

As a matter of proper business decorum, the Board of Commissioners respectfully request that all cell phones be turned off or placed on vibrate. To prevent any potential distraction of the proceeding, we request that side conversations be taken outside the meeting room.

AGENDA
REGULAR BOARD MEETING
VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY
VICTORVILLE CITY HALL, CONFERENCE ROOM D
14343 CIVIC DRIVE, VICTORVILLE CA 92392

Thursday, August 19, 2021
7:30 a.m.

VVWRA is committed to protecting public health and the environment in the Victor Valley by providing effective and fiscally responsible wastewater collection, treatment, and recycling.

Call to Order

Holland

Roll Call

Casteel

Public Comments- Closed Session Agenda Items

Holland

CLOSED SESSION: During the course of conducting the business set forth on this agenda as a regular meeting of the Board, the Chair may convene the Board in closed session to consider matters of pending real estate negotiations, pending or potential litigation, or personnel matters, pursuant to Government Code Sections 54956.8, 54956.9, 54957 or 54957.6, as noted. Reports relating to (a) purchase and sale of real property; (b) matters of pending or potential litigation; or (c) employment actions, or which are exempt from public disclosure under the California Public Records Act, may be reviewed by the Board during a permitted closed session and are not available for public inspection. At such time the Board takes final action on any of these subjects, the minutes will reflect all required disclosures of information. Closed Session is scheduled to commence at 7:30 a.m. If the matters discussed in closed session require additional time beyond 8:00 a.m., in deference to the public, the Board may continue the Closed Session discussion after Open Session is concluded. In that case, Closed Session will resume after the Commissioners Comments section and any reportable action will be reported after the continued Closed Session has concluded and before adjournment.

Closed Session

Item 1. (Gov. Code Sec. 54954.5-54956.9(d))- Government Tort Claim- City of Hesperia- Settlement Discussion

Item 2. (Gov. Code Sec. 54954.5-54956.9(d)(1))- Conference with Legal Counsel – Recycled Water Discussion

Call to Order & Pledge of Allegiance

Holland

Report from Closed Session

Legal

Public Comment (Government Code Section 54954.3)

Holland

Opportunity for members of the public to directly address the Board on items of public interest within its

jurisdiction. The public may also address the Board on items being considered on this agenda. VVWRA requests that all public speakers complete a speaker's card and provide it to the Secretary. Persons desiring to submit paperwork to the Board of Commissioners shall provide a copy of any paperwork to the Board Secretary for the official record. We request that remarks be limited to five minutes or less. Pursuant to Government Code Section 54954.3, if speaker is utilizing a translator, the total allotted time will be doubled.

Possible Conflicts of Interest

Holland

Consent Calendar

Holland

All matters placed on the Consent Calendar are considered as not requiring discussion or further explanation and unless any particular item is requested to be removed from the Consent Calendar by a Commissioner, staff member or member of the public in attendance, there will be no separate discussion of these items. All items on the Consent Calendar will be enacted by one action approving all motions and casting a unanimous ballot for resolutions included on the consent calendar. All items removed from the Consent Calendar shall be considered in the regular order of business.

Item 3. Receive, Approve and File Minutes

- Regular Board Meeting 07/15/21

Item 4. Receive, Approve and File July 2021 Disbursement

- Warrant Summary Disbursements

Poulsen

Board Action Required

Staff Recommendation: Approve as presented

Public Hearing

Holland

Item 5. Second Reading of Ordinance 001: Rules and Regulations for Sewer Service

Action Items

The Executive Leadership Team will provide brief updates on existing matters under their purview and will be available to respond to any questions thereof.

Item 6. Recommendation to Adopt Ordinance 001

It is recommended that the Board of Commissioners to Adopt Ordinance 001- Rules and Regulations for Sewer Service.

Poulsen

Board Action Required

Staff Recommendation: Approve as Presented

Item 7. Recommendation to Approve Updated Investment Policy

Keagy

Board Action Required

Staff Recommendation: Approve as Presented	
Item 8. Recommendation to Award a Contract to Lyles Construction to Install New Blowers	Leos
<u>Board Action Required</u> Staff Recommendation: Approve as Presented	
Item 9. Recommendation to Approve Trussell Technologies to Complete the UV Bioassay Study	Poulsen
<u>Board Action Required</u> Staff Recommendation: Approve as Presented	
Item 10. Recommendation to Approve Excess Capacity Agreement with the City of Victorville	Poulsen
<u>Board Action Required</u> Staff Recommendation: Approve as Presented	

Staff Reports

Reports are submitted as presented by Staff on a Quarterly Basis.

Report Range	Board Meeting Date (Thursday)
1st Quarter January 2021-March 2021	May 20, 2021
2 nd Quarter April 2021-June 2021	September 16, 2021
3 rd Quarter July 2021- September 2021	November 18, 2021
4 th Quarter October 2021- December 2021	February Board 2022

Adjournment

Holland

American Disabilities Act Compliance Statement

Government Code Section 54954.2(a)



Any request for disability-related modifications or accommodations (including auxiliary aids or services) sought to participate in the above public meeting should be directed to the VVWRA's Secretary at (760) 246-8638 at least 72 hours prior to the scheduled meeting. Requests must specify the nature of the disability and the type of accommodation requested.

Agenda posting

Government Code Section 54954.2

This agenda has been posted in the main lobby of the Authority's Administrative offices not less than 72 hours prior to the meeting date and time above. All written materials relating to each agenda item are available for public inspection in the office of the Board Secretary.

Agenda items received after posting

Government Code Section 54957.5

Materials related to an item on this agenda submitted after distribution of the agenda packet are available for public review at the VVWRA office located at, 20111 Shay Road, Victorville CA 92394. The materials will also be posted on the VVWRA website at www.vvwra.com.

Items Not Posted

Government Code Section 54954.2(b)

In the event any matter not listed on this agenda is proposed to be submitted to the Board for discussion and/or action, it will be done as an emergency item or because there is a need to take immediate action, which came to the attention of the Board subsequent to the posting of the agenda, or as set forth on a supplemental agenda posted in the manner as above, not less than 72 hours prior to the meeting date.

Items Continued

Government Section 54954.2(b)(3)

Items may be continued from this meeting without further notice to a Committee or Board meeting held within five (5) days of this meeting

Meeting Adjournment

This meeting may be adjourned to a later time and items of business from this agenda may be considered at the later meeting by Order of Adjournment and Notice

VVWRA's Board Meeting packets and agendas are available for review on its website at www.vvwra.com. The website is updated on Friday preceding any regularly scheduled board meeting.

**MINUTES OF A REGULAR MEETING
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY (VWVRA)
July 15, 2021**

CALL TO ORDER: Chair Bill Holland called the meeting to order at 7:31 AM; in Conference Room D at Victorville City Hall, located at 14343 Civic Drive, Victorville California, with the following members present:

**CITY OF VICTORVILLE
CITY OF HESPERIA
ORO GRANDE (CSA 42) AND
SPRING VALLEY LAKE (CSA 64)
TOWN OF APPLE VALLEY**

**Bill Holland, Chair
Dakota Higgins, Vice-Chair
Scott Nassif, Secretary

Debra Jones, Treasurer**

VWVRA Staff and Legal Counsel:

**Darron Poulsen, General Manager
Kristi Casteel, Secretary to GM/Board
Piero Dallarda, Legal Counsel (BB&K)**

**Chieko Keagy, Controller
Brad Adams, Plant Superintendent**

Guest Present:

**Keith Metzler, City of Victorville
Doug Robinson, Town of Apple Valley**

Janele Davidson, City of Victorville

CLOSED SESSION

PUBLIC COMMENTS- CLOSED SESSION AGENDA

Chair Holland asked if there were any comments from the public regarding any item on the Closed Session Agenda. Hearing none, Chair Holland called for a motion to enter into Closed Session.

Moved: Commissioner Jones

Second: Commissioner Higgins

Motion to enter into Closed Session

Motion passed by a 4-0 roll call vote

REGULAR SESSION

CALL TO ORDER & PLEDGE OF ALLEGIANCE

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Chair Holland called the meeting to order at 7:39 AM.

REPORT FROM CLOSED SESSION

None

PUBLIC COMMENTS- REGULAR SESSION AGENDA

None

POSSIBLE CONFLICT OF INTEREST

Commissioner Nassif will be abstaining from any disbursements to Napa Auto Parts on item 4

CONSENT CALENDAR:

3. **Receive, Approve and File Minutes, June 17, 2021**
4. **Receive, Approve and File June 2021 Disbursement**

Moved: Commissioner Jones

Second: Commissioner Nassif

Approval of the Consent Calendar Items 3 and 4 with Commissioner Nassif abstaining from any disbursements to Napa Auto Parts on item 4.

Chair Holland - Yes

Commissioner Higgins- Yes

Commissioner Nassif - Yes

Commissioner Jones - Yes

Motion passed by a 4-0 roll call vote

RECYCLED WATER/ SUBREGIONAL BILLING WORKSHOP

Recycled Water –

A PowerPoint presentation was given, and the Board was given multiple options and recommendations on how to proceed with the issues relating to the recycled water and subregional billing. The Board directed staff to sit down with Victorville and renegotiate their contract. Bring back at the next meeting.

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Sub-Regional Billing- Staff proposed a modification on billing and flows with regards to the Sub-Regionals coming online.

PUBLIC HEARING:**5. Ordinance 001**

Chair Holland opened the Public Hearing at 8:56 am.

The Secretary of the Board confirmed the posting and publication of the Public Hearing Notice as required by law.

A brief oral presentation was given on Ordinance 001 and the changes being made.

Chair Holland asked if there were any comments from the public. There were no public comments.

Chair Holland closed the public hearing at 9:01 am.

ACTION ITEM:**6. Recommendation to Waive the Reading of Ordinance 001 and Move Forward with Second Reading of Ordinance 001: Rules and Regulations for Sewer Service**

The Board will consider approval to authorize the General Manager to schedule the second reading of Ordinance 001- Rules and Regulations for Sewer Service for August 19, 2021, at 8:00 AM.

Moved: Commissioner Jones

Second: Commissioner Nassif

Approval to Waive the Reading of Ordinance 001 and authorize the General Manager to Move Forward with Second Reading of Ordinance 001: Rules and Regulations for Sewer Service for August 19, 2021, at 8:00 AM.

Chair Holland - Yes

Commissioner Higgins- Yes

Commissioner Nassif - Yes

Commissioner Jones - Yes

Motion passed by a 4-0 roll call vote

7. Recommendation to Approve the Second Amendment to the Gas Collection Facilities Lease and Energy Services Agreement

The Board will consider approval to General Manager to execute the Second Amendment to the Gas Collection Facilities Lease and Energy Service Agreement with SoCal Biomethane, LLC upon approval of the amendment by the VVWRA Attorneys.

Moved: Commissioner Jones Second: Commissioner Higgins

Approval to General Manager to execute the Second Amendment to the Gas Collection Facilities Lease and Energy Service Agreement with SoCal Biomethane, LLC upon approval of the amendment by the VVWRA Attorneys.

Chair Holland - Yes

Commissioner Higgins- Yes

Commissioner Nassif - Yes

Commissioner Jones - Yes

Motion passed by a 4-0 roll call vote

8. Recommendation to Extend the Professional Services Agreement for Owner’s Representative and Construction Management Services for the Renewable Natural Gas Project to Biogas Engineering in the Amount of \$75,000.00

The Board will consider approval for the General Manager to extend the Professional Services Agreement (PSA) for Owner’s Representative and Construction Management Services for the Renewable Natural Gas Project to Biogas Engineering (BGE) in the amount of \$75,000.00 upon review and approval by legal counsel.

Moved: Commissioner Nassif Second: Commissioner Jones

Approval for the General Manager to extend the Professional Services Agreement (PSA) for Owner’s Representative and Construction Management Services for the Renewable Natural Gas Project to Biogas Engineering (BGE) in the amount of \$75,000.00 upon review and approval by legal counsel.

Chair Holland - Yes

Commissioner Higgins- Yes

Commissioner Nassif - Yes

Commissioner Jones - Yes

Motion passed by a 4-0 roll call vote

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9. Recommendation to Approve Annual On-Call Contracts Not to Exceed \$55,000 for Public Project Services to Selected Contractors Upon Review and Approval by Legal Counsel

The Board will consider approval for the General Manager to execute multiple on-call service contracts not to exceed \$55,000.00 for public project services to the selected contractor(s) listed below upon review and approval by legal counsel.

Moved: Commissioner Nassif

Second: Commissioner Jones

Approval for the General Manager to execute multiple on-call service contracts not to exceed \$55,000.00 for public project services to the selected contractor(s) listed below upon review and approval by legal counsel.

Chair Holland - Yes

Commissioner Higgins- Yes

Commissioner Nassif - Yes

Commissioner Jones - Yes

Motion passed by a 4-0 roll call vote

10. Recommendation to the Amendment of Trimax's PLC Replacement Project Contract to Include Phase 3

The Board will consider approval of an amendment of Trimax's Programmable Logic Controllers (PLC) replacement project contract to include phase 3 in the amount of \$536,000.00 pending legal review.

Moved: Commissioner Higgins

Second: Commissioner Nassif

Approval of an amendment of Trimax's Programmable Logic Controllers (PLC) replacement project contract to include phase 3 in the amount of \$536,000.00 pending legal review.

Chair Holland - Yes

Commissioner Higgins- Yes

Commissioner Nassif - Yes

Commissioner Jones - Yes

Motion passed by a 4-0 roll call vote

11. Recommendation to Amend Board Schedule

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The Board will consider approval to amended 2021 Board Meeting Schedule.

Moved: Commissioner Nassif

Second: Commissioner Jones

Approval to amended 2021 Board Meeting Schedule.

Chair Holland - Yes

Commissioner Higgins- Yes

Commissioner Nassif - Yes

Commissioner Jones - Yes

Motion passed by a 4-0 roll call vote

CLOSED SESSION (If Closed Session is continued)

ADJOURNMENT

The board will adjourn to a regular board meeting on August 19, 2021, at 7:30 a.m.

APPROVAL:

DATE: August 19, 2021,

BY: _____

Approved by VVWRA Board Scott Nassif,
 Secretary VVWRA Board of Commissioners



Victor Valley Wastewater Reclamation Authority

A Joint Powers Authority and Public Agency of the State of California

Administrative Offices

20111 Shay Road, Victorville, CA 92394


Telephone: (760) 246-8638

Fax: (760) 948-9897

e-mail: mail@vwwra.com

DATE: August 19, 2021

TO: Darron Poulsen
General Manager

FROM: Chieko Keagy 
Controller

SUBJECT: Cash Disbursements Register

RECOMMENDED ACTION

It is recommended that the Board of Commissioners approve the cash disbursements and payroll register for the Victor Valley Wastewater Reclamation Authority.

BACKGROUND

The Cash Disbursements Register totals represented below are for the month of JULY 2021, check numbers 124065-124133 and ACH's.

<i>Accounts Payable</i>			
<i>Checks</i>	<i>ACH's and EFT's</i>	<i>Payroll</i>	<i>Total</i>
<i>\$152,941.34</i>	<i>\$1,727,069.43</i>	<i>\$508,033.59</i>	<i>\$2,388,044.36</i>

**Victor Valley Wastewater Reclamation Authority
Cash Disbursement Register
From 7/1/21 through 7/31/21**

Vendor #	Vendor Name	Type	Payment #	Date	Total
BIRD000	Bird, Larry	Check	124065	07/07/21	\$ 100.00
BLAI000	Blaine Tech Services, Inc.	Check	124066	07/07/21	\$ 14,256.00
CINT000	Cintas Corporation	Check	124067	07/07/21	\$ 308.47
VICT003	City Of Victorville / Sanitation	Check	124068	07/07/21	\$ 3,998.30
DAIL000	Daily Press	Check	124069	07/07/21	\$ 2,923.30
EVAN000	Evans-Hydro	Check	124070	07/07/21	\$ 2,300.00
FERG000	Ferguson Enterprise, Inc.	Check	124071	07/07/21	\$ 516.17
GFOA000	Gfoa	Check	124072	07/07/21	\$ 345.00
GUAR000	Guardian	Check	124073	07/07/21	\$ 869.64
HIGG000	Higgins, Dakota	Check	124074	07/07/21	\$ 100.00
SIMP000	Johnson Controls Fire Protection Lp	Check	124075	07/07/21	\$ 3,045.00
JONE003	Jones, Debra	Check	124076	07/07/21	\$ 100.00
NASS000	Nassif, Scott	Check	124077	07/07/21	\$ 100.00
PRUD001	Prudential Overall Supply	Check	124078	07/07/21	\$ 720.62
JCBS000	Jcb So California, Llc	Check	124079	07/07/21	\$ 8,498.82
UNIT000	United Rentals Northwest, Inc	Check	124080	07/07/21	\$ 690.00
VERI004	Verizon Wireless	Check	124081	07/07/21	\$ 1,788.65
CONC000	Answering 365	Check	124082	07/15/21	\$ 123.00
CALI007	California Tool & Welding Supply	Check	124083	07/15/21	\$ 161.44
FHAS000	Fha Services, Inc.	Check	124084	07/15/21	\$ 368.00
GUAR000	Guardian	Check	124085	07/15/21	\$ 869.64
HIDE000	Hi-Desert Communications	Check	124086	07/15/21	\$ 150.00
JGTU000	J.G. Tucker & Son Inc.	Check	124087	07/15/21	\$ 1,282.75
SIMP000	Johnson Controls Fire Protection Lp	Check	124088	07/15/21	\$ 1,626.93
APPL000	Liberty Utilities	Check	124089	07/15/21	\$ 8,639.60
ORKI000	Orkin	Check	124090	07/15/21	\$ 565.00
PRUD001	Prudential Overall Supply	Check	124091	07/15/21	\$ 1,441.24
ROYA001	Royal Industrial Solutions	Check	124092	07/15/21	\$ 1,190.81
UNIT000	United Rentals Northwest, Inc	Check	124093	07/15/21	\$ 2,165.02
VASQ000	Vasquez & Company, Llp	Check	124094	07/15/21	\$ 12,000.00
VIRR000	Virrey, Oscar	Check	124095	07/15/21	\$ 42.13
BLAI000	Blaine Tech Services, Inc.	Check	124096	07/21/21	\$ 1,395.00
CINT000	Cintas Corporation	Check	124097	07/21/21	\$ 133.98
DAIL000	Daily Press	Check	124098	07/21/21	\$ 341.32
DELL003	Dell Inc.	Check	124099	07/21/21	\$ 7,751.64
FHAS000	Fha Services, Inc.	Check	124100	07/21/21	\$ 254.09
HESP004	Hesperia Water District	Check	124101	07/21/21	\$ 1,264.18
HIDE002	Hi Desert Fire Protection Inc	Check	124102	07/21/21	\$ 2,762.96
HIGG000	Higgins, Dakota	Check	124103	07/21/21	\$ 100.00
HOLL000	Holland, William J.	Check	124104	07/21/21	\$ 100.00
ILIN000	Ilink Business Management	Check	124105	07/21/21	\$ 791.64
INDU003	Industrial Hearing & Pulmonary Mgmt	Check	124106	07/21/21	\$ 3,035.00
JONE003	Jones, Debra	Check	124107	07/21/21	\$ 100.00
NASS000	Nassif, Scott	Check	124108	07/21/21	\$ 100.00
ORKI000	Orkin	Check	124109	07/21/21	\$ 565.00
PARK001	Parkson Corporation	Check	124110	07/21/21	\$ 21,535.02
PHEN001	Phenix Truck Bodies & Equipment	Check	124111	07/21/21	\$ 1,957.13
PRUD001	Prudential Overall Supply	Check	124112	07/21/21	\$ 720.62
RAIN000	Rain For Rent	Check	124113	07/21/21	\$ 4,692.59
SENT000	Sentman, Daniel	Check	124114	07/21/21	\$ 206.97
APPL015	Shredyourdocs.Com	Check	124115	07/21/21	\$ 106.40
ULIN000	Uline, Inc.	Check	124116	07/21/21	\$ 140.23
AIRG000	Airgas Usa, Llc	Check	124117	07/29/21	\$ 1,201.02
ATMO000	Atmospheric Analysis And Consulting, Inc	Check	124118	07/29/21	\$ 1,385.00
CHRI001	Christensen Brothers Gen Eng Inc	Check	124119	07/29/21	\$ 13,455.41
ENVI002	Environmental Water Solutions, Inc	Check	124120	07/29/21	\$ 4,786.12
FHAS000	Fha Services, Inc.	Check	124121	07/29/21	\$ 3,167.67
GUAR000	Guardian	Check	124122	07/29/21	\$ 1,304.46
HATT000	Hat Trix	Check	124123	07/29/21	\$ 1,248.89
HESP004	Hesperia Water District	Check	124124	07/29/21	\$ 620.46
HIGH007	High Desert Backflow	Check	124125	07/29/21	\$ 700.00
ILIN000	Ilink Business Management	Check	124126	07/29/21	\$ 263.88
KONI000	Konica Minolta Business Solutions	Check	124127	07/29/21	\$ 356.51
PRUD001	Prudential Overall Supply	Check	124128	07/29/21	\$ 720.62
QUAD000	Quadient Leasing Usa, Inc	Check	124129	07/29/21	\$ 100.00

**Victor Valley Wastewater Reclamation Authority
Cash Disbursement Register
From 7/1/21 through 7/31/21**

Vendor #	Vendor Name	Type	Payment #	Date	Total
SAFE000	Safety-Kleen Systems Inc.	Check	124130	07/29/21	\$ 1,405.11
TOWN001	Town & Country Tire	Check	124131	07/29/21	\$ 199.37
VERI004	Verizon Wireless	Check	124132	07/29/21	\$ 2,641.52
WEST010	West End Material Supply	Check	124133	07/29/21	\$ 46.00
Total Checks					\$ 152,941.34
ADSC000	A.D.S. Corp.	Electronic Fund Transfer	071620211	07/16/21	\$ 7,150.00
PROT001	Adt Commercial	Electronic Fund Transfer	071620212	07/16/21	\$ 929.55
ALLC000	All Covered	Electronic Fund Transfer	071620213	07/16/21	\$ 2,062.50
ALLI001	Alliant Insurance Services	Electronic Fund Transfer	070820211	07/08/21	\$ 1,100.00
ALLI001	Alliant Insurance Services	Electronic Fund Transfer	071620214	07/16/21	\$ 11,324.00
ALLI003	Allied Electronics Inc	Electronic Fund Transfer	073020211	07/30/21	\$ 692.31
AMER006	American Express	Electronic Fund Transfer	071620215	07/16/21	\$ 4,480.11
ANTH000	Anthony, Donna	Electronic Fund Transfer	072220211	07/22/21	\$ 428.00
APPL013	Applied Maintenance Supplies & Solution	Electronic Fund Transfer	070820212	07/08/21	\$ 1,649.74
APPL013	Applied Maintenance Supplies & Solution	Electronic Fund Transfer	071620216	07/16/21	\$ 311.02
APPL013	Applied Maintenance Supplies & Solution	Electronic Fund Transfer	0722202115	07/22/21	\$ 25.80
ESBA000	Babcock Laboratories, Inc.	Electronic Fund Transfer	0722202116	07/22/21	\$ 2,540.00
ESBA000	Babcock Laboratories, Inc.	Electronic Fund Transfer	073020212	07/30/21	\$ 22,179.32
BECK000	Beck Oil, Inc.	Electronic Fund Transfer	070820213	07/08/21	\$ 26.15
BEST000	Best, Best & Krieger, L.L.P.	Electronic Fund Transfer	070820214	07/08/21	\$ 37,941.94
BEST000	Best, Best & Krieger, L.L.P.	Electronic Fund Transfer	071620217	07/16/21	\$ 28,338.73
BILL002	Billings, Richard	Electronic Fund Transfer	072220212	07/22/21	\$ 428.00
BIOG001	Biogas Engineering	Electronic Fund Transfer	070820215	07/08/21	\$ 26,480.40
BIOG001	Biogas Engineering	Electronic Fund Transfer	073020213	07/30/21	\$ 9,929.00
BIOG000	Biogas Power Systems- Mojave, Llc	Electronic Fund Transfer	070820216	07/08/21	\$ 64,119.27
BIOG000	Biogas Power Systems- Mojave, Llc	Electronic Fund Transfer	071620218	07/16/21	\$ 64,119.27
BLAC003	Blackline Safety Corp	Electronic Fund Transfer	070820217	07/08/21	\$ 210.00
BLAC003	Blackline Safety Corp	Electronic Fund Transfer	073020214	07/30/21	\$ 210.00
BREN001	Brenntag Pacific, Inc	Electronic Fund Transfer	071620219	07/16/21	\$ 1,347.35
BSKA000	Bsk Associates	Electronic Fund Transfer	0716202110	07/16/21	\$ 1,190.00
VEBA000	California School Veba	Electronic Fund Transfer	070820218	07/08/21	\$ 563.02
VEBA000	California School Veba	Electronic Fund Transfer	0716202111	07/16/21	\$ 102.22
CARP000	Carpet Club, Inc.	Electronic Fund Transfer	0716202112	07/16/21	\$ 42,997.00
CDWG000	Cdw Government, Inc	Electronic Fund Transfer	073020215	07/30/21	\$ 42.20
VICT002	City Of Victorville	Electronic Fund Transfer	0722202118	07/22/21	\$ 3,522.06
COLL000	Collicutt Energy Services Inc	Electronic Fund Transfer	073020216	07/30/21	\$ 249,433.63
CORR000	Correia, Bruce	Electronic Fund Transfer	072220213	07/22/21	\$ 428.00
CRAN000	Crane Pro Services	Electronic Fund Transfer	070820219	07/08/21	\$ 1,506.00
CULL000	Culligan Water Conditioning	Electronic Fund Transfer	0716202113	07/16/21	\$ 555.70
DKFS000	D.K.F. Solutions Group, Llc	Electronic Fund Transfer	0708202110	07/08/21	\$ 350.00
DAGN000	Dagnino, Roy	Electronic Fund Transfer	072220214	07/22/21	\$ 428.00
DAVI001	Davis, Tim	Electronic Fund Transfer	072220215	07/22/21	\$ 428.00
DIGI000	Digi-Key Corp	Electronic Fund Transfer	073020217	07/30/21	\$ 809.04
DUDE000	Dudek	Electronic Fund Transfer	0716202114	07/16/21	\$ 872.50
DXPE000	Dxp Enterprises (Formerly Cortech Engineering)	Electronic Fund Transfer	0716202115	07/16/21	\$ 29,637.45
EMEL000	E&M Electric And Machinery, Inc	Electronic Fund Transfer	0716202116	07/16/21	\$ 5,230.00
EVOQ000	Evoqua Water Technologies Llc	Electronic Fund Transfer	0722202119	07/22/21	\$ 9,974.57
FAS T001	Fastenal	Electronic Fund Transfer	073020218	07/30/21	\$ 1,444.19
FLIN000	Flint, Terrie Gossard	Electronic Fund Transfer	072220216	07/22/21	\$ 238.25
GAOS000	G.A. Osborne Pipe & Supply	Electronic Fund Transfer	0708202111	07/08/21	\$ 2,765.40
GAOS000	G.A. Osborne Pipe & Supply	Electronic Fund Transfer	0716202117	07/16/21	\$ 1,709.29
GAOS000	G. A. Osborne Pipe & Supply	Electronic Fund Transfer	0722202120	07/22/21	\$ 431.28
GLOB005	Global Equipment Company, Inc.	Electronic Fund Transfer	0708202112	07/08/21	\$ 744.82
GRAH000	Graham Equipment	Electronic Fund Transfer	0708202113	07/08/21	\$ 770.00
GRAI000	Grainger	Electronic Fund Transfer	0708202114	07/08/21	\$ 1,512.82
GRAI000	Grainger	Electronic Fund Transfer	0716202118	07/16/21	\$ 2,497.56
GRAI000	Grainger	Electronic Fund Transfer	0722202121	07/22/21	\$ 2,694.46
GRAI000	Grainger	Electronic Fund Transfer	073020219	07/30/21	\$ 215.84
GRAN002	Granicus, Inc.	Electronic Fund Transfer	0722202122	07/22/21	\$ 6,020.65
GYUR000	Gyurcsik, Darline	Electronic Fund Transfer	072220217	07/22/21	\$ 206.97
HAAK000	Haaker Equipment Company	Electronic Fund Transfer	0722202123	07/22/21	\$ 5,685.00
HAAK000	Haaker Equipment Company	Electronic Fund Transfer	0730202110	07/30/21	\$ 13.52
HACH000	Hach Company	Electronic Fund Transfer	0730202111	07/30/21	\$ 1,327.01


**Victor Valley Wastewater Reclamation Authority
Cash Disbursement Register
From 7/1/21 through 7/31/21**

Vendor #	Vendor Name	Type	Payment #	Date	Total
HIGH015	High Desert Affordable Landscaping	Electronic Fund Transfer	0708202115	07/08/21	\$ 5,309.76
HINO000	Hinojosa, Thomas	Electronic Fund Transfer	072220218	07/22/21	\$ 428.00
HOWD000	Howden Usa Company	Electronic Fund Transfer	0722202124	07/22/21	\$ 9,278.55
ILIN000	Ilink Business Management	Electronic Fund Transfer	0708202116	07/08/21	\$ 527.76
ILIN000	Ilink Business Management	Electronic Fund Transfer	0708202116	07/08/21	\$ (527.76)
INGE000	Ingersoll Rand	Electronic Fund Transfer	0708202117	07/08/21	\$ 864.00
ROBI000	John Robinson Consulting, Inc	Electronic Fund Transfer	0730202112	07/30/21	\$ 2,895.00
KENI000	Keniston, Olin	Electronic Fund Transfer	072220219	07/22/21	\$ 238.25
KSST000	Ks Statebank	Electronic Fund Transfer	0722202125	07/22/21	\$ 103,791.20
LABO002	Labor Finders	Electronic Fund Transfer	0716202119	07/16/21	\$ 634.08
LARR000	Larry Walker Associates	Electronic Fund Transfer	0708202118	07/08/21	\$ 4,249.00
LARR000	Larry Walker Associates	Electronic Fund Transfer	0730202113	07/30/21	\$ 5,192.00
LAAR000	Latif Laari	Electronic Fund Transfer	0716202120	07/16/21	\$ 2,639.57
LUHD000	Luhdorff And Scalmanini	Electronic Fund Transfer	0722202126	07/22/21	\$ 5,731.25
MAIN000	Main, Randy	Electronic Fund Transfer	0722202110	07/22/21	\$ 428.00
MCGE000	Mcgee, Mark	Electronic Fund Transfer	0722202111	07/22/21	\$ 428.00
MCGR000	Mcgrath Rentcorp	Electronic Fund Transfer	0716202121	07/16/21	\$ 5,466.43
MCMA000	Mcmaster-Carr Supply Co.	Electronic Fund Transfer	0730202114	07/30/21	\$ 600.01
MICH000	Michael'S Auto Detail	Electronic Fund Transfer	0708202119	07/08/21	\$ 410.00
MONT000	Montgomery, Lillie	Electronic Fund Transfer	0722202112	07/22/21	\$ 168.56
NALI000	Nalian, L. Christina	Electronic Fund Transfer	0722202113	07/22/21	\$ 168.56
NAVE000	Nave, Patrick	Electronic Fund Transfer	0722202114	07/22/21	\$ 428.00
PVFS000	Pvf Sales Inc	Electronic Fund Transfer	0716202122	07/16/21	\$ 269.76
PVFS000	Pvf Sales Inc	Electronic Fund Transfer	0730202115	07/30/21	\$ 2,738.84
QUIN002	Quinn Company	Electronic Fund Transfer	0716202123	07/16/21	\$ 48.00
RAFT000	Raftelis	Electronic Fund Transfer	0716202124	07/16/21	\$ 5,515.00
SIEM003	Siemens Industry Inc.	Electronic Fund Transfer	0722202127	07/22/21	\$ 309.94
SIEM003	Siemens Industry Inc.	Electronic Fund Transfer	0730202116	07/30/21	\$ 627.49
TELE000	Teledyne Isco, Inc.	Electronic Fund Transfer	0708202120	07/08/21	\$ 729.71
TMOB000	T-Mobile	Electronic Fund Transfer	0708202121	07/08/21	\$ 198.88
TRIM000	Trimax Systems	Electronic Fund Transfer	0722202128	07/22/21	\$ 153,650.00
TYLE000	Tyler Technologies, Inc	Electronic Fund Transfer	0730202117	07/30/21	\$ 42,214.00
USBA000	U.S. Bank	Electronic Fund Transfer	070220211	07/02/21	\$ 10,118.39
USBA000	U.S. Bank	Electronic Fund Transfer	0730202118	07/30/21	\$ 6,387.60
USAB000	U.S.A. Bluebook	Electronic Fund Transfer	0708202122	07/08/21	\$ 1,129.14
USAB000	U.S.A. Bluebook	Electronic Fund Transfer	0730202119	07/30/21	\$ 899.54
UNDE000	Underground Service Alert Of Southern California	Electronic Fund Transfer	0716202125	07/16/21	\$ 143.88
VETE000	Veteran Janitorial, Llc	Electronic Fund Transfer	0708202123	07/08/21	\$ 2,630.00
LYLE000	W.M. Lyles	Electronic Fund Transfer	0708202124	07/08/21	\$ 9,457.74
WAGE000	Wageworks, Inc	Electronic Fund Transfer	0708202125	07/08/21	\$ 113.00
WAGE000	Wageworks, Inc	Electronic Fund Transfer	0730202120	07/30/21	\$ 113.00
WAXI000	Waxie Sanitary Supply	Electronic Fund Transfer	0722202129	07/22/21	\$ 377.85
WAXI000	Waxie Sanitary Supply	Electronic Fund Transfer	0730202121	07/30/21	\$ 324.23
WEST011	West Yost & Associates, Inc	Electronic Fund Transfer	0708202126	07/08/21	\$ 11,105.50
WEST011	West Yost & Associates, Inc	Electronic Fund Transfer	0722202130	07/22/21	\$ 18,003.25
WEST009	Westover, Kalin	Electronic Fund Transfer	0708202127	07/08/21	\$ 331.00
WILK000	Wilkens, Lucas	Electronic Fund Transfer	0708202128	07/08/21	\$ 184.86
XYLE000	Xylem Dewatering Solutions	Electronic Fund Transfer	0730202122	07/30/21	\$ 28,646.37
STAT002	Ca Dept. Of Tax And Fee Admin.	Bank Draft	DFT02250	07/22/21	\$ 2,151.00
CALP005	CalPERS	Bank Draft	DFT02268	07/28/21	\$ 537,667.00
FLYE000	Flyers Energy, Llc	Bank Draft	DFT02221	07/08/21	\$ 1,414.25
FLYE000	Flyers Energy, Llc	Bank Draft	DFT02251	07/22/21	\$ 1,395.26
KONI000	Konica Minolta Business Solutions	Bank Draft	DFT02225	07/15/21	\$ 446.05
LINC000	Lincoln Financial Group	Bank Draft	DFT02226	07/15/21	\$ 4,173.14
LINC000	Lincoln Financial Group	Bank Draft	DFT02227	07/15/21	\$ 80.11
PRIN000	Principal Life Ins. Co.	Bank Draft	DFT02228	07/15/21	\$ 2,429.00
SOUT000	Southern California Edison	Bank Draft	DFT02253	07/22/21	\$ 13,085.00
SOUT000	Southern California Edison	Bank Draft	DFT02254	07/22/21	\$ 1,176.14
SOUT000	Southern California Edison	Bank Draft	DFT02252	07/22/21	\$ 10,608.18
SOUT000	Southern California Edison	Bank Draft	DFT02253	07/22/21	\$ 6,854.05
SOUT000	Southern California Edison	Bank Draft	DFT02254	07/22/21	\$ 616.07
SOUT000	Southern California Edison	Bank Draft	DFT02252	07/22/21	\$ 5,556.67
SOUT006	Southwest Gas Company	Bank Draft	DFT02222	07/08/21	\$ 22,433.78
SOUT006	Southwest Gas Company	Bank Draft	DFT02255	07/22/21	\$ 5.87
SOUT006	Southwest Gas Company	Bank Draft	DFT02257	07/22/21	\$ 9.17

Victor Valley Wastewater Reclamation Authority
Cash Disbursement Register
From 7/1/21 through 7/31/21

Vendor #	Vendor Name	Type	Payment #	Date	Total
SOUT006	Southwest Gas Company	Bank Draft	DFT02256	07/22/21	\$ 37.07
SOUT006	Southwest Gas Company	Bank Draft	DFT02256	07/22/21	\$ 9.67
SOUT006	Southwest Gas Company	Bank Draft	DFT02255	07/22/21	\$ 22.48
SOUT006	Southwest Gas Company	Bank Draft	DFT02257	07/22/21	\$ 35.14
SPAR000	Sparkletts Drinking Water	Bank Draft	DFT02260	07/22/21	\$ 946.40
SPAR000	Sparkletts Drinking Water	Bank Draft	DFT02260	07/22/21	\$ 394.97
CHAR001	Spectrum (Prev. Charter Communications)	Bank Draft	DFT02258	07/22/21	\$ 4,945.07
APPL007	Town Of Apple Valley	Bank Draft	DFT02220	07/08/21	\$ 155.59
UPS0000	Ups	Bank Draft	DFT02224	07/08/21	\$ 28.03
UPS0000	Ups	Bank Draft	DFT02223	07/08/21	\$ 34.97
UPS0000	Ups	Bank Draft	DFT02229	07/15/21	\$ 308.25
UPS0000	Ups	Bank Draft	DFT02259	07/22/21	\$ 66.95
Total ACH & EFT					\$ 1,727,069.43

Approved



Total Checks	\$ 152,941.34
Total ACH and EFT	\$ 1,727,069.43
Total Payroll - July 2021	\$ 508,033.59
Total	\$ 2,388,044.36

**VICTOR VALLEY WASTEWATER
RECLAMATION AUTHORITY**

20111 SHAY ROAD
VICTORVILLE CA 92394
(760) 246-8638



**ORDINANCE NO. 001
RULES AND REGULATIONS
FOR SEWERAGE SERVICE**

JuneJuly 2021

AN ORDINANCE PRESCRIBING THE RULES AND REGULATIONS FOR SEWERAGE SERVICE AND THE OPERATION OF THE REGIONAL SEWERAGE SYSTEM WITHIN THE BOUNDARIES OF THE VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY AND ESTABLISHING THE SERVICE AND USER FEES CHARGES IN CONNECTION WITH PROVIDING SUCH SEWERAGE SERVICE AND THE OPERATION AND MAINTENANCE OF THE REGIONAL SEWERAGE SYSTEM, ALL PURSUANT TO STATEMENT OF FINDINGS AND BOARD ACTION SET FORTH IN THIS ORDINANCE NO. 001.

**STATEMENT OF FINDINGS AND BOARD ACTION
REGARDING THE ADOPTION OF
ORDINANCE NO. 001**

WHEREAS, Ordinance No. 001 of the Victor Valley Wastewater Authority (“VWVRA”) adopted by the Board of Commissioners (“Commission”) of VWVRA on October 8, 1980, (also known as Ordinance No. 80-19, a copy of which is attached hereto as Exhibit “A” and is incorporated herein by this reference) establishes and imposes a schedule of user fees for services provided by the collection and treatment system owned, maintained and operated by VWVRA; and

WHEREAS, Article 11, Section 11-02 of Ordinance No. 001 provides in pertinent part that the Commission reserves the right to adopt charges and fees for the recovery of costs in connection with the commercial and industrial Pretreatment Program; and

WHEREAS, the funds collected pursuant to Ordinance No. 001 as amended are used to pay for the cost of operating and maintaining the collection and treatment systems owned, maintained and operated by VWVRA and to ensure compliance with regulatory requirements; and

WHEREAS, VWVRA operates a pretreatment program for certain commercial and industrial customers who discharge wastewater into the regional collection system to ensure that such discharge is in compliance with VWVRA quality requirements and does not overload or cause disruptions in the wastewater treatment system; and

WHEREAS, VWVRA issues permits to the commercial and industrial customers who are required to participate in the pretreatment program and charges application and inspection fees, as well as annual permitting fees in connection with such permits to ensure that the commercial and industrial users that are creating the additional burden on the system are paying the full costs associated with the program; and

WHEREAS, an independent analysis of VVWRA's costs in connection with the pretreatment program was undertaken by Larry Walker Associates ("Report") and VVWRA's permitting fees and fee structure were reviewed and compared to the fees imposed by similar agencies; and

WHEREAS, the Report, a copy of which is attached hereto as Exhibit 66-99-11A determined that VVWRA is not recovering the full cost of operating the pretreatment program and recommended an increase in pretreatment program fees to address this deficit;

WHEREAS, the Report also pointed out that certain commercial and industrial users create a higher compliance and enforcement burden within the pretreatment program and recommended that VVWRA charge annual permitting fees by permit type to reflect the actual cost of the different classes of commercial and industrial user; and

WHEREAS; the member entities (i) have local pretreatment programs for the handling of FOG (food, oil and grease) that is generated by restaurants, (ii) require local permits in connection with such programs, and (iii) enforce permit requirements through the local inspection process, it was determined that wastewater pretreatment for Food Service Establishments should be handled exclusively through member entity pretreatment programs to avoid duplication of cost and regulatory burden on Food Service Establishments;

WHEREAS, (1) after discussing these matters with staff for its member entities and the VVWRA Engineering Committee, (2) review and consideration of the Report by the Commission; and (3) conducting the necessary notice and public hearing process in the matter, the Commission believes that the proposed changes in the pretreatment program fees and the structure of those fees and the elimination of duplicate cost with respect to the permitting of Food Service Establishments, is necessary in light of the findings above.

WHEREAS, in 2016, Ordinance No. 001 was amended to allow a third party acting under the authority granted by a member entity to make a direct connection to a VVWRA interceptor and the member entities, in consultation with staff, have determined that only member entities should have such authority and the language added in 2016 should be deleted.

WHEREAS, the Commission has approved Resolution 2021-06 setting tipping fee for solid waste ADM disposal as authorized pursuant to Section 07-04 of the Ordinance and such Resolution has been attached hereto as Exhibit "B"

NOW THEREFORE, the Board of Commissioners of the Victor Valley Wastewater Reclamation Authority hereby ordains as follows:

Section 1. Findings. The Board of Commissioners asserts and adopts the findings set forth above;

Section 2. Change In Pretreatment Program Fees. The current Pretreatment Program Fee Schedule is hereby revised as follows:

(a) Annual Wastewater Discharge Permit Fees will be set on the basis of the type of permit, with separate fees for Class I, II, III and IV permits, to take into account the differences in the actual cost to VVWRA of administering the Pretreatment Program with respect to each such class; and

(b) The Pretreatment Program Fee Schedule will be modified as set forth in the revised Table IV to provide for full cost recovery of the expenses incurred by VVWRA to operate the Pretreatment Program.

Section 3. Repeal of Table IV of Ordinance No. 001 Table IV is hereby repealed in its entirety and, as set forth below, is to be replaced by the Amended Table IV attached hereto..

Section 4. Amendment of Table IV of Ordinance No. 001 Table IV, as referenced in Section 11-02 of Ordinance No. 001, is hereby amended and revised as set forth in the attachment hereto and is incorporated herein by the reference.

Section 5. Permitting of Food Service Establishments. Food Service Establishments will hereinafter be permitted exclusively through the pretreatment programs operated by the member agencies to promote efficiency and avoid duplication of cost and regulatory burden on Food Service Establishments within the boundaries of the member agencies.

Section 6. Direct Connections to VVWRA Interceptor. The flexibility added to Ordinance No. 001 in 2016 to allow direct connections to a VVWRA interceptor by a third party acting under the authority of a member entity is hereby rescinded.

Section 7. ADM Tipping Fees. ~~Additional Changes.~~ Ordinance No. 001 has been updated with ~~such technical revisions as are necessary to implement the changes discussed herein~~ tipping fee set forth in Resolution 2021-06.

Section 8. Additional Changes. ~~Section 8.~~ Ordinance No. 001 has been updated with ~~such technical revisions as are necessary to implement the changes discussed herein.~~

Section 9. Continued Effect of Remaining Provisions of Ordinance No. 001. The remaining provisions of Ordinance No. 001 not expressly repealed or amended by this Ordinance shall remain in full force and effect.

Section ~~9~~10. Effective Date. This Ordinance shall take effect and be in full force thirty (30) days after its adoption. Prior to the expiration of the fifteen (15) days from its adoption, the Ordinance or a summary of it shall be published in The Daily Press, a newspaper of general circulation within the boundaries of the Victor Valley Wastewater Reclamation Authority, or a newspaper of substantially equivalent circulation.

Section ~~10~~11. Notice of Exemption. Within five working days after the passage and adoption of this Ordinance, the Commission hereby authorizes and directs staff to prepare, execute, and file with the County Clerk a Notice of Exemption for the revisions to Ordinance No. 001.

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BEGIN TEXT OF ORDINANCE NO. 001

DRAFT

LEGISLATIVE HISTORY

ORDINANCE NO. 001

(PREVIOUSLY REFERRED TO AS ORDINANCE 80-19)

ADOPTED: 10/08/80

AMENDED: 11/25/81

AMENDED: 06/03/82

AMENDED: 11/17/83

AMENDED: 06/28/84

AMENDED: 06/27/85

AMENDED: 06/26/86

AMENDED: 01/29/87

AMENDED: 06/25/87

AMENDED: 06/30/88

AMENDED: 07/01/89

AMENDED: 07/01/90

AMENDED: 07/01/91

AMENDED: 06/25/92

AMENDED: 05/27/93

AMENDED: 05/26/94

AMENDED: 03/30/95

AMENDED: 05/23/96

AMENDED: 08/27/97

AMENDED: 10/28/99

AMENDED: 07/25/01

AMENDED: 07/05/02

AMENDED: 06/22/07

AMENDED: 06/20/08

AMENDED: 06/29/09

AMENDED: 06/21/12

AMENDED: 03/20/14

AMENDED: 05/20/15

AMENDED: 02/18/16

AMENDED: 10/23/19

REPEALED AND RESTATED: 6/17/2021

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Exhibit A - Larry Walker Associates Report.....	Error! Bookmark not defined.

ARTICLE 01: GENERAL

The purpose of these Rules and Regulations is to provide for the maximum possible beneficial public use of the Victor Valley Wastewater Reclamation Authority (VWVRA) facilities through adequate regulation of sewer design and construction, sewer use, and industrial wastewater discharges; to provide equitable distribution of the costs of the regional sewerage system and to provide procedures for complying with requirements placed upon the Reclamation Authority by other regulatory agencies.

The provisions of these Rules and Regulations shall apply to the direct or indirect discharge of all liquid carried wastes to facilities of the Reclamation Authority and the collection and processing of solid wastes that qualify as ADM and are approved by the Reclamation Authority from time to time. These Rules and Regulations, among other things, provide for the regulation of sewer service and construction in areas within the Reclamation Authority service area, the quality and quantity of discharged wastes, the degree of waste pretreatment required, the issuance of permits for wastewater discharge and of other miscellaneous permits, and the establishment of penalties for violation.

Unless otherwise provided herein, the Reclamation Authority, shall administer, implement, and enforce the provisions of this document. Each Member Entity will provide its own design and construction specifications for local systems. These specifications will be regulated and enforced individually by the Member Entities. The regulation of inflow into the sanitary sewer systems of each Member Entity is available under the following conditions:

- a) Domestic waste hook-up will be regulated by a permit procedure by each Member Entity.
- b) Industrial/commercial waste hook-up will be regulated by the individual Member Entities; however, all discharge of nondomestic wastewater will be subject to the standards and procedures set forth in this Ordinance as adopted and as hereafter amended; and with respect to Food Service Establishments, by the standards and procedures established by the Member Entities consistent with the requirements of this Ordinance.

The Reclamation Authority is a Joint Powers Agency created expressly for the purpose of treatment of wastewater and the ultimate disposal of effluent and solids in compliance with waste discharge requirements set from time to time by the California Regional Water Quality Control Board (Regional Board), Lahontan Region, and any and all applicable Federal, State, and Local statutes, ordinances regulations, and other requirements.

Sewerage service by the Reclamation Authority, subject to the availability of facilities, adequate capacity in facilities, funds or financing for the construction thereof, or all of the foregoing, is available to Member Entities on the terms of conditions herein established. The availability of such service is to be furnished to each Member Entity on the same basis, so that all such entities may be served in an equal and comparable manner.

The original financing for the regional sewerage system was established pursuant to Financial Policy Resolution 81-10 dated November 1981. On an ongoing basis, the Reclamation Authority Financial and Revenue Plan sets forth the means of funding capital and operational costs of the regional sewerage system. In general, the Reclamation Authority sets rates for service to the Member Entities that cover the costs of operating the regional sewerage system. The Reclamation Authority further establishes connection fees to fund capital infrastructure for the regional sewerage system. Connection fees are collected by each Member Entity from users at the local level on behalf of the Reclamation Authority.

It is additionally the intent of the Reclamation Authority to utilize reclaimed water to the maximum beneficial advantage of the community. This use may encompass all or a combination of ground water recharge, landscape irrigation, agricultural irrigation, industrial process water, recreational impoundment, or other beneficial use thereof.

The Reclamation Authority intends to provide regional sewerage service to its Member Entities through sound fiscal planning so as to provide capacity at all times to meet the growth of the area. The Reclamation Authority, however, urges that strong control measures be adopted within each Member Entity to encourage water conservation. In this manner, the Reclamation Authority would not only provide reuse of the treated wastewater, but even more importantly, reduce the consumptive use of high quality drinking water available within its boundaries.

The Reclamation Authority is committed to generating renewable energy through the collection and utilization of biogas that is a byproduct of the treatment process, including the processing of additional solid waste that qualifies as ADM within the digesters of the Reclamation Authority to maximize biogas generation.

ARTICLE 02: JURISDICTION

Pursuant to the regional "project concept", the "contracting communities" or "Member Entities" will collect sewage through locally owned and operated municipal collector systems within their respective boundaries and transmit same to the Reclamation Authority owned and operated regional sewerage system, via the Reclamation Authority's interceptor pipelines, for treatment and ultimate disposition of the treated effluent.

Reclamation Authority may establish policies and procedures for the acceptance of septage and solid waste products that qualify as ADM from waste haulers directly at its primary treatment facility. Reclamation Authority will further adopt standard operating procedures for the handling and treatment of solid waste products that qualify as ADM.

All Member Entities recognize that the violation of any rule and regulation regarding the use of the regional sewerage system by a Member Entity or any of its dischargers could jeopardize the integrity and operation of the regional system and the Reclamation Authority's ability to provide regional wastewater service to the entity in question and to the other Member Entities and their dischargers. In addition, all Member Entities recognize the importance of fair, equitable, and uniform enforcement of said Rules and Regulations throughout the regional system service area. Accordingly, each Member Entity pledges to comply with, honor, and enforce all Rules and Regulations in force relating to the regional sewerage system within their respective boundaries; and agrees to delegate to the Reclamation Authority the primary power and authority to regulate the discharge of nondomestic wastewater by Industrial Users into the tributary sewerage systems.

Notwithstanding anything contained herein which may appear to be to the contrary, the Member Entities shall have and retain exclusive jurisdiction and control over their local collector systems and the Reclamation Authority shall have and retain exclusive jurisdiction and control over the regional sewerage system.

ARTICLE 03: DEFINITIONS AND ABBREVIATIONS

03-01 - Definitions

For the purposes of this Ordinance, the following words and phrases are defined and shall be construed as hereinafter set out unless it shall be apparent from the context that they have a different meaning.

ACT shall mean the Federal Water Pollution Control Act of 1972, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq. This Act has been incorporated by reference into California Law in the Water Code, Chapter 5.5.

ANAEROBICALLY DIGESTIBLE MATERIALS or ADM shall mean waste that can be accepted by the Reclamation Authority for treatment and disposal directly into the anaerobic digester at the wastewater treatment plant. These wastes include FOG, Food Waste and inedible kitchen grease as defined in section 19216 of the California Food and Agriculture Code and food material as defined in Title 14 of the California Code of Regulations, Chapter 3.1, Article 1, section 17852(a)(20).

APPROVED ANALYTICAL METHODS shall mean the sampling referred to in 40 CFR Part 403, Appendix E and analysis of these samples performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using other applicable sampling and analytical procedures approved by the VVWRA and the EPA.

APPROVAL AUTHORITY shall mean the State of California Water Resources Control Board and/or the California Regional Water Quality Control Board, Lahontan Region.

AUTHORITY INTERCEPTOR shall mean those interceptor sewers owned by the Reclamation Authority for the conveyance of liquid wastes from Member Entity tributary sewerage systems to the Reclamation Authority's wastewater treatment facilities.

AUTHORITY SEWERAGE FACILITY shall mean any property belonging to the Reclamation Authority used in the treatment, reclamation, reuse transportation, or disposal of wastewater.

AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE USER shall mean:

1. If the User is a corporation:
 - a. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
 - b. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty

of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively;
3. If the User is a Federal, State, or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee; or
4. The individuals described paragraphs 1, 2, and 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to VVWRA.

If authorization under item 4 of this definition is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of item 4 of this definition must be submitted to the VVWRA prior to or together with any reports to be signed by an authorized representative.

AVERAGE DAILY FLOW shall mean the arithmetic average value for the number of gallons of wastewater discharged into the sewer system during a 24-hour period.

BEST MANAGEMENT PRACTICES (BMPs) shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Article 8. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BIOCHEMICAL OXYGEN DEMAND (BOD) shall mean the quantity of dissolved oxygen required to biochemically oxidize the organic matter in a wastewater sample in five (5) days at 20°C expressed in terms of milligrams per liter (mg/l) and analyzed in accordance with Approved Analytical Methods.

BUILDING SEWER shall mean any sewer or sewer lateral conveying wastewater from the premises of a User to the public sewer system.

BUILDING SEWER - SANITARY shall mean a sewer pipe receiving flow from a single building and connecting to a sewer main or lateral, and constructed on private property, except for street crossing.

CATEGORICAL INDUSTRIAL USER (CIU) shall mean an Industrial User who is subject to promulgated Categorical Standards.

CATEGORICAL STANDARDS shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 USC section 1317) that apply to a specific category of Users and that appears in 40 CFR Chapter I, Subchapter N, Parts 405-421, as it exists and as it may be amended.

CHEMICAL OXYGEN DEMAND shall mean the quantity of dissolved oxygen required to chemically oxidize the contents of a waste sample under specific conditions of oxidizing agent, temperature, and time, expressed in terms of milligrams per liter (mg/l) and analyzed in accordance with Approved Analytical Methods.

CLASS I USER shall mean a Categorical Industrial User. (CIU)

CLASS II USER shall mean a Non-categorical Significant Industrial User. (NCSIU)

CLASS III USER shall mean a Non-Significant Industrial User. (NSIU)

CLASS IV USER shall mean a Temporary Industrial User. (TIU)

CLASS V USER shall mean a discharger of trucked or hauled wastewater to the POTW.

COLIFORM BACTERIA shall mean any of a number of species of bacterial organisms common to the intestinal tracts of humans and animals whose presence in sewage is an indicator of the potential presence of pathogens.

COLLECTION SEWER shall mean a public sewer owned and operated by a Member Entity, whose primary purpose is to collect wastewaters from individual point source discharges.

COMBINED SEWAGE shall mean a combination of both wastewater and storm or surface water.

COMBINED SEWER shall mean a sewer intended to receive both wastewater and storm or surface water.

COMMERCIAL WASTEWATER shall mean wastewater from any retail store, restaurant, office building, laundry, church, lodge, or other private business or service establishment.

COMMISSION shall mean the Board of Commissioners of the Reclamation Authority.

COMPATIBLE POLLUTANT shall mean BOD, suspended solids, pH, coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled by the Reclamation Authority's permit, for its wastewater treatment works as said works have been designed and are operated to reduce or remove such pollutants.

COMPLIANCE TIME SCHEDULE shall mean a formal timetable for achieving compliance required of Users in violation of the provisions of this Ordinance. Each Compliance Time Schedule shall contain milestone dates as well as a final compliance date, and shall be approved by the Manager.

COMPOSITE SAMPLE shall mean a sample which is collected from a wastewater discharge over a time period of twenty-four (24) hours. A composite sample may be collected using automatic continuous or discrete sampling equipment, or by manually collecting and compositing a minimum of four grab samples. Where specified by the Manager, composite samples shall be collected in a manner which is proportional to the flow rate of the discharge.

CONNECTION FEE shall mean a fee paid by a new system discharger to fund the capital costs associated with service capacity in the regional wastewater system.

CONSTITUENT shall mean any physical, chemical, or microbiological component or parameter of water or wastewater which can be quantified using Approved Analytical Methods.

CONSTRUCTION DRAINAGE shall mean water accumulated in excavations; water taken from the ground through a well-point, underdrain or other dewatering systems; water accumulated as a result of grading; and all other drainage associated with construction operations.

CONTROL AUTHORITY shall mean the General Manager of the VVWRA or his authorized representative, agent, or deputy.

CONTROL STRUCTURE shall mean a manhole, vault, or other chamber specially constructed for the purpose of sampling and measuring the flow of a nondomestic wastewater discharge to the POTW.

CONVENTIONAL POLLUTANT shall mean any pollutant or combination of pollutants listed as conventional in 40 CFR Part 401.16.

COUNTY shall mean the County of San Bernardino or the Board of Supervisors of the County of San Bernardino, California.

DAILY MAXIMUM shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

DAILY MAXIMUM LIMIT shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

DEVELOPMENTS shall mean parcels of land on which dwelling units, commercial, or industrial buildings, or improvements are built.

DIRECT DISCHARGE shall mean the discharge of wastewater to the storm drain system or waters of the State of California or the United States.

DISCHARGE TO THE GROUND shall mean the discharge of wastewater to or into the soil and not contained in a facility approved by the Manager as being impermeable.

DISCHARGER shall mean any person who causes or contributes a discharge into the POTW.

DISSOLVED ORGANIC HALIDES (DOX) shall mean the measure of dissolved halogenated organic material in domestic or other wastewater as analyzed in accordance with Approved Analytical Methods.

DISSOLVED SOLIDS shall mean the residues of the dissolved constituents in water.

DOMESTIC WASTEWATER (DOMESTIC SEWAGE) shall mean water bearing wastes from residences and other premises resulting from personal use of water for ordinary living processes.

EASEMENT shall mean an acquired legal right for the specific use of land owned by others.

EFFLUENT shall mean the liquid outflow from any POTW facility; or the nondomestic wastewater discharged by a User to the POTW.

ELECTRICAL CONDUCTIVITY (EC) shall mean the ability of an aqueous solution to carry an electrical current, expressed in terms of micromhos per centimeter (umhos/cm) at 25°C, and analyzed in accordance with Approved Analytical Methods.

ENVIRONMENTAL PROTECTION AGENCY (EPA) shall mean the United States Environmental Protection Agency, or where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

EXCHANGE-TYPE WATER CONDITIONING DEVICE shall mean a water conditioning device that is removed to and serviced at a commercial regeneration facility for regeneration from the premises at which it is normally operated.

EXISTING SOURCE shall mean any source of discharge that is not a "New Source".

FLOATABLE OIL shall mean oil, fat, or grease that is made up of organic polar compounds derived from vegetable/plant or animal sources that are composed of long chain triglycerides (3 fatty acid molecules with one glycerol) and is in a physical state such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Reclamation Authority and Member Entity.

FATS, OIL, and GREASE (FOG) shall mean any substance such as vegetable or animal product that is used in, or is a byproduct of, the cooking for food preparation process, and that turns or may turn viscous or solidify with a change in temperature or other conditions.

FOOD PROCESSING FACILITY shall mean a wholesale or retail facility which handles, processes, or prepares foodstuffs intended for human and/or animal consumption.

FOOD SERVICE ESTABLISHMENT (FSE) shall mean means facilities defined in California Uniform Retail Food Facilities Law (CURFFL) Section 113785, and any commercial entity (such as, but not limited to, restaurants, commercial kitchens, caterers, hotels, bakeries, donut shops, public and private schools, hospitals, prisons, correctional facilities, and care institutions) within the service area, operating in a permanently constructed structure such as a room, building, or place, or portion thereof, maintained, used, or operated for the purpose of preparing, serving, or

manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG, or grease vapors, steam, fumes, smoke or odors that are required to be removed by a Type I or Type II hood, as defined in CURFFL Section 113785. A limited food preparation establishment is not considered a food service establishment when engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, there is no wastewater discharge containing a significant amount of FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.

FOOD WASTE shall mean organic wastes derived from pre- and post-processed plants and animals (excluding those wastes generated at rendering facilities) for the explicit creation of foods for human and/or animal consumption. This includes, but may not be limited to, those foods and scraps processed or produced at restaurants, hospitals, food distributors, schools and residences.

FORCE MAIN shall mean a pipe in which wastewater is carried under pressure.

GARBAGE shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food; and from solid waste recycling and separation facilities.

GENERAL MANAGER or MANAGER shall mean the General Manager of the VVWRA.

GRAB SAMPLE shall mean a sample which is collected from a wastewater discharge without regard for flow over a period of time not exceeding fifteen (15) minutes.

GRAVITY SEPARATION INTERCEPTOR shall mean an approved detention chamber designed to remove grease, oil, and solids from wastewater before discharge to the POTW.

HAZARDOUS SUBSTANCE shall mean any substance which is toxic, explosive, corrosive, flammable or an irritant, or which generates pressure through heat or decomposition including, but not limited to, any substance determined to be a toxic or hazardous substance pursuant to Section 307 and 311(b)(2) of the Clean Water Act, 33 USC, Section 1251, et. seq., or its implementing regulations at 40 CFR Section 307 and 311; any substance classified as a hazardous substance pursuant to California Water Code Section 13050(p) and; any imminently hazardous chemical substance subject to regulation under the Toxic Mixtures or Substances Control Act, 15 USC, Section 2601, et seq.

HAZARDOUS WASTE shall mean any hazardous substance which is either the resultant and/or intermediate or final by-product of any process.

HOLDING TANK WASTE shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

INCOMPATIBLE POLLUTANT shall mean any non-treatable waste product including non-biodegradable dissolved solids.

INDIRECT DISCHARGE or DISCHARGE shall mean the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.

INDUSTRIAL PLANT shall mean any facility which discharges industrial wastes. Each industrial plant will be considered and analyzed individually even though an owner may operate two or more industrial plants within the Reclamation Authority service area. A multi-building industrial plant located on a single site shall not be arbitrarily divided into separate units for the purpose of obtaining additional deductions and exemptions.

INDUSTRIAL SEWER shall mean a sewer owned and operated by an industry.

INDUSTRIAL USER (IU). The term Industrial User or User means a source of Indirect Discharge.

INDUSTRIAL WASTE ENFORCEMENT OFFICER shall mean a person authorized by the Reclamation Authority and Member Entities to inspect wastewater generation, conveyance, processing, and disposal facilities.

INDUSTRIAL WASTEWATER shall mean wastewater generated by industrial users.

INFILTRATION shall mean the water unintentionally entering the public sewer system, including groundwater seepage, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls.

INFILTRATION/INFLOW shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.

INFLOW shall mean the water discharge into a sanitary sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and/or combined sewers, catch basins, stormwaters, surface runoff, street wash waters or drainage. (Inflow does not include, and is distinguished from, infiltration.)

INSTANTANEOUS LIMIT shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the flow rate and the duration of the sampling event.

INTERCEPTOR shall mean a gravity separation interceptor.

INTERCEPTOR SEWER shall mean a sewer whose primary purpose is to convey wastewater from the collection sewers of a Member Entity to the Reclamation Authority's wastewater treatment facilities.

INTERFERENCE shall mean a discharge which alone or in conjunction with a discharge or discharges from other sources, both:

- a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- b) Causes a violation of any requirement of the POTW's NPDES permit and/or WDR (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

JOINT POWERS AUTHORITY shall mean members included in the Joint Exercise of Powers Agreement comprised of the following parties: City of Victorville, Town of Apple Valley, City of Hesperia, and County Service Areas No. 42 (Oro Grande) and No. 64 (Spring Valley Lake) or the entity known as VVWRA, however constituted.

LIQUID WASTE HAULER DISCHARGE PERMIT shall mean the regulatory procedure established and enforced by the Manager pursuant to Section 07-03 herein, to allow for the proper discharge of Septage into the POTW.LOCAL LIMIT shall mean specific discharge limits developed and enforced by the Reclamation Authority upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR Part 403.5(a)(1) and (b).

LOCAL SEWERING AGENCY shall mean the Member Entity, as designated in the Joint Powers Agreement, with authority to approve building plans for a particular User.

LOWER EXPLOSIVE LIMIT (LEL) shall mean the minimum concentration of a combustible gas or vapor in the air which will ignite if an ignition source is present.

MAINTENANCE shall mean keeping the sewer lines, sewer systems, sewer facilities or sewage works and structures in satisfactory working condition and good state of repair (including, but not limited, to preventing any obstructions or extraneous materials or flows from entering said facilities, protecting said facilities from any damage, and keeping same free from defects or malfunctions), and making necessary provisions and taking necessary precautions to assure that said sewer facilities are at all times capable of satisfactorily performing the services, and

adequately discharging the functions and producing the final results and purposes said facilities are intended to perform, discharge, or produce.

MASS EMISSION RATE shall mean the mass of material discharged to the POTW during a given time interval. Unless otherwise specified, the mass emission rate shall be expressed in pounds per day of a particular constituent or combination of constituents.

MAY is permissive.

MEMBER ENTITY shall mean one of the public functional entities that are legally accepted as members of the VVWRA and so designated in the JPAG.

MILLIGRAMS PER LITER (mg/l) shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent in reporting the results of water and wastewater analysis.

MONTHLY AVERAGE shall mean the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

MONTHLY AVERAGE LIMIT shall mean the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD shall mean any regulation developed under the authority of Section 307(b) of the Act and 40 CFR Part 403.5.

NATURAL OUTLET shall mean any outlet, including storm sewers and combined sewer overflows, into a water course; pond, ditch, lake or other body of surface or ground water.

NEW SOURCE shall mean

- (1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants to the POTW, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that Section.
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered
- (2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

- (3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
- a. Begun, or caused to begin, as part of a continuous onsite construction program
 - i. any placement, assembly, or installation of facilities or equipment; or
 - ii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

NON-CATEGORICAL SIGNIFICANT INDUSTRIAL USER (NCSIU) shall mean a Significant Industrial User which is not subject to promulgated Categorical Standards.

NON-CONTACT COOLING OR HEATING WATER shall mean water which is used solely for the purpose of cooling or heating, and which has no direct contact with any raw material, intermediate product, waste product, or finished product.

NONDOMESTIC WASTEWATER shall mean all wastewater except domestic wastewater and unpolluted water as defined herein. Nondomestic wastewater shall include, but not be limited to, wastewater resulting from industrial, commercial, producing, manufacturing, processing, institutional, governmental, and agricultural operations, and brine wastewater resulting from the regeneration of water conditioning devices. All liquid wastewater hauled by truck, rail, or another means shall also be considered as nondomestic wastewater, regardless of the original source of the wastes. Hauled domestic wastewater is included in the category of nondomestic wastewater.

NONDOMESTIC WASTEWATER DISCHARGE PERMIT (PERMIT) shall mean the regulatory procedure established and enforced by the Manager pursuant to Section 08-07 herein, to control the flow and quality of wastes discharged into the POTW.

NONRESIDENTIAL USER shall mean any Industrial User or Commercial Discharger.

NON-SIGNIFICANT INDUSTRIAL USER (NSIU) shall mean any Industrial User which is not a Significant Industrial User.

NORMAL WORKING DAY shall mean the period of time during one day during which production and/or operation is taking place.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT shall mean the permit issued to the POTW by the California Regional Water Quality Control Board, Lahontan Region pursuant to Section 402 of the Act (33 USC 1342).

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) shall mean the classification of business establishments that was adopted in 1997 to replace the Standard Industrial Classification system as outlined in the 2012 U.S. NAICS Manual; or latest edition thereof.

PETROLEUM BASED OIL AND GREASE shall mean Petroleum derived products, e.g., oils, fuels, lubricants, solvents;

OWNER shall mean any individual, firm, company, association, society, corporation or group discharging any wastewater to the POTW.

PASS-THROUGH shall mean any discharge which exits the POTW into waters of the State of California or United States in quantities or concentrations which, alone or in conjunction with other discharges, causes a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

PATHOGEN shall mean any bacterial, viral, protozoan or other microbial organism which has the ability to cause disease in man.

PERMITTEE shall mean any User who is issued a Nondomestic Wastewater Discharge Permit pursuant to Section 08-07 herein.

PERSON shall mean any individual, family, household, partnership, co-partnership, firm, industry, company, corporation, association, society, Joint Stock Company, trust, estate, governmental entity, or group, Member Entity, or any other legal entity or their legal representatives, agents, or assigns. The masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.

pH shall mean the measure of the acidity or alkalinity of a solution, expressed in standard units and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions, as analyzed in accordance with Approved Analytical Methods.

PLUMBING OFFICIAL shall mean the Director of Building and Safety of the Local Sewering Agency or his authorized representative or deputy.

POLLUTANT shall mean any dredged spoil, solid waste, incinerator residue, filter backwash, 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, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

POLLUTION shall mean the man-made or man-induced adverse alteration of the chemical, physical, biological, and radiological integrity of water.

POPULATION EQUIVALENT shall mean a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent of normal domestic sewage is 70 gallons of sewage per day, or 0.12 pounds of BOD or 0.15 pounds of suspended

solids per day. The impact on a treatment works is evaluated as the equivalent of the highest of the three parameters. Impact on a stream is the higher of the BOD and suspended solids parameters.

PUBLICLY OWNED TREATMENT WORKS (POTW) shall mean treatment works as defined by Section 212 of the Act, (33 USC 1292). This definition includes any devices or systems owned and operated by VVWRA and its Member Entities, which are used in the storage, treatment, recycling and reclamation of municipal sewage within the regional sewerage system, the tributary sewerage systems, and any other sewers, pipes, lift stations, and other conveyances which convey wastewater to the wastewater treatment facilities contained therein.

POTW TREATMENT PLANT shall mean the portion of the POTW designed to provide treatment to wastewater.

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 or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes, or other means, except as prohibited by 40 CFR Part 403.6 (d).

PRETREATMENT REQUIREMENT shall mean any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard, imposed on a User.

PRETREATMENT STANDARD shall mean any regulation containing pollutant discharge limits or prohibitions promulgated by EPA or the VVWRA, applicable to Users, including promulgated Categorical Standards, National Prohibitive Discharge Standards, General Discharge Prohibitions contained in Section 08-04.2 herein, and Specific Local Discharge Limitations contained in or pursuant to Sections 08-05.1 and 08-05.2 herein.

PRETREATMENT WASTES shall mean all wastes, liquid or solid, removed from nondomestic wastewater by physical, chemical, or biological means.

PROCESS WASTEWATER shall mean nondomestic wastewater, excluding boiler blowdown and non-contact cooling water or cooling tower discharges.

PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 08.04 of this ordinance.

PUBLIC AGENCY shall mean the Federal Government, the State, or any City, County, District, JPA, or other public agency or body duly organized under the laws of the State of California or of the USA.

PUBLIC SEWER shall mean any sewer located in or maintained by the VVWRA or a Member Entity which is tributary to the wastewater treatment facilities operated by VVWRA. The term as used here does not include storm drains or channels for conveyance of natural surface waters.

RADIOACTIVE MATERIAL shall mean material containing chemical elements that spontaneously change their atomic structure by emitting any particles, rays, or energy forms.

RECLAMATION AUTHORITY shall mean the Victor Valley Wastewater Reclamation Authority.

REGIONAL BOARD shall mean the California Regional Water Quality Control Board, Lahontan Region.

REGIONAL SERVICE AREA shall mean the service area of the Reclamation Authority, the boundaries of which are determined as described in Article 04.

REGIONAL SEWERAGE SYSTEM shall mean the regional component of the sewerage system which is owned and operated by the Reclamation Authority, including the Authority Interceptor, Authority Sewerage Facility and POTW Treatment Plant, but excluding the Collection Sewers and Tributary Sewerage System.

REGULATORY AGENCIES shall mean those public agencies legally constituted to protect the public health and water quality in the United States, such as EPA, or State of California, such as the California Environmental Protection Agency; the California Department of Public Health; the State Water Resources Control Board; the California Regional Water Quality Control Board, Lahontan Region; and the San Bernardino County Department of Environmental Health Services.

RESTAURANT shall mean any retail establishment which prepares and sells foods and drinks on the premises for consumption on or off the premises.

SALT AND NUTRIENT MANAGEMENT PLAN means the plan adopted in 2015 by the California Regional Water Quality Control Board, Lahontan Region, to manage salts and nutrients in groundwaters in the Mojave River Watershed.

SANITARY SEWAGE shall mean domestic wastewater.

SANITARY SEWER shall mean a sewer which carries wastewater, and to which storm, surface, and ground water are not intentionally admitted.

SEPTAGE shall mean any wastewater or sludge removed from a cesspool, septic tank, holding tank, or chemical toilet, and which is trucked or hauled to the point of discharge.

SERVICE AGREEMENT shall mean the contract documents common to Member Entities, and executed during formation of JPA dated November 1976, as the same may be amended from time to time.

SEWAGE shall mean wastewater.

SEWAGE LIFT STATION shall mean a station positioned in a sewer system at which wastewater is pumped to a higher level.

SEWER shall mean a pipe or conduit that carries wastewater or drainage water.

SEWERAGE SYSTEM shall mean a network of wastewater collection, conveyance, treatment and disposal facilities interconnected by sewers, and owned by the Reclamation Authority or the Member Entities.

SHALL is mandatory.

SHREDDED GARBAGE shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2" (1.25 centimeters) in any dimension.

SIGNIFICANT INDUSTRIAL USER (SIU) shall mean any Industrial User of the POTW who 1. is subject to Categorical Standards; 2. has an average daily discharge of 25,000 gallons or more of process wastewater (as defined herein); 3. has a process wastestream which makes up 5% or more of the average dry-weather hydraulic or organic capacity of the Wastewater Treatment Facilities receiving the wastewater; or 4. is designated by the Manager to have a reasonable potential for adversely affecting the POTW's operation or violating any applicable pretreatment standard or requirement.

SIGNIFICANT NONCOMPLIANCE (SNC) shall mean violations of pretreatment requirements, which include violations of effluent limits, sampling violations, analysis violations, reporting violations, compliance schedule and regulatory deadline violations, which satisfy one or more of the following criteria:

- a) Violations of wastewater discharge limits:
 1. Chronic Violations. Sixty-six percent or more of all the measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined by 40 CFR 403.3(l)
 2. Technical Review Criteria (TRC) Violations. Thirty-three percent or more of all the measurements for each pollutant or pollutant property taken during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits as defined by 40 CFR 403.3(l) multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease and 1.2 for all other pollutants except pH)
 3. Any other violation(s) of a pretreatment effluent limit (daily maximum, long-term average, instantaneous, or narrative standard) that the VVWRA determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of the POTW personnel or the public).
 4. Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the Reclamation Authority's exercise of its emergency authority to halt or prevent such a discharge.
- b) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in Nondomestic Wastewater Discharge Permit, Compliance Time

Schedules or other enforcement order for starting construction, completing construction, or achieving final compliance.

- c) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- d) Failure to report noncompliance in an accurate and timely fashion.
- e) Any other violation or group of violations, which may include a violation of BMPs, which the Manager determines will adversely affect the operation or implementation of the pretreatment program.

SINGLE PASS, NON-CONTACT COOLING OR HEATING WATER shall mean non-contact cooling or heating water which is used only once and then disposed of.

SLUG DISCHARGE CONTROL PLAN shall mean a plan submitted to the VVWRA by a User pursuant to Section 08-09.4(b) herein, which specifies to the Manager's satisfaction the potential pollutants used and/or stored at the User's facility; potential pathways of entry of said potential pollutants into the POTW; and facilities and procedures for preventing or controlling the occurrence of slug loading.

SLUG LOAD or SLUG DISCHARGE shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 08.04 of this ordinance. A slug discharge is any discharge of non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violates the Reclamation Authority's regulations, local limits, or nondomestic wastewater discharge permit.

SOLID WASTE shall mean the non-liquid carried wastes normally considered to be suitable for disposal with refuse at sanitary landfill refuse disposal sites.

SOLID WASTE ADM DISCHARGE PERMIT shall mean the regulatory procedure established and enforced by the Manager pursuant to Section 07-04 herein, to permit the treatment and disposal of solid waste which qualifies as ADM directly into the anaerobic digester at the wastewater treatment plant.

SOLVENT MANAGEMENT PLAN (TOXIC ORGANIC MANAGEMENT PLAN) shall mean a plan submitted to the VVWRA by an Industrial User pursuant to Section 08-09.4(a) herein, which specifies to the Manager's satisfaction the solvents and other toxic organic compounds used; the methods of disposal used; and procedures for assuring that solvents and other toxic organics do not routinely spill or leak into the wastewater.

SPECIFIC COMPLIANCE PLAN shall mean a plan submitted to the VVWRA by an Industrial User pursuant to Section 08-09.4(c) herein, which specifies to the Manager's satisfaction the cause of noncompliance; the corrective actions which will be taken to prevent recurrence of said noncompliance; and, if required by the Manager, a proposed Compliance Time Schedule.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987; or latest edition thereof.

"STANDARD METHODS" shall mean "Standard Methods for the Examination of Water and Wastewater", latest edition, prepared and published by the American Public Health Association, American Water Works Association, and Water Environment Federation, which specifies accepted procedures used to assess the quality of water and wastewater.

STATE shall mean the State of California.

STATE WATER BOARD shall mean the State of California Water Resources Control Board.

STORMWATER shall mean any flow of water resulting from natural precipitation.

STORMWATER SYSTEM shall mean all stormwater conveyance and treatment facilities located within the VVWRA, including, but not limited to, storm drains, catch basins, storm drain manholes and manways, and stormwater pumping facilities.

SURCHARGE shall mean an assessment, in addition to the service charge, which may be levied on those Users whose wastes are greater in strength than surcharge threshold concentration values established by the Manager.

SUSPENDED SOLIDS OR "SUSPENDED MATTER" (TSS) shall mean the insoluble solid matter suspended in wastewater that is separable by laboratory filtration.

TEMPORARY INDUSTRIAL USER (TIU) shall mean any Industrial User who is granted temporary permission by the Manager to discharge unpolluted water or wastewater to the public sewer and controlled by a wastewater discharge permit. Such temporary permission shall not be granted to Industrial Users subject to promulgated Categorical Standards.

TOTAL DISSOLVED SOLIDS (TDS) shall mean the quantity of non-volatile substances remaining after filtration through a standard filter and drying to constant weight at 180°C, expressed in terms of milligrams per liter (mg/l) and analyzed in accordance with Approved Analytical Methods. TDS is synonymous with Total Filterable Residue (TFR).

TOTAL SOLIDS shall mean the sum of suspended and dissolved solids.

TOTAL TOXIC ORGANICS (TTO) shall mean the sum of the concentrations for each of the toxic organic compounds regulated by applicable Categorical Standards which are found in the User's discharge at a concentration greater than ten (10) micrograms per liter, and analyzed in accordance with Approved Analytical Methods. TTO is comprised of the following constituents:

Acenaphthene	4-Chlorophenyl phenyl ether	Benzo(ghi) perylene
Acrolein	4-Bromophenyl phenyl ether	Fluorene
Acrylonitrile	Bis(2-chloroisopropyl) ether	Phenanthrene
Benzene	Bis(2-chloroethoxy) ether	Dibenzo(a,h) anthracene
Benzidine	Methylene chloride	Indeno(1,2,3-cd) pyrene
Carbon tetrachloride	Methyl chloride	Pyrene
Chlorobenzene	Methyl bromide	Tetrachloroethylene
1,2,4-Trichlorobenzene	Bromoform	Toluene
Hexachlorobenzene	Dichlorobromomethane	Trichloroethylene
1,2-Dichloroethane	Chlorodibromomethane	Vinyl chloride
1,1,1-Trichloroethane	Hexachlorobutadiene	Aldrin
Hexachloroethane	Hexachlorocyclopentadiene	Dieldrin
1,1-Dichloroethane	Isophorone	4,4'-DDT
1,1,2-Trichloroethane	Naphthalene	4,4'-DDE
1,1,2,2-Tetrachloroethane	Nitrobenzene	4,4'-DDD
Chloroethane	2-Nitrophenol	alpha-Endosulfan
Bis(2-chloroethyl) ether	4-Nitrophenol	beta-Endosulfan
2-Chloroethyl vinyl ether	2,4-Dinitrophenol	Endosulfan sulfate
2-Chloronaphthalene	4,6-Dinitro-o-cresol	Endrin
p-Chloro-m-cresol	N-nitrosodimethylamine	Endrin aldehyde
Chloroform	N-nitrosodiphenylamine	Heptachlor
2-Chlorophenol	N-nitrosodi-n-propylamine	Heptachlor epoxide
1,2-Dichlorobenzene	Pentachlorophenol	alpha-BHC
1,3-Dichlorobenzene	Phenol	beta-BHC
1,4-Dichlorobenzene	Bis(2-ethylhexyl) phthalate	gamma-BHC
3,3'-Dichlorobenzidine	Butyl benzyl phthalate	delta-BHC
1,1-Dichloroethylene	Di-n-butyl phthalate	Arochlor 1242
1,2-trans-Dichloroethylene	Di-n-octyl phthalate	Arochlor 1254
2,4-Dichlorophenol	Diethyl phthalate	Arochlor 1221
1,2-Dichloropropane	Dimethyl phthalate	Arochlor 1232
1,3-Dichloropropylene	Benzo(a)anthracene	Arochlor 1248
2,4-Dimethylphenol	Benzo(a)pyrene	Arochlor 1260
2,4-Dinitrotoluene	Benzo(b)fluoranthene	Arochlor 1016
2,6-Dinitrotoluene	Benzo(k)fluoranthene	Toxaphene
1,2-Diphenylhydrazine	Chrysene	Fluoranthene
Ethylbenzene	Acenaphthylene	Anthracene
Chlordane (tech and metabolites)		

TOXIC POLLUTANT shall mean any pollutant or combination of pollutants listed as toxic in 40 CFR Part 401.15 or 40 CFR Part 403, Appendix B.

TRADE SECRETS shall include, but not be limited to, any formula, plan pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not

patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and which gives its User an opportunity to obtain a business advantage over competitors who do not know or use it.

TRIBUTARY SEWERAGE SYSTEM shall mean any sewerage system under the jurisdiction of a Member Entity that is tributary to the Reclamation Authority's sewerage system and is connected thereto.

UNCONTAMINATED WATER shall mean unpolluted water.

UNPOLLUTED WATER shall mean non-contact cooling or heating water; air conditioner, condenser or chiller condensate; ice melt; or uncontaminated ground water, surface water, or stormwater.

USER shall mean any person who contributes, causes, or permits the contribution of wastewater into the POTW, including Households, Private Residences, Nonresidential Users, and Member Entities.

WASTE shall mean sewage and any and all other waste substances, liquid, solids, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such wastes placed within containers of whatever nature, prior to and for the purpose of disposal.

WASTEWATER shall mean the liquid and water-carried domestic or nondomestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

WASTEWATER CONSTITUENTS AND CHARACTERISTICS shall mean the individual chemical, physical, bacteriological, and radiological parameters, including volume, flow rate, concentration, and such other parameters that serve to define, classify, or measure the quality and quantity of wastewater.

WASTEWATER DISCHARGE PERMIT shall mean a Nondomestic Wastewater Discharge Permit.

WASTEWATER TREATMENT FACILITIES shall mean the structures, equipment, and processes maintained by the VVWRA which accept untreated wastewater from the public sewer and are required to treat and dispose of domestic and nondomestic wastewater.

WASTEWATER TREATMENT PLANT shall mean the POTW Treatment Plant.

WATER CONDITIONING DEVICE shall mean any device or apparatus used to soften or otherwise condition water, including zeolite or resinous anion or cation exchange softeners, demineralizers, and any other like device.

WATERS OF THE STATE OF CALIFORNIA shall be in accordance with sections 13050-13051 of the California Code of Regulations.

WATERS OF THE UNITED STATES shall be in accordance with 40 CFR Part 230.3.

WATER SUPPLY shall mean the water supply serving the area tributary to the POTW.

WASTE DISCHARGE REQUIREMENTS (WDR) shall mean those requirements imposed by the Lahontan Regional Water Quality Control Board in connection with the disposal of solid wastes by the Reclamation Authority pursuant to Title 27 of the California Code of Regulations and Article 4 of Chapter 4 of Division 7 of the California Water Code (also known as the Porter-Cologne Water Quality Control Act).

WILL SERVE LETTER shall mean written authorization from the Reclamation Authority or its representative authorizing contributions of sewerage from an Industrial User into the tributary sewerage system.

ZERO DISCHARGER shall mean a User that does not discharge wastewater, pollutants, or other substances into the POTW.

03-02 - Abbreviations

For the purposes of this Ordinance, the following abbreviations shall have the designated meanings:

Abbreviation	Designated Meaning	Abbreviation	Designated Meaning
AO	Administrative Order	NCSIU	Non-Categorical Significant Industrial User
ADM	Anaerobically Digestible Materials	NOV	Notice of Violation
APE	Alkyl Phenol Ethoxylates	NPDES	National Pollutant Discharge Elimination System
BMR	Baseline Monitoring Report	NSIU	Non-significant Industrial User
BOD	Biochemical Oxygen Demand	NWDP	Non-domestic Wastewater Discharge Permit
CAA	Clean Air Act	POTW	Publicly Owned Treatment Works
CDO	Cease and Desist Order	PPD	Pounds per Day
CFR	Code of Federal Regulations	RCRA	Resource Conservation and Recovery Act
CIU	Categorical Industrial User	SIC	Standard Industrial Classification
CO	Compliance Order	SIU	Significant Industrial User
COD	Chemical Oxygen Demand	SNC	Significant Noncompliance
CTS	Compliance Time Schedule	SWDA	Solid Waste Disposal Act, 42 USC 6901 et. seq
DOX	Dissolved Organic Halides	TDS	Total Dissolved Solids
EAP	Ethylated Alkyl Phenols	TFR	Total Filterable Residue
EC	Electrical Conductivity	TIU	Temporary Industrial User
EPA	Environmental Protection Agency	TOC	Total Organic Carbon
FOG	Fats, oils, and grease	TOX	Total Organic Halides
FSE	Food Service Establishment	TRC	Technical Review Criteria
gpd	gallons per day	TSCA	Toxic Substances Control Act
IU	Industrial User	TSS	Total Suspended Solids
JPA	Joint Powers Authority	TTO	Total Toxic Organics
JPAG	Joint Powers Agreement	µg	micrograms
l	liter	µg/l	micrograms per liter
lb	pound	µmhos/cm	microhos per centimeter
LEL	Lower Explosive Limit	UBC	Uniform Building Code
MBAS	Methylene Blue Activated Substances	UFC	Uniform Fire Code
mg	milligrams	UPC	Uniform Plumbing Code
mg/l	milligrams per liter	USC	United States Code
MOU	Memorandum of Understanding	VVWRA	Victor Valley Wastewater Reclamation Authority
MPRSA	Marine Protection Research and Sanctuaries Act	WDR	Waste Discharge Requirements

ARTICLE 04: AREA SERVED

The Rules and Regulations set forth herein pertain to sewer service to land or improvements, or both, lying within the boundaries of the Reclamation Authority, unless otherwise stated.

Per JPA Agreement, Section A, Paragraph 3, "The territorial boundaries may be changed from time to time upon the approval of two-third (2/3) of the members of this Agency." Section A, Paragraph 5 of the JPA further states in regard to eligibility for membership (other than those specified) that "(h) other such public agencies as may hereafter be declared eligible by unanimous vote of existing members," and Paragraph 6 states, "in connection with the admission of any additional eligible public agency after formation of the Agency, each of the existing members and

The prospective member for contributions toward past and present agency and project expenditures." Policy Resolution 81-10 of the Reclamation Authority further provides:

"Before any territory outside the boundaries of the Reclamation Authority may be added or service may be provided to it, such area must first be annexed to the boundaries of a contracting community and must also be annexed to the boundaries of the VVWRA. Annexation to the VVWRA may only be accomplished through satisfaction of all applicable legal prerequisites and payment of applicable fees and charges".

Therefore, in accordance with the JPA and the policy resolution a public entity or applicant owner of property outside the boundaries of the Reclamation Authority must petition for inclusion of eligibility for membership or apply for service through a JPA member and request the service area to be expanded. Conditions of service must be reviewed first by the Member Entity, or entities involved, and then by the JPA since "annexation to the VVWRA may only be accomplished through satisfaction of all applicable legal prerequisites and payment of applicable fees and charges." Such costs will be reviewed by a consultant selected by the Reclamation Authority and approved at a regular Commission meeting.

Notwithstanding the foregoing, Reclamation Authority may accept and process ADM from sources outside of the boundaries of the Reclamation Authority for the purpose of maximizing the utilization of the Reclamation Authority's anaerobic digesters and the generation of biogas for the production of renewable energy, provided, however, that ADM which is generated within the boundaries of the Reclamation Authority will have priority.

ARTICLE 05: GENERAL REQUIREMENTS

05-01 - Sewer Service Conditions

Sewer service shall be provided by the Reclamation Authority only if the service area is included within or added to the Member Entity's and the Reclamation Authority's boundaries and the applicant meets the requirements of the Reclamation Authority and the interested Member Entity. Properties may from time to time petition the Member Entity and the Reclamation Authority for annexation in compliance with Service Agreements, the JPA, and the Authority's Rules and Regulations. Sewer Conveyance, treatment, and disposal shall be available only in accordance with the Reclamation Authority's and the Member Entity's Rules and Regulations, as well as applicable Federal, State, and local statutes, ordinances, regulations, and contracts, and other requirements. This includes, but is not limited to the California Water Code, the California Code of Regulations, and regulations imposed by the Regional Board, and State and local health departments, as well as the terms of any service agreement and permit issued by the Authority and/or the Member Entity. Any such permit may be revoked by the party granting same and thereupon all such sewer service shall cease in the manner provided in such granting Entity's Rules and Regulations.

05-02- Application Procedure

An Industrial User will have completed the following steps prior to direct or indirect sewerage discharges into the Reclamation Authority's facilities:

- a) Letter of intent to the Member Entity outlining project plans of development followed by;
 - b) Written response from the Member Entity.
- Pre-Initiation**
- c) Application for service.
 - d) Receipt of approved Certificate of Adequacy and permit from the Member Entity and a "Will Serve Letter" from the Reclamation Authority.
 - e) Five-day notification to the Member Entity prior to commencement of construction.
- Construction**
- f) Request for final acceptance of completed works.
 - g) Receipt of written authorization, from the Member Entity, to connect to facilities that will contribute to the Reclamation Authority's system.
 - h) The Member Entity shall be responsible for informing the Reclamation Authority of planned developments that may significantly affect the operational or capacity limits of the Reclamation Authority's facilities. Additionally, the Member Entity must have obtained a "Will Serve Letter" from the Authority prior to issuing a "Certificate of Adequacy" to an Industrial User.

05-03 - Design and Construction Criteria

Design criteria as submitted in the letter of intent and service application shall conform to the following:

- a) The average flow rate is to be determined based on good engineering practice. The ranges shown in Plate I (Average Flow Rate Chart) may be used as a guide; however, flows outside of these ranges may occur. If flows are used which are less than those listed, the Reclamation Authority's approval must be obtained in advance of design.
- b) The peak sewage flow rate shall be obtained by entering the chart with average daily flow rates.
- c) For hydraulic design, use Manning's "n" = 0.013 or Hazen-Williams "C" = 100. For pipe sizes 10" or less in diameter, design pipe so peak flow rate will be carried when pipe is flowing at one-half depth. Discharge at one-half depth equals one-half discharge when full and velocity equals velocity when full. Tables and formulas to find slope may be used by entering with two times the peak flow rate.
- d) For pipes 12 inches and larger in diameter, design pipe so peak flow will be carried when pipe is flowing at two-thirds depth. Discharge at two-thirds depth equals three-quarters discharge when full and velocity equals 1.16 times velocity when full. Tables and formulas to find slope may be used by entering with 1.33 times the peak flow rate.

All applications shall be accompanied by a "Certificate of Adequacy of Sewerage System" (Form of Certificate of Adequacy of Sewerage System).

05-04 - Illegal Connections

Only Member Entities or others under contract with the Reclamation Authority may make connection to interceptor sewers of the Reclamation Authority. Specifically, but not by way of limitation, as to any connection to the Member Entity's sewerage facilities, no roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water shall be connected to a building sewer or building drain that may contribute to the tributary sewerage system.

A Member Entity may engage a third party contractor to make a connection to interceptor sewers of the Reclamation Authority pursuant to the authority granted to the Member Entities or may authorize a developer or other third party to connect to the interceptor sewers of the Reclamation Authority pursuant to a permit or approval issued by the Member Entity, provided, however, that any such connection will comply with all other requirements of this Ordinance. The Authority retains the right at all times to observe and inspect work being conducted by any third party in connection with the interceptor sewers.

ARTICLE 06: FACILITIES DESIGN AND CONSTRUCTION

06-01 - General

All sewers shall be constructed according to the requirements, conditions, and standards set forth in a separate supplement hereto, as adopted and revised by the Reclamation Authority from time to time, entitled "Standard Specifications for Public Works Construction" with extension and revisions, which document is on file at the office of the Reclamation Authority, and by this reference is incorporated herein.

06-02 - Member Entity Sewer

Any sewer collection and trunk system facilities, to the extent determined by the Member Entity, required to serve within developments of property within the Member Entity jurisdiction shall be provided as determined by the Member Entity. The Reclamation Authority will assume responsibility for providing interceptor sewers, regional wastewater treatment, and disposal of liquid and solid wastes.

ARTICLE 07: FACILITIES OPERATION

07-01 - Interceptor Sewer and Sewage Treatment and Disposal

Operation, maintenance, and surveillance of all of the Reclamation Authority's interceptor sewers and sewage treatment and disposal facilities and effluent disposal facilities including all interceptors, reservoirs, pumping stations, force mains, flow meters/monitoring stations and other appurtenances and property shall be under the management and control of the Reclamation Authority. No other persons except authorized representatives of the Reclamation Authority shall have the right to enter upon, inspect, operate, adjust, change, alter, move, or relocate any portion of the foregoing or any of the Reclamation Authority's property. In the event that such trespass should occur, it shall be a misdemeanor and all charges and penalties provided for in this Ordinance shall be applicable and may be imposed and collected. Also such action shall be in violation of any and all applicable Federal, State and local statutes, ordinances, regulations, and other requirements.

07-02 - Member Entity Facilities

The operation, maintenance, and surveillance of onsite sewage collection and the Member Entity's collection system is the responsibility of the Member Entity.

07-03 – Septage Receiving Station

Reclamation Authority may authorize the disposal and treatment of Septage at one or more receiving stations located within the POTW by permitted liquid waste haulers. Reclamation Authority will adopt a set of policies and procedures for the issuance of Liquid Waste Hauler Discharge Permits, including qualifications for Septage hauling and disposal, limitations on the volume and quality of Septage that is discharged to the POTW and billing and collection procedures. The rates for Septage disposal shall be as set by the Commission from time to time in Ordinance 003.

07-04 – Solid Waste ADM Discharge

Reclamation Authority may authorize the disposal and treatment of solid waste which qualifies as ADM and has been approved by the Reclamation Authority directly into the anaerobic digesters at the wastewater treatment facility. Reclamation Authority will adopt a set of policies and procedures for the issuance of Solid Waste ADM Discharge Permits, including qualifications for solid waste ADM hauling and disposal, limitations on the volume and quality of solid waste ADM that is disposed of in the anaerobic digesters and billing and collection procedures. The rates for solid waste ADM disposal shall be as set by the Commission from time to time pursuant to a separate ~~appendix~~[resolution](#) to be attached to this Ordinance.

Prior to authorizing the disposal of solid waste ADM in the anaerobic digesters, Reclamation Authority will develop standard operating procedures (SOPs) for the acceptance of anaerobically

digestible material consistent with applicable law and the requirements of the California Department of Resources Recycling and Recovery. Such SOPs will be adopted by a separate resolution of the Commission. Reclamation Authority will notify the Regional Water Quality Control Board that those SOPs are being implemented. If required by law, a Standard Provision (permit condition) that reflects the acceptance of anaerobically digestible material will be incorporated in the Reclamation Authority's Waste Discharge Requirements or National Pollutant Discharge Elimination System permit. Anaerobically digestible material must be pumped or off-loaded directly into a covered, leak proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an anaerobic digester at the POTW.

Reclamation Authority will comply with all reporting requirements of the Regional Water Quality Control Board, Lahontan Region, and any other applicable agency, in connection with ADM disposal.

ARTICLE 08: DISCHARGE OF NONDOMESTIC WASTEWATER

08-01 - Introduction

The Reclamation Authority's Wastewater Treatment Facilities are regional facilities designed and constructed to collect and process liquid wastes from Member Entities per approved service agreements and contracts. These facilities, constructed to meet Federal and State discharge requirements, have specific limitations on biological loadings, inert loadings, volumes of flow, and toxic pollutant concentrations that will permit operation of the facilities without serious violation of the discharge requirements. In order to provide for the maximum public benefit from the use of the Reclamation Authority's facilities, this Article defines these limitations and establishes policies and procedures to ensure compliance with same.

Additionally, the Reclamation Authority recently participated in an effort to develop the Mojave Salt and Nutrient Management Plan (SNMP) for the Mojave River Watershed to manage salts and nutrients. The SNMP documents several constituents that may impact groundwaters within the Mojave River Watershed. Any regulatory action(s) arising from the SNMP will be evaluated by the Reclamation Authority and may lead to a revision of this Ordinance.

08-02- Purpose and Policy

This Article sets forth uniform requirements for all Users of the Reclamation Authority's wastewater collection and treatment system who reside in the cities of Apple Valley, Hesperia, and Victorville, and unincorporated areas of San Bernardino County within the service area of the Reclamation Authority. This Ordinance enables the Reclamation Authority to comply with all applicable State and Federal laws required by the Act and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this Article are:

- a) To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- b) To prevent the introduction of pollutants into the wastewater system which will pass through the system, inadequately treated, into surface waters, groundwaters, the atmosphere, or otherwise be incompatible with the system;
- c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
- d) To improve the opportunity to recycle solid wastes which qualify as ADM to maximize biogas production and to reduce the disposal of such solid wastes in landfills;
- e) To protect and preserve the health and safety of the personnel of the Reclamation Authority and the general public; and
- f) To enable the Reclamation Authority to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Reclamation Authority is subject.

To achieve these objectives, this Ordinance provides for regulation through issuance of permits to certain Industrial Users and enforcement of general requirements for other Users; authorizes inspection, monitoring and enforcement activities; provides for User reporting; and provides for the setting of fees for the equitable distribution of the Reclamation Authority's cost for sewer service.

08-03 - Revenues

The revenues to be derived from the application of this Ordinance shall be used to defray the costs of providing regional sewerage service, including, but not limited to, administration, operation, inspection, monitoring, maintenance, financing, capital construction, replacement and recovery, and provisions for necessary reserves.

08-04 - General Restrictions and Prohibitions

08-04.1 - Authorization for New or Increased Pollutant Discharges or Changes in the Nature of Pollutant Discharges

No person shall commence, increase or substantially change any discharge of nondomestic wastewater to the POTW except as authorized by the Manager in accordance with the provisions of this Ordinance.

08-04.2 - General Discharge Prohibitions

No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Standards or any other National, State, or local Pretreatment Standards.

08-04.3 - Specific Discharge Prohibitions

No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Solids or Viscous Wastes

Any solid, semi-solid or viscous substances which may obstruct the flow of sewage, cause clogging of or adversely affect sewage pumping equipment, or sewage sludge pumping equipment, or the community sewer system, or interfere with the operation of the POTW, such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, dead animals, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, excessive quantities of whole blood, feathers, ashes, cinders, earth, sand, mud, gravel, rocks, plaster, concrete, spent lime, stone or marble dust, metal, metal filings or shavings, wood, wood shavings, grass clippings, straw, spent grains, spent hops, waste paper, paper containers or other paper products, rags, plastics, tar, asphalt, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass, or glass grinding or polishing wastes. Notwithstanding the foregoing, solid

wastes which (i) qualify as ADM; and (ii) are approved by the Reclamation Authority for processing in the anaerobic digesters, may be transported to the Reclamation Authority for processing in accordance with such permits, policies and procedures as may be adopted by the Reclamation Authority from time to time.

2. Health and Safety Hazards

Any discharge which may, alone or in combination with other waste substances, result in the presence of toxic or poisonous solids, liquids, gases, vapors, or fumes in the POTW in such quantities that would create a hazard, public nuisance, or acute worker health and safety problems.

3. Stormwater and Unpolluted Water

Any stormwater, rainwater, ground water, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, ponds, lawn sprays or any other type of surface water, or single pass, non-contact cooling or heating water. The Manager may approve, on a temporary basis, the discharge of such waters to the POTW when no reasonable alternative method of disposal is available, subject to the payment of all applicable User charges and fees by the Discharger. Water from swimming pools, wading pools and therapy pools may be admitted to the sewer system during off-peak hours, subject to written authorization by the Manager.

4. Explosive Mixtures

Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire, explosion, or in any other way be, injurious to the POTW or to operation of the POTW, including but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade, using the test methods specified in 40 CFR 261.21, or which result in conditions where two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system), are more than 5%, or any single reading is over 10%, of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylenes, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides; as discharged in such quantities as to potentially result in any of the hazards noted above. Closed cup flashpoint values may be found in the National Institute of Occupational Safety and Health (NIOSH) *Pocket Guide to Chemical Hazards*.

5. Corrosive Materials

Any wastewater having pH less than 5.0 or greater than 11.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW, provided, however, that the restriction on pH less than 5.0 will not apply to solid wastes which are qualified as ADM for disposal only in the anaerobic digesters to the extent permitted by applicable laws, regulations and regulatory agency interpretations and further provided that Reclamation Authority has made a determination that such low pH will not have a corrosive effect on the structures and equipment of Reclamation Authority.

6. Excessive Pollutants Concentrations
Any pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
7. Pollutants Causing Toxic Gases, Vapors, or Fumes
Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
8. Hazardous Wastes
Any wastewater containing hazardous substances or toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, including sludge disposal, constitute a hazard to humans or animals, create a toxic or hazardous effect in the receiving waters of the POTW. Any toxic waste as defined in Title 22, California Code of Regulations, Section 66261.24.
9. Noxious Materials
Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent access to the POTW for maintenance and repair.
10. Sludge Contaminants
Any substance which may cause the POTW's effluent, or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse. In no case shall a substance discharged to the POTW cause the POTW to violate applicable sludge use or disposal regulations developed under Section 405 of the Act (33 USC 1345) or any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act (CAA), Toxic Substances Control Act (TSCA), the Resource Conservation and Recovery Act (RCRA), the Marine Protection, Research and Sanctuaries Act (MPRSA), or State Regulations.
11. Discolored Materials in Excessive Quantities
Any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.
12. Septage
Any wastewater or sludge removed from a cesspool, septic tank, or chemical toilet, unless discharged to the POTW in accordance with all provisions and restrictions of a Wastewater Discharge Permit issued by the Reclamation Authority, including restrictions on time and place of discharge.
13. Trucked/Hauled Wastes
Any trucked or hauled pollutants or wastewater, except at such place and in such manner as prescribed by the Manager.
14. Pesticides or Fertilizers in Excessive Quantities

Any quantity of any of the following pesticides: DDT (both isomers), DDD, DDE, Aldrin, Chlordane, Dieldrin, Endosulfan (alpha, beta, and sulfate), Endrin, Endrin Aldehyde, Heptachlor, Heptachlor Epoxide, Lindane, and/or Toxaphene.

15. Petroleum Products in Excessive Quantities
Any non-biodegradable cutting oil, petroleum oil, refined petroleum products, or products of mineral oil origin in amounts which could cause interference or pass-through.
16. Soluble Oils
Any non-biodegradable cuttings oils, commonly called soluble oils, which form persistent water emulsions.
17. Animal/Vegetable Oils in Excessive Quantities
Any excessive quantities of dispersed biodegradable oils or fats such as lard, tallow, or vegetable oil or any other substances that may precipitate, solidify, or become viscous at temperatures between 40°F and 100°F. Notwithstanding the foregoing, solid wastes which (i) qualify as ADM; and (ii) are approved by the Reclamation Authority for processing in the anaerobic digesters, may be transported to the Reclamation Authority for processing in accordance with such permits, policies and procedures as may be adopted by the Reclamation Authority from time to time.
18. High Temperature Wastes
Any wastewater having a temperature which will inhibit biological activity at wastewater treatment facilities resulting in interference, but in no case wastewater with a temperature higher than 60°C (140°F) or which causes the temperature at the POTW treatment plant to exceed 40°C (104°F).
19. Radioactive Wastes
Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may cause violation of applicable State or Federal regulations.
20. Pretreatment Wastes
Any pretreatment wastes. All pretreatment wastes shall be disposed of in accordance with all applicable Federal, State, County, and local laws and regulations.
21. Water Softener Brines
Discharges from the regenerative process of onsite water softening units is not permitted to be discharged into the sanitary sewer system.
22. Dissolved Organic Halides (DOX)
Any quantity of Dissolved Organic Halides (Purgeable Halocarbons).
23. PCBs and Dioxins
Any quantity of any of the following compounds: Arochlors 1221, 1228, 1232, 1242, 1254, 1260, and 1262. Any quantity of TCDD equivalents.
24. Ethoxylated Alkyl Phenol Surfactants
Any quantity of surfactants or detergents based on Ethoxylated Alkyl Phenols (Alkyl Phenol Ethoxylates, APE, EAP).
25. Excessive Discharge Flow

Wastewaters at a flow rate or containing such concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration; quantities or flow during normal operation and that would cause a treatment process upset and subsequent loss of treatment efficiency. An excessive discharge from a Member Entity is defined as total collection system peak discharge into Authority Interceptors that exceeds the plant design ratio between average dry weather flow and peak wet weather flow.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

08-04.4 - Prohibition against Discharging Solid or Fluid Material to Watercourses

No person shall circumvent or obviate the intent or purpose of this Ordinance by discharge, or by causing to be discharged, into any storm drain, channel, natural water course or public street, any material or waste prohibited or restricted as to its discharge into a sewer system.

08-04.5 - Prohibition against Discharging Pollutants to the Ground

No person shall deposit or discharge, or cause to be deposited or discharged, into any sump which is not impermeable, or into any pit or well, or onto the ground, or into any storm drain or watercourse, any material which, by seeping underground or by being leached or by reacting with the soil, can pollute usable groundwaters, or any pretreatment wastes as defined herein.

08-04.6 - Point of Discharge Limitation

No person, excluding authorized Reclamation Authority or Member Entity personnel involved in maintenance functions of sanitary sewer facilities, shall discharge or cause to be discharged any wastewater or any other matter directly into a manhole or other opening leading to the POTW other than through an approved building sewer, unless written permission for the discharge has been provided by the Manager. If during the performance of maintenance duties, Reclamation Authority personnel are required to add water to the interceptor for any reason, said water flow shall be deducted from the Member Entity flow. Any discharge of Septage or ADM shall only take place at receiving stations that have been authorized by the Reclamation Authority pursuant to permitting requirements, policies and procedures adopted by Reclamation Authority from time to time.

08-04.7 - Prohibition against Dilution

No person shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with Categorical Standards. The Manager may impose mass emission limits on Users who are using dilution to meet applicable Pretreatment Standards.

08-04.8 - Prohibition against Interference with Reclamation Authority Equipment or Facilities

No person shall enter, break, damage, destroy, uncover, deface, or tamper with any temporary or permanent structure, equipment or appurtenance which is part of the POTW or is required or authorized by the provisions of this Ordinance.

08-05 - Specific Pollutant Limitations

08-05.1 - Specific Local Discharge Limitations

The Manager is authorized to establish Specific Local Discharge Limitations pursuant to 40 CFR Part 403.5(c). No person shall, except as specifically allowed by the Manager on a temporary basis or as hereinafter provided, discharge or cause to be discharged to the POTW any wastewater unless it conforms to all applicable Specific Local Discharge Limitations as listed in Table I. These pollutant limits are established to protect against pass through and interference. The Specific Local Discharge Limitations apply at the point where the wastewater is discharged to the POTW.

08-05.2 - Specific Local Pollutant Mass Emission Rate Limits

The Manager may authorize the discharge of nondomestic wastewater to the POTW which contains pollutants in concentrations exceeding the Specific Local Pollutant Concentration Limits contained herein when said concentrations, in combination with the measured discharge flow rate, do not exceed Specific Local Mass Emission Rate Limits which are computed for the individual discharger on the basis of said Specific Local Pollutant Concentration Limits and the discharger's permitted discharge flow rate limit, and which are issued to the discharger as part of the discharger's Wastewater Discharge Permit.

08-05.3- Categorical Standards

Users must comply with promulgated National Categorical Pretreatment Standards, located in 40 CFR Chapter I, Subchapter N, Parts 405-471, which are hereby incorporated into this Ordinance.

08-05.4- Best Management Practices

The Manager may develop Best Management Practices, by ordinance or in nondomestic wastewater discharge permits to implement Specific Local Discharge Limitations or the General and Specific Discharge Prohibitions in Section 08-04.2.

08-06 - Special Restrictions and Requirements

08-06.1 - Special Restrictions, Vehicle Servicing Facilities

- a) Any facility maintained for the servicing, washing, cleaning, or repair of vehicles, roadway machinery, construction equipment, industrial transportation or power equipment, and which discharges nondomestic wastewater to the POTW, shall install and maintain a gravity separation interceptor in accordance with Section 08-08.5, or other sand and oil

separator approved by the Manager. Wastewater from toilets shall not be allowed to pass through this interceptor, but all wastewater arising from the servicing and repair of vehicles shall pass through this interceptor before discharge to the POTW.

If the vehicle servicing facility does not include facilities for the washing of more than one vehicle at a time, the interceptor shall have a fluid detention capacity of not less than 100 gallons.

If the vehicle servicing facility has facilities for washing or cleaning more than one vehicle at a time, the interceptor shall be as large as necessary so that a seven day accumulation of sand and oil together will not fill more than twenty-five percent of the fluid capacity. The interceptor shall be designed so as to retain any petroleum based oil and grease which will float and any sand which will settle.

- b) Any interceptor legally and properly installed at a vehicle servicing facility before January 1, 1995, shall be acceptable as an alternative to the interceptor specified above, provided such interceptor is effective in removing sand and oil and is so designed and installed that it can be inspected and properly maintained.
- c) The Plumbing Official shall not approve the plumbing of a vehicle servicing facility if it does not have a gravity separation interceptor meeting the requirements of this Section.

08-06.2 - Special Restrictions, Food Processing Facilities

- a) All food processing facilities, except restaurants, which discharge food processing wastes to the POTW, shall direct all wastewater from floor drains and sinks in the food processing area, waste container wash racks, and dishwashers through a two-compartment gravity separation interceptor in accordance with Section 08-08.5. All domestic wastewaters from restrooms, showers, mop sinks, and drinking fountains shall be kept separate until the previously specified wastes have passed through the interceptor. The interceptor shall have a minimum fluid capacity of 100 gallons, or as required by Appendix "H" of the Uniform Plumbing Code (latest), whichever is greater.
- b) Any interceptor or grease trap legally and properly installed at a food processing facility before January 1, 1995, shall be acceptable as an alternative to the interceptor specified above, provided such interceptor or grease trap is effective in removing grease and is so designed and installed that it can be inspected and properly maintained.
- c) The Plumbing Official shall not approve the plumbing of a food processing facility if it does not have a gravity separation interceptor meeting the requirements of this Section, unless a conditional waiver has been granted by the Manager. Restaurants are exempted from this provision, see provision (e) below.
- d) Conditional waivers modifying or waiving the gravity separation interceptor requirements may be granted by the Manager in accordance with Section 09-06, for those food processing facilities determined not to have adverse effects on the POTW. Conditional waivers may be revoked for the following reasons:
 - 1. Changes in types of food processed.
 - 2. Falsification of information submitted to the Reclamation Authority.
 - 3. Changes in operating hours.

4. Changes in equipment used.
- e) Member Entities shall prevent the discharge of excessive quantities of grease and oil to their tributary sewerage systems by requiring all restaurants to properly install and maintain appropriately designed and effective grease traps.

08-06.3 - Special Restrictions, Anaerobically Digestible Material (ADM)

The Reclamation Authority may permit users to dispose of anaerobically digestible material at the wastewater treatment plant directly into the anaerobic digester in accordance with the permits, policies and procedures adopted by Reclamation Authority from time to time pursuant to Section 07-04. These Users will be permitted under a Solids Waste ADM Discharge Permit and subject to the applicable permit requirements.

08-06.4 - Special Restrictions, Food Service Establishment (FSE)

FSEs that propose to discharge nondomestic wastewater to the POTW shall complete and submit the appropriate FOG permit application and fee to the Member Entity where proposed FSE is located. The Member Entity responsibility will be to issue the appropriate FOG permit and enforce all its conditions.

08-06.5 - Special Restrictions, Sludge from Member Entities

The Reclamation Authority receives wet sludge at the wastewater treatment plant from Member Entities that operate wastewater treatment facilities. Member Entities must periodically conduct sampling of the wet sludge that is conveyed to the wastewater treatment plant as directed by the Manager. The Manager may implement controls to regulate wet sludge quantity and quality as necessary to prevent interference or pass through at the wastewater treatment plant. If necessary, the Manager may require a Member Entity to obtain a Nondomestic Wastewater Discharge Permit to discharge wet sludge to the wastewater treatment plant.

08-07 - Nondomestic Wastewater Discharge Permits

08-07.1 - Permit Requirement

All Significant Industrial Users and haulers of wastewater proposing to connect to or discharge to the POTW and all other Industrial Users so required by the General Manager, shall obtain a Nondomestic Wastewater Discharge Permit before connecting to or discharging to the POTW, or at any other time as required by the Manager. All Significant Industrial Users connected to or discharging into a collection sewer on the effective date such system is connected to the regional system shall apply for a Nondomestic Wastewater Discharge Permit within ninety (90) days of such date. The Industrial User shall maintain a copy of the current Permit readily accessible on the site of wastewater discharge at all times.

Any violation of the terms and conditions of a Nondomestic Wastewater Discharge Permit shall be deemed a violation of this ordinance and subjects the User to the sanctions set out in ARTICLE 13: ENFORCEMENT of this ordinance. Obtaining a Nondomestic Wastewater Discharge Permit

does not relieve the User of its obligation to comply with all Federal and State Pretreatment Standards or with any other requirements of Federal, State, or local law.

08-07.2 - Permit Classification

Nondomestic wastewater discharge permits shall be classified as follows:

Permit Class	Industrial User Description
I	Categorical Industrial Users (CIU's)
II	Non-Categorical Significant Industrial Users (NCSIU's)
III	Non-Significant Industrial Users (NSIU's)
IV	Temporary Industrial Users (TIU's)
V	Dischargers of Trucked or Hauled Wastewater to the POTW

08-07.3- Permit Application

All Industrial Users proposing to discharge nondomestic wastewater to the POTW shall complete and submit a Wastewater Discharge Permit Application to the Manager. Any existing User shall apply for a wastewater discharge permit within thirty (30) days after notification by the Manager. Application for reissuance of existing permits shall be submitted by the Industrial User in accordance with Section 08-07.8. The Permit application may require submittal of the following information:

- a) Identifying information:
 1. Name and address of the facility, including the name of the operator and owner;
 2. Contact information, description of activities, facilities, and plant production processes on the premises;
- b) A list of any environmental control permits held by or for the User's facility, and a copy of the San Bernardino County "Business Plan" which addresses the location, type, and quantity of hazardous materials handled by the User;
- c) Description of operations:
 1. NAISC number and SIC number according to 2012 U.S. NAISC Manual and the Standard Industrial Classification Manual, respectively, as amended;
 2. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production);
 3. An 8-1/2" X 11" process flow schematic diagram that includes identification of the point(s) of discharge to the POTW;
 4. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be discharged to the POTW;

5. Number and type of employees and hours of plant operation, and proposed or actual hours of operation;
 6. Type and amount of rate materials processed (average and maximum per day)
 7. Site plans, floor plans, mechanical and plumbing plans, including details showing all sewers, sewer connections, treatment facilities and appurtenances by the size, location and elevation. If required by the Manager, said plans shall be certified by a Civil Engineer registered in the State of California;
- d) Time and duration of discharge(s);
 - e) The location for monitoring all wastes covered by the permit;
 - f) Flow measurement. Information showing the measured average daily, peak daily, and 15-minute peak wastewater flow rates (in gallons per day), including daily, monthly and seasonal variations if any, to the POTW from regulated process streams and other streams as necessary;
 - g) Measurement of pollutants
 1. The Categorical Standards applicable to each regulated process and any new categorically regulated processes for existing sources;
 2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Categorical Standard or by the Manager, of regulated pollutants in the discharge from each regulated process;
 3. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported;
 4. Wastewater constituents and characteristics, as determined by a State certified analytical laboratory using Analytical Methods as defined herein and sampling procedures in accordance with 40 CFR 136 and 40 CFR 403.12(b)(5), including but not limited to, those referred to in Section 08-05 of this Ordinance;
 - h) A time schedule for compliance with any provisions of the Ordinance or Categorical Standard for which immediate compliance is not possible;
 - i) Any other information as may be deemed by the Manager to be necessary to evaluate the permit application.

08-07.4- Permit Application Evaluation

- a) The Manager will evaluate the data furnished by the User and may require additional information, such as critical parameter reporting. After evaluation of the data furnished, the Manager may issue a wastewater discharge permit subject to the terms and conditions provided herein.
- b) If the Manager determines that the proposed discharge will not be acceptable he shall disapprove the application and shall notify the applicant in writing, specifying the reason(s) for denial and the applicable appeals process. The applicant shall then be prohibited from discharging nondomestic wastewater, but may immediately submit a revised permit application for the evaluation of the Manager.

08-07.5 - Permit Contents

Nondomestic wastewater discharge permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations (including Federal, State, and local) charges and fees established by Reclamation Authority resolution or ordinance.

Class I and Class II permits shall contain at least the following:

- a) Statement of permit issuance and effective date and permit duration.
- b) Statement of permit non-transferability.
- c) Statement of prohibited discharges.
- d) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements and any applicable compliance schedule.
- e) Limitations on the average and/or maximum wastewater constituents and characteristics in the discharge.
- f) BMP requirements based on applicable Pretreatment Standards.
- g) Requirements to control slug discharge, if determined by the Manager to be necessary.
- h) Specifications for monitoring programs, which may include: pollutants to be monitored (or BMPs); sampling location(s); frequency of sampling; sample type(s); number, types, and standards for tests; and reporting schedule; and may include total toxic organic (TTO) monitoring.
- i) Compliance Time Schedule(s) where required.

All classes of permits shall contain at least items (a)-(d), above; and may contain items (e)-(i) above, if applicable.

Permits may also contain the following:

- a) The unit charge or schedule of user charges and fees for the wastewater discharged to the POTW.
- b) Schedule of penalty fees for noncompliance.
- c) Limitations on average and/or maximum flow rates.
- d) Requirements for proper installation, operation, and maintenance of pretreatment technology, pollution control, or construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants to the POTW.
- e) Requirements for installation and maintenance of inspection and sampling facilities, including flow measuring devices.
- f) Requirements for installation and maintenance of spill containment systems.
- g) Requirements for submission of technical or discharge reports.
- h) Requirements for maintaining and retaining plant records relating to the wastewater discharge as specified by the Manager.
- i) Requirements for submittal of a solvent management plan.
- j) A statement that compliance with the nondomestic wastewater discharge permit does not relieve the User of responsibility for compliance with all applicable Federal and State

Pretreatment Standards, including those which become effective during the term of the permit.

- k) Other conditions as deemed appropriate by the Manager to ensure compliance with this Ordinance and Federal and State laws, rules, and regulations.

08-07.6- Permit Modifications

The terms and conditions of the permit may be subject to modification by the Manager during the term of a permit if limitations or requirements, as referenced in Section 08-07.6 are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least fifteen (15) days prior to the effective date of change. Any changes or new conditions in a permit shall include a reasonable time schedule for compliance. The Manager may modify the permit, including, but not limited to the following reasons:

- a) Promulgation of Categorical Standards. Within three months of the promulgation of a Categorical Standard, permits for Users subject to such Standards shall be revised to require compliance within the time frame prescribed by such Standard. Where an affected User has not previously submitted an application for a permit as required by Section 08-07.3, the User shall apply within 180 days after the promulgation of the applicable Categorical Standard. In addition, Users with existing permits shall submit to the Manager within 180 days after the promulgation of an applicable Categorical Standard, a time schedule for compliance with the Categorical Standard.
- b) Changes in Operation. Industrial Users shall receive written approval from the Manager prior to initiating any changes in the User's facility's operation which may result in a change in quantity or quality of nondomestic wastewater contributed to the POTW. For the purposes of this Section "changes" shall include the following: A positive or negative change of 25% in the quantity of wastes discharged, additional waste-generating processes, additional or different waste-generating equipment, and an increase in production capacity.
- c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- d) Information indicating that the permitted discharge poses a threat to the POTW, Reclamation Authority personnel, the general public, or receiving water.
- e) Violation of any terms or conditions of the permit.
- f) Misrepresentation or failure to fully disclose all relevant facts in the permit application or in any required reporting.
- g) To correct any typographical or other errors in the permit.

08-07.7 - Permit Transfer

Nondomestic Wastewater Discharge Permits are issued to specific Users for specific operations. A Nondomestic Wastewater Discharge Permit shall not be transferable, either from one location to another, or from one person to another. Statutory mergers or name change shall not constitute a transfer or a change in ownership. Following a change in ownership, and upon application for a new Nondomestic Wastewater Discharge Permit, an interim permit may be issued by the Manager.

08-07.8 - Permit Duration

Nondomestic Wastewater Discharge Permits shall be issued for a time period specified by the Manager, not to exceed three (3) years. The User shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the User's existing permit. If the User submits a completed wastewater discharge permit application and through no fault of the User, a new wastewater discharge permit is not issued prior to the expiration of the existing wastewater discharge permit, the existing wastewater discharge permit shall remain in effect until the Reclamation Authority reissues, or denies, as the case may be, a new wastewater discharge permit. In no case shall a wastewater discharge permit have a duration of more than five (5) years. The terms and conditions of each permit may be subject to modification by the Reclamation Authority during the term of the permit in accordance with Section 08-07.6.

08-08 - Pretreatment Facility Requirements

08-08.1- Pretreatment of Nondomestic Wastewaters

- a) All Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all applicable, promulgated Categorical Standards (Subpart of 40 CFR Chapter I, Subchapter N, as it exists and as it may be amended) within the time limitations specified therein. If unable to immediately meet applicable Pretreatment Standards and Requirements, Users shall develop a compliance schedule for the installation of technology required to meet such requirements. Any facilities required to pretreat wastewater to a level acceptable to the Manager, including gravity separation interceptors, shall be provided, operated, and maintained at the User's expense.
- b) Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Manager for review, and shall be acceptable to the Manager BEFORE construction of the facility. The Manager's review of such plans and operating procedures will not relieve the User from the responsibility of modifying the facility as necessary to produce an effluent which complies with all provisions of this Ordinance.

08-08.2 - Monitoring Facilities

The Reclamation Authority may require, at the User's expense, installation and operation of monitoring facilities to allow inspection of discharges to the POTW and collection of wastewater samples. The monitoring facilities shall include a suitably designed control structure and such other sampling, monitoring, and flow metering equipment as are deemed necessary by the Manager. The control structure shall be water tight, structurally sound, and durable. The monitoring facilities, including sampling, monitoring, and flow measuring equipment, shall be maintained and calibrated at all times in a safe and proper operating condition at the expense of the User.

Monitoring facilities shall normally be situated on the User's premises, but the Reclamation Authority and Member Entity may, when such a location would be impractical or cause undue hardship on the User, allow the facilities to be constructed in public right-of-way.

If the control structure is inside the User's fence, there shall be accommodations to allow access for Reclamation Authority or Member Entity personnel, such as a gate secured with a lock, with key provided to the Member Entity and the Reclamation Authority.

There shall be ample room and a 120 V power outlet in or near monitoring facility to allow installation of portable sampling and monitoring equipment by the Member Entity or the Reclamation Authority.

Whether constructed on public or private property, the sampling and monitoring facilities shall be constructed in accordance with the Reclamation Authority's requirements and all applicable local construction standards and specifications. Construction Drawings for proposed monitoring facilities shall be approved by the Manager and the Member Entity prior to construction. Construction shall be completed within 90 days following written approval by the Manager and Member Entity, unless the Manager grants a time extension.

08-08.3 - Flow Measuring Equipment

The Manager may require any User to install and operate a continuous monitoring flow meter capable of measuring the User's discharge to the Reclamation Authority's sewerage system as part of its Monitoring Facilities. The flow measurement device shall conform to standards established by the Manager.

08-08.4 - Separation of Domestic and Nondomestic Wastewaters

Every person who discharges nondomestic wastewater to the POTW shall keep the domestic wastewaters separate from all nondomestic wastewaters until the nondomestic wastewaters have passed through any required pretreatment facilities and the control structure.

08-08.5- Gravity Separation Interceptor

Each User so required by the Manager or Member Entity shall install and maintain a gravity separation interceptor to provide wastewater treatment for floatable and settleable pollutants. Domestic wastewater shall not be allowed to pass through this interceptor. This interceptor shall have an operational fluid capacity of not less than 100 gallons and shall be designed so as to retain any material which will float and any material which will settle. The interceptor shall be watertight, structurally sound, and durable. Interceptors shall have no less than two compartments. Interceptors of 750 gallons capacity or larger, except those designed for food processing facilities, shall have no less than three compartments.

a) Interceptor Requirements:

1. All interceptor chambers shall be immediately accessible at all times for the purpose of inspection and cleaning. At no time shall any material, debris,

obstacles or obstructions be placed in such a manner so as to prevent immediate access to the interceptor.

2. All interceptors of 300 gallons capacity or larger shall be equipped with a sampling chamber located at the downstream end of the interceptor. The sampling chamber shall have a minimum 18 inch square clear opening for the temporary installation of portable automatic sampling equipment.
3. Any interceptor legally and properly installed before January 1, 1995 shall be acceptable as an alternative to the interceptor specified herein, provided such interceptor is effective in removing floatable and settleable material and is so designed and installed that it can be inspected and properly maintained.
4. If the Manager or Member Entity finds that an interceptor is incapable of adequately retaining the floatable and settleable material in the wastewater flow or is structurally incomplete, he shall declare that such interceptor does not meet the requirements of this Section and shall require the User to install, at the User's expense, an acceptable interceptor.

b) Interceptor Approval:

If a gravity separation interceptor is required, the Plumbing Official shall only approve plumbing plans which include an interceptor which meets the requirements of this Section

c) Interceptor Maintenance:

The User who owns, operates, or maintains a gravity separation interceptor shall maintain it properly. It shall be cleaned as often as is necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the interceptor. The use of chemicals to dissolve grease is specifically prohibited. When an interceptor is cleaned, the accumulated sediment and floating material shall be removed and legally disposed of otherwise than to the sewer. An interceptor is not considered to be properly maintained if for any reason it is not in good working condition or if the operational fluid capacity has been reduced by more than 25% by the accumulation of floating and settled solids, oils and grease. The owner of any facility required to install an interceptor, the lessee and sub-lessee, if there be such, and any proprietor, operator or superintendent of such facility are individually and severally liable for any failure of proper maintenance of such interceptor. If the interceptor is not properly maintained under the conditions of use, the Manager or Member Entity may require that the interceptor be resized and replaced.

08-08.6 - Spill Containment Systems

Users so required by the Manager or Member Entity shall install spill containment system(s) which conform to requirements established by the Manager and Member Entity. Users shall not operate a spill containment system that allows incompatible liquids to mix thereby creating hazardous or toxic substances in the event of failure of one or more containers. Spill containment systems shall consist of a system of dikes, walls, barriers, berms, secondary vessels, or other devices designed to contain spillage of the liquid contents of containers. Spill containment systems shall be constructed of impermeable and non-reactive materials with respect to the liquids being contained.

Spill containment systems shall conform to all State and County regulations and policies as to percent containment, container type, and size.

08-09 - Record Keeping and Reporting Requirements

08-09.1 - User Record Keeping

All Users shall keep records of waste hauling, reclamations, monitoring, pH and flow measuring device calibrations reports, sample analysis data, flow and pH meter chart recordings, records of pretreatment equipment maintenance, interceptor and clarifier maintenance and cleaning, and correspondence with the Reclamation Authority on the site of wastewater discharge. Sample analysis records shall include the date, exact place, method, and time of sampling, and the name of the person(s) collecting the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; the results of such analyses; and chain-of-custody forms. All these records are subject to inspection and shall be copied as needed. All records must be kept on the site of generation for a minimum period of three years. The records retention period may be extended beyond three years at the request of the Manager in the event criminal or civil action is taken or an extensive company history is required.

08-09.2 - Reporting Requirements

All Users are required to submit the following types of reports:

- a) **Reports of Potential Problems:** If, for any reason, pollutants are discharged at a flow rate or concentration which might cause interference with the POTW or Pass-Through, including any slug loadings, or which might result in a violation of NPDES Permit requirements or requirements of this Ordinance, or a hazard to Reclamation Authority and/or Member Entity personnel and/or the Public, the User shall verbally notify the Manager and POTW staff immediately. The notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User. The verbal notification shall be followed by a written report submitted to the Manager within five days. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Reclamation Authority within 30 days after becoming aware of the violation.
- b) **Notification of Changed Discharge:** All Users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge. The Manager may require the User submit information as may be deemed necessary to evaluate the changed condition(s), including submission of a Nondomestic Wastewater Discharge Permit Application.
- c) **Notification of Hazardous Waste Discharge:** Discharge of hazardous wastes is prohibited by Section 08-04. However, should any discharge of hazardous waste occur, the User shall observe the following notification procedures:

- a. All Users shall notify the Reclamation Authority, the EPA Regional Waste Management Division Manager, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be classified as hazardous waste pursuant to 40 CFR Part 261.
- b. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other).
- c. The above required notifications must take place no later than 180 days after the discharge of the hazardous waste.

In the case of any notification made under these requirements, the Industrial User shall certify that it has a program in place to eliminate all hazardous waste discharges. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in (a)-(c) above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedures.

Industrial Users may be required to submit the following types of reports:

- d) **Self-Monitoring Reports:** Permittees may be required to submit periodic self-monitoring reports containing a description of the nature, concentration, and flow of pollutants required to be reported by the Reclamation Authority, and the time, date, and place of sampling and methods of analysis. Sampling for self-monitoring reports shall be performed during the period covered by the report. All required analyses shall be performed by a State Certified Laboratory using Analytical Methods as defined herein. Significant Industrial Users shall be required to submit self-monitoring reports at least once every six months. If any User subject to this section, monitors any regulated pollutant at the designated sampling location more frequently than required by the Reclamation Authority using Approved Analytical Methods, the results of this monitoring shall be included in the report.
- e) **Sampling Specifications:** All self-monitoring reports required under Section 08-09.2 (d) and reports required under Section 08-09.4 must be based upon data obtained through appropriate sampling and analysis, which data are representative of conditions occurring during the reporting period. Grab samples must be used for pH, cyanide, total phenols, petroleum based oil and grease, FOG, Food Waste, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Reclamation Authority. Where time-proportional composite sampling or grab sampling is authorized by the Reclamation Authority, the samples must be representative of the discharge and the decision to allow the alternative sampling shall be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part

136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Reclamation Authority, as appropriate. For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 08-09.2 and 08-09.3, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, petroleum based oil and grease, FOG, Food Waste, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Reclamation Authority may authorize a lower minimum sample requirement. For self-monitoring reports and periodic compliance reports for Class I users, the Reclamation Authority shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with Applicable Pretreatment Standards and Requirements.

- f) Periodic measurements of flow, suspended solids and BOD for surcharge determination and other appropriate waste characteristics shall be made by those Users specifically designated by the Manager.
- g) Any other reports required by California State Law, including such reports as are required by Chapter 6.95 of the California Health and Safety Code.

08-09.3- Categorical Industrial User Reporting Requirements

In addition to the reports specified in Section 08-09.2, Categorical Industrial Users must submit Initial Baseline Monitoring Reports (BMRs) and periodic compliance reports, and, if necessary, schedule compliance reports, and final compliance reports.

- a) **Initial Baseline Monitoring Reports (BMRs):** Baseline Monitoring Reports shall be submitted to facilitate evaluation of initial compliance status with respect to categorical standards, and any modifications or conditions necessary to achieve full compliance with categorical standards.

Baseline Monitoring Reports shall include all information listed in Section 08-07.3, and shall include a statement, reviewed by an authorized representative of the Industrial User, and certified as to accuracy by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and requirements. New sources shall submit a Baseline Monitoring Report at least 90 days prior to commencement of discharge.

If immediate compliance with the Categorical Standard is not possible and additional pretreatment or operation and maintenance is necessary, the report must specify the shortest time necessary to achieve compliance. The completion date must not be later than that specified in the applicable Categorical Standards. New sources must achieve compliance with all applicable Pretreatment Standards within 90 days of commencing discharge.

- b) **Schedule Compliance Reports:** Schedule compliance reports shall be submitted, if necessary, to demonstrate compliance with conditions of a time schedule requiring full compliance with Categorical Standards by a specified date.
- Schedule compliance reports shall contain dates for pretreatment equipment design completion, building permit submittal date, construction commencement date, construction updates, construction completion date, employee training completion date, and date of achieving final compliance. Samples shall be collected and analyzed to demonstrate compliance. The samples shall be taken in accordance with 40 CFR Part 136 and 40 CFR Part 403.12(b) (5). Schedule compliance reports shall be submitted at the completion of all major events necessary to achieve full compliance with Categorical Standards, but not less frequently than thirty (30) days. Schedule compliance reports must be submitted within fourteen (14) days of a milestone date. In no case shall any event in the compliance schedule exceed nine (9) months.
- c) **Final Compliance Reports:** Final compliance reports shall be submitted, if necessary, to demonstrate that full compliance with Categorical Standards has been achieved.
- Final compliance reports shall include all information contained in a Baseline Monitoring Report. Final compliance reports shall be submitted within ninety (90) days of achieving compliance with Categorical Standards. Final compliance reports from new sources must be submitted immediately after the facility commences discharge.
- d) **Periodic compliance reports:** Periodic compliance reports shall be submitted to demonstrate continued compliance with Categorical Standards. Periodic compliance reports shall include all monitoring data specified in the applicable Categorical Standard and any additional monitoring data obtained by the User. Sampling for periodic compliance reports shall be performed during the period covered by the report. Analyses shall be performed by a State certified laboratory using Approved Analytical Methods as defined herein. Sampling shall be performed in accordance with 40 CFR Part 136 and 40 CFR Part 403.12(b) (5). Periodic compliance reports shall be submitted every six (6) months in June and December of each year, unless required to be submitted more frequently by the Manager. Periodic compliance reports may be combined with self-monitoring reports pursuant to Section 08-09.2(d) herein.

08-09.4 - Industrial User Compliance Plans

- a) **Solvent Management Plans:** All Industrial Users subject to effective Categorical Standards which include a Total Toxic Organic (TTO) limitation shall be required to file a Solvent Management Plan. The Manager may also require other Users to submit Solvent Management Plans where, in his judgment, said plans are necessary to assure proper containment and disposal of solvents.
- b) **Slug Discharge Control Plans:** All Users so required by the Manager shall file a Slug Discharge Control Plan. The plan shall contain at least the following elements:
 - 1. Description of discharge practices, including nonroutine batch discharges;
 - 2. Description of stored chemicals;
 - 3. Procedures for prompt verbal notification of the Reclamation Authority of slug discharges, including any discharge that would violate a specific prohibition under Section 08-04.2 or 40 CFR Part 403.5(b), within twenty-four (24) hours of becoming aware of the discharge and procedures for follow-up written notification within five days (5) days;
 - 4. If necessary, procedures to prevent adverse impact from accidental spills or slug discharges, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response; and
 - 5. If necessary, follow-up practices to limit the damage suffered by the POTW or the environment.
- c) **Specific Compliance Plans:** All Users so required by the Manager shall file a Specific Compliance Plan. The Specific Compliance Plan shall indicate the cause of noncompliance, the corrective actions which will be taken to prevent recurrence of said noncompliance, and, if required by the Manager, a proposed Compliance Time Schedule indicating the dates those corrective actions will be completed.

08-09.5- Bypass Reporting

- a) For the purpose of this Section,
 - 1. Bypass means the intentional diversion of wastewater from any portion of the User's treatment facility.
 - 2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b) Bypass is prohibited, and the Manager may take enforcement action against a User for bypass, unless

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.
 3. The User is required to submit notices are required in Section 08-09.5(d).
- c) The Manager may approve an anticipated bypass, after considering its adverse effects, if the Manager determines that it will meet the three conditions listed in paragraph (b) above.
- d) Bypass Notifications
1. If a User knows in advance of the need for a bypass, it shall submit prior notice to the Manager, at least ten (10) days before the date of the bypass, if possible.
 2. A User shall submit oral notice to the Manager of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, or prevent reoccurrence of the bypass. The Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

08-09.6 - Signatory and Certification Requirement

All permit applications, reports, and plans submitted to the Reclamation Authority by Industrial Users pursuant to Sections 08-07.3, 08-07.6, 08-09.2, 08-09.3, 08-09.4, and 08-09.5 shall be signed and dated by an authorized representative of the Industrial User. The signature shall accompany the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations".

Analytical reports submitted directly to the Reclamation Authority by a certified analytical laboratory at the request of the Industrial User for samples of wastewater collected at User facilities may be signed, dated, and certified by the laboratory manager in lieu of an authorized

representative of the User; however, such reports shall be accompanied by a statement, signed, dated, and certified by an authorized representative of the User, as above, which verifies that the sample identified in the analytical report was collected on the date and time indicated at the location indicated, and using the method indicated on the analytical report. Said signed, dated, and certified statement may be included as part of the chain-of-custody form for the sample.

08-09.7 - Member Entity Reporting Requirements

Each Member Entity shall promptly inform all applicants for business licenses within its jurisdiction of the requirements of Sections 08-04.1, 08-07.1, and 08-07.3 herein.

Each Member Entity shall submit a monthly report to the Manager, which contains the following information from each business license application received during the previous month: applicant's name, business name, mailing address, telephone number, type of business, and whether a nondomestic wastewater discharge is proposed. The monthly report shall also summarize all pretreatment program activities conducted by the Member Entity in accordance with the provisions of this Ordinance.

ARTICLE 09: ADMINISTRATIVE PROCEDURES

09-01 - Administration

Except as otherwise provided, the Manager shall administer, implement and enforce the provisions of this Ordinance. Any powers granted or imposed on the Manager may be delegated by him to other persons or authorized agents acting in the beneficial interest of or in the employ of the Reclamation Authority.

09-02 - Inspection and Sampling

The Manager may enter upon the Nondomestic User's premises during reasonable hours for the purpose of inspecting sewer systems and other facilities to ensure compliance with these Rules and Regulations, including the provision that self-regenerating water softeners shall not be connected to the sanitary sewer system contributing to the POTW, and the provisions that stormwater systems are separated from sanitary sewers.

The Manager shall inspect the facilities of each Significant Industrial User a minimum of once each year, and shall sample the discharge of each Significant Industrial User a minimum of once each year.

Persons or occupants of premises where nondomestic wastewater is created or discharged, or where the Manager has reason to believe that nondomestic wastewater may be created or discharged, shall allow the Manager ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, examination and copying of records, taking photographs, and performance of any of his duties.

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Manager and shall not be replaced. The expense of clearing such access shall be born by the User.

The Manager shall have the right to set up on the Industrial User's property such devices as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations. Where a User has security measures in force, which would require proper identification and clearance before entry into the User's premises, the User shall make necessary arrangements with its staff so that upon presentation of suitable identification, the Manager will be permitted to enter, without delay, for the purpose of performing inspection and sampling. Unreasonable delays in allowing the Manager access to the User's premises shall be a violation of this ordinance.

If the Manager has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, the Manager may seek

issuance of a search warrant from the Municipal or Superior Court of San Bernardino County through the Reclamation Authority Attorney

09-03 - Public Access to Information

Information and discharge data provided to the Reclamation Authority by a User shall be available without restriction to the EPA, the State Water Board, and the Regional Board. Such information shall also be available to the public without restriction, except where there is a claim of confidentiality by the User. All other information which is submitted by the User to the Reclamation Authority shall be available to the public, at least to the extent provided by 40 CFR Part 2.302. With the exception of Regulatory Agencies, any person requesting this information from the Reclamation Authority shall be required, prior to receipt of the information, to pay the reasonable costs of said data gathering reproduction and transmission incurred by the Reclamation Authority.

09-04 - Confidentiality

Any information submitted to the Reclamation Authority pertaining to the pretreatment program may be claimed by the User to be confidential, except for effluent data which will be available to the public without restriction. Any confidentiality claim must be asserted at the time of submission of the information to the Reclamation Authority. The claim may be asserted by stamping the words "Confidential business information" on each page containing such information or by other means; however, if no claim is asserted at time of submission, the Reclamation Authority may make the information available to the public without further notice. If such a claim is asserted, the information will be treated in accordance with the procedure in 40 CFR Part 2 (Public Information).

09-05 - Extension of Time Limits

Any time provided in any written notice or any provision of this Ordinance may be extended only by a written directive of the Manager.

09-06 - Conditional Waivers and Special Agreements

If any discharge or connection to the POTW fails to conform to any of the standards or requirements set forth or referenced in Sections 08-04.5, 08-05.1, 08-05.2, 08-06.1, 08-06.2, or 08-08.1, 08-08.2, 08-08.3, 08-08.4, or 08-08.5 herein, but the Manager finds that: a) the discharge will not cause harm to the POTW; b) the discharge will not unreasonably or inequitably burden the operation of the POTW; c) when considered together with discharges by other Users, the discharge will not materially affect the ability of the POTW to meet its requirements; and d) the requirement or requirements to be waived or modified are not part of a Categorical Standard or Prohibitive Discharge Standard; the Manager may grant approval for discharge to the POTW with a special agreement, waiver or modification of the requirement or requirements which could not be met; subject to any payments or User charges as may be applicable.

In the letter of approval, the Manager shall include a statement regarding the requirement that is waived or modified along with reasons as to why the waiver is issued. Any waiver granted pursuant to the section shall be subject to withdrawal at any time the Manager makes a subsequent finding that the POTW is unreasonably burdened or the ability of the POTW to meet its NPDES Permit discharge requirements or other permit or use requirements is materially affected.

09-07 - Appeal from Decisions

Administrative orders, waivers, permit conditions or disapproval of permit applications made by the Manager, pursuant to this Ordinance may be appealed to the Commission. The Commission may amend, modify, confirm, or reject any such decision provided the purpose and intent of this Ordinance is not violated. No appeal shall be made with respect to the specific Ordinance requirements pertaining to quality, content or method of disposal of wastewater that may be discharged, pursuant to Sections 08-04.2, 08-04.3, 08-04.4, and 08-05.3 herein, nor to any requirement of State or Federal Law.

ARTICLE 10: SERVICE AND USE CHARGES

10-01 - Service Charges

10-01.1 - Establishment of Rates

Rates to be charged and collected and terms, provisions, and conditions to be effective respecting such rates for regional sewer service supplied by the Reclamation Authority using the regional sewerage system to Member Entities within the Reclamation Authority Service Area shall be as fixed and established by the Commission from time to time and shall become an attachment of these Rules and Regulations (see Table II). The payment of service charges to the Reclamation Authority is the responsibility of each Member Entity, which in turn establishes the rates and service charges for Users within its local service area. This provision is in addition to and not by way of derogation of any other remedies or procedures available to the Reclamation Authority pursuant to any law or regulation or by any of the provisions of these Rules and Regulations.

10-01.2 - Change of Service Charge

The Commission reserves the right to change the schedule of regional sewer service charges and other charges and fees from time to time as necessary for the proper operation, maintenance, repair, replacement, and expansion of the regional system.

10-01.3 - Service Charge Billing

Regional sewer service charges to Member Entities will be rendered as part of the Reclamation Authority Service Bill at monthly intervals.

10-01.4 - Metering

For the purpose of computing charges, the Reclamation Authority will contract with an approved third party to provide accurate measurement of flow rate and cumulative totals at all connections to the Reclamation Authority's Interceptor Sewer. Such measurements will be made prior to entry of contributing flows into the interceptor and shall be used to determine a percentage allocation of the total flow for each connected entity. The percentage allocation will be applied to the total monthly influent flow, as measured at the WWTP influent mag meter, to determine the monthly flow contributed by each connected entity. Invoice billings will be sent to each connected Entity on a monthly basis. If, for any reason, the influent mag meter is out of service or flow measurements cannot be taken, the Reclamation Authority will estimate contributions based on the best available information including previous flows and existing conditions.

10-02 - Charges for Use

The purpose of a charge for use is to insure that each recipient of sewage service from the Reclamation Authority pays its reasonably proportionate share of all the costs of providing that sewerage service. Charges for use are used for recovering the cost of conveying, treating and disposing of sewage in the regional sewerage system and are exclusive of any fees levied by Local Sewering Agencies. The charge for use shall be based on the total maintenance, operation, capital expenditures and reserve requirements for providing regional wastewater collection, treatment and disposal and the related administration of the regional sewerage system.

ARTICLE 11: CONNECTION AND PRETREATMENT PROGRAM FEES

11-01 - Connection Fees

11.01.1 - Introduction

The regional sewerage system will provide adequate capacity for sewer service within the regional service area for a limited period of time. The Reclamation Authority must take into consideration future capacity requirements within the regional service area to ensure that the infrastructure necessary to provide reliable service to the Member Entities and their Users is constructed in advance. Failure to adequately plan for future capacity requirements can result in service interruption and the inability of the regional community to accommodate growth. In order to provide for future capacity requirements, Capital must be accumulated before it is required (pay-as-you-go) by levying connection fees. Connection fees have traditionally been the pay-as-you-go method for financing the expansion of a sewerage system. This follows the logic that, upon connection, a new discharger pays for its capacity just as the existing dischargers had paid to develop the original capacity in the sewerage system. The connection fees are accumulated in a fund for use when the sewerage system requires expansion.

11-01.2 - Connection Fees

- a) Connection fees will not be applied to properties developed prior to July 1, 1982, which are connected to existing local collection systems.
- b) Properties developed prior to July 1, 1982, unconnected to existing local collection systems will not be charged regional (Reclamation Authority) connection fees for the first five years after the completion of the interceptor to the contracting community. Thereafter, applicable Reclamation Authority connection fees will apply to such properties.
- c) Properties developed after June 30, 1982 will pay a connection fee applicable at the time of connection. Likewise, any additions or improvements to properties developed prior to July 1, 1982, which are connected and generate additional sewage, will pay a connection fee at the time applicable permits are issued.
- d) "Properties developed" as defined in Paragraph 5 of VVWRA Policy Resolution No. 81-10 shall be deemed to include all properties designated to be sewered within the regional service area for which a building permit for residential, commercial, or industrial structures has been issued and all applicable fees therefor have been paid on or prior to June 30, 1982.
- e) Connection fees shall be determined and assessed in accordance with VVWRA Connection Fee Ordinance No. 002, as amended, or successor.

11-01.3 - Duty of Enforcement

The Reclamation Authority sets the connection fees for Users within the regional service area and Member Entities set the connection fees for Users which are associated with the expansion of the tributary sewerage systems. The responsibility of calculating and enforcing connection fees is shared between the Reclamation Authority and the Member Entities, provided, however, that each Member Entity has the primary responsibility of enforcing the collection of regional and local connection fees in conjunction with its local authority to regulate land use and development within its boundaries. The provisions of this Section shall be applicable to any building, structure, or property contributing to the Reclamation Authority's regional sewerage system, whether the same is owned, operated, or controlled by a private party or by a public or quasi-public agency, corporation or association, other than the Reclamation Authority. The Member Entity shall, through the "Will Serve" process enforce payment of these connection fees. The Member Entity may, in addition thereto, add connection fees for their own purposes. Further, administrative and lateral charges may also be applicable.

Unless specified otherwise, all fees, charges and penalties imposed pursuant to this Ordinance are due and payable upon receipt of notice.

11-02- Pretreatment Program Fees

It is the purpose of this Section to provide for the recovery of costs from Industrial Users of the POTW for the implementation of the pretreatment program. The Reclamation Authority may adopt charges and fees, by resolution, which may include:

- a) Fees for the processing of applications.
- b) Fees for reimbursement of costs of developing and operating the Reclamation Authority pretreatment program.
- c) Fees for monitoring, inspections, surveillance procedures and laboratory costs.
- d) Fees for reviewing plans and construction inspections.
- e) Fees for reviewing accidental discharge procedures.
- f) Fees for filing appeals.
- g) Noncompliance fees.
- h) Extra strength charges; surcharge fees. These fees shall be assessed based on the pounds discharged of a constituent above stated permit conditions or allowable limits. AT NO TIME shall any user affected by Categorical Standards be permitted to discharge wastewater to the POTW in violation of Categorical Standards.
- i) Administrative fees for compensation for damages in accordance with Section 13-01.
- j) Other fees deemed necessary by the Reclamation Authority to implement the provisions of this Ordinance.

The Reclamation Authority may incorporate the equivalent amount of any of the above fees into its sewer charges. The current Pretreatment Program fees are in Table IV.

11-03 - Payment of Fees

Except as otherwise provided, all fees charged pursuant to the provisions of this Regulation are due and payable upon receipt of notice thereof.

The connection fee for a parcel shall be payable and collected at the time of final inspection or the date the certificate of occupancy is issued for improvements to the subject parcel, whichever occurs first.

All fees shall become delinquent thirty (30) days after mailing notice thereof to the mailing address of the discharger subject to such charges. The Reclamation Authority may impose a late fee on any charge that becomes delinquent as determined by the collection policy adopted by the Reclamation Authority from time to time. Such late fee shall accumulate on the unpaid balance of the delinquent charge until payment is received by the Reclamation Authority. The Reclamation Authority may further recover costs associated with the recovery of delinquent charges.

ARTICLE 12: EXECUTIVE PROVISIONS

12-01 - Right of Revision

The Reclamation Authority may from time to time, in its discretion and by resolution or Ordinance, amend the Rules and Regulations which govern the discharge of wastewater so as to keep the Reclamation Authority in compliance with evolving State and Federal Law.

12-02 - Right of Waiver

In the event of any declared local, State, or Federal emergency, the provisions of this Ordinance may be waived by resolution of the Board of Commissioners.

12-03 - Severability

If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.

12-04 - Conflict

If any discrepancy between this Ordinance and the Rules and Regulations of a Member Entity exists, the more restrictive ordinance shall govern.

All other Reclamation Authority ordinances and parts of other Reclamation Authority ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

ARTICLE 13: ENFORCEMENT

13-01 - Compensation for Damages

Any person who, by discharge of wastewaters or by any other means, damages monitoring equipment, detrimentally affects wastewater treatment processes, significantly increases POTW operation costs, requires non-routine inspection and/or sampling, causes blockages of, damage to, interference with or pass-through from the POTW, or causes any other damages including the imposition of fines or penalties on the Reclamation Authority by Federal, State or local regulatory agencies, shall be liable to the Reclamation Authority for all damages and additional costs, including said fines or penalties, occasioned thereby. An administrative fee of twenty-five (25) percent of the Reclamation Authority's costs may be added to these charges and shall be payable within thirty (30) days of invoicing by the Reclamation Authority.

13-02 - Revocation of Permit

Any User who violates the following conditions of this Ordinance, or applicable State and Federal regulations, is subject to having his permit revoked:

- a) Failure of the User to factually report the wastewater constituents and characteristics of his discharge;
- b) Failure of the User to report significant changes in operations or wastewater constituents and characteristics;
- c) Failure of the User to provide reasonable access to the User's premises for the purpose of inspection or monitoring;
- d) Tampering with monitoring requirement;
- e) Failure to complete a wastewater survey or the Nondomestic Wastewater Discharge Permit Application;
- f) Failure of the User to pay fees, fines, and charges for use established pursuant to these Rules and Regulations; or
- g) Violation of conditions of any permit, ordinance, and/or compliance schedules, including the requirements of any Non-Domestic Water Discharge Permit, Liquid Waste Hauler Discharge Permit or Solid Waste ADM Discharge Permit.

13-03 - Notification of Violation

Whenever the Manager finds that any User has violated or is violating any applicable Pretreatment Standard or requirement contained in this Ordinance or the Nondomestic Wastewater Discharge Permit, or the requirements of any Liquid Waste Hauler Discharge Permit or Solid Waste ADM Discharge Permit, the Manager may serve upon such person a written notice stating the nature of the violation and stating the penalties for continued noncompliance. If required in the notice, such User shall submit to the Manager, within a prescribed period specified in the notice, a Specific Compliance Plan pursuant to Section 08-09.4(c). Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation.

Nothing in this Section shall limit the authority of the Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

13-04 - Compliance Time Schedule

The Manager may adopt a proposed Compliance Time Schedule submitted by the User, or may adopt a revised Compliance Time Schedule if, in the judgment of the Manager, the proposed Compliance Time Schedule is unreasonable. The Manager will notify the User of the Adopted Compliance Time Schedule in a timely manner. The Manager shall not adopt a Compliance Time Schedule which extends beyond applicable federal deadlines. Nothing in this Section shall limit the authority of the Manager to take any action, including emergency actions or other enforcement action, without first adopting a Compliance Time Schedule.

13-05 - Administrative Orders

The Manager may require compliance with any prohibition, limitation, or requirement of this Ordinance or the provisions of a Nondomestic Wastewater Discharge Permit, a Liquid Waste Hauler Discharge Permit or a Solid Waste ADM Discharge Permit, by issuing administrative orders that are enforceable in a court of law or by directly seeking court action. Nothing in the following Sections shall limit the authority of the Manager to take any action, including emergency actions or any other enforcement action, without first issuing administrative orders. Administrative orders may include:

- a) **Stop Work Orders:** The Manager may direct the Local Sewering Agency to serve a written stop work order on any person(s) engaged in doing or causing to be done new construction, tenant improvements, alterations, or additions, if violations of this Ordinance are found at the site of the new construction, tenant improvements, alterations, or additions. Any person served a Stop Work Order shall stop such work forthwith until written authorization to continue is received from the Manager and the Member Entity.
- b) **Compliance Orders:** When the Manager finds a discharge of wastewater has violated or threatens to violate any prohibition or limitation of this Ordinance or the provisions of a Nondomestic Wastewater Discharge Permit, the Manager may issue a Compliance Order and direct those persons not complying with such prohibitions, limitations, requirements, or provisions to:
 1. Comply immediately; or
 2. Comply in accordance with a specific compliance time schedule.
 A Compliance Order may include modifications in the frequency and extent of monitoring sampling and analysis, and submission of self-monitoring reports. A Compliance Order may also establish a noncompliance monitoring program, or include modifications to an existing noncompliance monitoring program.
- c) **Cease and Desist Orders:** When the Manager finds that any User has violated or threatens to violate any provision of this Ordinance or its Nondomestic Wastewater Discharge Permit, the Manager may issue a Cease and Desist Order directing the User to:

1. Comply immediately; or
2. Comply in accordance with a time schedule specified in the Cease and Desist Order.

A Cease and Desist Order may include modifications in the frequency of monitoring, testing, and submission of self-monitoring reports. A Cease and Desist Order may also establish a noncompliance monitoring program.

- d) **Cease Discharge Orders:** When the Manager finds that any User has violated or threatens to violate any provision of this Ordinance or its Nondomestic Wastewater Discharge Permit, the Manager may revoke or suspend the User's Wastewater Discharge Permit and terminate sewer service to that User upon issuance of a Cease Discharge Order. The User shall be liable for all costs for termination of sewer service incurred by the User and the Reclamation Authority.

This provision is in addition to other statutes, rules, or regulations authorizing termination of service for delinquency in payment, or for any other reason. Sewer service shall be reinstated by the Manager after the User has complied with all provisions in the Administrative Order. The User shall be liable for all costs for reinstating sewer service.

- e) **Immediate Termination of Service:** The Manager may immediately suspend wastewater treatment service and any Nondomestic Wastewater Discharge Permit when such suspension is necessary, in the opinion of the Manager, to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, the environment, or causes interference to the POTW. Other conditions that may subject the User to termination of service include:
1. Failure to accurately report the wastewater constituents and characteristics of its discharge;
 2. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge; or
 3. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling

Any User notified that wastewater treatment service and any Nondomestic Wastewater Discharge Permit has been suspended, shall immediately stop and eliminate the applicable contributions to the POTW. In the event of failure to comply voluntarily with the suspension order, the Manager shall take steps as deemed necessary including directing the Member Entity to immediately sever the sewer connection. The User shall be liable for all costs incurred by the Reclamation Authority in terminating sewer service.

Sewer service shall be reinstated by the Manager after the actual or threatened discharge has been eliminated. A detailed written statement, submitted by the User, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Manager within fifteen (15) days of the date of sewer service termination.

- f) **Notices of Discharge Prohibition:** The Manager may serve a written Notice of Discharge Prohibition on any person(s) engaged in any activity or activities which, while not resulting in a discharge of nondomestic wastewater to the POTW at the time, may, in the Manager's

judgment, result in a discharge of nondomestic wastewater at some time in the future. A Notice of Discharge Prohibition shall include at least the following:

1. A list or citation of general discharge restrictions and prohibitions;
2. A list of any Categorical Standards that would be applicable upon commencement of nondomestic wastewater discharge;
3. A requirement to apply for and obtain a nondomestic wastewater discharge permit prior to commencing discharge of nondomestic wastewater to the POTW;
4. A requirement for notification of slug or accidental discharges; and
5. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements.

A Notice of Discharge Prohibition may also contain one or more of the following:

1. A requirement to prepare and submit a Slug Discharge Control Plan;
 2. A requirement to install and maintain one or more spill containment systems;
 3. A requirement for maintaining and retaining plant records relating to wastes removal from the facility; and
 4. A requirement to submit an annual written statement to the Manager certifying that no nondomestic wastewater has been discharged to the POTW during the previous year other than discharges of which the Manager was properly notified, and that no nondomestic wastewater will be discharged during the forthcoming year without proper notification and/or obtaining a Nondomestic Wastewater Discharge Permit.
- g) **Suspension or Termination of Discharge Rights:** With respect to the violation of the requirements of a Liquid Waste Hauler Discharge Permit or Solid Waste ADM Discharge Permit, the Manager may revoke or suspend the right of the permit holder to discharge Septage or ADM to the POTW until such time as the permit holder is in compliance with the terms of the applicable permit.

13-06- Noncompliance Monitoring Program

- a) If sampling by Reclamation Authority or User indicates that the User is discharging constituents in violation of the mass emission or concentration limits established by Reclamation Authority resolution or contained in User's Nondomestic Wastewater Discharge Permit, then the User must notify the Manager within twenty-four (24) hours of becoming aware of the violation. The User shall collect a follow-up sample (as directed by Manager). The User shall submit the completed sample analysis to the Reclamation Authority within thirty (30) days of notification by the Reclamation Authority.
- b) If the follow-up sample indicates noncompliance with permit requirements, the User may be required by the Reclamation Authority to immediately initiate a noncompliance monitoring program requiring additional sampling and reporting by the User in accordance with a schedule issued by the Manager. During the program, the User may be subject to noncompliance fees established by Reclamation Authority resolution. Fees may be required for each sample analysis indicating violation or violations of limits specified in

User's permit or established by Reclamation Authority resolution. User may also be subject to a fee for each sample analysis not submitted by the User to the Reclamation Authority in accordance with the schedule specified in the program.

- c) The noncompliance monitoring program may be terminated by the Reclamation Authority upon the User's demonstration of a return to compliance. To demonstrate a return to compliance, the User must either terminate discharge or provide analyses showing consistent compliance over a period of not less than 30 days or as specified in the Program.
- d) The payment of noncompliance fees by Users shall not bar the Reclamation Authority from undertaking any other enforcement procedures specified herein.

13-07 - Administrative Hearing

Any User may request, or the Manager may order, an Administrative Hearing, at which a User who causes or allows or who has caused or allowed an unauthorized discharge to enter the POTW shall show cause why the proposed enforcement action should not be taken. An Administrative Hearing Officer who is a Reclamation Authority Officer not directly involved in the enforcement of this Ordinance, shall preside over the Administrative Hearing, at which each party, including the User and the Manager, shall have the right to present evidence. A notice shall be served on the User specifying the time and place of the hearing regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Administrative Hearing Officer why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of the User.

13-08 - Annual Public Notice of Significant Noncompliance

In March of each year, the Reclamation Authority shall publish in the newspaper with the largest daily circulation in the Victor Valley Wastewater Reclamation Authority service area a list of all Industrial Users which have been in Significant Noncompliance with applicable Pretreatment Standards or Requirements during the previous calendar year.

13-09 - Legal Action

If any User violates the provisions of this Ordinance, Federal or State Pretreatment requirements, or any order of the Reclamation Authority, the Reclamation Authority Attorney may commence an action for appropriate legal, equitable, and/or injunctive relief in the Municipal or Superior Court of San Bernardino County.

In addition to the penalties provided herein, the Manager may recover reasonable attorney fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated any of the provisions of this Ordinance or the orders, rules, regulations, and permits issued thereunder.

13-10 - Injunctive Relief

When the Manager finds that a User has violated, or continues to violate, any provision of this Ordinance, its Nondomestic Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard, the Manager may petition the Municipal or Superior Court of San Bernardino County through the Reclamation Authority Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Nondomestic Wastewater Discharge Permit or other requirements imposed by this Ordinance on activities of the User. The Manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

13-11 - Civil Penalties

Any User who is found to have violated any prohibition, limitation or requirement of this Ordinance or of his Nondomestic Wastewater Discharge Permit or an administrative order shall be subject to civil penalty of not less than one thousand dollars (\$1,000) nor more than twenty-five thousand dollars (\$25,000) for each offense per day. Each violation shall be considered a separate and distinct offense, and each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Reclamation Authority may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder.

Civil Penalties may be imposed, assessed and recovered by action commenced in the Superior Court through petition by the Manager pursuant to Section 54740 of the California Government Code, or by Administrative Hearing in accordance with Section 13-07. Assessment of Civil Penalties through the Administrative Hearing Process shall be in accordance with Section 54740.5 of the California Government Code.

13-12 - Criminal Penalties

Any person who willfully violates any provision of this Ordinance or permit condition; who knowingly violates any stop work order, cease and desist order, prohibition or effluent limitation; who knowingly makes any false statements, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance or a Nondomestic Wastewater Discharge Permit; or who falsifies, tampers with, or knowingly causes inaccuracy in any monitoring device or method required or authorized under this Ordinance, shall, upon conviction, be guilty of a misdemeanor which is punishable by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment for a period of not more than six (6) months or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provisions of

this Ordinance is committed, continued, or permitted by such person, and shall be punishable for that violation as provided by this Section.

13-13 - Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Manager may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the Enforcement Response Plan. However, the Manager may take other action against the User when the circumstances warrant. Further, the Manager is empowered to take more than one enforcement action against any noncompliant User.

13-14 - Payment of Penalties

Except as otherwise provided, all penalties made pursuant to the provisions of this Ordinance are due and payable upon receipt of notice thereof. All such penalties shall be delinquent thirty (30) days after mailing notice thereof to the mailing address of the User subject to such penalties. A penalty that becomes delinquent may have added to it a delinquency charge equal to the maximum interest permitted by law.

13-15 - Collection

Upon motion of the Board of Commissioners of the Reclamation Authority, any charge and all penalties and delinquency charges thereon shall be collected by lawsuit in the name of the Reclamation Authority. Any such action for collection may include an application for an injunction to prevent repeated and recurring violations of this Ordinance.

13-16 - Enforcement Response Plan

The Manager shall prepare, implement, and, if necessary, periodically update an Enforcement Response Plan in conformance with EPA guidelines contained in 40 CFR Part 403.8(f) (5).

END OF TEXT OF ORDINANCE

Approval and Adoption

THIS ORDINANCE NO. 001 IS APPROVED AND ADOPTED ON: December 8, 2016

Scott Nassif,
Chair VVWRA Board of Commissioners

APPROVED AS TO FORM:

ATTEST:

Piero C. Dallarda of Best Best & Krieger
LLP VVWRA General Counsel

Russ Blewett,
Secretary VVWRA Board of Commissioners

Certification

I, Kristi Casteel, Secretary to the Board of Commissioners (“Commission”) of the Victor Valley Wastewater Reclamation Authority, certify that the foregoing Ordinance was introduced at a regular meeting of the Board of Commissioners on the November 10, 2016, and was adopted by the Commission at a regular meeting held on the December 8, 2016 by the following vote of the Commissioners:

AYES:

NOES:

ABSTAINED:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Victor Valley Wastewater Reclamation Authority on this December 8, 2016.

Kristi Casteel
Secretary to the Board of Commissioners

Form of Certificate of Adequacy of Sewerage System

It is hereby understood by all persons signing this certificate that the Member Entity will not consider allowing use of its facilities by this land development without having received the representations contained herein.

I certify that the following statements are true:

1. I hold a currently valid certificate of registration as a Civil Engineer issued pursuant to Section 6700 et. seq. of the Business and Professions Code, State of California. I am further qualified by experience to design sewage systems.
2. The sewerage system has been designed in accordance with good engineering practice and meets all of the requirements of Victor Valley Wastewater Reclamation Authority and the Member Entity having jurisdiction.
3. All design criteria and the materials and methods of construction specified for use in this sewerage system meet or exceed standards adopted and approved by the Victor Valley Wastewater Reclamation Authority and the Member Entity.

Signature

Date

4. The Member Entity hereby agrees that adequate capacity is available or will be made available to accept sewerage contributions from this development within _____ year(s) from the execution date of this certificate.

Member Entity Signature

Date

Table I: Specific Local Pollutant Concentration Limits**Daily Maximum Concentration for Permitted Industrial Dischargers:**

pH	5 to 11
Pollutant	Concentration Limit (mg/l)
Arsenic	1.5
Barium	10.0
Biochemical Oxygen Demand (BOD)	50,000
Boron	1.04
Cadmium	0.2
Chromium, Total	2.0
Copper	2.2
Cyanide	0.12
Fluoride	1,000
Iron	200
Lead	1.7
MBAS (Surfactants)	100
Mercury	0.1
Methyl Tert Butyl Ethylene (MTBE)	0.0005
Nickel	2.0
Nitrogen, Ammonia	500
Selenium	1.0
Silver	0.4
Tetrachloroethene (TCE or PCE)	0.53
Toluene	1.53
Total Dissolved Solids (TDS)	1,000
Total Petroleum Hydrocarbons (TPH)	500
Zinc	2.3

Adopted July 25th 2001

Table II: Fee Schedule

Victor Valley Wastewater Reclamation Authority Fee Schedule

Effective December 1st 2019

Connection Fees: \$4000 per EDU*

User Charges: Unit Cost (\$/MG)

FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24
\$3,503	\$3,784	\$4,087	\$4,414	\$4,768	\$5,150

High Strength Surcharges:

Refer to the attached **worksheet** for an example of the calculation used to determine the surcharge rate.

FY 15-16: \$3,004

BOD \$/LB Applied to Concentrations above 200 mg/L

TSS \$/LB Applied to Concentrations above 250 mg/L

NH3 \$/LB Applied to Concentrations above 250 mg/L

FY 16-17: \$3,274

BOD \$/LB Applied to Concentrations above 200 mg/L

TSS \$/LB Applied to Concentrations above 250 mg/L

NH3 \$/LB Applied to Concentrations above 250 mg/L

FY 17-18: \$3,503

BOD \$/LB Applied to Concentrations above 200 mg/L

TSS \$/LB Applied to Concentrations above 250 mg/L

NH3 \$/LB Applied to Concentrations above 250 mg/L

FY 18-19: \$3,503

BOD \$/LB **\$0.3685** Applied to Concentrations above 200 mg/L

TSS \$/LB **\$0.2470** Applied to Concentrations above 250 mg/L

NH3 \$/LB **\$4.1368** Applied to Concentrations above 250 mg/L

FY 19-20: \$3,784

BOD \$/LB **\$0.3685** Applied to Concentrations above 200 mg/L

TSS \$/LB **\$0.2470** Applied to Concentrations above 250 mg/L

NH3 \$/LB **\$4.1368** Applied to Concentrations above 250 mg/L

Septage Receiving Fee: \$.0936 per gallon

[Anaerobically Digestible Materials \(ADM\) Tipping Fee: \\$.05 per gallon \(Per Resolution 2021-06\)](#)

*EDU=Equipment Dwelling Unit (245 gallons/day or 20 fixture units)

Victor Valley Wastewater Reclamation Authority

High Strength Surcharge

Example Worksheet

Procedure to Determine Annual Surcharge Fee

FOR EXAMPLE ONLY
 User Charges from Member Agencies \$ 10,112,000
 Unit User Charge per MG \$2,528.00
 Estimated Treatment Flow (MG) 4,000

	Influent mg/l	Influent lbs/day	Effluent mg/l	Effluent lbs/day	Removal lbs/day	Removal lbs/year	Percent of Cost	Removal Cost/lb	Unit Cost \$
FOR EXAMPLE ONLY									
BOD	400.00	36,559	4.00	366	36,193	13,210,560	35.0%	\$3,539,200	\$0.2679
TSS	300.00	27,419	2.21	202	27,217	9,934,274	25.0%	\$2,528,000	\$0.2545
NH3	30.00	2,742	0.10	9	2,733	997,464	30.0%	\$3,033,600	\$3.0413
Annual Flow - MG per Day		4,380 MG / 365 days							
		10.96					10.0%	\$1,011,200	
							100.0%	\$10,112,000	

FOR EXAMPLE ONLY

Surcharge Rates:
 Applied to Concentrations Above:

BOD	\$0.2679	TSS	\$0.2545	NH3	\$3.0413
	200 mg/l		250 mg/l		20 mg/l

FORMULAS

lbs/day = flow (mgd) x concentration (mg/l) x weight of water (8.34 lbs/gal)

BOD

Influent (flow mgd) x (influent mg/l) x 8.34 lbs/gal = lbs/day
 Effluent (flow mgd) x (effluent mg/l) x 8.34 lbs/gal = lbs/day

TSS

Influent (flow mgd) x (influent mg/l) x 8.34 lbs/gal = lbs/day
 Effluent (flow mgd) x (effluent mg/l) x 8.34 lbs/gal = lbs/day

NH3

Influent (flow mgd) x (influent mg/l) x 8.34 lbs/gal = lbs/day
 Effluent (flow mgd) x (effluent mg/l) x 8.34 lbs/gal = lbs/day

REMOVAL

Per day: Influent lb/day - Effluent lb/day = Removal lbs/day
 Per year: Removal lb/day x 365 = Removal lb/year

REMOVAL COST

Per lb: Total user cost x 35% = Removal cost/lb
 Per unit: Removal cost/lb / Removal lb/year

Note:

1. BOD, Biochemical Oxygen Demand, use the annual average from the prior year Annual Discharge Monitoring Report
2. TSS, Total Suspended Solids, use the annual average from the prior year Annual Discharge Monitoring Report
3. NH3, Ammonia, use the annual average from the prior year Annual Discharge Monitoring Report
4. MG, Flow in Million Gallons budgeted for upcoming Fiscal Year

Table III: Unit Operations and Maintenance Cost Determination

SEE ATTACHED

Table IV
Pretreatment Program Fees

Wastewater Discharge Permit Application Fee (Class I, II, IV): \$220

Wastewater Discharge Permit Fees

Permit Type	Annual Fee
Class I	\$3,000
Class II	\$3,000
Class III	\$175
Class IV	\$800

Plan Check Fee: \$110

Follow-up Inspection Fee: \$330

Follow-up Compliance Sampling Fee: \$220 plus analytical costs

EXHIBIT A

LARRY WALKER ASSOCIATES REPORT



EXHIBIT B

RESOLUTION | | REGARDING SOLID WASTE ADM DISPOSAL FEES



**VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY
Board of Commissioners Staff Report**

TO: VVWRA Board of Commissioners
FROM: Darron Poulsen, General Manager *DP*
SUBMITTED BY: Darron Poulsen, General Manager
DATE: August 19, 2021
SUBJECT: **RECOMMENDATION TO ADOPT ORDINANCE 001- RULES AND REGULATIONS FOR SEWER SERVICE**

<input checked="" type="checkbox"/> For Action	<input type="checkbox"/> Fiscal Impact
<input type="checkbox"/> Information Only	<input type="checkbox"/> Account Code:
	<input type="checkbox"/> Funds Budgeted/ Approved:

STAFF RECOMMENDATION

It is recommended that the Board of Commissioners to Adopt Ordinance 001- Rules and Regulations for Sewer Service.

PREVIOUS ACTION(S) & BACKGROUND INFORMATION

July 15, 2021 The Board authorized the second reading of Ordinance 001.



**VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY
Board of Commissioners Staff Report**

TO: VVWRA Board of Commissioners
FROM: Darron Poulsen, General Manager *DP*
SUBMITTED BY: Chieko Keagy, Controller *CK*
DATE: August 19, 2021,
SUBJECT: **ADOPTION OF RESOLUTION 2021-07 TO APPROVE THE CLARIFYING MODIFICATIONS ON THE INVESTMENT POLICY**

- For Action** **Fiscal Impact:** **None**
 Information Only **Account Code:**
 Funds Budgeted/Approved: none
-

STAFF RECOMMENDATION

It is recommended that the Board of Commissioners approve Resolution 2021-07, the clarifying modifications on the Investment Policy.

PREVIOUS ACTION(S)

On October 18, 2018, the Board approved the revisions to the VVWRA Investment Policy.

BACKGROUND INFORMATION

The Best Best & Krieger legal counsel reviewed and provided the staff with comments on the revisions to the Investment Policy. The staff presents to the Board for consideration of the clarifying modifications.

ATTACHMENT

Exhibit 1- Resolution 2021-07 Clarifying Modifications on the Investment Policy

EXHIBIT 1

RESOLUTION 2021-07

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY FOR
THE ADOPTION OF A STATEMENT OF POLICY FOR THE
INVESTMENT OF FUNDS FOR FISCAL YEAR 2021-2022**

WHEREAS, Government Code Section 6509.5 directs the Victor Valley Wastewater Reclamation Authority (“VWVRA”) to invest funds that are not required for the immediate necessities of VWVRA in a manner consistent with the conditions set forth in Government Code Section 53601, and;

WHEREAS, Government Code Section 53601 specifies the permissible type of investments for surplus funds of local agencies, and;

WHEREAS, Government Code 53630 *et seq.* Further specifies procedures for the handling and deposit of all monies belonging to, or in the custody of VWVRA, and;

WHEREAS, Government Code 53660 *et seq.* Further requires the VWVRA Treasurer (“Treasurer”) to annually render to the VWVRA Board of Commissioners (“Commission”) a statement of investment policy which the Commission shall consider and adopt at a public meeting, and;

WHEREAS, the Treasurer has rendered, and the Commission has reviewed, the proposed statement of investment policy.

**NOW, THEREFORE, THE COMMISSION OF THE VICTOR VALLEY
WASTEWATER RECLAMATION AUTHORITY DOES HEREBY RESOLVE AS
FOLLOWS:**

Section 1. The Statement of Investment Policy (“Policy”) attached hereto as Exhibit “A” shall be the statement of investment policy for the Victor Valley Wastewater Reclamation Authority, and;

Section 2. The Policy shall be effective upon adoption and shall continue in effect until amended by formal resolution or until the next annual reconsideration and re-adoption of the Policy by the Commission as required by Government Code Section 53646.

ADOPTED this 19th day of August 2021.

Bill Holland, Chair
VWVRA Board of Commissioners

ATTEST:

APPROVED AS TO FORM:

Scott Nassif, Secretary
VWRA Board of Commissioners

Piero Dallarda of
Best Best & Krieger LLP, VWRA Counsel

CERTIFICATION

I, Kristi Casteel, Secretary to the Board of Commissioners of the Victor Valley Wastewater Reclamation Authority, State of California, do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 2021-07, adopted by the Board of Commissioners of said Authority at its meeting of August 19, 2021.

Kristi Casteel
Secretary to the Board of Commissioners

EXHIBIT A

Resolution 2021-07



Victor Valley Wastewater Reclamation Authority

Department of Finance

Investment Policy

APPROVALS

Approved by: _____ Date: _____
General Manager

Approved by: _____ Date: _____
Controller

PROCEDURE REVISION HISTORY		
Rev.	Date	Approval
1.0	10/18/18	Board Approval – Resolution No.2018-14
2.0	08/19/21	Board Approval – Resolution No.2021-07

*This document is controlled when viewed online. When downloaded and printed, this document becomes **UNCONTROLLED**, and users should check with the Department of Human Resources to ensure that they have the latest version.*

INVESTMENT POLICY



VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY



**Board Approved on July 15, 2021
Resolution 2021-xx**

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VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY

TREASURER'S STATEMENT OF INVESTMENT POLICY

OVERVIEW

This statement is intended to provide guidelines for the prudent investment of the Victor Valley Wastewater Reclamation Authority's (hereinafter referred to as "Authority") temporary idle cash, and outline the procedures for maximizing the efficiency of the Authority's cash management system. The ultimate goal is to enhance the economic status of the Authority while safeguarding its assets.

I. POLICY

It is the Policy of the Victor Valley Wastewater Reclamation Authority to invest public funds in a prudent manner, which will provide in the following order: 1) the highest level of safety of funds, 2) liquidity of funds in order that daily cash flow demands are met, 3) the yield or investment return be maximized while conforming to all laws of the State of California regarding the investment of public funds. In addition, this policy provides guidelines for authorized investments and in accordance with Section 53646 of the California Government Code, the Authority Treasurer will annually render to the Board of Commissioners a Statement of Investment Policy.

II. DELEGATION OF AUTHORITY

The Board of Commissioners (Board) has ultimate authority with respect to investment of Authority funds, and ensuring compliance with this Policy. The Board may delegate such authority, as it deems appropriate, to individual members, officers, or employees of the Authority.

The Board has appointed General Manager as the Treasurer of the Authority pursuant to Section 6505.6. In the absence of the Treasurer, the responsibility to direct investment transactions effecting Authority monies will be restricted to the Controller, acting as the Deputy Treasurer.

The Treasurer and the Deputy Treasurer have been authorized to undertake investment transactions on behalf of the Authority. The authority to undertake investment transactions on behalf of the Authority shall not pass to another individual unless specifically authorized in writing by the General Manager (Treasurer). Although the Treasurer and Deputy Treasurer have been authorized to undertake investment transactions, the clerical management (such as reporting requirements, confirmations, and record keeping) responsibility for the Authority's investments has been delegated to the Finance Department of the Authority. No person may engage in an investment transaction except as provided under the terms of this policy.

The Treasurer is responsible for ensuring compliance with the Authority's investment policies as well as for establishing systems of internal control to regulate the activities of subordinate officials.

The Treasurer, the Deputy Treasurer, the Chairman of the Board of Commissioners and representatives from the Finance Department shall review the policy on an annual basis for submission and approval by the Board of Commissioners pursuant to Section 53646.

These same members will act as the Investment Committee and meet quarterly to review the Treasurer's Quarterly Investment Report and evaluate the portfolio, the quarterly cash report and to provide general oversight and guidance concerning the investment policy. The Investment Committee is not authorized to direct investment decisions or select individual investment advisors, brokers or dealers.

III. SCOPE

The Treasurer, as defined in Section II. Delegation of Authority, is authorized to invest the Authority's funds in accordance with the applicable provisions of Articles 1 and 2 of Chapter 4 of Division 2, Part 1 of the California Government Code (the "Chapter 4") and Section 16429.1¹. This investment policy applies to all financial assets of the Authority. These funds are accounted for in the Comprehensive Quarterly Financial Reports. All monies entrusted to the Treasurer will be pooled in an actively managed portfolio except for the employees' retirement funds, which are administered separately and the proceeds of certain debt issues, which are managed and invested by trustees appointed under indenture agreements.

IV. PRUDENCE

The actions of the Treasurer in the performance of his or her duties as a manager of public funds shall be evaluated using the prudent person standard contained in Section 53600.3 applied in the context of managing the overall portfolio:

All governing bodies of local agencies or persons authorized to make investment decisions on behalf of those local agencies investing public funds pursuant to Chapter 4 of Division 2, Part 1 of the Government Code are trustees and therefore fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency.

Investment officers acting in accordance with written procedures and the investment policy exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

¹ All references to "Section" shall refer to the California Government Code unless specified otherwise.

V. OBJECTIVES

The primary objectives, in priority order, of the Authority investment activities shall be:

A. Safety

Safety of principal is the foremost objective of the investment program. Investments of the Authority shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The Authority shall seek to safeguard principal by a careful examination of credit risk and market risk of individual investments.

- Credit Risk - is defined as the risk of loss due to failure of an issuer of a security, shall be mitigated by investing in only very safe institutions and by diversifying the fund so that the failure of any one issuer would not unduly harm the Authority's cash flow.
- Market Risk - is defined as limiting the weighted average maturity of the Authority fund to less than five years, shall mitigate the risk of market value fluctuations due to overall changes in the general level of interest rates.
- The Authority shall invest in only those institutions that are considered very safe.

B. Liquidity

The Authority investment portfolio will remain sufficiently liquid to enable the Authority to meet all operating expenditure requirements, which might be reasonably anticipated.

C. Return on Investment

The Authority investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary cycles, taking into account the Authority's investment risk constraints and the cash flow characteristics of the portfolio. Whenever possible, consistent with risk limitations and prudent investment principles, the Authority shall make an effort to achieve returns at the market average rate of return. The market average rate of return is defined as the average return on six month U.S. Treasury Bills (in normal markets).

VI. ETHICS AND CONFLICTS OF INTEREST

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions on behalf of the Authority. The Treasurer, the Deputy Treasurer and all other employees who have been authorized by the Treasurer pursuant to these policies to undertake investment transaction on behalf of the Authority are required to file annual disclosure statements, State of California Form 700, Statement of Economic Interests Disclosure, as required by the Fair Political Practices Commission (FPPC), and thus disclose to the Secretary to the General Manager/Board of Commissioners any material financial interests in financial institutions that conduct business within the jurisdiction. Any such employees, shall, prior to authorizing an investment transaction with a business entity in which such employee has a financial interest that would otherwise be reportable on Schedule A-1 of California Form 700 whether or not such entity is located in or doing business in the Authority's jurisdiction at such time, disclose such financial interest to the Secretary to the General Manager/Board of Commissioners and General Counsel of the Authority.

During the course of the year, if there is an event subject to disclosure pursuant to the preceding paragraph that could impair the ability of the Treasurer, the Deputy Treasurer or any other employee who has been authorized by the Treasurer pursuant to these policies to undertake investment transaction on behalf of the Authority to make prudent decisions pursuant to the standard set forth in III above, the General Counsel to the Authority, General Manager and Chairperson and Secretary to the Board will be notified in writing within 10 days of the occurrence of such event subject to disclosure.

VII. AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS

The Authority shall transact business only with issuers, banks, and registered investment security dealers, managers and advisors. The purchase of any investment, other than those purchased directly from the issuer, shall be purchased either from an institution licensed by the State of California as a broker/dealer, as defined in Section 25004 of the Corporations code, who is a member of the National Association of Securities Dealers (NASD) or a member of a Federally regulated securities exchange, a National or State-Chartered Bank, a Federal or State Association (as defined by Section 5102 of the Financial Code), or a brokerage firm designated as a Primary Government Dealer by the Federal Reserve Bank. The Treasurer shall investigate all institutions that wish to do business with the Authority, in order to determine if they are adequately capitalized, make market in securities appropriate to the Authority's needs, and agree to abide by the conditions set forth in the Authority's Investment Policy. The Treasurer shall not authorize any such institution to provide investment services to the Authority unless such institution shall have provided to the Treasurer: 1) a current audited financial statement, 2) proof of National Association of Security Dealers Certification, 3) proof of state registration, 4) completed broker/dealer questionnaire (Exhibit 1), and 5) certification of having read the Authority's investment policy and depository contracts (Exhibit 2).

The Treasurer will maintain a list of financial institutions authorized to provide investment services to the Authority and review annually the financial condition and registrations of qualified bidders. A current audited financial statement and proof of current National Association of Securities Dealer Certification and state registration are required to be on file with the Treasurer for each financial institution and broker/dealer with which the Treasurer invests funds of the Authority.

VIII. AUTHORIZED AND SUITABLE INVESTMENTS

The Sections 16429.1 and the provisions of Articles 1 and 2 of Chapter 53601, et seq. limits the investment vehicles available to local agencies. The authority's Investment Policy further restricts the permitted investments to those listed below:

- **California State Treasurer's Local Agency Investment Fund (LAIF)** - Section 16429.1 authorizes each local government agency to invest a maximum of \$40 Million in the investment program administered by the California State Treasurer. Money invested with LAIF is pooled with state money in order to earn the maximum rate of return possible in a manner consistent with sound investment practices. There is no limitation as to the percentage of the portfolio a local agency can invest in LAIF. A local agency can remit to the state treasurer any money not required for immediate needs and Section 16429.1 gives the agency the exclusive determination of the length of time its money will be on deposit.

LAIF provides daily liquidity; therefore, there is no final stated maturity for this investment category. Investments in LAIF shall not exceed \$40 million per governmental entity.

- **San Bernardino County Local Agency Investment Fund (SBCLAIF).**
- **The Investment Trust of California (CalTRUST),** as authorized by Government Code Section 53601(p).
- **United States Treasury Bills, Notes and Bonds** or those for which the full faith and credit of the United States are pledged for payment of principal and interest. Purchase of this category shall not exceed five years to maturity. There is no limit on the percentage of the Authority's investment portfolio that may be invested in this category of investment.
- **Insured Certificates of Deposits (CD's) of California banks,** which mature in 5 years or less, provided that the authority's purchases of such CD's shall not exceed Two Hundred Fifty thousand Dollars (\$250,000) per institution per the Troubled Assets Relief Program (TARP) of the Federal Government guidelines or any other applicable limit established by the State of California or the Federal Government. If the TARP guidelines change or are eliminated by the Federal Government, the Authority must remain within the insured dollar amount guidelines of the Federal Deposit Insurance Corporation (FDIC). The purchases of certificates of deposit pursuant to this paragraph and the following paragraph may not, in total, exceed 30% of the Authority's investment portfolio that may be invested in these categories of investments.
- **Certificates of Deposits acquired through the Certificate of Deposit Account Registry Service (CDARS)** pursuant to and in compliance with the provisions of Section 53601.8 at a financial institution that uses a private sector entity to assist in placement of such certificates of deposit. The purchases of certificates of deposit pursuant to this paragraph and the preceding paragraph may not, in total, exceed 30% of the Authority's investment portfolio that may be invested in these categories of investments.
- **Money Market Mutual Funds (MMMF)**pursuant to Section 53601(l). Such MMMF investments shall be restricted to those funds offered by diversified management companies that are registered with the Securities and Exchange Commission under the Investment Company Act of 1940 and that have (1) attained the highest ranking or highest letter and numerical rating provided by not less than two of the following nationally recognized statistical rating organizations: Moody's, Standard & Poor's, or Fitch, and (2) retained an investment advisor registered with the Securities and Exchange Commission with not less than five years experience, with assets under management in excess of five hundred million dollars (\$500,000,000). A further restriction is that the purchase price of shares of the mutual funds shall not exceed twenty percent (20%) of the Authority's surplus funds and the purchase price of shares of any one mutual fund shall not exceed ten percent (10%) of the Authority's surplus funds.

IX. COLLATERALIZATION

Collateralization will be required on all Demand Accounts and uninsured Time Deposits. Demand Accounts and uninsured Time Deposits with financial institutions shall be collateralized at 102% of market value of principle and accrued interest or in the manner prescribed by law for depositories accepting municipal investment funds, whichever is greater.

All securities owned by the Authority will be held by an independent third party with whom the Authority has a current custodial agreement, except the collateral for time deposits in the financial institutions. Collateral for time deposits in savings and loans is held by the Federal Home Loan Bank or an approved Agent of Depository. The collateral for time deposits in banks shall be held in the Authority's name in the bank's Trust Department, or alternatively in the Federal Reserve Bank.

X. CONFIRMATION

Receipts for confirmation of purchase of authorized securities should include the following information: trade date, par value, rate, price, yield, settlement date, cusip number, description of securities purchased, agency's name, net amount due, third party custodial information. These are minimum information requirements.

Confirmations should be received by the Finance Department, thus allowing for a separation of duties between the Treasurer who places the investment and the Finance Department staff confirming the investment.

XI. SAFEKEEPING OF SECURITIES

In accordance with Section 53601, all securities owned by the Authority shall be held in safekeeping by the Authority's custodial bank or third-party bank trust department, acting for the Authority under the terms of a custody agreement. All securities will be received and delivered using standard Delivery-Versus Payment (DVP) procedures, which ensures that securities are deposited with the third-party custodian prior to release of funds. A third-party custodian as evidenced by safekeeping receipts will hold securities. Investments in LAIF or money market mutual funds are undeliverable and are not subject to delivery or third-party safekeeping. Investments in CalTRUST for all participants are under custody of a third-party custodian selected by the CalTRUST Board of Trustees.

The Authority will diversify its investments by security type and institution. Except for U.S. Treasury securities and authorized pools (LAIF, SBCLAIF and CalTRUST); no more than 50% of the entity's total investment portfolio will be invested in a single security type or with a single financial institution.

XII. GUIDELINES

When more than \$1,000,000 has been accumulated at a bank checking account, the Treasurer shall deposit such monies above \$1,000,000 with the authorized investment institutions or may gather interest quotes from financial institutions qualified to do business with the Authority, consisting of both banks and savings and loans who have a

Gerry Findley Incorporated (GFI) or other equivalent rating agency used by Municipal Treasurers to evaluate banks and savings and loans, Bank Rating Evaluation of "A" or higher. Before money is invested in other than the LAIF, quotes from six (6) or more institutions shall be obtained by the Authority. All qualified institutions from which quotes are obtained shall be insured under the FDIC or the Federal Savings and Loan Insurance Corporation (LAIF, SBCLAIF and CalTRUST are excluded from this provision).

Quotes may be taken by telephone and shall be arrayed on a quote sheet showing the date of the quote and the name of the Authority employee obtaining quotes. The quote sheet shall list the amount to be invested, the institutions from which quotes were solicited, the quoting official, and the comparative rates of simple interest offered for the money. The simple interest rate shall be listed in each case for thirty (30), sixty (60), and ninety (90), and one hundred and eighty (180) day investment periods. If other alternatives are given, the purpose of the quote sheet is to compare like with like. (LAIF, SBCLAIF and CalTRUST are excluded from this provision.)

XIII. MAXIMUM MATURITIES

To the extent possible, the Authority will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow or expressly authorized by the Board, no less than three months prior to the investment, the Authority will not directly invest in securities maturing more than five (5) years from the date of purchase.

XIV. INTERNAL CONTROL

The Treasurer shall establish an annual process of independent review by an external auditor. This review will provide internal control by assuring compliance with policies and procedures.

XV. PERFORMANCE STANDARDS

The investment portfolio will be designed to balance three primary objectives: (i) security of the invested funds; (ii) liquidity to ensure that funds are available to meet the cash flow requirements of the Authority; and (iii) return on investment. The rate of return should be no lower than the rate offered by the LAIF on the date that funds are invested.

XVI. REPORTING

Under the provision of Section 53464, the Treasurer shall render a report to the Authority's Board of Commissioners with detailed information on all investments of the Authority. The report will be submitted at least quarterly and provided to the Board in a Board agenda following the end of the quarter. The report will contain the following information on the portfolio that is subject to this investment policy:

- The type of investment, name of the issuer or custodian, date of maturity (if applicable) and return on investment for the reporting quarter;
- The report should include the costs of investment;

- Weighted average maturity period (such as a number of months to the maturity) of the investments, if applicable;
- The market value and source of the valuation;
- Compliance of investments with the investment policy; and
- Whether the liquidity of investments is consistent with the Authority's ability to meet its anticipated expenditure requirements for the next six months.

XVII. INVESTMENT POLICY ADOPTION AND ANNUAL REVIEW

The above investment policy is adopted by resolution of the Authority. According to Section 53646, the Treasurer shall review the policy on an annual basis and the Board shall consider at a public meeting and approve any modifications made thereto.

XVIII. GLOSSARY

AGENCIES: Federal agency securities

ASKED: The price at which securities are offered.

BANKERS' ACCEPTANCES (BA): a draft or Bill of Exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the insurer.

BID: The price offered for securities.

BROKER: A broker brings buyers and sellers together for a commission.

COLLATERAL: Securities, evidence of deposit or other property, which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

CERTIFICATE OF DEPOSIT (CD): a time deposit with a specific maturity evidenced by a certificate. Certificate of Deposit may be issued in either negotiable or nonnegotiable form. Nonnegotiable certificates cannot be resold in the secondary market and may face penalties for early redemption whereas a negotiable CD may be resold.

COUPON: (a) The annual rate of interest that a bond issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

DEALER: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

DEBENTURE: A bond secured only by the general credit of the issuer.

DISCOUNT: The difference between the cost price of a security and its value at maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

DISCOUNT SECURITIES: Non-interest bearing money market instruments that are issued at a discount and redeemed at maturity for full value, e.g., US Treasury Bills.

DIVERSIFICATION: dividing investment funds among a variety of securities offering independent return.

FEDERAL CREDIT AGENCIES: Agencies of Federal Government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives and exporters.

FEDERAL FUNDS RATE: The rate of interest at which Fed funds are traded. The Federal Reserve through open-market operations currently sets this rate. This is the rate banks with excess reserves charge other banks that require overnight loans.

FEDERAL RESERVE SYSTEM: The Central Bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, DC., 12 Regional Banks and about 5,700 commercial banks that are members of the system. It is responsible for regulation monetary policy.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): The federal agency that insures bank deposits, currently up to \$250,000 per deposit.

FEDERAL HOME LOAN BANKS (FHLB): the institutions that regulate and lend to savings and loan associations. The Federal Home Loan Banks play a role analogous to that played by the Federal Reserve Banks to its member commercial banks.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA OR GINNIE MAE): Securities guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations and other institutions. Security holder is protected by the full faith and credit of the US Government. Ginnie Mae securities are backed by FHA, VA or FMHM mortgages.

LIQUIDITY: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value.

LOCAL AGENCY INVESTMENT FUND (LAIF): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

MARKET VALUE: The price at which a security is trading and could presumably be purchased or sold.

MATURITY: The date upon which the principal or stated value of an investment becomes due and payable.

MONEY MARKET: The market in which short-term debt instruments (US T-bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

PORTFOLIO: The collection of securities held by an investor.

PRUDENT PERSON RULE: An investment standard currently set forth in Section 53600.3. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the state – the so-called legal list. In other states the trustee may invest in a surety if it is one, which a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital would buy.

PRIMARY DEALER: A group of government securities dealers that submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC) registered securities broker-dealers, banks and a few unregulated firms.

RATE OF RETURN: For fixed-rate securities, it is the coupon or contractual dividend rate divided by the purchase price, which is also the current yield.

QUALIFIED PUBLIC DEPOSITORIES: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value or not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

SECONDARY MARKET: A market for the purchase and sale of outstanding issues following the initial distribution.

SECURITIES & EXCHANGE COMMISSION: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

TREASURY BILLS OR T-BILLS: A non-interest bearing discount security issued by the US Treasury to finance the national debt. Most bills are issued to mature in three months, six months or one year.

TREASURY BOND: Long-term US Treasury securities having initial maturities of more than ten years.

TREASURY NOTES: Intermediate term coupon bearing US Treasury securities issued as direct obligations of the US Government and having initial maturities of from one to ten years.

YIELD: The rate of annual income return on an investment, expressed as a percentage.



**VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY
Board of Commissioners Staff Report**

TO: VVWRA Board of Commissioners

FROM: Darron Poulsen, General Manager *DP*

SUBMITTED BY: Brad Adams, Plant Superintendent

DATE: 8/19/2021

SUBJECT: **RECOMMENDATION TO AUTHORIZE THE GENERAL MANAGER TO AWARD A CONTRACT TO LYLES CONSTRUCTION TO INSTALL THE NEW SULZER BLOWERS**

<input checked="" type="checkbox"/>	For Action	<input checked="" type="checkbox"/>	Fiscal Impact:	\$ 234,740.00
<input type="checkbox"/>	Information Only	<input checked="" type="checkbox"/>	Account Code:	01-02-535-9000-9999-E009
		<input checked="" type="checkbox"/>	Funds Budgeted/ Approved	<i>etc</i>

STAFF RECOMMENDATION

It is recommended that the Board of Commissioners approve the General Manager to award a contract to Lyles Construction Inc. to install the new Sulzers blowers at the Regional Plant for \$213,400.00 plus a 10% contingency, to cover unforeseen costs, totaling \$234,740.00 pending legal review and approval of the contract.

PREVIOUS ACTION(S)

April 15, 2021, the Board of Commissioners ratified the General Manager's declaration of an emergency and approve the immediate purchase of two high-speed turbo Sulzer blowers for an amount not to exceed \$623,000 from the emergency reserve account.

BACKGROUND INFORMATION

On July 21, 2021, VVWRA solicited bids through a request for a proposal to install the Sulzer Blowers at the regional plant at 20111 Shay Road Victorville, CA 92394.

The Contractor will furnish all labor, equipment, materials, and supervision to perform the following scope of services found under Exhibit 1.

All received bids have been reviewed for accuracy and compliance with the RFP and Addendums. In addition, all bid requirements were evaluated and found to be complete.

Bids received are as follows:

Vendor	Bid Results
W. M. Lyles Co. (Lyles)	\$213,400.00

The installation of the blowers requires unique and highly technical skills, Staff received one bid from W. M. Lyles Co. (Lyles).

W. M. Lyles Co. (Lyles) is already a preferred contractor of VVWRA and the blower manufacture (Sulzer). This Contractor installed the original Piller blowers in 2014 at the regional plant, are familiar with the installation of Sulzer blowers, possess the technical skills, experience, and qualifications necessary to successfully complete the scope of services.

ATTACHMENTS

Exhibit 1-Scope of Services

EXHIBIT 1

EXHIBIT 1

SCOPE OF SERVICES

The project has been divided into the following tasks outlined below. The contract is intended to cover all labor, tools, equipment, materials and any supervision necessary to facilitate the installation of two (2) HST aeration blowers.

SCOPE OF SERVICES

The Contractor shall disconnect and remove the two (2) existing blowers identified by VVWRA staff. Contractor shall be responsible for disposal of the two (2) existing blowers and ancillary equipment to make area available for the installation of the two (2) Sulzer HST aeration blowers.

The Contractor shall provide a submittal package for all equipment to be provided for the installation of the two (2) HST aeration blower for review and approval by VVWRA staff.

The Contractor shall perform the installation of two (2) HST aeration blowers per Sulzer Installation and Maintenance Instruction per the approved specification which includes the following (*):

1. Aeration Blower Room and Air Quality
2. Floor Mounting
3. Removing Transportation Supports and Protection
4. Piping – Air Inlets and Outlets
5. Cooling and Filters
6. Electrical Cabling
7. Verifying Installation and Electrical Cabling
8. Preventative Maintenance
9. Compressor Controlling In General

(*) All electrical and communications cabling shall be installed per NEC Code

The Contractor shall perform the installation of the MBC-12 which is typically connected to the intermediate circuit of a frequency converter and contains high voltage. The MBC-12 shall be installed per Sulzer Installation and Maintenance Instruction per the approved specification which includes the following:

1. Controller Hardware
2. Main Parameters
3. Connections
4. Battery backup
5. Function and setup
6. Transportation

The Contractor shall perform pre-start-up installation check list confirmation which will include:

1. General Checks before compressor can be started
2. Inlet air and cooling air filtering
3. Electrical connections
4. Communications connections

5. MCU
6. Aeration tank or pressure system

The Contractor shall provide as built mechanical and electrical drawings for the installation of the two (2) HST aeration blowers.

COMMISSIONING BY CONTRACTOR

The Contractor shall perform the following items per the Sulzer Operational Manual specification.

1. Energizing of the aeration blower
2. Adjusting Settings
3. Test Rotation
4. Start-Up Test of the aeration blower
5. Commission Check-list

COMMISSIONING BY SULZER

The Contractor shall coordinate with Sulzer to have a Sulzer representative perform the following commissioning items.

1. Verification of the Contractor commissioning items from Section 2.2.
2. Tuning of the settings of the two (2) HST aeration blowers to meet VVWRA aeration requirements.

SUPPLY SPARE PARTS

The Contractor shall provide the following spare parts:

- Inlet Filter Pocket – INF Square (4 per blower)
- Cabinet Cooling Air Filters (4 per blower)



**VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY
Board of Commissioners Staff Report**

TO: VVWRA Board of Commissioners

FROM: Darron Poulsen, General Manager *DRP*

SUBMITTED BY: Brad Adams, Plant Superintendent

DATE: August 19, 2021

SUBJECT: RECOMMENDATION TO THE BOARD OF COMMISSIONERS TO APPROVE THE GENERAL MANAGER TO AWARD A CONTRACT TO TRUSSELL TECHNOLOGIES INC. IN THE AMOUNT OF \$84,688 TO PERFORM THE UV SPOT CHECK BIOASSAY AT THE APPLE VALLEY AND HESPERIA SUB-REGIONAL FACILITIES, PENDING LEGAL APPROVAL OF THE AGREEMENT.

<input checked="" type="checkbox"/>	For Action	<input checked="" type="checkbox"/>	Fiscal Impact	\$ 84,688
<input type="checkbox"/>	Information Only	<input type="checkbox"/>	Account Codes:	01-02-535-6165-9999
		<input checked="" type="checkbox"/>	Funds Budgeted/Approved	<i>ck</i>

STAFF RECOMMENDATION

It is recommended that the Board of Commissioners approve the General Manager to award a contract to Trussell Technologies Inc. in the amount of \$84,688 to perform the UV spot check bioassay at the Apple Valley and Hesperia sub-regional facilities, pending legal approval of the agreement.

PREVIOUS ACTION(S)

On February 18, 2021, the Board of Commissioners approved a staff recommendation to amend the FY2020 Budget to add one-time revenues and to fund unexpected purchases and services including the work necessary to perform the UV spot check bioassay at the sub-regional facilities.

On May 20, 2021, the Board of Commissioners Approved the General Manager to award a contract to Trussell Technologies Inc. in the amount of \$64,730 to perform the UV spot check bioassay at the Apple Valley and Hesperia sub-regional facilities, pending legal approval of the agreement.

BACKGROUND INFORMATION

In 2019 the Subregional facilities at the City of Hesperia and the Town of Apple Valley were put into commission to produce recycled water. While waiting for the Member Agencies to complete their projects the recycled water produced at the Sub-Regional facilities was bypassed back to the interceptor system and delivered to the regional facility on Shay Road. By early 2020 the member agency recycled water projects were being finalized and plans were being made to coordinate the delivery of the recycled water.

In October 2020 and November 2020 meetings were set with member agencies to confirm we were ready for recycled water deliveries. In November 2020, VVWRA was contacted by the DDW and informed that several Member Agencies recycled water projects had yet to receive final DDW approval. VVWRA and the Member Agencies worked together to get final approval of the Member Agencies recycled water projects. In February 2021, while working on finalizing DDW approvals on other projects, the DDW informed VVWRA that they had discovered an omission in the VVWRA Sub-Regional operating approval. When the facilities were completed in 2016 final approval was predicated on a performance test of the Ultraviolet (UV) disinfection system. This performance test, a UV Bioassay test, was not completed when the facilities were completed. Because staff that made that call are no longer working at VVWRA it is assumed that for financial reasons the tests were not completed.

At the May 20, 2021, VVWRA Board meeting staff received approval for the General Manager to enter into a contract with Trussell Technologies Inc. for \$64,730 to perform the UV Bioassay testing. Since the approval of that contract the DDW has requested a further enhancement to the scope of work. After another review of the testing protocol The DDW made an unexpected requirement on the testing protocol which had an impact on the cost to perform the test. There are a total of six identical UV units, three at each site. Instead of allowing VVWRA to test just one unit at only one site, the DDW requested that one unit per site be tested with more strenuous requirements. This change in scope now required two test events and two final reports, one for each site. This has resulted in the development of a new scope of work from Trussell Technologies Inc. totaling \$84,688. This new budgeted total was included in the Capital Project Budget approved by the Board on June 17, 2021.

There is a limited number of engineering firms who can perform this test and there is an urgency to complete this work. Based on this information and the significant urgency and importance of completing this task staff is seeking approval from the Board to approve the General Manager to award a contract to Trussell Technologies Inc. in the amount of \$84,688 to perform the UV spot check bioassay at the Apple Valley and Hesperia sub-regional facilities per the scope of described in Exhibit 1, pending legal approval of the agreement.

Attachments

Exhibit 1- Letter Proposal and Work Scope for Additional Work UV Spot Check Bioassay

EXHIBIT 1



April 13, 2021

Mr. John Robinson
John Robinson Consulting, Inc.
(626) 375-9389 – cell
jrobinson@johnrobinsonconsulting.com

Subject: Proposal for Additional Work toward UV Spot Check Bioassays for Victor Valley WRA

Dear John,

We are pleased to submit the enclosed proposal to help the Victor Valley Wastewater Authority receive approval for its UV reactors via spot check bioassays conducted in accordance with the NWRI Guidelines (3rd ed., 2012). Our original proposal involves developing a Test Protocol, witnessing the actual testing onsite, and presenting the collimated beam and full-scale reactor results in a Final Report, as detailed in the scope, budget, and schedule. This new proposal for additional work includes budget to account for testing at an additional plant and for Trussell to do the MS-2 analytical work. This includes budget for analytical work at both plants, for purchase of stock MS-2 solution, for minor modifications to the Test Plan to include the second plant, for witnessing the testing at the second plant, and for data analysis/reporting at the second plant.

We are looking forward to working with you on this challenging project. I am available to discuss all aspects of this proposal in further detail as needed.

Respectfully,

A handwritten signature in blue ink, appearing to read "David R. Hokanson", with a long horizontal flourish extending to the right.

David R. Hokanson, Ph.D., P.E., BCEE
Principal, Trussell Technologies, Inc.
Ph. 626-463-0388



SCOPE OF WORK

Additional Work toward Planning, Reporting, and Witnessing for UV Spot Check Bioassays for Victor Valley

John Robinson Consulting is overseeing spot check bioassays being conducted at Victor Valley Wastewater Reclamation Authority's Apple Valley Water Reclamation Plant (AVWRP) and Hesperia Water Reclamation Plant (HWRP) to meet Division of Drinking Water (DDW) requirements under the NWRI Guidelines (3rd ed., 2012). The reactor being validated is a Xylem Wedeco LBX 850e ultraviolet disinfection system. A scope that included testing at one facility (AVWRP or HWRP) was approved in February 2021. Based on DDW review of the draft Test Protocol, testing is required at both WRPs.

With the original scope still in place, this scope includes additional work for Trussell Technologies to complete testing at a second WRP and to complete the work more expeditiously (e.g. analytical laboratory work for MS-2 in Trussell Technologies Pasadena laboratory). The spot check bioassay Test Protocol will include, for one additional plant: onsite testing, witnessing of the testing, collimated beam testing, data analysis, and reporting. It is proposed that Trussell Technologies will for the second plant modify the Test Protocol, serve as a witness to the onsite spot check bioassay testing, perform data analysis, and incorporate the second plant into the final report. Trussell Technologies will also for both plants prepare for the on-site and collimated beam testing with respect to MS-2, conduct collimated beam testing, and perform analytical work for MS-2 for both collimated beam and onsite reactor testing. Trussell Technologies will supply the MS-2 stock for both onsite and collimated beam testing, as well as the UVT modifier for onsite reactor testing. For both plants, others including John Robinson Consulting and Xylem Wedeco will be responsible for the onsite testing including setup of the chemical feed pumps and tank for both MS-2 and UVT modifier and for executing all test conditions at both plants. John Robinson Consulting and Xylem Wedeco will coordinate with Trussell Technologies on the testing including collecting water for collimated beam testing and for returning the full-scale reactor MS-2 sample bottles to Trussell Technologies.

TASK 1 – Additional Work to Add Second Plant to Development of Draft and Final Test Protocol

Testing at a second plant will be added to a draft Test Protocol that meets the requirements of the NWRI Guidelines (3rd ed., 2012). The test protocol will include 8 test conditions at each plant (AVWRP and HWRP) plus QA/QC. Per the NWRI guidelines, the 8 test conditions do not need to account for the complete, expected operational range. The testing will include both full-scale reactor testing and bench-scale collimated beam testing. The Test Protocol will include but is not limited to description of the following: RED equation, disinfection system design criteria, system layout, performance testing program description, test conditions, MS2 Inactivation Curve Determination, and Measured UV Dose Determination.

Deliverables:

1. *Draft Test Protocol*
2. *Draft Test Protocol after Review by VVWRA*
3. *Final Test Protocol after Review by VVWRA and DDW*

TASK 2 – Additional Work to Add a Second Plant for Witnessing of Spot Check Bioassays

The spot-check bioassay is to demonstrate that the UV system delivers expected performance under the plant operating conditions, as designed, fabricated, installed, operated, and maintained. Testing is conducted at varying flow, UVT and power levels. The testing includes but is not limited to microbiological testing with MS2 including collimated beam, UVT measurement with a calibrated instrument, flow rate verification, and electrical measurement. Trussell Tech will serve as a witness at a second plant with the purpose to assure to DDW that the testing is properly



conducted according to the test conditions described in the Test Protocol and in accordance with the NWRI Guidelines (3rd ed., 2012).

Deliverable:

1. *Trussell Tech engineer onsite for 2 days to witness the spot check bioassay testing*

TASK 3 – Additional Work to Add a Second Plant in the Development of Draft and Final UV Spot Check Bioassay Final Report

A draft UV Spot Check Bioassay Final Report will be developed that meets the requirements of the NWRI Guidelines (3rd ed., 2012). The Final Report will include 8 total Test Conditions for each plant (AVWRP and WRP) for a total of 16 test conditions (plus QA/QC). Additional work included in this scope incorporates the 8 test conditions associated with the second plant. Per the NWRI guidelines, the 8 test conditions do not need to account for the complete, expected operational range. The testing will include both full-scale reactor testing and bench-scale collimated beam testing. The UV Spot Check Bioassay Final Report will include both full-scale reactor and collimated beam testing. Data analysis required by the NWRI guidelines including statistical analysis and comparison of measured and predicted UV doses will be incorporated into the report.

Deliverables:

1. *Draft UV Spot Check Bioassay Final Report*
2. *Draft UV Spot Check Bioassay Final Report after Review by VVWRA*
3. *Final UV Spot Check Bioassay Final Report after Review by VVWRA and DDW*

TASK 4 – Analytical Work for MS-2

Trussell Tech will complete MS-2 analysis and collimated beam testing associated with the spot check bioassay testing for both plants in accordance with the NWRI Guidelines (3rd ed., 2012)¹. It is assumed that the spot check bioassay testing will comprise a total of 10 test conditions (8+2 QA/QC) for each plant, with samples collected from two locations (UV reactor influent/effluent) for each condition, along with raw water from each day of testing for use in collimated beam dose-response correlation. The collected samples will be shipped to the Trussell Tech Lab (Pasadena, CA). All MS-2 samples will be analyzed in triplicate with up to 3 dilutions. Collimated beam dose-response testing will include MS-2 spiking of the raw water sample from the plant and evaluation of up to 5 UV dose exposures. The scope includes labor to conduct the analyses, TT lab costs for MS-2 analysis and collimated beam testing, costs associated with overnight shipping of the spot check bioassay and raw water samples, and MS-2 stock. This scope assumes that the testing at the plant will be setup and completed by others. The deliverable for this project will be a brief communication of MS-2 and collimated beam results.

Deliverables:

1. *Analytical Results for MS-2*

SCHEDULE

The schedule for the onsite testing depends on others and is not considered herein. The first draft Test Protocol will be completed within one week from the NTP. The witnessing will occur with the onsite testing, dates unknown. The first draft Final Report will be completed within 2 weeks of receiving all of the analytical results from the lab.

¹ National Water Research Institute (NWRI) (2012) Ultraviolet Disinfection Guidelines for Drinking Water and Water Reuse, 3rd ed., in collaboration with the Water Research Foundation, Aug.



PROPOSED FEE

Our proposed professional fee for the scope of work outlined above is \$64,730, with the details of the proposed budget shown below.

Task No.	Staff Classification	Principal II	Sup Eng I	Assoc Eng II	Cost	ODCs ^a	Total
		Hourly Billing Rate	\$290	\$180			
1	Develop draft and final Test Protocol	4			\$ 1,160.00		\$ 1,160.00
2	Witness UV Spot Check Bioassays	16			\$ 4,640.00	\$ 400.00	\$ 5,040.00
3	Data analysis and preparation of draft and final Report on results of spot check bioassays	32			\$ 9,280.00		\$ 9,280.00
4	MS-2 Collimated beam, analytical work, and stock ^b		40	80	\$ 18,800.00	\$ 30,450.00	\$ 49,250.00
		52			\$ 33,880.00	\$ 30,850.00	\$ 64,730.00

Principal II Principal Engineer II
 Sup Eng I Supervising Engineer I
 Assoc Eng II Associate Engineer II

*Cost includes the following markups: 5% markup on ODCs

^aODCs include mileage, 2-nights hotel, and meal per diem (federal rate)

^bIncludes \$4,000 for MS-2 stock and \$25,000 for consumables associated with analytical method. Includes both plants.



**VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY
Board of Commissioners Staff Report**

TO: VVWRA Board of Commissioners

FROM: Darron Poulsen, General Manager *DP*

SUBMITTED BY: Darron Poulsen, General Manager

DATE: August 19, 2021

SUBJECT: **RECOMMENDATION TO APPROVE THE GENERAL MANAGER TO APPROVE THE EXCESS CAPACITY AGREEMENT WITH THE CITY OF VICTORVILLE FOR INTERMITTENT USE OF CAPACITY IN VVWRA PERCOLATION POND 13, FOLLOWING LEGAL APPROVAL OF THE AGREEMENT**

<input checked="" type="checkbox"/>	For Action	<input checked="" type="checkbox"/>	Fiscal Impact	None
<input type="checkbox"/>	Information Only	<input type="checkbox"/>	Account Codes:	
		<input type="checkbox"/>	Funds Budgeted/Approved	

STAFF RECOMMENDATION

It is recommended the Board of Commissioners approve the General Manager to approve the Excess Capacity Agreement with the City of Victorville for intermittent use of capacity in VVWRA percolation pond 13, following legal approval of the agreement

PREVIOUS ACTION(S)

On February 20, 2014, the Board of Commissioners authorized the General Manger to sign the agreement for Purchase and Sale and the Indemnification Agreement for the transfer of ownership of percolation pond 14 to the City of Victorville.

BACKGROUND INFORMATION

In 2014 the City of Victorville purchased from VVWRA the land and the use of percolation Pond 14 for the purpose disposing of out of specification or excess recycled water produced at their Industrial Wastewater Treatment Plant (IWTP). Since that time the City has been using this pond for the designed purpose. Over the last two years the City at times has requested a temporary use of pond 13 because the pond 14 level was reaching the high-level mark. Historically all of the percolation ponds were designed to be interconnected to allow for operational efficiency. During these few instances when this capacity was needed the connection between pond 14 and 13 was opened to allow flow to equalized between the ponds.

This temporary use was vetted and approved by the Lahontan Regional Water Quality Board (RWQB) staff. At the recommendation of the RWQB, the City of Victorville is now seeking to memorialize this activity in the form of an Excess Capacity Agreement. This agreement protects and allows for the necessary operational procedures for VVWRA and the City of Victorville when capacity is available.

The Excess Capacity Agreement, Exhibit 1, is for a five-year term and provides guidance and direction on the use of percolation pond 13 should the City desire to use the excess capacity when it is available. Key terms of the agreement are:

- A minimum 24-hour notice is required for use of the pond
- Changes in the volume of flow or delivery schedule must be made promptly
- VVWRA has the right to deny the request or suspend a delivery with proper notice if they have a need for the capacity in the pond
- There are water quality requirements of the water that is delivered to pond 13 and proper reporting of volumes and water quality are required for each delivery of water
- Once the water is delivered to pond 13 VVWRA owns that water and the volume percolated will be reported in the VVWRA percolation pond report to the RWQB
- VVWRA has the right to terminate the agreement with a 10-day notice

VVWRA staff has thoroughly evaluated this agreement and feels that with the current terms it should not pose any issue with proper operation of the regional plant. For this reason, the staff recommends the Board of Commissioners approve the General Manager to approve the Excess Capacity Agreement with the City of Victorville for intermittent use of capacity in VVWRA percolation pond 13, following legal approval of the agreement.

Attachments

Exhibit 1- Excess Capacity Agreement with the City of Victorville for use of Pond 13

EXHIBIT 1

WASTEWATER EXCESS CAPACITY AGREEMENT
BETWEEN THE CITY OF VICTORVILLE AND THE VICTOR VALLEY WASTEWATER
RECLAMATION AUTHORITY

This Wastewater Excess Capacity Agreement ("Agreement") is made and entered into as of ____ 2021 ("Effective Date") by and between the City of Victorville ("CITY"), a Municipal Corporation, organized and existing under the laws of the State of California and Victor Valley Wastewater Reclamation Authority ("VVWRA"), a joint powers authority organized and existing under the laws of the State of California, and CITY and VVWRA are sometimes individually referred to as a "party" and collectively as the "parties".

RECITALS

(A) VVWRA is a joint powers authority which is engaged in the business of managing, treating and disposing of domestic strength municipal wastewater which is generated by its member agencies at facilities owned and operated by VVWRA.

(B) The CITY is a current member of VVWRA.

(C) The City has previously acquired certain rights to Percolation Pond 14 located at VVWRA's facility and currently discharges treated wastewater from the City's Industrial Wastewater Treatment Plant ("IWWTP") to Percolation Pond 14.

(D) From time to time the City's treated wastewater flows to Percolation Pond 14 exceed the capacity of Percolation Pond 14 and at such times the City seeks to discharge such excess flows to Percolation Pond 13, which is being operated by VVWRA ("Overflow Pond").

(E) The VVWRA is agreeable to accept such excess flows from time to time provided however that VVWRA has excess capacity in its other percolation ponds (the "Additional Ponds"). Any and all such flows shall hereinafter be collectively referred to as "Effluent".

NOW, THEREFORE, in consideration of the mutual agreements hereinafter set forth, and for other good and sufficient consideration given, the receipt of all of which is hereby acknowledged, the parties hereto agree as follows:

1. Term of Agreement. The term of this Agreement shall commence on the Effective Date, and continue for a period of five years from the Effective Date unless renewed by the Parties hereto pursuant to a written instrument executed by both the CITY and VVWRA or terminated in accordance with the terms of Section 5.

2. Delivery of Effluent. Subject to the capacity constraints of the VVWRA percolation ponds and the conditions and requirements of Section 2 and 3 of this Agreement, VVWRA agrees to receive Effluent which is delivered from the CITY to the VVWRA, and

which is in excess of the current capacity of the City's Percolation Pond 14. The procedure for delivery of Effluent shall be as follows:

- (A) CITY shall provide notice pursuant to Section 10(a) to VVWRA of the proposed delivery of Effluent, including the anticipated volume of Effluent, any unique quality characteristics and the schedule for the delivery of projected excess Effluent flows. Notice will be given no less than twenty-four (24) hours prior to the proposed delivery of Effluent and when possible, CITY will provide as much prior notice of proposed delivery of Effluent as is reasonably possible to facilitate the availability of capacity in the Additional Ponds. VVWRA will promptly notify the CITY if there is a constraint on the availability of the Overflow Pond to accept the Effluent and will work with the CITY to address the scheduling of excess Effluent flows when capacity in the Overflow Ponds is not available. In no event will VVWRA be responsible for any cost or expense to the CITY in the event that VVWRA does not have spare capacity to accept Effluent.
- (B) CITY shall promptly notify VVWRA of any change in the volume or schedule for the delivery of Effluent pursuant to clause (a) above, including without limitation, any change in the cessation of such deliveries.
- (C) VVWRA shall have the right to request the suspension of Effluent due to emergency operational or capacity concerns with a minimum of eight (8) hour notice given in accordance with Section 10(a).
- (D) At the start of every Effluent diversion event and weekly as long as the diversion continues, VVWRA requires that the following water quality samples be taken pursuant to the existing WDR requirements.
 - a. BOD
 - b. TSS
 - c. Total Nitrogen
 - d. TDS
- (E) City shall be responsible for proper operations of the diversion of Effluent from Percolation Pond 14 to the Overflow Pond by performing regular inspections to assure the inlet structures do not clog with debris which could pose a threat to breaching the banks of Percolation Pond 14.
- (F) VVWRA shall own all reclaimed water which is generated as a result of the receipt of the Effluent and shall have the right to count that water in their percolation pond report to the Regional Water Quality Control Board..

3. Quality of Effluent. The Effluent to be delivered pursuant to this Agreement shall comply with any and all State and Regulatory Agency permits applicable to (i) the discharge of Effluent from the IWWTP and (ii) the percolation of such Effluent in the Overflow Pond. VVWRA shall not be obligated to accept any Effluent which is not in compliance with such standards.

4. Indemnity and Liability Provisions.

(a) Indemnity by CITY. CITY hereby agrees, at its sole cost and expense, to indemnify, protect, hold harmless and defend VVWRA, its commissioners, officers, employees, agents, successors and assigns from and against any and all claims, demands, damages, losses, liabilities, obligations, penalties, fines, actions, causes of action, judgments, suits, proceedings, costs, disbursements and expenses (including, without limitation, fees, disbursements and cost of attorneys, consultants and experts) (collectively "Losses") which may at any time be imposed upon, incurred, or suffered by, or asserted or awarded against, any Indemnified Party directly or indirectly relating to or arising from the acceptance of the Effluent by VVWRA, including without limitation, the violation of any federal, state or local laws, regulatory or permit conditions applicable to the treatment and discharge of wastewater by VVWRA. This indemnity shall not apply to any Losses or Third Party Claims which result from a claim for which VVWRA is responsible pursuant to Section 4(b).

(b) VVWRA shall indemnify, protect, hold harmless and defend the CITY, its officers, employees, and agents from and against any and all Losses resulting from any third party claim resulting from the sole negligence or willful misconduct of VVWRA.

5. Termination.

(a) This Agreement shall terminate automatically at the end of the term set forth in Section 1 unless extended in writing by both parties.

(b) VVWRA shall have the right to terminate this Agreement on ten (10) days written notice in the event that the CITY is in material violation of its obligations under this Agreement or VVWRA determines, in its sole discretion, that the further acceptance of Effluent would be a violation of any environmental laws, permit requirements, court or administrative orders or other legal obligations applicable to VVWRA.

(c) The CITY shall further have the right to terminate this Agreement on ten (10) days written notice to VVWRA in the event that VVWRA is in material violation of its obligations under this Agreement.

(d) Following termination of this Agreement for any reason, all obligations of VVWRA to accept delivery of excess Effluent shall terminate and be of no further force and effect.

6. Limitation on Damages. Neither party shall be liable to the other party for any special, indirect or consequential damages of any kind resulting from a breach of this Agreement, whether or not such damages were reasonably foreseeable by the other party.

7. Entire Agreement. This Agreement constitutes the entire agreement and understanding of the parties hereto with respect to the subject matter hereof and supersedes all prior agreements and understandings, both written and verbal, between the parties with respect to the subject matter hereof.

8. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the parties thereto and their successors and assigns. The Agreement may not be assigned by either party without the prior written consent of the other party.

9. Amendments. This Agreement may not be amended, altered or modified except in writing signed by the parties hereto. No waiver by either party of any breach by the other party of any provisions of this Agreement shall be construed as a waiver of any subsequent breach, whether of the same or of any different provision of this Agreement.

10. Notice.

(a) Notice of excess flow events will be given by the CITY via email and telephonically to the individuals designated on Exhibit 1 and VVWRA's response to any such notice will be returned to the CITY via email and telephonically to the individuals designated on Exhibit 1.

(b) In the event that written notice must or may be given hereunder, such notice shall be sent via a commercial overnight courier such as Federal Express or UPS to the other party at the following address or such other address as a party may notify the other in writing:

If to VVWRA: VVWRA
Darron Poulsen, General Manager
20111 Shay Road
Victorville, CA 92394

With a copy to: Best Best & Krieger LLP
Attn: Piero Dallarda
3750 University Avenue
Riverside, CA 92501

If to CITY: City of Victorville
Brian Gengler, City Engineer
14343 Civic Drive
Victorville, CA 92392

With a copy to: Green, de Bortnowsky and Quintanilla LLP
Att: Andre de Bortnowsky
30077 Agoura Court, Suite 210
Agoura Hills, CA 91301

Notice shall be sent to the above referenced persons unless the parties are otherwise notified in writing of a change in the name or address of the person to be notified.

11. Governing Law. This Agreement shall be governed by and construed under the laws of the State of California and venue for any action arising out of this Agreement shall be in the County of San Bernardino.

12. Attorney's Fees and Costs. The prevailing party in any action brought to enforce the terms of this Agreement in court or arbitration shall be entitled to an award of its reasonable attorney's fees and costs, including without limitation, the costs of discovery and expert witnesses in connection with any such action.

[signature page follows]

IN WITNESS WHEREOF, the parties hereto have by their duly authorized officers or representatives executed this Agreement all on the day and year first above written.

VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY

By: _____

Name: _____

Title: _____

APPROVED AS TO FORM:

Piero Dallarda, Best Best & Kreiger LLP

CITY OF VICTORVILLE

By: _____

Name: _____

Title: _____

ATTEST:

Charlene Robinson, City Clerk

APPROVED AS TO FORM:

Andre de Bortnowsky, City Attorney

RISK MANAGER:

John Preston

EXHIBIT "A"

Notice of Effluent Events

Notice to VVWRA:

Contact No. 1

Contact No. 2

Name: _____

Email: _____

Phone: _____

Notice to City:

Contact No. 1

Contact No. 2

Name: _____

Email: _____

Phone: _____
