

**REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS
OF SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT
AND RECORD OF ACTION**

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
SITTING AS THE GOVERNING BOARD OF THE FOLLOWING:
SAN BERNARDINO COUNTY
SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT
AND RECORD OF ACTION**

September 23, 2025

FROM

**DAN MUNSEY, Fire Chief/Fire Warden, San Bernardino County Fire Protection District
NOEL CASTILLO, Director and Chief Flood Control Engineer, Department of Public
Works – Transportation and San Bernardino County Flood Control District**

SUBJECT

Memorandum of Understanding Related to Hazardous Materials Spill Response

RECOMMENDATION(S)

1. Acting as the governing body of the San Bernardino County Fire Protection District, approve **Memorandum of Understanding No. 25-798** between San Bernardino County, on behalf of its Department of Public Works – Transportation, the San Bernardino County Flood Control District, and the San Bernardino County Fire Protection District related to incident response involving hazardous materials within the County Maintained Road System or San Bernardino County Flood Control District's right-of-way, for the period of September 23, 2025, through September 22, 2030.
2. Acting as the governing body of San Bernardino County, approve **Memorandum of Understanding No. 25-798** between San Bernardino County, on behalf of its Department of Public Works – Transportation, the San Bernardino County Flood Control District, and the San Bernardino County Fire Protection District, related to incident response involving hazardous materials within the County Maintained Road System or San Bernardino County Flood Control District's right-of-way, for the period of September 23, 2025, through September 22, 2030.
3. Acting as the governing body of the San Bernardino County Flood Control District, approve **Memorandum of Understanding No. 25-798** between San Bernardino County, on behalf of its Department of Public Works – Transportation, the San Bernardino County Flood Control District, and the San Bernardino County Fire Protection District related to incident response involving hazardous materials within the County Maintained Road System or San Bernardino County Flood Control District's right-of-way, for the period of September 23, 2025, through September 22, 2030.

(Presenter: Dan Munsey, Fire Chief/Fire Warden, 387-5779)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

**Memorandum of Understanding Related to Hazardous Materials Spill
Response
September 23, 2025**

**Operate in a Fiscally-Responsible and Business-Like Manner.
Provide for the Safety, Health and Social Service Needs of County Residents.
Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.**

FINANCIAL IMPACT

Approval of this Memorandum of Understanding (MOU) will not result in the use of Discretionary General Funding (Net County Cost). Any costs incurred from the response and remediation of hazardous materials spills will depend on the quantity of hazardous materials (Hazmat) released, spilled or dumped within the County Maintained Road System (CMRS) or San Bernardino County Flood Control District's (Flood Control) right-of-way. If a responsible party is identified, SBCFPD will seek reimbursement from the responsible party. When no responsible party is identified, the Department of Public Works – Transportation (Department) and/or Flood Control will reimburse San Bernardino County Fire Protection District (SBCFPD) for costs incurred in connection with the Hazmat services provided under the MOU.

BACKGROUND INFORMATION

The Federal Water Pollution Control Act, also referred to as the Clean Water Act (CWA), prohibits the discharge of pollutants to the receiving waters, unless the discharge complies with a National Pollutant Discharge Elimination System (NPDES) permit. The CWA requires NPDES permits for stormwater discharges from municipal drain systems. In California, these permits are issued and enforced by the State Water Resources Control Board, through one of its nine Regional Water Quality Control Boards.

Since 1990, the Regional Water Quality Control Board – Santa Ana Region has issued NPDES Municipal Separate Storm Sewer System Permits (Permits) to Flood Control, San Bernardino County (County), and the 16 incorporated cities within the County's portion of the Santa Ana River watershed. One of the requirements of the Permits mandates immediate reporting and removal of Hazmat found in a public right-of-way.

On February 13, 2018 (Item No. 87), the Board of Directors/Board of Supervisors (Board) approved a MOU No. 18-89 between the Department, Flood Control, and SBCFPD relating to Hazmat spills response. MOU No. 18-89 expired on June 30, 2023, and no services have been provided since that date. The Department, Flood Control, and SBCFPD desire to enter into a new MOU that delineates response procedure for incidents involving Hazmat releases, spills or dumping within CMRS or Flood Control right-of-way.

Under the new MOU, if a responsible party is identified, SBCFPD will seek reimbursement from the responsible party directly. If the recovery of costs is impeded due to inability to contact the responsible party, or responsible party financial hardship or lack of financial means, the Department or Flood Control shall compensate SBCFPD for any costs expended for response and remediation, and the Department or Flood Control may then pursue the responsible party for cost recovery directly.

Approval of the recommended MOU will provide for the safety, health, and social service needs of County residents by enhancing the public safety operations of SBCFPD, the Department, and Flood Control.

This MOU may be terminated with 30 days written notice by any party to this MOU.

PROCUREMENT

**Memorandum of Understanding Related to Hazardous Materials Spill
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Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Rick Luczak, Aaron Gest, and Sophie A. Curtis, Deputies County Counsel, 387-5455) on September 11, 2025; and County Finance and Administration (Ivan Ramirez, Administrative Analyst, 387-4020) on September 2, 2025.

**Memorandum of Understanding Related to Hazardous Materials Spill
Response
September 23, 2025**

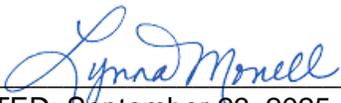
Record of Action of the Board of Directors
San Bernardino County Fire Protection District

Record of Action of the Board of Supervisors
San Bernardino County Flood Control District
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD/SECRETARY

BY 
DATED: September 23, 2025



cc: SBCFPD - Munsey w/agree
Contractor - c/o SBCFPD w/agree
File - w/agree
MBA 10/2/2025