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An ordinance of San Bernardino County, State of California, acting as the governing body for County Service Area 70, Improvement Zone GH (Glen Helen), to establish the availability and to regulate the permitted use of recycled water from the Lytle Creek North Wastewater Recycling Plant.

**WHEREAS**, the California State Legislature has adopted the Water Recycling Act of 1991 (Water Code section 13575 et seq.) and the Water Recycling Law (Water Code section 13500 et seq.) with the intent of promoting the implementation of recycled water projects throughout the State of California; and

**WHEREAS**, the Water Recycling Act of 1991 has been amended from time to time to strengthen the level of cooperation and coordination among and between the recycled water producers, the recycled water retailers, and the recycled water customers within the State of California; and

**WHEREAS**, Title 22 of the California Code of Regulations, the State Water Resources Control Board, and the applicable Regional Water Quality Control Board provide regulatory oversight and establish treatment, operational, monitoring, reporting, and use requirements governing recycled water systems within the State of California; and

**WHEREAS**, San Bernardino County, acting through San Bernardino County Service Area 70, Improvement Zone GH (Glen Helen) (hereinafter referred to as “County Service Area 70 GH”) is authorized under Government Code section 25213 to furnish various services, including the supply of water for any beneficial uses, the collection, treatment, or disposal of sewage, wastewater, recycled water, and stormwater; and

**WHEREAS**, County Service Area 70 GH will develop a recycled water distribution system for the delivery of recycled water to its customers within its boundaries; and

**WHEREAS**, regulations pertaining to recycled water continue to evolve and further change affecting the available uses of recycled water is likely and predictable over the

1 long term; and

2       **WHEREAS**, County Service Area 70 GH intends for recycled water to be put to  
3 beneficial use locally within its boundaries; and

4       **WHEREAS**, County Service Area 70 GH seeks to establish an ordinance  
5 governing the availability, distribution, permitting, and authorized uses of recycled water  
6 produced by the Lytle Creek North Wastewater Recycling Plant in San Bernardino  
7 County.

8       **NOW THEREFORE**, the Board of Supervisors of the County of San Bernardino,  
9 State of California, acting in its capacity as the governing body of County Service Area  
10 70, Improvement Zone GH (Glen Helen), ordains as follows:

11  
12       SECTION 1. The following ordinance governing the availability, distribution, and  
13 authorized uses of recycled water produced by the Lytle Creek North Wastewater  
14 Recycling Plant in San Bernardino County is hereby adopted to read as follows:

15  
16 **PART I – ADMINISTRATION**

17 **ARTICLE 1 – AUTHORIZATION**

18       This Ordinance is enacted pursuant to the authority granted to County Service  
19 Area 70 GH under the County Service Area Law (Government Code sections 25210–  
20 25217.4), including the powers in Government Code section 25213 to provide various  
21 services, including the supply of water for any beneficial uses, the collection, treatment,  
22 or disposal of sewage, wastewater, recycled water, and stormwater.

23       This Ordinance is further adopted in accordance with applicable provisions of  
24 California law governing the use, regulation, and distribution of Recycled Water, including  
25 the Water Recycling Law (Water Code section 13500 et seq.), the Water Recycling Act  
26 of 1991 (Water Code section 13575 et seq.), and related regulations contained in Title 22  
27 of the California Code of Regulations, as those laws and regulations now exist or may be  
28 amended.

1  
2 **ARTICLE 2 – PURPOSE AND OBJECTIVES**

3       The purpose of this Ordinance is to establish the rules, requirements, and  
4 responsibilities governing the availability, distribution, permitting, and authorized uses of  
5 recycled water produced and made available from the Lytle Creek North Wastewater  
6 Recycling Plant owned by San Bernardino County and operated by County Service Area  
7 70 GH. This Ordinance shall promote the conservation of all water resources, provide for  
8 the maximum public benefit from the use of Recycled Water, and provide Recycled Water  
9 Services to Customers in County Service Area 70 GH. The use of Recycled Water will be  
10 encouraged and, subject to available supply, existing contractual commitments, and  
11 applicable law, provided for various uses including, but not limited to: landscape irrigation,  
12 commercial and/or industrial process, construction, groundwater recharge, wildlife  
13 habitat, recreational impoundment, agriculture, and any additional uses permitted under  
14 Title 22, Division 4, Chapter 3, Water Recycling Criteria section 60301.050 et seq., of the  
15 California Code of Regulations. Consistent with the State Water Resources Control  
16 Board Cross-Connection Control Policy Handbook (CCCPH) section 3.1.3(a)(9), the  
17 County shall implement public outreach and education to customers and staff regarding  
18 recycled water use, cross-connection control, and public health protections. Outreach  
19 may include bill inserts, pamphlets, consumer confidence reports, email notifications,  
20 training materials, and other appropriate communication methods to promote awareness,  
21 regulatory compliance, and safe use practices.

22  
23 **ARTICLE 3 – EXTENSION OF MASTER RECLAMATION PERMIT AUTHORITY**

24       All Recycled Water production, distribution, and use under this Ordinance shall  
25 comply with the applicable waste discharge requirements, water reclamation  
26 requirements, or master recycling permit issued under Water Code sections 13263,  
27 13523, or 13523.1, and with any conditions imposed by the State Water Resources  
28 Control Board Division of Drinking Water and the applicable Regional Water Quality

Control Board.

#### **ARTICLE 4 – RECYCLED WATER SERVICE AREA**

Recycled Water Service under this Ordinance shall be provided only to lands, uses, and improvements located within the legal boundaries of County Service Area 70 GH and within the authorized recycled water use area identified in the applicable waste discharge requirements or master recycling permit issued by the Regional Water Quality Control Board, subject to applicable Local Agency Formation Commission approvals.

#### **ARTICLE 5 – DUTY TO COMPLY**

All Customers shall comply with all conditions of this Ordinance. Any Customer that is not in compliance with any provision of this Ordinance constitutes a violation of this Ordinance and is grounds for enforcement action as provided for in Part II of this Ordinance.

#### **ARTICLE 6 – RIGHT OF REVISION**

County Service Area 70 GH reserves the right to amend this Ordinance, as it deems appropriate.

#### **ARTICLE 7 – ADMINISTRATOR**

Except as otherwise provided herein, the Director shall administer, implement, and enforce the provisions of this Ordinance on behalf of County Service Area 70 GH. The Director may, at their discretion, delegate any or all of these powers and duties. In addition, pursuant to CCCPH section 3.1.3, the Director shall designate a Cross-Connection Control Program Coordinator, as defined in the CCCPH, responsible for administering, implementing, tracking, and reporting on the cross-connection control program, including maintenance of required records, coordination of inspections and testing, and ensuring compliance with applicable regulatory requirements. For systems

of sufficient size or complexity, the Director shall ensure that appropriately trained or certified personnel support program implementation, consistent with CCCPH guidance. The Director and Program Coordinator shall coordinate, as necessary, with other local agencies and departments, including public health, building and safety, fire, environmental health, and water or wastewater utilities, to support cross-connection control, public health protection, and regulatory compliance.

## **ARTICLE 8 – DEFINITION OF TERMS**

(a) **ADMINISTRATIVE COSTS:** all costs incurred by or on behalf of County Service Area 70 GH from the date of the initial discovery of the violation of this Ordinance through the applicable appeal process and until compliance is achieved. Administrative costs include, but are not limited to: contractor's costs, staff time in investigating the violation, staff and attorney time in preparing inspection or abatement warrants (where applicable), inspecting the property where the violation occurred, preparing investigation reports, sending notices, preparing for and attending any appeal hearing, telephone contacts, correspondence, the cost of an administrative hearing officer (where applicable), and attorney's fees (where applicable).

(b) **APPLICANT:** any person, firm, corporation, association, or agency that applies for Recycled Water Service as provided in accordance with this Ordinance.

(c) **AUTHORIZED REPRESENTATIVE:** a person, group, firm, partnership, corporation, association, or agency that pursuant to written permission, from the owner of a property, has the responsibility for establishing Recycled Water Service for a given property.

(d) **BACKFLOW PREVENTION ASSEMBLY or BPA:** means a mechanical assembly designed and constructed to prevent backflow, such that while in-line it can be maintained and its ability to prevent backflow, as designed, can be field tested, inspected and evaluated.

(e) **BACKFLOW PREVENTION ASSEMBLY TESTER or BPA TESTER:**

means a person who is certified as a backflow prevention assembly tester.

(f) BOARD OF SUPERVISORS: the Board of Supervisors of San Bernardino County, acting in its capacity as the governing body of County Service Area 70 GH.

(g) CUSTOMER or RECYCLED WATER USER(S): any purchaser of Recycled Water from County Service Area 70 GH.

(h) CROSS-CONNECTION CONTROL POLICY HANDBOOK or CCCPH: the standards for backflow protection and cross-connection control adopted by the State Water Resources Control Board.

(i) CROSS-CONNECTION CONTROL SPECIALIST: means a person who is certified as a cross-connection control special.

(j) DELIVERY POINT: the location whereby the Lytle Creek North Wastewater Recycling Plant measures usage and delivers Recycled Water to Customer.

(k) DIRECTOR: the Director of the San Bernardino County Department of Public Works – Special Districts.

(l) SAN BERNARDINO COUNTY or COUNTY: San Bernardino County, a political subdivision of the State of California.

(m) SAN BERNARDINO COUNTY SERVICE AREA 70 GH or COUNTY SERVICE AREA 70 GH: San Bernardino County Service Area 70, Improvement Zone GH (Glen Helen), a special district that provides a wide range of municipal and regional services, including wastewater services, within San Bernardino County.

(n) LYTLE CREEK NORTH WASTEWATER RECYCLING PLANT: a wastewater treatment and recycling plant located in San Bernardino County that produces Recycled Water.

(o) METER: equipment chosen by County Service Area 70 GH, installed by County Service Area 70 GH or its agents, and approved by County Service Area 70 to measure the amount of Recycled Water delivered to a Customer.

(p) OWNER: the owner of a property that is anticipated to receive or is currently receiving Recycled Water Service.

1 (q) PERSON: shall mean any individual or entity including, but not limited to,  
2 any person, firm, organization, company, or corporation, partnership, association, any  
3 public corporation, political subdivision, city, county, district, the State of California, the  
4 United States of America or any department or agency thereof. The singular in each case  
5 shall include the plural.

6 (r) RECYCLED WATER: shall mean water produced through the treatment of  
7 wastewater that is suitable for direct beneficial use or a controlled use that would not  
8 otherwise occur, as defined in California Code of Regulations, Title 22, Water Recycling  
9 Criteria, and California Water Code section 13050, as in effect on the date of adoption of  
10 this Ordinance, and as such provisions may thereafter be amended, renumbered, or  
11 relocated.

12 (s) RECYCLED WATER USE PERMIT: a document evidencing that an  
13 application for connection to the Recycled Water Distribution System has been prepared,  
14 examined, and approved by County Service Area 70 GH staff.

15 (t) RECYCLED WATER DISTRIBUTION SYSTEM: the equipment, structures,  
16 pipelines, controls, and other facilities, used for preparation, pumping, transmission,  
17 storage, and distribution of Recycled Water by County Service Area 70 GH.

18 (u) RECYCLED WATER SERVICE(S): the provision and oversight of Recycled  
19 Water by County Service Area 70 GH through the Lytle Creek North Wastewater  
20 Recycling Plant treatment, storage, and distribution facilities, including regulatory  
21 oversight by County Service Area 70 GH, and the responsibility for maintaining Recycled  
22 Water quality up to the Customer Delivery Point, with the Customer responsible  
23 thereafter, all in compliance with this Ordinance and applicable laws.

24 (v) RESPONSIBLE PARTY: a responsible party includes one or more of the  
25 following:

26 (1) Each person who has a legal or equitable ownership interest in any  
27 parcel of real property located within the unincorporated area of the County (referred to  
28 also as "Owner"), whether or not the owner of record, and who commits, causes, allows,

or maintains a violation of this Ordinance.

(2) Each person who commits, causes, allows, or maintains a violation of this Ordinance.

(3) Each person who, although not an owner, nevertheless has a legal right or legal obligation to exercise possession and control over any parcel of real property located within the unincorporated area of the County and who commits, causes, allows, or maintains a violation of this Ordinance.

(4) Any business entity to whom a violation of this Ordinance is reasonably attributable to that entity, in addition to any other responsible party.

(5) Each person who is an owner of a business entity that commits, causes, allows, or maintains a violation of this Ordinance.

(w) SERVICE CONNECTION: the Recycled Water Distribution System facilities including but not limited to, a service valve, a meter box, a meter and piping; between the Recycled Water Distribution System and the Customer's on-site facilities.

## **ARTICLE 9 – RECORDKEEPING AND DOCUMENTATION REQUIREMENTS**

County Service Area 70 GH shall, pursuant to CCCPH section 3.5.1, maintain records for a minimum of three (3) calendar years, which shall include hazard assessments; inventories of backflow prevention assemblies; results of all tests and inspections; documentation of repairs, replacements, or relocations; current contracts if any program elements are contracted out; and outreach materials. These recordkeeping requirements are to align with the standards set forth in the CCCPH to ensure effective program management and regulatory compliance.

## **PART II – ENFORCEMENT**

### **ARTICLE 10 – GENERAL**

The enforcement provisions provided in Part II shall be applicable to Recycled Water Users. County Service Area 70 GH may exercise the enforcement provisions of

1 this Ordinance when County Service Area 70 GH determines that the Customer is not  
2 utilizing Recycled Water according to State regulations or according to the provisions of  
3 this Ordinance, or any applicable Federal, State, or local statutes for the use, of Recycled  
4 Water.

#### 6 **ARTICLE 11 – PROTECTION FROM DAMAGE**

7 No Person or Customer shall maliciously, willfully, or negligently break, damage,  
8 destroy, impair the usefulness, uncover, deface, or tamper with any structure,  
9 appurtenance, or equipment which is a part of County Service Area 70 GH Recycled  
10 Water Distribution System. Similarly, no Person shall maliciously, willfully, or negligently  
11 break, damage, destroy, impair the usefulness, uncover, deface, or tamper with any  
12 structure, appurtenance, or equipment which is a part of either on-site facilities or off-site  
13 facilities that could prevent the full function of the County Service Area 70 GH Recycled  
14 Water Distribution System.

#### 16 **ARTICLE 12 – NOTIFICATION OF VIOLATION**

17 County Service Area 70 GH may serve any Recycled Water User found to be  
18 violating any provision of this Ordinance, or any applicable Federal, State, or local  
19 statutes or regulations with a written notice of non-compliance. The notice of non-  
20 compliance shall state the nature of the violation and provide a reasonable time limit, as  
21 determined by County Service Area 70 GH, for the satisfactory correction thereof. County  
22 Service Area 70 GH may require the submittal of a plan to satisfactorily correct the  
23 violation or require any other action which County Service Area 70 GH determines is  
24 appropriate to correct the violation. The Recycled Water User served with the notice of  
25 violation shall, within the period of time stated in such notice, cease all violations. This  
26 provision is in addition to, and not by way of exemption of, any other remedies or  
27 procedures available to County Service Area 70 GH by law, regulation, or pursuant to any  
28 of the provisions of this Ordinance. This notice of violation procedure shall be in addition

to any other remedies available to County Service Area 70 GH at law or equity.

### **ARTICLE 13 – PENALTY FOR VIOLATION**

#### **(a) Enforcement Authority**

(1) Administration and Enforcement. The Director and other designated employees of the County or County Service Area 70 GH as designed by the Director or the Board of Supervisors (hereinafter referred to as “Enforcement Officer(s)”), are authorized to administer and enforce this Ordinance, including by inspection, issuance of notices, orders, and citations, and by pursuing any remedy authorized by law.

(2) Inspections. Enforcement Officers may, upon reasonable notice and at reasonable times, enter and inspect any property receiving Recycled Water Service, to the extent permitted by law, for purposes of determining compliance with this Ordinance, applicable permits, and Recycled Water use conditions. If consent is withheld, the County Service Area 70 GH may seek an administrative inspection warrant or other appropriate judicial relief as provided by law.

#### **(b) Violations; Public Nuisance; Continuing Violations**

(1) Unlawful Conduct. It is unlawful for any person to violate this Ordinance, any permit issued under it, or any rules, standards, or requirements adopted to implement it.

(2) Public Nuisance. Any violation of this Ordinance is declared a public nuisance.

(3) Causing/Permitting. “Violation” includes causing, allowing, permitting, aiding, or abetting a violation.

(4) Continuing Violations. Each day (or portion of a day) a violation continues is a separate violation.

#### **(c) Remedies Are Cumulative and Discretionary**

(1) Cumulative Remedies. The remedies and penalties in this Ordinance are cumulative and not exclusive of any other remedy available under this Ordinance,

1 state law, or federal law.

2 (2) Discretion. Criminal, civil, and/or administrative remedies in any  
3 order, or concurrently, may be pursued by County and County Service Area 70 GH, as  
4 determined appropriate at their discretion.

5 (d) Notices and Orders to Correct

6 (1) Notice/Order. If the Enforcement Officer determines a violation  
7 exists, a written notice or order describing the violation, the corrective action required,  
8 and a reasonable deadline for compliance may be issued.

9 (2) Immediate Action. Where a violation poses an immediate threat to  
10 public health or safety, immediate corrective action and/or proceeding with summary  
11 abatement may be required as authorized by law.

12 (3) Service. Notices and orders issued under this subsection (d) may be  
13 served by mail and posting in a manner reasonably calculated to provide notice.

14 (e) Administrative Citations and Penalties

15 (1) Administrative Citations. Violations of any provision of this Ordinance  
16 are subject to enforcement through the use of administrative citations in accordance with  
17 Government Code section 53069.4 and this Section. Administrative citations may be  
18 issued to a Responsible Party for any violation of this Ordinance including but not limited  
19 to those violations not occurring in the presence of an Enforcement Officer issuing the  
20 citation where it is determined through investigation that the Responsible Party  
21 committed, caused, allowed, or is otherwise responsible for the violation. The following  
22 procedures shall govern the imposition, enforcement, collection, administrative review,  
23 and judicial review of administrative citations and penalties.

24 (A) Issuance. Upon discovering that a violation of the Ordinance  
25 exists on a property, an administrative citation may be issued and which shall state the  
26 violation(s) and the penalty to be paid by the Responsible Party.

27 (B) Content of the Citation. The administrative citation shall  
28 contain the following:

1 (I) The name and mailing address of the Responsible  
2 Party.

3 (II) The date(s), location, and approximate time(s) of the  
4 observed violation.

5 (III) Identification of each violation by the applicable section  
6 number or brief description or reference to applicable condition violated.

7 (IV) A description of the action(s) required to correct the  
8 violations.

9 (V) The penalty amount, if any. If multiple violations are  
10 cited, list the penalty for each and the total. For such violations that pose an immediate  
11 danger to health or safety, the penalty may be imposed immediately.

12 (VI) An explanation of how the penalty shall be paid and the  
13 time period by which it shall be paid, and the consequences of failure to pay the penalty  
14 within this time period.

15 (VII) Identify all appeal rights and include instructions on  
16 how to appeal the citation, including instructions regarding the advance deposit hardship  
17 waiver.

18 (VIII) The printed name and the signature of the  
19 Enforcement Officer issuing the citation and, where reasonably possible to obtain it, the  
20 signature of the Responsible Party (or managing employee if the Responsible Party is a  
21 business entity), if he or she can be located, as set forth in this Article 13, subsection  
22 (e)(2) below.

23 (2) Service of Citation.

24 (A) If the Responsible Party is present, the Enforcement Officer  
25 shall seek their signature and provide a copy of the citation.

26 (B) If the Responsible Party is a business and the Owner is  
27 present, the citation shall be delivered to the Owner. If only a manager or on-site  
28 supervisor is available, the citation may be issued in the business's name and left with

1 that person. A copy shall also be mailed to the Owner by certified mail, return receipt  
2 requested, and by first-class mail. If certified mail is returned unsigned, unclaimed, or  
3 refused, service by first-class mail is deemed effective if not returned.

4 (C) If the Responsible Party cannot be located, the citation shall  
5 be posted conspicuously on or near the property, if practicable, and mailed by certified  
6 and first-class mail to the Responsible Party's last known address as shown on the  
7 County equalized assessment roll or other public ownership records. If certified mail is  
8 returned unsigned, unclaimed, or refused, service by first-class mail is deemed effective  
9 if not returned.

10 (D) A Responsible Party's failure to receive the citation does not  
11 affect the validity of the proceedings.(3) Penalty Amounts. Unless otherwise specified by  
12 this Ordinance the amount of penalty to be imposed for a violation of the Ordinance and  
13 assessed by means of an administrative citation shall be in the maximum amounts set  
14 forth in Government Code section 25132 and will be increased automatically and without  
15 amendment to this Section upon any amendment to Government Code section 25132  
16 increasing the maximum amount of fines permitted.

17 (3) Separate Violations. Administrative penalties may be assessed per  
18 violation and per day for continuing violations.

19 (4) Payment Not a Defense. Payment of an administrative penalty does  
20 not excuse correction of the violation or prevent further enforcement.

21 (5) Appeal of Administrative Citation. Administrative citations are  
22 appealable in accordance with Government Code section 53069.4.

23 (A) Notice of Appeal. A Responsible Party may appeal by filing a  
24 written notice of appeal with the Director within 20 calendar days of service of the  
25 administrative citation, together with an advanced deposit, consisting of a cashier's check  
26 for the full amount of the penalty stated in the administrative citation. Failure to timely file  
27 the written notice of appeal and full penalty amount shall constitute a waiver of the right  
28 to appeal the administrative citation.

1 (B) Hardship Waiver. Before filing the appeal, a person unable to  
2 pay the advanced deposit may request a hardship waiver on an approved form and note  
3 the request on the appeal.

4 (C) Waiver Review. The Director or their designee shall decide  
5 the waiver within 10 calendar days based on a sworn affidavit and supporting proof. No  
6 hearing is set while pending. If denied, the decision states the advanced deposit due date.  
7 Failure to timely pay the advanced deposit waives the appeal and payment of  
8 the administrative penalty shall become due immediately. The amount due shall be  
9 subject to all applicable late fees, which shall accrue from the original due date as  
10 indicated on the administrative citation.

11 (D) Appeal Contents. The appeal must state: (i) appellant's  
12 interest; (ii) material facts showing no violation or no responsibility; (iii) a mailing address  
13 for notice; and (iv) signature and date.

14 (E) Administrative Hearing. A hearing shall be set within 60  
15 calendar days of receipt of the appeal (unless stayed by a waiver request). At least 10  
16 calendar days' notice is mailed by first-class mail.

17 (F) Hearing Officer. The hearing officer is the Director or their  
18 designee, not the issuing officer or their supervisor. County Service Area 70 GH may also  
19 contract for administrative hearing services consistent with Government Code section  
20 25845.

21 (G) Hearing Rules. The issuing Department bears the burden by  
22 a preponderance. The case file is prima facie evidence. Formal evidence rules do not  
23 apply. The officer may exclude unduly time-consuming evidence.

24 (H) Failure to Appear. Nonappearance waives the hearing and  
25 administrative remedies; the decision is based on the case file and appeal.

26 (I) Relevant Evidence Only. Limited to ownership (if applicable),  
27 Responsible Party status, whether a violation occurred/continued on cited dates, whether  
28 the party caused or permitted it, and the applicable Administrative Costs.

1 (J) Hearing Officer's Ruling. A written ruling shall uphold or  
2 cancel each violation with reasons. If upheld, penalties cannot be reduced or waived  
3 (except warning-only or compliance-waiver citations). If canceled, no penalty is owed and  
4 any deposit is refunded for those violations. The ruling is mailed by first-class mail and  
5 is final upon mailing. The ruling shall include instructions for judicial review under  
6 Government Code section 53069.4. If upheld, the County's itemized Administrative Costs  
7 shall be awarded.

8 (K) Judicial Review. Within 20 calendar days of mailing, the  
9 appellant may file a de novo appeal in Superior Court and pay the filing fee under  
10 Government Code section 53069.4, serving the issuing Department. Failure to do so  
11 confirms the ruling. The Court admits the citation and Department file as prima facie  
12 evidence and shall request the file within 15 calendar days. The Court keeps the filing  
13 fee. If the appellant prevails, the Department reimburses it and refunds any deposit. If the  
14 Department prevails, it may collect the penalty and Administrative Costs as allowed by  
15 law.

16 (f) Civil Actions.

17 A civil action may be brought to enjoin a violation, compel compliance, abate a  
18 nuisance, and recover civil penalties and costs as authorized by law.

19 (g) Criminal Actions

20 Any violation of this Ordinance may be prosecuted as a misdemeanor or infraction  
21 as authorized by Government Code section 25132 and other applicable law.

22 (h) Abatement and Cost Recovery

23 (1) Abatement. If a Responsible Party fails to timely correct a violation  
24 after notice and opportunity to comply (or immediately in urgent circumstances as  
25 authorized by law), the County and County Service Area 70 GH may abate the violation  
26 by their own forces or by contract for abatement services.

1                   (2)     Costs. The Responsible Party is liable for any enforcement and  
2 abatement costs, including Administrative Costs, staff time, contractor costs, and legal  
3 costs to the extent authorized by law.

4                   (3)     Collection; Lien/Special Assessment. Unpaid penalties and  
5 abatement costs may be collected by any lawful means, including recording a lien and/or  
6 placing amounts on the property tax roll as a special assessment, where permitted by  
7 law.

8                   (i)     Joint and Several Liability

9                   Where there is more than one Responsible Party that contributes to a  
10 violation, liability for penalties and costs may be joint and several.

11  
12 **ARTICLE 14 – EMERGENCY ACTION**

13                   (a)     If the Director determines that a violation constitutes a serious threat of an  
14 immediate or emergency nature to the health and welfare of the community or to the  
15 environment or may cause County Service Area 70 GH to violate any State or Federal  
16 law, regulation or Recycled Water Use Permit requirement, the Director may order an  
17 immediate cessation of the use of Recycled Water and suspend the Customer's  
18 permission to use Recycled Water. If the Customer does not cease using Recycled Water  
19 at once, the Director may disconnect the Customer from the Recycled Water Distribution  
20 System.

21                   (b)     As soon as reasonably practicable following the issuance of a cessation  
22 order and suspension order, but in no event more than seven calendar days following the  
23 issuance of such order, the Director shall hold an administrative review and hearing to  
24 provide the Customer an opportunity to present information in opposition to the issuance  
25 of the cessation and suspension order. The administrative review and hearing shall be  
26 conducted in accordance with procedures established by the Director. The Director shall  
27 issue a written decision and order within seven calendar days following the hearing, which  
28 decision shall be sent by certified mail to the Customer's address. Any cessation and

suspension order included within the Director's written statement shall be deemed final upon delivery to the Customer.

### **PART III – RECYCLED WATER SERVICE**

#### **ARTICLE 15 – GENERAL**

The San Bernardino County Department of Public Works – Special Districts is responsible for operation and maintenance of the County Service Area 70 GH-owned treatment, distribution, and storage facilities at the Lytle Creek North Wastewater Recycling Plant. The County provides oversight of the recycled water program to ensure compliance with applicable laws, regulations, and recycled water use agreements.

County Service Area 70 GH assumes the primary responsibility to assure that Recycled Water quality distributed to and utilized, in accordance with the provisions of this Ordinance, and in compliance with applicable Federal, State, and local statutes and regulations.

#### **ARTICLE 16 – RECYCLED WATER USE PERMIT**

To receive Recycled Water Service, Owner/Applicant or their authorized representative of the property that is intended to be served with Recycled Water, must submit a completed application for Recycled Water Use Permit to County Service Area 70 GH, through the San Bernardino County Department of Public Works – Special Districts Water and Sanitation Division. A Recycled Water Use Permit shall be required and be on file with County Service Area 70 GH for the provision of Recycled Water.

#### **ARTICLE 17 – APPLICANT'S RESPONSIBILITY**

A Recycled Water Use Permit application must be made in writing and signed by the Applicant. In the event that the Applicant and the Owner are not one and the same, the Applicant shall have the written authorization of the Owner. By signing the Application, the Owner/Applicant shall agree to comply with the requirements of any and all applicable

1 Federal, State, and local statutes, and regulations, including this Ordinance. The  
2 Owner/Applicant shall, as evidenced by their signature on the application form, agree to  
3 comply with this Ordinance and any and all other applicable Recycled Water User Permit  
4 requirements.

#### 6 **ARTICLE 18 – DELIVERY POINT**

7 The Delivery Point of Recycled Water shall be at the connection to County Service  
8 Area 70 GH's Meter.

#### 10 **ARTICLE 19 – TRANSFER OF OWNERSHIP**

11 County Service Area 70 GH shall own the Recycled Water to the Delivery Point,  
12 beyond which the Customer shall own the Recycled Water.

#### 14 **ARTICLE 20 – OWNERSHIP OR EXPANSION OF FACILITIES**

15 Customers shall acquire no interest in or to any portion of the Recycled Water  
16 Distribution System by virtue of this Ordinance, nor do the terms of this Ordinance obligate  
17 County Service Area 70 GH to acquire, construct or operate any future reclamation  
18 facilities or any additions to existing reclamation facilities or facilities for the distribution  
19 and delivery of Recycled Water.

#### 21 **ARTICLE 21 – SCHEDULING RECYCLED WATER**

22 County Service Area 70 GH reserves the right to control and schedule the use of  
23 Recycled Water for any reason, including, but not limited to:

- 24 (a) The maintenance of an acceptable working pressure in the Recycled Water  
25 Distribution System;
- 26 (b) Providing for reasonable safeguards of public health;
- 27 (c) Availability of Recycled Water; and
- 28 (d) Maintenance, operation, or construction of recycled water facilities.

1  
2 **ARTICLE 22 – LIMITATIONS OF USE**

3       Recycled Water delivered by County Service Area 70 GH pursuant to this  
4 Ordinance has limited uses, and all Customers agree to utilize the Recycled Water  
5 received only for the use permitted by the applicable regulatory agencies, the Recycled  
6 Water Use Permit and by this Ordinance.  
7

8 **ARTICLE 23 – LIABILITY AND INDEMNIFICATION**

9       Neither County, County Service Area 70 GH, nor any of their officers, agents, or  
10 employees shall be liable for the control, carriage, handling, use, disposal, or distribution  
11 of Recycled Water supplied by County Service Area 70 GH to a Customer after such  
12 Recycled Water has been delivered to such Customer; nor for claim of damage of any  
13 nature whatsoever, including but not limited to property damage, personal injury or death,  
14 arising out of or connected with the control, carriage, handling, use, disposal, or  
15 distribution of such Recycled Water beyond Delivery Point; and the Customer shall  
16 indemnify, defend (with counsel reasonably approved by County and County Service  
17 Area 70 GH) and hold harmless the County and County Service Area 70 GH and their  
18 authorized officers, employees, agents and volunteers from any and all claims, actions,  
19 losses, damages, and/or liability arising out of Customer's use or receipt of Recycled  
20 Water from any cause whatsoever, including the acts, errors or omissions of any person  
21 and for any costs or expenses incurred by the County and County Service Area 70 GH  
22 on account of any claim except where such indemnification is prohibited by law. This  
23 indemnification provision shall apply regardless of the existence or degree of fault of  
24 indemnitees. The Customer's indemnification obligation applies to the County's and  
25 County Service Area 70 GH's "active" as well as "passive" negligence but does not apply  
26 to the County's and County Service Area 70 GH's "sole negligence" or "willful misconduct"  
27 within the meaning of Civil Code Section 2782. Nothing in this Ordinance shall be  
28 construed as a waiver of any immunity or defense available to the County or County

1 Service Area 70 GH under the Government Claims Act (Government Code section 810  
2 et seq.) or other applicable law.

#### 3 4 **PART IV – RATES**

#### 5 **ARTICLE 24 – RECYCLED WATER RATES**

6 Rates and charges for Recycled Water Service shall not exceed the proportional  
7 cost of providing the service, shall not be used for general governmental purposes, and  
8 shall be imposed consistent with Articles XIII C and XIII D of the California Constitution  
9 and all applicable implementing statutes. If Recycled Water Service is imposed as a  
10 property-related water service charge, such charges shall be adopted and implemented  
11 in compliance with Article XIII D, section 6 of the California Constitution and applicable  
12 statutory procedures.

#### 13 14 **PART V – ON-SITE CONTROLS**

#### 15 **ARTICLE 25 – IMPLEMENTATION**

16 The Customer shall, at its sole cost, install, operate, test, and maintain cross-  
17 connection control and BPAs and devices in accordance with Title 17 of the California  
18 Code of Regulations, the County Service Area 70 GH policies and cross-connection  
19 control program, State Water Resources Control Board CCCPH, as may be amended,  
20 and any conditions imposed by the State Water Resources Control Board Division of  
21 Drinking Water or the local health officer. No connection between the Recycled Water  
22 Distribution System and any potable water system shall be allowed except through  
23 approved BPAs and in accordance with written approval from the appropriate regulatory  
24 agencies.

##### 25 (a) Approval Standards.

26 All BPAs shall be approved in accordance with CCCPH section 3.3.1 and  
27 shall conform to the standards of the University of Southern California Foundation for  
28 Cross-Connection Control and Hydraulic Research (USC Foundation) Manual or

1 applicable ASSE standards identified in CCCPH section 3.3.1(b). Approved assemblies  
2 shall not be modified after approval. If a BPA Tester discovers that a Customer-owned or  
3 public water system-owned assembly has been modified from its approved configuration,  
4 the BPA Tester shall notify County Service Area 70 GH immediately.

5 (b) Installation Criteria.

6 BPAs shall be installed in accordance with CCCPH section 3.3.2 and  
7 applicable County standards, including but not limited to the following minimum  
8 requirements:

9 1. Reduced Pressure Principle Assembly (RP): The lowest point of the  
10 assembly shall be installed not less than twelve (12) inches and not more than thirty-six  
11 (36) inches above finished grade.

12 2. Pressure Vacuum Breaker (PVB) and Spill-Resistant Vacuum  
13 Breaker (SVB): The assembly shall be installed a minimum of twelve (12) inches above  
14 the highest downstream piping and in a location that prevents submergence.

15 3. Clearances and Accessibility: Installations shall provide adequate  
16 clearance for testing and maintenance, including a minimum of twenty-four (24) inches  
17 on the test-cock side and sufficient working space on all sides to ensure safe access.  
18 Assemblies shall be readily accessible and protected from flooding, damage, and  
19 freezing.

20 (c) Testing and Certification Requirements.

21 All testing, inspection, and maintenance of BPAs shall be performed by a  
22 certified Backflow Prevention Assembly Tester and, where required, a Cross-Connection  
23 Control Specialist, in accordance with Article 4 of the CCCPH. Testers and specialists  
24 shall be certified by a State Water Resources Control Board-recognized, ANSI-accredited  
25 organization. Compliance with this certification requirement shall be mandatory beginning  
26 July 1, 2026.

27 (d) Use of Fittings and Connections.

28 The use of fittings, including swivel-ell connections, shall comply with

1 CCCPH section 3.2.2(d) and shall not compromise the integrity, approval status, or  
2 testability of the assembly. Any installation that interferes with proper operation, testing,  
3 or maintenance of a BPA is prohibited.

4 (e) Regulatory Compliance.

5 To protect public health and safety, Customers shall comply with all  
6 applicable on-site control requirements set forth in Title 22, Division 4, Chapter 3, Water  
7 Recycling Criteria (Cal. Code Regs., section 60301.050 et seq.) and Title 17 of the  
8 California Code of Regulations, and other applicable federal, state, and local laws and  
9 regulations.

10  
11 **ARTICLE 26 – STATE / LOCAL REGULATIONS**

12 Recycled water system on-site controls shall meet all of the requirements  
13 established by applicable State and local regulatory agencies to protect the public health.  
14 Plans and specifications for all proposed Recycled Water operations, distribution, and on-  
15 site systems shall be submitted to the applicable State and local regulatory agencies for  
16 review and approvals before the Recycled Water Systems are constructed.

17  
18 **ARTICLE 27 – OPERATIONAL CONTROLS**

19 Customer's operational controls for the use of Recycled Water shall be appropriate  
20 for the beneficial use as approved in the Recycled Water Use Permit. Records shall be  
21 maintained by Customer with the recommended equipment and include procedures to  
22 achieve the control objectives necessary for the safe and reliable delivery of Recycled  
23 Water.

24  
25 **ARTICLE 28 – RATES OF FLOW**

26 County Service Area 70 GH shall have the right to regulate and prescribe the  
27 maximum and minimum quantities of Recycled Water that shall be discharged or  
28 delivered through any Service Connection so as to assure equitable service to all

Customers.

## **ARTICLE 29 – IDENTIFICATION**

(a) All recycled water valves, outlets, quick couplers, and sprinkler heads should be of a type, or secured in a manner that only permits operation by personnel authorized by the Customer.

(b) All recycled water valves and outlets should be appropriately tagged to warn the public and employees that the water is not intended or allowed for drinking.

(c) All piping, valves and outlets should be color-coded or otherwise marked to differentiate Recycled Water from non-recycled water facilities.

(d) Hose bibs shall not be used in the on-site recycled water system; quick couplers or comparable connection devices shall be used instead.

## **ARTICLE 30 – POSTING OF ON-SITE NOTIFICATION**

Adequate means of notification shall be provided to inform the public, employees and others that Recycled Water is being used. Such notification shall include the posting of conspicuous Recycled Water information signage with proper wording of sufficient size to be clearly read, which shall be posted at adequate intervals around the use area. Signs shall be placed around the perimeter of the site and at such other locations on-site as approved by County Service Area 70 GH.

## **ARTICLE 31 – METERING**

Recycled Water furnished to Recycled Water Users pursuant to this Ordinance may be measured by a Meter. County Service Area 70 GH may measure the quantity of Recycled Water delivered to the Delivery Point on a monthly, bi-monthly, or other basis as County Service Area 70 GH determines necessary for billing purposes.

## **ARTICLE 32 – CROSS CONNECTION PREVENTION**

1 (a) General Responsibilities.

2 Customers shall comply with all County Service Area 70 GH cross-  
3 connection control requirements and this Ordinance. County Service Area 70 GH is  
4 responsible for protecting the recycled water distribution system up to the Customer  
5 Delivery Point. The Customer is responsible for maintaining cross-connection control and  
6 backflow prevention at or beyond the Delivery Point, including all downstream piping and  
7 uses.

8 (b) Hazard Assessments.

9 County Service Area 70 GH may conduct or review initial and periodic  
10 hazard assessments in accordance with the CCCPH to determine the appropriate level  
11 of backflow protection. Hazard assessments shall be performed or reviewed by a certified  
12 Cross-Connection Control Specialist identified by County Service Area 70 GH and shall  
13 be triggered by, including but not limited to:

- 14 1. Establishment of a new service connection or premises;
- 15 2. Changes in water use, processes, or occupancy;
- 16 3. Installation or modification of plumbing, irrigation, fire protection, or  
17 recycled water systems; or
- 18 4. Evidence of a potential cross-connection or backflow condition.

19 (c) Required Protection and Approved Assemblies.

20 In accordance with CCCPH section 3.2.2, County Service Area 70 GH shall  
21 require premises containment using approved assemblies based on hazard level:

- 22 1. High-Hazard Premises, as defined in the CCCPH (including recycled  
23 water use sites): Air Gap (AG) or Reduced Pressure Principle Assembly (RP) as  
24 determined by County Service Area 70 GH.
- 25 2. Low-Hazard Premises as defined in the CCCPH: Double Check  
26 Valve Assembly (DC) or higher level of protection as determined by County Service Area  
27 70 GH.
- 28 3. Approved assemblies shall conform to CCCPH section 3.3.1 and

1 applicable USC Foundation or ASSE standards. A current list of approved assemblies  
2 may be maintained by County Service Area 70 GH.

3 (d) Fire Protection Systems.

4 Premises with fire protection systems shall be protected in accordance with  
5 CCCPH section 3.2.2(e). County Service Area 70 GH shall ensure that its distribution  
6 system is protected by no less than a Double Check Valve Assembly (DC) for fire systems  
7 and a Reduced Pressure Principle Assembly (RP) where a high hazard exists.

8 (e) Testing, Inspection, and Service Requirements.

9 1. All BPAs shall be field tested by Customer at least annually by a  
10 certified Backflow Prevention Assembly Tester.

11 2. County Service Area 70 GH shall visually inspect air gaps at least  
12 annually.

13 3. Any new, repaired, relocated, or replaced BPA shall pass a field test  
14 before being placed into continuous service.

15 4. Records of all testing and inspections shall be provided by Customer  
16 to County Service Area 70 GH and maintained in accordance with this Ordinance and  
17 CCCPH requirements.

18 (f) Repair and Replacement.

19 Any BPA found to be deficient shall be repaired or replaced within thirty (30)  
20 days of identification, in accordance with CCCPH section 3.3.3(e), unless a shorter  
21 timeframe is required to protect public health. Failure to timely repair or replace a deficient  
22 assembly may result in termination of service.

23 (g) Backflow Incident Response and Notification.

24 County Service Area 70 GH shall respond promptly to any known or  
25 suspected backflow incident and will notify the State Water Resources Control Board, in  
26 accordance with the CCCPH, and the local health agency within twenty-four (24) hours  
27 of determining that a backflow incident has occurred or is suspected. If required by the  
28 State Water Resources Control Board, County Service Area 70 GH shall issue a Tier 1

1 public notification in accordance with California Code of Regulations, Title 22, section  
2 64463.1.

3 (h) Enforcement.

4 Failure to comply with the cross-connection control requirements of this  
5 Article may result in denial or discontinuation of recycled water service, in addition to any  
6 other remedies authorized by this Ordinance or applicable law.

### 7 8 **ARTICLE 33 – WATER QUALITY**

9 All Recycled Water to be delivered by County Service Area 70 GH to Recycled  
10 Water Customers pursuant to the terms of this Ordinance will be of such quality that the  
11 same may be used for all purposes allowed for disinfected secondary-2.2 recycled water  
12 as defined in the California Code of Regulations, Title 22, Division 4, Chapter 3, Article 1,  
13 section 60301.220, as in effect on the date of adoption of this Ordinance, as such  
14 provision may thereafter be amended, renumbered, or relocated. Such Recycled Water  
15 shall conform to the quality requirements set forth in the then current disinfected tertiary  
16 recycled water quality and monitoring regulations specified in California Code of  
17 Regulations, Title 22, Division 4, Chapter 3: Water Recycling Criteria as further regulated  
18 by the Regional Water Quality Control Board, the California Department of Drinking Water  
19 and all other federal, state and local agencies having jurisdiction over recycled water  
20 quality.

### 21 22 **ARTICLE 34 – NONCONFORMING RECYCLED WATER**

23 Factors beyond the control of County Service Area 70 GH could cause operational  
24 difficulties at the Lytle Creek North Wastewater Recycling Plant resulting in the temporary  
25 production of Recycled Water which does not meet the water quality requirements  
26 referenced in Article 33. In such cases, County Service Area 70 GH will be obligated to:  
27 (1) immediately notify the Recycled Water Customers that the Recycled Water does not  
28 meet the currently applicable regulatory requirements and that deliveries of Recycled

1 Water will be suspended; (2) temporarily suspend deliveries of Recycled Water to  
2 Recycled Water Customers; and (3) use its best efforts to reestablish the production of  
3 Recycled Water of a suitable quality as soon as reasonably possible and to reestablish  
4 County Service Area 70 GH supply of such water accordingly. Any notice required under  
5 this section may be delivered first verbally, either personally or by telephone, and shall  
6 be followed by written notice.

7  
8 SECTION 2. The Board of Supervisors declares that it would have adopted this  
9 ordinance and each section, sentence, clause, phrase, or portion of it irrespective of the  
10 fact that any one or more sections, subsections, clauses, phrases or portions of it be  
11 declared invalid or unconstitutional. If for any reason any portion of this ordinance is  
12 declared invalid or unconstitutional, then all other provisions of it shall remain valid and  
13 enforceable.

14  
15 SECTION 3. This ordinance shall take effect thirty (30) days from the date of  
16 adoption.

17  
18 \_\_\_\_\_  
DAWN ROWE, Chair  
Board of Supervisors  
19

20 SIGNED AND CERTIFIED THAT A COPY  
21 OF THIS DOCUMENT HAS BEEN DELIVERED  
22 TO THE CHAIR OF THE BOARD

23 LYNNA MONELL, Clerk of the  
Board of Supervisors  
24  
25 \_\_\_\_\_  
26  
27  
28

STATE OF CALIFORNIA )  
 ) ss.  
SAN BERNARDINO COUNTY )

I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County, State of California, hereby certify that at a regular meeting of the Board of Supervisors of said County and State, held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at which meeting were present Supervisors: \_\_\_\_\_

\_\_\_\_\_ ,  
and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to wit:

AYES: SUPERVISORS:

NOES: SUPERVISORS:

ABSENT: SUPERVISORS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Supervisors this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

LYNNA MONELL, Clerk of the  
Board of Supervisors of  
San Bernardino County,  
State of California

\_\_\_\_\_  
Deputy

Approved as to Form:

LAURA FEINGOLD  
County Counsel

By: \_\_\_\_\_  
JOLENA E. GRIDER  
Deputy County Counsel

Date: \_\_\_\_\_