a permanent water service to be installed on 39th Street. I met with the property owners' son that afternoon. The department has made the decision that it can provide water service to the property. Today we have crews at their location to establish temporary service until the new service and meter can be installed.

Pursuant to Section of the 1965 joint powers agreement between our agencies relating to water service, we hereby request written consent authorizing the City of San Bernardino Municipal

300 North "D" Street, San Bernardino, California 92418 P.O. Box 710, 92402 Phone: (909) 384-5141
FACSIMILE NUMBERS: Administration: (909) 384-5215 Engineering: (909) 384-5532 Customer Service: (909) 384-7111
Corporate Yards: (909) 384-5260 Water Reclamation Plant: (909) 384-5258

Mr. Bob Martin


2

Water Department to provide water service to 1233 E. 39th Street. This property is within the exclusive service area of East Valley Water District. We further request that since we will provide the water service, that we also do the billing for sewer service. This is authorized pursuant to the 1958 joint powers agreement relating to sewer service.

Sincerely,

Consent to Provide Water Service


Bernard C. Kersey
General Manager Emeritus


Robert Martin
General Manager
East Valley Water District

cc: G. Castillo
B. Bryden
A. Sanchez for DMS

CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT

BOARD OF WATER COMMISSIONERS

B. WARREN COCKE
President

Commissioners
JUDITH W. BATTEY
TONI CALLICOTT
MARTIN A. MATICH



BERNARD C. KERSEY
General Manager
STACEY R. ALDSTADT
Deputy General Manager
JOSEPH F. STEJSKAL
Director: Engineering
Construction-Maintenance
JOHN A. PERRY, P.E.
Director: Water Reclamation
JOHN P. MURPHY
Director of Finance
JON K. TURNIPSEED
Safety Program Manager

July 25, 2000

Mr. Robert Martin
General Manager
East Valley Water District
1155 Del Rosa Avenue
P. O. Box 3427
San Bernardino, CA 92413

Dear Mr. Martin:

Please be advised that on July 25, 2000, the Board of Water Commissioners approved East Valley Water District's (EVWD) request for temporary water service (2" meter) to serve twelve lots at the northeast corner of Pacific Street and Conejo Drive. The water service charge will be based on the meter size and will carry the standard commodity charge. Service will be billed to East Valley Water District, in keeping with the terms of the Joint Powers Agreement between the City and EVWD.

You should contact our Engineering Section to arrange for the service. W. William Bryden, Director, Water Utility, can be reached at (909) 384-5107. If you have any questions, please call me at (909) 384-7210.

Very truly yours,

CITY OF SAN BERNARDINO
BOARD OF WATER COMMISSIONERS

Stacey R. Aldstadt
Deputy City Clerk & Ex-Officio Secretary

SRA:als

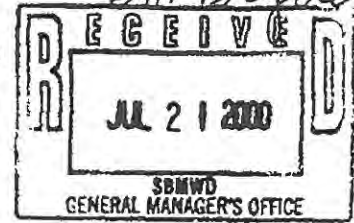
cc: Bernard C. Kersey
W. William Bryden
John Murphy
JPA File

300 North "D" Street, San Bernardino, California 92418 P.O. Box 710, 92402 Phone: (909) 384-5141

FACSIMILE NUMBERS: Administration: (909) 384-5215 Engineering: (909) 384-5532 Customer Service: (909) 384-7211

Corporate Yards: (909) 384-5260 Water Reclamation Plant: (909) 384-5258

CITY OF SAN BERNARDINO
MUNICIPAL WATER DEPARTMENT
INTEROFFICE MEMORANDUM



TO: Bernard C. Kersey, General Manager

FROM: Stacey R. Aldstadt, Deputy General Manager

SUBJECT: TEMPORARY WATER SERVICE - EAST VALLEY WATER DISTRICT

DATE: July 20, 2000

CC: John Murphy, William Bryden, EVWD Joint Powers File

Background:

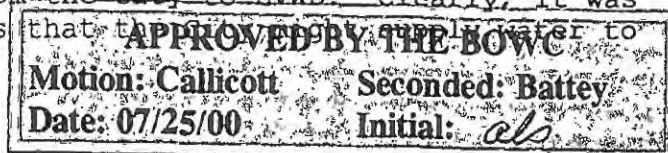
On April 6, 2000, Joe Stejskal submitted the attached memorandum to you, requesting that consideration be given to providing a two inch domestic water service to serve 12 existing single family residences within East Valley Water District's (EVWD's) service area. EVWD is requesting the service for an open-ended period of time, to allow them time to install a new waterline that will eventually service the properties. So, for the purpose of this analysis, I will term the service "temporary".

EVWD and the City of San Bernardino entered into a joint powers agreement in 1965, the purpose of which was to delineate the service areas of each agency. Section 4 of that Agreement provides, in pertinent part:

"Either public agency may, by written consent, authorize the other public agency to provide water service within the exclusive service area of the agency giving the consent."

Section 7 of the original Agreement provided that "[a]ll water to be furnished by [EVWD was to be] furnished to City as a body politic and not to the inhabitants thereof . . . "

The original Agreement was amended in 1984. Section 4 was not affected by the amendment. Section 7 was made reciprocal. The original Agreement addressed the nature of service of water to the City by EVWD. The amendments in 1984 to Section 7 outlined the nature of the water supply from the City to EVWD. Clearly, it was contemplated by the amendments that the water supply was to



S-2

The amendment to Section 7 used the same language as referenced above regarding furnishing of water to the "body politic," which language is somewhat archaic but which seems to mean that service must be given to EVWD. EVWD should then, in turn, bill each individual customer itself.

Henry Empeño, Deputy City Attorney, has reviewed the request by East Valley Water District and the joint powers agreement and its amendment and concurs that the agreement contemplates provision of service. However, he recommends, based on the language in the amendment, that the service should be provided to EVWD and billed on that basis, rather than providing individual service to each affected resident. This would require that service be provided on the basis of meter size and with a standard commodity charge.

Recommendation:

Staff recommends that East Valley Water District's request for a two-inch meter to serve areas within its service area be approved by the Board and that the water service charge be based on meter size and carry the standard commodity charge.

Respectfully submitted,

Stacey R. Aldstadt
Stacey R. Aldstadt
Deputy General Manager

**CITY OF SAN BERNARDINO
MUNICIPAL WATER DEPARTMENT
INTEROFFICE MEMORANDUM**

TO: Bernard C. Kersey

FROM: Joseph F. Stejskal

SUBJECT: TEMPORARY WATER SERVICE - EAST VALLEY WATER DISTRICT

DATE: April 6, 2000

COPIES: Stacey R. Aldstadt (w/attach), Bill Bryden (w/attach),
Joe Pedroza (w/attach), Paul Dolter (w/o attach)

Paul Dolter, Chief Engineer for East Valley Water District (EVWD), has requested a 2-inch domestic water service from our 8-inch water main on Pacific Street to serve 12 existing single family residences located east of Conejo Drive and north of Pacific Street (see attached).

The meter installation will enable EVWD to install a new waterline in Conejo and Pacific, move 12 existing meters to the street, and abandon two substandard 4-inch and 6-inch steel waterlines in the rear of the affected properties.

The water service will be required until such time that EVWD can tie the new pipeline back into their water system. According to Paul, they will need this service for several years based on their waterline replacement schedule. Paul understands that we will charge our full domestic water rate for all water sold through the 2-inch service.

If, in your opinion, Board approval is required due to the existing JPA agreement between the City and the EVWD, I will gladly prepare the necessary Board request. However, in a conversation today with Bob Martin he indicated that he did not feel that this request for a meter service rose to the level of requiring joint agency approval because we are merely selling water agency-to-agency. I agree with Bob.

I support the EVWD request for a temporary 2-inch domestic water service and solicit your approval.

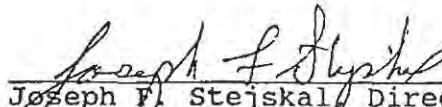
Bernard C. Kersey

Page 2

April 6, 2000

SUBJECT: TEMPORARY WATER SERVICE - EAST VALLEY WATER DISTRICT

Respectfully submitted,



Joseph F. Stejskal, Director
Engineering-Operations-Distribution

JFS:tal
Attach.

East Valley Water District 1155 Del Rosa Avenue, Po Box 3427, San Bernardino, CA 92413

Facsimile

RECEIVED
ENGINEERING
MAR 21 2000

Date: March 21, 2000
 Number of pages including cover sheet: 2

To: JoeStejskal CITY OF SAN BERNARDINO NO MUNICIPAL WATER DEPT.

Phone: 384 5141
 Fax phone: 384 5532
 CC: _____

From: **Ig Seifert**
 Engineering Services Supervisor

Phone: (909) 888-8986
 Fax phone: (909) 383-1481

REMARKS: Urgent For your review Reply ASAP Please comment

Mr. Stejskal

As requested by Paul Dolter, I am sending you a conceptual plan for the installation of a water line and the approximate location of a proposed 2" city meter to serve the 12 lots at the northeast corner of Pacific Street and Conejo Drive.

If you have any questions, please contact me at the number shown above.

Thank you. Ig

S-2

1 RESOLUTION NO. 84-101

2 RESOLUTION OF THE CITY OF SAN BERNARDINO AUTHORIZING THE
3 EXECUTION OF A FIRST AMENDMENT TO THE JOINT POWERS AGREEMENT OF
4 1965 AMONG THE CITY OF SAN BERNARDINO, ITS BOARD OF WATER
COMMISSIONERS, AND THE EAST VALLEY WATER DISTRICT, FORMERLY KNOWN
AS THE EAST SAN BERNARDINO COUNTY WATER DISTRICT. (WATER)

5 BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF
6 SAN BERNARDINO AS FOLLOWS:

7 SECTION 1. The Mayor of the City of San Bernardino is hereby
8 authorized and directed to execute on behalf of said City a First
9 Amendment to the Joint Powers Agreement of 1965 among the City of
10 San Bernardino, its Board of Water Commissioners, and the East
11 Valley Water District, formerly known as the East San Bernardino
12 County Water District, a copy of which is attached hereto, marked
13 Exhibit "A" and incorporated herein by reference as fully as
14 though set forth at length.

15 I HEREBY CERTIFY that the foregoing resolution was duly
16 adopted by the Mayor and Common Council of the City of San
17 Bernardino at a Regular meeting thereof, held on
18 the 19th day of March, 1984, by the following vote,
19 to wit:

20 AYES: Council Members Castaneda, Reilly, Hernandez,
Mosko, Oval, Inojosa
21
22 NAYS: None
23 ABSENT: Council Member Strickland

24 SHAUNA CLARK
City Clerk

25
26 The foregoing resolution is hereby approved this 21st day
27 of March, 1984.

W. R. HOLCOMB
Mayor of the City of San Bernardino

28 Approved as to form:
Rolando H. Pruned
City Attorney

1 A. Recitals.

2 1. This agreement is made under the provisions of
3 Article 1, Chapter 5, Division 7, Title 1 of the Government Code,
4 and is for the purpose of amending that certain Joint Powers
5 Agreement of 1965, hereinafter referred to as "Agreement", made
6 between the City and the District.

7 2. The parties now desire to amend the Agreement to
8 designate respective service areas and to provide for an annual
9 contract for delivery of water from either agency to the other,
10 for annexations by City without opposition, for delivery by City
11 of water to City residents to reduce costs, for billing and
12 collection for refuse services by District, and for cooperation
13 in acquisition of water sources.

14 B. Amendments.

15 1. Section 3 of the Agreement is amended to read as
16 follows:

17 "Section 3. Designation of Service Areas.

18 Attached hereto and incorporated herein by reference,
19 marked Exhibit 'A' and Exhibit 'B', are two maps designating the
20 service areas herein assigned.

21 A. Exclusive Service Area of City.

22 The exclusive service area of the City shall consist of
23 the area marked on Exhibit 'A' attached hereto and incorporated
24 herein.

25 B. Exclusive Service Area of District.

26 The exclusive service area of the District shall
27 consist of the area marked on Exhibit 'B' attached hereto and
28 incorporated herein."

1 2. Section 7 of the Agreement is amended to read as
2 follows:

3 "Section 7. Nature of Water Supply to be Furnished.

4 All water to be furnished by the City under the terms
5 of this Agreement shall be furnished to the District as a body
6 politic and not to the inhabitants thereof, otherwise than as the
7 same may be supplied to said inhabitants by the District through
8 its own distributing system and under its own exclusive control.

9 The supplying of water by City to District shall be
10 temporary in its nature and no right to the continued use
11 thereof, either by the District or any of its inhabitants, shall
12 be established by the delivering of water from City to District,
13 and no covenants, either express or implied, for the continued
14 delivery of water from City to District or to the inhabitants of
15 District shall be inferred from this Agreement.

16 All rights to the continued beneficial use of any water
17 delivered by City to District are hereby reserved to City for and
18 on behalf of City and the landowners within its boundaries, it
19 being expressly understood and agreed that the supplying of water
20 by City to District will ultimately be withdrawn from District
21 and such quantities of water will be used within the boundaries
22 of City.

23 All water pumped by either City or District shall be
24 reported pursuant to the recordations acts of the Water Code as
25 being pumped by the appropriate entity. Neither City nor
26 District shall report or record any pumping performed by it
27 pursuant to the terms hereof as substitute extraction, nor make
28 any claim in or to the water so pumped.

1 It is specifically agreed that the water delivered to
2 District is not designated, set apart, or devoted to the purpose
3 of sale, rental or distribution to the inhabitants of District
4 and is not impressed with a public use for the benefit of
5 District or any of its inhabitants. It is further agreed that in
6 the execution of this agreement and the use of water delivered to
7 District, the District is acting in its proprietary and not its
8 legislative capacity, and that this contract constitutes a single
9 sale of surplus water on a temporary basis."

10 3. Section 8 of the Agreement is amended to read as
11 follows:

12 "Section 8. Term of Agreement Relating to Delivery of
13 Water.

14 Notwithstanding the provisions of Section 1, the
15 provisions of this Agreement relating to delivery of water,
16 including this Section and Sections 7, 9, 10, and 11, by District
17 to City or City to District, shall commence upon the execution
18 hereof and terminate on the first day of each January during the
19 term of this Agreement. The provisions relating to delivery of
20 water by District to the City or City to District may be renewed
21 annually by mutual consent of the parties, expressed by
22 resolution of the respective governing bodies, during the term of
23 this Agreement. Upon each such termination, all rights and
24 obligations under this Agreement for delivery of water shall
25 terminate except the obligation for payment to the District or
26 City for water delivered prior to such termination date."

27 4. Section 9 of the Agreement is amended to read as
28 follows:

1 "Section 9. Place of Delivery of Water.

2 The points of delivery of water from District to City
3 or City to District shall be those existing on the date of
4 execution of this Agreement and such other points as may be
5 mutually agreed to by the governing bodies of the respective
6 water agencies expressed in writing."

7 5. Section 10 of the Agreement is amended to read as
8 follows:

9 "Section 10. Quantities and Cost of Water to be
10 Delivered by District or City.

11 During each contract year of the term of this agreement
12 and until termination hereof, the quantity and cost of water to
13 be delivered by District or City shall be determined by the
14 mutual agreement of the parties upon annual renewal of the
15 delivery agreement."

16 6. Section 11 of the Agreement is amended to read as
17 follows:

18 "Section 11. Rate and Time of Delivery of Water by
19 District to City or City to District.

20 During each contract year of the term of this Agreement
21 and until termination hereof, the rate and time of delivery of
22 the water by the District or City to the other entity shall be
23 determined by the mutual agreement of the parties upon annual
24 renewal of the Agreement."

25 7. Section 12 of the Agreement relating to Substitute
26 Extraction is rescinded and is replaced by the following new
27 section:

28 "Section 12. Annexations.

1 In the event the City wishes to annex territory within
2 the District or District's sphere of influence, excepting those
3 areas east of Plunge Creek, for other than the purpose of
4 providing water or sewage service, District will not oppose or
5 take any action to discourage annexations by the City in such
6 areas."

7 8. Section 13 of the Agreement relating to Payment by City
8 to District is rescinded and is replaced by the following new
9 section:

10 "Section 13. Water Service to City Residents.

11 Notwithstanding any other provision of this Agreement,
12 City may provide water to District in amounts sufficient to serve
13 all or part of the residents within the District who are also
14 residents of the City, as the City may determine in its
15 discretion. The right of City to furnish District sufficient
16 water for City residents is absolute and independent of any other
17 provision between the agencies for supplying water.

18 The City and District agree to act diligently to
19 accomplish savings in District's costs of production and
20 operation by delivery of City water to water users located within
21 the corporate limits of the City who are also located within the
22 boundaries of the District who are hereinafter referred to as
23 "City users". For such purpose, the following procedure shall be
24 followed:

25 a. District shall compute the District's annual
26 average production and delivery cost per acre foot for the
27 equivalent amount of water furnished by the City to District
28 subscribers within the City, as established by the annual audit

1 report of the District.

2 b. All reductions in costs of production for City
3 users resulting from City's furnishing of water to the District
4 shall be passed on to City users who are receiving water from the
5 District, together with such other savings to the District as can
6 be measured in dollar amounts.

7 c. Should the City elect to make payments of all or
8 part of the bonded indebtedness of the District that is now being
9 amortized by either a Water User Charge or a Sewer User Charge,
10 all such payments shall be applied to the credit of the City
11 water or sewer users who are served by the District."

12 9. Section 13.10 is added to the Agreement to read as
13 follows:

14 "Section 13.10. Refuse Collection.

15 District shall bill and attempt to collect refuse
16 charges to its customers who are served by the public services of
17 the City. District shall be entitled to reimbursement by City
18 for 1/2 of postage plus actual costs incurred by District for
19 such billing and collection, as reasonably determined by the
20 District. At convenient intervals as determined by District, the
21 District shall pay collected refuse charges only to the City, and
22 District shall not be responsible for the collection of any
23 unpaid accounts for such refuse charges. District shall report
24 accounts to City which are unpaid for 60 days or more."

25 10. Section 17 is added to the agreement to read as
26 follows:

27 "Section 17. Notices.

28 All notices, statements, demands, requests, consents,

1 approvals, authorizations, agreements, appointments or
2 designations hereunder shall be given in writing and addressed to
3 the clerk or secretary of the governing body at the principal
4 office of each member of the Agreement."

5 ii. Section 18 is added to the Agreement to read as
6 follows:

7 "Section 18. Assignment.

8 The parties hereto shall not assign any rights or
9 obligations under this Agreement without the written consent of
10 the other party."

11 12. Section 19 is added to the Agreement to read as
12 follows:

13 "Section 19. Cooperation of Parties.

14 District and City will cooperate in the planning and
15 acquisition of water supply sources, whether by construction,
16 lease, purchase, or eminent domain, within the exclusive service
17 areas of City and District as delineated on Exhibits 'A' and 'B'
18 attached hereto."

19 13. Section 20 is added to the Agreement to read as
20 follows:

21 "Section 20. Additional Documents.

22 The parties hereto agree upon request to execute,
23 acknowledge and deliver all additional papers and documents
24 necessary or desirable to carry out the intent of this
25 Agreement."

26 C. Effective Date.

27 This First Amendment to Joint Powers Agreement shall be
28 valid and binding as of the date of execution thereof by the last

1 party to execute the same.

2 IN WITNESS WHEREOF, each public agency has caused this
3 instrument to be executed by its respective officials theretofore
4 duly authorized by the legislative bodies thereof, on the date
5 and year hereinafter indicated.

6 THE CITY OF SAN BERNARDINO

7
8 DATED: April 5, 1984

9 By [Signature]
Mayor

10 ATTEST:

11 [Signature]
12 City Clerk

13 Approved as to form:

14 [Signature]
15 City Attorney

16 WATER COMMISSION OF THE CITY
17 OF SAN BERNARDINO

18 DATED: _____

19 By [Signature]
Chairman

20 By [Signature]
21 Secretary

22 EAST VALLEY WATER DISTRICT

23
24 DATED: April 11 1984

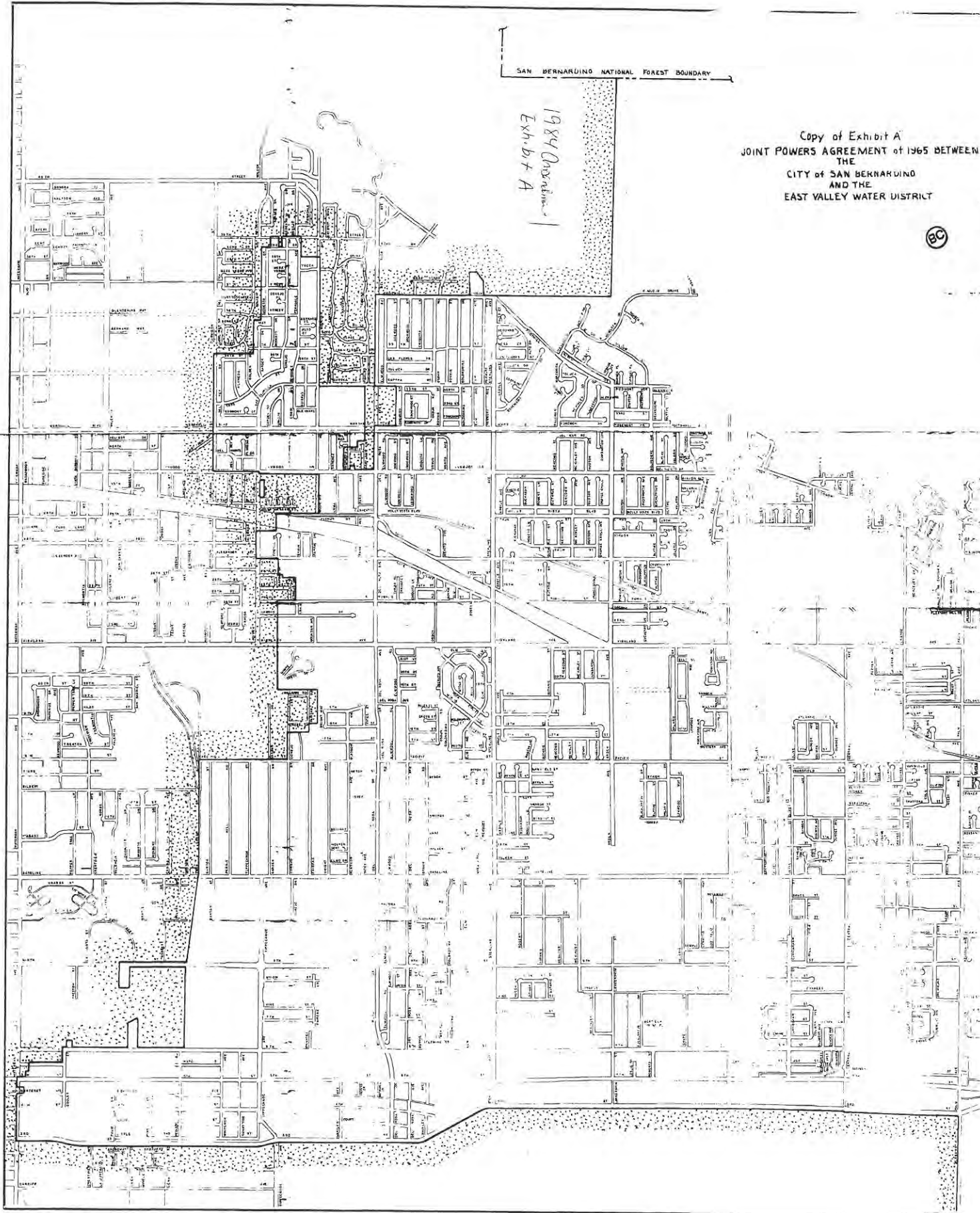
25 By [Signature]
26 President

27 By [Signature]
28 Secretary

SAN BERNARDINO NATIONAL FOREST BOUNDARY

1984 Ordinance
Exhibit A

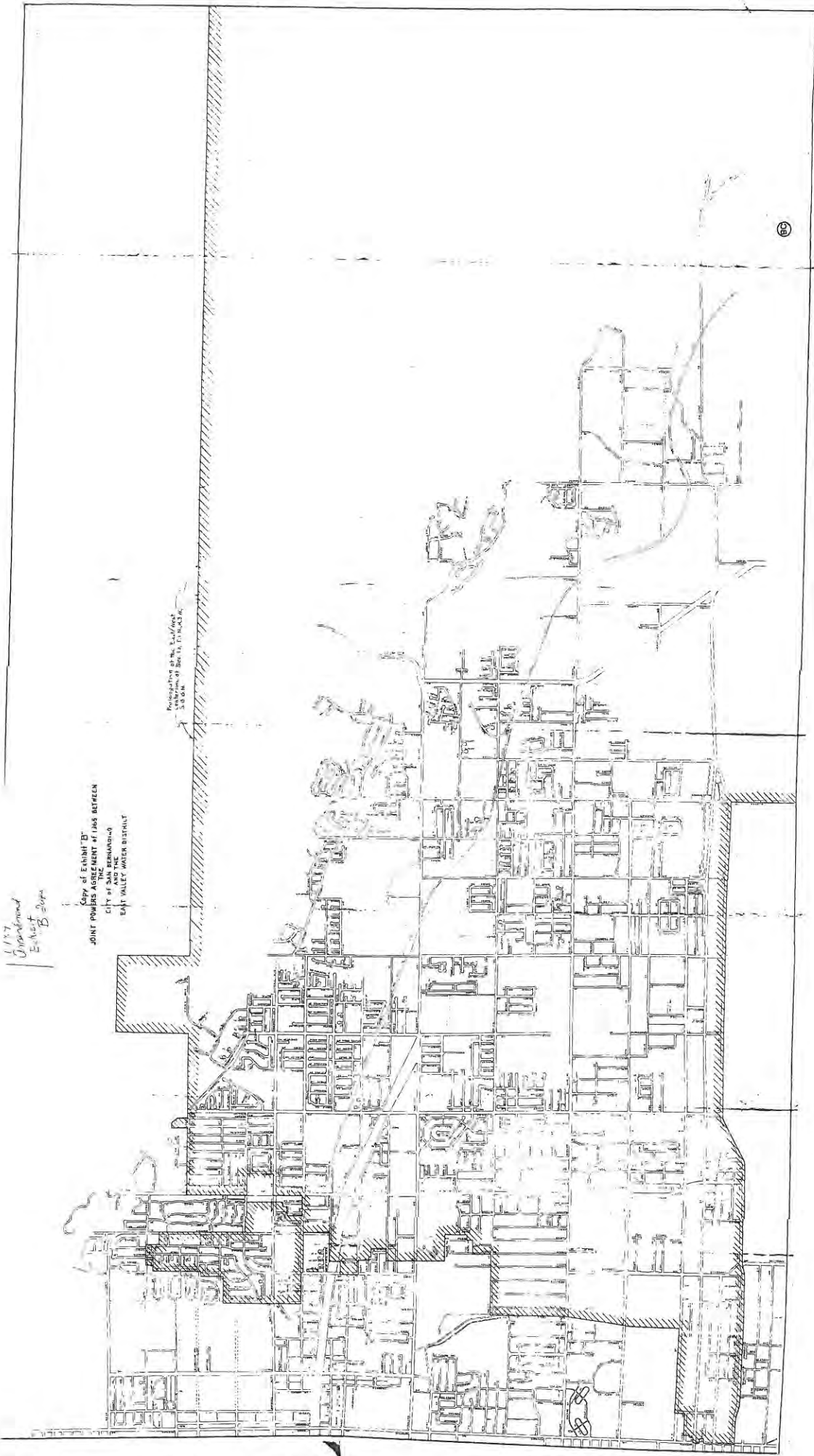
Copy of Exhibit A
JOINT POWERS AGREEMENT of 1965 BETWEEN
THE
CITY OF SAN BERNARDINO
AND THE
EAST VALLEY WATER DISTRICT



1177
Department
Exhibit B
2014

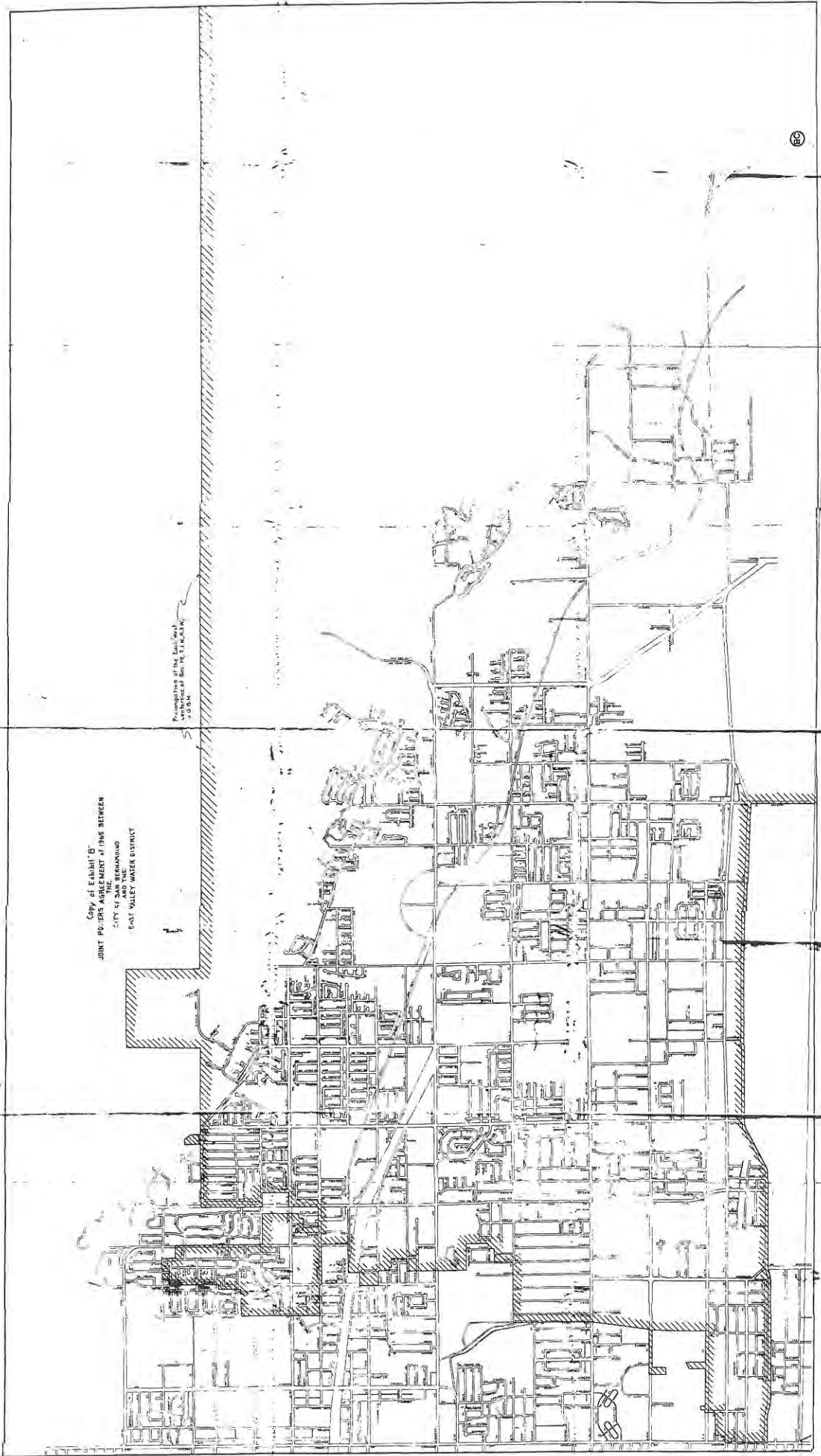
Copy of Exhibit B
JOINT POWERS AGREEMENT OF 1968 BETWEEN
THE CITY OF SAN BERNARDINO
AND THE CITY OF SAN DIEGO
EAST VALLEY WATER DISTRICT

Participation of the East Valley
Water District in the
City of San Diego



COPY OF EXHIBIT "B"
JOINT POWERS AGREEMENT OF 1945 BETWEEN
THE
CITY OF WASHINGTON
AND THE
EAST VALLEY WATER DISTRICT

RENDERING OF THE EAST VALLEY
WATER DISTRICT OF 1945
U.S.A.



Water
1965

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST SAN BERNARDINO COUNTY WATER DISTRICT

ACCEPTING AGREEMENT TO GRANTING TEMPORARY EXCEPTION TO JOINT POWERS WATER AGREEMENT WITH THE CITY OF SAN BERNARDINO AND AUTHORIZING PRESIDENT AND SECRETARY TO EXECUTE SAID AGREEMENT

FOR GOOD CAUSE APPEARING, and in accordance with the terms of an Agreement made and executed by and between said East San Bernardino County Water District and CLAUDE M. NEWCOMB

IT IS HEREBY RESOLVED:

That approval be, and it is hereby, given to Claude M. Newcomb to temporarily connect his real property located at 7917 Cooley Street, San Bernardino, California, to the water facilities of the City of San Bernardino as a temporary exception to the terms of the Joint Powers Water Agreement presently existing between the East San Bernardino County Water District and the City of San Bernardino.

BE IT FURTHER RESOLVED, that the President and Secretary be and they are hereby authorized, directed and empowered to execute on behalf of the East San Bernardino County Water District, the Agreement above referred to in the form and manner as presented to the Board of Directors of said District on August 14, 1972. And the Secretary is hereby authorized, directed and empowered to attach a certified copy of resolution to Agreement and transmit same to County Recorder of San Bernardino County for recordation.

The foregoing Resolution was duly unanimously adopted at a regular meeting of the Board of Directors of the East San Bernardino County Water District at San Bernardino, California on August 14, 1972.

AYES: Directors Disch, Forrest, Littleton and Stallwood
NOES: Directors none
ABSENT, Directors O. A. Wall

R. E. Stallwood
R. E. Stallwood, President
Board of Directors of East San Bernardino County Water District

Attest: David V. Garcia
David V. Garcia, Acting Secretary
Board of Directors of East San Bernardino County Water District

CERTIFICATION

STATE OF CALIFORNIA)
County of San Bernardino)

I, David V. Garcia, Acting Secretary of the Board of Directors of the East San Bernardino County Water District do hereby certify that the foregoing is a true and correct copy of a resolution which was on motion duly made, seconded and unanimously adopted and entered in the Minutes of the Board of Directors of said District at a regular meeting of said Board held August 14, 1972 at San Bernardino, California.

David V. Garcia
David V. Garcia, Acting Secretary
Board of Directors

AGREEMENT

THIS AGREEMENT, made and entered into this 14 day of August, 1972, by and between EAST SAN BERNARDINO COUNTY WATER DISTRICT, hereinafter referred to as "DISTRICT" and CLAUDE M. NEWCOMB, a single man, hereinafter referred to as "NEWCOMB"

WITNESSETH:

WHEREAS, Newcomb is the owner of real property, commonly known as 7917 Cooley Street, San Bernardino, California, particularly described as follows:

That portion of Lots 12 and 13, Block 44, RANCHO SAN BERNARDINO, as per plat recorded in Book 7 of Maps, page 2, records of said County, described as follows:

BEGINNING at the Intersection of the North line of said Block 44, with the East line of the Cooley Tract, as per plat recorded in Book 5 of Maps, page 62, records of said County; thence South along said East line of the Cooley Tract, 142.5 feet; thence East parallel with the North line of said Block 44, 190.75 feet; thence North parallel with the East line of said Cooley Tract, 142.5 feet, to a point in the North line of said Block 44; thence West 190.75 feet to the point of beginning.

and which said real property is within the boundaries of the District and which said real property is within the area in which the District has the right, under the terms of a Joint Powers Water Agreement between the District and the City of San Bernardino, to render and furnish water service; and,

WHEREAS, Newcomb has requested water service from said District and the said District has agreed to furnish and supply such water service from present existing facilities of said District at 5th Street and Cooley Street; and,

WHEREAS, in order to connect to the present existing facilities of said District at 5th Street and Cooley Street, Newcomb would be required to extend his building service line approximately 400 feet at Newcomb's cost; and,

WHEREAS, Newcomb has requested that District, notwithstanding the terms of the said Joint Powers Agreement above referred to, permit Newcomb to seek temporary connection to an existing water facility of the City of San Bernardino existing adjacent to said real property until such time as District facilities are extended adjacent to said real property at which time said real property will be connected to District facilities at the expense of Newcomb.

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties hereto it is agreed as follows:

1. District agrees that District will execute and deliver to Newcomb an authorization to the City of San Bernardino to furnish temporary water to Newcomb at the real property above described as a temporary exception to the Joint Powers Water Agreement between the District and the City of San Bernardino;

2. Newcomb agrees that, in consideration of said authorization by the District, Newcomb will disconnect such temporary water service connection with the City of San Bernardino and will connect at the sole expense of Newcomb to District water facilities as and when District water facilities are installed adjacent to said real property in accordance with the ordinances, rules and regulations of the said District then in effect;

3. This agreement shall be binding upon the heirs, executors, administrators and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

EAST SAN BERNARDINO COUNTY
WATER DISTRICT

By:

Raymond E. Stallwood
President, Raymond E. Stallwood
Board of Directors

Claude M. Newcomb
Claude M. Newcomb

By:

Harold G. Rickert
Secretary, Board of Directors
Harold G. Rickert

March 31, 1967

C
O
P
Y
East San Bernardino County Water District
7337 Del Rosa Avenue
San Bernardino, California.

Attn: - Mr. Harold G. Rickert, General Manager - Secretary

Dear Harold:

In accordance with the Joint Powers Agreement of 1965 between the City of San Bernardino and the East San Bernardino County Water District, under Section 12 "Substitute Extraction," please be advised that 1,000 acre feet of water was produced from City wells during the contract year 1966-67. As per agreement, payment for this water will be made upon return receipt of the enclosed claim form.

Prior to June 30, 1967 water production from 2 City Wells will be filed with the State Water Rights Board showing the quantities of water pumped during the calendar year of 1966 representing water rights of your District.

I would appreciate receiving a breakdown as to the quantities of water you wish to allocate to your wells as we filed for the 1965 calendar year.

Production Quantities are as follows:

Waterman Avenue Well, State #3600728	-	454.120 Ac.Ft.
30th and Mt. View Well, State #3600719	-	618.075 Ac.Ft.
Total Production during the 1966 Calendar Year -		1,072.195 Ac.Ft.

4036

May 4, 1966

East San Bernardino County Water District
7337 Del Rosa Avenue
San Bernardino, California.

Attn: - Mr. Harold G. Rickert, General Manager - Secretary

Dear Harold:

In accordance with the Joint Powers Agreement of 1965 between the City of San Bernardino and the East San Bernardino County Water District, under Section 12 "Substitute Extraction," please be advised that 1,000 acre feet of water was produced from City wells during the contract year. As per the agreement, payment for this water will be made upon return receipt of the enclosed claim form.

Prior to June 30, 1966 water production from 2 City Wells will be filed with the State Water Rights Board showing the quantities of water pumped during the calendar year of 1965 representing water rights of your District.

Production Quantities are as follows:

Waterman Avenue Well, State #3600728	- 386.793 Acre Feet
30th and Mt. View Well, State #3600719	- <u>159.084 Acre Feet</u>

Total Production during the 1965 Calendar Year - 545.877 Acre Feet

The balance of the 1,000 acre feet produced by the City during the contract year will be filed with the State Water Rights Board prior to June 30, 1967. This quantity will be included in the total production by Substitute Extraction during the 1966 calendar year.

With best regards.

Yours very truly,

L. E. Maloy
Assistant General Manager

LEM:mm

c.c. - Mr. L. A. Rosegood

c.c. - Mr. Herbert E. Wessel

East San Bernardino County Water District

March 31, 1967

The remaining 381.925 acre feet produced after December 31, 1966 completes the contract for the 1966-67 contract year and will be filed with the State Water Rights Board prior to June 30, 1968. This quantity will be included in the total production by Substitute Extraction during the 1967 calendar year.

With best regards.

Very truly yours,

L. A. Hosegood
General Manager and Chief Engr.

By: L. E. Maloy
Assistant General Manager

LEM:mm
Enclosure - 1
c.c. - Mr. L. A. Hosegood
Mr. Herbert B. Wessel

C
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JOINT POWERS AGREEMENT OF 1965 BETWEEN THE CITY OF SAN BERNARDINO
AND THE
EAST SAN BERNARDINO COUNTY WATER DISTRICT
"WATER SERVICE AREA"

The water service area boundary description between the City of San Bernardino and the East San Bernardino County Water District as set forth, is in accordance with a map marked EXHIBIT "A" which is on file with the City Clerk, City of San Bernardino.

The East San Bernardino County Water District water service area is generally described as being northerly of East 3rd. Street between Waterman Avenue and Alabama Street and a description of the East-West service area boundary between the City and the District, beginning at the intersection of 3rd. Street and Waterman Avenue, is as follows:

Beginning at the intersection of 3rd. and Waterman Avenue; thence North along Waterman Avenue to the NPL of Monterey Street; thence East 141.25 feet; thence North 135.0 feet; thence West 141.25 feet; thence North to the NPL of 5th Street; thence East 200.0 feet; thence North to Ward Street; thence East on Ward Street to Cooley Street; thence North on Cooley Street to 6th Street; thence East along 6th Street to the Southeast corner of lot 4, Block 43 R.S.B. thence North along the East line of Lots 4 and 17 to 9th Street (except an area now being served by the East San Bernardino County Water District on the South side of 9th Street, which is a portion of Lot 15, Block 43 R.S.B.) thence northeasterly along the East Twin Creek Channel to Base Line; thence northerly along East Twin Creek Channel to the intersection of Pacific Street; thence easterly along Pacific Street to Conejo Road; thence North along Conejo Road to the Northwest corner of Tract 3097; thence easterly to the northeast corner of the Fairfax School property; thence north along the East line of Conejo Ranchos Subdivision Tract 2316 to the northeast corner of Lot 1; thence West along the North line of Conejo Rancho Subdivision Tract 2316 to the northwest corner of Lot 15; thence North along the East line of Lot 1, Block 7 of Conejo Ranchos Subdivision to Highland Avenue; thence North along the East line of Lot 1, Block 10 to Orange Grove Tract to the Southeast Corner of Tract 4834; thence North along the East line of Tract 4834 to Pumalo Street; thence East along Pumalo Street to the Southwest corner of Lot 3, Block 13 of the Orange Grove Tract; thence North along the West line of Lot 3 to the Northeast corner of Lot 6 of Tract 5256; thence West along the North line of Lots 6 and 7 to the Northwest corner of Lot 7; thence North along the East line of Lot 12 to the Northeast corner; thence West along the north line of Lot 12 to the East line of Lot 13; thence North along the East line of Lot 13 and the projection thereof to Date Street; thence West on Date Street to Golden Avenue;

thence North on Golden to a point 133.0 feet North of the South line of the N $\frac{1}{2}$ of Lot 1, Block 16 Orange Grove Tract; thence East to the East line of Lot 1; thence North along the East line of Lot 1 and the projection thereof to the NPL of the A.T. & S.F. right of way; thence East along the A.T. & S.F. right of way to the intersection of Mt. Avenue; thence North on Mt. Avenue to Lynwood Avenue; thence West on Lynwood to Harrison Street; thence North on Harrison Street to the Southwest Corner of Tract 3974; thence East along the South line of Tract 3974 to the Southeast corner; thence North along the easterly line of Tract 3974 to the Northwest corner of Lot 48, Tract 4283; thence along the North line of Lots 48 and 47 to the Southeast corner of Lot 15, Tract 3974; thence North along the East line of Tract 3974 to the Northeast corner; thence East along 39th Street to a point 432.5 feet West of the EPL of Mt. Avenue; thence South 495.0 feet; thence East 432.5 feet to the EPL of Mt. Avenue; thence South on Mt. Avenue to Eureka; thence East on Eureka to the East line of Lot 5, Block 21, Orange Grove Tract; thence South along the East line of Lot 5 to Marshall Blvd; thence South along the East line of Lot 5, Block 20 to the Northeast corner of Tract 5905; thence West along the north line of 5905 to the Northwest corner; thence South along the west line of Tract 5905 and the prolongation thereof to Lynwood Avenue; thence East on Lynwood Avenue to Del Rosa Avenue; thence North on Del Rosa Avenue to Marshall Blvd; thence East on Marshall Blvd. to the Southwest corner of Tract 4633; thence North along the west line of Tract 4633 to Eureka; thence West on Eureka to Del Rosa Avenue; thence North on Del Rosa Avenue to Foothill Drive; thence East on Foothill Drive to Sterling; thence Easterly along the projection of Foothill Drive and the center line of Section 19, TIN R3W to the center of Section 19; thence North along the center of Section 19 to the North 1/4 corner; thence East along the North line of Section 19 to the Northeast corner; thence South along the East line of Section 19 to the E $\frac{1}{4}$ corner; thence East along the center line of Section 20 TIN R3W and the projection thereof.

The above described line is the service area boundary between the East San Bernardino County Water District and the City of San Bernardino except the small parcels now being served by each party as shown on EXHIBIT "A".

April 22, 1965

Hon. Mayor and Common Council
City Hall
San Bernardino, California

Attention Jack T. Felton

Gentlemen:

We are enclosing herewith a fully executed copy of the Joint Powers Agreement of 1963 between the City of San Bernardino and the East San Bernardino County Water District. Attached to said Agreement is Resolution No. 25 of the Board of Directors of the East San Bernardino County Water District and Resolution No. 150 of the Board of Water Commissioners of the City of San Bernardino, authorizing the execution of same.

Very truly yours,

BOARD OF WATER COMMISSIONERS
CITY OF SAN BERNARDINO

Herbert B. Wessel
Deputy Ex-Officio Secretary

bnk

Encls.



April 22, 1965

East San Bernardino County Water District
7337 Del Rosa Ave.
San Bernardino, Calif.

Attention Harold G. Rickert,
General Manager-Secretary

Gentlemen:

We are enclosing herewith two fully executed copies of the Joint Powers Agreement of 1965 between the City of San Bernardino and the East San Bernardino County Water District. Attached to one copy of the Agreement is your Resolution No. 725 of the Board of Directors of East San Bernardino authorizing and directing East San Bernardino County Water District to execute said agreement. Also attached to said agreement is Resolution No. 150 of the Board of Water Commissioners of the City of San Bernardino authorizing the execution of same.

We trust these documents are in order; however, if we may be of further service to you, kindly let us know.

Very truly yours,

BOARD OF WATER COMMISSIONERS
CITY OF SAN BERNARDINO

Herbert B. Wessel
Deputy Ex-Officio Secretary

bmh

Encls.



April 22, 1965

C. C. Wood
City Administrative Officer
City Hall
San Bernardino, California

Dear Mr. Wood:

We are enclosing herewith a fully executed copy of the Joint Powers Agreement of 1965 by and between the City of San Bernardino and the East San Bernardino County Water District.

Attached to said Agreement is Resolution No. 725 of the Board of Directors of the East San Bernardino County Water District, and Resolution No. 150 of the Board of Water Commissioners of the City of San Bernardino authorizing the execution of said Agreement.

Very truly yours,

BOARD OF WATER COMMISSIONERS
CITY OF SAN BERNARDINO

Herbert B. Wessel
Deputy Ex-Officio Secretary

bnk

Encl.



RESOLUTION NO. 150

A RESOLUTION OF THE BOARD OF WATER COMMISSIONERS OF THE CITY OF SAN BERNARDINO AUTHORIZING THE EXECUTION OF THE JOINT POWERS AGREEMENT AS AMENDED BY AND BETWEEN THE EAST SAN BERNARDINO COUNTY WATER DISTRICT, THE CITY OF SAN BERNARDINO, AND THE BOARD OF WATER COMMISSIONERS OF SAID CITY.

BE IT RESOLVED BY THE BOARD OF WATER COMMISSIONERS OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION ONE: That the Board of Water Commissioners of the City of San Bernardino execute an amended Joint Powers Agreement designating water service areas and a water rental agreement.

SECTION TWO: That said amended Joint Powers Agreement referred to herein, a copy of which is attached hereto marked _____ and hereby referred to and made a part hereof as fully as though set out at length herein, is hereby approved.

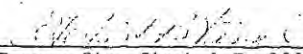
SECTION THREE: That the President and Secretary of the Board of Water Commissioners of the City of San Bernardino are hereby authorized and instructed to execute said amended Joint Powers Agreement on behalf of the Board of Water Commissioners of the City of San Bernardino.

I HEREBY CERTIFY that the foregoing Resolution No. 150 was duly adopted by the Board of Water Commissioners of the City of San Bernardino at a regular meeting thereof held on the 6th day of April, 1965, by the following vote, to-wit:

AYES: W. R. Holcomb, Harold W. Willis, Margaret H. Chandler

NOES: None

ABSENT: None


Deputy City Clerk & Ex-Officio Secretary

RESOLUTION NO. 725

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST SAN BERNARDINO COUNTY WATER DISTRICT

RESOLVED, by the Board of Directors of the East San Bernardino County Water District as follows:

WHEREAS, prior hereto and pursuant to Resolution No. 713 the President and Secretary of the East San Bernardino County Water District were directed and empowered to execute, on behalf of the District, that certain Agreement entitled "Joint Powers Agreement of 1965" between the City of San Bernardino and the East San Bernardino County Water District, a true copy of which Agreement was attached to said Resolution, and

WHEREAS, pursuant thereto said Agreement in said form was so executed, and

WHEREAS, subsequent to the execution thereof, certain amendments to said Agreement have been requested by the City of San Bernardino, and the execution thereof by the City with said amendments, has been approved, and

WHEREAS, said amendments are satisfactory to the East San Bernardino County Water District,

NOW, THEREFORE, BE IT RESOLVED

That the President and Secretary of the East San Bernardino County Water District are hereby authorized, directed and empowered to execute, on behalf of said District, said Agreement in the form attached to said resolution 713 with the following amendments:

1. The last sentence of Section 1, Page 3 of said Agreement shall be amended to read as follows:

"This Agreement may be amended or modified by said Public Agencies by mutual consent and shall continue until terminated by said Public Agencies by mutual consent but in

*Original in Water Dept.
File # 928-A*

any event this Agreement shall terminate fifty (50) years from the date hereof."

2. Section 3, Paragraphs A and B are hereby amended to read as follows:

"A. Exclusive Service Area of City

The exclusive service area of the City shall consist of the area marked in Green on Exhibit "A" attached hereto and the entire area lying Westerly thereof together with that area Northerly of the centerline of Section 19, T.1 N. R.3 W. S.B.B. & M. and its Easterly prolongation which is not marked in red on Exhibit "A", together with that area Southerly of Third Street and West of Alabama Street or its Southerly prolongation."

"B" Exclusive Service Area of District

The exclusive service area of District shall consist of the area marked in red on Exhibit "A" attached hereto and the area lying Easterly thereof which lies Southerly of the prolongation of the centerline of Section 19 in an Easterly direction and Northerly of Third Street West of Alabama Street and the entire area which lies Southerly of said prolongation of Section 19 east of Alabama Street."

3. Exhibit "A" as attached to said Agreement shall be modified to incorporate the above amended water service areas.

BE IT FURTHER RESOLVED, that said Agreement as amended is hereby approved as to form.

BE IT FURTHER RESOLVED, that it is to the best interest of the East San Bernardino County Water District to execute said Agreement as amended.

* * * * *

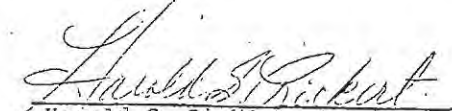
I hereby certify that the foregoing Resolution was duly

adopted at a Special Meeting thereof, held on the 6th day of April, 1965 by the following vote:

AYES, and in favor thereof, Directors: Disch, Forrest, LeVesque, Littleton, Wall

NOES, Directors: None.

ABSENT, Directors: None.

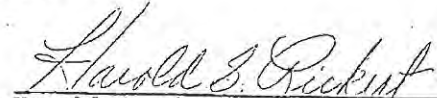

Harold G. Rickert, Secretary
Board of Directors

APPROVED:


John W. Littleton, President

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, HAROLD G. RICKERT, Secretary of the East San Bernardino County Water District, hereby certify that the foregoing is a true and correct copy of a motion passed at a Special Meeting of the Board of Directors of the East San Bernardino County Water District which was held on the 6th day of April, 1965.


Harold G. Rickert, Secretary
Board of Directors

RESOLUTION NO. 150

A RESOLUTION OF THE BOARD OF WATER COMMISSIONERS OF THE CITY OF SAN BERNARDINO AUTHORIZING THE EXECUTION OF THE JOINT POWERS AGREEMENT AS AMENDED BY AND BETWEEN THE EAST SAN BERNARDINO COUNTY WATER DISTRICT, THE CITY OF SAN BERNARDINO, AND THE BOARD OF WATER COMMISSIONERS OF SAID CITY.

BE IT RESOLVED BY THE BOARD OF WATER COMMISSIONERS OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION ONE: That the Board of Water Commissioners of the City of San Bernardino execute an amended Joint Powers Agreement designating water service areas and a water rental agreement.

SECTION TWO: That said amended Joint Powers Agreement referred to herein, a copy of which is attached hereto marked Exhibit "A" and hereby referred to and made a part hereof as fully as though set out at length herein, is hereby approved.

SECTION THREE: That the President and Secretary of the Board of Water Commissioners of the City of San Bernardino are hereby authorized and instructed to execute said amended Joint Powers Agreement on behalf of the Board of Water Commissioners of the City of San Bernardino.

I HEREBY CERTIFY that the foregoing Resolution No. 150 was duly adopted by the Board of Water Commissioners of the City of San Bernardino at a regular meeting thereof held on the 6th day of April, 1965, by the following vote, to-wit:

AYES: W. R. Holcomb, Harold W. Willis, Margaret H. Chandler

NOES: None

ABSENT: None

Harriet B. Stinson
Deputy City Clerk & Ex-Officio Secretary

*Original in Water Dept.
File 928-A*

928-A

1 JOINT POWERS AGREEMENT OF 1965 BETWEEN
 2 THE
 3 CITY OF SAN BERNARDINO
 4 AND THE
 5 EAST SAN BERNARDINO COUNTY WATER DISTRICT

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31
32
Exhibit "A"

1 **JOINT POWERS AGREEMENT OF 1965 BETWEEN**

2 **THE**

3 **CITY OF SAN BERNARDINO**

4 **AND THE**

5 **EAST SAN BERNARDINO COUNTY WATER DISTRICT**

6
7 **WHEREAS, the following public agencies; the CITY OF SAN**
8 **BERNARDINO, a municipal corporation, hereinafter sometimes called**
9 **"City", and the EAST SAN BERNARDINO COUNTY WATER DISTRICT, a**
10 **county water district organized and existing under Division 12**
11 **of the Water Code, hereinafter referred to as "District" are**
12 **engaged in the distribution of water; and**

13 **WHEREAS, each of said agencies can more economically serve**
14 **certain areas within their respective service areas; and**

15 **WHEREAS, it is to the mutual benefit of said agencies that**
16 **the service areas of each of said agencies be delineated so that**
17 **proper planning can be made for expansion and extension of**
18 **existing services and the installation of new services; and**

19 **WHEREAS, said public agencies are authorized to contract**
20 **with each other for the joint exercise of any common power**
21 **under Article I, Chapter 5, Division 7, Title 1 of the Government**
22 **Code; and**

23 **WHEREAS, the District has drilled wells and extracted water**
24 **therefrom for the purpose of procuring a water supply for the**
25 **lands within its boundaries and has acquired through its ownar-**
26 **ship of stock in mutual water companies and its acquisition of**
27 **other water rights and through the use and operation of said**
28 **wells and the extraction of water therefrom, District has**
29 **established certain prescriptive and appropriate rights to the**
30 **use of water so extracted; and**

31 **WHEREAS, portions of the land within the boundaries of the**
32 **District are undeveloped and at the present time are not using a**

1 water supply, but after 1972 will be developed and will ultimately
2 require all of the water now being produced by District; and

3 WHEREAS, by reason of the fact that the lands within its
4 boundaries have not reached their ultimate development or their
5 ultimate use of the water supply developed by the District, the
6 District has, at the present time, surplus waters prescriptive
7 in nature that it may dispose of to municipalities under the pro-
8 visions of Section 31823 of the Water Code of the State of
9 California, for use outside of the boundaries of the District on
10 a temporary basis; and

11 WHEREAS, City is a municipality as defined in said Section,
12 and is desirous of obtaining, as a body politic, a temporary
13 supply of water from District; and

14 WHEREAS, District is willing, on a temporary basis, to
15 supply water to the City as a body politic and not to the
16 inhabitants thereof, otherwise than as the same may be supplied
17 to said inhabitants by said municipality through its own dis-
18 tributing system and under its own exclusive control; and

19 WHEREAS, the water to be furnished on such basis by District
20 to City is water that District has acquired by prescriptive right
21 to the use thereof;

22 NOW, THEREFORE, the following public agencies:

23 **CITY OF SAN BERNARDINO**

24 and

25 **EAST SAN BERNARDINO COUNTY WATER DISTRICT,**

26 for and in consideration of the mutual promises and agreements
27 hereinafter stated and the performance thereof, and for other
28 valuable and adequate consideration, do promise and agree for and
29 on behalf of themselves and their successors in interest as
30 follows:

31 **Section 1. Purpose of Agreement, Common Power to be**
32 **Exercised, Termination.**

1 **THIS AGREEMENT** made under the provisions of Article I,
2 **Chapter 5, Division 7, Title 1 of the Government Code and**
3 **Section 31023 of the Water Code, is for the purpose of delineating**
4 **for each public agency the areas where each agency shall exercise**
5 **their common power to acquire, construct, maintain, repair,**
6 **manage, operate and control facilities for the production and**
7 **distribution of a water supply, and to provide City on a**
8 **temporary basis, as herein set forth, with a water supply. Said**
9 **purpose will be accomplished and said common power exercised in**
10 **the manner herein set forth. This Agreement may be amended or**
11 **modified by said Public Agencies by mutual consent and shall**
12 **continue until terminated by said Public Agencies by mutual**
13 **consent but in any event this Agreement shall terminate fifty**
14 **(50) years from the date hereof.**

15 **Section 2. Definition of Terms.**

16 The term "exclusive service area" shall mean that the
17 area so described shall receive water service only from the public
18 agency designated herein to which said area is assigned, subject
19 to the provisions of service in said area by the other public
20 agency, as herein set forth.

21 **Section 3. Designation of Service Areas.**

22 Attached hereto and incorporated herein by reference,
23 marked Exhibit "A", is a map designating the service areas herein
24 assigned. The duplicate originals of said Exhibit "A" are on
25 file in the office of the City Clerk of the City and in the
26 office of the Secretary of the District.

27 **A. Exclusive Service Area of City.**

28 The exclusive service area of the City shall consist of the
29 area marked in Green on Exhibit "A" attached hereto and the entire
30 area lying **Westerly** thereof together with that area Northwesterly of
31 **the Westerly** of Section 19, T.1 N.R. 9 W. S.B.E. & N. and its
32 easterly prolongation which is not marked in red on Exhibit "A",

1 together with that area Southerly of Third Street and West of
2 Alabama Street or its Southerly prolongation.

3 **B. Exclusive Service Area of District**

4 The exclusive service area of District shall consist of the
5 area marked in red on Exhibit "A" attached hereto and the area
6 lying Easterly thereof which lies Southerly of the prolongation of
7 the centerline of Section 19 in an Easterly direction and Northerly
8 of Third Street West of Alabama Street and the entire area which
9 lies Southerly of said prolongation of Section 19 East of Alabama
10 Street.

11 **Section 4. Consent to Service.**

12 Either public agency may, by written consent, authorize the
13 other public agency to provide water service within the exclusive
14 service area of the agency giving the consent. In the event that
15 either City or District refuses to serve any area within its
16 exclusive service area when the landowners within said area are
17 ready, willing and able to comply with the rules, regulations,
18 conditions and payments established by the serving agency, then
19 and in such event, the other serving agency shall be entitled to
20 serve such area without the prior written consent of the agency
21 so refusing service.

22 **Section 5. No Requirement for Service.**

23 The designation of the service areas as herein set forth
24 shall be for the benefit of the public agencies herein contracting
25 and not for the lands or owners of land within the areas so
26 designated. Nothing herein contained shall be construed as to
27 require either of the public agencies to furnish water service to
28 any particular parcel or parcels of land within any of the areas
29 herein designated. Each of the public agencies does hereby reserve
30 any and all rights that they now have or may hereafter acquire to
31 refuse service to any parcel or parcels of land within any of the
32 areas herein designated and to impose such rules, regulations,

1 conditions, tolls, charges, assessments, rates, limitations and
2 restrictions as they deem fit for the furnishing of a water
3 service or the continuation thereof.

4 **Section 6. Property.**

5 The designation of exclusive service areas, as herein set
6 forth, shall not preclude either public agency from acquiring
7 water producing facilities within the exclusive service area of
8 the other public agency. District has acquired and will acquire
9 in the future certain rights to the use of the flows of West
10 Twin Creek and East Twin Creek. City agrees that it will not
11 object to the use of the water so acquired within the exclusive
12 service area of District. City has acquired and may acquire in
13 the future the rights to certain flows of East Twin Creek. District
14 agrees that it will not object to the use of such water in the
15 exclusive service area of City. Neither public agency shall,
16 without the consent of the other public agency, acquire or attempt
17 to acquire by merger, consolidation, condemnation or otherwise,
18 any property, systems or works of the other public agency.

19 **Section 7. Nature of Water Supply to be Furnished by**
20 **District.**

21 All water to be furnished by the District under the terms
22 of this agreement shall be furnished to City as a body politic
23 and not to the inhabitants thereof, otherwise than as the same
24 may be supplied to said inhabitants by City through its own dis-
25 tributing system and under its own exclusive control.

26 The water supplied to City by District shall be temporary in
27 its nature and no right to the continued use thereof, either by
28 the City, or any of its inhabitants, shall be established by the
29 delivering of water from District to City, and no covenants,
30 either express or implied, for the continued delivery of water
31 from District to City or to the inhabitants of City, shall be
32 inferred from this agreement.

1 All rights to the continued beneficial use of any water
2 delivered by District to City are hereby reserved to District
3 for and on behalf of District and the landowners within its bound-
4 aries, it being expressly understood and agreed that the water
5 delivered by District to City will ultimately be withdrawn from
6 City and used within the boundaries of District.

7 Any and all rights acquired by the extraction of water
8 furnished hereunder from the wells of District or the wells of
9 City used for substitute extraction shall inure to the benefit
10 of District, and City shall not acquire any right, title or
11 interest therein or thereto. The beneficial use of the water so
12 extracted from said wells and delivered to City shall be consider-
13 ed to be a use for the benefit of District and for the future
14 requirements of lands within the boundaries of District.

15 It is specifically agreed that the water delivered to City
16 is not designated, set apart, or devoted to the purpose of sale,
17 rental or distribution to the inhabitants of City, and is not
18 impressed with a public use for the benefit of City or any of
19 its inhabitants. It is further agreed that in the execution of
20 this agreement and the use of water delivered to City, the City
21 is acting in its proprietary and not its legislative capacity,
22 and that this contract constitutes a single sale of surplus water
23 on a temporary basis.

24 Section 8. Term of Agreement Relating to Delivery of Water.

25 The provisions of this agreement relating to delivery of
26 water by District to City shall commence upon the execution
27 hereof and terminate on the 1st day of January, 1972. Upon such
28 termination, all rights and obligations under this agreement for
29 delivery of water shall terminate and end, except the payment to
30 the District for water delivered prior to such termination date.

31 Section 9. Place of Delivery of Water.

32 The points of delivery of water from District to City shall

1 be on the westerly boundary of District's plant No. 24 at the
2 intersection of Harrison Street and Lynwood Drive and at plant
3 No. 11 at the intersection of Sixth Street and Pedley Road. The
4 District will install, at its own cost and expense, from its
5 plant No. 24 a line and adequate equipment to deliver water to
6 City at said point at a maximum rate of 2,000 gallons per minute.
7 District will further install, at its own cost and expense, at
8 plant No. 11 a line and adequate equipment to deliver water to
9 City at a maximum rate of 2,000 gallons per minute. District
10 will also install, at its own cost and expense, flow-meters for
11 the measurement of water delivered to City at plant No. 24 and
12 plant No. 11 where the same can be inspected at all times by
13 representatives of City and District. City will install, at its
14 own cost and expense, lines from the boundaries of plants 24 and
15 11 to the City mains of sufficient capacity to receive a maximum
16 delivery of 2,000 gallons per minute at each plant.

17 Section 10. Quantities of Water to be Delivered by District.

18 During each contract year of the term of this agreement and
19 until termination hereof, District agrees to deliver and City
20 agrees to accept 3,000 acre feet of water. The contract year
21 shall consist of successive one year periods commencing with
22 the date of the execution hereof.

23 Section 11. Rate and Time of Delivery of Water.

24 The maximum rate of direct delivery from District to City
25 will be 4,000 gallons per minute. Delivery may be made to City
26 by District at each lesser rate as shall be determined by District.

27 The time or times throughout the contract year that delivery
28 will be made by District to City shall be by the mutual agreement
29 of the parties; provided, however, that neither party shall
30 establish times or quantities of delivery that will make it im-
31 possible for District to deliver 3,000 acre feet of water to City
32 during each contract year.

1 **Section 12. Substitute Extraction.**

2 During any contract year delivery of up to 1,000 acre feet
3 of the water to be furnished to City by District hereunder may
4 be made by means of substitute extraction. In such event, City
5 will pump water owned and furnished by District from pumps and
6 wells owned by City. In the event that City desires to accept
7 delivery by substitute extraction, District shall designate such
8 wells to City to be used for the extraction of District water for
9 delivery to City, and at said time shall designate the wells of
10 District for which substitute extraction will be made. In pump-
11 ing water by means of substitute extraction, it is hereby agreed
12 that City will be acting as the agent for District, and that all
13 water pumped by City by substitute extraction shall be delivered
14 to City, pursuant to the terms hereof, as District water at a
15 point located at the discharge of the pump being so operated.
16 City hereby agrees that at such times as it pumps water by sub-
17 stitute extraction that all water so pumped is the property of
18 the District and subject to all of the terms hereof.

19 All water pumped by City as substitute extraction hereunder
20 and as the agent for District shall be reported pursuant to
21 the recordation acts of the Water Code as being pumped by District
22 and as extraction from the wells designated by District. City
23 shall not report or record any pumping performed by it pursuant
24 to the terms hereof as substitute extraction, nor make any claim
25 in or to the water so pumped.

26 Water delivered from District to City under substitute
27 extraction shall be paid for by City at the rate of \$1.50 per
28 acre foot in lieu of the charges set forth in Section 13 hereof.

29 Water delivered by substitute extraction shall be measured
30 and reported by City to District either by flow-meter or other
31 measuring method satisfactory to District.

32 Except for the difference in purchase price, the water

1 delivered by District to City by substitute extraction shall be
2 subject to all of the terms and provisions hereof relating to
3 the delivery of any water from District to City.

4 Section 13. Payment by City to District.

5 City agrees to pay District \$14.45 per acre foot for all
6 water delivered to City from Plants 26 and 11 pursuant to the
7 terms of this agreement. The price thus established has been
8 determined by District to be the actual cost per acre foot for
9 delivering water to City at City's main. In the event that the
10 cost of fuel or power used for the development of any of said
11 water supply is increased during the term of this agreement, the
12 amount to be paid by City to District per acre foot shall be
13 proportionately increased to reflect the increased cost of
14 producing said water.

15 Payment shall be made by City to District monthly for all
16 water delivered to City in the month next preceding. Payment
17 shall be based upon the quantity of water delivered as shown by
18 the meter installed by District and measurements of water
19 delivered by substitute extraction and in accordance with monthly
20 statements from the District to the City. Each monthly statement
21 shall be accompanied by a written report showing the quantity of
22 water obtained by the City from a well or wells of the District
23 and/or the quantity of water obtained by the City from District
24 by substitute extraction and/or the quantity of water obtained
25 from any other sources in the exercise of a prescriptive right of
26 District.

27 Section 14. Arbitration.

28 All controversies arising out of the interpretation or
29 application of this agreement relating to service areas or the
30 refusal of either public agency to perform the whole or any part
31 thereof relating to service areas shall be settled by arbitration
32 in accordance with the provisions of this section and where not

1 provided by this section in accordance with the statutory
2 provisions of the State of California then in force. The
3 controversy shall be submitted to a board of three (3) arbitrators
4 which shall be appointed, one by the City, one by the District,
5 and the third by the first two. The public agency desiring
6 arbitration shall notify the other public agency by a written
7 notice stating the following: (1) that it desires arbitration,
8 (2) the controversy to be arbitrated, (3) that it has appointed
9 its nominee, and (4) that it requests the other public agency to
10 appoint its nominee. Within thirty (30) days from the receipt of
11 said notice the other public agency shall appoint its nominee.
12 Within fifteen (15) days after the last public agency has appointed
13 its nominee, the two nominees shall appoint the third. None of
14 the arbitrators shall be a resident of, or taxpayer in, or own
15 property in, or have a place of business in, or be employed in
16 or by, or be an officer or employee of either public agency. The
17 arbitration board shall hold at least one hearing and at least
18 ten (10) days before said hearing shall give each public agency
19 written notice thereof. The arbitration shall be restricted to
20 matters relative to that stated in the notice requesting arbi-
21 tration. The arbitration board shall have no authority to add
22 to or subtract from this agreement. Each public agency shall be
23 given an opportunity to be heard and to present evidence. Upon
24 conclusion of the hearing or hearings the arbitration board
25 shall reduce their finding of fact, conclusions of law and the
26 award to writing, and shall sign the same and deliver one signed
27 copy thereof to each public agency. Such award shall be final
28 and binding upon both public agencies. A majority finding shall
29 govern if the arbitrators' determination is not unanimous. Each
30 public agency shall pay its own expenses, including the expenses
31 of the arbitrator which it nominates. The expenses of the third
32 arbitrator, and the administrative costs of the arbitration

1 proceedings shall be shared equally.

2 Section 15. Severability.

3 If any section, subsection, sentence, clause, phrase or
4 word of this agreement, or the application thereof, to either
5 public agency, or to any other person or circumstance is for any
6 reason held invalid, it shall be deemed severable, and the
7 validity of the remainder of the agreement or the application of
8 such provision to the other public agency, or to any other persons
9 or circumstances shall not be affected thereby. Each public
10 agency hereby declares that it would have entered into this agree-
11 ment and each section, subsection, sentence, clause, phrase and
12 word thereof irrespective of the fact that one or more section,
13 subsection, sentence, clause, phrase or word, or the application
14 thereof to either public agency, or any other person or circum-
15 stance be held invalid.

16 Section 16. Effective Date.

17 This joint powers agreement shall be valid and binding as of
18 the date of execution thereof by the last party to execute the
19 same.

20 **IN WITNESS WHEREOF**, each public agency has caused this
21 instrument to be executed by its respective officials theretofore
22 duly authorized by the legislative bodies thereof.

23 EAST SAN BERNARDINO COUNTY
24 WATER DISTRICT

CITY OF SAN BERNARDINO

25 By: John W. Littleton
26 President

25 By: Daniel Arnold
26 Mayor

27 **COUNTERSIGNED:**

ATTEST:

27 By: David J. Dickert
28 Secretary

27 Jack D. Dalton
28 City Clerk

29 Signing date: April 12, 1965

29 Signing date: _____

30 WATER COMMISSION OF THE CITY OF
31 SAN BERNARDINO

31 By: _____
32 Chairman

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COUNTERSIGNED:

By: Herbert Stessel
SECRETARY

Signing date: April 9, 1965

SEAL

Approved as to form:

CHAPMAN AND SPRAGUE

By: H. M. Paccorini

H. M. Paccorini
Attorneys for the Board of
Water Commissioners of the
City of San Bernardino

1 water basin within the San Bernardino Valley will be of great
2 benefit to the inhabitants of both of the parties to this agree-
3 ment; and

4 WHEREAS, the sewage effluent from the plant now existing
5 is under written lease by the City to the Riverside Water Com-
6 pany and is not now available to the City; which said lease
7 will terminate and expire on April 17, 1964; and

8 WHEREAS, both of the public agencies to this agreement
9 are authorized by law to jointly exercise any power common to
10 the contracting parties, under the provisions of Article I,
11 Chapter 5, Division 7, Title 1 of the Government Code of the
12 State of California;

13 NOW, THEREFORE, in consideration of the mutual promises,
14 covenants, obligations and agreements herein set forth and the
15 faithful performance thereof, and for other valuable and ade-
16 quate consideration, it is hereby agreed by and between the
17 parties hereto as follows:

18 ARTICLE I. PURPOSE:

19 SECTION 1. That this agreement is made and entered into
20 in accordance with the provisions of Article I, Chapter 5, Divi-
21 sion 7, Title of the Government Code of the State of California,
22 (Sections 6500 et seq.) for the purpose of salvaging and/or
23 spreading the sewage effluent from the sewage treatment plants
24 of the City and causing the same to sink into underground water
25 basin within District and the Santa Ana River Basin above the
26 Bunker Hill Dike, thereby replenishing the water supply for
27 the beneficial uses of the inhabitants of both the City and the
28 District. That said purpose will be accomplished and said
29 common power exercised in the manner hereinafter set forth.

30 ARTICLE II. PROMISES, COVENANTS AND OBLIGATIONS OF THE
31 CITY :

32 SECTION 1. That concurrently with the construction,

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1 building and installation of the sewage treatment plant now in
2 progress and as a part thereof, the City shall construct and
3 install a sewage effluent pumping plant and station in accord-
4 ance with and at the location shown in the plans and written
5 specifications therefor, approved and accepted by the City.
6 Said pumping plant and station shall consist of at least three
7 (3) pumps, each with a capacity of at least 4500 gpm, capable
8 of delivering 20 mgd, or 60 acre-feet per day. That in accord-
9 ance with said plans and specifications, space and facilities
10 will be provided by the City for two additional pumps to be
11 installed in the future, at such time or times as the City deter-
12 mines additional capacity is required; such additional pumps
13 having a capacity of approximately 40 acre-feet per day, making
14 a total capacity of 100 acre-feet per day. The construction and
15 installation of said pumping plants shall be by and under the
16 supervision of the City and at the expense of the City.

17 Section 2. That, in accordance with the plans and written
18 specifications therefor, approved and accepted by the City, it
19 shall, concurrently with and as a part of the construction, and
20 installation of said first pumping plant and station, also con-
21 struct and install a 36 inch steel and concrete pipe line from
22 the said pumping plant or station to a point or place located
23 in the Santa Ana River Channel or wash at or near Alabama Street,
24 northwest of the City of Redlands, California, together with
25 all necessary appurtenances in connection therewith; said pipe
26 line being approximately 27,000 feet long and terminating near
27 the point or place indicated by an "X" upon the map hereto att-
28 ched and made a part hereof by reference. The construction and
29 installation of said pipe line shall be by and under the super-
30 vision of the City and at the expense of the City.

31 Section 3. The City shall, at its own expense, acquire
32 and obtain, in the name of the City, all necessary property.

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1 easements and rights-of-way for the construction and installation
2 of said pumping plants and pipe line, on and along the course
3 delineated and shown upon said map.

4 Section 4. That the construction and installation of
5 said first pumping plant and the said pipe line shall be com-
6 pleted on or before July 1, 1960, unless extended by written
7 agreement of the parties hereto.

8 Section 5. That upon the completion of said pumping
9 plant and pipe line, and thereafter during the term of this
10 agreement, the City shall cause at least ninety (90%) per cent
11 of sewage effluent from said treatment plant to be delivered at
12 the suction well of the said pumping plant or station, at the
13 treatment plant site, at the expense of the City.

14 Section 6. In the event the City determines additional
15 capacity is required, the City shall install the two additional
16 pumps, or either of them, as hereinbefore mentioned, such pumps
17 and all appurtenances in connection therewith shall be constructed
18 and installed by and under the supervision of the City, in accord-
19 ance with the plans and written specifications therefor, accepted
20 and approved by the City. Such construction and installation to
21 be at the expense of the City.

22 Section 7. Upon the expiration and termination of the
23 said lease between the City and the Riverside Water Company,
24 pertaining to the sewage effluent from the existing treatment
25 plant, the City shall thereupon and forthwith construct and in-
26 stall the necessary pumping plant or plants, pipe line, fixtures
27 and equipment to pump, transport and convey the sewage effluent
28 from that plant into the suction well at the new plant and
29 through the said pipe line extending to the said location at or
30 near Alabama Street. This construction and installation shall
31 also be in accordance with the plans and written specifications
32 therefor, approved and accepted by the City, and shall be by and

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1 under the supervision of the City. Also, it shall be at the
2 expense of the City. The City also shall, at its own expense,
3 acquire and obtain all necessary land, easements and rights-of-
4 way for the additional pumping plant or plants and pipe lines
5 for the present existing sewage treatment plant. Upon the com-
6 pletion of the said pumping plant or plants and pipe lines, as
7 in this paragraph provided, and during the remaining term of
8 this agreement, the City shall cause at least ninety (90%) per
9 cent of the sewage effluent from the present existing treatment
10 plant to be delivered to the said suction well at the present
11 existing treatment plant site, at the expense of the City.

12 Section 8. Title to all of the pumping plants, pipe
13 lines and appurtenances thereto, so constructed and installed,
14 as herein provided, shall be and remain in the City. Upon the
15 termination of this agreement, as herein provided, the City shall
16 own and be entitled to the possession of all of said pumping
17 plants, pipe lines and appurtenances, together with all additions
18 thereto supplied by the City.

19 Section 9. The City covenants that all sewage effluent
20 delivered by it for transportation and distribution by the
21 District shall be of a quality meeting the then standards of
22 the State Water Pollution Control Board or Regional Water Pollu-
23 tion Control Board having jurisdiction of said area, for deposit
24 in the Santa Ana River watershed.

25 ARTICLE III. PROMISES, COVENANTS AND OBLIGATIONS OF THE
26 DISTRICT:

27 Section 1. That on or before the completion of the con-
28 struction and installation of said pipe line by the City, as
29 hereinbefore provided, the District shall acquire sufficient
30 and adequate land in the channel and bed of the Santa Ana River,
31 at and near the said Alabama Street or westerly thereof to pro-
32 perly, adequately spread and sink into the underground all of

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1 the sewage effluent discharged from the two sewage treatment
2 plants of the City hereinbefore mentioned. Said land shall be
3 located along or near the line of said pipe line, as shown upon
4 the said map hereto attached and made a part hereof. Title to
5 said land shall be acquired in the name of the District and shall,
6 except by mutual agreement, at all times remain in the District.
7 Said land shall be acquired at the expense of the District.

8 Section 2. Upon the completion of the sewage treatment
9 plant of the City, now under construction, and the completion
10 of the installation of said pipe line, the City shall cause
11 sewage effluent from said treatment plant to be discharged into
12 the suction well at the said pumping plant or station, at no
13 cost or expense to the District. The District shall thereupon
14 take over the said pumping plant or station, together with the
15 said pipe line and all appurtenances and shall thereafter,
16 during the term of this agreement, operate and maintain the
17 same. The District shall provide all labor, services, tools,
18 fixtures and equipment to properly and adequately operate and
19 maintain the said pumping plant and pipe line, and all costs
20 and expenses in connection therewith shall be paid by the Dis-
21 trict; but nothing herein contained shall prohibit the District
22 from engaging City employees, or contracting with the City, to
23 perform duties required of the District under this section.

24 Section 3. Upon the termination of said lease between
25 the City and the Riverside Water Company, pertaining to the pre-
26 sent existing treatment plant, and the construction and installa-
27 tion of the necessary pumping plant or plants, pipe lines, fix-
28 tures and equipment to pump, transport and convey the sewage
29 effluent from said existing treatment plant to the suction well
30 and through the said pipe line, the City shall cause the sewage
31 effluent from said treatment plant to be discharged into the
32 suction well at the pumping plant, to be located at the now

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1 existing treatment plant, at no cost or expense to the District.
2 The District shall thereupon take over the additional pumping
3 plant and appurtenances and shall thereafter, during the term
4 of this agreement, operate and maintain the pumping station and
5 pipe lines in conjunction with and in the same manner as the
6 other pumping plants and equipment. All costs and expenses in
7 connection therewith shall be paid by the District.

8 Section 4. The District shall at all times, except
9 during breakdowns and high water flow in the river, cause all
10 sewage effluent discharged from the treatment plant or plants of
11 the City and conveyed into the said suction well or wells, as
12 hereinbefore set forth, to be pumped into and through the said
13 pipe lines to the said spreading and sinking land and grounds,
14 in a proper and adequate manner.

15 Section 5. The District shall construct, prepare, keep
16 and maintain the said land at the end or along said pipe line
17 in such manner and condition as to properly, adequately and
18 efficiently spread and sink into the underground all sewage
19 effluent from the treatment plant or plants of the City, in
20 accordance with the requirements and recommendations of the
21 California State Board of Health and the California State Water
22 Pollution Control Board and as provided by law. The District
23 shall operate and maintain said spreading grounds and shall
24 provide all labor, services, materials, tools, fixtures and
25 equipment in connection therewith at its own expense and with-
26 out any cost to the City.

27 Section 6. The District shall, at its own cost and
28 expense, keep and maintain the said pumps, pipe lines and appar-
29 tenances thereto in a good condition of repair at all times.
30 Any replacements, additions or improvements upon or in connec-
31 tion with the said pumps, pipe line and appurtenances thereto
32 shall be made and installed by and at the cost and expense of the

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1 District.

2 ARTICLE IV. TERM OF CONTRACT:

3 Section 1. This Agreement shall be for a term of twenty-
4 five (25) years from and after the date hereof, and for such
5 additional period of time as is agreed upon in writing between
6 the parties thereafter.

7 ARTICLE V. FAILURE OF PERFORMANCE:

8 Section 1. Neither of the parties hereto shall be liable
9 for any failure of performance or for any loss or damage result-
10 ing directly or indirectly therefrom, caused by war, riot, the
11 elements or matters beyond the control of such party.

12 ARTICLE VI. MISCELLANEOUS:

13 Section 1. In order that said sewage effluent may be
14 put to beneficial use within the District and in the Santa Ana
15 River Basin above the Bunker Hill Dike, by lease or sale to
16 water users in said area, both parties by mutual agreement ex-
17 pressly reserve the right and privilege of retaining and reclaim-
18 ing any part of said sewage effluent for the purpose of leasing
19 or selling the same for reuse in said District. Written notice
20 of intention to so retain or reclaim any portion of said sewage
21 effluent shall be given at least 30 days before the pumping and
22 spreading of such effluent is to be discontinued or decreased.
23 In the event of a partial decrease in the quantity of the sewage
24 effluent, as in this paragraph provided, the District shall con-
25 tinue to pump, spread and sink the balance thereof and this agree-
26 ment shall continue to full force and effect as to such balance.
27 Any sums or funds paid and received for such part of the effluent
28 leased or sold by either party shall be the property of both
29 parties and divided equally between both parties.

30 Section 2. The District hereby accepts full and com-
31 plete responsibility and liability for the operation and mainten-
32 ance of the said spreading and sinking grounds and agrees to

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1 indemnify the City against any and all liability arising out of
2 or in connection therewith.

3 Section 3. Any notice to be given in connection with
4 this agreement shall be sufficient and complete when deposited
5 in the United States Mail at San Bernardino, California, with
6 postage prepaid and addressed to either party at San Bernardino,
7 California, or by personal delivery thereof to an official of
8 the particular party.

9 Section 4. This agreement may be amended at any time
10 by a subsequent written mutual agreement.

11 IN WITNESS WHEREOF, the parties hereto have caused their
12 names to be subscribed hereunto the day and year first herein-
13 above written, by and through their duly authorized officers.

14
15 ATTEST:

16
17 BY: Jack T. Melton
18 CITY CLERK

CITY OF SAN BERNARDINO

19 BY: [Signature]
20 MAYOR

SAN BERNARDINO VALLEY MUNI-
CIPAL WATER DISTRICT

21
22 [Signature]
23 A. M. Herman, President

24 APPROVED AS TO FORM:
25 [Signature]
26 CITY ATTORNEY

27 Horace P. Hinckley
28 Horace P. Hinckley, secretary

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6 **JOINT POWERS AGREEMENT OF**
7 **1965 BETWEEN THE CITY OF SAN BERNAR-**
8 **DINO AND THE LOMA LINDA SANITATION DISTRICT**

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**JOINT POWERS AGREEMENT OF
1965 BETWEEN THE CITY OF SAN BERNAR-
DINO AND THE LOMA LINDA SANITATION DISTRICT**

1
2
3 WHEREAS, the following public agencies: The City of
4 San Bernardino, a municipal corporation (hereinafter sometimes
5 called "City"), and the Loma Linda Sanitation District, a county
6 sanitation district organized and existing under Article 1,
7 Chapter 3, Part 3, Division 5 of the Health and Safety Code (here-
8 inafter sometimes referred to as "District") and each of them,
9 has, or will have, money available to acquire and construct needed
10 facilities for the collection, treatment and disposal of sewage
11 and each had intended to acquire, construct or expand its own
12 facilities; and

13 WHEREAS, certain facilities will serve both public
14 agencies resulting in a substantial saving of money to each public
15 agency; and

16 WHEREAS, said public agencies are authorized to contract
17 with each other for the joint exercise of any common power under
18 Article 1, Chapter 5, Division 7, Title 1 of the Government Code;

19 NOW, THEREFORE, the following public agencies:
20 City of San Bernardino and Loma Linda Sanitation District for and
21 in consideration of the mutual promises and agreements hereinafter
22 stated and the performance thereof, and for other valuable and
23 adequate consideration, do promise and agree for and on behalf of
24 themselves and their successors in interest as follows:

25 SECTION 1. Purpose of Agreement, Common Power to be
26 Exercised, Termination.

27 This agreement, made under the provisions of Article 1,
28 Chapter 5, Division 7, Title 1 of the Government Code, is for the
29 purpose of obtaining for each public agency facilities for the
30 collection, treatment and disposal of sewage, and each public
31 agency has in common the power to acquire, construct, maintain,
32 repair, manage, operate and control facilities for said purpose.

1 Said purpose will be accomplished and said common power exercised
2 in the manner hereinafter set forth. This agreement shall remain
3 in full force and effect for a minimum period of 25 years. There-
4 after this agreement may be amended or modified by said public
5 agencies by mutual consent and shall continue thereafter until
6 terminated by said public agencies by mutual consent. Time is of
7 the essence of this agreement.

8 SECTION 2. City to Administer.

9 The City of San Bernardino, subject to its charter and
10 this agreement, shall administer and execute this agreement and
11 do all acts necessary for the exercise of said common power for
12 said purpose, as hereinafter provided.

13 SECTION 3. Construction, Ownership and Maintenance of
14 Facilities by District.

15 The District shall provide the engineering for, and shall
16 construct, or cause to be constructed, at its sole cost and expense,
17 a sewer line with a maximum peak rate of flow capacity of 7 MGD
18 at three quarters full running Northwesterly from the site of its
19 existing treatment plant to a collection point located at the
20 intersection of the most Easterly boundary of the San Bernardino
21 City limits and Redlands Boulevard, and shall install a metering
22 device at or near such latter location. This sewer line and meter-
23 ing device shall be owned solely by the District and shall be
24 operated, maintained and controlled exclusively by the District.
25 Said sewer line is shown as a blue line on a map attached hereto
26 marked Exhibit "A" and made a part hereof (hereinafter sometimes
27 called the blue line).

28 SECTION 4. Construction of Facilities Within or Adjacent
29 to the City to be Owned and Maintained by the District.

30 The District shall also construct, or cause to be con-
31 structed, a trunk sewer line with a maximum peak rate of flow
32 capacity of 7 MGD at three quarters full running Northerly from

1 the said collection point at the intersection of the most Easterly
2 boundary of the San Bernardino City limits and Redlands Boulevard
3 to the City's existing lift station located East of the City of
4 San Bernardino's Sewage Disposal Plant #1. In addition thereto,
5 the District shall also construct, or cause to be constructed, a
6 2" bar screen within said sewer line. This sewer line and related
7 facilities shall be installed to City standards and specifications
8 and the District shall use and pay for such engineering construction
9 plans and specifications as supplied by the City, subject to
10 approval or modification by the U. S. Public Health Service and
11 the Water Quality Control Board. Such plans and specifications
12 shall be delivered to the District on or before February 15, 1965.
13 Upon receipt thereof in acceptable form, the District shall pay
14 the flat fee or sum of \$16,333. to the City for said plans and
15 specifications. In addition thereto, the District shall pay a
16 flat fee or sum of \$9,333. to the City for engineering supervision,
17 inspection and expenses relating thereto. Upon completion, said
18 trunk sewer line running Northerly from the collection point
19 located at the intersection of the most Easterly boundary of the
20 San Bernardino City limits and Redlands Boulevard shall be owned
21 solely by the District and shall be operated, maintained and con-
22 trolled exclusively by the District. Said trunk sewer line is
23 shown as a red line on a map attached hereto marked Exhibit "A"
24 and made a part hereof (hereinafter sometimes called the red line).

SECTION 5. Cost of Installation to District.

26 The District shall pay all costs and expenses, including,
27 but not limited, to, engineering costs and incidental expenses in-
28 curred for the installation of the entire project. All facilities
29 installed in said project shall be strictly for the use of the
30 Loma Linda Sanitation District, including, but not limited to,
31 the use of the red line trunk sewer, and for no other purpose.
32

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San Bernardino, California

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SECTION 6. Right of District in Red Line Trunk Sewer.

The District shall have and own, for the existence of this agreement, a right to discharge its sewage into the red line trunk sewer for conveyance to the San Bernardino treatment plant. There will be no additional charges to the District in the future, in addition to the compensation hereinafter provided in Section 9, for plant expansion. The District shall discharge all sewage entering any of its sewage collection facilities into said red line trunk sewer at the collection point located at the intersection of the most Easterly boundary of the San Bernardino City limits and Redlands Boulevard.

SECTION 7. Limitations on the District in Regard to Quality of Sewage.

The District expressly agrees to the following separate, distinct and cumulative limitations:

(a) The District shall obey the applicable statutes, rules and regulations of agencies of the United States of America, the State of California and the County of San Bernardino having jurisdiction over the collection, treatment and disposal of sewage and wastes to the same extent that such statutes, rules and regulations apply to the customers of the City located within the City limits. In addition thereto, the District shall pass, adopt and enforce, through the Board of Supervisors, County of San Bernardino, its governing body, ordinances, resolutions, rules and regulations (if not already in effect) fundamentally the same as those ordinances, resolutions, rules and regulations passed and adopted by the City of San Bernardino regulating the type and condition of sewage and wastes permitted to be discharged into City sewers. The District shall require all persons and customers (including public agencies of all types) to obey such ordinances, resolutions, rules and regulations and shall prohibit said persons and customers to discharge into said District system sewage and wastes

1 which persons and customers of the City could not discharge.

2 (b) The District shall not allow any surface or storm
3 waters, excessive infiltration, cooling water or unpolluted in-
4 dustrial waste to be discharged into its sewer system or into any
5 other sewer facilities emptying into its sewer system or into any
6 other sewer facilities over which it has control.

7 SECTION 8. Service Areas, Right to Collect Charges.

8 The City and the District agree that the areas within
9 which each is entitled to provide sewer service and/or collect
10 sewer service charges shall be as set forth in this Section 8.
11 Neither public agency shall, without the written consent of the
12 other, be entitled to provide sewer service and/or collect sewer
13 service charges within any territory assigned to the other under
14 this Section 8.

15 (a) City Territory -- The City (unless otherwise
16 specifically prohibited by this Section 8) shall be entitled to
17 provide sewer service and collect sewer service charges from all
18 territory now within or that may come within the City boundaries
19 and within any territory now lying South of the City boundaries
20 and Northerly and Westerly of the District boundaries that may be
21 annexed to the City in the future, except that the City shall not
22 serve any territory within the District boundaries, even though
23 annexed to the City, unless and until District is not ready,
24 willing and able to serve said territory or the parties mutually
25 agree otherwise.

26 (b) District Territory -- The District (unless other-
27 wise specifically prohibited by this Section 8) shall be entitled
28 to provide sewer service and collect sewer service charges from
29 any territory within the boundaries of the District as they shall
30 exist on January 1, 1965, and any additional territory that may
31 be annexed to the District in the future which at the time of
32 annexation lies outside the boundaries of any city.

1 (c) Boundary Line Lands -- The public agency within
2 which is located lots or building sites adjacent to any future
3 common boundary line between the City and the District shall be
4 entitled to provide sewer service and collect sewer service charges
5 therein, but said parcels may be served by connections to the
6 nearest sewer facilities, regardless of whether such facilities
7 are owned by the City or the District.

8 (d) No Requirement for Service -- The designation of the
9 service areas as herein set forth shall be for the benefit of the
10 public agencies herein contracting and not for the lands or owners
11 of land within the areas so designated. Nothing herein contained
12 shall be construed as to require either of the public agencies
13 to furnish sewer services to any particular parcel or parcels
14 of land within any of the areas herein designated. Each of the
15 public agencies does hereby reserve any and all rights that they
16 now have or may hereafter acquire to refuse service to any parcel
17 or parcels of land within any of the areas herein designated and
18 to impose such rules, regulations, conditions, tolls, charges,
19 assessments, rates, limitations and restrictions as they deem fit
20 for the furnishing of a sewer service or the continuation thereof,
21 which are not inconsistent with the provisions and rights and
22 obligations set forth in this agreement.

23 SECTION 9. Payments by District.

24 As compensation to the City for services rendered in
25 treating and disposing of sewage and waste discharged by the
26 District into said red line trunk sewer, or other sewers adjacent
27 to the District, the District shall pay at the end of each monthly
28 period, or other period established by the District for imposing
29 and collecting sewer service charges (provided that payments shall
30 be at least quarterly), a lump sum equal to 92% of the aggregate
31 charges which would have been collected by the City, if the per-
32 sons and customers served by the District or emptying into the

1 District's system had been located in the City and had been liable
2 for the payment of the charges fixed by the City at the rates which
3 the City had fixed and established for that period of time for
4 sewer users of various types and classifications within the City.
5 Any and all monies collected by the City from the District shall
6 be used solely by the City for the administration, maintenance,
7 and construction of sewage disposal works, interceptors and other
8 necessary and pertinent sewer facilities.

9 Payments due at the end of the period specified above
10 shall be paid within thirty (30) days of said due date. Payments
11 not made within said thirty (30) days shall bear interest at the
12 rate of five per cent (5%) per annum from the due date thereof
13 until paid.

14 SECTION 10. Records, Accounts, Inspection and Audit.

15 The District shall keep a complete and up to date list
16 of all persons and customers of every kind and nature (including
17 public agencies of all types) discharging into or using its system
18 and shall keep proper books of record and accounts in which complete
19 and correct entries shall be made of all transactions (including
20 all receipts and disbursements) relating to the provisions of sewer
21 service and the collection of sewer service charges. Said list,
22 books of record and accounts shall be kept in such reasonable
23 detail that the City can ascertain the aggregate charges which
24 would have been collected by the City, if the persons and customers
25 served by the District or emptying into the District's system had
26 been located in the City. Said list, books of record and accounts
27 shall, upon written request, be subject to inspection by any duly
28 authorized representative of the City. Said list, books of record
29 and accounts shall be audited annually by the County Auditor's
30 office. In the event a dispute arises as to whether said County
31 audit is sufficient, then said list, books of record and accounts
32 shall be audited by an independent certified public accountant or

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1 firm of certified public accountants appointed by the District and
2 approved by the City, and a copy of the report of such accountant
3 or accountants shall be given to each public agency. The District
4 shall notify the City a reasonable time before the audit is to
5 commence the identity of the auditor or auditing firm. The
6 expense of said audit shall be shared by said public agencies
7 equally. The City may, upon written request, inspect the Dis-
8 trict's sewage collection facilities at reasonable intervals.

9 SECTION 11. Effect of Agreement, Nature of Obligations.

10 The District agrees that it will prescribe, revise and
11 collect such rates and charges for the services, facilities and
12 use of its sewer system as will produce, after allowance for con-
13 tingencies and error in estimates, sufficient revenues to discharge
14 all obligations under this agreement and all other obligations of
15 the District which are a charge upon or payable from such revenues.

16 The expenses of and claims against the District under
17 this agreement are general obligations of the District, and if
18 the District has no revenues or if the revenues of the District
19 are, or in the judgment of the Board of Directors are likely to be
20 inadequate to pay debts, expenses and claims against the District,
21 including all expenses and claims payable under this agreement,
22 the Board of Directors shall cause an annual tax to be levied upon
23 the taxable property in the District sufficient to pay all expenses
24 and claims payable under this agreement, all as provided in the
25 Sanitation District Law as set forth in Article VI, Chapter 3,
26 Part 3, Division 5 of the Health and Safety Code of the State of
27 California. All moneys derived from such tax and all other moneys
28 allocated and designated for the payment of said obligations, in-
29 cluding all expenses and claims, payable under this agreement,
30 shall be placed in a special fund of the District and until all of
31 said obligations have been fully paid the moneys in said fund
32 shall be used for no other purpose than the payment of said

1 obligations. The District shall notify the City of the name of
2 said special fund on its establishment.

3 Nothing herein shall be construed as prohibiting the
4 City or the District from issuing revenue bonds or other evidences
5 of indebtedness payable from the revenues from sewer service charges
6 or other sewer system revenues and which have, as to said sewer
7 charges and revenues, for any sums required for the payment or
8 security of the principal thereof or interest thereon, a priority
9 over obligations payable under this agreement.

10 SECTION 12. Severability.

11 If any section, subsection, sentence, clause, phrase
12 or word of this agreement, or the application thereof to either
13 public agency or to any other person or circumstance, is for any
14 reason held invalid, it shall be deemed severable and the validity
15 of the remainder of the agreement or the application of such
16 provision to the other public agency, or to any other persons or
17 circumstance, shall not be affected thereby. Each public agency
18 hereby declares that it would have entered into this agreement and
19 each section, subsection, sentence, clause, phrase, and word
20 thereof irrespective of the fact that one or more section, sub-
21 section, sentence, clause, phrase or word, or the application
22 thereof to either public agency, or any other person or circum-
23 stance, be held invalid.

24 SECTION 13. Effective Date.

25 This joint powers agreement shall become effective
26 and is conditional upon the passage by the electorate of the
27 District of authorization to issue bonds and the acquisition by
28 the District of public funds from the Federal Government under the
29 provision of Public Law 660, in amounts sufficient to complete
30 the project herein described.

31 On _____, 1966, this agreement shall termin-
32 ate in the event said passage by the electors or said acquisition

1 of public funds has not occurred, and the City shall be relieved
2 of any obligation or liability which it may have assumed or agreed
3 to under the terms hereof.

4 IN WITNESS WHEREOF, each public agency has caused this
5 instrument to be executed by its respective officials theretofore
6 duly authorized by the legislative bodies thereof.

7
8 CITY OF SAN BERNARDINO

9
10 Dated: January 12, 1965.

Donald G. Mauldin
DONALD G. MAULDIN, Mayor
of the City of San Bernardino

11
12 ATTEST:

13
14 Jack D. Fulton
City Clerk

15
16
17 LOMA LINDA SANITATION DISTRICT

18
19 Dated: Jan. 25, 1965.

Ross Dana
ROSS DANA, Chairman of the
Board of Supervisors of the
County of San Bernardino as
governing body of the Loma
Linda Sanitation District

20
21
22 ATTEST:

23 V. DENNIS WARDLE, County
24 Clerk and ex-officio Clerk
of the Board of Supervisors

25
26 By Lisa Lagay
Deputy

1 RESOLUTION NO. 7518

2 A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY
3 OF SAN BERNARDINO AUTHORIZING THE EXECUTION OF A JOINT POWERS
4 AGREEMENT OF 1965 BETWEEN THE CITY OF SAN BERNARDINO AND THE LOMA
LINDA SANITATION DISTRICT.

5 BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE
6 CITY OF SAN BERNARDINO AS FOLLOWS:

7 SECTION ONE: That the City of San Bernardino shall enter
8 into a Joint Powers Agreement of 1965 between the City of San Ber-
9 nardino and the Loma Linda Sanitation District for use of the City
10 of San Bernardino Sewage Disposal Plant by said District.

11 SECTION TWO: That the said Joint Powers Agreement of 1965
12 referred to herein, a copy of which is attached hereto, marked
13 Exhibit "A" and is hereby referred to and made a part hereof as
14 though set out at length herein, is hereby approved.

15 SECTION THREE: That the Mayor of the City of San Bernar-
16 dino is hereby authorized and directed to execute said Joint Powers
17 Agreement of 1965 on behalf of the City of San Bernardino.

18 I HEREBY CERTIFY that the foregoing Resolution was duly
19 adopted by the Mayor and Common Council of the City of San Bernar-
20 dino at a re-adjourned regular meeting thereof, held on the 11th
21 day of January, 1965, by the following vote, to-wit:

22 AYES: Councilmen Accombe, Johnson, Ariss, Humphrey
23 NOES: None ABSENT: Councilman Gubin

24 JACK T. FELTON

25 City Clerk

26 The foregoing Resolution is hereby approved this 12th
27 day of January, 1965.

28 DONALD G. MAULDIN

29 Mayor of the City of San Bernardino

30 APPROVED AS TO FORM:

31 RALPH H. PRINCE

32 City Attorney

A D D E N D U M

Addendum to Joint Powers Agreement of 1965 between the City of San Bernardino and the Loma Linda Sanitation District approved by the Board of Supervisors, County of San Bernardino, on January 11, 1965.

Notwithstanding the provisions contained in Section 13 of said agreement, if the City performs in accordance with said agreement by supplying and delivering the engineering construction plans and specifications, as provided in Section 4 of said agreement, the District, acting through the Board of Supervisors as the governing body of said District, hereby agrees to pay the City the engineering fees in the amount of \$16,333 as specified in said Section 4 of said agreement, even though said agreement in its entirety is subsequently declared null and void due to the failure of the District to finance the subject facilities, as provided in said Section 13 of said agreement, or due to any other District failure to implement the terms of said agreement.

IN WITNESS WHEREOF, each public agency has caused this addendum to be executed by its respective officials theretofore duly authorized by the legislative bodies thereof.

OFFICE OF THE
COUNTY COUNSEL
Court House
San Bernardino, California

ATTEST:

CITY OF SAN BERNARDINO

Jack D. Dutton
City Clerk

Donald G. Mauldin
DONALD G. MAULDIN, Mayor of
the City of San Bernardino

ATTEST: V. DENNIS WARDLE,
County Clerk and ex-officio
Clerk of Board of Supervisors

LOMA LINDA SANITATION DISTRICT

Loma Wardle
Deputy

Ross Dana
ROSS DANA, Chairman of the
Board of Supervisors of the
County of San Bernardino as
governing body of the Loma
Linda Sanitation District

RESOLUTION NO. 17535

1 A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF
2 SAN BERNARDINO AUTHORIZING THE EXECUTION OF AN ADDENDUM TO A JOINT
3 POWERS AGREEMENT OF 1965 BETWEEN THE CITY OF SAN BERNARDINO AND THE
LOMA LINDA SANITATION DISTRICT.

4 BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE CITY
5 OF SAN BERNARDINO AS FOLLOWS:

6 SECTION ONE: That the City of San Bernardino shall enter
7 into an Addendum to a Joint Powers Agreement of 1965 between the
8 City of San Bernardino and the Loma Linda Sanitation District
9 for use of the City of San Bernardino Sewage Disposal Plant by
10 said District.
11

12 SECTION TWO: That the said Addendum to a Joint Powers Agree-
13 ment of 1965 referred to herein, a copy of which is attached
14 hereto, marked Exhibit "A" and is hereby referred to and made a
15 part hereof as though set out at length herein, is hereby approved.

16 SECTION THREE: That the Mayor of the City of San Bernardino
17 is hereby authorized and directed to execute said Addendum to a
18 Joint Powers Agreement of 1965 on behalf of the City of San Ber-
19 nardino.

20 I HEREBY CERTIFY that the foregoing Resolution was duly
21 adopted by the Mayor and Common Council of the City of San Bernar-
22 dino at a ~~special~~ regular meeting thereof, held on the 25th day
23 of January, 1965, by the following vote, to-wit:

24 AYES: Councilman [unclear], Councilman [unclear], Councilman [unclear], Councilman [unclear], Councilman [unclear]
25 NOES: None ABSENT: Councilman [unclear], Councilman [unclear]

26
27 JACK T. FELTON
City Clerk

28 The foregoing Resolution is hereby approved this 25th
29 day of January, 1965.

30
31 APPROVED AS TO FORM: [Signature]
Mayor of the City of San Bernardino

32
[Signature]
City Attorney

SECOND AMENDMENT TO JOINT POWERS AGREEMENT
OF 1965 BETWEEN THE CITY OF SAN BERNARDINO
AND LOMA LINDA SANITATION DISTRICT

THIS SECOND AMENDMENT, made and entered into this 14th day of February, 1988, by and between the CITY OF SAN BERNARDINO, a municipal corporation and a Charter City of the State of California, hereinafter called, "San Bernardino" and the CITY OF LOMA LINDA, a municipal corporation of the State of California, hereinafter called, "Loma Linda", successor to the Loma Linda Sanitation District, both within the County of San Bernardino, State of California, is made and entered into for the purpose of further amending the Joint Powers Agreement of 1965 between said San Bernardino and Loma Linda Sanitation District for the collection, treatment and disposal of sewage.

THE PARTIES HERETO AGREE AS FOLLOWS:

Section 1: Subdivision (e) is hereby added to Section 8 of the Agreement to read as follows:

"(e) Regional Service - Nothing in this Section 8 shall be construed to prohibit the provision of sewer services by either of the parties to this Joint Powers Agreement in the areas within or without the boundaries of said parties and shown within the service area as outlined in the 1980 Waste Water Facilities Plan Project Report, attached hereto and incorporated herein, subject to the purchase, from time to time, of sewer capacity rights."

DAB:cez
October 21, 1988

Section 2: Except as amended herein, said Joint Powers Agreement, as amended by Amendment dated September 23, 1980, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed the Second Amendment on the day and date first above shown.

CITY OF SAN BERNARDINO

By Loulyn Niles
Mayor 3/15/89

ATTEST:

Mona Clark
San Bernardino City Clerk
by Lucy Martinez, Deputy

Approved as to form
and legal content:

By Donna A. Barber Sr. Ass. City Atty.
San Bernardino City Attorney

CITY OF LOMA LINDA
Successor to Loma Linda
Sanitation District

By [Signature]
Mayor

ATTEST:

Patricia Byrnes-O'Camb
Loma Linda City Clerk

Approved as to form
and legal content:

[Signature]
Loma Linda City Attorney

RECEIVED

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RESOLUTION NO. 88-480

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RESOLUTION OF THE CITY OF SAN BERNARDINO AUTHORIZING THE EXECUTION OF THE SECOND AMENDMENT TO JOINT POWERS AGREEMENT OF 1965 BETWEEN THE CITY OF SAN BERNARDINO AND LOMA LINDA SANITATION DISTRICT

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1 The Mayor is hereby authorized and directed to execute on behalf of said City an Agreement with the Loma Linda Sanitation District, relating to the second amendment to the Joint Powers Agreement of 1965. This Agreement is attached hereto as Exhibit "A" and incorporated herein by reference as though set forth in full hereat.

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Mayor and Common Council of the City of San Bernardino at a regular meeting thereof, held on the 19th day of December, 1988, by the following vote, to wit:

AYES:	Council Members	<u>Estrada, Reilly, Flores, Maudsley</u>
		<u>Minor, Miller</u>
NAYS:		<u>None</u>
ABSENT:		<u>Council Member Pope-Ludlam</u>

Annalisa Lopez
City Clerk

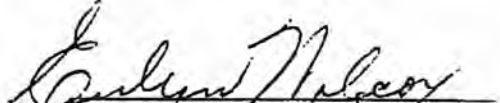
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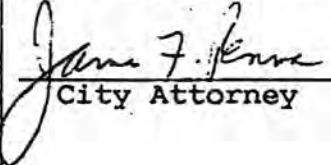
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RESOLUTION OF THE CITY OF SAN BERNARDINO AUTHORIZING THE EXECUTION OF THE SECOND AMENDMENT TO JOINT POWERS AGREEMENT OF 1965 BETWEEN THE CITY OF SAN BERNARDINO AND THE LOMA LINDA SANITATION DISTRICT

The foregoing resolution is hereby approved this 21st day of December, 1988.


Evelyn Wilcox, Mayor
City of San Bernardino

Approved as to form and legal content:


City Attorney

1 **SECTION 1 - GENERAL**

2 **A. REFERENCE TO BOARD ORDINANCE:** East Valley, through Ordinance 359, has
3 adopted BOARD's rules and regulations set forth in Exhibit "1" attached hereto and incorporated herein by this
4 reference, which includes local limits on industrial user's discharges to the POTW, in addition to uniform
5 regulations, policies, and procedures governing the discharge of industrial wastewater into East Valley's
6 facilities, as well as the facilities owned, operated, and maintained by BOARD.

7 **B. DESIGNATION OF AUTHORITY:** The General Manager of East Valley has been
8 authorized by the East Valley Board of Directors to administer and enforce all sewer and wastewater regulations
9 for East Valley. The General Manager of East Valley may designate East Valley staff or others, including
10 BOARD personnel, to enforce the provisions of East Valley's Ordinance 359 and other rules and regulations of
11 East Valley, federal, state, county, or other agency having regulatory authority over sewers, waste, and
12 wastewater matters.

13 **C. DELEGATION OF POWERS:** Neither BOARD nor East Valley, by entering into this
14 Agreement, relinquishes to the other any of its independent statutory powers or other powers and responsibilities
15 relative to the provision of sewer service, or the promulgation, administration, and enforcement of industrial
16 wastewater discharge requirements.

17 BOARD shall be responsible for promptly invoicing permittees within East Valley for the fees and
18 charges adopted by BOARD and East Valley relating to industrial wastewater permit fees, monitoring fees,
19 inspection fees, and all other charges related to the implementation of the pretreatment program.

20 BOARD shall pursue collection through its normal fee recovery procedures for any delinquent accounts.
21 BOARD shall proceed with permit revocation for delinquent accounts. BOARD shall notify East Valley of all
22 permit revocations, and BOARD shall request East Valley, if appropriate, to proceed with termination of water
23 and/or sewer service for all delinquent accounts and notify East Valley when all delinquent fees have been
24 remitted.

25 **SECTION 2 - PERMITTING**

26 **A. CLASSES OF PERMITS:** BOARD's pretreatment program utilizes three (3) primary classes
27 of Industrial User Permits: Class I, II, and III. The permitting of Class I, II, and III industrial users is intended to
28 serve as a means of implementing regulations, and to provide for inspections, monitoring, reporting, and

1 enforcement of violations to comply with EPA pretreatment regulations, and other applicable federal, state, and
2 local regulations.

3 **B. PERMITTING PROCEDURES:** Each industrial user within East Valley shall originate its
4 permit application with BOARD. The application shall consist of the form then currently utilized by BOARD to
5 permit industrial users, and supplemented by any form deemed necessary by East Valley for its requirements.
6 BOARD shall review the permit application, and will prepare the permit and attach any conditions or
7 requirements that will be imposed under BOARD's Ordinance and/or required by East Valley.

8 All new Industrial User permits shall be reviewed and approved by BOARD and East Valley prior to
9 issuance. BOARD and East Valley shall expedite the review and approval process which shall be completed
10 within 30 calendar days of permit submittal. A review committee agreed upon by BOARD and East Valley shall
11 be developed to resolve any conflicts which may arise during the permit review and approval process. Upon
12 determination by BOARD and East Valley that the application is complete and the permit has been approved,
13 BOARD shall issue the permit. The original permit application and permit shall be retained by BOARD and
14 copies shall be furnished to East Valley for their records, at their request. The completed permit, executed by
15 BOARD, shall constitute the authorization to discharge industrial wastewater to the BOARD and East Valley
16 sewer systems under both BOARD and East Valley Ordinances.

17 **C. PLUMBING PLANS:** New applicants for industrial or commercial sewer service and existing
18 users who propose tenant improvements shall submit plumbing plans to BOARD for review. BOARD and East
19 Valley shall review the plans and shall notify the applicant or user of any additional requirements. BOARD shall
20 forward an approval letter to East Valley upon the applicant's completion of all such plan check requirements.

21 **D. EXISTING PERMITS:** BOARD shall notify holders of permits issued prior to the effective
22 date of this Agreement that they will be required to replace such permits with permits issued in accordance with
23 the procedures established herein when they expire. BOARD shall require that each replacement permit be
24 issued prior to the date the existing permit expires.

25 **E. EXISTING USERS WITHOUT PERMITS:** Existing industrial users within East Valley that
26 are operating without permits under Ordinance 359, as amended, shall be required to obtain a permit or permits
27 under BOARD's Ordinance and Ordinance 359, as amended, and BOARD shall be responsible, with East
28 Valley's cooperation, for identifying such industrial users and for notifying them of the need to obtain permits

1 and of the permit application procedures and requirements set forth herein.

2 **F. PERMIT RENEWAL:** Each existing industrial user within East Valley currently permitted by
3 BOARD shall originate the permit renewal process with BOARD. The application shall consist of the form then
4 currently utilized by BOARD to permit industrial users, and supplemented by any form or conditions deemed
5 necessary by East Valley for its requirements. BOARD shall review the permit application, prepare the permit
6 and attach any conditions or requirements that will be imposed under BOARD's Ordinance and/or required by
7 East Valley. BOARD shall issue the permit; provided, however, that if BOARD and/or East Valley request a
8 change or modification to the terms and conditions of any renewed permit to be issued by BOARD, the
9 provisions of Section 10 of this Agreement shall apply. The original permit application and permit shall be
10 retained by BOARD and copies shall be furnished to East Valley for their records, at their request. The
11 completed permit, executed by BOARD, shall constitute the authorization to discharge industrial wastewater to
12 the BOARD and East Valley sewer systems under both BOARD and East Valley Ordinances.

13 **G. CHANGE IN PERMIT TERMS AND CONDITIONS:** BOARD shall have the authority to
14 revise the permit terms and conditions during the life of the permit to incorporate any new or revised federal,
15 state, or local pretreatment standards or requirements; or to address significant alterations or modifications to the
16 industrial user's operation, processes, or wastewater quantity or quality. The proposed permit modifications
17 shall be submitted to East Valley for review and approval prior to implementation. East Valley shall expedite the
18 review and approval process which shall be completed within 30 calendar days of permit submittal. A review
19 committee agreed upon by BOARD and East Valley shall be developed to resolve any conflicts which may arise
20 as a result of the permit modifications. BOARD shall issue the revised permit following East Valley review and
21 approval.

22 **SECTION 3 - MONITORING, INSPECTIONS, AND REPORTING**

23 **A. MONITORING AND INSPECTION:** BOARD shall have primary responsibility for
24 scheduled and unscheduled inspection and monitoring of industrial users. BOARD shall conduct its inspection
25 and monitoring in accordance with the terms and conditions of BOARD's Ordinance and Resolutions and the
26 procedures and policies of BOARD. East Valley may conduct inspections and monitoring, independent of
27 BOARD's inspections and monitoring, as it may deem necessary.

28 **B. REPORTING:** BOARD shall be responsible for any reporting it is required to do by law,

1 including but not limited to, requirements of the Environmental Protection Agency and the California Regional
2 Water Quality Control Board.

3 **SECTION 4 - ENFORCEMENT**

4 A. **PRIMARY ENFORCEMENT RESPONSIBILITY:** BOARD shall have primary
5 responsibility within East Valley's jurisdiction for enforcing BOARD and East Valley's Ordinances,
6 Resolutions, and all associated industrial waste discharge policies and procedures relative to all permit terms and
7 conditions.

8 B. **ENFORCEMENT PROCESS:** BOARD shall enforce the provisions of any industrial user
9 permit issued by BOARD according to the terms and conditions of the permit and the provisions of BOARD and
10 East Valley Ordinances and Resolutions. Enforcement actions, assessment of non-compliance fees,
11 administrative orders, and permit suspension and revocation shall be performed by BOARD. Except as
12 hereinafter provided, physical termination of water and/or sewer service shall be performed by East Valley, in
13 its sole discretion, provided East Valley agrees not to unreasonably withhold such action, when requested by
14 BOARD. In the event an industrial user's sewer service is to be terminated by East Valley for reasons related to
15 enforcement matters, said service shall not be terminated without prior notification to BOARD; nor reinstated
16 without the reasonable concurrence of BOARD. In the event of an emergency, BOARD may proceed with
17 enforcement measures it reasonably deems necessary in order to protect its system. BOARD shall notify East
18 Valley of such enforcement action as soon as possible, but no later than the next business day. All enforcement
19 notices and other required communications shall be in writing, shall be delivered in person or sent certified mail,
20 return receipt requested. All notifications shall be deemed received upon personal delivery or seventy-two hours
21 after deposit in the mail of the United States Postal Service in San Bernardino County, California, postage
22 prepaid and addressed as set forth in Section 6 of this agreement.

23 **SECTION 5 - EXCHANGE OF RECORDS**

24 BOARD and East Valley acknowledge their individual responsibilities as heretofore described and the
25 potential for each to generate records and documents. As requested, BOARD and East Valley shall provide the
26 other with copies of all records and documents generated regarding the implementation of the pretreatment
27 program. These copies shall include, but are not limited to, written correspondence, telephone logs, meeting
28 minutes, invoices and billing statements, monitoring data, inspection reports, and any required reports submitted

1 to regulatory agencies.

2 **SECTION 6 - NOTICES**

3 Except as otherwise provided herein, all notices and other communications required or permitted
4 hereunder shall be in writing, shall be delivered in person or sent by certified mail, and addressed as follows:

5 TO: East Valley Water District
6 Attention: General Manager
7 P.O. Box 3427
8 San Bernardino, CA 92413

TO: City of San Bernardino
Municipal Water Department
Attention: General Manager
P.O. Box 710
San Bernardino, CA 92402


9 IN WITNESS WHEREOF, BOARD and East Valley have executed this Agreement as of the day and
10 year first above written.

11 BOARD OF WATER COMMISSIONERS
12 CITY OF SAN BERNARDINO

EAST VALLEY WATER DISTRICT

13 By: 
14 B. Warren Cocke, President

By: 
Robert E. Martin, General Manager

15 By: 
16 Robin L. Ohama, Secretary

By: _____

17 (SEAL)

(SEAL)

I, Robert Martin, do hereby certify that this is a true and correct copy of the record.

Exhibit "2"


ROBERT MARTIN, Secretary To the Board
East Valley Water District

ORDINANCE NO.359

AN ORDINANCE OF THE EAST VALLEY WATER DISTRICT, RESCINDING ORDINANCE 356 ENTITLED "AN ORDINANCE REGULATING THE USE OF PUBLIC SEWERS, THE INSTALLATION AND CONNECTION OF BUILDING AND LATERAL SEWERS, PUBLIC SEWER MAIN EXTENSIONS, ESTABLISHING A SEWER DEPARTMENT, PROVIDING PERMITS FOR THE INSTALLATION AND CONNECTION OF SANITARY SEWERS, PROVIDING SEWERS FOR ANNEXED AREAS AND SUBDIVISIONS, REGULATING THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, PROVIDING RELIEF FOR THE VIOLATION OF THE PROVISIONS THEREOF AND PROVIDING PROCEDURES FOR ENFORCEMENT".

Be it ordained by the Board of Directors of the East Valley Water District, as follows, that Ordinance No. 356 is rescinded as follows:

SECTION 1. INDEX

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SECTION 2. GENERAL PROVISIONS

2.01 Short Title - This Ordinance may be cited as "East Valley Water District Sewer Regulations and Service Charge Ordinance".

2.02 Purpose - This Ordinance is intended to provide rules and regulations for the construction, repair and use of District sewerage facilities, to establish the rates and charges for such facilities and provide for their enforcement.

2.03 Enabling Statutes - This Ordinance is adopted pursuant to the Article 2, Chapter 6, Part 1, Division 2, Title 5 of the Government Code and pursuant to Division 12 of the Water Code and pursuant to Article 4, chapter 6, Part 3, Division 5 of the Health and Safety Code.

2.04 Application - This Ordinance shall apply to all sewer facilities constructed, maintained, and operated by the District.

2.05 Enterprise - District will furnish and/or make available, a system, plant, works, and undertaking used for and useful in, the collection, treatment and disposal of sanitary sewage and industrial waste for the District's service area, including all annexations thereto, and lands, easements, rights in land, contract rights, and franchise.

2.06 Separability - If any section, subsection, sentence, clause, or phrase of this Ordinance or the application thereof to any person or circumstances are for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the application of such provision to other persons or circumstances. The governing body hereby declares that it would have passed this Ordinance or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more section, sub-section, sentences, clauses or phrases be declared to be unconstitutional.

2.07 Words and Phrases - For the purpose of this Ordinance all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number and all words in the singular number shall include the plural number.

2.08 Posting - Upon adoption, this Ordinance shall be entered in the minutes of the governing body and certified copies hereof shall be posted in three (3) public places and/or a newspaper of general circulation in the District service area within ten (10) days following its passage.

2.09 Means Of Enforcement - The District hereby declares that the procedures contained herein are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations and not as a penalty.

2.10 Notices - Whenever a notice is required to be given under this Ordinance, unless different provisions are specifically made herein, such notice may be made, either by personal delivery thereof to the person to be notified or by deposit in the U.S. Mail in a sealed envelope, postage prepaid, addressed to such person at his last known business or residence address as the name appears in public records or other records pertaining to the matter to which the notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

Proof of giving any notice may be made by the certificate of any officer or employee of the District or by affidavit of any person over the age of eighteen years, which shows service in conformity with this Ordinance or other provisions of law applicable to the subject matter concerned.

2.11 Effect of Heading - The title, division or section headings contained in this Ordinance shall not be deemed to govern, limit or modify in any manner the scope, meaning or intent of any section or subsection of this Ordinance.

SECTION 3. DEFINITIONS

3.01 Additional Definitions - For the purpose of this Ordinance, additional terms shall have the meaning indicated in Chapter 1 of the Uniform Plumbing Code, 2000 Edition, adopted at the 70th Annual Plumbing Conference in 1999, as compiled by International Association of Plumbing and Mechanical Officials Association ("UPC"), together with all subsequent amendments thereto, copies of which are on file with the Secretary.

3.02 Applicant - Shall mean the person making application hereunder and shall be the owner of the premises involved, or his authorized agent, so authorized in writing to the District, or a licensed plumber or contractor.

3.03 Bathroom - Shall mean a room containing a toilet.

3.04 Board - Shall mean the Board of Directors of the East Valley Water District.

3.05 Building - Shall mean any structure used for human habitation or a place of business, recreation or other purpose.

3.06 Building Sewer - Shall mean that portion of any sewer beginning at the plumbing or drainage outlet of any building, industrial facility or preliminary treatment facility, and running to the property line.

3.07 City of San Bernardino Municipal Water Department - Shall mean the authority and operator of the publicly owned treatment facilities for treating the District's sanitary sewage waste.

3.08 Combined Sewer - Shall mean a sewer receiving both surface water runoff and sewage.

3.09 Commercial - Shall be any discharge not covered by the residential description. This shall include, but not limited to, apartments, trailer parks, schools, stores and businesses and others not covered by the residential description.

3.10 Contractor - Shall mean an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the permit.

3.11 County - Shall mean the County of San Bernardino, California.

3.12 Customer - Any person (as defined) supplied with, or entitled to be supplied with sewer service by the District.

3.13 Director of Water Reclamation - The Director, or his authorized Representative, or any City officer who subsequently is empowered to assume or succeed to the duties of the Director of the Publicly owned treatment works of the City of San Bernardino Municipal Water Department.

3.14 District - Shall mean the East Valley Water District, San Bernardino County, California.

3.15 District Engineer - Shall be a Registered Civil Engineer of the State of California.

3.16 Engineering Services - Engineering services provided by the District to include technical and procedural guidance, professional consultant services, project coordination and plan checking.

3.17 Equivalent Dwelling Unit (EDU) - Shall mean the standard measurement of flow based upon the average single family residence.

3.18 Financial Officer - Shall be the Treasurer appointed by the Board of Directors.

3.19 Fixture - Shall mean any sink, tub, shower, water closet or other facility connected by drain to the sewer.

3.20 Garbage - Shall mean solid wastes from the preparation, cooking, dispensing of food and from the handling, storage and sale of produce.

3.21 General Manager - Shall mean the General Manager of the District.

3.22 Governing Body - Shall mean the Board of Directors of the East Valley Water District.

3.23 Inspector - Shall mean the person who shall perform the work of inspecting sewerage facilities under the jurisdiction or control of the District.

3.24 Individual Sewage Disposal System - Shall mean a septic tank and on-site disposal system designed for a building to dispose of waste water generated on the property.

3.25 Lateral Sewer - Shall mean the portion of sewer lying within a public right-of-way or easement connecting a building sewer to the main sewer.

3.26 Living Unit - Shall mean any residence, apartment, habitation or other structure designed to be occupied by a person or family and requiring sewage disposal service.

3.27 Main Sewer - Shall mean a public sewer designed to accommodate more than one lateral sewer.

3.28 Permit - Shall mean any written authorization required pursuant to this or any other regulation of the District.

3.29 Person - Shall mean any human being, individual, firm, company, partnership, association and private or public or municipal corporation, the United States of America, the State of California, a district and any political subdivision or governmental agency.

3.30 Premises - Shall mean a lot or parcel of real property under one ownership, except where there are well defined boundaries or partitions such as fences, hedges or other restrictions preventing the common use of the property by several tenants, in which case each portion shall be deemed separate premises. Apartment houses and office buildings may be classified as single premises.

3.31 Public Sewer - Shall mean a sewer lying within a public right-of-way or easement which is controlled by or under, the jurisdiction of the District.

3.32 Residential - Shall be any single, duplex, or triplex family unit not requiring licensing for occupancy and operation.

3.33 Sanitary Sewer - Shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

3.34 Secretary - Shall be the Secretary to the Governing Body.

3.35 Separate Sewer Connection - A sewer connection shall not be used by any adjoining property or property across the street, alley, or easement. Each sewer lateral shall serve only one property or individual parcel.

3.36 Sewage - Shall mean refuse liquids or a combination of water-carried wastes from residences, business buildings, public buildings, institutions and industrial establishments.

3.37 Sewage Treatment Plant - Shall mean arrangement of facilities and operations used for treating sewage.

3.38 Sewage Works - Shall mean all facilities for collecting, pumping, treating and disposing of sewage.

3.39 Sewer - Shall mean a pipe or conduit for carrying sewage.

3.40 Sewer Department - Shall mean the Board of Directors of the District performing functions related to the District's sewer service, together with the General Manager, the Chief Financial Officer, the District Engineer, and any other duly authorized representatives.

3.41 Side Sewer - Shall mean the sewer line beginning three feet outside the foundation wall of any building and terminating at the main sewer and include the building sewer and lateral sewer together.

SECTION 4. SEWER DEPARTMENT

4.01 Creation - A Sewer Department is hereby created comprised of the Directors, the General Manager, the Financial Officer, the District Engineer and other employees and assistants as may be hired therefor.

4.02 General Manager - The General Manager, as provided for in the Water Code, shall have full charge and control of the maintenance, operation and construction of the sewer works and sewer collection system of the District.

4.03 District Engineer - The position of District Engineer is hereby created. The District Engineer shall regularly inspect all physical facilities related to the District sewer collection system, to see that they are in good repair and proper working order, and to note and report violations of any ordinances or sewer regulations.

4.04 Violation, Repairs - The District Engineer shall promptly report any violation or disrepair to the General Manager. If the work required is in the nature of an emergency, he shall take whatever steps are necessary to maintain service to consumers pending action by the General Manager.

4.05 Supervision - The District Engineer shall supervise all repair or construction work authorized by the Board or the General Manager, and perform any other duties prescribed by the Board or the General Manager.

4.06 Performance of Duties - The foregoing duties of the District Engineer may be performed by the General Manager or by an additional employee or employees, as designated by the District Engineer or General Manager.

4.07 The Financial Officer - The Financial Officer shall install and maintain a system of auditing and accounting that shall completely and at all times show the financial condition of the District. The Financial Officer shall compute, prepare, and mail bills as hereinafter prescribed, make and deposit collections, maintain proper books of accounts, collect, account for, and do whatever else is necessary or directed by the General Manager to set up and maintain an efficient and economical accounting system, and perform any other duties now and hereinafter prescribed by the Board of Directors.

SECTION 5. GENERAL RULES

5.01 Standards - The Uniform Plumbing Code, 2000 Edition, adopted at the 70th Annual Conference in 1999, as compiled by International Association of Plumbing and Mechanical Officials ("UPC"), together with all subsequent amendments thereto relating to sewers, and the following rules and regulations respecting sewer construction and disposal of sewage and drainage of buildings, and connection to the sewage works of the District are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise. The Governing Body may, from time to time, adopt standard requirements for the design construction, repair and maintenance, or connection to the District sewer system.

5.02 Violation Unlawful - Following the effective date of this Ordinance, it shall be unlawful for any person to connect to, construct, install, provide, maintain or use any other means of sewage disposal from any building in the area served with sewers by said District except by connection to a public sewer in the manner as provided for in this Ordinance. Any violation of this Ordinance will be subject to the provisions of this section at the discretion of the General Manager, Financial Officer, or District Engineer.

5.03 Notice - Wherever, or whenever, practicable under the particular circumstances of the situation and pursuant to the discretion of the General Manager, Financial Officer, or District Engineer, any person found to be violating any provisions of this or any other ordinance, resolution, rule or regulation of the District shall be served by the Inspector or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall be not less than two, nor more than seven working days. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other ordinance, rule or regulation of the District

of any defect arising in any sewer or of any violation of this ordinance, the person or persons having charge of said work shall immediately correct the same.

5.04 Protection from Damage - No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District's sewerage works. Any person violating this provision shall be subject to the penalties provided by law.

5.05 Investigation Powers - The officers, inspectors, managers, employees and any duly authorized agents of the District shall carry evidence establishing his/her position as an authorized representative of the District and, upon exhibiting the proper credentials and identification, shall be permitted to enter in and upon any and all buildings, industrial facilities and properties to which the District is furnishing sewer service, or has been requested to furnish sewer service, for the purpose of inspection, re-inspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinances, rules and regulations of the District, pursuant to the authorization contained in the required application for sewer service.

5.06 Public Nuisance - Continued habitation of any buildings or continued operation of any industrial facility in violation of the provisions of this or any other ordinance, rule or regulation of the District is hereby declared to be a public nuisance. The District may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation.

5.07 Disconnection - As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the District, the District shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the District.

5.08 Abatement - During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the District shall cause proceedings to be brought for the abatement of the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the District, a reasonable attorney's fee and cost of suit arising in said action.

5.09 Water Cut-Off - As an alternative remedy for such violations the District may cause District water service to said premises to be discontinued during the period of violation.

5.10 Unconnected and Unoccupied Buildings - In the event that owners of any buildings or facilities have failed to connect to the public sewer after receipt of official notice to do so, the District will be unable to bring abatement actions if such buildings are unoccupied. To prevent the sale of such buildings to persons with no knowledge of such, the District will record such notices with the County Recorder of San Bernardino County. The District Secretary is authorized and directed to cause a Notice of Necessity of Connection to Public Sewer to be prepared with reference to those unoccupied properties and buildings within the sewer District which have not been connected to the District public sewer within thirty days after the giving of Official Notice to so connect; to sign such Notices; to acknowledge such Notices; and to record the same with the County Recorder of San Bernardino.

5.11 Damage to Sewer System Facilities - The customer shall be liable for any damage to the service facilities when such damage is from causes originating on the premises by an act of the customer or his tenants, agents, employees, contractors, licenses or permittees. The District shall be promptly reimbursed by the customer for any such damage upon presentation of a bill.

5.12 Means of Enforcement Only - The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.

5.13 Liability for Violation - Any person violating any of the provisions of the ordinances, rules or regulations of the District shall become liable to the District for any expense, loss, or damage occasioned by the District by reason of such violation.

5.14 Relief on Application - When any person, by reason of special circumstances, is of the opinion that any provision of the ordinances, rules or regulations of the District is unjust or inequitable as applied to him/her, or his/her premises, he/she may make written application to the Governing Body stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to him/her, or his/her premises. If such application be approved, the Governing Body may, by resolution, suspend or modify the provision complained of, as applied to such person or premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

5.15 Relief on Own Motion - The Governing Body may, on its own motion, find that by reason of special circumstances, any provision of its ordinances, rules or regulations should be suspended or modified as applied to a particular person or premises and may, by resolution, order such suspension or modification for such person or premise during the period of such special circumstances or any part thereof.

5.16 Permits Required - No person shall construct, extend or connect to any public sewer without first obtaining a written permit from the District and paying all fees and connection charges and furnishing bonds as required. The provision of this Section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the District.

SECTION 6. REQUIRED USE OF PUBLIC SEWERS

6.01 Required Treatment of Wastes - Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage within the District where District sewer facilities are available and hereinafter described for such disposal purposes.

6.02 Sewer Required - The owner of any building or structure occupied by humans, situated within the District and abutting on any street or easement in which there is a public sewer of the District, is hereby required at his expense to connect said building directly with the sewers of the District, in accordance with the provisions of this Ordinance, within thirty (30) days after the date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the nearest point of the property on which the building or structure is located. This requirement shall also be applicable to any commercial, industrial and public buildings or institutions, to connect to said sewer system upon notice as herein provided.

6.03 Construction Requirements - Construction of building sewers and lateral sewers shall be in accordance with the requirements hereof.

6.04 Separate Sewers - Every building or industrial facility must be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, one or more buildings located on a lot or parcel of land belonging to the same owner may be served with the same side sewer during the period of ownership. Upon the subsequent subdivision of said lot and sale of a portion thereof, the portion not directly connected with such public sewer shall be separately connected with a public sewer, and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection.

6.05 Old Building Sewers - Old building side sewers may be used in connection with new buildings only when they are found, upon examination and test by the Inspector, to meet all requirements of the District.

6.06 Cleanouts - Cleanouts in building sewers shall be provided where the building sewer joins the building outlet and in accordance with the Uniform Plumbing Code. All cleanouts shall be maintained watertight.

6.07 Plumbing Too Low - In all buildings in which the plumbing system is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building sewer shall, upon authorization of the General Manager or District Engineer, be lifted by artificial means and discharged to the public sewer at the expense of the owner.

6.08 Connection to Public Sewer - The construction of the lateral sewer and the connection thereof into the public sewer, shall be made by a licensed plumber or contractor. Said connection shall be connected at the lateral or "Y" branch, if such lateral or "Y" branch is available at the suitable location. Where no properly located "Y" branch is available, a connection with the public sewer may be made to receive the lateral sewer. The invert of the building or lateral sewer at the point of connection shall be at a higher elevation than the invert of the public sewer. A smooth neat joint shall be made, and the connection made secure and watertight by encasement in accordance with District standards. The connection to the public sewer shall be made in the presence of the District Inspector and shall be subject to his approval. Any damage to the public sewer shall be repaired at the cost of the applicant, to the satisfaction of the Inspector.

6.09 Protection of Excavation - All excavations for a lateral sewer installation shall be adequately guarded with barricades or lights to protect the public from hazard. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District and any other person having jurisdiction thereover at the sole expense of the person responsible for such installation.

6.10 Maintenance of Side Sewer - Side sewers shall be maintained by the owner of the property served.

6.11 Indemnification - The owner of the property and the person making the connection shall be obligated to hold the District, its officers, agents and employees harmless of and from all loss or liability which shall occur or arise by reason of the installation of the lateral sewer and the opening of the easement and the backfill and restoration of the pavement.

SECTION 7. USE OF PUBLIC SEWERS

7.01 Requirements - All applicable requirements of the City of San Bernardino regarding the use of public sewers are hereby incorporated herein by this reference.

7.02 Sewer Permit Required - No person shall uncover, make any connection with or opening into, use, cap, alter or disturb any public sewer or appurtenances without first obtaining a written sewer permit from the District.

7.03 Application for Sewer Permit - Any person seeking a sewer permit shall make such application to the District for that purpose. He/she shall give a description of the character of the work proposed to be done, the location, ownership, occupancy and use of the premises to be served and the name and address of the person who shall make the connection. The District Engineer may require plans, specifications or drawings and such other information as he may deem necessary or permittee shall comply with specifications of the District.

If the District determines that the plans, specification, drawings, descriptions or information furnished by the applicant is in compliance with the ordinances, rules and regulations of the District, it shall issue the sewer permit applied for upon payment of the required fees therefore.

7.04 Compliance with Sewer Permit - After approval of the application evidenced by the issuance of a sewer permit, no change shall be made in the location of the sewer, the grade, materials or other details from those described in the permit or as

shown on the plans and specifications for which the sewer permit was issued except with written permission from the District, the District Engineer or other authorized representatives.

7.05 Agreement - The applicant's signature on an application for any sewer permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinance, rules and regulations of the District, and with the plans and specifications he has filed with this application, if any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding upon the applicant and may be altered only upon the written request from the applicant for the alteration.

7.06 All Work to be Inspected - All sewer connection work over which the District has jurisdiction shall be inspected by the District to insure compliance with all requirements of the District. No such sewer connection work shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the District's public sewer until the work has been completed, inspected and approved by the District.

7.07 Notification - It shall be the duty of the person doing the work authorized by the sewer permit to notify the District Office that said work is ready for inspection. Such notification shall be given not less than forty-eight (48) hours before the work is to be inspected, excluding weekends and holidays.

7.08 Condemned Work - When any work has been inspected and the work condemned and no such certification of satisfactory compliance given, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the District.

7.09 Liability for Costs - Both the owner and the person making the connection shall be liable to the District for all fees, costs, and expenses incident to the work for

which a sewer permit shall be issued. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

7.10 Outside Sewers - Permission shall not be granted to connect any lot or parcel of land outside the District to any public sewer in, or under, the jurisdiction of the District unless a sewer permit therefore is obtained. The applicant shall first enter into a contract in writing whereby he shall bind himself, his heirs and successors and assigns to abide by all ordinances, rules and regulations in regard to the manner in which such sewer shall be used, the manner of connecting therewith, and the plumbing and drainage in connection therewith, and also shall agree to pay all fees required for securing the sewer permit and a monthly fee in the amount set by the District for the privilege of using such sewer.

7.11 Sewer Permit Optional - The granting of such permission for an outside sewer in any event shall be optional with the Governing Body.

7.12 Special Outside Agreements - Where special conditions exist relating to an outside sewer, they shall be the subject of a special contract between the applicant and the District.

7.13 Street Excavation Permit - A separate permit must be secured from the City, the County or any other person having jurisdiction therefor by the owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections.

7.14 Liability - The District and its officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of, the performance of any work by any such applicant. The applicant shall be answerable for and shall hold the District and its officers, agents and employees, harmless from any liability imposed by law upon the District or its officers, agents or employees, including all costs, expenses, fees and interest incurred in

defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein.

7.15 Time Limit on Sewer Permits - If work under a sewer permit is not started within twelve (12) months from the date of issuance, or if after partial completion the work is discontinued for a period of one (1) year the sewer permit shall thereupon become void and no further work shall be done until a new sewer permit shall have been secured. A new fee shall be paid upon the issuance of said new sewer permit.

SECTION 8. APPLICATION FOR SEWER SERVICE

8.01 Application - A property owner or his/her authorized agent, designated in writing, shall make application for regular sewer service by personally signing an "Application for Sewer Service" form provided by the District.

8.02 Sewer Service To Customers Other Than Property Owners - Sewer service to other than property owners shall be made as follows:

8.02.01 Property Owner's Signature - If the property owner rents the premises to a tenant, the tenant may have sewer service and other services instituted in the tenant's name, provided that reasonable efforts are made to secure the property owner's signature on the application for service and the tenant provides the District with a copy of rental agreement. In any event, the tenant must provide the District with the property owner's name, mailing address and telephone number.

8.02. 02 Owner Responsibility - Whether or not a property owner signs the District's application for service form, the property owner is not relieved of his or her responsibility for unpaid sewer charges for the subject property as provided in this ordinance and pursuant to California Water Code Section 31701.5.

8.03 Payment of Delinquent Charges - As a precondition to receiving sewer service from the District, the applicant for service shall pay any and all unpaid charges that have accrued on any closed accounts previously held by the applicant with the

District, as well as pay any and all delinquent charges that have accrued on any open accounts currently held by the applicant with the District.

8.04 Security Deposit - A security deposit for each single family unit, each commercial or retail unit, or a multi-unit complex shall be deposited at the time application for sewer service is made. The District may, at its sole election, include the required security deposit on the customer's first billing invoice.

8.04.01 Single Family Residential - A security deposit for a single family residential unit may not be required if the person requesting service is a new residential applicant who is determined by the District to be creditworthy. The determination of an applicant's credit worthiness shall be based solely upon criteria developed by the District and may be appealed in the manner set forth in Section 10 herein. However, during the life of the account, the District may, in its sole discretion, require any customer, regardless of whether he or she was previously found to be creditworthy, to post a full security deposit with the District any time there are three (3) delinquencies within any consecutive six (6) month period or as a precondition to reinstatement of service anytime after being locked off for nonpayment.

8.04.02 Security Deposit Refund - Refunds of security deposit refunds will be performed in the manner set forth below. Such refunds will be credited to any account held by the customer with the District in lieu of a refund check. Interest on the security deposits shall remain the sole property of the District and will not be included in any refund.

8.04.02.01 Single Family Residential- The District shall refund each Security deposit to a residential customer as follows:

a. Where funds have been on deposit for one year in a customer's account and there have been no delinquency payments on any of the customer's accounts with the District during that year. However, the District may, at its sole option, require any customer to post a full security deposit with the District any time there are

three (3) delinquencies within any consecutive six (6) month period, or as a precondition to reinstatement of service anytime after being locked off for nonpayment.

b. Within thirty (30) days after the applicant provides written notice to terminate sewer services, or when a new property owner tenders a full deposit for the same property, in which case the refunded deposit shall first be applied toward the unpaid balances in any account held by the customer with the District before the remaining sum, if any, is refunded to the customer.

8.04,02.02 Commercial, Retail or Industrial - The District shall refund the security deposit for commercial, retail or industrial connections as follows:

a. Where funds have been on deposit for one year in a customer's account and there have been no delinquencies on any of the customer's accounts with the District during that year and upon the customer's request, one-half of the deposit will be refunded to the customer by means of a credit on the account. However, if the customer is delinquent on any payment thereafter, the District may, at its sole option, charge back the credited amount.

b. Within thirty (30) days after the applicant provides written notice to terminate sewer services, or when a new property owner tenders a full deposit for the same property, in which case the refunded deposit shall first be applied toward the unpaid balances in any account held by the customer with the District before the remaining sum is refunded to the customer.

8.05 Changes In Customer's Equipment - Customers making any material change in the size, character of, extent of the equipment or operations utilizing sewer service, or whose change in operations results in a significant increase in the quantity or quality of sewage, shall immediately give the District written notice of the nature of the change and, if necessary, amend their applications and discharge permits if applicable.

8.06 Domestic, Commercial And Industrial Service Connections - It shall be unlawful to maintain a sewer connection except in conformity with the following:

8.06.01 Multiple Buildings - Multiple house or buildings under one ownership and on the same lot or parcel of land may be supplied through the same sewer connection, provided that the service connection shall be of such size to adequately serve said houses or buildings.

8.06.02 Separate Sewer Connection - A sewer connection shall not be used by an adjoining property or property across the street, alley, or easement. Each sewer lateral shall serve only one lot or individual parcel.

8.06.03 Divided Property - When property provided with a sewer connection is divided, each service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

8.07 Main Extension Required - All main extensions shall be made in accordance with the policies of the District upon application for service and payment of required charges.

8.07.01 Application - Any owner of one or more lots or parcels or sub divider of a tract of land, desiring the extension of one or more mains to serve such property shall make a written application to the District. Said application shall contain the legal description of the property to be served and tract number thereof, and any additional information which may be required by the District, and be accompanied by a map showing the location of the proposed connection. Main extensions will normally be constructed by owner or sub-divider.

8.07.02 Investigation - Upon receipt of an application requesting the District to install facilities, the District shall make an investigation and survey of the proposed extension and estimate the cost thereof.

8.07.03 District Lines - All sewer main extensions shall be in accordance with the rules, regulations, specifications, and ordinances of the District and shall be the property of the District.

8.07.04 Specifications and Construction - The size, type and quality of materials and location of the sewer lines shall be to District specifications as adopted. For sewer lines not installed by the District, the sub-divider shall be responsible for employing a licensed contractor to install the required sewers. All work shall be inspected and approved by the District.

8.07.05 Property of District - Upon completion of such installation, the facilities shall be dedicated to and become the property of the District.

8.07.06 Offer of Dedication - Forms for offer of dedication shall be provided by the District. Sewer plans shall be signed by a Registered Civil Engineer and returned to the District. Sewer plans will not be filed or approved until compliance has been met herewith.

8.07.07 Form of Offer of Dedication - Offers of sewer dedication shall be on District forms in accordance with the latest "Standard Requirements for the Design and Processing of Sanitary Sewer Plans".

8.07.08 Engineering Services - Engineering services provided by The District to include technical and procedural guidance, professional consultant services, project coordination and plan checking.

8.07.09 Construction Permit - Applicant or his/her authorized agent shall make application for a Construction Permit in accordance with the latest "Standard Requirements for the Design and Processing of Sanitary Sewer Plans" of the District.

8.08 Dry Sewers Required - Any division of land or development involving five (5) or more units within the jurisdiction of the East Valley Water District which is greater than 500 feet from an existing sewage collection facility, may be allowed to use individual sewage disposal systems, provided:

8.08.01 A "dry" sewer collection line is installed in the public right-of-way to the specifications of the District Engineer with the capacity for all sewage generated by the subdivision, and

8.08.02 The "dry" sewer includes lateral lines to within five (5) feet of the septic tank to be installed on each lot, and

8.08.03 Plugs and seals are placed on the "dry" sewers to prevent unauthorized connection.

8.09 Payment of Capacity Fees and Abatement Fees - The developer shall pay to the District the appropriate capacity fees and connection fees, plus a fee established from time to time by the Board of Directors which shall be used for the proper abandonment of the individual sewage disposal system.

8.10 Dedication of Dry Sewers to District - The developer shall agree that the facilities installed in the public right-of-way be dedicated to the District as provided in Section 8.07.06 herein and after inspection by the District Engineer.

8.11 Dedication of Right of Access - The developer shall grant to the District a right of access to the individual sewage disposal system on each lot and have this right of access recorded as part of the final tract map or other instrument, and provide written notification to the purchaser of each unit of the development.

8.12 Connection to Sewage Collection Facilities - When sewer collection facilities are available to the development, the District shall have the right to declare the use of the individual sewage disposal system a public nuisance and enter onto the property for the purpose of connecting the premises to the sewer collection system and properly abandoning the individual sewage disposal system without additional cost to the owner of the premises. Provided, however, that the District shall not be obligated to remove, reconstruct, relocate, or otherwise modify any structure, tree, bush or appurtenance of any kind whatsoever in making the connection and properly abandoning the individual sewage disposal system.

8.13 Sewer Permit to Connect - The District shall require the owner, or occupant, of the building to be connected to obtain a sewer permit from the District for such connection. No fees shall be charged for such sewer permit if they have been paid

pursuant to Section 8.09 herein. The applicant for the sewer permit shall specify in writing that they will indemnify and hold the District harmless in making the connection to the sewage collection facility and abandoning the individual sewage system.

8.14 Minimum Individual Sewage Systems Required - Whenever the use of individual sewage disposal systems are installed in connection with "dry" sewers, the District will not agree that any such system be installed which is less than the minimum requirements for the type of system which is designed for use on this development.

SECTION 9. CUSTOMER BILLING PROCEDURES

9.01 Establish Rates and Charges - The Board of Directors shall from time to time establish rates and charges for sewer and other service provided by the East Valley Water District by Ordinance.

9.02 Charges - Sewer charges shall begin when a sewer service connection is installed. Thereafter, the District may transfer to the account which is established for such service any delinquent and/or unpaid charges from other closed or open accounts which are held by the customer and/or property owner with the District.

9.03 Liability For Sewer Service - The property owner shall be held liable for sewer service charges until such time as the District is notified in writing to discontinue service or to transfer the account to another property owner.

9.04 Liens For Unpaid Bills - All unpaid bills will be made a lien against the property pursuant to these rules, regulations and California Water Code Section 31791.5, et.seq. Delinquency charges may be applied to unpaid liens.

9.05 Owner Liability - The property owner remains responsible for all charges owed to the District whether or not the property owner actually lives on the premises, or signs the application for sewer service form.

9.06 Billing Period - The regular billing period will be monthly.

9.07 Opening and Closing Bills - Opening and closing bills for residential accounts less than the normal billing period shall be pro-rated. Commercial accounts shall be billed based upon actual water consumption.

9.08 Payment Of Bills - Bills for sewer service shall be rendered at the end of each billing period and are due and payable upon presentation. If full payment is not received at the business office of the District on or before the final due date, the bill shall become past due and delinquent.

9.09 Delinquency Notice - A delinquency notice shall be mailed to customers whose accounts are delinquent, warning that service will be "discontinued" unless payment is made within fifteen (15) calendar days from the date of mailing of the delinquent notice. The delinquency notice shall indicate the amount due, including delinquent charges and the total amount which must be paid.

9.10 Removal of Delinquency - At the end of each calendar year the District shall remove one delinquency from the record of each account that has one or more delinquencies.

9.11 Suit - All unpaid rates and charges and penalties herein provided may be collected by suit.

9.12 Costs - Defendant shall pay all costs of suit in any judgment rendered in favor of District.

9.13 Upon Vacating Premises - Customers desiring to discontinue service should so notify the District three (3) business days prior to vacating the premises. Unless discontinuance of service is ordered, the customer shall be liable for charges whether or not the sewer is used.

9.14 Collection With Other Utility Charges Of Entity - Where the person charged is a user of another utility owned and operated by the District the charges shall be collected together with and not separately from the charges for the other utility service rendered by it. They shall be billed upon the same bill and collected as one item.

SECTION 10. COMPLAINTS AND DISPUTED BILLS

10.01 Right to Meet - The customer has the right to meet with the Financial Officer or General Manager to present any evidence supporting a complaint with regard to sewer service, District rules, regulations, resolutions or ordinances, or to dispute the accuracy of a bill for service or other charges.

10.02 Arrangement Of Meeting - To arrange such a meeting the customer shall contact the District office, either in writing or by telephone during normal business hours.

10.03 Presentation Of Evidence - The customer may be accompanied by a friend, attorney, or other representative to meet with the Financial Officer, or General Manager, and may present any evidence they may have to support their position.

10.04 Unresolved Disputes - If the customer is unable to resolve his/her dispute with the Financial Officer or General Manager he/she may submit the complaint in writing, along with a full and detailed explanation to the Board of Directors for resolution.

10.05 Appearance Before The Board of Directors - The customer may appear before the Board of Directors at the next regularly scheduled Board meeting by notifying the District Secretary in writing prior to the Board meeting of the date he/she would like to attend and what the dispute regards. The customer may then present the complaint and any evidence in support of his/her position and ask for a decision by the Board.

10.06 Delays On Action - The Board shall act promptly to resolve the dispute, but may delay a resolution of the dispute to the time of its next regular meeting in order to investigate the dispute or receive special reports related to the dispute.

10.07 Further Delays - Any further delays must be freely and willingly agreed to by the customer.

10.08 Decision Of The Board - The decision of the Board of Directors shall be final. Should the Board not render a decision within sixty (60) days of the customer's application to the Board, this failure to act shall be deemed a denial of the requested action, unless both parties have agreed to extend the resolution period.

10.09 Discontinuance Of Service - No sewer or other service shall be discontinued pending the final resolution of a dispute.

SECTION 11. DISCONNECTION FOR NONPAYMENT

11.01 Disconnection For Non Payment - Sewer service shall be discontinued if payment for sewer service is not made within fifteen (15) calendar days of the date of mailing the delinquent notice.

11.02 Complaint Procedure For Disconnection - Service disconnection for non-payment of bills or for violation of any of the District's rules, regulations, ordinances or resolutions is subject to the complaint procedures specified in Section 10 herein.

11.03 Refusal Or Neglect To Pay Debt - Any amount due is a debt to the District and any person, firm or corporation failing, neglecting, or refusing to pay this debt may be subject to a civil action for the amount due in a court of competent jurisdiction.

11.04 Lien Against Property For Non-Payment - Any unpaid debt will be deemed a lien against the real property to which service is rendered as specified herein and California Water Code Section 31701.5 et.seq.

11.05 Service Charges For Violations - If sewer service is discontinued for violation of any of the District's rules, regulations, resolutions or ordinances, service shall not be re-instituted until the violations have been corrected and all applicable service charges and fees as provided for herein are paid either by money order, cashiers check or cash.

11.06 Partial Payments - A partial payment of a delinquent account may be accepted and credited to a customer's account, but such partial payment shall not be

cause for removing the account from a delinquent status and shall not preclude the sewer service from being disconnected for delinquency.

11.07 Authorization For Continuance Of Service For Delinquent Accounts -

The General Manager, or his designee may authorize continuation of service to a delinquent account if financial arrangements satisfactory to the District have been established.

SECTION 12. ADDING DELINQUENT CHARGE TO TAX ROLL

12.01 Report Of Delinquent And Unpaid Charges - A report of delinquent and unpaid charges for sewer and other services which have been liened for thirty (30) days or more on July 1st of each year shall be prepared and submitted to the Board for consideration as tax liens. The unpaid liened charges listed in said report for each parcel of property shall be fixed at the amount listed in said report.

12.02 Adoption And Filing Of Report - The Secretary shall file with the County Assessor of the County of San Bernardino and the Board of Supervisors of the County of San Bernardino, in the time and manner specified by the County Assessor and Board of Supervisors, a copy of such written report with a statement endorsed thereon over the signature of the Secretary, that such a report has been finally adopted and approved by the Board of Directors and that the County Assessor shall enter the amount of such charges against the respective lots or parcels of land as they appear on the current assessment roll.

12.03 Collection Of Delinquent And Unpaid Charges - The amount of any charges for sewer and/or other services included in the report prepared and submitted pursuant to Sections 12.01 and 12.02 above shall be added to, and become a part of, the annual taxes next levied upon the property upon which the sewer service for which the charges are unpaid was used, and upon the property subject to the charges for any other District services, and shall constitute a lien on that property as of the same time

and in the same manner as does the tax lien securing such annual taxes as provided in Section 11.04 above.

SECTION 13. CHARGES AND DEPOSITS

13.01 Adoption - The amount of all charges and deposits described herein shall be adopted by separate Ordinance.

13.02 Sewer Service Connection Charges - The sewer service connection charge is a charge for connecting to the District's existing sewer system and for that incremental portion of the system's capacity that will be used by the new connection. Such regular charge shall be paid in advance by the applicant

13.03 Monthly Sewer Charge - The monthly sewer charge is the charge per sewer service for the collection and treatment of the customer's sewerage.

13.04 Disconnect/Reconnect Charge -The disconnect/reconnect charge is the charge which covers the reasonable District costs of disconnection and reconnection of service connections which are in violation of the provisions contained herein.

13.05 Inspection Charge - Where a customer service connection or facility requires inspection by District personnel, the customer shall be charged for such inspection.

13.06 Security Deposit - The Security Deposit insures payment of minimum District charges. Upon discontinuance of service, the security deposit shall be applied to reduce any unpaid charges outstanding on any accounts held by the customer with the District. The amount of the deposit required shall be established by the Board of Directors in the ordinance on fees. The security deposit shall be refunded to the customer as provided in Section 8.04.02 herein.

13.07 Service Initiation Charge - The service initiation charge is the charge which covers the reasonable District costs for initiating sewer service.

13.08 Special Facility Charge - A Special Facility Charge shall be required for development of limited service areas whenever special facilities are required. The charge

to be made to a Developer or Owner of land that is considered by the District to be within a limited service area shall be based upon the Developer's or Landowner's proportionate share of the cost for the installation of such Special Facility. Such proportionate share to be borne by the Developer or Landowner shall be based on the percentage of such development to the entire limited service area to be served by the Special Facilities; and the difference between the cost of facilities to serve the same number of acres or area under normal conditions and the cost of facilities to serve the acreage or area under special conditions at a higher cost.

13.09 Engineering Services Charge - The Engineering Services charge is a fee for the District's time and effort spent on assisting customers who have a requirement to construct sewer extensions, or other sewer facilities, that must meet District needs and conform to District Standards. This fee includes time and effort the District spends on plan checking, plan and easement development and all other related work.

13.10 Sewer Permit Charge - The sewer permit charge is the charge to cover the District's cost to review, approve and process an applicant's request to connect to the District's sewer facilities.

13.11 Manhole Structure Deposit - The refundable manhole deposit is used to insure that manholes are constructed to final grade before the project is considered complete. The District will accept a Guarantee Bond in lieu of a cash deposit. The fee will be returned or the Bond released when manholes are constructed to final grade by the developer's contractor and verified by the District.

13.12 Sewage Treatment Capacity Charge - The sewage treatment capacity charge is that fee collected by the City of San Bernardino to cover the Water Reclamation Plant's expansion costs as the plant's capacity is used by new connections.

13.13 Sewer Trunk Charge - The sewer trunk charge is collected by the District and transferred to the City of San Bernardino as payment for the District's proportionate share of any additional sewer trunk or interceptor capacity required to convey sewage

from the District's new customers. The City's trunk and interceptor systems are used to convey sewage from the District's collection system to the City's Water Reclamation Plant.

13.14 Landscape Adjustment - The landscape adjustment is the adjustment to the sewage treatment and collection charge based upon the proportional amount of the customer's property irrigated through a domestic water meter.

13.15 Delinquent Charges - A delinquent charge shall be added to each delinquent account at the time any amount becomes delinquent, provided that no penalty charge shall be made on any account which at that time has no delinquencies of record. When a delinquent charge is made, such charge shall be added to the delinquent account as of the date the account becomes delinquent and the penalty charge shall become an inseparable part of the amount due as of that time.

13.16 Returned Check Charge - A returned check charge is a charge Which covers the reasonable administrative cost and banking charges for processing a returned check.

This Ordinance shall take effect April 10, 2001

Adopted this 9th day of April 2001

ROLL CALL:

Ayes: **Directors:** Lightfoot, Goodin, Sturgeon, Wilson

Noes: None

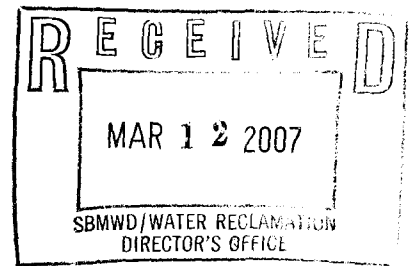
Absent: Director: Negrete

Abstain: None


Glenn R. Lightfoot, President

ATTEST:


Robert E. Martin, Board Secretary



RESOLUTION NO. 707

1
2
3 A RESOLUTION OF THE BOARD OF WATER COMMISSIONERS OF THE CITY OF SAN
4 BERNARDINO REPEALING THE EXISTING PRETREATMENT PROGRAM ADMINISTRATIVE
5 AGREEMENT AND ADOPTING THE PROPOSED PRETREATMENT PROGRAM ADMINISTRATIVE
6 AGREEMENT BETWEEN THE CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT
7 AND THE CITY OF LOMA LINDA, TO REGULATE THE DISCHARGE OF NON-DOMESTIC
8 WASTEWATER TO THE SAN BERNARDINO WATER RECLAMATION PLANT.

9 WHEREAS, the United States Environmental Protection Agency (EPA) has established the Industrial
10 Wastewater Pretreatment Program through the Clean Water Act (33 U.S.C. 1251 et seq.); and

11 WHEREAS, Publicly Owned Treatment Works (POTW) are required to develop and implement an
12 Industrial Waste Pretreatment Program in compliance with Federal laws and regulations, as required in 40 CFR
13 403.8; and

14 WHEREAS, Federal law codified in 40 CFR 403.8(f)(1) requires the POTW to have the legal authority
15 to regulate the discharge of non-domestic wastewater to the POTW, identified in a statute, ordinance, or series
16 of contracts or joint powers agreements; and

17 WHEREAS, the San Bernardino POTW currently regulates the discharge of non-domestic wastewater
18 to the POTW through an approved Ordinance set forth in Municipal Code, Chapter 13.32, previously adopted by
19 the Board, to implement the Industrial Waste Pretreatment Program and Liquid Waste Hauler Program to
20 control the discharge of waste into the POTW; and

21 WHEREAS, The San Bernardino POTW receives domestic and non-domestic wastewater from the
22 cities of San Bernardino and Loma Linda; and

23 WHEREAS, The San Bernardino Municipal Water Department and the City of Loma Linda have most
24 recently entered into a Pretreatment Program Administrative Agreement on March 27, 1989, for the designation
25 of responsibilities related to the implementation of the Pretreatment Program; and

26 WHEREAS, The existing Pretreatment Program Administrative Agreement is hereby replaced in its
27 entirety with the proposed Pretreatment Program Administrative Agreement attached herein; and

28 NOW THEREFORE BE IT RESOLVED by the Board of Water Commissioners of the City of San
Bernardino as follows:

CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT

BOARD OF WATER COMMISSIONERS

B. WARREN COCKE
President

Commissioners
JUDITH W. BATTEY
TONI CALLICOTT
NORINE I. MILLER
LOUIS A. FERNANDEZ



STACEY R. ALDSTADT
General Manager
ROBIN L. OHAMA
Deputy General Manager
MATTHEW H. LITCHFIELD, P.E.
Director, Water Utility
JOHN A. PERRY, P.E.
Director, Water Reclamation
DON SHACKELFORD
Director, Finance
VALERIE K. HOUSEL
Director, Environmental
and Regulatory Compliance

"Trusted, Quality Service since 1905"

TRANSMITTAL FORM

ADDRESS: EAST VALLEY WATER DISTRICT
P.O. BOX 3427
SAN BERNARDINO, CA 92413

DATE: MARCH 8, 2007

ATTENTION: MR. ROBERT E. MARTIN, GENERAL MANAGER

CC: JOHN PERRY

SUBJECT: PRE-TREATMENT PROGRAM
THE FOLLOWING ITEMS ARE:

REQUESTED ENCLOSED DRAFT OTHER

VIA: MAIL FAX

NO. OF COPIES	DESCRIPTION
2	PRE-TREATMENT PROGRAM ADMINISTRATIVE AGREEMENT

THESE DATA ARE:

REQUESTED FOR APPROVAL FOR FILE
 FOR REVIEW FOR ACTION FOR INFORMATION
 FOR SIGNATURE

REMARKS: PLEASE SIGN AND RETURN BOTH COPIES TO MY ATTENTION; ONE FULLY EXECUTED COPY WILL BE RETURNED TO YOU FOR YOUR FILE.

Sincerely,

Robin L. Ohama
Deputy City Clerk & Ex-Officio Secretary

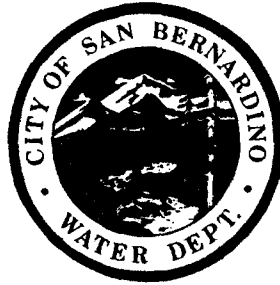
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Enclosure(s)

CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT

BOARD OF WATER COMMISSIONERS

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Director, Water Reclamation
DON SHACKELFORD
Director, Finance
VALERIE K. HOUSEL
Director, Environmental
and Regulatory Compliance

"Trusted, Quality Service since 1905"

TRANSMITTAL FORM

ADDRESS: EAST VALLEY WATER DISTRICT
P.O. BOX 3427
SAN BERNARDINO, CA 92413

DATE: APRIL 30, 2007

ATTENTION: MR. ROBERT E. MARTIN
GENERAL MANAGER

CC:

SUBJECT: PRE-TREATMENT PROGRAM

THE FOLLOWING ITEMS ARE:

REQUESTED ENCLOSED DRAFT OTHER

VIA: MAIL FAX

NO. OF COPIES	DESCRIPTION
1	PRE-TREATMENT PROGRAM ADMINISTRATIVE AGREEMENT

THESE DATA ARE:

REQUESTED FOR APPROVAL FOR FILE
 FOR REVIEW FOR ACTION FOR INFORMATION
 FOR SIGNATURE

REMARKS:

Sincerely,

Robin L. Ohama
Deputy City Clerk & Ex-Officio Secretary

sdm
Enclosure(s)

1 **SECTION 1 - GENERAL**

2 A. **REFERENCE TO BOARD ORDINANCE:** Loma Linda, through Ordinance 410,
3 has adopted Board's rules and regulations set forth in Exhibit "1" attached hereto and incorporated
4 herein by this reference, which includes local limits on industrial user discharges to the POTW, in
5 addition to uniform regulations, policies, and procedures governing the discharge of industrial
6 wastewater into Loma Linda's facilities, as well as the facilities owned, operated, and maintained by
7 BOARD.

8 B. **DESIGNATION OF AUTHORITY:** The City Manager of Loma Linda has been
9 authorized by the Loma Linda City Council to administer and enforce all sewer and wastewater
10 regulations for Loma Linda. The City Manager of Loma Linda may designate Loma Linda staff or
11 others, including BOARD personnel, to enforce the provisions of Loma Linda's Ordinance 410 and
12 other rules and regulations of Loma Linda, federal, state, county, or other agency having regulatory
13 authority over sewers, waste, and wastewater matters.

14 C. **DELEGATION OF POWERS:** Neither BOARD nor Loma Linda, by entering into
15 this Agreement, relinquishes to the other any of its independent statutory powers or other powers and
16 responsibilities relative to the provision of sewer service, on the promulgation, administration, and
17 enforcement of industrial wastewater discharge requirements.

18 BOARD shall be responsible for promptly invoicing permittees within Loma Linda for the fees
19 and charges adopted by BOARD and Loma Linda relating to industrial wastewater permit fees,
20 monitoring fees, inspection fees, and all other charges related to the implementation of the
21 pretreatment program.

22 BOARD shall pursue collection through its normal fee recovery procedures for any delinquent
23 accounts. BOARD shall proceed with permit revocation for delinquent accounts. BOARD shall notify
24 Loma Linda of all permit revocations, and BOARD shall request Loma Linda, if appropriate, to
25 proceed with termination of water and/or sewer service for all delinquent accounts and notify Loma
26 Linda when all delinquent fees have been remitted.

27 **SECTION 2 - PERMITTING**

28 A. **CLASSES OF PERMITS:** BOARD's pretreatment program utilizes three (3) primary

1 classes of Industrial User Permits: Class I, II, and III. The permitting of Class I, II, and III industrial
2 users is intended to serve as a means of implementing regulations, and to provide for inspections,
3 monitoring, reporting, and enforcement of violations to comply with EPA pretreatment regulations,
4 and other applicable federal, state, and local regulations.

5 **B. PERMITTING PROCEDURES:** Each industrial user within Loma Linda shall
6 originate its permit application with BOARD. The application shall consist of the form then currently
7 utilized by BOARD to permit industrial users, and supplemented by any form deemed necessary by
8 Loma Linda for its requirements. BOARD shall review the permit application, and will prepare the
9 permit and attach any conditions or requirements that will be imposed under BOARD's Ordinance
10 and/or required by Loma Linda.

11 All new Industrial User permits shall be reviewed and approved by BOARD and Loma Linda
12 prior to issuance. BOARD and Loma Linda shall expedite the review and approval process which shall
13 be completed within 30 calendar days of permit submittal. A review committee agreed upon by
14 BOARD and Loma Linda shall be developed to resolve any conflicts which may arise during the
15 permit review and approval process. Upon determination by BOARD and Loma Linda that the
16 application is complete and the permit has been approved, BOARD shall issue the permit. The original
17 permit application and permit shall be retained by BOARD and copies shall be furnished to Loma
18 Linda for their records, at their request. The completed permit, executed by BOARD, shall constitute
19 the authorization to discharge industrial wastewater to the BOARD and Loma Linda sewer systems
20 under both BOARD and Loma Linda Ordinances.

21 **C. PLUMBING PLANS:** New applicants for industrial or commercial sewer service and
22 existing users who propose tenant improvements shall submit plumbing plans to BOARD for review.
23 BOARD and Loma Linda shall review the plans and shall notify the applicant or user of any additional
24 requirements. BOARD shall forward an approval letter to Loma Linda upon the applicant's completion
25 of all such plan check requirements.

26 **D. EXISTING PERMITS:** BOARD shall notify holders of permits issued prior to the
27 effective date of this Agreement that they will be required to replace such permits with permits issued
28 in accordance with the procedures established herein when they expire. BOARD shall require that each

1 replacement permit be issued prior to the date the existing permit expires.

2 **E. EXISTING USERS WITHOUT PERMITS:** Existing industrial users within Loma
3 Linda that are operating without permits under Ordinance 410, as amended, shall be required to obtain
4 a permit or permits under BOARD's Ordinance and Ordinance 410, as amended, and BOARD shall be
5 responsible, with Loma Linda's cooperation, for identifying such industrial users and for notifying
6 them of the need to obtain permits and of the permit application procedures and requirements set forth
7 herein.

8 **F. PERMIT RENEWAL:** Each existing industrial user within Loma Linda currently
9 permitted by BOARD shall originate the permit renewal process with BOARD. The application shall
10 consist of the form then currently utilized by BOARD to permit industrial users, and supplemented by
11 any form or conditions deemed necessary by Loma Linda for its requirements. BOARD shall review
12 the permit application, prepare the permit and attach any conditions or requirements that will be
13 imposed under BOARD's Ordinance and/or required by Loma Linda. BOARD shall issue the permit;
14 provided, however, that if BOARD and/or Loma Linda request a change or modification to the terms
15 and conditions of any renewed permit to be issued by BOARD, the provisions of Section 10 of this
16 Agreement shall apply. The original permit application and permit shall be retained by BOARD and
17 copies shall be furnished to Loma Linda for their records, at their request. The completed permit,
18 executed by BOARD, shall constitute the authorization to discharge industrial wastewater to the
19 BOARD and Loma Linda sewer systems under both BOARD and Loma Linda Ordinances.

20 **G. CHANGE IN PERMIT TERMS AND CONDITIONS:** BOARD shall have the
21 authority to revise the permit terms and conditions during the life of the permit to incorporate any new
22 or revised federal, state, or local pretreatment standards or requirements; or to address significant
23 alterations or modifications to the industrial user's operation, processes, or wastewater quantity or
24 quality. The proposed permit modifications shall be submitted to Loma Linda for review and approval
25 prior to implementation. Loma Linda shall expedite the review and approval process which shall be
26 completed within 30 calendar days of permit submittal. A review committee agreed upon by BOARD
27 and Loma Linda shall be developed to resolve any conflicts which may arise as a result of the permit
28 modifications. BOARD shall issue the revised permit following Loma Linda review and approval.

1 **SECTION 3 - MONITORING, INSPECTIONS, AND REPORTING**

2 **A. MONITORING AND INSPECTION:** BOARD shall have primary responsibility for
3 scheduled and unscheduled inspection and monitoring of industrial users. BOARD shall conduct its
4 *inspection and monitoring in accordance with the terms and conditions of BOARD's Ordinance and*
5 *Resolutions and the procedures and policies of BOARD. Loma Linda may conduct inspections and*
6 *monitoring, independent of BOARD's inspections and monitoring, as it may deem necessary.*

7 **B. REPORTING:** BOARD shall be responsible for any reporting it is required to do by
8 law, including but not limited to, requirements of the Environmental Protection Agency and the
9 California Regional Water Quality Control Board.

10 **SECTION 4 - ENFORCEMENT**

11 **A. PRIMARY ENFORCEMENT RESPONSIBILITY:** BOARD shall have primary
12 responsibility within Loma Linda's jurisdiction for enforcing BOARD and Loma Linda's Ordinances,
13 Resolutions, and all associated industrial waste discharge policies and procedures relative to all permit
14 terms and conditions.

15 **B. ENFORCEMENT PROCESS:** BOARD shall enforce the provisions of any industrial
16 user permit issued by BOARD according to the terms and conditions of the permit and the provisions
17 of BOARD and Loma Linda Ordinances and Resolutions. Enforcement actions, assessment of non-
18 compliance fees, administrative orders, and permit suspension and revocation shall be performed by
19 BOARD. Except as hereinafter provided, physical termination of water and/or sewer service shall be
20 performed by Loma Linda, in its sole discretion, provided Loma Linda agrees not to unreasonably
21 withhold such action, when requested by BOARD. In the event an industrial user's sewer service is to
22 be terminated by Loma Linda for reasons related to enforcement matters, said service shall not be
23 terminated without prior notification to BOARD; nor reinstated without the reasonable concurrence of
24 BOARD. In the event of an emergency, BOARD may proceed with enforcement measures it
25 reasonably deems necessary in order to protect its system. BOARD shall notify Loma Linda of such
26 enforcement action as soon as possible, but no later than the next business day. All enforcement
27 notices and other required communications shall be in writing, shall be delivered in person or sent
28 certified mail, return receipt requested. All notifications shall be deemed received upon personal

1 delivery or seventy-two hours after deposit in the mail of the United States Postal Service in San
2 Bernardino County, California, postage prepaid and addressed as set forth in Section 6 of this
3 agreement.

4 **SECTION 5 - EXCHANGE OF RECORDS**

5 BOARD and Loma Linda acknowledge their individual responsibilities as heretofore described
6 and the potential for each to generate records and documents. As requested, BOARD and Loma Linda
7 shall provide the other with copies of all records and documents generated regarding the
8 implementation of the pretreatment program. These copies shall include, but are not limited to, written
9 correspondence, telephone logs, meeting minutes, invoices and billing statements, monitoring data,
10 inspection reports, and any required reports submitted to regulatory agencies.

11 **SECTION 6 - NOTICES**

12 Except as otherwise provided herein, all notices and other communications required or
13 permitted hereunder shall be in writing, shall be delivered in person or sent by certified mail, and
14 addressed as follows:

15 TO: City of Loma Linda
16 Attention: City Manager
17 25541 Barton Road
18 Loma Linda, CA 92354

15 TO: City of San Bernardino
16 Municipal Water Department
17 Attention: General Manager
18 P.O. Box 710
19 San Bernardino, CA 92402

18 IN WITNESS WHEREOF, BOARD and Loma Linda have executed this Agreement as of the
19 day and year first above written.

20 CITY OF SAN BERNARDINO
21 BOARD OF WATER COMMISSIONERS

CITY OF LOMA LINDA

22
23 By: B. Warren Cocke
24 B. Warren Cocke, President

22
23 By: Dennis R. Halloway
24 Dennis R. Halloway, City Manager

25
26 By: Robin L. Ohama
27 Robin L. Ohama, Secretary

25
26 By: Pamela Byrnes-O'Camb
27 Pamela Byrnes-O'Camb,

28 (SEAL)

(SEAL)

Chapter 13.17

WASTEWATER FACILITIES REGULATIONS*

Sections:

13.17.010	Purpose.
13.17.020	Pretreatment or equalization.
13.17.030	Definitions.
13.17.040	Compliance.
13.17.050	Connection required.
13.17.060	Unlawful discharges.
13.17.070	Special restrictions—Water softening wastes.
13.17.080	Permits—Nondomestic wastewaters.
13.17.090	Monitoring requirements—Nondomestic wastewaters.
13.17.100	Nondomestic violations and enforcement.
13.17.110	Domestic and nondomestic wastewater revenue collection program.
13.17.120	Sanitary sewer installation policy and the setting of sewer connection fees.
13.17.130	General provisions—Violations.
13.17.140	Confidentiality and public access to wastewater records.
13.17.150	Interagency wastewater connection requirements and agreement.

* Prior ordinance history: Ord. 410 as amended by 411.

13.17.010 Purpose.

A. The wastewater facilities of the city discharge effluent to the city of San Bernardino treatment facilities by virtue of a joint powers agreement from which it is discharged to the Santa Ana River Bed. This effluent can affect the quality of stream flow in the river and the quality of the receiving groundwater.

B. Existing federal and state laws and regulations establish limitations on the nature of all effluent discharged to waterways, to the surface or underground.

C. The California Regional Water Quality Control Board, Santa Ana Region, has established limitations on the concentration of selected biological and chemical constituents of the effluent discharged by the city. The limitations are set forth in orders duly adopted by the board.

D. In order to comply with the requirements contained in those orders, the city must regulate the content of wastes discharged into its public sewers and/or wastewater treatment facilities. This chapter establishes requirements for discharges into the public sewers and/or wastewater treatment facilities of the city in order to enable the city to comply with the requirements of the board with regard to effluent limitations, national standards of performance, and with other criteria required or authorized by federal or state legislation. (Ord. 454 § 3 (part), 1991)

13.17.020 Pretreatment or equalization.

In order to ensure proper operation of the public sewers and/or wastewater treatment facilities, certain pretreatment or equalization facilities for wastewater discharging to the wastewater facilities may be necessary. This chapter contains regulations concerning these appurtenances. (Ord. 454 § 3 (part), 1991)

13.17.030 Definitions.

A. Unless the context specifically indicates otherwise, the meaning of the terms used in this chapter shall be as follows:

1. "Accessible water surface" means the water surface area of an interceptor that is easily accessible for cleaning and at the same time will retain oils and greases floating on the water effluent passing through the device.

2. "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act as amended, 33 U.S.C. 1251, et seq.

3. "Applicant" means any person or corporate body desiring to create a new or revised discharge of nondomestic wastewater.

4. "Authorized industrial representative" means a duly employed representative of an industrial discharger that is qualified to answer technical questions concerning in-plant processes of the discharger and is responsible for the generation of the in-plant wastewater being discharged to the public sewer system.

5. "Biological oxygen demand (BOD)" means that measure of biodegradable organic material in domestic or other wastewaters as represented by the oxygen utilized over a period of five days at twenty degrees centigrade and as determined by the appropriate testing procedures.

6. "Business" is a general term used to cover all types of industrial and commercial enterprises in the city.

7. "Categorical industry" means federally established groupings of specific industries based on their products, byproducts and wastewater discharges, and the EPA has or is in the process of promulgating pollutant discharge limits for each industrial group.



8. "Categorical standards" means the National Categorical Pretreatment Standards as established by the Environmental Protection Agency (E.P.A.).

9. "Chemical oxygen demand (COD)" means the measure of chemically oxidizable material in domestic or other wastewaters as determined by appropriate testing procedures.

10. "City" means the city of Loma Linda acting through its elected officials and authorized representatives.

11. "City council" means the city council of the city of Loma Linda.

12. "City manager" means the city manager of the city of Loma Linda or his authorized representative.

13. "Commercial business" means a business that discharges into the public sewer system less than one hundred gallons per day and only domestic wastewater.

14. "Compatible pollutant" means a combination of biochemical oxygen demand, suspended solids, pH, fecal coliform bacteria, plus additional pollutants that are removed to a substantial degree by a treatment plant and is not a hazardous waste.

15. "Conductivity" means the ability of a water sample to conduct an electric current.

16. "Constituent" means any chemical element, compound or mixture that is either suspended or dissolved in the wastewater stream.

17. "Developer" means a person, firm, corporation, partnership or association who proposes to develop, develops, or causes to be developed real property for himself or for others except that employees and consultants of such persons or entities, acting in such capacity, are not developers.

18. "Director" means the director of public services or his authorized representative.

19. "Discharger" means any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer.

20. "Domestic wastewater" means any waterborne wastes, derived from the ordinary living processes in a dwelling unit of such character as to permit satisfactory disposal, without special treatment, by conventional wastewater treatment plant processes.

21. "Effluent" means the liquid outflow from any facility entering either a private or public sewer system and/or a wastewater treatment plant.

22. "Engineer" means the city engineer or his authorized representative.

23. "Environmental Protection Agency" or "E.P.A." is an agency of the United States Federal Government.

24. "Equivalent dwelling unit, (EDU)" means a flow of sewage discharge equal in volume and strength to a single family dwelling unit.

25. "Federal Categorical Pretreatment Standards" means any regulation containing pollutant discharge limits established under the appropriate subpart of 40 CFR Chapter I, Subpart N.

26. "Flow weight" means a mathematical method by which chemical concentrations and volumes of different wastewater streams can be compared and evaluated.

27. "Grease, oil and sand interceptor" means an approved detention chamber designed to remove grease, oil and sand from a source flow prior to discharge into the community collection system.

28. "Hazardous substance" means any substance or mixture of substances which is toxic, corrosive, flammable, an irritant, a strong sensitizer or which generates pressure through decomposition, heat or other means, or radioactive, if such a substance or mixture of substances may cause substantial injury, serious illness or harm to humans, domestic livestock or wildlife.

29. "Hazardous waste" means any hazardous substance that is either the resultant and/or intermediate or final byproduct of any process.

30. "House connection sewer" means a sewer, including the connection, wye or tee, within a public street or right-of-way, proposed to connect any parcel, lot or part of a lot to a main line sewer.

31. "Incompatible pollutant" means any pollutant which is not a compatible pollutant.

32. "Incremental" means that the city's domestic or potable water source has a constituent loading for a specific chemical substance, determined by chemical analysis, and this chemical loading has been included in the city's wastewater maximum allowable discharge limit for that specific chemical substance.

33. "Industrial user" means a discharger classified as industrial in the Act.

34. "Industrial wastewater" means the same as nondomestic wastewater.

35. "Industrial wastewater representative" means an owner, manager or duly appointed employee of a business that is knowledgeable of the business's wastewater generation and discharge and has been appointed by the business as a spokesman to answer questions and supply any information concerning wastewater generation and discharge from the business as requested by the director.

36. "Lateral" means that complete portion of the sewer system beginning at the point of connection to the public sewer mainline to the point of on-site acceptance herein defined as the unit's cleanout as specified in the latest edition of the Uniform Plumbing Code (UPC).

Maintenance responsibility for the complete sewer lateral (from structure/dwelling to the joint or saddle) shall be borne by the property owner, pursuant to city of Loma Linda sewer lateral standard SS-3.

37. "May" means something is permissive.

38. "Monitoring facility" means any city-approved structure used for housing wastewater monitoring equipment and provides a convenient access point for the complete monitoring of wastewater discharges.

39. "National Categorical Pretreatment Standard" or "Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated by the E.P.A. in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

40. "National Pollutant Discharge Elimination System" or "NPDES" means a National Wastewater Program with a discharge permit issued by the California Regional Water Quality Control Board (C.R.W.Q.C.B.) in conjunction with and pursuant to Section 402 of the Act (33 U.S.C. 1342).

41. "Nondomestic wastewater" means the wastewater arising from or associated with a nondomestic operation, including but not limited to, the following:

- a. Production or refining of petroleum;
- b. Production, processing, packing or canning of fruits, vegetables, meat or beverages;
- c. Laundering of clothes in public laundries;
- d. Public self-service laundries;
- e. Hospitals;
- f. Restaurants;
- g. Vehicle service facilities, wash racks and garages;
- h. Production of fertilizer, keeping of livestock or poultry and operation of dairies;
- i. Production of refuse;
- j. Production and processing of plastic;
- k. Cleaning of tanks, tank cars or barrels;
- l. Plating or processing metals;
- m. Processing or reclamation of refuse; and
- n. The washing of equipment or spaces used in nondomestic operations and any other similar manufacturing, processing and servicing operations.

"Nondomestic wastewater" shall not include the following: wastewaters from the operation of hotels, schools, single or multiple residences and places engaged exclusively in retail business.

42. "Parameter" means a measurable condition that can vary depending on the chemical loadings and concentrations and physical conditions of the wastewater stream.

43. "Pass through" means the discharge of pollutants through the wastewater treatment facilities into navigable waters in quantities or concentration which are a cause

of, or significantly contribute to, a violation of any requirement of the treatment works National Pollution Discharge Elimination System (NPDES) permit.

44. "Permit" means that document permitting a user to discharge nondomestic wastewater to the public sewers and/or wastewater treatment facilities.

45. "Permittee" means the holder of a valid permit.

46. "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns.

47. "pH" means the negative logarithm (base 10) of the hydrogen ion concentration.

48. "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into the water.

49. "Pollution" means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

50. "Premises" means a parcel of real estate including any improvement thereon which is determined by the superintendent to be a single user for purposes of receiving, using and paying for services.

51. "Pretreatment" or "treatment" means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the public sewer system. The reduction or alteration can be obtained by physical, chemical or biological processes.

52. "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

53. "Public sewer mainline" means that portion of the sewer collection system that is a minimum six-inch diameter pipe located within the public right-of-way or a public sewer easement, that has been designed, constructed, inspected and accepted to the satisfaction of the director and engineer.

54. "Public sewer" means a common sewer or sewers that collect domestic or nondomestic wastewater for transport to the treatment facilities including pumping stations in the public sewer system. The term as used in this chapter does not include storm drains or channels for conveyance of natural surface waters.

55. "Public sewer system" means any sewer owned and operated by the city.

56. "Radioactive material" means material containing chemical elements that spontaneously change their atomic structure by emitting any particles, rays or energy forms.

57. "Service unit" or "SU" shall be derived from a mathematical formula in which total flow, biological oxygen demand (BOD), and suspended solids (SS) are converted to a numerical value in proportion to residential levels for the same three variables.

58. "Sewage" means wastewater.

59. "Sewer" means sanitary sewer mains, including appurtenances such as manholes and clean-outs, but does not include residential, commercial and industrial laterals and connections to the public sewer system.

60. "Sewer factor" or "SF" shall be an assigned percentage used to calculate the volume of sewage from a water meter reading for different types of discharges derived statistically using methods established by the Department of Public Works, Bureau of Sanitation, City of Los Angeles.

61. "Sewer service connection fee" means a sewer fee consisting of a frontage connection fee, a capital facilities fee or a combination thereof.

62. "Sewerage" means any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.

63. "Shall" means something is mandatory.

64. "Significant" means any nondomestic discharger that is a categorical industry, and/or discharges to the public sewer system twenty-four thousand gallons per day or more of processed wastewater, or has a wastewater discharge that has the potential to adversely affect the POTW resulting in treatment plant pass through, interference, sludge contamination or endangerment of city or POTW workers.

65. "Sludge" or "wastes" means the nonliquid carried wastes normally considered to be suitable for disposal with refuse at sanitary landfill refuse disposal sites.

66. "Standard Methods" means the current edition of Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association.

67. "Superintendent" means the superintendent of the utility services division of the city or his authorized representative, or any city officer who subsequently is empowered to assume or succeed the superintendent.

68. "Total dissolved solids (TDS)" means the solid matter in solution in the wastewater under conditions normally found in the sewer and shall be obtained by evaporation of a sample from which all suspended matter has been removed by filtration.

69. "Total suspended solids (TSS)" means any insoluble material contained as a component of wastewater and capable of separation from the liquid portion of waste.

70. Units.

a. "Private dwelling unit" means a dwelling unit intended for occupancy by a single family group. This shall apply to all single-residential premises and multiple-residential premises that are not required by this code to obtain a commercial business license.

b. "All other units" means all residential units in apartment buildings or such other premises as may be required by this code to obtain a commercial business license and/or a wastewater discharge permit required under special restrictions for nondomestic wastewater in Section 13.17.100.

71. "User" means any person, his heirs, executors, administrator, or assigns and also includes a firm, company, association, corporation, society or group who or which uses the wastewater facilities of the city.

72. "Vehicle servicing facility" means any facility designed for the washing, servicing and repair of vehicles licensed by the Department of Motor Vehicles, construction equipment, industrial transportation or power equipment.

73. "Wastewater" means waste and/or water, whether treated or untreated, being discharged into or permitted to enter a public sewer.

74. "Wastewater facilities" means the structures, equipment, and processes required to treat domestic and nonsanitary wastes and dispose of the effluent.

75. "Water supply" means generally the supply of public or private potable water serving the area contributory to the city's public sewers and/or wastewater treatment facilities.

76. "Zoning" means the land use designation as set forth in Title 17 of the Loma Linda Municipal Code, with the exception that in the case of a conditional use permit (CUP), zoning shall be defined as the land use allowed by virtue of a CUP.

B. Definitions of all chemical, biological, and other technical terms shall be the same as defined in the fifteenth edition of Standard Methods for the Examination of Water and Wastewater, published by American Public Health Association, American Water Works Association (AWWA) and Water Pollution Control Federation (WPCF) and the California Water Pollution Control Association (CWPCA). (Ord. 552 §§ 1, 2, 1997; Ord. 454 § 3 (part), 1991)

13.17.040 Compliance.

No certificate of occupancy shall be issued and no premises shall be occupied until the owner, occupant, or tenant of the premises has complied with all rules and regulations of this chapter. (Ord. 454 § 3 (part), 1991)

13.17.050 Connection required.

The owner of any premises used for human occupancy, employment, recreation or other purposes situated within the city and which nearest property line is within two hundred feet of any street, alley or easement in which there is a public sewer, is required to connect the premises directly with the sewer. (Ord. 454 § 3 (part), 1991)

13.17.060 Unlawful discharges.

Except as provided in this chapter, it is unlawful for any person to discharge or to cause to be discharged into the public sewer system or any opening leading to a public sewer system any of the following, in quantities or volume, which will obstruct the flow of sewage in the sewer, which will cause clogging of or adversely affect a sewage pump or public sewer system which will in any other way interfere with the normal operation of the sewage collection system:

A. Any earth, sand, gravel, rock, ashes, plaster, concrete, glass, mud, straw, shavings, metal filings, metal or plastic objects, solid, semisolid, or viscous material resulting in interference;

B. Any garbage that is not ground sufficiently to pass through a one-quarter-inch screen;

C. Any object in excess of one and one-half inches in length or width which causes or may cause clogging of a sewage or sludge pump or may interfere with the normal operation of the treatment plant;

D. Any compound which produces or may produce noxious odor in the public sewers and/or wastewater treatment facilities;

E. Any quantities of nonbiodegradable oil, petroleum oil, or refined petroleum products that exceed limits set by the POTW or by ordinance; any volatile liquid or substance which produces or may produce a toxic, explosive, or flammable atmosphere into public sewers and/or wastewater facilities;

F. Any overflow from any septic tank or cesspool or any liquid or sludge pumped from a cesspool, septic tank or chemical toilet, except the chemical toilets in mobile recreation units at such place and in such manner as may be prescribed by permit issued by the city;

G. Any rainwater, groundwater, street drainage, subsurface drainage, road drainage, yard drainage, water

from fountains, ponds, lawn sprays, swimming pools, wading pools, or any other type of surface water;

H. Any waste or pollutant that will generate or has a temperature in excess of one hundred degrees Fahrenheit;

I. Any radioactive wastes in excess of federal, state or county regulations;

J. Any waste that might cause an injury or a health hazard to city or damage to the public sewer system;

K. Any water or waste having any corrosive or detrimental characteristic that could cause injury to maintenance personnel or structural damage to the POTW or public sewer system, but in no case discharges with pH lower than 6.0 nor greater than 9.0;

L. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in such quantities that alone or in combination with other waste substances would create a hazard or public nuisance;

M. Any amounts of chlorine or hydrocarbons that exceeds limits set by the POTW;

N. Any substance which causes or may cause significant color increase beyond natural background levels of the water supply;

O. Any substance or material which causes or which may cause chemical imbalance in the wastewater treatment procedures, processes or reactions, or which adversely affects, changes or disrupts any operation or function of the public sewer and/or wastewater treatment facilities by any means. Pollutants introduced into the wastewater treatment facilities by a nondomestic source shall not pass through the wastewater treatment facilities or interfere with the operation or performance of the works;

P. Any nonbiodegradable cutting oils, commonly called soluble oil, which form persistent water emulsions;

Q. Any quantities of dispersed biodegradable oils or fats such as lard, tallow or vegetable oil that exceed limits set by the POTW, the department of public services or the city of San Bernardino Treatment Facility;

R. Any waste being discharged from a commercial garbage grinder;

S. Grease, oil and sand interceptors shall be required when, in the opinion of the director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand, or other harmful materials which can be removed readily by grease, oil and sand interceptors. All such interceptors shall be of a type and capacity approved by the director, and shall be located so as to be readily and easily accessible for cleaning and inspection. Said interceptors shall be regularly cleaned and maintained by applicant to prevent any intercepted materials from entering the public sewer;

T. Any asphalt, tar, dead animals, plastics, wood, whole blood, paunch manure, bones, hair and fleshing, entrails, paper dishes, paper cups, milk containers or other paper products, either whole or ground by garbage grinders, or any other solid or viscous substances;

U. Any wash water, solvents or cleaners from a concrete or asphalt area or lot used to park, store, refuel, wash, or repair any type of motorized vehicles without a city-approved sand and grease interceptor and approval from the director;

V. Any organic and/or inorganic element, mixture or compound that is considered a hazardous substance, hazardous waste/or pretreatment sludge or waste;

W. Any pesticides and fertilizers;

X. Any initial drainage from a vehicle radiator. (Ord. 511 § 1, 1995; Ord. 454 § 3 (part), 1991)



13.17.070 Special restrictions—Water softening wastes.

A. It is unlawful for any person to install, replace, enlarge, or operate any zeolite or resinous ion-exchange water softeners or demineralizers and other similar devices, used for softening all or part of a water supply to a property which has a connection to the public sewer system if the volume of the ion-exchange resin or other similar material used for softening the water supply exceeds one cubic foot. No water dilution of the wastewater from a water softening apparatus shall be allowed in the determination of the mineral or trace metal content. Such water softening devices may be installed or operated only if the disposal of the wastewater brine will be by some lawful means other than discharge to the public sewer system or to the ground.

B. This section shall not apply to existing units nor to apparatus of the type which is regenerated off-site by a water conditioning company.

C. This section shall not apply to any type of commercial or industrial, institutional softening apparatus, which will be considered individually in connection with nondomestic wastewater controls.

D. Any person installing or operating any water softening device(s) within the city limits shall make the device(s) accessible to the director for inspection and shall make such reports as the director may request as to the operation of the water softening equipment. (Ord. 454 § 3 (part), 1991)

13.17.080 Permits—Nondomestic wastewaters.

A. No person shall discharge nondomestic wastewater into the public sewer system unless such person holds a valid nondomestic wastewater discharge permit or temporary nondomestic wastewater permit issued by the city of San Bernardino.

B. The director may approve nondomestic wastewater generator to discharge nondomestic wastewater to the public sewer system if:

1. The quality of the wastewater being discharged to the public sewer system conforms to the requirements of this chapter and city of San Bernardino's most updated point-source limits;

2. A compliance time schedule has been approved by the director (if required) and is on file in the public services department;

3. The public sewer system has adequate capacity for the volume of wastewater to be discharged;

4. All required pretreatment systems must be approved by the director and city of San Bernardino wastewater treatment officer and it must be demonstrated, by the user, that the systems can adequately achieve EPA categorical limitations, whichever is the more strict, as well as have

the capability to handle or can be easily modified to handle future requirements;

5. A city-approved industrial wastewater monitoring vault, manhole, or other approved monitoring facility has been constructed, or shall be constructed;

6. All nondomestic dischargers that use a pretreatment system are required to establish and maintain a daily operation and maintenance log for their pretreatment system, and it shall contain at a minimum the following information:

a. The date and times of routine maintenance and calibration of the system,

b. A description of all maintenance and calibration work being done on the system,

c. The date and time of any major repair and down time on the system,

d. The emergency or backup system or program instituted while the pretreatment system was out of operation,

e. The estimated daily operational efficiency of the pretreatment system, and

f. The name of the supervisor responsible for the pretreatment system and any maintenance men working on the system.

C. Nondomestic wastewater permit conditions and requirements shall be as follows:

1. The permit is valid only to the original applicant.

2. The public services department is to be notified in written form, within ten days, of in-plant modifications that will directly or indirectly affect the quality and/or quantity of wastewater entering the public sewer system.

3. The public services department is to be notified within one week after the authorized industrial representative of a company is appointed or replaced.

4. The discharger shall furnish additional information concerning its effluent as required by the public services department.

5. The discharger shall accept and abide by all provisions of ordinances and resolutions of the city of Loma Linda, California.

6. The discharger shall be required to operate and maintain in a satisfactory and approved manner, as defined by the equipment manufacturer, all required wastewater treatment device(s).

7. The discharger shall cooperate at all times with the city of Loma Linda personnel during the inspection, monitoring, and study of its wastewater facilities and discharges.

8. The discharger shall notify the public services department in the event of any accident, negligence, or other occurrence that causes the discharge to the public sewer of any material whose nature and quantity might be judged to constitute a substantial change in volume,

a hazard or potential hazard to city and/or district personnel, the public sewer system, the wastewater treatment facilities, or the environment. Also, formed written notification discussing circumstances and mitigation measures shall be submitted to the director within five days of occurrence.

9. To construct or have constructed a city-approved wastewater monitoring facility on each nondomestic sewer lateral of the company prior to it entering the public sewer system and where such flows are not combined or mixed with domestic flows.

D. Under no circumstances shall a wastewater permit be assigned, transferred or sold to a new user, different premises, or a new, changed, or revised business operation.

E. If any person wishes to make alterations of pretreatment facilities or alterations of connections to the sewer, or if he/she wishes to discharge additional wastewater in excess of the amounts which have been approved or wastewater of a different nature, type or substance not consistent with the original permit, he/she shall submit to the director a letter requesting the approval of such an alteration along with an updated wastewater survey and permit application.

F. It is unlawful for any reason to discharge into the public sewer system directly or indirectly, any nondomestic wastewater without a valid permit from the city, except that the director shall grant such reasonable time extensions on existing permits as may be necessary for business alterations, changes in processes or designs, or the acquisition, manufacture, installation and testing of a wastewater treatment system or other facilities, which additional time is required, but not to exceed one year, providing there are no point-source limitation violations.

G. When a discharger determines that a discharge of wastewater has taken place in violation of prohibitions or limitations in this chapter, point-source control program, effluent limitations, pretreatment standards, or the provisions of any permit, then a compliance time schedule for all pretreatment and/or wastewater cleanup procedures and practices must be submitted to the public services department and be approved by the director.

H. Modifications or changes of a compliance time schedule may be granted by the engineer upon written request providing the new compliance dates are not in violation with the current E.P.A. compliance dates for the type of discharger in question.

I. If a user's nondomestic wastewater permit has been revoked, and if that user chooses to again discharge to the public sewer system, the user's industrial wastewater representative must apply for a new nondomestic wastewater permit. Also, prior to repermitting, the industrial wastewater representative must demonstrate or prove to the engineer's

satisfaction, that either a safety-backup system(s) and/or precautionary measures have been incorporated into their business process to eliminate similar violations in the future.

J. Within one month after a user has been repermited, after having their permit canceled, the user shall submit to the director, a twenty-four-hour flow-weighted composite analysis of their wastewater being discharged to the public sewer system for all constituents and parameters requested by the director.

K. All user discharge points to the public sewer system that carries any nondomestic sewage, shall be required to be permitted and shall be considered a nondomestic discharge point-source.

L. The installation, design, and adequacy of any facility pursuant to the provisions of this section shall not impute any liability nor relieve the owner or proprietor of such responsibility.

M. All industrial users must keep for a minimum of three years, copies of all their wastewater reports, surveys, permits, monitoring, wastewater correspondence, violation notices, and chain-of-custody logs, and upon request, this information must be made available for review and/or copying by any government agency; also, this period of retention shall be extended during the course of any unresolved litigation regarding the industrial user.

N. The user chain-of-custody logs shall consist of: dates of sample collection; type of sampling; how the sample was stored and any forms of sample preservation; listing of the constituents and parameters to be tested; name of the individual who collected the sample; name of the laboratory and the date and time the sample was turned over to the laboratory. (Ord. 454 § 3 (part), 1991)

13.17.090 Monitoring requirements— Nondomestic wastewaters.

A. Except as hereinafter set forth, no nondomestic wastewater shall be discharged to the public sewer system unless such wastewater conforms to the requirements set forth in this section.

B. All nondomestic wastewater dischargers shall be required to construct a city-approved monitoring facility at each existing point-source location.

C. The point of determining compliance with the provisions of this chapter shall be at each discharge point-source to the public sewer system or such other upstream point on the private lateral of each user as mutually agreed upon by the industrial wastewater representative and the director.

D. In each nondomestic wastewater permit, the director shall notify each nondomestic discharger in the city as to

the constituents and parameters that shall be analyzed from each discharge point.

E. The engineer shall have the right to enter randomly and unannounced, onto the premises of all nondomestic dischargers for the purpose of wastewater monitoring at each of the permitted point-sources, the review and copying of wastewater monitoring data, records, logs, reports, and conducting plant inspections.

F. Each nondomestic discharger shall be responsible for the following:

1. The notification, contracting or hiring of a state-certified laboratory to perform the required monitorings and analyses within the set time limitations;

2. The monitoring of each nondomestic wastewater discharge point must be based on a twenty-four-hour or forty-eight-hour (categorical) flow-weighted composite sampling over a typical work day period;

3. The laboratory shall use the E.P.A. test procedures for the analyses of the wastewater samples;

4. To supply the laboratory with a complete constituent and parameter listing prior to any field monitoring;

5. The discharger shall assume the responsibility and the cost for the construction and maintenance of all in-plant monitoring facilities as well as for the laboratory and monitoring charges.

G. It is unlawful, and the nondomestic discharger held financially responsible, for any damage, breakage, or tampering of any laboratory or city monitoring equipment while it is in use either in, on, or next to the monitoring facility of the discharger.

H. All new and proposed nondomestic dischargers to the public sewer system shall be required to include all necessary monitoring and pretreatment equipment and programs in order to be in compliance with the city's current pretreatment program prior to any discharge to the public sewer system.

1. A start-up wastewater monitoring and analysis, all at the business's own expense, shall be performed on the wastewater discharges leaving the user's facility and shall comply with the city's monitoring requirements established in this chapter.

2. All start-up monitorings shall be based on a twenty-four-hour composite sample and the laboratory must use methods to analyze for the following parameters and constituents: biological oxygen demand (BOD); chemical oxygen demand (COD); total suspended solids (TSS); total dissolved residue (TDR); total organic carbon (TOC); phenols; total oils and greases; pH; sodium; chloride; sulfate; boron; total and organic nitrogen; copper; total and hexavalent chromium; cadmium; lead; nickel; zinc; amenable and nonamenable cyanide; iron; mercury; total daily flow - GPD; peak flow - GPD, and its times; and a concur-

rent water meter reading with the sewer flow monitorings.

3. If a wastewater discharge violation is identified from the start-up analysis, the wastewater representative from the business shall be notified by the director, by telephone and in writing, and the discharger shall be responsible for compliance with all the sections of this chapter.

4. A letter of compliance shall be required of all new and proposed nondomestic dischargers to the public sewer system. This letter must be approved by the director prior to any nondomestic discharges to the sewer and must include the following:

- a. The name, address, and telephone number of the business;

- b. The name, address, and telephone number of the state-certified water laboratory that will be used for the start-up monitoring and analysis work;

- c. The date, time, and location in the facility where the monitoring is to be conducted;

- d. A statement that the laboratory has been given the city compliance date for the start-up analysis as well as the list of city required parameters and constituents for monitoring and analysis purposes, and the laboratory has been directed to submit a copy of the start-up analysis report directly to the director.

- e. The authorized wastewater representative from the business has received copies of the city's current wastewater ordinance and resolution, has reviewed and understands the city's wastewater pretreatment program, and the management of the business agrees to comply with the city's wastewater program; and

- f. The letter of compliance must be signed by either the owner, president or chairman of the board of the new or proposed business. (Ord. 454 § 3 (part), 1991)

13.17.100 Nondomestic violations and enforcement.

A. Any violation of this chapter, or the permit requirements, and the monitoring compliance date(s) as set by ordinance or resolution, or discharge to the public sewer system of any constituent(s) in excess of the city of San Bernardino's point-source limitations without being correctly documented in their most current compliance time schedule, or if there is a danger to the health and safety of the general public due to a wastewater generation or discharge, the discharger in violation is subject to having his nondomestic wastewater permit suspended or revoked by the city. Also, the discharger may be subject to an injunctive relief action, misdemeanor or felony charges, or civil penalties of not less than one thousand dollars per day as established by E.P.A.

B. The director may notify the discharger of the violation by registered mail, and the possible actions the city

may take against the discharger. Depending upon the frequency of the violation and the health and safety danger, the director may grant the discharger as much as ninety days to get back into compliance or the discharger may be subject to suspension of their nondomestic wastewater permit pending permit revocation proceedings by the city.

C. In the event the director determines that a discharger is, or is likely to, discharge into the public sewer system any constituent or parameter described in subsection A, I, J, K, L, V, W of Section 13.17.060, or any constituent that possesses a health and safety danger, the director may suspend the nondomestic wastewater permit pending a revocation hearing before the city council. In the event such an interim suspension is imposed, the revocation hearing before the city council shall be heard within fifteen days after the effective date of suspension.

D. The director may initiate without an interim suspension, proceedings to revoke a nondomestic wastewater permit by giving notice of such intent to the discharger concerned. Such notice shall state the nature of the violation, the evidence upon which the violation is based, and shall state the date, time and place at which the city council shall hold a hearing on the issue of whether the wastewater permits shall be revoked. A copy of the notice shall be delivered to the discharger by personal delivery or by registered mail at least ten days prior to the hearing date.

E. The procedures at the hearing shall be as follows:

1. The city shall have the burden of proving that the violations stated in the notice occurred and the city may do so by any relevant evidence; and

2. The discharger shall have the right to appear at the hearing, either personally or through counsel, or both, and to present any relevant evidence that the discharger cares to present on the issue of whether the nondomestic wastewater permit should be revoked.

F. Following the hearing, the city council, if it finds that the violations set forth in the notice did exist, may revoke or conditionally revoke the nondomestic wastewater permit.

G. Failure of an industrial discharger's wastewater representative to submit all of the required wastewater reports, records, schedules, monitoring data, compliance letters, and logs either before or on the designated date of submittal, as established by ordinance or resolution, may be subject to legal action by the city and possible forfeiture of the user's wastewater permit. (Ord. 454 § 3 (part), 1991)

13.17.110 Domestic and nondomestic wastewater revenue collection program.

A. Every person whose premises in the city are served

by a connection with the public sewer system whereby the sewage and/or nondomestic wastes are disposed of by the city through the regional sewage system shall be subject to charges established by resolution of the city council.

B. The charges shall be applicable only on premises to which a public sewer system main has been connected to as specified in Section 13.17.050.

C. The charges shall be collected with the charges and rates for water services furnished by the city to such premises. Such charges shall be billed and become due and payable at the time of receipt of charges for the services. Should the charges be billed at the same time as water services, the total amount due for the charges fixed as provided in this chapter and for charges for water shall be paid as a unit.

D. The city council may, from time to time in its discretion by resolution, alter, change, amend or revise the charges and rates for services and facilities in connection with the community sewer system.

E. It is the duty of the finance department of the city to collect all charges provided for in this chapter.

F. The city council shall have the right to require any person liable to pay any public sewer system rental charge to make a reasonable deposit with the finance department to insure the collection of such charges.

G. In the event any person fails to pay any public sewer system charge and applicable surcharge when the same becomes due, the city may, in addition to any other remedies it has, cut off any of the services and facilities provided for in this chapter and shall not resume the same until all delinquent charges, together with any charges necessitated by the resumption of such services and facilities, have been fully paid. (Ord. 454 § 3 (part), 1991)

13.17.120 Sanitary sewer installation policy and the setting of sewer connection fees.

A. General provisions for the installation policy are as follows:

1. A sewer service connection fee shall be collected for each lot or parcel of land proposed to be connected to the sewer.

2. The sewer service connection fee shall be collected for the entire lot or parcel of land proposed to be connected to the sewer.

3. The city, at its option, may allow developments outside of the city to connect to the community sewer system as specified in Chapter 13.16.

B. Policies for extension of the sewer are as follows:

1. An applicant requesting service for a subdivision, commercial, or industrial development shall make application to the city engineer. The application shall include:

- a. The name and address of the applicant;
- b. A legal description and location of the property; and
- c. Two copies of the tentative tract map, plot plan or parcel map, including zoning.

2. Policies for off-site work are as follows:

a. The applicant's responsibilities shall generally include engineering, construction and testing of the pipelines, appurtenances, and services in accordance with the Green Book Standard Plans and Specifications and subject to the city engineer's review and approval. Complete engineering shall be by a registered civil engineer and shall include the submission of a full set of detailed improvement plans of a scale acceptable to the engineer, along with appropriate plan check and inspection fees. After all changes, modifications, and additions requested by the city engineer have been made on the plans and they have been approved, the applicant shall furnish the city engineer with a complete set of reproducible mylar transparencies of the plans which shall become the property of the city. The applicant shall have the required sewer installation performed by a contractor licensed by the state to perform this type of work.

b. The director shall inspect all public facilities installed by the applicant's contractor to insure compliance with the plans and specifications. The city reserves the right to require the contractor to televise the mains to determine acceptability at the developer's expense. Any changes in installation shall have prior approval of the city engineer and the applicant shall furnish the city engineer a complete set of as-built plans at the completion and acceptance of the installation.

3. A reimbursement agreement may be executed by the city whereby the city agrees to reimburse to the applicant any frontage or capital facilities fees collected for that portion of the sewer mains covered by the agreement up to the eligible amount of the reimbursement. All rights to reimbursement shall cease fifteen years after the date of the reimbursement agreement whether fully paid for or not. Amounts covered by the reimbursement agreement shall bear no interest.

a. The agreement shall specify the facilities eligible for credit or reimbursement and the value thereof. These facilities shall exclude any special facilities and house connection sewers of sole benefit to the developer's property.

b. The agreement shall specify the sewer frontage for which the developer shall be entitled to recover costs through a reimbursement agreement. The agreement may make this specification by reference to a map attached thereto showing such sewer frontage.

c. The costs determined as eligible for credit or reimbursement shall be applied as a credit against the sewer service connection fee for the property of the developer served by the installation.

d. Refunds or reimbursements to be made under a reimbursement agreement shall be mailed to the address of the developer shown on the agreement unless written notice of change of address has been received by the city; and

e. Rights to refunds or reimbursements due under a reimbursement agreement may be assigned after written notice to the city by the holder of such rights as shown by the records of the city. Such assignment shall apply only to such refunds or reimbursements becoming payable more than thirty days after receipt by the city of written notice of assignment.

f. The city shall not be required to make any reimbursement payment to more than a single developer or assignee.

4. The property owner shall be responsible for all house connection sewer construction and for all maintenance and repairs to house connection sewer.

5. The property owner shall be responsible for the maintenance and liability of that portion of the lateral, defined in Section 13.17.030, as the private sewer lateral and is therefore responsible for any damages caused by the neglect of regular maintenance of the private sewer lateral. (Ord. 454 § 3 (part), 1991)

13.17.130 General provisions—Violations.

A. No person shall circumvent or obviate the intent or purpose of this chapter by discharging, or causing to be discharged, into any storm drain, channel, natural water-source, or public street, any material or waste prohibited or restricted as to its discharge into a public sewer system.

B. Any person violating any of the provisions of this chapter shall be guilty of an infraction and subject to the provisions of Title 1, Section 1.01.110 of this code.

C. Any fines or charges imposed by a regulatory agency as a result of a violation of the provisions of this chapter by a person shall be an additional sewer charge to that person. (Ord. 454 § 3 (part), 1991)

13.17.140 Confidentiality and public access to wastewater records.

A. All information and data obtained on a discharger from reports, letters, questionnaires, permit applications, permits, monitorings and inspections shall be available to the public or other government agency without restriction.

1. All requests for public access to any city wastewater file must be in writing;

2. The written request must include: the date of the review, the name and title of the person or persons who will be reviewing the file, the name and mailing address of the business or government agency that they work for, their business telephone number, and what files they want to review;

3. The city may require an observer to be present while any file is being reviewed;

4. The city shall not make any copies of any of the information or data in the files unless it is requested in writing for another government agency;

5. A copy of the written request to review a file or files may be sent by the city to those dischargers reviewed.

B. A discharger's request for confidentiality of information or data shall be as follows:

1. The request must be in writing and submitted to the director by the designated wastewater representative of the discharger;

2. Sufficient justification must be presented to the director to demonstrate, to the satisfaction of the engineer, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets;

3. Information accepted by the director as confidential, shall not be transmitted to any governmental agency or to the general public by the city until and unless written notification is given to the use; and

4. Under no circumstances, shall a discharger's wastewater constituents, concentrations and flow characteristics be considered as confidential information. (Ord. 454 § 3 (part), 1991)

13.17.150 **Interagency wastewater connection requirements and agreement.**

A. The sewer discharge from a public sewerage agency to the city must be approved by all involved agencies by written agreement.

B. The public sewerage agency desiring a sewer connection to the city, or source agency, must submit to the city, a written request for an interagency connection point which shall include:

1. A plot map of the area to be served including the distance to the proposed connection point;

2. The current zoning and acreage of each of the zoned regions of the area;

3. The percentage of existing development in each zoned region;

4. The current average and peak flow and wastewater quality from the total proposed area; and

5. The projected maximum peak and average flows from the total area at build-out.

C. The city shall have the right to deny the request for any reason.

D. The contract agreement must be written by the source agency but reviewed and approved by the city and must include, but not be limited to the following:

1. A statement of agreement to construct, at no expense to the city, all sewer facilities necessary to convey the sewage from the source agency area to the city's public sewer system;

2. All construction plans must be approved by the city engineer and all construction done in the city, including a monitoring manhole at the connection point, must be inspected by the director and built to the city standards, also as-built plans must be submitted to the city upon completion of the work all at no cost to the city;

3. The source agency shall agree, at their own expense, to submit to the city no later than forty-five days from the date the connection point becomes active, a twenty-four-hour flow-weighted composite analysis on the effluent entering the city at the connection point for all the parameters and constituents, and shall agree to submit to the city, a similar analysis every six months starting from the submittal date of the first analysis;

4. The water laboratory used by the source agency for the monitoring and analysis work must be approved by the city on an annual basis, and a copy of all the intercity connection point monitorings must be sent to the city directly from the laboratory;

5. If the connection point is to be eliminated, the source agency shall be required to abandon the intercity connection to current city standards, on the source agency's side of the city's boundary line at no expense to the city;

6. The requesting agency shall collect all sewer fees as established by the city and transfer this money at least once per six months to the city;

7. The requesting agency shall be responsible to notify the city of any growth in this sewerage area and agree to let the city enforce their pretreatment program in the source agency's sewerage area, if necessary;

8. The city shall have the right to stop the sewer flow or eliminate the intercity connection point if any of the above criteria are violated, but must notify in writing, the source agency of the city's intent and establish a date and time the connection point may be abolished; and

9. The source agency shall be responsible for submitting an executed copy of the interagency agreement to the city;

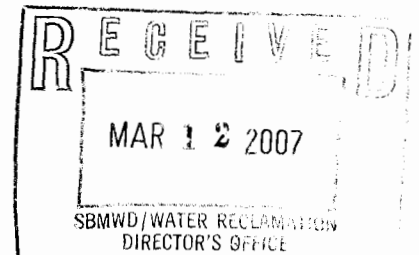
10. All existing source agencies that are discharging to the city's public sewer system when the ordinance codified in this chapter becomes effective, shall be required to comply with all of the requirements of this section providing the requirements have not already been regulated

in an executed agreement between the source agency and the city; all existing source agencies shall be given one year from the effective date of the ordinance codified in this chapter to comply with the additional requirements or the source agency may be subject to cancellation of their interagency connection. (Ord. 454 § 3 (part), 1991)



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RESOLUTION NO. 706



A RESOLUTION OF THE BOARD OF WATER COMMISSIONERS OF THE CITY OF SAN BERNARDINO REPEALING THE EXISTING PRETREATMENT PROGRAM ADMINISTRATIVE AGREEMENT AND ADOPTING THE PROPOSED PRETREATMENT PROGRAM ADMINISTRATIVE AGREEMENT BETWEEN THE CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT AND THE EAST VALLEY WATER DISTRICT, TO REGULATE THE DISCHARGE OF NON-DOMESTIC WASTEWATER TO THE SAN BERNARDINO WATER RECLAMATION PLANT.

WHEREAS, the United States Environmental Protection Agency (EPA) has established the Industrial Wastewater Pretreatment Program through the Clean Water Act (33 U.S.C. 1251 et seq.); and

WHEREAS, Publicly Owned Treatment Works (POTW) are required to develop and implement an Industrial Waste Pretreatment Program in compliance with Federal laws and regulations, as required in 40 CFR 403.8; and

WHEREAS, Federal law codified in 40 CFR 403.8(f)(1) requires the POTW to have the legal authority to regulate the discharge of non-domestic wastewater to the POTW, identified in a statute, ordinance, or series of contracts or joint powers agreements; and

WHEREAS, the San Bernardino POTW currently regulates the discharge of non-domestic wastewater to the POTW through an approved Ordinance set forth in Municipal Code, Chapter 13.32, previously adopted by the Board, to implement the Industrial Waste Pretreatment Program and Liquid Waste Hauler Program to control the discharge of waste into the POTW; and

WHEREAS, The San Bernardino POTW receives domestic and non-domestic wastewater from the cities of San Bernardino and the East Valley Water District; and

WHEREAS, The San Bernardino Municipal Water Department and the East Valley Water District have most recently entered into a Pretreatment Program Administrative Agreement on April 26, 1990, for the designation of responsibilities related to the implementation of the Pretreatment

1 Program; and

2 WHEREAS, The existing Pretreatment Program Administrative Agreement is hereby replaced
3 in its entirety with the proposed Pretreatment Program Administrative Agreement attached herein; and

4 NOW THEREFORE BE IT RESOLVED by the Board of Water Commissioners of the City of
5 San Bernardino as follows:
6

7 SECTION 1: Pursuant to the Federal requirements codified in 40 CFR 403.8, the Board of
8 Water Commissioners does hereby repeal the existing Pretreatment Program Administrative
9 Agreement and approve and adopt the revised Pretreatment Program Administrative Agreement
10 between the City of San Bernardino Water Department and the East Valley Water District, regulating
11 the discharge of non-domestic wastewater to the San Bernardino POTW, copies of which are attached
12 hereto, marked exhibit "A" and "B" and made a part hereof as fully as though set forth at length
13 herein.
14

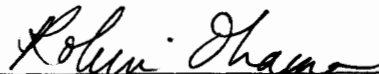
15 SECTION 2: This resolution shall become effective on March 6, 2007 .

16 I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Water
17 Commissioners of the City of San Bernardino at a regular meeting thereof held on the 6th day of
18 March, 2007, by the following vote, to wit:
19

20 AYES: COMMISSIONERS COCKE, CALLICOTT, BATTEY, MILLER AND FERNANDEZ

21 NAYES: NONE

22 ABSENT: NONE
23

24 

25 Robin L. Ohama
26 Deputy City Clerk & Ex-Officio Secretary

27 (SEAL)
28

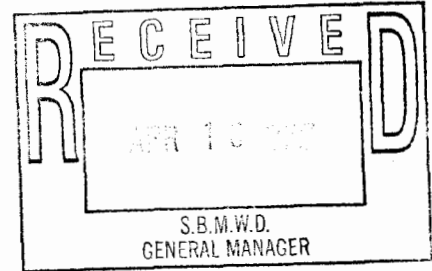


City of Loma Linda

25541 Barton Road, Loma Linda, California 92354-3160 • (909) 799-2800 • FAX (909) 799-2890

Sister Cities: Manipal, Karnataka, India - Libertadore, San Martin, Argentina • www.lomalinda-ca.gov

April 12, 2007



General Manager
City of San Bernardino
Municipal Water Department
P. O. Box 712
San Bernardino, CA 92402

Subject: Municipal Water Department Pre-Treatment Program

Enclosed is a signed Pretreatment Program Administrative Agreement between the Board of Water Commissioners of the City of San Bernardino and the City of Loma Linda which was approved by the Board of Water Commissioners on March 6, 2007 and by the Loma Linda City Council on April 10, 2007.

The Exhibits were not included in the transmittal I received. I have enclosed a copy of our Municipal Code Chapter 13.17 (Exhibit 2 to the Agreement) for your file and have printed Chapter 13.32 Wastewater Facilities from your website (Exhibit 1).

Please provide a fully executed agreement to me at the above address for the City's records.

Sincerely,

Pamela Byrnes-O'Camb
City Clerk

Enclosure

CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT

BOARD OF WATER COMMISSIONERS

B. WARREN COCKE
President

Commissioners
JUDITH W. BATTEY
TONI CALLICOTT
NORINE I. MILLER
LOUIS A. FERNANDEZ



STACEY R. ALDSTADT
General Manager
ROBIN L. OHAMA
Deputy General Manager
MATTHEW H. LITCHFIELD, P.E.
Director, Water Utility
JOHN A. PERRY, P.E.
Director, Water Reclamation
DON SHACKELFORD
Director, Finance
VALERIE K. HOUSEL
Director, Environmental
and Regulatory Compliance

"Trusted, Quality Service since 1905"

TRANSMITTAL FORM

ADDRESS: CITY OF LOMA LINDA
11128 ANDERSON STREET
LOMA LINDA, CA 92354

DATE: MARCH 8, 2007

ATTENTION: MR. DENNIS R. HALLOWAY, CITY MANAGER

CC: JOHN PERRY

SUBJECT: PRE-TREATMENT PROGRAM
THE FOLLOWING ITEMS ARE:

REQUESTED ENCLOSED DRAFT OTHER

VIA: MAIL FAX

NO. OF COPIES	DESCRIPTION
2	PRE-TREATMENT PROGRAM ADMINISTRATIVE AGREEMENT

THESE DATA ARE:

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REMARKS: PLEASE SIGN AND RETURN BOTH COPIES TO MY ATTENTION; ONE FULLY EXECUTED COPY WILL BE RETURNED TO YOU FOR YOUR FILE.

Sincerely,

Robin L. Ohama
Deputy City Clerk & Ex-Officio Secretary

sdm
Enclosure(s)

CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT

BOARD OF WATER COMMISSIONERS

B. WARREN COCKE
President

Commissioners
JUDITH W. BATTEY
TONI CALLICOTT
NORINE I. MILLER
LOUIS A. FERNANDEZ



STACEY R. ALDSTADT
General Manager
ROBIN L. OHAMA
Deputy General Manager
MATTHEW H. LITCHFIELD, P.E.
Director, Water Utility
JOHN A. PERRY, P.E.
Director, Water Reclamation
DON SHACKELFORD
Director, Finance
VALERIE K. HOUSEL
Director, Environmental
and Regulatory Compliance

"Trusted, Quality Service since 1905"

TRANSMITTAL FORM

ADDRESS: CITY OF LOMA LINDA
25541 BARTON ROAD
LOMA LINDA, CA 92354

DATE: APRIL 18, 2007

ATTENTION: MR. DENNIS R. HALLOWAY
CITY MANAGER

CC: J. PERRY

SUBJECT: PRE-TREATMENT PROGRAM

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VIA: MAIL FAX

NO. OF COPIES	DESCRIPTION
1	PRE-TREATMENT PROGRAM ADMINISTRATIVE AGREEMENT

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Sincerely,

Robin L. Ohama
Deputy City Clerk & Ex-Officio Secretary

sdm
Enclosure(s)

***San Bernardino Municipal Water Department
Sewer System Management Plan (SSMP)***

Attachment F

Directory of Positions Responsible for Collection System Management

Attachment F - Directory of Positions Responsible for Collection System Management

San Bernardino Municipal Water Department (SBMWD)

Position	Name	Telephone
Executive Management		
General Manager	Miguel J. Guerrero, P.E.	(909) 384-5091
Deputy General Manager	Robin L. Ohama	(909) 384-7210
Director of Water Utility	Steve R. Miller	(909) 453-6100
Director of Water Reclamation	Kevin T. Stewart, P.E.	(909) 453-6213
Director of Environmental and Regulatory Compliance	Jennifer L. Shepardson	(909) 453-6020
Director of Finance	Cynthia J. Mouser	(909) 453-6010
Collections System Section		
Collections System Superintendent	Juan J. Martinez	(909) 453-6246
Collections System Supervisor	Richard Hyle	(909) 453-6270
Lift Station Maintenance		
WR Maintenance Superintendent	Travis Mendenhall	(909) 453-6242
WR Mechanical Maintenance Supervisor	Cody Ineichen	(909) 453-6241
Electrical and Instrumentation Superintendent	John Branch	(909) 453-6246
Electrical/Instrumentation Supervisor	Paul Morris	(909) 453-6245
SCADA/Instrumentation Supervisor	Joe Gisler	(909) 453-6243
Environmental and Regulatory Compliance		
Environmental Compliance Inspector	Andy Coady	(909) 453-6251
Safety Manager	Francisco Salazar	(909) 453-6025
Financial Services		
Principal Accountant	Vacant	(909) 453-6013
Purchasing Supervisor	Aaron Winchester	(909) 453-6040
Warehouse/Fleet Supervisor	Diego Ortiz	(909) 453-6043
Information Technology Section		
Administrative Services Manager	Katrina Hernandez	(909) 453-6050
Information Technology Manager	Patrick Rogers	(909) 453-6030
Customer Service		
Administrative Services Manager	Katrina Hernandez	(909) 453-6050
Customer Service Supervisor	Yanet Gaeta	(909) 453-6060
Customer Service Supervisor	Carla Luna	(909) 453-6082

Position	Name	Telephone
Engineering Services		
Engineering Manager	Warren Huang	(909) 453-6160
Construction Manager	Vacant	(909) 453-6172
Principal Engineer	Abid Chowdhry	(909) 453-6176
GIS Manager	Julie Abinto	(909) 453-6163
Development Services Manager	Ted Brunson	(909) 453-6165
Department of Community and Economic Development		
Director	Michael Huntley	(909) 384-5357
Building and Safety Manager	Brian Gumpert	(909) 384-5325

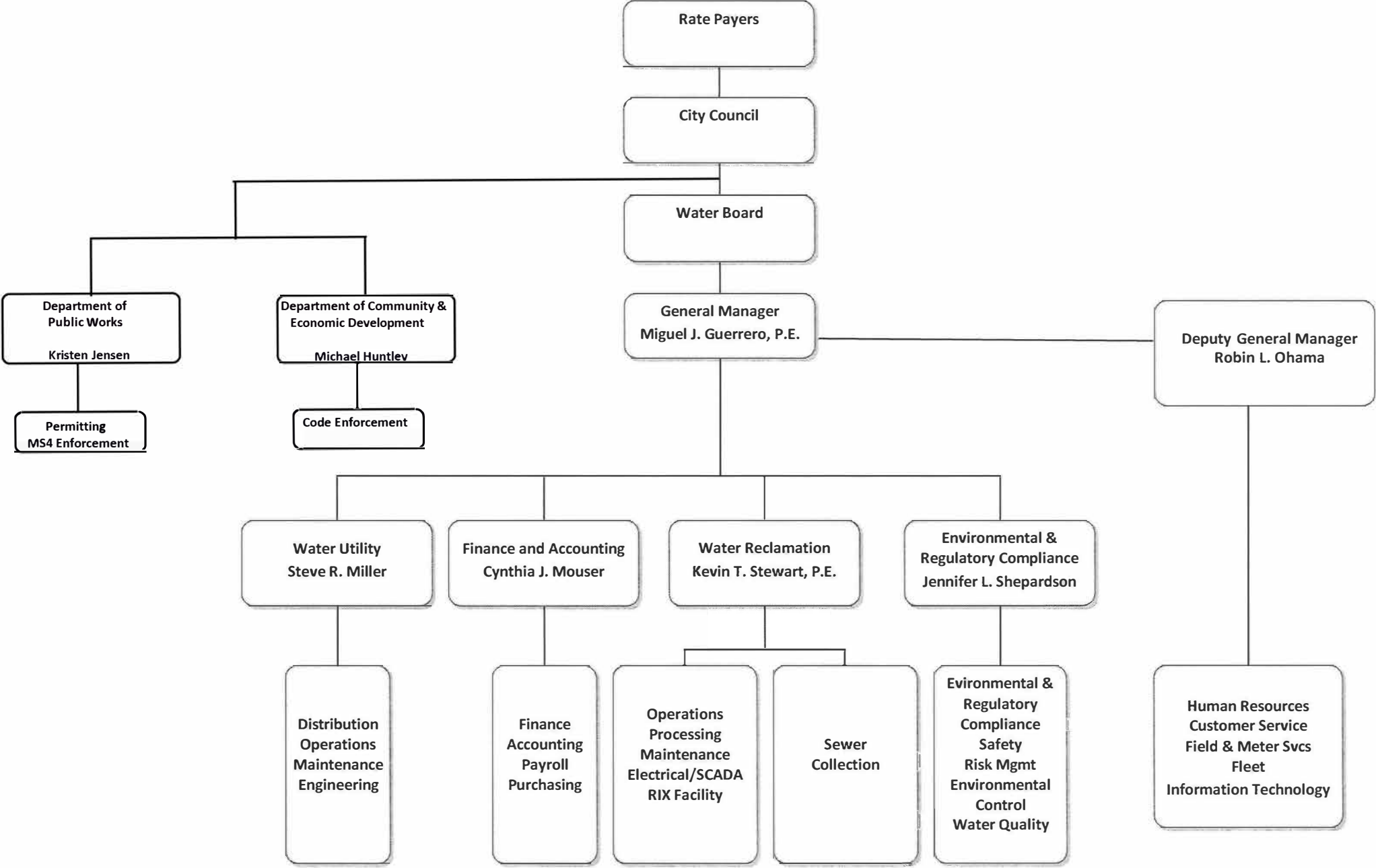
Department of Public Works		
Director of Public Works	Kristen Jensen	(909) 384-5045
Deputy Director/City Engineer	Alex Qishta	(909) 384-5034
NPDES Coordinator	Ken Watson	(909) 677-1668

***San Bernardino Municipal Water Department
Sewer System Management Plan (SSMP)***

Attachment G

Organization Chart

CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT
ORGANIZATION



***San Bernardino Municipal Water Department
Sewer System Management Plan (SSMP)***

Attachment H

Spill Emergency Response Plan and Reporting Workbook Procedures

San Bernardino Municipal Water Department Sewer Spill Emergency Response Plan

Effective Date:

Revised Date: _____

Approved by: _____

Signature: _____

Date: _____



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- 3. Definitions as used in this Spill Emergency Response Plan
- 4. State Regulatory Requirements for Element 6, Spill Emergency Response Plan
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1. PURPOSE

The purpose of the San Bernardino Municipal Water Department Spill Emergency Response Plan (SERP) is to support a prompt, orderly and effective response to spills (sanitary), reduce spill volumes, and collect information for prevention of future spills. A “spill” in this document is defined, by California State Water Board Order No. WQ 2022-0103-DWQ as a discharge of sewage from any portion of a sanitary sewer system due to a sanitary sewer system spill, operational failure, and/or infrastructure failure.

The SERP provides guidelines for SBMWD personnel to follow in responding to, cleaning up, reporting, and properly documenting spills that may occur within SBMWD’s service area. This SERP satisfies the State Water Board Order No. WQ 2022-0103-DWQ, which require wastewater collection agencies to have a Spill Emergency Response Plan.

Additionally, the SERP outlines procedures for responding to sanitary sewer spill backups into structures as required by SBMWD’s insurer. “Backup” is a term typically used by insurers to describe property damage resulting from exposure and contact to untreated or partially treated sewage.

2. POLICY

SBMWD’s employees are required to report all spills from agency-owned sewer mains and publicly owned laterals found and to take the appropriate action to secure the spill area, properly report to the appropriate regulatory agencies, relieve the cause of the spill, and ensure that the affected area is cleaned as soon as possible to minimize health hazards to the public and protect the environment. SBMWD’s goal is to respond to sewer system spills as soon as possible following notification. SBMWD staff will follow reporting procedures regarding sewer spills as set forth by the Santa Ana (Region 8) Regional Water Quality Control Board and the California State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR).

3. DEFINITIONS AS USED IN THIS SERP

ANNUAL REPORT: An Annual Report (previously termed as Collection System Questionnaire in previous California State Water Board Order No. 2006-0003-DWQ) is a mandatory report in which SBMWD provides a calendar-year update of its efforts to prevent spills.

BASIN PLAN: A Basin Plan is a water quality control plan specific to a Regional Water Quality Control Board (Regional Water Board), that serves as regulations to: (1) define and designate beneficial uses of surface and groundwaters, (2) establish water quality objectives for protection of beneficial uses, and (3) provide implementation measures.

BENEFICIAL USES: The term “Beneficial Uses” is a Water Code term, defined as the uses of the waters of the State that may be protected against water quality degradation. Examples of beneficial uses include but are not limited to, municipal, domestic, agricultural, and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

CALIFORNIA INTEGRATED WATER QUALITY SYSTEM (CIWQS): CIWQS is the statewide database that provides for mandatory electronic reporting as required in State and Regional Water Board-issued waste discharge requirements.

CITY OF SAN BERNARDINO (or CITY): A charter city in the state of California. The legal entity owning the collections system within the service area of the San Bernardino Municipal Water Department. It is noted that approximately the

eastern 1/3 of the City of San Bernardino's geographical boundary is served (potable water provision, wastewater collections, and effective in late 2023 wastewater treatment) by the East Valley Water District.

DATA SUBMITTER: A Data Submitter is an individual designated and authorized by SBMWD's Legally Responsible Official to enter spill data into the online CIWQS Sanitary Sewer System Database. A Data Submitter does not have the authority of a Legally Responsible Official to certify reporting entered into the online CIWQS Sanitary Sewer System Database.

DEPARTMENT (or SBMWD or WATER DEPARTMENT): A semi-autonomous municipal utility of the City of San Bernardino governed by a five-member Water Board appointed by the Mayor and City Council. SBMWD service area is approximately 45 square miles and covers approximately the western 2/3 of the City of San Bernardino's geographical boundary. SBMWD provides potable water and wastewater collection and treatment services to approximately 200,000 persons in the City of San Bernardino and unincorporated areas of San Bernardino County. In addition, SBMWD provides sewer treatment and wastewater services to the residents and rate payers of the City of Loma Linda and, until 2023, the East Valley Water District.

DRAINAGE CONVEYANCE SYSTEM: A drainage conveyance system is a publicly- or privately-owned separate storm sewer system, including but not limited to drainage canals, channels, pipelines, pump stations, detention basins, infiltration basins/facilities, or other facilities constructed to transport stormwater and non-stormwater flows.

ENVIRONMENTALLY SENSITIVE AREA: An environmentally sensitive area is a designated agricultural and/or wildlife area identified to need special natural landscape protection due to its wildlife or historical value.

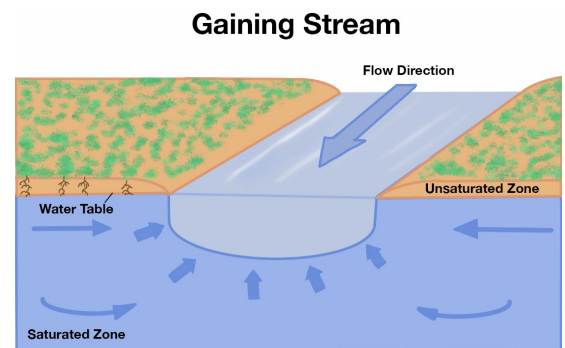
EXFILTRATION: Exfiltration is the underground exiting of sewage from a sanitary sewer system through cracks, offset or separated joints, or failed infrastructure due to corrosion or other factors.

FOG – Fats, Oils, and Grease: Refers to fats, oils, and grease typically associated with food preparation and cooking activities that can cause blockages in the sanitary sewer system.

HYDROLOGICALLY CONNECTED: Two waterbodies are hydrologically connected when one waterbody flows, or has the potential to flow, into the other waterbody. For the purpose of the SWRCB Order, groundwater is hydrologically connected to a surface water when the groundwater feeds into the surface water. See image, right. The surface waterbody in this example is termed a gaining stream as it gains flow from surrounding groundwater.

LATERAL (INCLUDING LOWER AND UPPER LATERAL): A lateral is an underground segment of smaller diameter pipe that transports sewage from a customer's building or property (residential, commercial, or industrial) to SBMWD's main sewer line in a street or easement. Upper and lower lateral boundary definitions are subject to local jurisdictional codes and ordinances, or private system ownership. A lower lateral is the portion of the lateral located between the sanitary sewer system main, and either the property line, sewer clean out, curb line, established utility easement boundary, or other jurisdictional locations. An upper lateral is the portion of the lateral from the property line, sewer clean out, curb line, established utility easement boundary, or other jurisdictional locations, to the building or property.

LEGALLY RESPONSIBLE OFFICIAL: A Legally Responsible Official is an official representative, designated by SBMWD, with authority to sign and certify submitted information and documents required by State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR).



MAINLINE SEWER: Refers to SBMWD wastewater collection system piping downstream of the sewer laterals that is not a private sewer lateral connection to a building.

MAINTENANCE HOLE: Refers to an engineered structure that is intended to provide access to a sanitary sewer for maintenance and inspection, previous referred to as a “manhole.”

NOTIFICATION OF A SPILL: Refers to the time at which the department becomes aware of a spill event through observation or notification by the public or other source.

NUISANCE: For the purpose of the State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR), a nuisance, as defined in Water Code section 13050(m), is anything that meets all of the following requirements:

- Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property;
- Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; and
- Occurs during, or as a result of, the treatment or disposal of wastes.

PREVENTATIVE MAINTENANCE: Refers to maintenance activities intended to prevent failures of the wastewater collection system facilities (e.g. cleaning, CCTV, inspection).

PRIVATE LATERAL SEWAGE SPILL – Spills that are caused by blockages or other problems within a privately-owned lateral.

PRIVATE SANITARY SEWER SYSTEM: A private sanitary sewer system is a sanitary sewer system of any size that is owned and/or operated by a private individual, company, corporation, or organization. A private sanitary sewer system may or may not connect into a publicly owned sanitary sewer system.

PRIVATE SEWER LATERAL: A private sewer lateral is the privately-owned lateral that transports sewage from private property(ies) into a sanitary sewer system.

POTENTIAL TO DISCHARGE, POTENTIAL DISCHARGE: Potential to Discharge, or Potential Discharge, means any exiting of sewage from a sanitary sewer system which can reasonably be expected to discharge into a water of the State based on the size of the sewage spill, proximity to a drainage conveyance system, and the nature of the surrounding environment.

RECEIVING WATER: A receiving water is a water of the State that receives a discharge of waste.

SANITARY SEWER SYSTEM: A sanitary sewer system is a system that is designed to convey sewage, including but not limited to, pipes, maintenance holes, pump stations, siphons, wet wells, diversion structures and/or other pertinent infrastructure, upstream of a wastewater treatment plant headworks, including:

- Laterals owned and/or operated by SBMWD;
- Satellite sewer systems; and/or
- Temporary conveyance and storage facilities, including but not limited to temporary piping, vaults, construction trenches, wet wells, impoundments, tanks, and diversion structures.

For purpose of the State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR), sanitary sewer systems include only systems owned and/or operated by SBMWD.

SATELLITE SEWER SYSTEM: A satellite sewer system is a portion of a sanitary sewer system owned or operated by a different owner than the owner of the downstream wastewater treatment facility ultimately treating the sewage.

SEWAGE: Sewage, and its associated wastewater, is untreated or partially treated domestic, municipal, commercial and/or industrial waste (including sewage sludge), and any mixture of these wastes with inflow or infiltration of stormwater or groundwater, conveyed in a sanitary sewer system.

SEWER BACKUP A sanitary sewer spill resulting from a sanitary sewer system spill, operational failure, and/or infrastructure failure in a publicly owned sewer system, with an appearance point and subsequent discharge into a structure.

SPILL: A spill is a discharge of sewage from any portion of a sanitary sewer system due to a sanitary sewer system spill, operational failure, and/or infrastructure failure. Exfiltration of sewage is not considered to be a spill under the State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR) if the exfiltrated sewage remains in the subsurface and does not reach a surface water of the State.

- **Category 1 Spill:**

A Category 1 spill is a spill of any volume of sewage from or caused by a sanitary sewer system regulated under the State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR) that results in a discharge to:

- A surface water, including a surface water body that contains no flow or volume of water; or
- A drainage conveyance system that discharges to surface waters when the sewage is not fully captured and returned to the sanitary sewer system or disposed of properly.

Any spill volume not recovered from a drainage conveyance system is considered a discharge to surface water, unless the drainage conveyance system discharges to a dedicated stormwater infiltration basin or facility.

A spill from a SBMWD-owned and/or operated lateral that discharges to a surface water is a Category 1 spill; SBMWD shall report all Category 1 spills per section 3.1 of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR).

- **Category 2 Spill**

A Category 2 spill is a spill of 1,000 gallons or greater, from or caused by a sanitary sewer system regulated under the State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR) that does not discharge to a surface water. A spill of 1,000 gallons or greater that spills out of a lateral and is caused by a failure or blockage in the sanitary sewer system, is a Category 2 spill.

- **Category 3 Spill**

A Category 3 spill is a spill of equal to or greater than 50 gallons and less than 1,000 gallons, from or caused by a sanitary sewer system regulated under the State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR) that does not discharge to a surface water. A spill of equal to or greater than 50 gallons and less than 1,000 gallons, that spills out of a lateral and is caused by a failure or blockage in the sanitary sewer system is a Category 3 spill.

- **Category 4 Spill**

A Category 4 spill is a spill of less than 50 gallons, from or caused by a sanitary sewer system regulated under the State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR) that does not discharge to a

surface water. A spill of less than 50 gallons that spills out of a lateral and is caused by a failure or blockage in the sanitary sewer system is a Category 4 spill.

TRAINING: Training is in-house or external education and guidance needed that provides the knowledge, skills, and abilities to comply with the State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR).

WASH DOWN WATER: Wash down water is water used to clean a spill area.

WASTE: Waste, as defined in Water Code section 13050(d), includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.

WATERS OF THE STATE: Waters of the State are surface waters or groundwater within boundaries of the state as defined in Water Code section 13050(e), in which the State and Regional Water Boards have authority to protect beneficial uses. Waters of the State include, but are not limited to, groundwater aquifers, surface waters, saline waters, natural washes and pools, wetlands, sloughs, and estuaries, regardless of flow or whether water exists during dry conditions. Waters of the State include waters of the United States.

WATERS OF THE UNITED STATES: Waters of the United States are surface waters or waterbodies that are subject to federal jurisdiction in accordance with the Clean Water Act.

WATER QUALITY OBJECTIVE: A water quality objective is the limit or maximum amount of pollutant, waste constituent or characteristic, or parameter level established in statewide water quality control plans and Regional Water Boards' Basin Plans, for the reasonable protection of beneficial uses of surface waters and groundwater and the prevention of nuisance.

4. STATE REGULATORY REQUIREMENTS FOR ELEMENT 6, SPILL EMERGENCY RESPONSE PLAN

The Sewer System Management Plan (SSMP) must include an up to date Spill Emergency Response Plan (SERP) to ensure prompt detection of and response to spills to reduce spill volumes and collect information for prevention of future spills. The SERP must include procedures to:

- Notify primary responders, appropriate local officials, and appropriate regulatory agencies of a spill in a timely manner;
- Notify other potentially affected entities (for example, health agencies, water suppliers, etc.) of spills that potentially affect public health or reach waters of the State;
- Comply with the notification, monitoring and reporting requirements of State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR), State law and regulations, and applicable Regional Water Board Orders;
- Ensure that appropriate staff and contractors implement the SERP and are appropriately trained;
- Address emergency system operations, traffic control and other necessary response activities;
- Contain a spill and prevent/minimize discharge to waters of the State or any drainage conveyance system;
- Minimize and remediate public health impacts and adverse impacts on beneficial uses of waters of the State;
- Remove sewage from the drainage conveyance system;
- Clean the spill area and drainage conveyance system in a manner that does not inadvertently impact beneficial uses in the receiving waters;
- Implement technologies, practices, equipment, and interagency coordination to expedite spill containment

and recovery;

- Implement pre-planned coordination and collaboration with storm drain agencies and other utility agencies/departments prior, during, and after a spill event;
- Conduct post-spill assessments of spill response activities;
- Document and report spill events as required in State Water Board Order No. WQ 2022-0103-DWQ (SSS-WDR); and
- Annually, review and assess effectiveness of the Spill Emergency Response Plan, and update it as needed.

The Sewer System Management Plan is available to the public at <https://ca-sbmwd.civicplus.com/176/Water-Reclamation> .

5. SPILL EMERGENCY RESPONSE PLAN OBJECTIVES

The Spill Emergency Response Plan includes measures to protect public health and the environment. SBMWD will respond to spills from its system(s) in a timely manner that minimizes water quality impacts and nuisance by:

- Immediately stopping the spill and preventing/minimizing a discharge to waters of the State;
- Intercepting sewage flows to prevent/minimize spill volume discharged into waters of the State;
- Thoroughly recovering, cleaning up and disposing of sewage and wash down water; and
- Cleaning publicly accessible areas while preventing discharges to waters of the State.

Additionally, SBMWD Staff will:

- Work safely;
- Properly document each spill event in a separate file including photos and/or video where applicable;
- Collect information for prevention of future spills;
- Minimize public contact with the spilled wastewater;
- Mitigate the impact of the spill;
- Meet the regulatory reporting requirements;
- Evaluate the causes of failure related to spills;
- Perform post-spill response evaluation for adherence to procedures and effectiveness of response; and
- Revise response procedures, modify maintenance practices or provide additional training based on the results from the debrief and failure analysis of spills, if needed.

6. SPILL DETECTION AND NOTIFICATION

ref. State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR), ATTACHMENT D, Element 6, Page D-6

The processes that are employed to notify SBMWD of the occurrence of a spill include: observation by the public, receipt of an alarm, or observation by SBMWD staff during the normal course of their work.

6.1 LIFT STATION ALARMS

SBMWD operates fifteen (15) wastewater lift stations. In the event of a station failure the SCADA alarm system or auto-dialers are activated and SBMWD is contacted. To prevent spills, wastewater from the wet well can either be pumped into a vacuum truck for disposal to a nearby sanitary sewer maintenance hole or bypassed around the station into the sanitary sewer system.

6.2 PUBLIC OBSERVATION

Public observation is the most common way that SBMWD is notified of blockages and spills. Contact numbers and information for reporting sewer spills and backups are on SBMWD's website: <https://ca-sbmwd.civ-icplus.com/177/Sewer-Collections>

SBMWD's telephone number for reporting sewer problems is 909-384-5141.

- The San Bernardino Municipal Water Department has staff on call to respond to emergencies 24-hours a day, 7 days a week. To report a water or sewer emergency, including leaks in the street or hit fire hydrants, please call 909-384-5141.
- Calls to the Fire Department, the Police Department, 911 or other departments of the City are relayed to the Water Department Call Center.
- Staff within other Sections and Divisions of SBMWD are educated on a recurring basis about the importance of immediate voice reporting of sewer spills to the appropriate staff of the Sewer Collections Section.

When calls are received, by the Sewer Collection Staff, either during normal work hours or after hours, the individual receiving the call will collect and include in the spill event file, at a minimum, the following information to record the complaint:

- Date, time, and method of notification,
- Date and time the complainant first noticed the spill, if available,
- Narrative description of the complaint, including any information the caller provided regarding whether the spill has reached surface waters or a drainage conveyance system, if available,
- Complainant's contact information, if available, and
- Final resolution of the complaint.

If the spill or backup is not in SBMWD's service area the individual receiving the call provides the customer with the contact information for the responsible agency, and then notifies that agency.

Every reported sewage spill affecting public or private property within SBMWD's service area shall be immediately investigated by Department staff. Telephone calls to report sewer spills or other maintenance problems are answered 24 hours per day, 7 days per week. Collections System staff are immediately notified upon receipt of a reported potential sewer spill and are instructed to respond immediately. Written procedures are provided for assessing the spill, notifying supervisors, documenting the spill, estimating the volume of the spill performing sampling and laboratory analysis, posting of warning signs and all necessary follow up activities.

If the complaint is not a spill, the crew members' findings and actions taken, if any, are logged into SBMWD Computerized Maintenance Management System (CMMS) using a field laptop if available. If a field laptop is not available, the information will be entered into the CMMS when the employee returns to SBMWD.

If the complaint is a spill, the Sewer Collections crew member will complete the Sewer Spill and Backup Response Workbook and then enter the findings and actions taken into SBMWD's CMMS.

6.3 SBMWD STAFF OBSERVATION

SBMWD staff conducts periodic inspections of its sewer system facilities as part of their routine activities. Any problems noted with the sewer system facilities are reported to appropriate SBMWD staff that, in turn, responds to emergency situations. Work orders are issued to correct non-emergency conditions.

6.4 CONTRACTOR OBSERVATION

Contractors working on SBMWD sewer system will be informed of contractor spill response procedures. Contractors working on behalf of property owners will be provided spill response information by San Bernardino Community Development Department or Water Utility Engineering Section when they pull a permit. Contractors pulling permits from the Department's Engineering Section will be provided a "Notice to Contractor/Plumber" that contains the relevant information below and will require a signed acknowledgement from the Contractor/Plumber. The signed portion will be filed in the Department's Engineering Section. The following procedures are to be followed in the event that a contractor/plumber causes or witnesses a sanitary sewer spill. If the contractor/plumber causes or witnesses a spill they should:

1. Immediately notify SBMWD at and provide the following information if available:
 - a. Date and time contractor first noticed the spill
 - b. Description of the contractor's observation, including any information regarding whether the spill has reached surface waters or a drainage conveyance system
 - c. Contractor's contact information
2. Protect storm drains.
3. Protect the public.
4. Direct ALL media and public relations requests to the General Manager/Public Information Officer.

6.5 NO OBSERVATION

If there are no witnesses or no call was received for a spill, SBMWD staff will contact nearby residences or business owners in the vicinity of the spill, in an attempt to obtain information that brackets a given start time that the spill began. This information will be collected and documented on the Sanitary Sewer Spill Report in the Sanitary Sewer Spill/Backup Response Workbook.

7. SPILL RESPONSE PROCEDURES (Ref. State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR), ATTACHMENT D Element 6 page D-6)

7.1 SEWER SPILL/BACKUP RESPONSE SUMMARY

SBMWD Sewer Collections staff will respond to spills as soon as feasible following notification of a spill/backup.

If it is not possible that the spill/backup is due to a failure in SBMWD-owned/maintained sewer lines the Collections Crew performs the following:

- Follows the instructions in the Sanitary Sewer Spill/Backup Response Workbook.
- If the customer is not home the Collections Crew leaves SBMWD sewer lateral flyer on the customer's door.
- If the customer is home the Collections Crew:
 - Explains that the blockage is in the customer's lateral and SBMWD does not have legal authority to maintain or perform work on privately owned laterals.
 - Recommends to the customer that they hire a licensed contractor to clear their line.

- Gives the customer SBMWD sewer lateral flyer and Your Responsibilities as a Private Property Owner pages from the Sanitary Sewer Spill/Backup Response Workbook.

If it is possible that the spill/backup is due to a failure in SBMWD-owned/maintained sewer lines the Collections Crew:

- Follows the instructions in the Sanitary Sewer Spill/Backup Response Workbook.
- Notifies Collections Supervisor or Collection Systems Superintendent of the incident.
- Relieves blockage and cleans impacted areas.
- Forwards the completed Sanitary Sewer Spill/Backup Response Workbook to the Collection System Supervisor.

The Sewer Collections Systems Supervisor or Sewer Collections Systems Superintendent performs required regulatory reporting in accordance with the Sanitary Sewer Spill/Backup Response Workbook's Regulatory Reporting section.

If the spill has impacted private property, the Collections Crew:

- Follows the instructions in the Sanitary Sewer Spill/Backup Response Workbook.
- Immediately contact the Director of Water Reclamation and the Safety Analyst in the Environmental & Regulatory Compliance Section for possible investigation and claims processing.
- Provides the customer with forms and information as indicated in the Sanitary Sewer Spill/Backup Response Workbook.
- Forwards the completed Sanitary Sewer Spill/Backup Response Workbook to the Collection System Supervisor.

The Sewer Collection System Supervisor notifies the Director of Water Reclamation and the Director of Environmental & Regulatory Compliance of the incident.

The General Manager or Director of Environmental & Regulatory Compliance or designee:

- Reviews incident reports, claim form and other incident information and forwards, as appropriate, to insurer and City Attorney.
- Communicates with claimant as appropriate.
- Communicates with Director of Environmental & Regulatory Compliance to adjust and administer the claim to closure.
- Properly documents in writing all activities and communications before approving the final event file.

7.2 FIRST RESPONDER PRIORITIES

The first responder's priorities are:

- Prompt response to spills.
- To follow safe work practices.
- To respond promptly with the appropriate and necessary equipment.
- To reduce spill volume and contain the spill wherever feasible.

- To restore the sewer main line flow as soon as practicable.
- To minimize public access to and/or contact with the spilled sewage.
- To promptly notify the Supervisor or Superintendent in event of a spill needing additional resources, and/or impacting environmentally sensitive areas.
- To return the spilled sewage to the sewer system.
- To restore the area to its original condition (or as close as possible). Collect information for the prevention of future spills.
- Properly document the spill and response activities on the forms provided in the Sanitary Sewer Spill/Backup Response Workbook, including photos and/or video where practicable.

7.3 SAFETY

The first responder is responsible for following safety procedures at all times. Special safety precautions must be observed when performing sewer work. There may be times when SBMWD Sewer Collections personnel responding to a sewer system event are not familiar with potential safety hazards peculiar to sewer work. In such cases it is appropriate to take the time to discuss safety issues, consider the order of work, and check safety equipment before beginning response activities.

If the first responders encounter access restrictions or unsafe conditions that prevent its compliance with spill response requirements or monitoring requirements in State Water Board Order No. WQ 2022-0103-DWQ (SSS-WDR), SBMWD provides written documentation of access restrictions and/or safety hazards in the corresponding required report.

7.4 INITIAL RESPONSE

The first responder must respond to the site of the spill/backup and visually check for potential sewer stoppages. The first responder will:

- Note arrival time at the site of the spill/backup.
- Verify the existence of a public sewer system spill or backup.
- Identify and assess the affected area and extent of spill.
- Assess the spill location(s) and spread using photography, global positioning system (GPS), and other best available tools.
- Contact caller if time permits.
- Document the spill according to the requirements described in Section 10 of this SERP, including taking photos and/or videos of overflowing maintenance hole(s)/cleanout(s).
- Take steps to contain, recover, and return the spill to the sanitary sewer as feasible. For procedures refer to the Sanitary Sewer Spill/Backup Response Workbook.

- Protect surface waters to the extent practicable. For procedures refer to the Sanitary Sewer Spill/Backup Response Workbook.
- Implement pre-planned coordination and collaboration with storm drain agencies and other utility agencies/departments prior, during, and after a spill event.

7.5 INITIATE SPILL CONTAINMENT MEASURES

The first responder will attempt to contain as much of the spilled sewage as possible using the following steps:

- Determine the immediate destination of the overflowing sewage.
- Plug storm drains using air plugs, sandbags, and/or plastic mats to contain the spill, whenever appropriate. If spilled sewage has made contact with the storm drainage system, attempt to contain the spilled sewage by plugging downstream storm drainage facilities.
- Contain/direct the spilled sewage using dike/dam or sandbags.
- Vacuum retrieve sewage whenever practicable.
- Pump around the blockage/pipe failure.

Containment efforts will be documented. For procedures refer to the Sanitary Sewer Spill/Backup Response Workbook.

7.6 RESTORE FLOW

Using the appropriate cleaning equipment, set up downstream of the blockage and hydro-clean upstream from a clear maintenance hole. Attempt to remove the blockage from the system and observe the flows to ensure that the blockage does not reoccur downstream. If the blockage cannot be cleared within a reasonable time from arrival, or sewer requires construction repairs to restore flow, then initiate containment and/or bypass pumping. If other assistance is required, immediately contact the Supervisor or Superintendent. For procedures refer to the Sanitary Sewer Spill/Backup Response Workbook.

7.7 EQUIPMENT

This section provides a list of specialized equipment that may be used to support this Spill Emergency Response Plan.

- *Closed Circuit Television (CCTV) Inspection Unit* – A CCTV Inspection Unit is required to determine the root cause for all spills from gravity sewers.
- *Camera* -- A digital photograph using a Department-issued cellular telephone using the ContextCam application is required to record the conditions upon arrival, during clean up, and upon departure. The relevant date, time, GPS-coordinates, direction facing, and photographer auto-stamping features shall be turned on for all photographs.
- *Emergency Response Trucks* -- A utility vehicle is required to store and transport the equipment needed to effectively respond to sewer emergencies. The equipment and tools will include containment and clean up materials.
- *Portable Generators, Portable Pumps, Piping, and Hoses* – Equipment used to bypass pump, divert, or power equipment to mitigate a spill.

- *Combination Sewer Cleaning Trucks* -- Combination high velocity sewer cleaning trucks with vacuum tanks are required to clear blockages in gravity sewers, vacuum spilled sewage, and wash down the impacted area following the spill event.
- *Air plugs, sandbags and plastic mats*
- *Spill Sampling Kits*
- *Portable Lights*

Standard operating procedures for equipment that may be necessary in the event of a sanitary sewer spill or backup can be found in electronic files in the Water Department Offices.

8. RECOVERY AND CLEANUP (Ref. State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR), *Element 6, ATTACHMENT D, Page D-6*)

The recovery and cleanup phase begins immediately after the flow has been restored and the spilled sewage has been contained to the extent possible. The spill recovery and cleanup procedures are described in the following sections.

8.1 ESTIMATE THE FLOW AND VOLUME OF SPILLED SEWAGE

A variety of approaches exist for estimating the volume of a sanitary sewer spill. The Collections Crew members should use the method most appropriate to the sewer spill in question and reference the Sanitary Sewer Spill/Backup Response Workbook which provides four (4) methods:

- Eyeball Estimation Method
- Duration and Flow Rate Comparison Method
- Area/Volume Method
- Upstream Connections Method

In addition, the following will be documented on the Sanitary Sewer Spill Report form:

1. Description, photographs, and GPS coordinates of the system location where the spill originated. If a single spill event results in multiple appearance points, provide GPS coordinates for the appearance point closest to the failure point and describe each additional appearance point in the spill appearance point explanation field;
2. Estimated total spill volume exiting the system;
3. Description and photographs of the extent of the spill and spill boundaries;
4. Did the spill reach a drainage conveyance system? If yes:
 - Description of the drainage conveyance system transporting the spill;
 - Photographs of the drainage conveyance system entry location(s);
 - Estimated spill volume that reached the drainage conveyance system;
 - Estimated spill volume fully recovered from the drainage conveyance system;
 - Estimated spill volume remaining within the drainage conveyance system

- Estimated spill volume discharged to a groundwater infiltration basin or facility, if applicable;
 - Estimated spill travel time from the point of entry into the drainage conveyance system to the point of discharge into the receiving water.
5. Estimated total spill volume recovered.

8.2 RECOVERY OF SPILLED SEWAGE

Vacuum up and/or pump the spilled sewage and wash down water and discharge it back into the sanitary sewer system. Thoroughly recover and dispose of sewage and wash down water.

8.3 CLEAN-UP AND DISINFECTION

Clean up procedures will be implemented to reduce the potential for human health issues and adverse environmental impacts associated with a spill event. The procedures described are for dry weather conditions and will be modified as required for wet weather conditions. Where cleanup is beyond the capabilities of SBMWD staff, a cleanup contractor will be used.

Private Property

SBMWD crews are responsible for the cleanup when the property damage is minor in nature and is outside of private building dwellings, such as in front, side and backyards, easements, etc. In all other cases, affected property owners can call a water damage restoration contractor to complete the cleanup and restoration. If the sewer spill into property is the definite cause of SBMWD system failure, the property owner can call out a water damage restoration contractor to complete the cleanup and restoration. In both cases, property owners may request and submit a claim form.

Hard Surface Areas

Collect all signs of sewage solids and sewage-related material either by protected hand or with the use of rakes and brooms. Wash down the affected area with clean water and/or deozyme or similar non-toxic biodegradable surface disinfectant until the water runs clear. The flushing volume will be approximately three times the estimated volume of the spill. Take steps to contain and vacuum up the wastewater. Allow area to dry. Repeat the process if additional cleaning is required.

Landscaped and Unimproved Natural Vegetation

Collect all signs of sewage solids and sewage-related material either by protected hand or with the use of rakes and brooms. Wash down the affected area with clean water until the water runs clear. The flushing volume will be approximately three times the estimated volume of the spill. Either contain or vacuum up the wash water so that none is released. Allow the area to dry. Repeat the process if additional cleaning is required.

Natural Waterways

The Department of Fish and Wildlife will be notified by CalOES for spills greater than or equal to 1,000 gallons. For spills less than 1,000 gallons, contact San Bernardino County Environmental Health Services for direction.

Wet Weather Modifications

Collect all signs of sewage solids and sewage-related material either by protected hand or with the use of rakes and brooms. Omit flushing and sampling during heavy storm events (i.e., sheet of rainwater across paved surfaces) with heavy runoff where flushing is not required and sampling would not provide meaningful results.

8.4 PUBLIC NOTIFICATION

Signs will be posted and barricades put in place to keep vehicles and pedestrians away from contact with spilled sewage. San Bernardino County of Environmental Health instructions and directions regarding placement and language of public warnings will be followed. Additionally, the Supervisor or Superintendent will use their best judgment regarding supplemental sign placement in order to protect the public and local environment. Signs will not be removed until directed by San Bernardino County Environmental Health Services or the Supervisor or Superintendent.

Creeks, streams and beaches that have been contaminated as a result of a spill will be posted at visible access locations until the risk of contamination has subsided to acceptable background bacteria levels. Document the number and location of posted signs. The area and warning signs, once posted, will be checked every day to ensure that they are still in place. Photographs of sign placement will be taken.

In the event that a sewer spill occurs at night, the location will be inspected first thing the following day. The field crew will look for any signs of sewage solids and sewage-related material that may warrant additional cleanup activities.

When contact with the local media is deemed necessary, the Department's General Manager/Public Information Officer or their designee will provide the media with all relevant information in accordance with the Department's Public Information Officer Policy.

9. WATER QUALITY (*Ref. State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR), Element 6, Attachment A - DEFINITIONS page A-5, Attachment E1 2.3 through 2.4 pages E1-5 through E1-8*)

9.1 SURFACE WATERS OF CONCERN

The following waters of the State are in SBMWD's service area:

- Santa Ana River
- East Twin Creek
- Warm Creek
- Secombe Lake
- Lytle Creek
- Lytle Creek Wash
- Little Mountain Basin
- East Twin Creek
- Cable Creek
- Cajon Wash

9.2 WATER QUALITY SAMPLING AND TESTING

For sewage spills in which an estimated 50,000 gallons or greater are discharged into a surface water, SBMWD Sewer Collections Section will conduct the following water quality sampling as soon as possible but no later than **18 hours** after SBMWD's knowledge of a potential discharge to a surface water. Collect one water sample, each day of the duration of the spill, at:

- The DCS-001 location as described in section 9.7 (Receiving Water Sampling Locations) below, if sewage discharges to a surface water via a drainage conveyance system; and/or
- Each of the three receiving water sampling locations in section 9.5 (Receiving Water Sampling Locations) below;

If the receiving water has no flow during the duration of the spill, the Sewer Collection System personnel must report "No Sampling Due To No Flow" for its receiving water sampling locations.

The Sewer Collection System staff will collect water quality samples in accordance with State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR).

The Sewer Collection System staff collecting the samples, with the oversight of the Department's Environmental and Regulatory Compliance staff, will complete the Chain of Custody (COC) prior to transferring ownership of the samples to Babcock Laboratories, Inc. or any ELAP-certified laboratory.

Babcock Laboratories, Inc. or another contract analytical laboratory shall analyze the collected receiving water samples for the following constituents:

- Ammonia, and
- Fecal coliform per the Santa Ana River Region 8 Basin Plan

Water Quality Objectives:

- REC-1: Fecal coliform: log mean less than 200 organisms/100 mL based on five or more samples/30- day period, and not more than 10% of the samples exceed 400 organisms/100 mL for any 30-day period.
- Beneficial uses outlined in the Santa Ana River Region 8 Basin Plan will identify any additional Water Quality Objectives that should be considered when sampling surface water spills.

Dependent on the receiving water(s), sampling of bacterial indicators shall be sufficient to determine post-spill (after the spill) compliance with the water quality objectives and bacterial standards of the California Ocean Plan or the California Inland Surface Water Enclosed Bays, and Estuaries Plan, including the frequency and/or number of post-spill receiving water samples as may be specified in the applicable plans. Sewer Collections System staff shall work with the Department's Environmental & Regulatory Compliance staff to ensure sampling requirements for a given water body.

The Department's Sewer Collection System staff shall collect and analyze additional samples as required by the applicable Regional Water Board Executive Officer or designee.

9.3 LAB SELECTION

Analytical Lab

Samples collected for spill response and background monitoring purposes will be analyzed at Babcock Laboratories, Inc., which is accredited through the California State Water Resources Control Board Environmental Laboratory Accreditation Program (ELAP) or other ELAP analytical laboratory. ELAP provides evaluation and accreditation of environmental testing laboratories to ensure the quality of analytical data used for regulatory purposes to meet the requirements of the State's drinking water, wastewater, shellfish, food, and hazardous waste programs. The State agencies that monitor the environment use the analytical data from these accredited labs. The ELAP-accredited laboratories have demonstrated capability to analyze environmental samples using approved methods.

Getting Samples to the Lab

At all times, sample hold times identified below will be observed in accordance with the following:

Analytical Parameter	Maximum Holding Time	Required Container Type	Required Preservative	Minimum Amount
Ammonia (NH ₃ as N); SM 4500NH ₃ B/C or B/G	28 days	Plastic / Glass	H ₂ SO ₄ pH <2 +0-6°C	200 mL
Coliform, Total / Fecal; SM 9221 B/E	8 hours – wastewater/storm- water 30 hours – drinking water	Plastic (sterile)	Na ₂ S ₂ O ₃ + 0-10°C; No regulatory temp. req. for drinking water)	100 mL

Once samples are collected, Sewer Collections staff shall coordinate with the Environmental & Regulatory Compliance staff to ensure the chain of custody is correct and the samples are transported to the analytical laboratory within hold times, if feasible.

9.4 WATER QUALITY ANALYSIS SPECIFICATIONS

Spill monitoring must be representative of the monitored activity (40 Code of Federal Regulations section 122.41(j)(1)).

Sufficiently Sensitive Methods

Sample analysis must be conducted according to sufficiently sensitive test methods approved under 40 Code of Federal Regulations Part 136 for the sample analysis of pollutants. For the purposes of State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR), a method is sufficiently sensitive when the minimum level of the analytical method approved under 40 Code of Federal Regulations Part 136 is at or below the receiving water pollutant criteria.

Environmental Laboratory Accreditation Program-Accredited Laboratories

The analysis of water quality samples required per State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR) must be performed by a laboratory that has accreditation pursuant to Article 3(commencing with section

100825) of Chapter 4 of Part 1 of Division 101 of the Health and Safety Code. (Water Code section 13176(a).) The State Water Board accredits laboratories through its Environmental Laboratory Accreditation Program (ELAP).

9.5 RECEIVING WATER SAMPLING LOCATIONS

Receiving water samples shall be collected at the following locations.

Sampling of Flow in Drainage Conveyance System (DCS) Prior to Discharge

Sampling Location	Sampling Location Description
DCS-001	A point in a drainage conveyance system before the drainage conveyance system flow discharges into a receiving water.

Receiving Surface Water Sampling (RSW)¹

Sampling Location	Sampling Location Description
RSW-001: Point of Discharge	A point in the receiving water where sewage initially enters the receiving water.
RSW-001U: Upstream of Point of Discharge	A point in the receiving water, upstream of the point of sewage discharge, to capture ambient conditions absent of sewage discharge impacts.
RSW-001D: Downstream of Point of Discharge	A point in the receiving water, downstream of the point of sewage discharge, where the spill material is fully mixed with the receiving water.

9.6 STREAM VELOCITY MEASUREMENTS

If sampling is performed after the spill has stopped, the velocity of the impacted surface water must be determined to estimate spill travel time and select an accurate Downstream sample location. One way to measure the spill travel time is to use a velocity probe (such as a Global Water FP111-S Flow Probe) to determine the rate of flow in the water body. In cases where a water velocity probe is used, the manufacturer’s instructions will be followed. The Department’s velocity probes are stored in the Sewer Collections Supervisor’s vehicle and in the Sewer Collections Common Room.

¹ The Department’s Sewer Collections staff must use their best professional judgment to determine the upstream and downstream distances based on receiving water flow, accessibility to upstream/downstream waterbody banks, and size of visible sewage plume.

9.7 SAMPLE TYPES

Grab Samples

Grab samples are appropriate for the characterization of surface waters at a particular time and place, to provide information about minimum and maximum concentrations, and to allow for the collection of variable sample volume.

Grab samples may be collected directly into the sample container, or a clean decontaminated intermediate container may be used if a wading sample is not possible or safe. If an intermediate container is used, when in the field, double rinse the sampling device (bucket, automatic sampler) with sample water prior to collecting the sample and be sure to discard rinse water downstream of where sample will be collected. If samples are collected in a bucket and distributed into a consolidation collection container, swirl the contents of the bucket as it is being poured into the consolidation collection container to avoid settling of solids (and pour in back-and-forth pattern – e.g., 1-2-3-3-2-1).

- Grab Sample: A grab sample is defined as an individual sample collected at a given time. Grab samples represent only the condition that exists at the time the sample is collected (US EPA 1977).
- Surface Grab Sample: A sample collected at the water surface (i.e., skimming) directly into the sample container or into an intermediate container such as a clean bucket. A single or discrete sample collected at a single location.

Field Blanks

Field Blanks are used to evaluate the potential for contamination of a sample by site contaminants from a source not associated with the sample collected (e.g., airborne dust, etc.). Sterile, deionized water is taken into the field in a sealed container. This is the stock water. The stock water is then poured into the sample container. The containers and sample submission forms are labeled as “Field Blank.” The same template selected for the test samples should be used. Field blanks are subject to the same holding time limitations as samples. The appropriate FIELD QC box on the sample Chain of Custody form should be checked.

9.8 SAMPLE LABELING AND CHAIN OF CUSTODY PROCEDURES

At a minimum, the following grab samples will be collected:

- Field Blank: See Section 9.7 for discussion.
- Upstream: A point in the receiving water, upstream of the point of sewage discharge, to capture ambient conditions absent of sewage discharge impacts.
- Source: A point in the receiving water where sewage initially enters the receiving water. See Section 9.6 for information on determining velocity of the surface water in order to determine the Source sample location.
- “Downstream” of spill: A point in the receiving water, downstream of the point of sewage discharge, where the spill material is fully mixed with the receiving water. This location will vary with the velocity of the surface water to be sampled (*see Section 9.6*).
- A point in a drainage conveyance system before the drainage conveyance system flow discharges into a receiving water.

Sample labels shall be completed for each sample, using waterproof ink.

Photos or video of each sample location will be taken using a Department-issued cell phone with the ContextCam application, properly labeled with date, time, and view direction and a map of the photo locations completed. Photos and videos shall include relevant landmarks to identify sampling locations and their surroundings.

Due to the evidentiary nature of samples collected during enforcement investigations, possession must be traceable from the time the samples are collected until they are analyzed. To maintain and document sample possession, a Surface Water Sample Chain of Custody Record (see Sewer Spill/Backup Response Workbook) must be completed. A sample is under custody if:

- It is in your possession, or
- It is in your view, after being in your possession, or
- It was in your possession and under your control to prevent tampering, or
- It is in a designated secure area.

As few people as possible should handle samples. The person taking the samples is personally responsible for the care and custody of the samples collected until they are transferred or dispatched properly.

Samples are accompanied by a chain of custody (COC) record. When transferring the possession of samples, the individuals relinquishing and receiving will sign, date, and note the time on the record. This record documents sample custody transfer from the sampler, often through another person, to the analyst at the laboratory. The samples are typically transferred to the sample-receiving custodian at the laboratory.

9.9 SAMPLING EQUIPMENT

The following are examples of sampling equipment used by SBMWD Sewer Collections Section:

- Sampling pole with fixed container
- Sampling pole with removable container
- Sampling pail and rope
- Stream velocity meter
- Grab-n-Go Sample Kit

9.10 GRAB-N-GO SAMPLING KIT

The Sewer Collections Section maintains a Grab-n-Go sampling kit located at the Water Reclamation Plant. The kit is inspected quarterly by the Sewer Collections System staff. Additionally, any Department employee utilizing the kit is responsible for decontaminating sampling equipment and field monitoring devices and replenishing the kit.

Spill Sample Collection Kit Inventory:

- Cooler
- Surface Water Sampling SOP (in Sewer Spill/Backup Response Workbook)
- Ice Pack
- 10 Ammonia sample bottles, preserved

- 11 Bacti sample bottles: 8 for samples (4 sets of duplicates), 2 for Field Blanks and 1 extra in the event of contamination, or other contingency
- Minimum of 30 blank sample bottle labels
- Cell phone camera using the ContextCam application (Sewer Collection System employee's possession).
- Latex gloves
- Safety glasses/goggles
- Waterproof Pen
- Surface Water Sampling Worksheet (in Sewer Spill/Backup Response Workbook)
- Chain of Custody form (in Sewer Spill/Backup Response Workbook)

9.11 DECONTAMINATION PROCEDURES

Removing or neutralizing contaminants from sampling equipment minimizes the likelihood of sample cross contamination, reduces or eliminates transfer of contaminants to clean areas, and prevents the mixing of incompatible substances.

Gross contamination can be removed by physical decontamination procedures. These abrasive and non-abrasive methods include the use of brushes, air and wet blasting, and high- and low- pressure water cleaning.

The decontamination procedures for the sample types and sampling equipment (other than sample bottles, which are provided to Collections Crew in a "ready to be used" condition by the lab) used at SBMWD may be summarized as follows:

1. Physical removal
2. Tap water rinse
3. Air dry

9.12 SAMPLING PROCEDURES

9.12.1 Sample Location and Identification Procedures

Samples will be collected by Sewer Collections System spill response personnel. It is impossible to establish hard and fast rules concerning sampling locations. However, the following general guidelines should be applied whenever surface waters are sampled:

- The sampling location should be far enough upstream or downstream of confluences or point sources so that the surface water and spill volume is well mixed. Natural turbulence can be used to provide a good mixture.
- Samples should be collected at a location where the velocity is sufficient to prevent deposition of solids, and to the extent practical, should be in straight reach having uniform flow. All flow in the reach should be represented, so divided flow areas should be avoided and samples should be taken towards the middle of the reach where feasible.
- Sampler must always stand downstream of the collection vessel, and sample "into the current." Care must be taken to avoid introducing re-suspended sediment into the sample.

9.12.2 Surface Water Sampling Standard Operating Procedure (SOP)

The Surface Water Sampling SOP, Section H in the Sewer Spill/Backup Response Workbook, provides step-by-step procedures to collect samples and deliver them for analysis in accordance with State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR), Element 6.

9.12.3 Follow Up Sampling

Sampling will be repeated every 24 hours, or as directed by the RWQCB or the San Bernardino County Environmental Health Services, until such time as one of the following criteria have been met:

- The San Bernardino County Environmental Health Services or the RWQCB indicates follow up sampling is no longer required, or
- Both the ammonia and bacteria levels downstream are approximately equal to or less than the upstream levels.

9.13 SAFETY AND ACCESS EXCEPTIONS

If the Sewer Collections staff encounters access restrictions or unsafe conditions that prevents compliance with spill response requirements or monitoring requirements in State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR), the Department shall provide documentation of access restrictions and/or safety hazards in the corresponding required report.

Personal safety of staff engaged in any fieldwork activity (e.g. in transit, walking or hiking, and any field activities while at the sample site) is of primary importance. Staff should never place themselves in dangerous or risky situations. Any hazards that are known by field personnel should be communicated to other members of the field crew.

Fieldwork should be postponed if there is indication that engagement in the field activity could cause bodily harm. Working during lightning storms; in heavy or poisonous vegetation (e.g. poison oak); near aggressive wildlife, domestic animals, or persons; traversing steep or rugged terrain; unstable slopes or creek banks; near swiftly moving water or potential flash flood conditions; or during snowy weather is not considered "normal risk." If any member of the Sewer Collections crew is uncomfortable with a reasonable self-determined hazardous field condition, it is that person's responsibility to bring this to the attention of the onsite field supervisor or their supervisor. A "reasonable self-determined hazardous field condition" is defined as other than normal risk. Supervisors shall not dismiss any person's spoken concerns that field conditions are too hazardous to complete the work assignment.

The person taking the samples must have adequate protection, including protective clothing. They must wear gloves, as protection against chemical and/or bacteriological hazards, while they are sampling or handling samples that are known or suspected to be hazardous (e.g. visible solids or sheens, downstream from sewage spills, etc.), or if hands have open wounds. The type of gloves worn shall be determined by the sampling circumstance and type of pollutants expected – for instance longer gloves are needed when samples must be taken well below the surface.

When in a boat or wading in a stream and where the danger of drowning exists, a personal floatation device shall be worn at all times in addition to following the other requirements of Title 8 CCR 1602 Working Over or Near Water. Other protective measures shall be taken in accordance with SBMWD safety procedures.

Upon arrival at a sampling site, safety equipment such as signs, cones, lights, etc. shall be set out as appropriate. Vehicles shall be parked in locations and directions to minimize traffic disruption and avoid sample contamination. Photos should be ultimately taken of the placement of all safety equipment and signage.

The following guidelines apply to all fieldwork by SBMWD Sewer Collections staff.

- No sample or measurement is worth the risk of injury.
- All staff shall use proper personnel protective gear as appropriate for the incident (e.g., life preservers, gloves, goggles, etc.)
- Field sampling crews should consist of at least two members unless otherwise approved by a supervisor.
- Be conscious of the whereabouts of rattlesnakes, mountain lions, and other dangerous animals.
- Open body wounds are entry sites for infection; take the necessary precautions for self-protection.
- If there is storm activity in the work area, wait for safer conditions to develop or postpone the sampling.
- Do not sample at night without approval from your supervisor.
- Do not trespass on private property or posted restricted public lands without prior permission and written approval from property owner or administrator.
- If strange or suspicious-looking people are in the work area, either wait for them to leave or postpone the work to a later time. Do not force confrontations with strangers and back away from any confrontations with the public. Be courteous and understanding of public concerns of the situation.
- Take the necessary precautions against exposure to harmful weather conditions such as heat, wind, snow, cold, rain, etc.
- Carefully evaluate a given on-site situation to determine if the task can be performed safely.
- Streams will not be entered unless the responding employees have the necessary protective footwear (e.g. rubber boots, waders) and the footwear does not pose an additional risk to worker safety (e.g. waders filling with water if the employee slips in the stream).
- Streams will not be entered if deemed unsafe to do so by the most senior employee on the responding crew and if entered, will only be done so in accordance with Title 8 CCR Section 1602 Work Over or Near Water.

9.14 SPILL TECHNICAL REPORT: Spill Technical Report for Individual Category 1 Spill in which 50,000 Gallons or Greater Discharged into a Surface Water

For any spill in which 50,000 gallons or greater discharged into a surface water, **within 45 calendar days** of the spill end date, the LRO shall submit a Spill Technical Report to the online CIWQS Sanitary Sewer System Database. The Spill Technical Report, at minimum, must include the following information:

1. Spill causes and circumstances, including at minimum:
 - Complete and detailed explanation of how and when the spill was discovered;
 - Photographs illustrating the spill origin, the extent and reach of the spill, drainage conveyance system entrance and exit, receiving water, and post-cleanup site conditions;
 - Diagram showing the spill failure point, appearance point(s), the spill flow path, and ultimate destinations;

- Detailed description of the methodology employed, and available data used to calculate the discharge volume and, if applicable, the recovered spill volume;
 - Detailed description of the spill cause(s);
 - Description of the pipe material, and estimated age of the pipe material, at the failure location;
 - Description of the impact of the spill;
 - Copy of original field crew records used to document the spill; and
 - Historical maintenance records for the failure location.
2. SBMWD's response to the spill:
- Chronological narrative description of all actions taken by SBMWD to terminate the spill;
 - Explanation of how the Sewer System Management Plan Spill Emergency Response Plan was implemented to respond to and mitigate the spill; and
 - Final corrective action(s) completed and a schedule for planned corrective actions, including:
 - Local regulatory enforcement action taken against an illicit discharge in response to this spill, as applicable,
 - Identifiable system modifications, and operation and maintenance program modifications needed to prevent repeated spill occurrences, and
 - Necessary modifications to the Emergency Spill Response Plan to incorporate lessons learned in responding to and mitigating the spill.
3. Water Quality Monitoring, including at minimum:
- Description of all water quality sampling activities conducted;
 - List of pollutant and parameters monitored, sampled and analyzed; as required in Section 9.2.
 - Laboratory results, including laboratory reports;
 - Detailed location map illustrating all water quality sampling points; and
 - Other regulatory agencies receiving sample results (if applicable).
5. Evaluation of spill impact(s), including a description of short-term and long-term impact(s) to beneficial uses of the surface water.

9.15 TRAINING

Training will be provided in accordance with the table below:

Surface Water Sampling Training Program	
Who Is Trained to Collect Surface Water Samples?	Sewer Collections Staff
Training Curriculum	At a minimum, training shall include: <ul style="list-style-type: none"> • The Surface Water Sampling SOP • Sampling technique, including hands on practice • Sampling equipment calibration, use and decontamination procedures, including hands on practice • Sampling safety • Completion of the Sampling Equipment Calibration/Maintenance Log, Surface Water Sampling Report and Chain of Custody
Training Documentation	Attendees shall be required to sign-in to all training on the appropriate forms used by SBMWD.
Refresher Training Frequency	Annual
Who is Responsible for Ensuring Training Occurs?	Sewer Collections Superintendent and checked by Environmental & Regulatory Compliance Division
Required Training Records	Employee training sign in log
Who is Responsible for Maintaining Records?	Collections Supervisor

10. NOTIFICATION, REPORTING, MONITORING AND RECORDKEEPING REQUIREMENTS

ref. ORDER WQ 2022-0103-DWQ Attachment E-1 and E-2

10.1 REPORTING REQUIREMENTS

All reporting required in State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR) must be submitted electronically to the online CIWQS Sanitary Sewer System Database (<https://ciwqs.waterboards.ca.gov>), unless specified otherwise in State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR). Electronic reporting may solely be conducted by a Legally Responsible Official or Data Submitter(s) previously designated by the Legally Responsible Official, as required in section 5.8 (Designation of Data Submitters) of the State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR).

SBMWD shall report any information that is protected by the Homeland Security Act, by email to SanitarySewer@waterboards.ca.gov, with a brief explanation of the protection provided by the Homeland Security Act for the subject report to be protected from unauthorized disclosure and/or public access, and for official Water Board regulatory purposes only.

Refer to APPENDIX A for detailed reporting requirements by spill category.

10.2 REGULATOR REQUIRED NOTIFICATIONS

10.2.1 Spill Category 1: Spills to Surface Waters

Spill Requirement	Due	Method
Notification	Within two (2) hours of SBMWD’s knowledge of a Category 1 spill of 1,000 gallons or greater, discharging or threatening to discharge to surface waters notify the California Office of Emergency Services and obtain a notification control number.	California Office of Emergency Services at: (800) 852-7550 (Section 1 of Attachment E1 of the State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR))
Monitoring	<ul style="list-style-type: none"> Conduct spill-specific monitoring; Conduct water quality sampling of the receiving water within 18 hours of initial knowledge of spill of 50,000 gallons or greater to surface waters. 	(Section 2 of Attachment E1 of the State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR))
Reporting	<ul style="list-style-type: none"> Submit Draft Spill Report within three (3) business days of SBMWD’s knowledge of the spill; Submit Certified Spill Report within 15 calendar days of the spill end date; Submit Technical Report within 45 calendar days after the spill end date for a Category 1 spill in which 50,000 gallons or greater discharged to surface waters; and Submit Amended Spill Report within 90 calendar days after the spill end date. 	(Section 3.1 of Attachment E1 of the State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR))

10.2.2 Spill Category 2: Spills of 1,000 Gallons or Greater That Do Not Discharge to Surface Waters

Spill Requirements	Due	Method
Notification	Within two (2) hours of SBMWD’s knowledge of a Category 2 spill of 1,000 gallons or greater threatening to discharge to waters of the State: Notify California Office of Emergency Services and obtain a notification control number.	California Office of Emergency Services at: (800) 852-7550 (Section 1 of Attachment E1 of the State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR))
Monitoring	Conduct spill-specific monitoring.	(Section 2 of Attachment E1 of the State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR))
Reporting	<ul style="list-style-type: none"> Submit Draft Spill Report within three (3) business days of SBMWD’s knowledge of the spill; Submit Certified Spill Report within 15 calendar days of the spill end date; and Submit Amended Spill Report within 90 calendar days after the spill end date. 	(Section 3.2 of Attachment E1 of the State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR))

10.2.3 Spill Category 3: Spills of Equal or Greater than 50 Gallons and Less than 1,000 Gallons That Does Not Discharge to Surface Waters

Spill Requirements	Due	Method
Notification	Not Applicable	Not Applicable
Monitoring	Conduct spill-specific monitoring.	(Section 2 of Attachment E1 of the State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR))
Reporting	<ul style="list-style-type: none"> Submit monthly Certified Spill Report to the online CIWQS Sanitary Sewer System Database within 30 calendar days after the end of the month in which the spills occur; and Submit Amended Spill Reports within 90 calendar days after the Certified Spill Report due date. 	(Section 3.3 and 3.5 of Attachment E1 of the State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR))

10.2.4 Spill Category 4: Spills Less Than 50 Gallons That Do Not Discharge to Surface Waters

Spill Requirements	Due	Method
Notification	Not Applicable	Not Applicable
Monitoring	Conduct spill-specific monitoring.	(Section 2 of Attachment E1 of the State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR))
Reporting	<ul style="list-style-type: none"> If, during any calendar month, Category 4 spills occur, certify monthly, the estimated total spill volume exiting the sanitary sewer system, and the total number of all Category 4 spills into the online CIWQS Sanitary Sewer System Database, within 30 days after the end of the calendar month in which the spills occurred. Upload and certify a report, in an acceptable digital format, of all Category 4 spills to the online CIWQS Sanitary Sewer System Database, by February 1st after the end of the calendar year in which the spills occur. 	(Section 3.4, 3.6, 3.7 and 4.4 of Attachment E1 of the State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR))

10.3 COMPLAINT RECORDS

The Department maintains records of all complaints received whether or not they result in sanitary sewer spills. These complaint records include, but are not limited to, records documenting how the Sewer Collections staff responded to notifications of spills. Each complaint record must, at a minimum, include the following information:

- Date, time, and method of notification,
- Date and time the complainant first noticed the spill, if available,
- Narrative description of the complaint, including any information the caller provided regarding whether the spill has reached surface waters or a drainage conveyance system, if available,
- Complainant's contact information, if available, and
- Final resolution of the complaint;

All complaint records will be maintained for a minimum of five years whether or not they result in a spill. Spill files (field notes, spill/Backup Response Workbook) are kept in the GIS system and Electronic File - Water Department offices.

11. POST-SPILL ASSESSMENTS OF SPILL RESPONSE ACTIVITIES

(*ref. State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR), Element 6, ATTACHMENT D, Page D-6*)

Every spill event is an opportunity to evaluate SBMWD adherence to response and reporting procedures and effectiveness of the response. Each spill event is unique, with its own elements and challenges including volume, cause, location, terrain, climate, and other parameters.

As soon as possible after spill events all the participants, from the person who received the call to the last person to leave the site, will meet to review the procedures used and to discuss what worked and where improvements could be made in responding to and mitigating future spill events. The results of the debriefing will be documented and tracked to ensure the action items are completed as scheduled.

11.1 FAILURE ANALYSIS INVESTIGATION

The objective of the failure analysis investigation is to determine the "root cause" of the spill and to identify corrective action(s) needed that will reduce or eliminate future potential for the spill to recur or for other spills to occur.

The investigation will include reviewing all relevant data to determine appropriate corrective action(s) for the line segment. The investigation may include:

- Reviewing and completing the Sanitary Sewer Spill Report and any other documents related to the incident
- Reviewing the incident timeline and other documentation regarding the incident
- Reviewing communications with the reporting party and witness
- Reviewing volume estimate, volume recovered estimate, volume estimation assumptions and associated drawings

- Reviewing available photographs
- Interviewing SBMWD staff that responded to the spill
- Reviewing past maintenance records
- Reviewing past CCTV records,
- Conducting a CCTV inspection to determine the condition of all line segments immediately following the spill and reviewing the video and logs,
- Reviewing any Fats, Oils, Roots and Grease (FROG) related information or results
- Post spill debrief records
- Interviews with the public at the spill location

The product of the failure analysis investigation will be the determination of the root cause and the identification and scheduling of the corrective actions. The Collection System Failure Analysis Form (in Sanitary Sewer Spill/Backup Response Workbook) will be used to document the investigation.

12. SPILL RESPONSE TRAINING

(ref. State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR), Element 6, Attachment D 4.3 page D-5 and Element 6 page D-6)

This section provides information on the training that is required to support this Spill Emergency Response Plan.

12.1 INITIAL AND ANNUAL REFRESHER TRAINING

All SBMWD personnel who may have a role in responding to, reporting, and/or mitigating a sewer system spill will receive training on the contents of this SERP. All new employees will receive training before they are placed in a position where they may have to respond. Current employees will receive annual refresher training on this SERP and the procedures to be followed. SBMWD will document all training.

Affected employees will receive annual training on the following topics by knowledgeable trainers:

- The requirements of State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR), Element 6,
- The Department's Spill Emergency Response Plan procedures and practice drills,
- Containment and cleanup methods,
- Researching and documenting Sanitary Sewer Spill start times,
- Skilled estimation of spill volume for field personnel,
- Impacted Surface Waters: Sample location selection, sampling, and documentation procedures,
- Electronic CIWQS reporting procedures for staff submitting data, and
- State Water Resources Control Board Employee Knowledge Expectations

Through SWRCB Employee Knowledge Expectations training, the employee will be able to answer the following:

1. Please briefly describe your name and job title.
2. Please describe for us approximately when you started in this field and how long you have worked for your agency.
3. Please expand on your current position duties and role in responding in the field to any spill complaints.
4. Please describe your SOPs used to respond/mitigate spills when they occur.
5. Describe any training your agency provides or sends you to for conducting spill volume estimates.
6. We are interested in learning more about how your historical spill response activities have worked in the field. We understand from discussions with management earlier that you use the SERP from the SSMP. Please elaborate on how you implement and utilize the procedures in the plan.
7. Historically, before any recent changes, can you please walk us through how you would typically receive and respond to any spill complaints in the field?
8. Can you tell us who is responsible for estimating spill volumes discharged? If it is you, please describe how you go about estimating the spill volume that you record on the work order/service request forms?
9. What other information do you collect or record other than what is written on the work order form?
10. Describe if and when you ever talk with people that call in spills (either onsite or via telephone) to further check out when the spill might have occurred based on what they or others know? If you do this, can you tell us where this information is recorded?
11. We understand you may be instructed to take pictures of some sewer spills/backups into structures. Other than these spills, when else would you typically take any pictures of a spill?
12. Please walk us through anything else you'd like to add to help us better understand how your field crews respond and mitigate spill complaints.

12.2 Spill Response Drills

Periodic training drills or field exercises will be held to ensure that employees are up to date on these procedures, equipment is in working order, and the required materials are readily available. The training drills will cover scenarios typically observed during sewer related emergencies (e.g. mainline blockage, mainline failure, and lateral blockage). The results and the observations during the drills will be recorded and action items will be tracked to ensure completion.

12.3 Spill Training Record Keeping

Records will be kept of all training that is provided in support of this SERP for 5 years. The records for all scheduled training courses and for each sewer spill emergency response training event will include date, time, place,

content, name of trainer(s), names and titles of attendees, brief narrative description of the training, including training method(s) and training materials and/or equipment used.

12.4 Contractors Working on SBMWD Sewer Facilities

All contractors working on SBMWD sewer facilities will be required to follow the spill response instructions on the Sanitary Sewer Spill Response Instructions for Contractors (Appendix C). Additional training may be required depending on the nature of the work on any or all of the following:

- The requirements of State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR), Element 6
- Communication procedures to SBMWD in the event a spill is caused or witnessed
- SBMWD's Spill Emergency Response Plan procedures and practice drills
- Skilled estimation of spill volume for field personnel, and
- Electronic CIWQS reporting procedures for staff submitting data

13. SEWER BACKUP INTO/ONTO PRIVATE PROPERTY CLAIMS HANDLING POLICY

It is the policy of the Department that a claim form shall be offered to anyone wishing to file a claim. The following procedures will be observed for all sewer spills/backups into/onto private property:

- Department Environmental & Regulatory Compliance staff will offer a Department claim form irrespective of fault whenever it is possible that the sanitary sewer backup may have resulted from an apparent blockage in the City-owned sewer lines or whenever a Department customer requests a claim form. The claim may later be rejected if subsequent investigations into the cause of the loss indicate the Department was not at fault.
- It is the responsibility of the Sewer Collections Crew to gather information regarding the incident and notify the Collection System Supervisor or their designee and the Environmental & Regulatory Compliance Safety personnel.
- It is the responsibility of the Director of Environmental & Regulatory Compliance or their designee (Safety Analyst) to review all claims and to oversee the adjustment and administration of the claim to closure.

14. AUTHORITY

This SERP is written in accordance with the State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR).

15. APPENDICES

- A. Reporting Requirements by Spill Category
- B. Training Record
- C. Sanitary Sewer Spill Response Instructions for Contractors
- D. Sanitary Sewer Spill/Backup Response Workbook

APPENDIX A:
Reporting Requirements by Spill Category

REPORTING REQUIREMENTS FOR INDIVIDUAL CATEGORY 1 SPILL REPORTING

Draft Spill Report

Within three (3) business days of SBMWD's knowledge of a Category 1 spill, the SBMWD Sewer Collections designee shall submit a Draft Spill Report to the online CIWQS Sanitary Sewer System Database.

The Draft Spill Report must, at minimum, include the following items:

1. Contact information: Name and telephone number of Department contact person to respond to spill-specific questions;
2. Spill location name;
3. Date and time the Department was notified of, or self-discovered, the spill;
4. Department Sewer Collections staff arrival time;
5. Estimated spill start date and time;
6. Date and time the Department Sewer Collections personnel were notified the California Office of Emergency Services, and the assigned control number;
7. Description, photographs, and GPS coordinates of the system location where the spill originated; If a single spill event results in multiple appearance points, provide GPS coordinates for the appearance point closest to the failure point and describe each additional appearance point in the spill appearance point explanation field;
8. Estimated total spill volume exiting the system;
9. Description and photographs of the extent of the spill and spill boundaries;
10. Did the spill reach a drainage conveyance system? If Yes:
 - a. Description of the drainage conveyance system transporting the spill;
 - b. Photographs of the drainage conveyance system entry location(s);
 - c. Estimated spill volume fully recovered from the drainage conveyance system;
 - d. Estimated spill volume remaining within the drainage conveyance system;
 - e. Description and photographs of all discharge point(s) into the surface water;
 - f. Estimated spill volume that discharged to surface waters; and
 - g. Estimated total spill volume recovered.

Certified Spill Report

Within 15 calendar days of the spill end date, SBMWD shall submit a Certified Spill Report for Category 1 spills, to the online CIWQS Sanitary Sewer System Database.

Upon completion of the Certified Spill Report, the online CIWQS Sanitary Sewer System Database will issue a final spill event identification number.

(Category 1 continued)

The Certified Spill Report must, at minimum, include the following mandatory information in addition to all information in the Draft Spill Report:

1. Description of the spill event destination(s), including GPS coordinates if available, that represent the full spread and reach of the spill;
2. Spill end date and time;
3. Description of how the spill volume estimations were calculated, including at a minimum:
 - a. The methodology, assumptions and type of data relied upon, such as supervisory control and data acquisition (SCADA) records, flow monitoring or other telemetry information used to estimate the volume of the spill discharged, and the volume of the spill recovered (if any volume of the spill was recovered), and
 - b. The methodology(ies), assumptions and type of data relied upon for estimations of the spill start time and the spill end time;
4. Spill cause(s) (for example, root intrusion, grease deposition, etc.);
5. System failure location (for example, main, lateral, pump station, etc.);
6. Description of the pipe material, and estimated age of the pipe material, at the failure location;
7. Description of the impact of the spill;
8. Whether or not the spill was associated with a storm event;
9. Description of spill response activities including description of immediate spill containment and cleanup efforts;
10. Description of spill corrective action, including steps planned or taken to reduce, eliminate, and prevent reoccurrence of the spill, and a schedule of major milestones for those steps;
11. Spill response completion date;
12. Detailed narrative of investigation and investigation findings of cause of spill;
13. Reasons for an ongoing investigation (as applicable) and the expected date of completion;
14. Name and type of receiving water body(s);
15. Description of the water body(s), including but not limited to:
 - a. Observed impacts on aquatic life,
 - b. Public closure, restricted public access, temporary restricted use, and/or posted health warnings due to spill,
 - c. Responsible entity for closing/restricting use of water body, and
 - d. Number of days closed/restricted as a result of the spill.
16. Whether or not the spill was located within 1,000 feet of a municipal surface water intake; and
17. If water quality samples were collected, identify sample locations and the parameters the water quality samples were analyzed for. If no samples were taken, Not Applicable shall be selected.

(Category 1 continued)

Amended Certified Spill Reports

The Department's designated data submitter shall update or add additional information to a Certified Spill Report within **90 calendar days** of the spill end date by amending the report or by adding an attachment to the Spill Report in the online CIWQS Sanitary Sewer System Database. The Department LRO shall certify the amended report.

After **90 calendar days**, the Department shall contact the State Water Board at SanitarySewer@waterboards.ca.gov to request to amend a Spill Report. The LRO shall submit justification for why the additional information was not reported within the Amended Spill Report due date.

REPORTING REQUIREMENTS FOR INDIVIDUAL CATEGORY 2 SPILL REPORTING

Draft Spill Report

Within three (3) business days of the Department Sewer Collections personnel's knowledge of a Category 2 spill, the Department's data submitter shall submit a Draft Spill Report to the online CIWQS Sanitary Sewer System Database.

The Draft Spill Report must, at minimum, include the following items:

1. Contact information: Name and telephone number of Department contact person to respond to spill-specific questions;
2. Spill location name;
3. Date and time the Department's Sewer Collections personnel were notified of, or self-discovered, the spill;
4. Department Sewer Collections personnel arrival time;
5. Estimated spill start date and time;
6. Date and time the Department Sewer Collections personnel notified the California Office of Emergency Services, and the assigned control number;
7. Description, photographs, and GPS coordinates of the system location where the spill originated; If a single spill event results in multiple appearance points, provide GPS coordinates for the appearance point closest to the failure point and describe each additional appearance point in the spill appearance point explanation field;
8. Estimated total spill volume exiting the system;
9. Description and photographs of the extent of the spill and spill boundaries;
10. Did the spill reach a drainage conveyance system? If Yes:
 - Description of the drainage conveyance system transporting the spill;
 - Photographs of the drainage conveyance system entry location(s);
 - Estimated spill volume fully recovered from the drainage conveyance system;
 - Estimated spill volume remaining within the drainage conveyance system;
11. Estimated spill volume discharged to a groundwater infiltration basin or facility, if applicable; and
12. Estimated total spill volume recovered.

Certified Spill Report

Within 15 calendar days of the spill end date, the Department's data submitter shall submit a Certified Spill Report for the Category 2 spill, to the online CIWQS Sanitary Sewer System Database (<https://ciwqs.waterboards.ca.gov>). Upon completion of the Certified Spill Report, the online CIWQS Sanitary Sewer System Database will issue a final spill event identification number.

The Certified Spill Report must, at minimum, include the following mandatory information in addition to all information in the Draft Spill Report:

(Category 2 continued)

1. Description of the spill event destination(s), including GPS coordinates if available, that represent the full spread and reach of the spill;
2. Spill end date and time;
3. Description of how the spill volume estimations were calculated, including at a minimum:
 - The methodology, assumptions and type of data relied upon, such as supervisory control and data acquisition (SCADA) records, flow monitoring or other telemetry information used to estimate the volume of the spill discharged, and the volume of the spill recovered (if any volume of the spill was recovered), and
 - The methodology(ies), assumptions and type of data relied upon for estimations of the spill start time and the spill end time;
4. Spill cause(s) (for example, root intrusion, grease deposition, etc.);
5. System failure location (for example, main, pump station, etc.);
6. Description of the pipe/infrastructure material, and estimated age of the pipe material, at the failure location;
7. Description of the impact of the spill;
8. Whether or not the spill was associated with a storm event;
9. Description of spill response activities including description of immediate spill containment and cleanup efforts;
10. Description of spill corrective action, including steps planned or taken to reduce, eliminate, and prevent reoccurrence of the spill, and a schedule of major milestones for those steps;
11. Spill response completion date;
12. Detailed narrative of investigation and investigation findings of cause of spill;
13. Reasons for an ongoing investigation (as applicable) and the expected date of completion; and
14. Whether or not the spill was located within 1,000 feet of a municipal surface water intake.

Amended Certified Spill Reports

The Department's data submitter shall update or add additional information to a Certified Spill Report within **90 calendar days** of the spill end date by amending the report or by adding an attachment to the Spill Report in the online CIWQS Sanitary Sewer System Database. The Department's LRO shall certify the amended report.

After **90 calendar days**, the Department's data submitter shall contact the State Water Board at SanitarySewer@waterboards.ca.gov to request to amend a Spill Report. The LRO shall submit justification for why the additional information was not reported within the Amended Spill Report due date.

REPORTING REQUIREMENTS FOR INDIVIDUAL CATEGORY 3 SPILL REPORTING

Monthly Certified Spill Reporting

The Department's data submitter shall report and certify all Category 3 spills to the online CIWQS Sanitary Sewer System Database within 30 calendar days after the end of the month in which the spills occurred. (For example, all Category 3 spills occurring in the month of February shall be reported and certified by March 30th). After LRO certifies the spills, the online CIWQS Sanitary Sewer System Database will issue a spill event identification number for each spill.

The monthly reporting of all Category 3 spills must include the following items for each spill:

1. Contact information: Name and telephone number of Department's Sewer Collections contact person to respond to spill-specific questions;
2. Spill location name;
3. Date and time the Department Sewer Collections personnel were notified of, or self-discovered, the spill;
4. Operator arrival time;
5. Estimated spill start date and time;
6. Description, photographs, and GPS coordinates where the spill originated. If a single spill event results in multiple appearance points, provide GPS coordinates for the appearance point closest to the failure point and describe each additional appearance point in the spill appearance point explanation field;
7. Estimated total spill volume exiting the system;
8. Description and photographs of the extent of the spill and spill boundaries;
9. Did the spill reach a drainage conveyance system? If Yes:
 - a. Description of the drainage conveyance system transporting the spill;
 - b. Photographs of the drainage conveyance system entry location(s);
 - c. Estimated spill volume fully recovered from the drainage conveyance system; and
 - d. Estimated spill volume discharged to a groundwater infiltration basis or facility, if applicable.
10. Estimated total spill volume recovered;
11. Description of the spill event destination(s), including GPS coordinates, if available, that represent the full spread and reaches of the spill;
12. Spill end date and time;
13. Description of how the spill volume estimations were calculated, including, at minimum:
 - a. The methodology and type of data relied upon, including supervisory control and data acquisition (SCADA) records, flow monitoring or other telemetry information used to estimate the volume of the spill discharged, and the volume of the spill recovered (if any volume of the spill was recovered), and
 - b. The methodology and type of data relied upon to estimate the spill start time, on-going spill rate at time of arrival (if applicable), and the spill end time;
14. Spill cause(s) (for example, root intrusion, grease deposition, etc.);

(Category 3 Continued)

15. System failure location (for example, main, pump station, etc.);
16. Description of the pipe/infrastructure material, and estimated age of the pipe/infrastructure material, at the failure location;
17. Description of the impact of the spill;
18. Whether or not the spill was associated with a storm event;
19. Description of spill response activities including description of immediate spill containment and cleanup efforts;
20. Description of spill corrective actions, including steps planned or taken to reduce, eliminate, and prevent reoccurrence of the spill, and a schedule of the major milestones for those steps; including, at minimum:
 - a. Local regulatory enforcement action taken against an illicit discharge in response to this spill, as applicable, and
 - b. Identifiable system modifications, and operation and maintenance program modifications needed to prevent repeated spill occurrences at the same spill event location, including:
 - Adjusted schedule/method of preventive maintenance,
 - Planned rehabilitation or replacement of sanitary sewer asset,
 - Inspected, repaired asset(s), or replaced defective asset(s),
 - Capital improvements,
 - Documentation verifying immediately implemented system modifications and operating/maintenance modifications,
 - Description of spill response activities,
 - Spill response completion date, and
 - Ongoing investigation efforts, and expected completion date of investigation to determine the full cause of spill;
21. Detailed narrative of investigation and investigation findings of cause of spill.

Amended Certified Spill Reports

Within 90 calendar days of the certified Spill Report due date, the Department's data submitter may update or add additional information to a certified Spill Report by amending the report or by adding an attachment to the Spill Report in the online CIWQS Sanitary Sewer System Database. The Department's LRO shall certify the amended report.

After 90 calendar days, the Department's data submitter shall contact the State Water Board at SanitarySewer@waterboards.ca.gov to request to amend a certified Spill Report. The LRO shall submit justification for why the additional information was not reported within the 90-day timeframe for amending the certified Spill Report, as provided above.

REPORTING REQUIREMENTS FOR INDIVIDUAL CATEGORY 4 SPILL REPORTING

Monthly Certified Spill Reporting

The Department's data submitter shall report and certify the estimated total spill volume exiting the sanitary sewer system, and the total number of all Category 4 spills to the online CIWQS Sanitary Sewer System Database, within 30 calendar days after the end of the month in which the spills occurred.

Annual Certified Spill Reporting of Category 4 and/or Lateral Spills

For all Category 4 spills and spills from its owned and/or operated laterals that are caused by a failure or blockage in the lateral and that do not discharge to a surface water, the Department Sewer Collections personnel shall:

- Maintain records per section 4.4. of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR). The Department shall provide records upon request by State Water Board or Regional Water Board staff.
- Annually upload and certify a report, in an appropriate digital format, of all recordkeeping of spills to the online CIWQS Sanitary Sewer System Database, by February 1st after the end of the calendar year in which the spills occurred.

A spill from an City-owned and/or operated lateral that discharges to a surface water is a Category 1 spill; the Department's data submitter shall report all Category 1 spills per section 3.1 of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR).

Monthly Certification of "No-Spills" Or "Category 4 Spills" and/or "Non-Category 1 Lateral Spills"

If either (1) no spills occur during a calendar month or (2) only Category 4, and/or City-owned and/or operated lateral spills (that do not discharge to a surface water) occur during a calendar month, the Department shall certify, within 30 calendar days after the end of each calendar month, either a "No-Spill" certification statement, or a "Category 4 Spills" and/or "Non-Category 1 Lateral Spills" certification statement, in the online CIWQS Sanitary Sewer System Database, certifying that there were either no spills, or Category 4 and/or Non-Category 1 Lateral Spills that will be reported annually (per section 3.6 of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of State Water Board Order No. WQ 2022-0103-DWQ (SSSWDR)) for the designated month.

If a spill starts in one calendar month and ends in a subsequent calendar month, and the Department Sewer Collection System has no further spills of any category, in the subsequent calendar month, the Department Sewer Collections personnel shall certify "no-spills" for the subsequent calendar month.

If the Department has no spills from its sewer collection system during a calendar month, but the Department voluntarily reported a spill from a private lateral or a private system, the Department's Sewer Collections personnel shall certify "no-spills" for that calendar month.

If the Department has spills from its owned and/or operated sewer laterals during a calendar month, the Department shall not certify "no spills" for that calendar month.

APPENDIX B:
Training Record

TRAINING RECORD

Topic:	Training Date:
Trainer:	Trainer Position/Company:
Training Location/Environment:	
BASIS FOR TRAINING AND MATERIALS USED <i>(Basis examples: SOP, PowerPoint, Manufacturer's Recommendations, on-the-job-training. Reference title and/or provide attachments when applicable)</i>	
Comments:	
TRAINING DESCRIPTION <i>(Describe in detail what the training entailed)</i>	
TRAINING METHOD	
<input type="checkbox"/> Classroom/Instructor <input type="checkbox"/> Breakout Sessions <input type="checkbox"/> Tabletop Exercise <input type="checkbox"/> Drill <input type="checkbox"/> Coaching/Mentoring <input type="checkbox"/> Role Playing <input type="checkbox"/> Computerized Training <input type="checkbox"/> Hands-on <input type="checkbox"/> Other (describe):	
METHOD TO QUALIFY TRAINEES <i>(Check all that apply. Maintain qualifying records with training records)</i>	
<input type="checkbox"/> Exam/Quiz <input type="checkbox"/> Assessment of Ability <input type="checkbox"/> Attendance/Participation <input type="checkbox"/> Other (describe):	

Trainer's Signature:	Date:	Length of Training (hours):
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APPENDIX C
Sewer Spill Response Instructions for Contractors

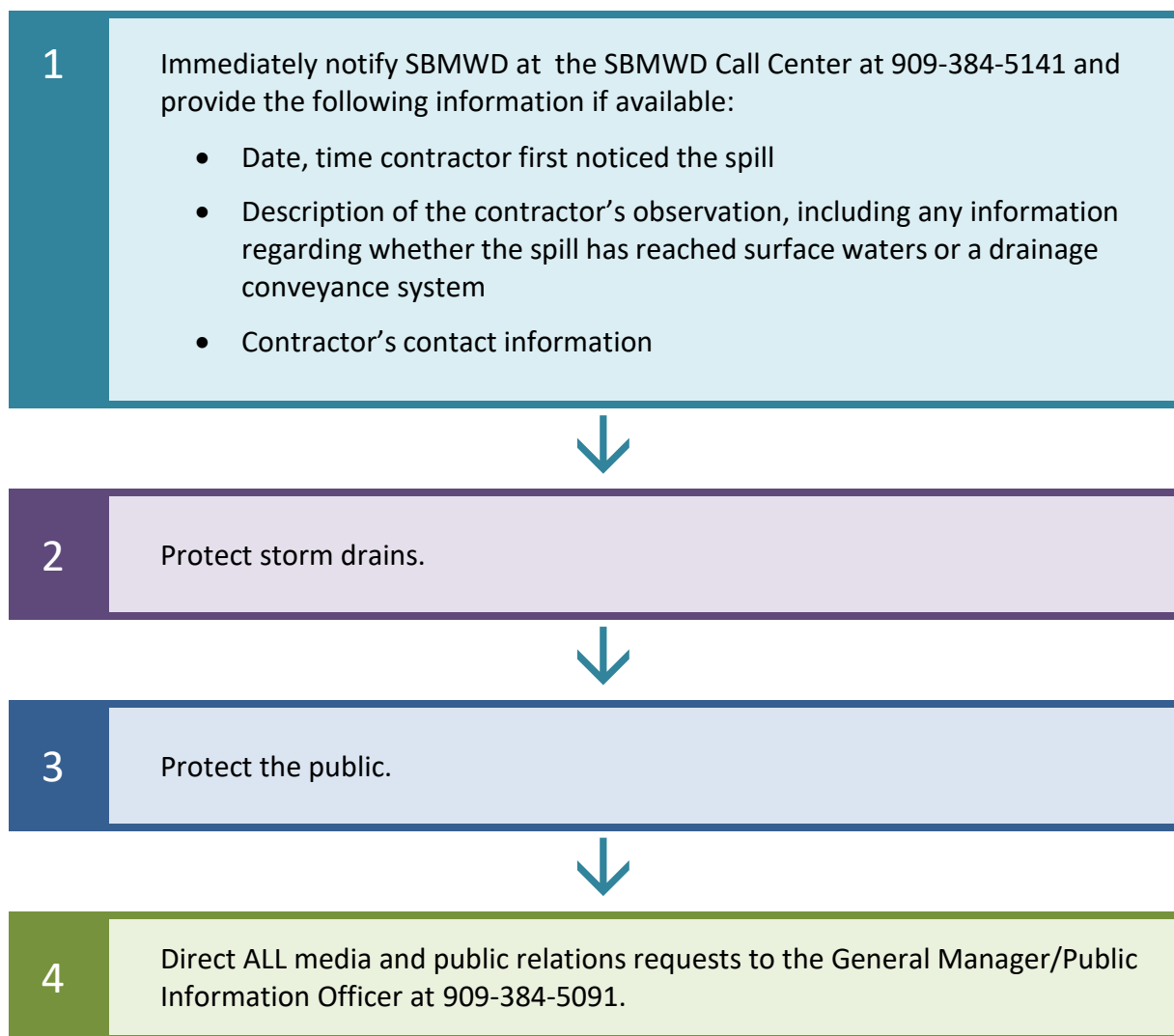
San Bernardino Municipal Water Department Spill Emergency Response Plan

Sewer Spill Response Instructions for Contractors

For contractors working on the sanitary sewer system SBMWD expects them to have, at all worksites, spill response materials necessary to block drainage conveyance system entry points near the work area and surface waters.

Additionally, contractor must be trained on spill response materials and equipment.

The following procedures are to be followed in the event that a contractor/plumber causes or witnesses a sanitary sewer spill. If the contractor/plumber causes or witnesses a spill they should:



APPENDIX D:
Sewer Spill/Backup Response Workbook

San Bernardino Municipal Water Department

Sewer Spill Emergency Response Plan

Sewer Spill/Backup Response Workbook



Sewer Spill/Backup Response Workbook

See A-2 for contact information as needed.

- Make immediate notifications:
 - If this sewer spill is discharging or threatening to discharge greater than or equal to 1,000 gallons to Waters of the State, immediately contact Cal OES at (800) 852-7550 within 2 hours and obtain a control number. Record this number on the following pages: A-4, B-2, and D-1 Page 1.
 - If there is a backup into a residence/business that may be due to a problem in the City’s sewer, notify the Collections Supervisor or Collection Systems Superintendent; Supervisor contact at 909-453-6270, Superintendent contact at 909-453-6274.
 - For media inquiries/requests contact the General Manager/Public Information Officer at 909-384-5091.
- Refer to the Regulatory Reporting Guide in this Workbook for additional reporting requirements.

<p>COLLECTIONS CREW:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Refer to the Spill Event Checklist (A-4), follow the instructions on the Spill/Backup Response Flowchart (C-1), and complete forms in this Workbook as indicated. <input type="checkbox"/> Complete the chain of custody record (to the right) and deliver this workbook to the Collection System Supervisor. 	<p>CHAIN OF CUSTODY</p> <p>Print Name:</p> <hr/> <p>Initial:</p> <hr/> <p>Date:</p>
---	--

<p>COLLECTIONS SYSTEM SUPERVISOR:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Review the Sewer Spill Event Checklist (A-4) and the forms in this Workbook. Contact the Collections Crew for additional information if necessary. <input type="checkbox"/> Confirm that all required regulatory notifications have been made (B-1). <input type="checkbox"/> If this was a Sewer Backup, follow instructions on the Backup Forms Checklist (F-1). <input type="checkbox"/> Complete the Post Sewer Spill Assessment (H-1) and Collection System Failure Analysis Form (H-2). <input type="checkbox"/> Complete the Chain of Custody record (right) and forward Workbook to Data Submitter 	<p>CHAIN OF CUSTODY</p> <p>Print Name:</p> <hr/> <p>Initial:</p> <hr/> <p>Date:</p>
--	--

<p>DATA SUBMITTER:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Refer to Sewer Spill Event Checklist (A-4) Data Submitter Responsibilities <input type="checkbox"/> Complete the chain of custody record (to the right) and deliver this workbook to a Legally Responsible Official (see A-2 for LROs). 	<p>CHAIN OF CUSTODY</p> <p>Print Name:</p> <hr/> <p>Initial:</p> <hr/> <p>Date:</p>
---	--

Sewer Spill/Backup Response Workbook

See A-2 for contact information as needed.

<p>LEGALLY RESPONSIBLE OFFICIAL:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Refer to Sewer Spill Event Checklist (A-4) Data Submitter Responsibilities <input type="checkbox"/> Complete the chain of custody record (to the right) and file this Workbook with the sewer spill file. 	<p style="text-align: center; margin-top: 0;">CHAIN OF CUSTODY</p> <p>Print Name:</p> <hr/> <p>Initial:</p> <hr/> <p>Date:</p>
---	---

Contact Information

Contact	Description	Telephone/Email/Address
Babcock Laboratories, Inc. 6100 Quail Valley Court Riverside, CA 92507	Water quality sample analysis	951-653-3351 951-653-1662 (FAX) www.babcocklabs.com
California Highway Patrol (860) San Bernardino 2211 Western Ave. San Bernardino, CA 92411		909-383-4257 Monday – Friday 8 AM – 5 PM Closed Saturday and Sunday
CAL OES	California Office of Emergency Services	800-852-7550
Caltrans – District 8 San Bernardino/Riverside 464 W. 4th Street San Bernardino, CA 92401		909-383-4631
Collection Systems Supervisor	<ul style="list-style-type: none"> ○ CalOES 2-hour notification and other regulatory notifications ○ Outside Assistance / Mutual Aid 	909-453-6270 909-453-6274
Collection Systems Superintendent		
Environmental & Regulatory Compliance Director	Assistance with sewer backup customers	909-453-6020
General Manager/Public Information Officer	Media inquiries/requests	909-384-5091
San Bernardino County Environmental Health Services 385 N. Arrowhead Ave. 2 nd Floor San Bernardino, CA 92415-0160	<ul style="list-style-type: none"> ○ Notifications ○ Sign placement guidance 	Phone: 800-442-2283 Fax: 909-387-4323
San Bernardino County Flood Control		909-387-7995 after hours 909-356-3811
Santa Ana (Region 8) Regional Water Quality Control Board 3737 Main Street Riverside, CA 92501		951-782-4130
State Water Resources Control Board	Walter Mobley	(916) 323-0878 Walter.Mobley@waterboards.ca.gov

Authorized Personnel:

The following are authorized to perform regulatory reporting of sewer spills:

Name	Job Title	Telephone	Check if LRO
Juan Martinez	Collection Systems - Superintendent	909-453-6274	✓
Kevin Stewart	Director of Water Reclamation	909-454-4651	✓
Jennifer Shepardson	Director of Environmental and Regulatory Compliance	909-453-6020	✓
Richard Hyle	Collection Systems Supervisor	909-453-6270	
Marissa Flores-Acosta	Environmental Manager	909-453-6023	

The City's Legally Responsible Official (LRO) is authorized to electronically sign and certify sewer spill reports in CIWQS.

NOTE: All references to “SSWDR” refer to State Water Board Order No. WQ 2022-0103-DWQ, Sanitary Sewer Waste Discharge Requirements.

DRAINAGE CONVEYANCE SYSTEM: A drainage conveyance system is a publicly- or privately-owned separate storm sewer system, including but not limited to drainage canals, channels, pipelines, pump stations, detention basins, infiltration basins/facilities, or other facilities constructed to transport stormwater and non-stormwater flows.

SPILL: A spill is a discharge of sewage from any portion of a sanitary sewer system due to a sanitary sewer system spill, operational failure, and/or infrastructure failure. Exfiltration of sewage is not considered to be a spill under SSWDR if the exfiltrated sewage remains in the subsurface and does not reach a surface Water of the State.

- **Category 1 Spill:**

A Category 1 spill is a spill of any volume of sewage from or caused by a sanitary sewer system regulated under SSWDR that results in a discharge to:

- A surface water, including a surface water body that contains no flow or volume of water; or
- A drainage conveyance system that discharges to surface waters when the sewage is not fully captured and returned to the sanitary sewer system or disposed of properly.

Any spill volume not recovered from a drainage conveyance system is considered a discharge to surface water, unless the drainage conveyance system discharges to a dedicated stormwater infiltration basin or facility.

A spill from an City-owned and/or operated lateral that discharges to a surface water is a Category 1 spill; the City shall report all Category 1 spills per section 3.1 of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of SSWDR.

- **Category 2 Spill**

A Category 2 spill is a spill of 1,000 gallons or greater, from or caused by a sanitary sewer system regulated under SSWDR that does not discharge to a surface water. A spill of 1,000 gallons or greater that spills out of a lateral and is caused by a failure or blockage in the sanitary sewer system, is a Category 2 spill.

- **Category 3 Spill**

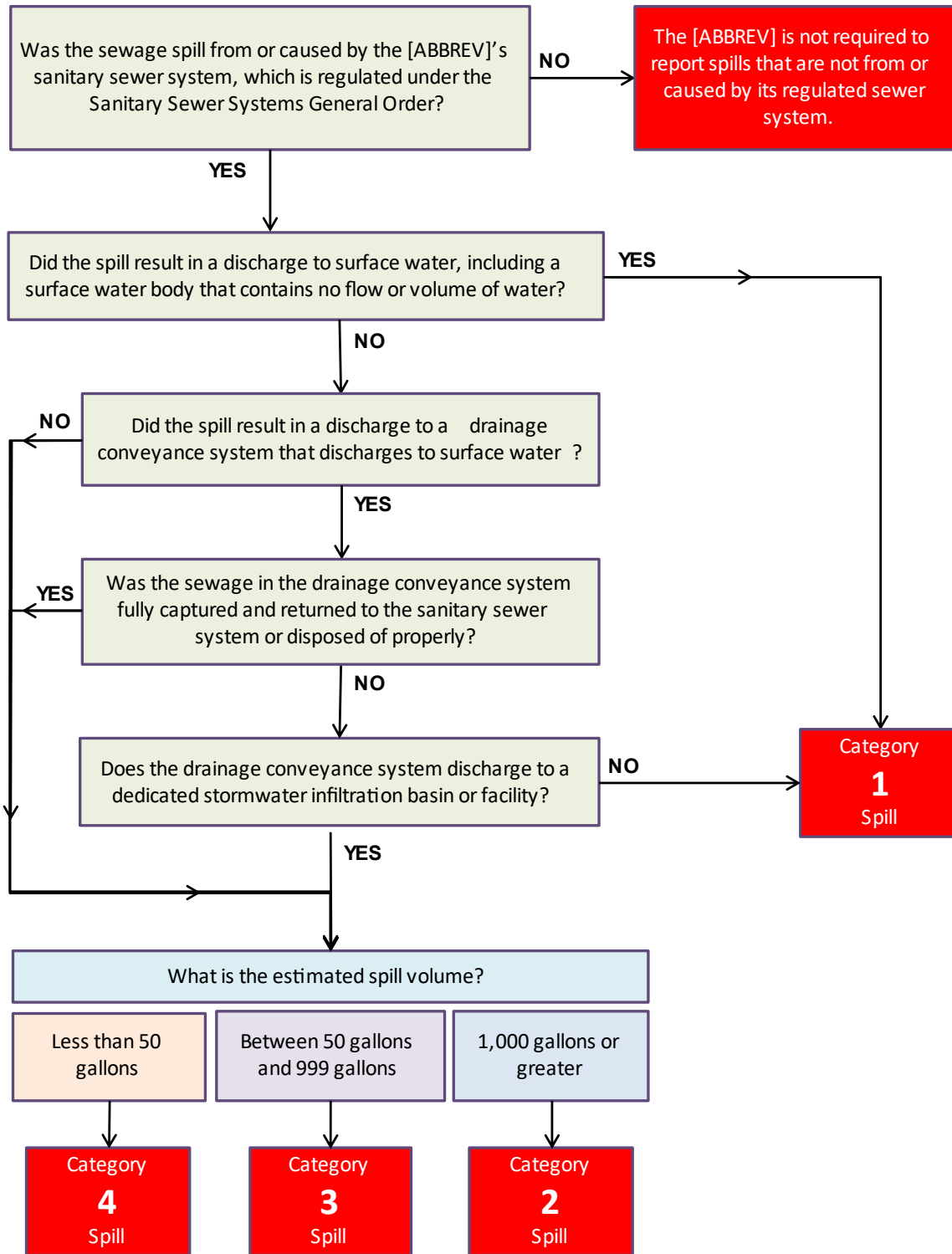
A Category 3 spill is a spill of equal to or greater than 50 gallons and less than 1,000 gallons, from or caused by a sanitary sewer system regulated under SSWDR that does not discharge to a surface water. A spill of equal to or greater than 50 gallons and less than 1,000 gallons, that spills out of a lateral and is caused by a failure or blockage in the sanitary sewer system is a Category 3 spill.

- **Category 4 Spill**

A Category 4 spill is a spill of less than 50 gallons, from or caused by a sanitary sewer system regulated under SSWDR that does not discharge to a surface water. A spill of less than 50 gallons that spills out of a lateral and is caused by a failure or blockage in the sanitary sewer system is a Category 4 spill.

WATERS OF THE STATE: Waters of the State are surface waters or groundwater within boundaries of the state as defined in Water Code section 13050(e), in which the State and Regional Water Boards have authority to protect beneficial uses. Waters of the State include, but are not limited to, groundwater aquifers, surface waters, saline waters, natural washes and pools, wetlands, sloughs, and estuaries, regardless of flow or whether water exists during dry conditions. Waters of the State include waters of the United States.

INSTRUCTIONS: Answer each question in order and stop at the red box once you have determined the category.



Sewer Spill Event Checklist

Date of Spill: _____ Spill Location/Name: _____
 CIWQS Event ID #: _____ Category? 1 2 3 4 OES#: _____
 Property Damage? Yes No Service Request #: _____

COLLECTIONS CREW RESPONSIBILITIES:

- | | |
|--|---|
| <input type="checkbox"/> Effort made to contain and return a portion/all to the sanitary sewer | <input type="checkbox"/> Impacted waters identified? |
| <input type="checkbox"/> Pictures/video taken of spill | <input type="checkbox"/> Assess and document spill location and spread including photos |
| <input type="checkbox"/> Pictures taken of affected/unaffected area | <input type="checkbox"/> Spill Report Form Complete (includes fields for all required fields in CIWQS, and a sketch of spill) |
| <input type="checkbox"/> If property damage, start investigative process | <input type="checkbox"/> Volume Estimation Worksheet(s) done |
| <input type="checkbox"/> Pictures taken of containment efforts | <input type="checkbox"/> Start Time Determination Form done |
| <input type="checkbox"/> If spill is Cat 1 > 1000 gallons or Cat 2 > 1000 gal threatening to discharge to waters of the State: OES Control # _____ | <input type="checkbox"/> Follow Water Quality Monitoring and Sampling procedures |
| <input type="checkbox"/> Were surface waters impacted? | |

COLLECTION SYSTEM SUPERVISOR RESPONSIBILITIES

- | | |
|--|---|
| <input type="checkbox"/> Map of where samples were taken, if applicable | <input type="checkbox"/> Conduct Post Spill Assessment & complete form (H-1) |
| <input type="checkbox"/> For Cat 1 Spills 50,000 gallons or larger, obtain sampling results | <input type="checkbox"/> Failure Analysis <ul style="list-style-type: none"> <input type="checkbox"/> TV to determine cause <input type="checkbox"/> Review Asset History |
| <input type="checkbox"/> Ensure Technical Report is written | <input type="checkbox"/> Determine next steps to prevent recurrence |
| <input type="checkbox"/> Initial review of forms is complete (ensure consistency of dates, times, volumes, and other data) | <input type="checkbox"/> Document findings and next steps on Spill Report |
| <input type="checkbox"/> Review of photos and videos (label/date) | |
| <input type="checkbox"/> Start folder for all documentation for this spill event. Put everything in it (Spill Report, Field Reports, Worksheets/Forms, follow-up work orders, notes, photos, drawings, CIWQS print outs, emails, etc.) | |

DATA SUBMITTER RESPONSIBILITIES

- | | |
|--|---|
| <input type="checkbox"/> Submit Draft in CIWQS w/in 3 business days (for Categories 1 and 2 only) | <input type="checkbox"/> Attach Technical Report to CIWQS, if applicable |
| <input type="checkbox"/> Print CIWQS Draft hard copy and email | <input type="checkbox"/> Submit Ready to Certify in CIWQS (with sufficient time for LRO review) |
| <input type="checkbox"/> Review CIWQS, Sanitary Sewer Spill Report, Worksheets, CMMS, and any other documentation to ensure data is consistent (e.g. dates, times, volumes, cause, follow-up action, etc.) | <input type="checkbox"/> Print CIWQS Ready to Certify and email |
| <input type="checkbox"/> Attach photos, forms etc. to CIWQS | <input type="checkbox"/> Hand Workbook to LRO and complete Chain of Custody form |

LRO RESPONSIBILITIES

- | | |
|--|--|
| <input type="checkbox"/> LRO review Workbook and CIWQS verify accurate and consistent data | <input type="checkbox"/> Any changes? Change in CIWQS and hard copies and explain changes, print our current version |
| <input type="checkbox"/> Certify in CIWQS (within 15 calendar days for Categories 1 & 2, 30 days after the month for Category 3 & 4) | <input type="checkbox"/> Move completed Workbook and spill folder to spill files |
| <input type="checkbox"/> Print Certified CIWQS and email | <input type="checkbox"/> If any changes are made to SSMP <ul style="list-style-type: none"> <input type="checkbox"/> Update SSMP and link on CIWQS to SSMP <input type="checkbox"/> Add change to SSMP Change Log <input type="checkbox"/> Consider need to re-certify SSMP |

INSERT TAB:
Tab B: Regulatory Reporting

The City's Legally Responsible Officials (LROs) are authorized to electronically sign and certify spill reports in CIWQS. See contact information for LROs on page A-2.

Deadline	Category 1 Spill*	Category 2 Spill**	Category 3 Spill**	Category 4 Spill**
2 hours after awareness of spill	Within two (2) hours of the City's knowledge of a Category 1 spill of 1,000 gallons or greater, discharging or threatening to discharge to Waters of the State, notify CalOES and obtain a notification control number.	Within two (2) hours of the City's knowledge of a Category 2 spill of 1,000 gallons or greater threatening to discharge to Waters of the State, notify CalOES and obtain a notification control number.	-	-
Within 18 hours of awareness of spill	Conduct water quality sampling of the receiving water within 18 hours of initial knowledge of spill of 50,000 gallons or greater to surface waters.	-	-	-
3 Business Days after awareness of spill	Submit Draft Spill Report in the CIWQS database.	Submit Draft Spill Report in the CIWQS database.	-	-
15 Days after the spill end date	Submit Certified Spill Report within 15 calendar days of the spill end date. (Submit Amended Spill Report, as needed, within 90 calendar days after the spill end date.)	Submit Certified Spill Report within 15 calendar days of the spill end date. (Submit Amended Spill Report, as needed, within 90 calendar days after the spill end date.)	-	-
Within 30 calendars days after the end of the calendar month in which the spill occurs	-	-	Submit monthly Certified Spill Report to the online CIWQS Sanitary Sewer System Database (Submit Amended Spill Report, as needed, within 90 calendar days after the Certified Spill Report due date.)	Certify monthly, the estimated total spill volume exiting the sanitary sewer system, and the total number of all Category 4 spills into the online CIWQS Sanitary Sewer System Database.
45 days after spill end date	Submit Technical Report within 45 calendar days after the spill end date for a Category 1 spill in which 50,000 gallons or greater discharged to surface waters; and	-	-	-
By February 1 st after the end of the calendar year in which the spills occur.	-	See ++ note below.	-	Upload and certify a report, in an acceptable digital format, of all Category 4 spills to the online CIWQS Sanitary Sewer System Database.

* A spill from an Enrollee-owned and/or operated lateral that discharges to a surface water is a Category 1 spill.

++ See following page for notes.

++ Agency owned lateral spills (Cat 2-4) to be reported by Feb 1 of the following year.

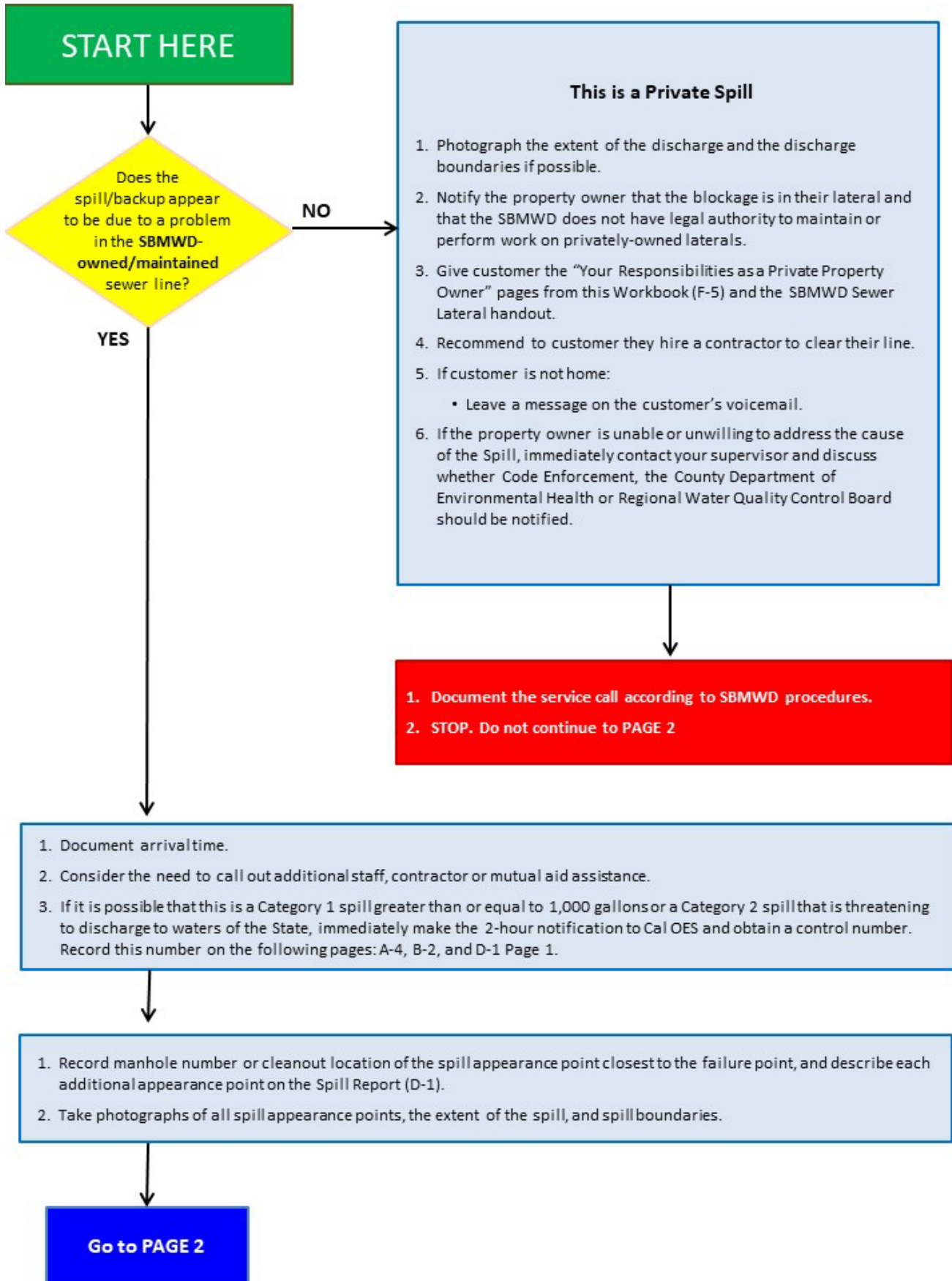
- **Monthly Spill Reporting of Non-Category 1 Lateral Spills:** If either (1) no spills occur during a calendar month or (2) only Category 4, and/or Enrollee-owned and/or operated lateral spills (that do not discharge to a surface water) occur during a calendar month, the Enrollee shall certify, within 30 calendar days after the end of each calendar month, either a “No-Spill” certification statement, or a “Category 4 Spills” and/or “Non-Category 1 Lateral Spills” certification statement, in the online CIWQS Sanitary Sewer System Database, certifying that there were either no spills, or Category 4 and/or Non-Category 1 Lateral Spills that will be reported annually for the designated month.
- **Annual Certified Spill Reporting of Category 4 and/or Lateral Spills:** For all Category 4 spills and spills from its owned and/or operated laterals that are caused by a failure or blockage in the lateral and that do not discharge to a surface water, the Enrollee shall annually upload and certify a report, in an appropriate digital format, of all recordkeeping of spills to the online CIWQS Sanitary Sewer System Database, by February 1st after the end of the calendar year in which the spills occurred.

Regulatory Reporting/Notifications Log

Agency/Firm Contacted	Individual Spoken to:	Date	Time	Notes
Cal OES				Control Number:
San Bernardino Environmental Health Department				

INSERT TAB:
Tab C: Flowchart

Sewer Spill/Backup Response Flowchart



Continue from PAGE 1

BEGIN DIVERSION AND CONTAINMENT, AS NECESSARY

1. DIVERT AWAY FROM SENSITIVE AREAS:

- a. Cover unplugged storm drains w/mats, or use dirt/other material to divert sewage away from sensitive areas (e.g., schools, playgrounds, intersections, etc.)
- b. ENSURE PUBLIC CONTACT DOES NOT OCCUR. Use cones/barricades to isolate area.

2. CONTAIN SPILL & RETURN TO SYSTEM, IF POSSIBLE:

- a. As practical, plug or block drainage conveyance system entry locations or use rubber mats to cover basin inlet and divert flow to a downstream sanitary sewer manhole (*barricade manhole if left open and monitor after barricade*) or area suitable to capture the spill for later collection.

If any amount has already reached the drainage conveyance system, trace it downstream to a dry manhole and block it from entering surface waters. i.e., plugs, sandbags, or vacuum truck.
- b. If you are confident that you can capture the spill in the drainage conveyance system, trace it downstream to a dry manhole and then divert the spill to the drainage conveyance system for later recovery and return to the sanitary sewer.
- c. Use bypass pumps to pump around blockage until it can be removed.
- d. Divert to low area of ground where it can be collected later.

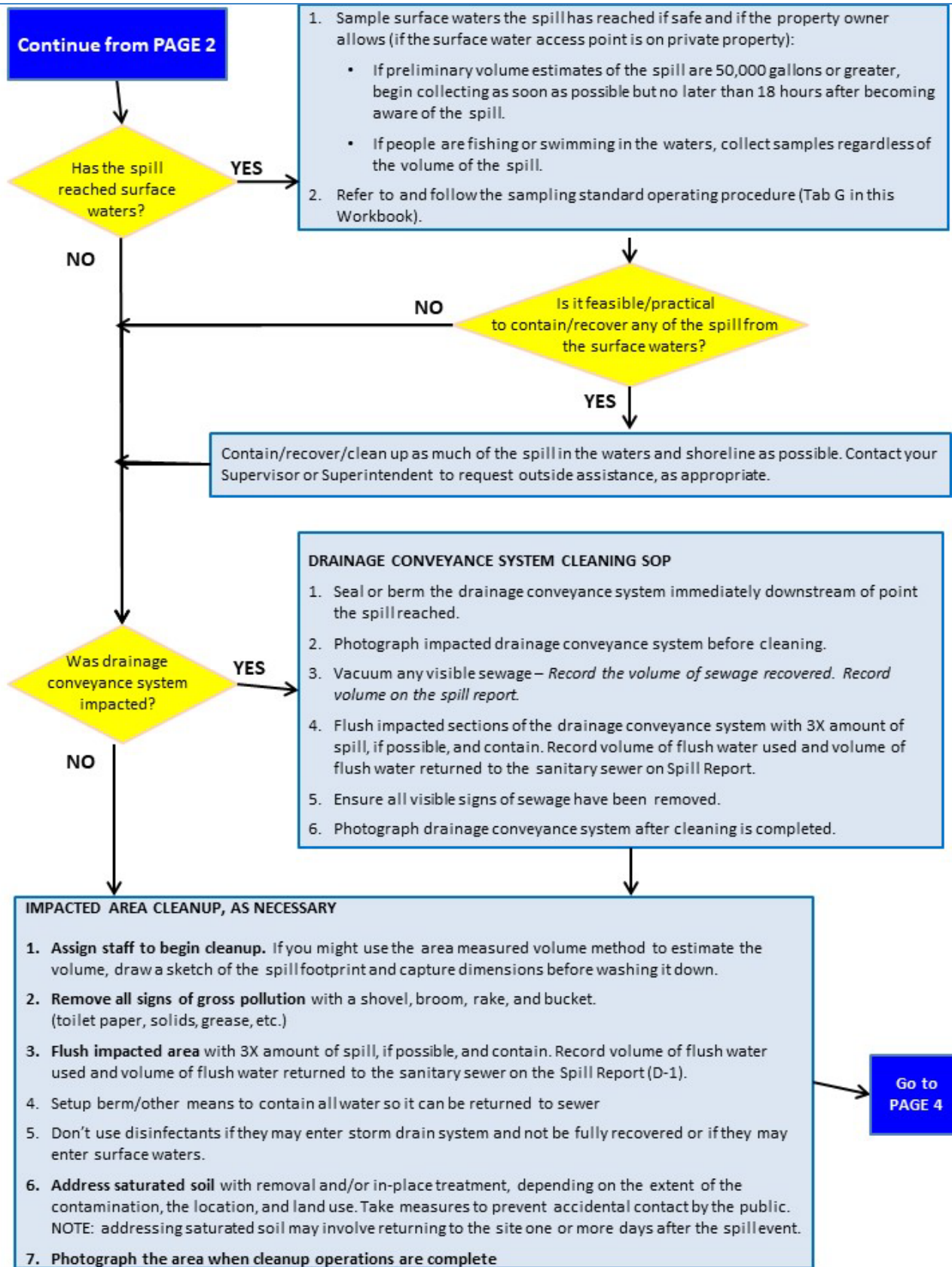
3. PHOTOGRAPH each drainage conveyance system entry location.

ADDRESS CAUSE OF SPILL/BACKUP ASAP

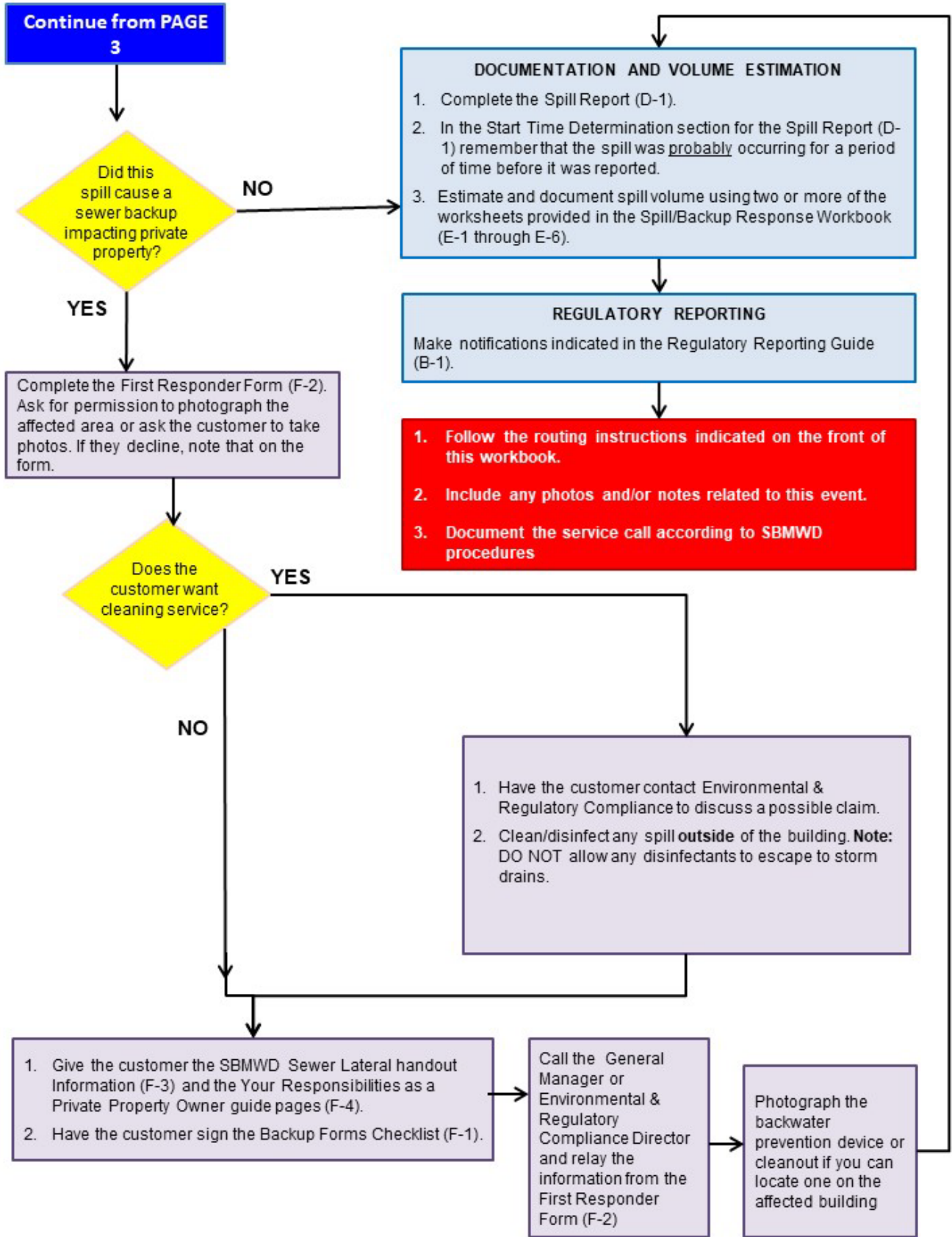
- 1. For spill/backups not related to a pump station, relieve the stoppage. Note the distance of the obstruction from the manhole and catch/remove debris that could cause another stoppage. After flow has returned to normal, clean the pipe thoroughly. Consider televising (CCTV) the affected line.
- 2. For pump station related spill/backups refer to that station's Emergency Response Plan.
- 3. Photograph staff activities while clearing the blockage.

**Go to
PAGE 3**

Sewer Spill/Backup Response Flowchart



Sewer Spill/Backup Response Flowchart



INSERT TAB:
Tab D: Spill Report

Sanitary Sewer Spill Field Report

Check spill category (see A-3 for definitions): CATEGORY 1 CATEGORY 2 CATEGORY 3 CATEGORY 4

CalOES NOTIFICATION*		
Date:	Time:	Assigned Control Number:

Names of the Persons Completing this Report	Contact Information

PHYSICAL LOCATION DETAILS	
Spill location name:	
Location description:	
Address of spill:	
City: San Bernardino	Cross Street:
Regional Water Quality Control Board: Santa Ana	County: San Bernardino

DATE/TIME
Date and time the [ABBREV] was notified of, or self-discovered, the spill: _____
Operator arrival time: _____

PHOTOGRAPHS
Photos must be taken during the spill event. At a minimum, the following photos must be taken: <ul style="list-style-type: none"> <input type="radio"/> Appearance point closest to the failure point <input type="radio"/> Extent of the spill and spill boundaries <input type="radio"/> Entry location of each drainage conveyance system the sewage entered <input type="radio"/> All discharge points into surface waters <input type="radio"/> Location(s) of clean up
Where are photographs stored?

* Within two (2) hours of the [ABBREV]'s knowledge of a Category 1 or Category 2 spill of 1,000 gallons or greater, discharging or threatening to discharge to waters of the State, notify CalOES and obtain a notification control number.

SPILL ORIGINATION	
Description and GPS coordinates of the system location where the spill originated*: <i>Include manhole number or cleanout location of the spill appearance point closest to the failure point as applicable.</i>	
Latitude:	Longitude:
Number of additional appearance points:	
Spill appearance points: (Check all that apply) <input type="checkbox"/> Backflow Prevention Device <input type="checkbox"/> Combined Sewer Drain Inlet (Combined Collection System Only) <input type="checkbox"/> Force Main <input type="checkbox"/> Gravity Mainline <input type="checkbox"/> Inside Building/Structure <input type="checkbox"/> Lateral Clean Out (Private) <input type="checkbox"/> Lateral Clean Out (Public) <input type="checkbox"/> Lower Lateral (Private) <input type="checkbox"/> Lower Lateral (Public) <input type="checkbox"/> Manhole <input type="checkbox"/> Other Sewer System Structure <input type="checkbox"/> Pump Station <input type="checkbox"/> Upper Lateral (Private) <input type="checkbox"/> Upper Lateral (Public) <input type="checkbox"/> Other, describe:	
Describe each spill appearance point:	
Check to confirm photos were taken of all appearance points: <input type="checkbox"/>	

* Note: If a single spill event results in multiple appearance points, provide GPS coordinates for the appearance point closest to the failure point and describe each additional appearance point in the “Describe each spill appearance point” description section above. Take photos of spill appearance point(s).

SPILL DESTINATION (Check all that apply)	
Final spill destination(s): <input type="checkbox"/> Drainage Conveyance System That Discharges to Surface Water <input type="checkbox"/> Surface Water <input type="checkbox"/> Building or Structure <input type="checkbox"/> Drainage Conveyance System <input type="checkbox"/> Groundwater Infiltration Basic or Facility <input type="checkbox"/> Paved Surface <input type="checkbox"/> Street/Curb and Gutter <input type="checkbox"/> Unpaved Surface <input type="checkbox"/> Other, describe:	
Description of the spill event destination(s) including GPS coordinates if available that represent the full spread and reach of the spill.	
Latitude:	Longitude:
Latitude (if needed):	Longitude (if needed):
Latitude (if needed):	Longitude (if needed):
Latitude (if needed):	Longitude (if needed):
Check to confirm photos were taken of spill destination/boundaries: <input type="checkbox"/>	

Sanitary Sewer Spill Field Report

SPILL VOLUME
Estimated total spill volume exiting the system: _____ gallons
Did the spill reach a drainage conveyance system? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes: <ul style="list-style-type: none"> • Estimated time the spill reached the drainage conveyance system: _____ • Distance from drainage conveyance system to entry point to surface waters: _____ feet • Method to determine travel time from point of entry to drainage conveyance system to receiving waters: _____ _____ • Describe the drainage conveyance system transporting the spill: _____ _____
Estimated spill volume fully recovered from the drainage conveyance system: _____ gallons
Estimated spill volume remaining within the drainage conveyance system: _____ gallons
Check to confirm photos taken of entry location of drainage conveyance system the sewage entered: <input type="checkbox"/>
Did the spill reach surface water? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes: <ul style="list-style-type: none"> • Estimated time the spill entered the surface water: _____ • Distance from spill appearance point to entry point to surface water: _____ feet • Method to determine travel time to receiving waters: _____ _____ • Describe all discharge points: _____ _____
Estimated spill volume that discharged to surface waters: _____ gallons
Estimated total spill volume recovered: _____ gallons
Check to confirm photos were taken of the following, as applicable: all discharge points into surface waters, waterbody bank erosion, floating matter, water surface sheen, discoloration of receiving water, any notable impacts to the receiving water: <input type="checkbox"/>
Did the spill discharge to a groundwater infiltration basin or facility? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, <ul style="list-style-type: none"> • Estimated time the spill entered the groundwater infiltration basin or facility: _____ • Estimated spill volume discharged to the groundwater infiltration basin or facility: _____ gallons
Estimated spill volume that did NOT reach drainage conveyance system, surface water, or groundwater infiltration basin or facility: _____ gallons
Estimated Total Spill Volume Recovered: _____ gallons

SPILL VOLUME (continued)

Method and explanation of volume estimation methods used: (Check all that apply)

- Eyeball Estimate (worksheet included in Spill/Backup Response Workbook)
- Counting Upstream Connections (worksheet included in Spill/Backup Response Workbook)
- Duration and Flow Rate (worksheet included in Spill/Backup Response Workbook)
- Measured Volume (worksheet included in Spill/Backup Response Workbook)
- Other (provide worksheet/calculations)

Description of how the spill volume estimations were calculated, including at a minimum, the methodology, assumptions and types of data relied upon, such as supervisory control and data acquisition (SCADA) records, flow monitoring or other telemetry information, used to estimate the volume of the spill discharged, and the volume of the spill recovered (if any volume of the spill was recovered):

SPILL START TIME and END TIME DETERMINATION	
Were there witnesses to the spill? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, provide Spill Witness Statements below:	
Witness 1 Name:	Witness 1 Contact Information:
Where did they see sewage spill from? <input type="checkbox"/> Manhole <input type="checkbox"/> Inside Building <input type="checkbox"/> Vent/Clean Out <input type="checkbox"/> Catch Basin <input type="checkbox"/> Wet Well/Lift Station <input type="checkbox"/> Other (describe):	
When did the witness notice the sewage spilling? _____ AM / PM Date ____ / ____ / ____	
Witness description of spill and affected area: Is it currently spilling? <input type="checkbox"/> YES <input type="checkbox"/> NO	
When did the witness last observe NO Spill occurring? _____ AM / PM Date ____ / ____ / ____	
Did the witness notice if the spill had reached the storm drain or surface waters?	
Comments:	
Witness 2 Name:	Witness 2 Contact Information:
Where did they see sewage spill from? <input type="checkbox"/> Manhole <input type="checkbox"/> Inside Building <input type="checkbox"/> Vent/Clean Out <input type="checkbox"/> Catch Basin <input type="checkbox"/> Wet Well/Lift Station <input type="checkbox"/> Other (describe):	
When did the witness notice the sewage spilling? _____ AM / PM Date ____ / ____ / ____	
Witness description of spill and affected area: Is it currently spilling? <input type="checkbox"/> YES <input type="checkbox"/> NO	
When did the witness last observe NO Spill occurring? _____ AM / PM Date ____ / ____ / ____	
Did the witness notice if the spill had reached the storm drain or surface waters?	
Comments:	
Witness 3 Name:	Witness 3 Contact Information:
Where did they see sewage spill from? <input type="checkbox"/> Manhole <input type="checkbox"/> Inside Building <input type="checkbox"/> Vent/Clean Out <input type="checkbox"/> Catch Basin <input type="checkbox"/> Wet Well/Lift Station <input type="checkbox"/> Other (describe):	
When did the witness notice the sewage spilling? _____ AM / PM Date ____ / ____ / ____	
Witness description of spill and affected area: Is it currently spilling? <input type="checkbox"/> YES <input type="checkbox"/> NO	
When did the witness last observe NO Spill occurring? _____ AM / PM Date ____ / ____ / ____	
Did the witness notice if the spill had reached the storm drain or surface waters?	
Comments:	

SPILL START TIME and END TIME DETERMINATION (continued)
<p>Are the volume of the spill and rate of flow known? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>If yes, divide volume by rate of flow to get duration of spill event:</p> $\frac{\text{_____ Gallons}}{\text{Spill Volume}} \div \frac{\text{_____ GPM}}{\text{Flow Rate}} = \frac{\text{_____ Minutes}}{\text{Spill Duration}}$ <p>Subtract the duration from the spill end date/time to establish the spill start date/time:</p> $\frac{\text{_____}}{\text{Spill End Date/Time}} - \frac{\text{_____}}{\text{Duration}} = \frac{\text{_____}}{\text{Spill Start Time}}$ <p>Method to determine flow rate:</p>
<p>Solids Present? <input type="checkbox"/> None or small amount (indicates recent start) <input type="checkbox"/> Significant amount of buildup</p>
<p>Staining? <input type="checkbox"/> None (indicates recent start) <input type="checkbox"/> Minor <input type="checkbox"/> Significant</p>
<p>Distance sewage has traveled from spill point:</p>
<p>Spill Start Time:</p>
<p>Spill End Date and Time:</p>
<p>How was end time determined? <input type="checkbox"/> Broke stoppage <input type="checkbox"/> Turned pump station back on <input type="checkbox"/> Other, explain:</p>
<p>Description of the methodology(ies), assumptions and type of data relied upon for estimations of the spill start time and the spill end time.</p>

SPILL CAUSE (check all that apply)

- Air Relief Valve (ARV)/Blow Off Valve (BOV)/Backwater Valve Failure
- Construction Diversion Failure
- Collection System Maintenance Failure (Specify Below)
- Damage by Others Not Related to CS Construction/Maintenance (Specify Below)
- Debris from Construction
- Debris from Lateral
- Debris-General
- Debris-Rags
- Debris-wipes/Non-disposables
- Flow Exceeded Capacity (Separate CS Only)
- Fats, Oils and Grease (FOG)
- Inappropriate Discharge to CS
- Natural Disaster (Specify Below)
- Operator Error (Specify Below)
- Pipe Structural Problem/Failure – Installation
- Pipe Structural Problem/Failure – Controls
- Pump Station Failure – Power
- Pump Station Failure – Mechanical
- Pump Station Failure – Controls
- Rainfall Exceeded Design, I and I (Separate CS Only)
- Root Intrusion
- Siphon Failure
- Surcharged Pipe (Combines CS Only)
- Vandalism (Specify Below)
- Other, specify:

SYSTEM FAILURE LOCATION	
<p>System failure location:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Air Relief Valve (ARV)/Blow Off Valve (BOV) Failure <input type="checkbox"/> Force Main <input type="checkbox"/> Gravity Mainline <input type="checkbox"/> Lower Lateral <input type="checkbox"/> Manhole <input type="checkbox"/> Pump Station Failure – Controls <input type="checkbox"/> Pump Station Failure – Mechanical <input type="checkbox"/> Pump Station Failure – Power <input type="checkbox"/> Siphon <input type="checkbox"/> Upper Lateral (Specify Below) <input type="checkbox"/> Other, specify: 	
<p>Description of the pipe material at the failure location:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Copper <input type="checkbox"/> Galvanized Steel <input type="checkbox"/> Polyvinyl Chloride (PVC) <input type="checkbox"/> Acrylonitrile Butadiene Styrene (ABS) <input type="checkbox"/> Cross-Linked Polyethylene (PEX) <input type="checkbox"/> Cast Iron <input type="checkbox"/> Vitrified Clay <input type="checkbox"/> Concrete <input type="checkbox"/> Ductile Iron <input type="checkbox"/> Fiberglass <input type="checkbox"/> Other, specify: 	
<p>Estimated age of sewer asset at the point of blockage or failure (if applicable):</p>	<p>years</p>
<p>Diameter of sewer pipe at the point of blockage or failure:</p>	<p>inches</p>

SPILL IMPACT

Description of the impact of the spill:

STORM EVENT

Was spill associated with a storm event? YES NO

SPILL RESPONSE ACTIVITIES (check all that apply)

- Cleaned Up (Specify Below)
- Mitigated Effects of Spill (Specify Below)
- Contained All or Portion of Spill
- Restored Flow
- Returned All Spill to Sanitary Sewer System
- Returned Portion of Spill to Sanitary Sewer System
- Property Owner Notified
- Other Enforcement Agency Notified
- Other, specify:

Description of spill response activities including description of immediate spill containment and cleanup efforts:

SPILL CORRECTIVE ACTION (check all that apply)
<input type="checkbox"/> Added Sewer to Preventive Maintenance Program <input type="checkbox"/> Adjusted Schedule/Method of Preventive Maintenance <input type="checkbox"/> Enforcement Action Against FOG Source <input type="checkbox"/> Inspected Sewer Using CCTV to Determine Cause <input type="checkbox"/> Plan Rehabilitation or Replacement of Sewer <input type="checkbox"/> Repaired Facilities or Replaced Defect <input type="checkbox"/> Other, specify:
Refer to Collection System Failure Analysis Report for details about: <ul style="list-style-type: none"> Spill corrective action, including steps planned or taken to reduce, eliminate, and prevent reoccurrence of the spill, and a schedule of major milestones for those steps. Schedule of major milestones Check to confirm completion of each report: <ul style="list-style-type: none"> <input type="checkbox"/> Post-Spill Assessment <input type="checkbox"/> Collection System Failure Analysis
Spill response completion date: _____

INVESTIGATION
Detailed narrative of investigation and investigation findings of cause of spill:
Is the [ABBREV] conducting an ongoing investigation? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, reasons for an ongoing investigation:
If yes, expected date of completion of investigation: _____

SURFACE WATERS (Complete for Category 1 Spills Only)		
Name of receiving water body	Type of receiving water body: Stream, Ocean, Wetland, Slough, Estuary, River, Lake, Reservoir, Vernal Pool, Wash, or Other (specify)	Description of the water body(s), including but not limited to: <ul style="list-style-type: none"> ○ Observed impacts on aquatic life, ○ Public access impact(s): public closure, restricted public access, temporary restricted use, and/or other (specify below) ○ Responsible entity for closing/restricting use of water body, and ○ Number of days closed/restricted as a result of the spill.

MUNICIPAL INTAKE (Complete for Category 1 and 2 Spills Only)		
Was the spill located within 1,000 feet of a municipal surface water intake?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Describe:		

WATER SAMPLING

Were water quality samples collected? YES NO N/A

If yes, identify sample locations:

Identify parameters the water quality samples were analyzed for: (Check all that apply)

- Total Coliform Bacteria
- Fecal coliform bacteria
- E-coli
- Ammonia
- Other, specify:

INSERT TAB:
Tab E: Volume Estimation

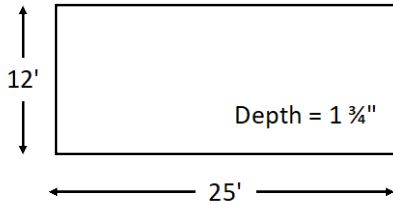
Miscellaneous Computations & Examples

<p>To convert inches to feet (NOTE: for the purposes of this worksheet, the unit of measurement will be in feet for formula examples)</p>	<p>Divide the inches by 12 or use the chart on the right. Example 1: $27" \div 12 = 2.25'$ Example 2: $1\frac{3}{4}" = ?'$ $1" (0.08') + \frac{3}{4}" (0.06') = 0.14'$</p>
<p>Volume of one cubic foot</p>	<p>7.48 gallons of liquid</p>
<p>Area: Two-dimensional measurement represented in square feet (SQ/FT or ft²)</p>	<p>Square/rectangle: Area = Length x Width Circle: Area = $\pi \times r^2$ (where $\pi \approx 3.14$ and $r = \text{radius} = \frac{1}{2} \text{ diameter}$) Triangle: Area = $\frac{1}{2} (\text{Base} \times \text{Height})$</p>
<p>Volume: Three-dimensional measurement represented in cubic feet (CU/FT or ft³)</p>	<p>Rectangle/square footprint: Volume = Length x Width x Depth Circle footprint (cylinder): Volume = $\pi \times r^2 \times \text{Depth}$ (where $\pi \approx 3.14$ and $r = \text{radius} = \frac{1}{2} \text{ diameter}$) Triangle footprint: Volume = $\frac{1}{2} (\text{Base} \times \text{Height}) \times \text{Depth}$</p>
<p>Depth: Wet Stain on Concrete or asphalt surface</p>	<p>If the depth is not measurable because it is only a wet stain, use the following estimated depths:</p> <ul style="list-style-type: none"> ○ Depth of a wet stain on concrete surface: 0.0026' (1/32") ○ Depth of a wet stain on asphalt surface: 0.0013' (1/64") <p>These were determined to be a reasonable depth to use on the respective surfaces through a process of trial and error. One gallon of water was poured onto both asphalt and concrete surfaces. Once the area was determined as accurately as possible, different depths were used to determine the volume of the wetted footprint until the formula produced a result that (closely) matched the one gallon spilled. This process was repeated several times.</p>
<p>Depth: Contained or "Ponded" sewage</p>	<p>Measure actual depth of standing sewage whenever possible. When depth varies, measure several representative sample points, and determine the average. Use that number in your formula to determine volume.</p>

Miscellaneous Computations & Examples (continued)

Area/Volume of a Rectangle or Square

Formula: Length x Width x Depth = Volume in **cubic feet**



$$\frac{25'}{\text{Length}} \times \frac{12'}{\text{Width}} \times \frac{0.14'}{\text{Depth}} = \frac{42 \text{ Cubic Feet}}{\text{Volume}}$$

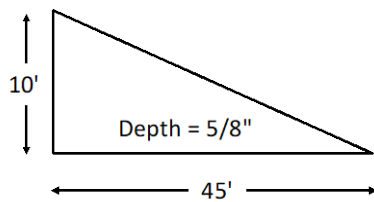
Multiply the volume by 7.48 gallons to determine the volume in **gallons**:

$$\frac{42 \text{ ft}^3}{\text{Volume}} \times \frac{7.48}{\text{gal/ft}^3} = \frac{314.16 \text{ gallons}}{\text{Volume}}$$

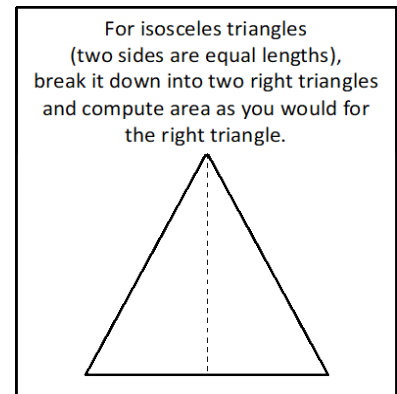
Convert Inches to Feet	
Inches	Feet
1/8"	0.01'
1/4"	0.02'
3/8"	0.03'
1/2"	0.04'
5/8"	0.05'
3/4"	0.06'
7/8"	0.07'
1"	0.08'
2"	0.17'
3"	0.25'
4"	0.33'
5"	0.42'
6"	0.50'
7"	0.58'
8"	0.67'
9"	0.75'
10"	0.83'
11"	0.92'
12"	1.00'

Area/Volume of a Right Triangle

Formula: Base x Height x Depth = Volume in **cubic feet**



$$0.5 \times \frac{45'}{\text{Base}} \times \frac{10'}{\text{Height}} \times \frac{0.05'}{\text{Depth}} \times \frac{7.48}{\text{gal/ft}^3} = \frac{84.15 \text{ gallons}}{\text{Volume}}$$

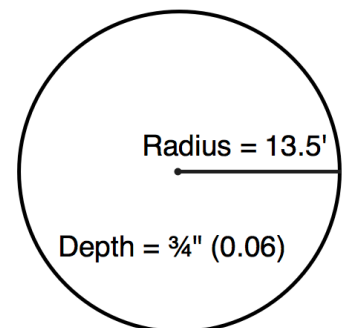


Area/Volume of a Circle

Formula: $\pi \times r^2 \times \text{Depth} = \text{Volume in cubic feet}$

The radius is 1/2 the diameter, which is a straight line passing from side to side through the center of a circle.

$$\frac{13.5'}{\text{Radius}} \times \frac{13.5'}{\text{Radius}} \times 3.14 \times \frac{0.06'}{\text{Depth}} \times \frac{7.48}{\text{gal/ft}^3} = \frac{256.8 \text{ gallons}}{\text{Volume}}$$



Volume Estimation: Eyeball Estimation Method (for ≤100 gallons)

Spill Date: _____ Location: _____

This method is invalid if surface conditions are wet (due to rainfall, irrigation, etc.) DO NOT use this method under these circumstances.

- STEP 1: Position yourself so that you have a vantage point where you can see the entire spill.
- STEP 2: Imagine one or more buckets or barrels of water tipped over. Depending on the size of the spill, select a bucket or barrel size as a frame of reference. It may be necessary to use more than one bucket/barrel size.
- STEP 3: Estimate how many of each size bucket or barrel it would take to make an equivalent spill. Enter those numbers in Column A of the row in the table below that corresponds to the bucket/barrel sizes you are using as a frame of reference.
- STEP 4: Multiply the number in Column A by the multiplier in Column B. Enter the result in Column C.

	A	B	C
Size of bucket(s)/barrel(s)	How many of this size?	Multiplier	Estimated Spill Volume
		x 1 gallon	
		x 5 gallons	
		x 32 gallons	
		x 55 gallons	
		x ___ gallons	
Estimated Total Spill Volume:			

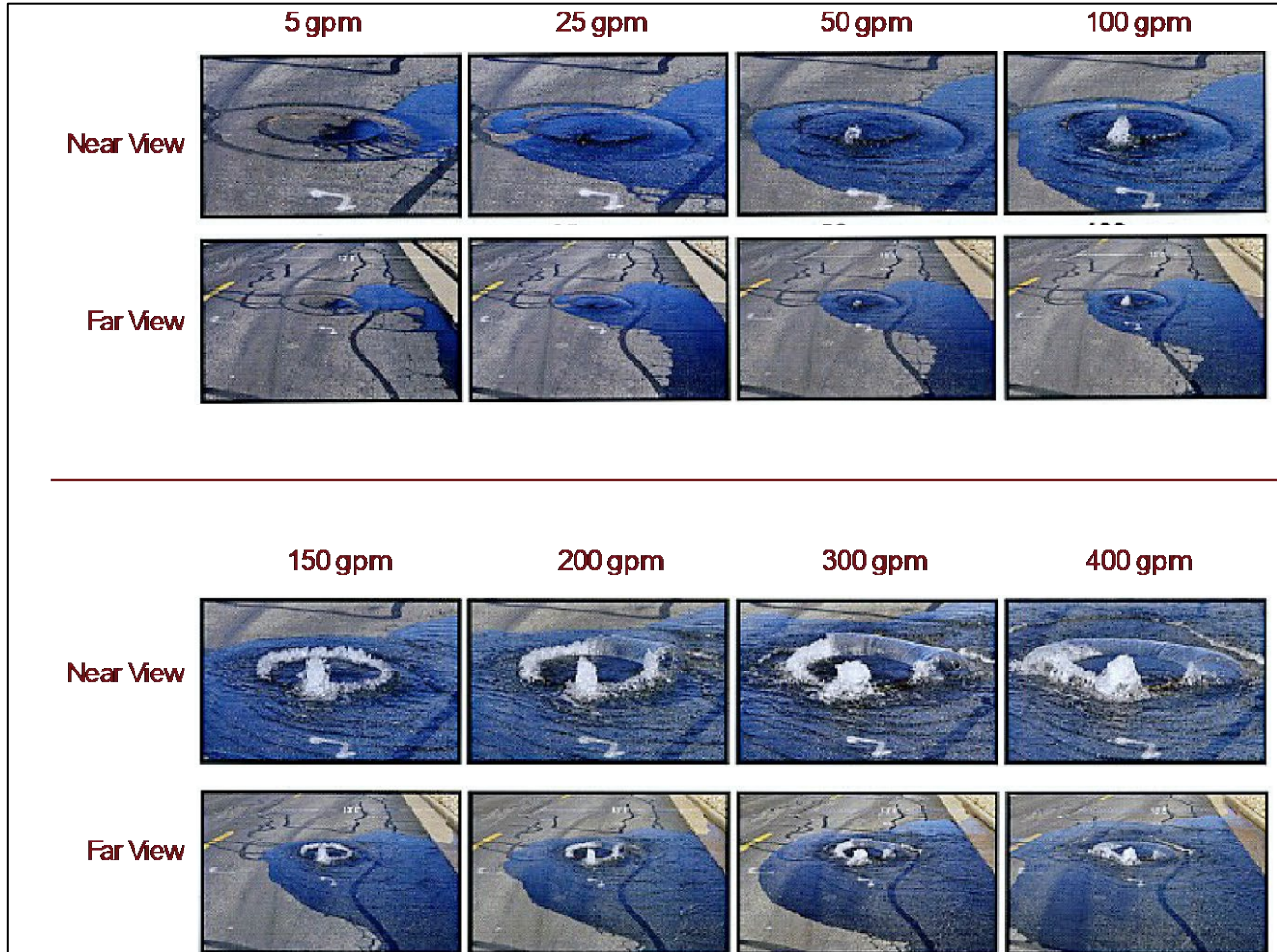
STEP 5: List assumptions made to arrive at the total estimated spill volume:

STEP 6: Take photographs. Where are photographs stored?

The following photos must be taken: appearance point closest to the failure point, extent of the spill and spill boundaries, the entry location of each drainage conveyance system the sewage entered, all discharge points into surface waters (Category 1 spill only), and location(s) of clean up.

Spill Date: _____ Location: _____

Compare the spill to reference images below to estimate flow rate of the current spill. **NOTE: If the maintenance hole cover in your picture has vent holes or more than one pry hole, do not use these pictures for comparison.**



SSCSC Manhole Spill Gauge: CWEA Southern Section Collections Systems Committee. Spill Simulation courtesy of Eastern Municipal Water District.

Describe which reference photo(s) were used and any additional factors that influenced applying the reference photo data to the actual spill:

Flow Rate Based on Photo Comparison: _____ gallons per minute (gpm)

(Continued on next page)

Start Date and Time	1.
End Date and Time	2.
Spill Event Total Time Elapsed (subtract Line 1 from Line 2. Show in minutes.)	3.
Average Flow Rate GPM (Account for diurnal flow pattern)	4.
Total Volume Estimated Using Duration and Flow Method (Line 3 x Line 4)	5.

List assumptions made to arrive at the total estimated spill volume:

Take photographs. Where are photographs stored?

The following photos must be taken: appearance point closest to the failure point, extent of the spill and spill boundaries, the entry location of each drainage conveyance system the sewage entered, all discharge points into surface waters (Category 1 spill only), and location(s) of clean up.

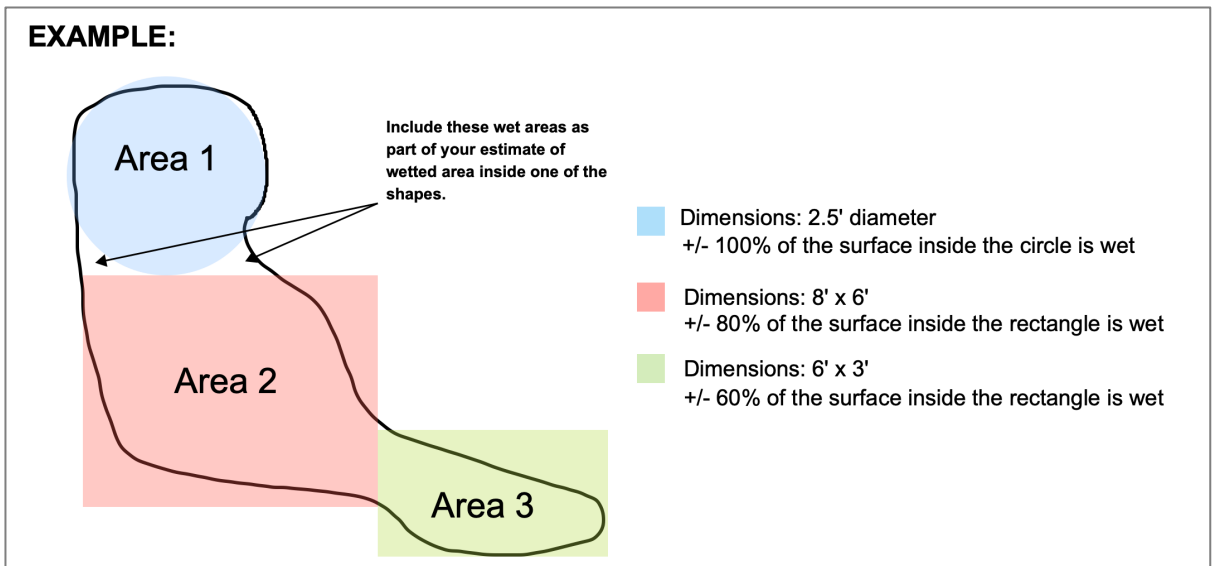
Volume Estimation: Area/Volume Method

Spill Date: _____ Location: _____

STEP 1: Describe spill area surface: Asphalt Concrete Dirt Landscape Inside Building

Other: _____

STEP 2: Draw/sketch the outline (footprint) of the spill. Then break the footprint down into recognizable shapes. Label/identify each sketch outline area (Area 1, Area 2, etc.) See example below.



STEP 7: List assumptions made to arrive at the total estimated spill volume. Adjust estimation up for moderate to severe cracking and/or roughness of surface (General Rule 20% to 40%):

STEP 8: Take photographs. Where are photographs stored?

The following photos must be taken: appearance point closest to the failure point, extent of the spill and spill boundaries, the entry location of each drainage conveyance system the sewage entered, all discharge points into surface waters (Category 1 spill only), and location(s) of clean up.

Volume Estimation: Upstream Connections Method

Spill Date: _____ Location: _____

Attach and/or reference system map and identify location of spill and buildings contributing to spill.

STEP 1: Determine the number of Equivalent Dwelling Units (EDUs) for this spill: _____ EDUs
 NOTE: A single-family residential home = 1 EDU. For commercial buildings, refer to agency documentation.

STEP 2: This volume estimation method utilizes daily usage data based on flow rate studies of several jurisdictions in California. Column A shows how an average daily usage of 180 gallons per day is distributed during each 6-hour period. Adjust the table as necessary to accurately represent the actual data.

Complete Column E by entering the number of minutes the spill was active during each 6-hour time period. Multiply column D times Column E to calculate the gallons spilled during each time period. Add the numbers in Column F together for the Total Estimated spill Volume per EDU.

Time Period	Flow Rate Per EDU				Spill	
	A	B	C	D	E	F
	Gallons per Period	Hours per period	A ÷ B = Gallons per Hour	C ÷ 60 = Gallons per Minute	Minutes spill was active during period	D × E = Gallons spilled per period
6am-noon	72	6	12	0.20		
noon-6pm	36	6	6	0.10		
6pm-midnight	54	6	9	0.15		
midnight-6am	18	6	3	0.05		
Total Estimated Spill Volume per EDU:						

STEP 3: Multiply the Estimated spill Volume per EDU from Step 2 by the number of EDUs from Step 1.

$$\frac{\text{_____ gallons}}{\text{Volume per EDU}} \times \frac{\text{_____}}{\text{\# of EDUs}} = \frac{\text{_____ gallons}}{\text{Estimated spill Volume}}$$

STEP 4: Adjust spill volume as necessary considering other factors, such as activity that would cause a fluctuating flow rate (doing laundry, taking showers, etc.). Explain rationale below and indicate adjusted spill estimate (attach a separate page if necessary).

Total Estimated spill Volume: _____ gallons

STEP 7: List assumptions made to arrive at the total estimated spill volume:

STEP 8: Take photographs. Where are photographs stored?

The following photos must be taken: appearance point closest to the failure point, extent of the spill and spill boundaries, the entry location of each drainage conveyance system the sewage entered, all discharge points into surface waters (Category 1 spill only), and location(s) of clean up.



INSERT TAB:
Tab F: Backup Forms

Complete this form only if there is a backup into a residence or business.

Instructions to Collections Crew:

1. Take photo of each form before giving it to the customer for documentation.
2. Tear forms listed below out of this workbook and hand to customer. *Leave this page (F-1) and the First Responder Form (F-2) in this workbook, do not give to Customer.*
3. Check each item that was provided to the customer.
4. Have customer sign below.

Forms/Documents:

- Form F-3: SBMWD Sewer Lateral Handout
- Form F-4: SBMWD Understanding Your Sewer Connections

Forms Provided to:

Customer Name

Customer Signature

Date

Check here if customer declines to sign:

Forms Provided by:

Employee Name

Initial

Date

Instructions to Collection Systems Supervisor:

Send photos, including the photos of the documents given to the customer,
and a copy of the First Responder form to the Director of Environmental & Regulatory Compliance.

First Responder Form (Backup Only)

Complete this form only if there is a backup into a residence or business.

Fill out this form as completely as possible.

Ask customer if you may enter the home. If so, take photos of all damaged and undamaged areas.

PERSON COMPLETING THIS FORM:		PHONE:
Name: _____		DATE:
Title: _____		TIME:
TIME STAFF ARRIVED ON-SITE:		
Give the customer the Cleaning Declination Form and have them sign here: _____ If customer called a cleaning contractor, provide name and contact number:		
RESIDENT NAME: <input type="checkbox"/> Owner <input type="checkbox"/> Renter ADDRESS: PHONE:	IF RENT, PROPERTY MANAGER(S): OWNER: ADDRESS: PHONE:	
# OF PEOPLE LIVING AT RESIDENCE:		
Approximate Age of Home:	# of Bathrooms:	# of Rooms Affected:
Numbers of Photographs or Videos Taken: <input type="checkbox"/> Photographs _____ <input type="checkbox"/> Video _____ <input type="checkbox"/> Customer did not provide or allow photographs		Where are photos/video stored?
Is nearest upstream maintenance hole visibly higher than the drain/fixture that spilled? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Does property have a Property Line Cleanout or BPD? <input type="checkbox"/> Cleanout <input type="checkbox"/> BPD <input type="checkbox"/> Neither <input type="checkbox"/> Unknown		
If yes, was the Property Line Cleanout/BPD operational at the time of the spill?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Have there ever been any previous spills at this location?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Has the resident had any plumbing work done recently? <i>If YES, please describe:</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown

What can happen if a Private Sewer Lateral is not properly maintained?

If a Private Sewer Lateral is improperly maintained it may create a blockage in the line which can cause raw sewage to back up into the property. Unfortunately, many Private Sewer Laterals go unmaintained until a leak or backup occurs and causes damages to the interior of the property. Unmaintained Private Sewer Laterals that become blocked or fail can also contribute to Sanitary Sewer Overflows in the public wastewater collections system, risking a public health hazard.

How can I manage my Private Sewer Lateral?

Repairing a crack or correcting a backup in the Private Sewer Lateral is generally much more costly than performing regular maintenance and adopting best practices. The following measures can help minimize the risk of a backup or failure of the Private Sewer Lateral:



Maintain your lateral through proper cleaning, repair, and replacement. It is generally recommended to inspect the sewer lateral every 5 to 10 years.



Install a cleanout pipe in the Private Sewer Lateral if one is not already present.



Never pour fats, oils, or grease in drains as these will harden and stick to the inside of pipes, potentially causing a blockage.

SBMWD Rule and Regulation 1 Definitions (Selected)

"Private Sewer Lateral" shall mean the privately owned and maintained wastewater collection pipe or conduit extending from the premises where the wastewater is generated (house sewer) up to, but not including, the connection to the City's or satellite service area's collection system. Same meaning as "Service Lateral Line" and "Sewer Lateral".

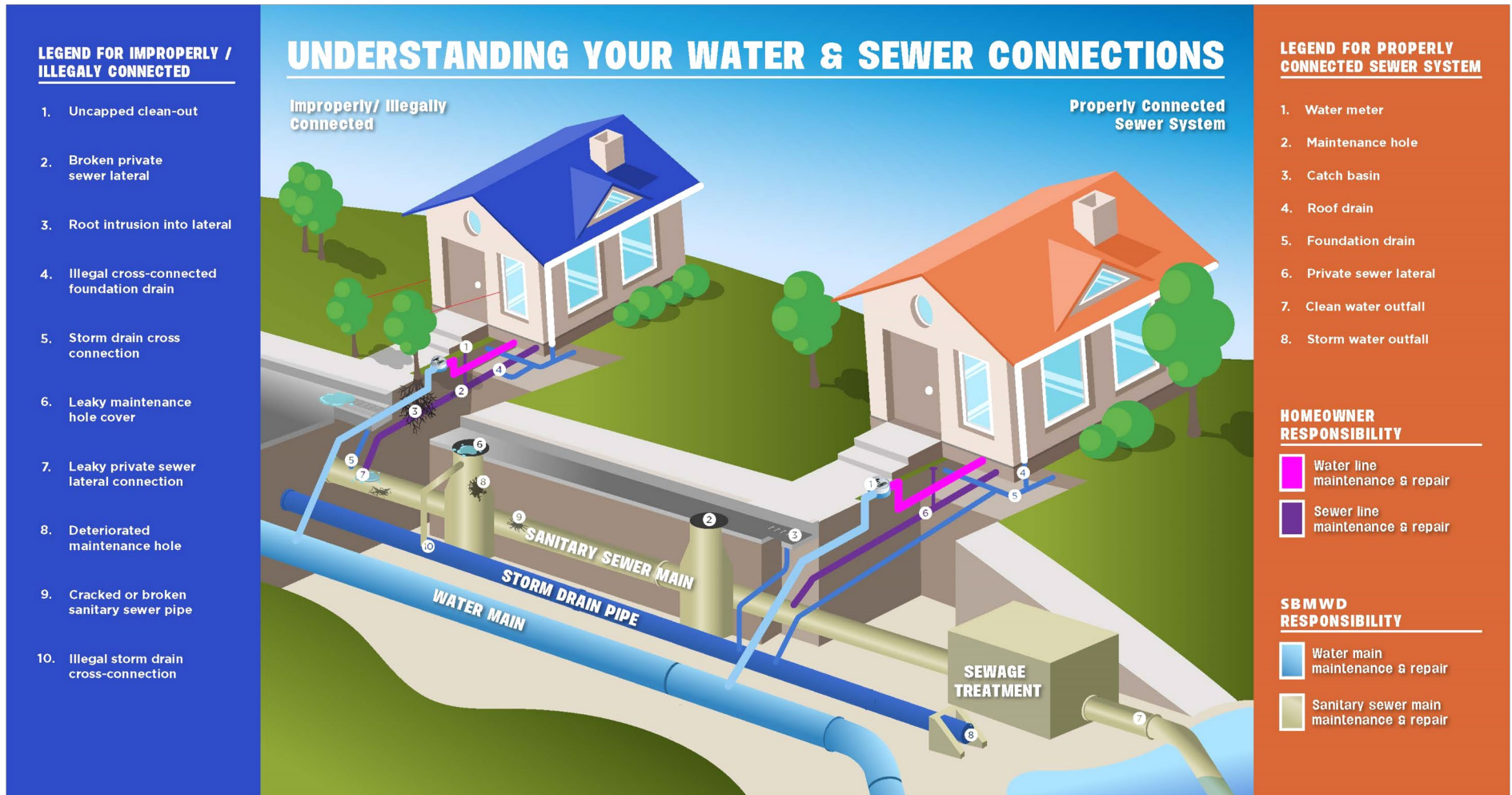
"Sewer Main" shall mean the system of piping or conduit installed in or under any public street, alley, place, or easement on private property for the purposes of collecting wastewater. This definition includes all devices, equipment, pipes, and systems used in the transmission, storage, treatment, recycling and reclamation of municipal wastewater, sludge, industrial wastewater, except sewer laterals. Same as "Sewer Main Line."

SBMWD Rule and Regulation 7 Section 2.1

Maintenance of Private Sewer Laterals: Inoperative private sewer laterals, including the portion in the portion within the public right of way, shall be maintained in good condition (and free of defects) by the User. Inoperative private sewer laterals constituting a "nuisance," as that term is defined in California Health and Safety Code section 5410, shall be subject to the regulations outlined by Health and Safety Code sections 5410 through 5416 and such regulations shall be enforced by the City's Public Works Department. **All such maintenance and repairs shall be performed at the User's own expense, and they shall be liable for all damages, which may result from failure to do so.** Users shall comply with all requirements under the San Bernardino Municipal Code and applicable Rules and Regulations of the SBMWD prior to excavating anywhere within the public right-of-way for the purpose of maintaining and/or repairing the User's private sewer lateral. The repair of inoperative private sewer laterals is also addressed in Chapter 13.08 of the San Bernardino Municipal Code.

San Bernardino Municipal Code 13.08.010 Regulation of Wastewater Connections by Water Board

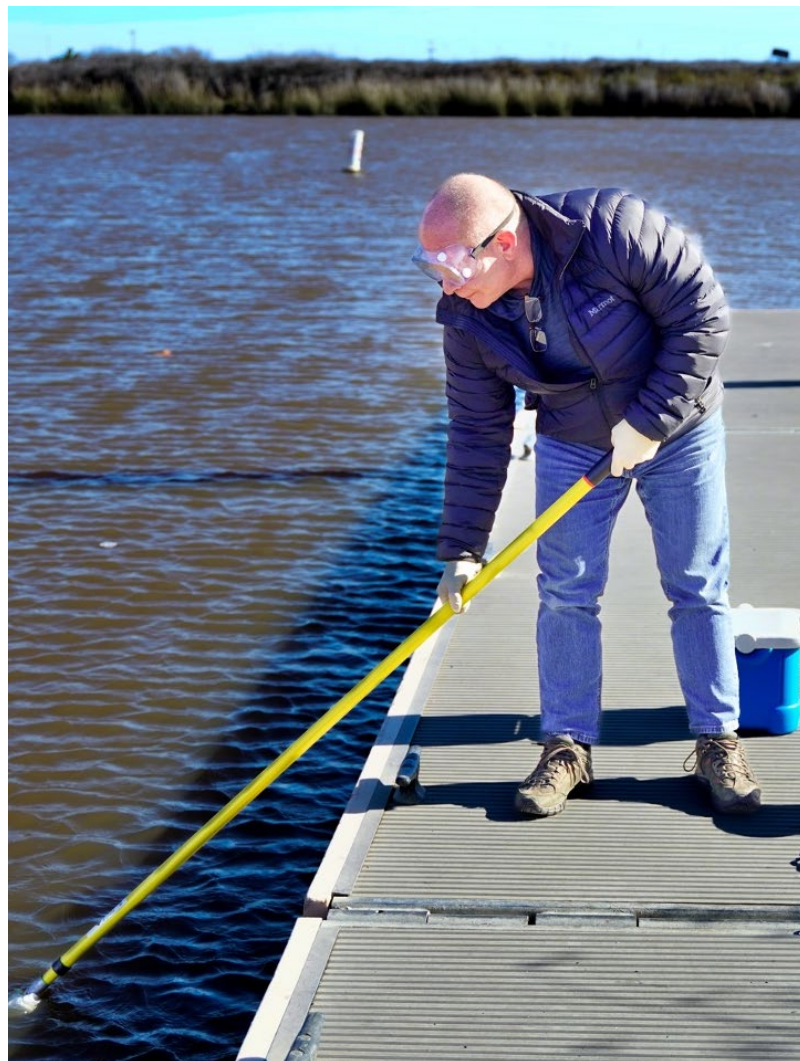
In accordance with Section 603 of the City Charter, the Water Board shall be responsible for oversight and management of the City's wastewater collection system, including the regulation of connections. Any rules or regulations promulgated by the Water Board in connection with its powers under Section 603 of the City Charter may be enforced as laws of the City in accordance with Chapter 2.28 of this Municipal Code



INSERT TAB:

Tab G: SAMPLING SOP

Table of Contents (this page)..... G-1
Specifications & Requirements -2
Introduction & Overview -3
Equipment & Safety -4
Before Sampling -5
Surface Water Sampling -6
After Sampling -7
Attachment E1 Summary -8
Quick-Reference Guide -9
Surface Water Sampling Worksheet -10
Surface Water Sample Chain of Custody Record..... -11



Process:	<i>Surface Water Sampling</i>
Personnel Required:	<ul style="list-style-type: none"> • 1
Personal Protective Equipment:	<ul style="list-style-type: none"> • Safety Glasses • Rubber Gloves
License Required:	<ul style="list-style-type: none"> • None required
Common Hazards:	<ul style="list-style-type: none"> • Drowning or submersion • Slip, trip, and fall • Exposure • Insect/Wildlife • Weather • Boat/Watercraft • Physical Strain or Injury
Safe Operation Guidelines:	<ul style="list-style-type: none"> • Wear proper PPE • Be aware of currents, depth, and unstable banks • Do not eat, drink, or smoke while sampling • Avoid cross-contamination • Label all samples clearly
Lab Contact Information	<p>Babcock Laboratories, Inc. 6100 Quail Valley Court Riverside, CA 92507 951-653-3351 951-653-1662 (FAX) www.babcocklabs.com</p>

Surface water sampling helps to ensure water quality by identifying areas of concern and potential failure mechanisms that may impact surface waters or stormwater infrastructure in the service area.



Minimize Impacts

Surface water sampling allows for the proper evaluation of potential contamination following a sanitary sewer spill.



Having a thorough understanding of the service area and its various challenges can help responders be better prepared to minimize the impacts of a spill on local surface waters and stormwater infrastructure.

Before beginning the sampling process there are several important steps that must be taken to ensure that the samples collected are representative of the water quality in the area being monitored.

These steps include:

1. Gathering the necessary equipment:

- The surface water sampling worksheet, chain of custody, sampling pole, sample containers, and PPE are essential tools that must be prepared and organized before sampling can begin.

2. Donning appropriate personal protective equipment:

- To protect against exposure to potentially harmful contaminants and the sulfuric acid preservative in the Ammonia sample bottles, workers must wear gloves, eye protection, and other personal protective equipment, as needed.

3. Determining the point of sewer spill entry into the waterway:

- It's important to locate the point at which any spill entered the waterway in order to collect the required samples: point of entry into the surface water, downstream, and upstream.



The approximate stream velocity and time since the spill flow to the surface water stopped should be determined to calculate the appropriate distance to move downstream to collect:

1. The downstream sample,
2. Move upstream to collect the spill entry point sample,
3. And move further upstream to collect the upstream or reference sample.



Personal Protective Equipment

Personal Protective Equipment (PPE) should be used when conducting surface water sampling. The PPE that is required includes:

- Gloves
- Eye Protection



Sampling Equipment

In addition to PPE, other sampling equipment is necessary:

- Sample Bottles & Containers
- Cooler with Ice, or Ice packs
- Sampling Pole, or
- Rope & Bucket



The use of PPE and proper sampling equipment is important for the safety of the sampler and for ensuring accurate and reliable sampling results.

Test Type	Sample Locations			
	Spill Area	Downstream of Spill	Upstream of Spill	Drainage Conveyance System (as applicable)
Ammonia/Nitrogen	1 pint with H2SO4	1 pint with H2SO4	1 pint with H2SO4	1 pint with H2SO4
Fecal Coliforms	1 bacti bottles	1 bacti bottles	1 bacti bottles	1 bacti bottles

Water samples must be collected in different bottles for various tests and then transported in a cooler with ice packs.

For each of the three sampling sites (plus drainage conveyance system as applicable), one bottle is needed for ammonia/nitrogen testing, and one bacti bottle is required for each type of bacteria being tested.

Additionally, one field blank sample is required for each constituent. Field blank sample bottles are filled with sterilized water during sampling to serve as quality control on the sampler's sampling methods.

Since the sample bottles contain sterilized water, bacteria and ammonia should not be present in the water. If the lab analysis shows the presence of bacteria or ammonia, it indicates that the sampler's method may not have been correct, and the other bacti samples may have been contaminated.

Surface Water Sampling – Preparation

Step 1 of 4



Prepare the cooler for sample storage by adding an instant ice pack, ice pack, or ice to keep the samples cold during transport to the lab.

Step 2 of 4



Identify the point of the spill where the wastewater entered the waterway and take a photograph of this location with a reference point in the picture.

Step 3 of 4

Surface Water Sample Collection Chain of Custody Record												
Customer Name		<input type="checkbox"/> Hazardous Waste		POF								
Customer Address		<input type="checkbox"/> Unknown Material		HOC								
Customer Telephone		Mail Code		CONTRACT LAD INFORMATION		Treatment/Disposal						
Project Name		Site		Date		Time						
Lab Project Lead/Officer		Phone #		Ship Date		City/State/Zip						
Sampled By		Collector										
SAMPLE COLLECTION INFORMATION												
LAB#	Date	Time	Type	Sample Location	Sample Label ID	Quantity	Analysis Requested				Remarks/Notes	
							PH	Temp	DO	TSS		
			<input type="checkbox"/> Storm			2	A	0	0	0	0	
			<input type="checkbox"/> Sewer			2	A	0	0	0	0	
			<input type="checkbox"/> Storm			2	A	0	0	0	0	
			<input type="checkbox"/> Storm			2	A	0	0	0	0	
			<input type="checkbox"/> Fuel Tank			2	O	0	0	0	0	Sample in/on road water
<small>*Mark: P = Possible Spill; W = Wastewater; A = Ambient Water; S = Stormwater; E = Gas; B = Benzene; I = Industrial; C = Other (specify in remarks)</small>												
Relinquished		Date		Relinquished to		Date		Time				
<small>Sample Receipt Documentation</small> Container intact? <input type="checkbox"/> Yes <input type="checkbox"/> No Control container? <input type="checkbox"/> Yes <input type="checkbox"/> No Field preserved? <input type="checkbox"/> Yes <input type="checkbox"/> No Outside temp intact? <input type="checkbox"/> Yes <input type="checkbox"/> No Label? <input type="checkbox"/> Yes <input type="checkbox"/> No Sample sealed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Open <input type="checkbox"/> Sealed Sample distributed? <input type="checkbox"/> Lab sealed <input type="checkbox"/> Not sealed <input type="checkbox"/> Marked container used # _____ Disposed by: _____ (initials) Date: _____ Name: _____ <input type="checkbox"/> Lab Project Lead <input type="checkbox"/> Project Mgr <input type="checkbox"/> Lab Proj. Coord <input type="checkbox"/> Lab. Manager <input type="checkbox"/> Other												

Begin completing the *Surface Water Sampling Worksheet* to record the relevant information about the sampling location and collected samples.

Step 4 of 4



To determine which direction is upstream and downstream for sample collection, you should observe the direction of water movement from the point of discharge.

The purpose of this procedure is to provide a standard for collecting surface water samples to assess water quality, avoid contamination, and ensure that samples can be accurately labeled and transported to the lab for processing.

Notes:

Start by collecting downstream samples first.

In order to determine where the downstream sample is located in a stream, creek, or river, you will need to determine the velocity of the surface water. This can be accomplished through the use of a stream velocity meter or by measuring off a distance along the bank and timing how long it takes for a floating object to travel that distance.

Use the formula on the *Surface Water Sampling Worksheet* to calculate the stream velocity. Once known, determine the time that the spill **has not been** entering the surface water.

This, along with the stream velocity, will inform you how far downstream you need to travel to collect the downstream sample.



Step 1 of 9

Don the appropriate PPE from your sampling kit. This should include latex or rubber gloves and safety glasses.



Step 2 of 9

Label all samples with their location (refer to table on G-8), your name, and the date and time they are collected. Record this information on the surface water sampling worksheet.



Step 3 of 9

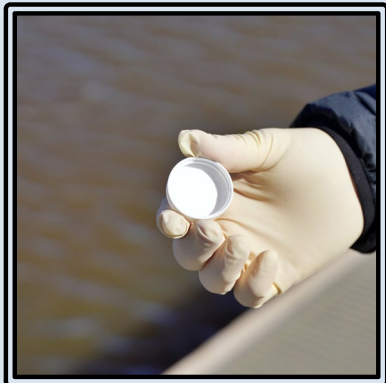
Take photos of each sample location and ensure a reference point is visible in each photo. In the photo (left), the dock and sign serve as excellent reference points.



Step 4 of 9

Remove the seal from the Ammonia sample container just prior to collecting your sample, as applicable.

To reduce the likelihood of contamination, remove the cap immediately before collecting each sample.



Step 5 of 9

To prevent sample contamination, do not allow the inside of the cap to touch anything while you are obtaining the sample.



Step 6 of 9

When filling the ammonia nitrogen sample bottle, don't overfill it because it contains sulfuric acid. Sweep the bottle or dipper upstream and out of the water without disturbing the bottom sediment. Remember to leave the sulfuric acid in the bottle and avoid skin contact.



Step 7 of 9

Fill the Ammonia sample bottle to the fill line, and immediately replace the cap. If there is no clear fill line, fill it to the “neck” of the bottle.

Acquire samples from each location in duplicate.



Step 8 of 9

Open the Bacteria sample container and allow water to gently flow into the bottle just to the fill line.

Acquire samples from each location in duplicate.



Repeat the sampling process for all sample points, ensure there are two of each sample, and **provide a “field blank”** sample using sterile water, which verifies the quality of the samples.



Step 9 of 9

Place all samples in the cooler on the ice pack. To ensure accurate analysis, the Bacti samples must be transported to the lab within 6 hours of the time of collection.

Step 1 of 4: Documentation

All samples must be labeled with their location, your name, and the date and time they were collected. Refer to the state requirements found on the last page of this document. Record this information on the chain of custody form and the surface water sampling worksheet.

Chain of Custody Record

Surface Water Sampling Worksheet

Step 2 of 4: Contact the Lab

Inform the lab that the following samples require processing: ammonia-nitrogen and total/fecal coliform. Provide any additional information the lab may require.

Step 3 of 4: Transport Samples

Place the samples in the cooler on the ice pack and transport them to the lab within 6 hours of collection time. Complete the chain of custody form and ensure all samples are properly secured during transport.

Step 4 of 4: Post Warning Signs

If directed by your supervisor or the county environmental health division, post warning signs in the affected area. Keep track of sign locations and remove warning signs and lift restrictions only when authorized to do so.

The Enrollee shall collect receiving water samples
 at the following locations:

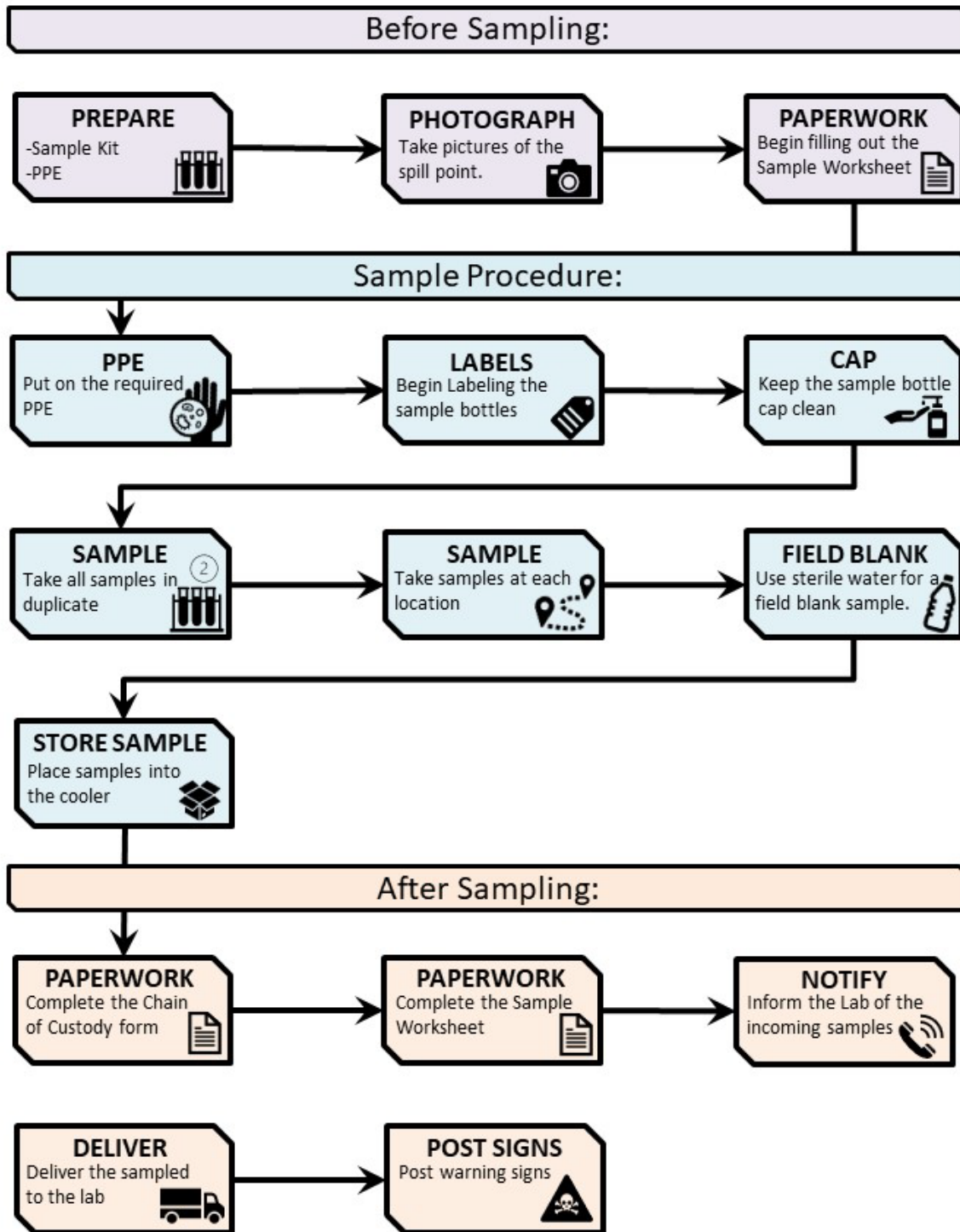
Sampling of Flow in Drainage Conveyance System (DCS) Prior to Discharge

Sampling Location	Sampling Location Description
DCS-001	A point in a drainage conveyance system before the drainage conveyance system flow discharges into a receiving water.

Receiving Surface Water Sampling (RSW¹)

Sampling Location	Sampling Location Description
RSW-001 Point of Discharge	A point in the receiving water where sewage initially enters the receiving water.
RSW-001U Upstream of Point of Discharge	A point in the receiving water, upstream of the point of sewage discharge, to capture ambient conditions absent of sewage discharge impacts.
RSW-001D Downstream of Point of Discharge	A point in the receiving water, downstream of the point of sewage discharge, where the spill material is fully mixed with the receiving water.

¹The Enrollee must use its best professional judgment to determine the upstream and downstream distances based on receiving water flow, accessibility to upstream/downstream waterbody banks, and size of visible sewage plume.



Surface Water Sampling Worksheet

Sample Date:	Sample Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	Sample Location:	
Sampler(s)' Name(s):			
Sampler(s)' Signature(s):			
What is being sampled? <input type="checkbox"/> Stream <input type="checkbox"/> Pond <input type="checkbox"/> Lake <input type="checkbox"/> River <input type="checkbox"/> Other:		If the spill was not actively entering the surface water during sampling: A. Stream Velocity: _____ CFS B. How Long Has the spill NOT Been Entering the Surface Water? _____ minutes X 60sec/min = _ seconds C. How Far Downstream Did You Travel To Collect The SOURCE Sample? (A X C = Feet): _____ feet D. Explain why you travelled a different distance, if you did, to collect the source sample:	
Weather at time of sampling: <input type="checkbox"/> Sunny <input type="checkbox"/> Overcast <input type="checkbox"/> Sprinkling <input type="checkbox"/> Raining			
Was the spill actively entering the surface water during Sampling? <input type="checkbox"/> YES <input type="checkbox"/> NO If no, complete A-D in the gray box to the right.			

Sample Location	Sample Label	# of Samples	Photo ID# of Sample Location	Visual Observations and/or Interferences
Drainage Conveyance	DCS-001	2		
Source*	RSW-001	2		
Upstream*	RSW-001U	2		
Downstream*	RSW-001D	2		
Field Blank*	Field Blank	2		

FINISH CHECKLIST	NOTES / OBSERVATIONS
<input type="checkbox"/> All Samples Labeled with: <input type="checkbox"/> Date: a six-digit number indicating the year, month, day of collection <input type="checkbox"/> Time: a four-digit number indicating military time of collection. e.g. 0954 <input type="checkbox"/> Sample Location: Drainage Conveyance, Source, Upstream, or Downstream <input type="checkbox"/> Samplers: each sampler is identified <input type="checkbox"/> Parameter/preservative: analysis to be conducted for sample/sample preservation <input type="checkbox"/> Chain of Custody Completed <input type="checkbox"/> Samples on Ice in Cooler <input type="checkbox"/> Pictures Taken of Each Sample Location and the Photo ID/# Noted Above <input type="checkbox"/> All Sampling Equipment Collected	

Surface Water Sample Chain of Custody Record

Customer Name	San Bernardino Municipal Water Department	<input type="checkbox"/>	Hazardous Waste	PO#	
Customer Address	1350 South E Street San Bernardino, CA	<input type="checkbox"/>	Unknown Material	WO#	
Customer Telephone		Zip Code	92408	CONTRACT LAB INFORMATION	
Program Name				Turnaround Requirement	
Lab Program Coordinator		Phone #		<input type="checkbox"/> Normal (21 days) <input type="checkbox"/> Rush: _____ <input type="checkbox"/> Other: _____	
Sampled By				Courier:	

LIMS# (Issued by Lab)	SAMPLE COLLECTION INFORMATION							Analysis Requested					QA/QC Requirements	
	Date	Time	Type		Sample Location	Sample Label ID	# Containers	Matrix*	Ammonia	Total and Fecal Coliform	Enterococcus	E. coli	<input checked="" type="checkbox"/>	Lab Standard
			Composite	Grab									<input type="checkbox"/>	Special (see attached)
			<input type="checkbox"/>	<input checked="" type="checkbox"/>	Drainage Conveyance	DCS-001	2	A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input checked="" type="checkbox"/>	Entry Point	RSW-001	2	A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input checked="" type="checkbox"/>	Upstream	RSW-001U	2	A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input checked="" type="checkbox"/>	Downstream	RSW-001D	2	A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input checked="" type="checkbox"/>	Field Blank	Field Blank	2	O	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sterile deionized water

*Matrix: P = Potable Water, W = Wastewater, A = Ambient Water, G = Groundwater, S = Soil, B = Biosolids, I = Industrial, O = Other (specify in remarks)

Relinquished	Date	Time

Relinquished to	Date	Time

Transport/Shipping Information		
<input type="checkbox"/> USPS	<input type="checkbox"/> UPS	<input type="checkbox"/> FedEx
Tracing #:		
<input type="checkbox"/> Other:		

Sample Receiving Documentation

Container intact? <input type="checkbox"/> Yes <input type="checkbox"/> No	Correct container? <input type="checkbox"/> Yes <input type="checkbox"/> No	Field preserved? <input type="checkbox"/> Yes <input type="checkbox"/> No	Custody tape intact? <input type="checkbox"/> Yes <input type="checkbox"/> No
Cooled? <input type="checkbox"/> Yes <input type="checkbox"/> No	Temp. Blank? <input type="checkbox"/> Yes <input type="checkbox"/> No (°C)	Comments:	
Sample distribution: <input type="checkbox"/> Lab bench <input type="checkbox"/> Ice chest <input type="checkbox"/> Walk-in cooler shelf #		Disposal Date:	Disposed by: (inits.)
C-O-C Distribution	Date:	By:	<input type="checkbox"/> Lab Admin File <input type="checkbox"/> Prog/Proj Mgr. <input type="checkbox"/> Lab Prog. Coord. <input type="checkbox"/> Delivery courier <input type="checkbox"/> Pick-up courier

INSERT TAB:
Tab H: POST-SPILL

SPILL LOCATION	
Spill location name:	
Address of spill:	

NOTIFICATION AND COMMUNICATION PROCEDURES	
Were notification procedures adhered to?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Were notification procedures effective?	<input type="checkbox"/> Yes <input type="checkbox"/> No

RESPONSE PROCEDURES	
Were response time goals met?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Were safety procedures adhered to?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Were safety procedures effective?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Were initial response procedures adhered to?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Were initial response procedures effective?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Were containment procedures adhered to?	<input type="checkbox"/> Yes <input type="checkbox"/> No

RESPONSE PROCEDURES (continued)	
Were containment procedures effective?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Were clean up and recovery procedures adhered to?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Were clean up and recovery procedures effective?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Were sewer back up procedures adhered to?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Were sewer back up procedures effective?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Were chain of custody procedures adhered to?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Was failure analysis investigation performed and documented?	<input type="checkbox"/> Yes <input type="checkbox"/> No
REPORTING AND NOTIFICATION PROCEDURES	
Were reporting and notification timeline requirements met?	<input type="checkbox"/> Yes <input type="checkbox"/> No

DOCUMENTATION	
Was spill file created?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Was QA/QC performed to ensure field data matched CIWQS data?	<input type="checkbox"/> Yes <input type="checkbox"/> No
RECOMMENDED CHANGES	
<input type="checkbox"/> N/A	
ATTENDEES	
FACILITATED BY	
	Date:

OFFICE USE ONLY

Incident Report #		Prepared By	
Spill/Backup Information			
Cause			
Summary of Historical Spills/Backups/Service Calls/Other Problems			
Date	Cause	Date Last Cleaned	Crew
Records Reviewed By:		Record Review Date:	
Summary of CCTV Information			
CCTV Inspection Date		File Name/Number	
CCTV File Reviewed By		CCTV Review Date	
Observations			

Go to Page 2

Collection System Failure Analysis

Recommendations					
✓	Type	Specific Actions	Who is Responsible?	Completion Deadline	Who Will Verify Completion?
	No Changes or Repairs Required	n/a	n/a	n/a	n/a
	Repair(s)/ Replacement				
	Construction				
	Capital Improvement(s)				
	Change(s) to Maintenance Procedures/ Schedules				
	Change(s) to Spill Response Procedures				
	Training				
	Misc.				
Comments/Notes:					
Reviewed By:				Review Date:	

***San Bernardino Municipal Water Department
Sewer System Management Plan (SSMP)***

Attachment I

Enforcement Response Plan

**CITY OF SAN BERNARDINO
MUNICIPAL WATER DEPARTMENT
ENVIRONMENTAL CONTROL SECTION**



**ENFORCEMENT
RESPONSE
PLAN**

Date: _____

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I. INTRODUCTION

On July 24, 1990 (55 Fed. Reg. 30082), the Environmental Protection Agency (EPA) promulgated regulations in 40CFR 403.8(f)(5) which require all Publicly Owned Treatment Works (POTWs) to adopt an Enforcement Response Plan (ERP) as part of their approved pretreatment program. The ERP is required to include the necessary procedures to promptly and objectively identify, document, track, and respond to all violations of Federal, State and Local pretreatment regulations.

The regulations specified in 40CFR 403.8(f)(5) specifically require the POTW to develop and implement an enforcement response plan. This plan is required to contain procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum, include methods to:

1. Describe how the POTW will investigate instances of noncompliance;
2. Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
3. Identify (by title) the official(s) responsible for each type of response;
4. Adequately reflect the POTWs primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40CFR 403.8(f)(1) and (f)(2).

The City of San Bernardino Municipal Water Department (SBMWD) pretreatment program is administered by the Environmental Control Section (EC Section). The EC Section is responsible for the development and implementation of the required ERP. The EC Section is granted legal authority under 40CFR 403, SBMWD National Pollutant Discharge Elimination System (NPDES) permit (No. CA0105392), Chapter 13.32 of San Bernardino Municipal Code (SBMC) and accompanying resolutions to enforce the requirements specified in the ERP.

All enforcement actions are progressive in nature and will escalate commensurate with the violation and response from the industrial user (IU). The ERP is to be used as a reference to assist the EC Section with the appropriate level of enforcement response for similar violations. The ERP is not designed to be all inclusive and as such does not include every possible violation or corrective action(s) for the included violations. The purpose of the ERP in general, is to be flexible while being consistent in the implementation of the enforcement measures issued to noncompliant users. The EC Section reserves the right to initiate enforcement action at any level deemed necessary to protect the operation of the POTW, the safety of the SBMWD employees and to expedite compliance from the user. Assistance in the preparation of major violation enforcement responses is provided by the San Bernardino City Attorney and/or the San Bernardino County District Attorney's Office.

II. DEFINITIONS

Unless otherwise defined herein, definitions of terms related to the Pretreatment Program, Industrial User Permits and this Enforcement Response Plan shall be those set forth in SBMC Chapter 13.32 regulating the discharge of wastes into the sewer system of the City of San Bernardino.

1. **Administrative Order (AO)** means an enforcement action authorized by SBMC Section 13.32.635, which directs industrial users to undertake corrective actions or cease specified activities to correct violations.
2. **Categorical Industrial User** shall mean all industrial users subject to National Categorical Pretreatment Standards promulgated by the EPA in accordance with Sections 307 (b) and (c) of the Clean Water Act (33 U.S.C. Sec. 1317 et seq.) and amendments thereto, and as listed by the EPA under the appropriate subpart of 40CFR Chapter I, Subchapter N, and amendments thereto.
3. **Chapter 13.32** shall mean Chapter 13.32 of the SBMC as it currently exists and as hereafter amended.
4. **City** shall mean the City of San Bernardino, acting through the elected officials and authorized representatives.
5. **Code of Federal Regulations (CFR)** shall mean the codification of the general and permanent rules published in the United States Federal Register by the Executive departments and agencies of the Federal Government, including the Environmental Protection Agency.
6. **Collection System** shall mean all pipes, sewers and conveyance systems carrying wastewater to the Water Reclamation Plant (WRP), owned and maintained by the City and/or by tributary Service Areas contracting with the City for sewer service, excluding sewer service lateral line connections.
7. **Compliance Order** shall mean a time schedule issued to an IU by the SBMWD which specifies corrective actions called milestones to be completed by the IU to correct violations of the IU's wastewater discharge permit or SBMC Chapter 13.32.
8. **Consent Order** shall mean a time schedule agreed upon between the SBMWD and an IU which specifies corrective actions called milestones to be completed by the IU to correct violations of the IU's wastewater discharge permit or SBMC Chapter 13.32.
9. **Control Authority** shall mean the City of San Bernardino Environmental Control Section.
10. **Dilution** shall mean the increase in use of water, wastewater or any means to dilute a wastestream as a partial or complete substitute for adequate treatment to achieve discharge requirements.

11. **Director** shall mean the Director of the WRP or an authorized representative, deputy, or agent appointed by the WRP Director.
12. **Discharge Requirements** shall mean the specific numerical limits, prohibitions, and reporting requirements contained in an IU's permit and SBMC Chapter 13.32.
13. **Enforcement Violation Guide** shall mean the current methods as outlined in the SBMWD Enforcement Response Plan and utilized by the Environmental Control Section to gain compliance from user's for violations of wastewater discharge, permit conditions, or SBMC Chapter 13.32.
14. **Environmental Control Assistant (ECA)** shall mean the entry level position with the Environmental Control Section who is primarily responsible for Class 2 and 3 level inspections and monitoring.
15. **Environmental Control Officer (ECO)** shall mean the supervisory position with the Environmental Control Section who is responsible for the development and implementation of the policies and procedures of the Environmental Control Section.
16. **Environmental Control Technician (ECT)** shall mean the journey level position with the Environmental Control Section who is primarily responsible for Class 1 Significant Industrial User (SIU) level inspections, permitting, plan check, and associated activities.
17. **40 CFR** shall mean Title 40 of the Code of Federal Regulations relating to the protection of the environment.
18. **Industrial User** shall mean all persons, entities, public or private, industrial, commercial, governmental, educational, or institutional which discharge or cause to be discharged, industrial wastewater and waterborne waste into the POTW.
19. **Industrial Wastewater** shall mean all water containing wastes of the community, excluding domestic wastewater, and includes all wastewater from any producing, manufacturing, processing, governmental, educational, institutional, commercial, service, agricultural or other operation. Industrial wastewater may also include cooling tower and boiler blowdown water, brine wastewater from the regeneration of water conditioning equipment, and potable water treatment wastewater as determined by the Director.
20. **Major Violation** shall mean those violations which involve the issuance of a Notice of Violation, an Administrative Order, Civil/Criminal Penalties, Permit Suspension or Revocation, Termination of Water/Sewer Service, or any violation which results in Significant Noncompliance.
21. **May** shall mean permissive.
22. **Minor Violation** shall mean those violations which involve the issuance of a Notice of Noncompliance or a Warning Notice.

23. **Pass-Through** shall mean any discharge which exits the WRP into waters of the United States in quantities or concentrations which, alone or in conjunction with other discharges from other sources, causes a violation of any requirement of the NPDES Permit, including an increase in the magnitude or duration of a violation.
24. **Person** shall mean any individual, firm, company, association, society, general or limited partnership, limited liability company, trust, corporation, governmental agency or group, and includes the plural as well as the singular.
25. **Pollutant** shall mean any constituent or characteristic of wastewater including but not limited to conventional pollutants, domestic wastewater, hazardous substances, infectious waste, slug discharges, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, medical waste, heat, rock, sand, cellar dirt and industrial, municipal, and agricultural waste.
26. **Pretreatment** shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to discharge of the wastewater into the POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes, waste minimization, or other legal means designed to remove or reduce pollutants in a wastestream, except dilution.
27. **Pretreatment Equipment** shall mean any structures, equipment, devices or processes for the reduction, elimination, or alteration of pollutants and/or flow control of wastewater prior to discharge to a collection system.
28. **POTW** shall mean the Publicly Owned Treatment Works and shall include the City's collection system, the collection system of contract cities, and the SBMWD Water Reclamation Plant. This definition includes all devices, equipment, pipes, and systems used in the transmission, storage, treatment, recycling and reclamation of municipal sewage, sludge, or industrial wastewater, except sewer service lateral line connections.
29. **Prohibited Waste Discharges** shall mean all discharges specified in SBMC Chapter 13.32 which are prohibited from being discharged to the POTW.
30. **SBMC** shall mean the City of San Bernardino Municipal Code.
31. **SBMWD WRP** shall mean the San Bernardino Municipal Water Department Water Reclamation Plant and includes that portion of the City's POTW which is designated to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.
32. **Shall** means mandatory.
33. **Significant Industrial User (SIU)** shall mean all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N and amendments thereto, or any user that meets any of the following conditions:

- A. Industrial wastewater discharge at an average rate of at least twenty-five thousand gallons per day (gpd) to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);
- B. A process wastestream discharge which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW; or
- C. Is designated by the Director on the basis that the user has a reasonable potential for adversely affecting the POTW or for violating any pretreatment standard or requirement.

34. Significant Non-Compliance (SNC) shall mean any compliance violation that meets one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, which are defined as those in which sixty-six percent or more of all of the measurements for each pollutant taken during a consecutive six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant;
- B. Technical Review Criteria (TRC) violations, which are defined as those in which thirty-three percent or more of all of the measurements for each pollutant taken during a consecutive six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the SBMWD determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- D. Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the SBMWD exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in an Administrative Order, for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within forty-five (45) days of the date, any required reports such as baseline monitoring reports, ninety day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to pay, within thirty days, all applicable industrial user application, permit, and enforcement penalty fees.
- H. Failure to accurately report non-compliance; or

- I. Any other violations or group of violations which the SBMWD believes will adversely affect the operation and implementation of the SBMWD pretreatment program.
- 35. Spill Containment** shall mean a protection system consisting of berms, dikes, or containers, which are used to prevent the discharge of raw materials, waste materials, chemicals, or finished products to the Storm Drain or POTW.
- 36. Unauthorized or Unpermitted Discharge** shall mean any discharge of wastewater from a user who has not received the required permit authorizing the discharge of wastewater to the POTW.
- 37. User** shall mean any person, public or private, residential, industrial, commercial, governmental, educational, or institutional which discharges or causes to be discharged, wastewater into the POTW or contracted service area.
- 38. Waste** shall mean any discarded solid, semi-solid, liquid, or gaseous material.
- 39. Wastewater** shall mean the liquid and water carried domestic waste or non domestic waste from residential, commercial, industrial, governmental, educational, or institutional facilities, together with any groundwater, surface water, and storm water, that may be present which is discharged to the POTW.
- 40. Waste Minimization** shall mean a written summary of practices and site-specific technical and economic information used for selecting appropriate techniques to reduce the production of wastes.

III. ENFORCEMENT PROCEDURES

1. ENFORCEMENT RESPONSES

The SBMWD utilizes a number of different enforcement responses, codified in San Bernardino Municipal Code Chapter 13.32 in response to Industrial Users which are in violation of Federal, State, and local pretreatment regulations. The enforcement responses are progressive in nature and are designed to escalate based on the frequency or magnitude of the specific violation.

The following summary identifies the individual enforcement responses which are used by the SBMWD.

A. Notice of Noncompliance (NNC)

A Notice of Noncompliance shall be issued to a user for any initial pollutant violations, and any minor violations discovered during an inspection, or the users permit or SBMC 13.32. The timeframe required for the NNC to be corrected is normally 7-14 days. A copy of the NNC is either submitted to the user at the conclusion of the inspection or mailed to the user. The NNC shall require the user to correct the violation or submit a written response of the violation(s) and a plan for immediate compliance or actions to comply with the specified violation(s). A compliance time extension or series of time extensions may be granted, at the discretion of the Director, to a user who fails to correct a minor violation required by a NNC, upon a showing of “good faith” by the user. “Good Faith” shall be defined as the user’s honest intention to remedy noncompliance together with actions that support the intention without the use of enforcement actions by the SBMWD.

B. Verbal Notice (VN)

Verbal Notice shall be used to notify a user that required correspondence, monitoring data, or any other type of required report has not been received by the required compliance date. The VN shall be completed through a phone call, telefax, or personal visit and shall be completed within five days after the original compliance date. All VN issued to an SIU shall be documented with a written memo to the SIU file.

C. Warning Notice (WN)

A Warning Notice shall be issued to a user when compliance has not been achieved by the original due date specified in the NNC issued to the user. The WN shall be issued within 5 days after the original or extended due date and shall state the provision(s) violated and the facts alleged to constitute the violation. The WN will also inform the user that additional enforcement action, including the issuance of a Notice of Violation and monetary penalties will be issued to the user if compliance is not achieved by the date specified. A WN shall be documented in a written inspection report at the time of the follow up inspection or mailed to the user following proper notification of the NNC.

D. Noncompliance Monitoring Program (NMP)

A Noncompliance Monitoring Program (NMP) shall be issued to a user when analysis results from consecutive samples indicate violations for the same pollutant. The timeframe required for the NMP response is normally 7 to 14 days in addition to specific due dates for the submittal of all required sample monitoring reports. The NMP requires the user to collect a representative wastewater sample from the designated sample location at a frequency determined by the Director. The samples are to be analyzed for all pollutants which were determined to be in violation of discharge limits. The user shall be responsible for all costs associated with the NMP. Production information, including daily flow meter records shall be submitted for each sample, as required by the Director. Continued noncompliance may result in escalated enforcement action and additional monitoring requirements as specified by the Director.

E. Notice of Violation (NOV)

A Notice of Violation shall be issued to a user for any repeat pollutant violations, any violations which result in Significant Noncompliance, or any major violations discovered during an inspection, the users permit or SBMC 13.32. A Notice of Violation is also issued to a user who has not complied with the requirements contained in a Notice of Noncompliance, Warning Notice, or Stop Work Order. The timeframe required for the NOV to be corrected is normally 7-14 days. The NOV shall state the provision(s) violated and the facts alleged to constitute the violation, and may include proposed compliance measures or additional monitoring which may be required. The NOV will also inform the user that additional enforcement action, up to and including suspension or termination of sewer service will be issued to the user if compliance is not achieved. The NOV shall require the user to correct the violation or submit a written response of the violation(s) and a plan for immediate compliance or actions to comply with the specified violation(s). Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV. The NOV shall be hand delivered to the user with a written receipt of delivery. The NOV shall include a \$100 penalty fee.

F. Stop Work Order (SWO)

A Stop Work Order shall be issued to a user to stop any new construction, tenant improvements, alterations, or additions, when the user has not received all necessary City permits, has initiated work without written approval of the Director, or violations of Chapter 13.32 related to the building activity have been discovered at the site. The SWO requires the user to cease all building activity until the user has achieved compliance with the conditions specified in the SWO and received authorization from the Director to resume building activity. The SWO shall be documented in a written inspection report completed during the onsite inspection or hand delivered to the user. The SWO shall include a \$100 penalty fee.

G. Violation Meeting Order (VMO)

A Violation Meeting Order shall be issued to a user who has failed to achieve compliance after the issuance of an NOV, or at the conclusion of an NMP that has resulted in Significant Noncompliance. A VMO is an informal meeting between the

user and the Environmental Control Section and is intended for the user to propose possible corrective actions and request time extensions to comply with the NOV. The VMO is also used by the user to demonstrate good faith efforts towards achieving compliance. The VMO may also be used by the City to draft a consent order or compliance order, or for the user to draft a compliance schedule, or file an appeal. The VMO shall include a \$100 penalty fee.

H. Cease and Desist Order (CDO)

A Cease and Desist Order shall be issued to a user who is in violation of an NOV, or SBMC Chapter 13.32, industrial user permit, or any order issued under SBMC Chapter 13.32, which is determined to pose an immediate threat to the POTW, SBMWD personnel, environment or the general public. A CDO may also be issued to a user who is discharging industrial wastewater to the POTW without a valid industrial user permit. The CDO may result in the immediate revocation of the user's permit and shall require the user to take such appropriate remedial or preventive action as determined by the Director to gain immediate compliance and eliminate the threat, including halting operations and terminating the discharge to the POTW. The CDO shall include a \$250 penalty fee.

I. Consent Order (CONS)

A Consent Order shall be issued to a user after an NOV has failed to achieve compliance with the requirements specified in SBMC Chapter 13.32, industrial user permit, or any order issued under SBMC Chapter 13.32. The CONS is routinely developed as a result of information collected during the VMO between the SBMWD and a user who has exhibited a willingness to comply. The CONS is a written agreement developed jointly between the City and the user with individual milestones, specific actions submitted by the user, or other remedies used to gain compliance with the violation(s). The CONS shall specify the provisions violated and the facts constituting the violation(s), and shall require adequate treatment facilities, devices, or other pretreatment technology be installed and properly operated by the user to achieve and maintain compliance. No individual milestone, including milestone extensions is permitted to exceed nine months in length. The user is required to submit written progress reports to the SBMWD every 30 days, as scheduled by the Director, to accurately document the current status of the project and to maintain the required schedule. The CONS shall include a \$500 penalty fee.

J. Compliance Order (COMP)

A Compliance Order shall be issued to a user after an NOV has failed to achieve compliance with the requirements specified in SBMC Chapter 13.32, industrial user permit, or any order issued under SBMC Chapter 13.32. The COMP is routinely developed as a result of information collected during the VM between the SBMWD and a user who has exhibited a lack of cooperation and is unwilling to comply. The COMP is used to compel uncooperative users to achieve compliance and shall be developed by the SBMWD with no input from the user. The COMP is a compliance schedule with individual milestones developed by the SBMWD which requires the user to complete specific actions, or other remedies to gain compliance with the violation(s). The COMP shall specify the provisions violated and the facts

constituting the violation(s), and shall require adequate treatment facilities, devices, or other pretreatment technology be installed and properly operated by the user to achieve and maintain compliance. No individual milestone, including milestone extensions is permitted to exceed nine months in length. The user is required to submit written progress reports to the SBMWD every 30 days, as scheduled by the Director, to accurately document the current status of the project and to maintain the required schedule. The COMP shall include a \$500 penalty fee.

K. Show Cause Order (SHOW)

A Show Cause Order shall be issued to a user who is in violation of SBMC Ordinance 13.32, user permit, or any order issued under SBMC Chapter 13.32, and has failed to achieve compliance with previous enforcement actions. The SHOW shall be served on the user specifying the time and place for the hearing; the proposed enforcement action and the reasons for such action, including any alleged violation(s) and the facts constituting the violation. The SHOW allows the user an opportunity to show why Civil and/or Criminal Action should not be brought against the user for failure to comply with previous enforcement actions. The SHOW notice shall be served upon the user personally or by certified mail at least fifteen calendar days prior to the hearing; unless the user requests an earlier date for the hearing. The Director shall permit the alleged violating user to respond to the notice and order, to present evidence and argument on all relevant issues, and to conduct cross-examination of any witnesses necessary for the full disclosure of the facts. The Director may request the attendance and testimony of witnesses and the production of evidence relevant to any matter, and may seek the issuance of a subpoena from the presiding court for the presence of prospective witnesses. The testimony taken shall be under oath and recorded, with a transcript prepared and provided to any person upon payment of the usual charges for such transcript. Attendees at the Show Cause Hearing may include; a representative from the City Attorney's Office, the SBMWD General Manager, the SBMWD WRP Director, and the SBMWD Environmental Control Officer. Prior to the issuance of a SHOW, representatives from the City and SBMWD shall review the case to determine possible compliance measures. Upon review of the findings of fact, the Director or his designee shall make a final decision which shall be served upon the user. The SBMWD may immediately impose an enforcement action after the hearing whether or not a duly notified user appears as required. The SHOW shall include a \$1000 penalty fee.

L. Probation Order (PO)

A Probation Order may be issued to any user for any repeat pollutant or Ordinance violations. The PO shall require the user to conduct repeated monitoring, as determined by the Director, submit recurring documentation as required by the Director, or complete any other actions the Director deems necessary to affirm the continued compliance of the user. The PO shall include a \$100 penalty fee.

M. Permit Revocation Order (PRO)

A Permit Revocation Order may be issued to any user who has not complied with the requirements contained in any enforcement action. The permit revocation requires the user to immediately cease the discharge of all wastewater determined by the Director

to be in noncompliance. The permit revocation requires the user to demonstrate continued compliance prior to the re-issuance of the permit authorizing the continued discharge of the specified wastewater to the sewer system. The PRO shall include a \$100 penalty fee and the user shall be responsible for all costs associated with the re-issuance of the permit.

N. Sewer Suspension Order (SUSP)

A Sewer Suspension Order may be issued to any user who has either willfully or negligently violated the requirements contained in a Permit Revocation Order, failed to comply with the requirements of a CONS or COMP, or whose actual or impending discharge to the POTW presents or may present an imminent endangerment to the health and welfare of persons or to the environment, may pass through or cause interference with the operations of any part of the POTW, is in violation of this Chapter or the user's permit, or may cause the SBMWD to violate its NPDES permit or any other State or Federal law or regulation. The SUSP shall be hand delivered or delivered certified mail with a written receipt of delivery. Any user issued a SUSP shall immediately cease the discharge of all wastewater to the POTW, as specified by the Director. The SUSP will result in the immediate revocation of the user's permit. Noncompliance with the conditions of the SUSP may result in the immediate termination of sewer service as specified in SBMC Section 13.32.640. As soon as reasonably practicable but in no event more than five (5) business days following the issuance of the SUSP, the General Manager shall schedule a hearing to provide the user with an opportunity to present information which states the reasons the SUSP should not be executed. The scheduled hearing shall not delay or prevent the effects of the SUSP. The hearing shall be conducted in accordance with procedures established by the Board. Within five (5) business days following the hearing, the General Manager shall issue a written decision to the user regarding the status of the SUSP. The General Manager may allow the user to resume sewer service or wastehauler discharge service if the user demonstrates continued compliance with all discharge and Ordinance requirements. The user shall be responsible for all costs associated with the issuance of the SUSP. The SUSP shall include a \$500 penalty fee and the user shall be responsible for all costs associated with re-issuance of the permit.

O. Sewer Termination Order (TERM)

A Sewer Termination Order may be issued to any user who has either willfully or negligently violated the requirements contained in a Sewer Suspension Order, failed to comply with the requirements of a CONS or COMP, or whose actual or impending discharge to the POTW presents or may present an imminent endangerment to the health and welfare of persons or to the environment, may pass through or cause interference with the operations of any part of the POTW, is in violation of this Chapter or the user's permit, or may cause the SBMWD to violate its NPDES permit or any other State or Federal law or regulation. The TERM shall be hand delivered or delivered certified mail with a written receipt of delivery. The TERM will result in the immediate revocation of the user's permit and the immediate severance of the user's sewer connection and/or the termination of water service. As soon as reasonably practicable but in no event more than five (5) business days following the issuance of the TERM, the General Manager shall schedule a hearing to provide the user with an

opportunity to present information which states the reasons the TERM should not be executed. The scheduled hearing shall not delay or prevent the effects of the TERM. The hearing shall be conducted in accordance with procedures established by the Board. Within five (5) business days following the hearing, the General Manager shall issue a written decision to the user regarding the status of the TERM. The General Manager may allow the user to reconnect to the sewer and/or resume water service if the user demonstrates continued compliance with all discharge and Ordinance requirements. The TERM shall include a \$1000 penalty fee and the user shall be responsible for all costs associated with the TERM, including the termination and reconnection of sewer and/or water service, and re-issuance of the permit.

P. Civil Penalty (CIV)

A Civil Penalty may be issued to any user in violation of the user's permit, any provision of SBMC 13.32, administrative order, or has failed to comply with the requirements or conditions specified in previous enforcement action. The CIV shall be issued by the City Attorney and shall include all penalties authorized by SBMC 13.32.645. The user shall be responsible for all costs associated with the violation(s); including: reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including, but not limited to, sampling, monitoring, laboratory costs, and inspection expenses.

1. **AUTHORITY:** All users of the POTW are subject to enforcement actions administratively or judicially by the City, United States Environmental Protection Agency, State of California Regional Water Quality Board, or the County of San Bernardino District Attorney. The actions may be taken pursuant to the authority and provisions of several laws, including but not limited to: (1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C.A. Section 1251 et seq.); (2) California Porter Cologne Water Quality Control Act (California Water Code Section 13000 et seq.); (3) California Hazardous Waste Control Law (California Health & Safety Code Sections 25100 to 25250); (4) Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. Section 6901 et seq.); and (5) California Government Code, Sections 54739 -54740.
2. **RECOVERY OF FINES OR PENALTIES:** In the event the City is required to pay fines or penalties pursuant to the legal authority and actions of other regulatory or enforcement agencies based on a violation of law or regulation or its permits, and the violation can be attributed to the discharge of the user in violation of any provision of this Chapter, the user's permit, any prohibition, effluent limit, or an administrative order issued pursuant to this Chapter; the City shall be entitled to recover all costs and expenses, including, but not limited to, the full amount of said fines or penalties from the user.
3. **ORDINANCE:** Pursuant to the Authority of California Government Code Sections 54739-54740, any person who violates any provision of this Chapter; the user's permit, any prohibition, effluent limit; or any suspension or revocation order shall be liable civilly for a sum not to exceed \$25,000.00 per

violation for each day in which such violation occurs. Pursuant to the authority of the Clean Water Act, 33 U.S.C. Section 1251 et seq., any person who violates any provision of this Chapter, the user's permit, or effluent limit shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs. The City Attorney, at the request of the General Manager may petition a court of competent jurisdiction to impose, assess and recover all costs pursuant to Federal and/or State legislative authorization.

4. ADMINISTRATIVE CIVIL PENALTIES

- a.** Pursuant to the authority of California Government Code Sections 54740.5 and 54740.6, the City may issue an administrative complaint to any person who violates:
 - 1.** any provision of this Chapter;
 - 2.** any permit condition, prohibition, or effluent limit; or
 - 3.** any suspension or revocation order.

- b.** The administrative complaint shall be served by personal delivery or certified mail and shall inform the user that a hearing will be conducted, and shall specify a hearing date within sixty (60) days following service. The administrative complaint will allege the act or failure to act that constitutes the violation of the City's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty. The matter shall be heard by the General Manager or a designated representative. The user to whom the administrative complaint has been issued may waive the right to a hearing, in which case the hearing will not be conducted.

- c.** At the hearing, the user shall have an opportunity to respond to the allegations set forth in the administrative complaint by presenting written or oral evidence. The hearing shall be conducted in accordance with the procedures established by the General Manager and approved by the Board.

- d.** After the conclusion of the hearing, the General Manager shall complete a written report which includes a brief statement of facts, a review of the issues involved, conclusions, and a recommendation.

- e.** Upon receipt of the written report, the Board shall make a determination regarding the issuance of a civil penalty against the user. The General Manager shall issue an administrative order regarding the civil penalty to the user within thirty (30) calendar days after the hearing date.

- f.** Civil penalties may be assessed as follows:
- 1.** In an amount of at least \$1000 a day for each violation by Industrial Users of Pretreatment Standards and Requirements;
 - 2.** In an amount which shall not exceed two thousand dollars (\$2000.00) for each day for failing or refusing to furnish technical or monitoring reports;
 - 3.** In an amount which shall not exceed three thousand dollars (\$3000.00) for each day for failing or refusing to timely comply with any compliance schedules established by the SBMWD;
 - 4.** In an amount which shall not exceed five thousand dollars (\$5000.00) for each day of discharge in violation of any waste discharge limit, permit condition, or requirement issued, reissued, or adopted by the SBMWD;
 - 5.** In any amount which does not exceed ten dollars (\$10.00) per gallon for discharges in violation of any suspension, revocation, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the SBMWD.
- g.** In determining the amount of such penalties, damages and costs, all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through a user's violation, corrective actions by a user, the compliance history of the user, good faith efforts to restore compliance, threat to human health, to the environment and to the POTW.
- h.** An order assessing administrative civil penalties issued by the SBMWD shall be final in all respects on the thirty-first (31st) day after it is delivered to the user unless a notice of appeal is filed with the Board pursuant to SBMC Section 13.32.670 no later than the thirtieth (30th) day following delivery of the notice. An order assessing administrative penalties issued by the Board shall be final.
- i.** Copies of the administrative order shall be either hand delivered or by certified mail to the user served with the administrative complaint.
- j.** Payment of the administrative civil penalties shall be made within thirty (30) days of the date the administrative order becomes final. A lien shall be placed against the user's real property for any outstanding penalties which remain delinquent sixty (60) days. The lien shall not be

in effect until recorded with the county recorder. The SBMWD may record the lien for any unpaid administrative civil penalties on the ninety-first (91st) day following the date the administrative order becomes final.

- k.** No administrative civil penalties shall be recoverable under SBMC Section 13.32.645 (D) for any violation which the City has recovered civil penalties through a judicial proceeding filed pursuant to Government Code Section 54740.

Q. Criminal Penalty (CRIM)

A Criminal Penalty may be issued to any user in violation of the user's permit, SBMC 13.32, or an enforcement action issued by the Director or has failed to comply with the requirements or conditions specified in previous enforcement action. A Criminal Penalty may also be issued to any user that willfully or knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter or the user's permit, or which falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter. The CRIM shall be issued by the City Attorney or County District Attorney and shall include all penalties authorized by SBMC 13.32.650. The penalties shall be consistent with the Federal Clean Water Act, 33 U.S.C. 1251, and any relevant State laws. The user shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of at least \$1000 per day for each violation by Industrial Users of Pretreatment Standards and Requirements or imprisonment for not more than six months, or both, per violation per day. This penalty shall be consistent with the Federal Clean Water Act, 33 U.S.C. 1251, et seq. and amendments thereto, and shall apply to the exclusion of any other more lenient provision of this Chapter. A user shall be guilty of a separate violation for each day a violation of any provision of this Chapter or user's permit is committed or continued by such user.

R. SNC Publication Notice (SNC)

All users determined to be in Significant Noncompliance shall be published at least annually in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW. The SNC report shall include a name of the user and the provisions which were found to be in noncompliance.

S. Written Appeal Procedures

- 1.** Any user affected by and dissatisfied with any decision, order, or enforcement action, made by the Director interpreting or implementing the provisions of this Chapter or user's permit, may file with the Director a written appeal requesting reconsideration of such decision, order or enforcement action within ten calendar days from the receipt of the notice of such decision, order or enforcement action. The user shall state in detail the facts supporting the user's request for reconsideration. The Director shall render a ruling on the request for reconsideration to the user in writing within ten (10) business days

from receipt of the appeal. Submission of such a request in no way relieves the user of liability for any violations occurring before or after receipt of decision, order, or enforcement action, nor stays the requirements of achieving or maintaining compliance.

2. Any user affected by and dissatisfied with any decision, order, or enforcement action, made by the Director interpreting or implementing the provisions of this Chapter or user's permit, may file with the General Manager a written appeal requesting reconsideration of such decision, order or enforcement action within ten calendar days from the receipt of the notice of such decision, order or enforcement action. The user shall state in detail the facts supporting the user's request for reconsideration. The General Manager shall render a ruling on the request for reconsideration to the user in writing within ten (10) business days from receipt of the appeal. Submission of such a request in no way relieves the user of liability for any violations occurring before or after receipt of decision, order, or enforcement action, nor stays the requirements of achieving or maintaining compliance.
3. If the ruling on the request for reconsideration made by the General Manager is unsatisfactory, the user may, within ten calendar days after receipt of notice of the General Manager's ruling, file a written appeal with the Board, lodging such appeal with the SBMWD along with an appeals fee of one hundred dollars. All requests for a hearing on appeals concerning an award of civil penalties, or orders of permit suspension, revocation, or denial shall be reviewed by the Board. All other hearing requests shall be at the sole discretion of the Board. The written appeal shall result in a hearing, after notice to the affected parties, for a complete review of the decision, order, or enforcement action. The hearing shall be conducted within sixty calendar days of the written request. The hearing may be recorded or transcribed and the testimony may be required to be given under oath. The Board shall make a ruling on the appeal within sixty calendar days from the date of filing and shall contain the findings of facts regarding the order.
4. The SBMWD shall have the burden of proof during these hearings and shall be responsible to submit a preponderance of evidence for all claims. The appellant may submit written evidence during the hearing to support the claims of the appellant. Formal rules of evidence shall not apply in the hearings under this Chapter. Evidence will be admissible if it is relevant and of the sort on which responsible persons are accustomed to rely in conduct of serious affairs. The SBMWD reserves the right to adopt additional procedural guidelines governing the conduct of the hearings.
5. The ruling of the Board shall be deemed a final decision, order or action by the SBMWD which any person adversely affected by such decision, order or action may appeal to the appropriate court in the County of San Bernardino. No person may obtain judicial review of any decision, order, or enforcement action by the SBMWD under this Chapter without first having exhausted his

or her administrative remedies set forth in this Section.

2. DETERMINING FACTORS

- A. Magnitude of the violation.** The level of enforcement action depends on the magnitude of the violation and/or any significant threat to the public health, safety, or welfare, the environment, the POTW, or to any SBMWD, City or contract personnel. Minor violations are issued correction notices and written warnings; repeat discharge violations are issued an NMP or Notice of Violation; repeat non-discharge Ordinance violations are issued a Notice of Violation or a Violation Meeting Order; and chronic violations are issued escalated enforcement actions including Consent Orders or Compliance Orders.
- B. Duration of the violation.** The length of time a violation has existed without being corrected will also impact the level of enforcement response. Violations that are not corrected within the specified timeframe required to comply shall result in the commencement of escalated enforcement. Violations that are easily and quickly corrected and are not major violations shall require minimum enforcement (e.g. Notice of Noncompliance or Warning Notice). The longer a discharge violation remains uncorrected shall result in escalated enforcement actions up to and including termination of sewer and/or water service and civil/criminal prosecution.
- C. Effect of the violation on compliance with discharge permit.** The violation(s) may place the user in Significant Non-Compliance (SNC) as defined in 40 CFR 403.8. If SNC is detected, a Notice of Violation is issued and the user is published in the area's largest circulating newspaper on an annual basis. If the violation is serious enough, the user's permit may be suspended or revoked, sewer and/or water service may be terminated, and penalties and fines may be levied pursuant to SBMC Chapter 13.32.
- D. Effect of the violation on the operation of the POTW.** The wastewater discharge may affect the wastewater treatment ability of the POTW, the beneficial reuse of POTW sludge, the integrity of the collection system, or threaten the safety of SBMWD, City, contract personnel and the public. In these cases, the user will be responsible for all damages incurred, including all penalties and fines that may be imposed on the City by regulatory agencies pursuant to SBMC 13.32.
- E. Compliance history of the user.** The level of enforcement is also impacted by the compliance history of the user. Repeat violations within a twelve month term will result in escalated enforcement action including the issuance of a Probation Order. In addition, escalated enforcement action will apply if the industrial user has a history of violations with ineffective corrections, repeated violations caused by negligence, and disregard for achieving compliance. Responsive compliance efforts may warrant a less strict enforcement action.
- F. Good Faith by the User.** Additional considerations factored in the enforcement response issued to a user may include the "Good Faith efforts of the user. A "Good Faith" effort is defined as the user's honest intention to remedy the noncompliance with actions that support the intention, e.g. prompt expenditures for pretreatment

equipment or contracting of consultants to correct the noncompliance.

3. ENFORCEMENT VIOLATION GUIDE

DISCHARGE VIOLATIONS			
VIOLATION	RESPONSE	PENALTY	PERSONNEL
First Discharge Violation In A 12 Month Period	NNC – Resample For Pollutant(s)	None	ECT, ECO
Second Discharge Violation In A 12 Month Period	NOV - Noncompliance Monitoring Program Required	\$100	ECO
NMP Violation(s) – Does Not Result In SNC	NOV, PO – Complete Additional Monitoring	\$100, \$100	ECO
NMP Violation(s) – SNC	NOV, VMO, CONS, COMP, SHOW - Complete Additional Monitoring	\$100, \$100, \$500, \$500, \$1000	ECO
Any Discharge Violation(s) Which Result In Quarterly SNC Status	NOV, VMO, CONS, COMP – Complete Additional Monitoring	\$100, \$100, \$500, \$500	ECO, Director
Any Discharge Violation(s) Which Results In Pass Through, Sludge Contamination, Or Interference	SHOW, Civil Or Criminal Penalties – Submit Required Information	\$1000, As Determined	ECO, Director, GM, Attorney
Dilution Of Wastestream – First Offense	NNC – Resample(s) Required	None	ECA, ECT, ECO
Dilution Of Wastestream – Repeat Offense(s)	NOV – Resample(s) Required	\$100	ECO
Discharge pH Meter Indicates Noncompliance	NOV – Comply With pH Discharge Requirements	\$100	ECO
Septic Waste Discharged at Illegal Site Or Noncompliant Septic Waste Discharged at WRP – First Offense	NOV – Submit Required Information	\$100	ECO
Septic Waste Discharged at Illegal Site Or Noncompliant Septic Waste Discharged at WRP - Repeat Offense(s)	PRO, SHOW, Civil Or Criminal Penalties – Submit Required Information	\$100, \$1000, As Determined	ECO, Director
Discharge of Any Prohibited Waste – First Offense	NOV – Submit Required Information	\$100	ECO

Discharge of Any Prohibited Waste – Repeat Offense(s)	VMO, PRO, SHOW, Civil Or Criminal Penalties – Submit Required Information	\$100, \$100, \$1000, As Determined	ECO, Director
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MONITORING VIOLATIONS			
VIOLATION	RESPONSE	PENALTY	PERSONNEL
Failure To Sample Or Resample Within Required Timeframe – First Offense, Does Not Result In SNC	NNC – Sample, Resample As Required	None	ECA, ECT, ECO
Failure To Sample Or Resample Within The Required Timeframe – First or Repeat Offense(s), SNC	NOV, VMO – Sample, Resample As Required	\$100, \$100	ECO
Improper Sample Location – First Offense	NNC – Resample Required	None	ECA, ECT, ECO
Improper Sample Location – Repeat Offense(s)	NOV – Resample Required	\$100	ECO
Improper Sample Collection Or Analytical Methods – First Offense	NNC – Resample Required	None	ECA, ECT, ECO
Improper Sample Collection Or Analytical Methods – Repeat Offense(s)	NOV – Resample Required	\$100	ECO
Failure To Monitor All Required Pollutants – First Offense	NNC – Resample Required	None	ECA, ECT, ECO
Failure To Monitor All Required Pollutants – Repeat Offense(s)	NOV – Resample Required	\$100	ECO
Failure To Install Flow, Monitoring, Or Pretreatment Equipment - Less Than 5 Days Late	WN – Extension Request Required	None	ECT, ECO
Failure To Install Flow, Monitoring, Or Pretreatment Equipment - Less Than 30 Days Late	NOV – Extension Request Required	\$100	ECO
Failure To Install Flow, Monitoring, Or Pretreatment Equipment – More Than 30 Days Late, SNC	NOV, VMO, CONS, COMP, SHOW – Complete Equipment Installation	\$100/day, \$100, \$500, \$500, \$1000	ECO, Director
Failure To Maintain Or Operate Flow, Monitoring, Or Pretreatment Equipment – First Offense	NNC – Complete Equipment Maintenance	None	ECA, ECT, ECO

Failure To Maintain Or Operate Flow, Monitoring, Or Pretreatment Equipment – Repeat Offense(s)	NOV – Complete Equipment Maintenance	\$100	ECO
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REPORTING VIOLATIONS			
VIOLATION	RESPONSE	PENALTY	PERSONNEL
Falsification, Failure To Maintain, Or Incomplete Records, Reports - First Offense	NNC – Records To Be Maintained	None	ECA, ECT, ECO
Falsification, Failure To Maintain, Or Incomplete Records, Reports - Repeat Offenses(s)	NOV – Records To Be Maintained	\$100	ECO, Director
Failure To Submit Records, Reports, Or Correspondence – Less Than 5 Days Late	WN – Submit Required Information	None	ECT, ECO
Failure To Submit Records, Reports, Or Correspondence – Between 5 And 30 Days Late	NOV – Submit Required Information	\$100	ECO
Failure To Submit Records, Reports, Or Correspondence – More Than 30 Days Late, SNC	NOV, VMO, CONS, COMP, SHOW – Submit Required Information	\$100/day, \$100, \$500, \$500, \$1000	ECO
Failure To Report SMR Discharge Violation – First Offense	NNC – SMR Report Required	None	ECA, ECT, ECO
Failure To Report SMR Discharge Violation – Repeat Offense(s)	NOV – SMR Report Required	\$100	ECO
Failure To Report Slug Load Spill – No Discharge To POTW – First Offense	NNC – Slug Load Report Required	None	ECA, ECT, ECO
Failure To Report Slug Load Spill – No Discharge To POTW – Repeat Offense(s)	NOV – Slug Load Report Required	\$100	ECO
Failure To Report Slug Load Spill – Discharge To SBMWD POTW – First Offense	NOV, CDO – Depending On Severity – Submit Required Information	\$100, \$250	ECO, Director
Failure To Report Slug Load Spill – Discharge To POTW – Repeat Offense(s)	CDO, CONS, COMP, SHOW, – Submit Required Information	\$250, \$500, \$500, \$1000	ECO, Director
Failure To Submit Additional Monitoring – First Offense	NNC – Monitoring Results Required	None	ECA, ECT, ECO

Failure To Submit Additional Monitoring – Repeat Offense(s)	NOV – Monitoring Results Required	\$100	ECO
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PERMIT VIOLATIONS			
VIOLATION	RESPONSE	PENALTY	PERSONNEL
Failure To Submit Permit Application Or Renewal By Due Date	WN – Submit Required Permit Application	None	ECT, ECO
Failure To Submit Permit Application Renewal Before Current Permit Expiration Date	NOV – Submit Required Permit Application	\$100	ECO
Failure to Submit Information In Permit Application Which Results In A Permit Reclassification	NOV – Permit Modification Required	\$100	ECO
Failure To Comply With Any Permit Condition Or Requirement – First Offense	NNC, NOV – Depending On Severity	None, \$100	ECA, ECT, ECO
Failure To Comply With Any Permit Condition Or Requirement – Repeat Offense(s)	NOV, CONS, COMP, SHOW – Depending On Severity	\$100, \$500, \$500, \$1000	ECO, Director, GM
Unauthorized Or Unpermitted Discharge – First Offense - No Harm To The POTW	NNC – Submit Required Information	None	ECO
Unauthorized Or Unpermitted Discharge – Repeat Offense(s) - No Harm To The POTW	NOV – Submit Required Information	\$100	ECO
Unauthorized Or Unpermitted Discharge – First Offense - Harm To The POTW	NOV, CONS, COMP, SHOW - Depending On Severity – Submit Required Information	\$100, \$500, \$500, \$1000	ECO, Director
Unauthorized Or Unpermitted Discharge – Repeat Offense(s) - Harm To The POTW	CDO, COMP, SHOW, Civil Or Criminal Penalties – Submit Required Information	\$250, \$500, \$1000, As Determined	ECO, Director
Failure To Submit Required Permit Information Or Any Process Modifications – First Offense	NNC – Submit Required Information	None	ECA, ECT, ECO
Failure To Submit Required Permit Information Or Any Process Modifications – Repeat Offense(s)	NOV – Submit Required Information	\$100	ECO
Failure To Implement FWMP Requirements – First Offense	NOV – Submit Required Information	\$100	ECO

Failure To Implement FWMP Requirements – Repeat Offense(s)	VMO, CONS, COMP, SHOW- Submit Required Information	\$100, \$500, \$500, \$1000	ECO, Director
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MISCELLANEOUS ORDINANCE VIOLATIONS			
VIOLATION	RESPONSE	PENALTY	PERSONNEL
Denial of Entry To Perform Monitoring Or Inspection – First Offense	NOV – Permit EC Entry	\$100	ECO
Denial Of Entry To Perform Monitoring Or Inspection – Repeat Offense(s)	VMO, COMP, SHOW – Obtain Inspection Warrant	\$100, \$500, \$1000	ECO, Director, GM, Attorney
Spill Containment Not Present Or Inadequate	NNC – Install Or Correct Spill Containment	None	ECA, ECT, ECO
Spill Containment Not Properly Maintained – First Offense	NNC – Maintain Spill Containment Area	None	ECA, ECT, ECO
Spill Containment Not Properly Maintained – Repeat Offense(s)	NOV, VMO, COMP, SHOW – Maintain Spill Containment Area	\$100, \$100, \$500, \$1000	ECO, Director
Material Not Properly Spill Contained – First Offense	NNC – Spill Contain Material	None	ECA, ECT, ECO
Material Not Properly Spill Contained – Repeat Offense(s)	NOV, VMO, CONS, COMP, SHOW – Spill Contain Material	\$100, \$100, \$500, \$500, \$1000	ECO, Director
Plan Check Project Initiated Without Environmental Control Authorization – First Offense	NNC, WN – Comply With EC Requirements	None	ECA, ECO
Plan Check Project Initiated Without Environmental Control Authorization – Repeat Offense(s)	NOV, SWO, CDO - Comply With EC Requirements	\$100, \$100, \$250	ECO, Director
Illegal Water Softening Equipment Installed – First Offense	NNC – Comply With Soft Water Regulations	None	ECA, ECT, ECO
Illegal Water Softening Equipment Installed – Repeat Offense(s)	NOV, VMO, CONS, COMP, SHOW – Comply With Soft Water Regulations	\$100, \$100, \$500, \$500, \$1000	ECO, Director
Industrial/Domestic Wastestreams Not Separated Before Pretreatment Or Monitoring – First Offense	NNC – Wastewater Required To Be Separated	None	ECA, ECT, ECO

Industrial/Domestic Wastestreams Not Separated Before Pretreatment Or Monitoring – Repeat Offense(s)	NOV, VMO, CDO, CONS, COMP, SHOW – Wastewater Required To Be Separated	\$100, \$100, \$250, \$500, \$500, \$1000	ECO, Director
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