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ORDINANCE NO.

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.

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ARTICLE 2 – PURPOSE AND OBJECTIVES

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

ARTICLE 3 – EXTENSION OF MASTER RECLAMATION PERMIT AUTHORITY

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

1 Control Board.

2

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

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

9

10 **ARTICLE 5 – DUTY TO COMPLY**

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

15

16 **ARTICLE 6 – RIGHT OF REVISION**

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

19

20 **ARTICLE 7 – ADMINISTRATOR**

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

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

7
8 **ARTICLE 8 – DEFINITION OF TERMS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (p) OWNER: the owner of a property that is anticipated to receive or is currently
28 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,

1 or maintains a violation of this Ordinance.

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

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

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

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

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

15
16 **ARTICLE 9 – RECORDKEEPING AND DOCUMENTATION REQUIREMENTS**

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

24
25 **PART II – ENFORCEMENT**

26 **ARTICLE 10 – GENERAL**

27 The enforcement provisions provided in Part II shall be applicable to Recycled
28 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.

5
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.

15
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

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

2
3 **ARTICLE 13 – PENALTY FOR VIOLATION**

4 (a) Enforcement Authority

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

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

16 (b) Violations; Public Nuisance; Continuing Violations

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

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

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

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

26 (c) Remedies Are Cumulative and Discretionary

27 (1) Cumulative Remedies. The remedies and penalties in this Ordinance
28 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.

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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

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

3
4 **PART III – RECYCLED WATER SERVICE**

5 **ARTICLE 15 – GENERAL**

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

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

15
16 **ARTICLE 16 – RECYCLED WATER USE PERMIT**

17 To receive Recycled Water Service, Owner/Applicant or their authorized
18 representative of the property that is intended to be served with Recycled Water, must
19 submit a completed application for Recycled Water Use Permit to County Service Area
20 70 GH, through the San Bernardino County Department of Public Works – Special
21 Districts Water and Sanitation Division. A Recycled Water Use Permit shall be required
22 and be on file with County Service Area 70 GH for the provision of Recycled Water.

23
24 **ARTICLE 17 – APPLICANT’S RESPONSIBILITY**

25 A Recycled Water Use Permit application must be made in writing and signed by
26 the Applicant. In the event that the Applicant and the Owner are not one and the same,
27 the Applicant shall have the written authorization of the Owner. By signing the Application,
28 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.

5
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.

9
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.

13
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.

20
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.

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ARTICLE 22 – LIMITATIONS OF USE

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

ARTICLE 23 – LIABILITY AND INDEMNIFICATION

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

1 Customers.

2

3 **ARTICLE 29 – IDENTIFICATION**

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

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

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

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

13

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

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

21

22 **ARTICLE 31 – METERING**

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

27

28 **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
24 Board of Supervisors

1 STATE OF CALIFORNIA)
2 SAN BERNARDINO COUNTY) ss.
3)

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County,
5 State of California, hereby certify that at a regular meeting of the Board of Supervisors of
6 said County and State, held on the _____ day of _____, 20__, at which meeting
7 were present Supervisors: _____

8 _____,
9 and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to
10 wit:

11 AYES: SUPERVISORS:

12 NOES: SUPERVISORS:

13 ABSENT: SUPERVISORS:

14 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
15 of the Board of Supervisors this ____ day of _____, 20__.

16 LYNNA MONELL, Clerk of the
17 Board of Supervisors of
18 San Bernardino County,
19 State of California

20 _____
21 Deputy

22 Approved as to Form:

23 LAURA FEINGOLD
24 County Counsel

25 By: _____
26 JOLENA E. GRIDER
27 Deputy County Counsel

28 Date: _____