

ORDINANCE NO. 53

**AN ORDINANCE OF THE BIG BEAR AREA REGIONAL
WASTEWATER AGENCY INCREASING CONNECTION
FEE, AMENDING ORDINANCE NO. 2 AND
REPEALING ORDINANCE NO. 49**

WHEREAS, the Governing Board ("this Board") of Big Bear Area Regional Wastewater Agency ("BBARWA") has been empowered to establish sewer rates and charges, including a regional connection fee per Equivalent Dwelling Unit (EDU), which each member of BBARWA is required to charge on each new sewer connection within its jurisdiction; and

WHEREAS, BBARWA has established a current connection fee of \$2,000.00 as adopted by Ordinance No. 49 on May 27, 1993; and

WHEREAS, this Board has caused the preparation of the "Wastewater Connection Fee Report (the "Fee Report") dated April, 1993, conducting a review of the BBARWA connection fee in accordance with Government Code Sections 66000 et seq., which require a "fair share" analysis of the computation of the connection fee, in order to assure that new connections will bear an appropriate burden for the costs of existing regional facilities and specific future capital improvements as discussed in the Fee Report;

WHEREAS, this Board finds that it is appropriate at this time to adjust the amount of BBARWA's connection fee based on the findings contained in the Fee Report; and

WHEREAS, this Board finds that it is appropriate and necessary to allow this Board to reduce the Total Connection Fee to be charged to any property owner who makes application to connect a residence or business establishment to the sewer system; and

WHEREAS, notice of the public meeting adopting this ordinance has been given in compliance with Government Code Sections 66016 and 66018.

NOW THEREFORE, BE IT ORDAINED by the Governing Board of the Big Bear Area Regional Wastewater Agency as follows:

1. Findings. On the basis of the "Wastewater Connection Fee Report" dated April 1993, referenced above, and other related information presented to the Board, the Board hereby adopts the Fee Report and finds, with respect to the connection fees discussed therein, as follows:

(a) The purpose of such connection fees will be to finance existing wastewater treatment facilities and planned capital improvements to the systems

(collectively the "Treatment Facilities"), as identified in the Fee Report. The connection fees adopted pursuant to this ordinance shall only be used to fund the design and construction of such Treatment Facilities.

(b) There is a reasonable relationship between the amount of the connection fee and the costs of the Treatment Facilities attributable to the new development upon which such fees will be imposed, as identified in the Fee Report.

(c) There is a reasonable relationship between (a) the need for the Treatment Facilities and the type of development upon which the connection fee will be imposed, and (b) the use of the connection fee and the type of development on which the connection fee will be imposed. Both relationships are described in the Fee Report.

(d) The connection fee represents the reasonable cost borne by the Agency in providing the Treatment Facilities and related service to new users. Further, the connection fee will assure that new connections will bear an appropriate burden of the existing regional facilities and future capital improvements to be made to the wastewater treatment system made necessary by the increasing demands on BBARWA's facilities.

2. Increase in Fee. BBARWA's connection fee shall be and is, hereby increased from \$2,000 per EDU to \$2,298. Each Collecting Agency (as that term is defined in BBARWA Operating Agreement No. 1) shall require each property owner who makes application to connect a residence or business establishment to its sewage collection system on or after the effective date of this ordinance to pay a connection fee in the aforesaid amount for each EDU assigned to such residence or business establishment by the Collecting Agency, the total of which shall be referred to as the "Total Connection Fee." If requested to do so by a Collecting Agency, the Governing Board of BBARWA may reduce the Total Connection Fee to be charged to an applicant if such reduction is in the best interest of BBARWA's service area. Any prior agreement with applicants will not be effected.

3. Effective Date. The fees adopted by this ordinance shall become effective 60 days after the adoption of this ordinance.

4. Amendment of Ordinance No. 2. In order to effectuate the changes this ordinance shall amend Subsection 2.06 of Section 2 of Ordinance No. 2 to read as follows:

"2.06 After June 30, 1983. For applications filed between July 1, 1983 and June 30, 1984, the connection fee shall be \$450 per EDU. For applications filed after July 1, 1989, the connection fee shall be \$1,400 per EDU. For applications filed after July 27, 1993, the connection fee shall be \$2,000 per EDU. For applications filed after July 26, 1994, the connection fee shall be \$2,298 per EDU."

5. Ordinance No. 49. This ordinance repeals Ordinance No. 49.

6. Accounting of Funds. All revenues collected from these connection fee charges shall be deposited with other such fees in a separate capital facilities account or fund in a manner to avoid commingling of the charges with other revenues and funds of BBARWA, except for the purpose for which the connection fees are collected. Any interest income earned by monies in said account or fund shall also be deposited in an account or fund and may be expended only for the purposes for which the connection fees are imposed. BBARWA shall make findings once each fiscal year with respect to any portion of the connection fees remaining unexpended or uncommitted in the account five or more years after deposit of such fees. These findings shall identify the purpose to which the connection fees are to be put, and will demonstrate a reasonable relationship between the fees and the purpose for which the fees are imposed.

7. Validity. If any provision of this ordinance or the application thereof, to any person or circumstances is held invalid, including any portion of the fee adopted herein, such invalidity shall not effect other provisions or application of this ordinance including any other portion of the fees not held invalid, and to this end the provisions of this ordinance are declared to be severable.

8. Publication - Notice. The Secretary of this Governing Board shall cause a copy of this ordinance to be published once in the Grizzly and the Bear Valley Voice. The Secretary shall deliver a certified copy of this ordinance to the City of Big Bear Lake, the County of San Bernardino, and the Big Bear City Community Services District.

ADOPTED this 26th day of May, 1994

Ralph Walker, Chairman of the
Governing Board

ATTEST:

Secretary of the Governing Board of the
Big Bear Area Regional Wastewater Agency

Chapter 7.24

DOMESTIC WASTE HAULER PERMIT

Sections:

- 7.24.010 Application.**
- 7.24.020 Transport manifests.**
- 7.24.030 Inspection of vehicles.**
- 7.24.040 Record keeping.**
- 7.24.050 Sanitary waste testing.**
- 7.24.060 Sanitary wastes - Public sewer available.**
- 7.24.070 Point of discharge.**
- 7.24.080 Time of discharge.**
- 7.24.090 Fee for discharge.**
- 7.24.100 Discharge; payment; violation.**
- 7.24.110 Permit duration and duty to reapply.**

7.24.010 Application.

Every user required to obtain a DWH Permit shall complete and file with the agency an application on the form prescribed by the agency. At a minimum, the application shall require all of the following:

- A.** Name, address, and telephone number of the applicant.
- B.** Name of authorized representative of the applicant.
- C.** The specific types of sanitary wastes to which the application pertains.
- D.** The names and material safety data sheets for all chemical substances which will be added to the regional system.
- E.** The California Department of Motor Vehicle license number for all vehicles used to transport sanitary wastes to the regional system.
- F.** Copies of all permits issued by the San Bernardino County Department of Environmental Health Services.
- G.** The holding capacity of each vehicle specified in the application.
- H.** The signature of the authorized representative of the applicant. The signature must include the following certification statement:

“I have personally examined and am familiar with the information submitted in the attached document, and I hereby certify under penalty of law that this information was obtained in accordance with the requirements of Title 7 of the BBARWA Code of Resolutions and Ordinances. Moreover, based upon my inquiry of those individuals immediately responsible for obtaining the information reported herein, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and/or imprisonment.”

The applicant shall pay any required application fee established by the agency. All applications shall be signed by an authorized representative.

7.24.020 Transport manifests.

A manifest as prescribed by the agency shall be used to track sanitary waste from its originating point to the disposal location. The manifest shall contain the address and telephone number of the originating location. The manifest shall accompany the sanitary waste while it is transported by vehicle until the sanitary waste is discharged at the disposal location. Domestic waste haulers shall retain a copy of the manifest upon discharge.

7.24.030 Inspection of vehicles.

The agency shall be authorized to inspect the vehicles used to transport sanitary wastes to the regional system and take photographs and/or samples of the sanitary wastes. Such inspection shall include the right to inspect and copy records required to be maintained by the domestic waste hauler under this title or any local, state, or federal law or regulation.

7.24.040 Record keeping.

Domestic waste haulers shall maintain records, indicating the number of loads, the source of the loads, the volume of the loads, and the type of sanitary wastes discharged into the regional system. All records and transport manifests shall be maintained for at least three (3) years.

7.24.050 Sanitary waste testing.

The agency reserves the right to perform testing of any and all sanitary waste to determine its acceptability for discharge into the regional system. The agency may require a domestic waste hauler to obtain a chemical analysis of its sanitary wastes by an independent certified laboratory. The cost of the analysis shall be paid by the domestic waste hauler.

7.24.060 Sanitary wastes -- Public sewer available.

Sanitary waste from a holding tank or septic tank shall not be accepted for treatment at the regional treatment plant if the property on which such holding tank or septic tank is located is required to be connected to a community system under the regulations and rules established by the appropriate collecting agency. The agency may waive this provision if the property owner has applied to the appropriate collecting agency for connection to the community system, paid all required fees and charges for such connection, and use of the holding tank or septic tank is temporary and will be discontinued upon connection of the property to the community system.

7.24.070 Point of discharge.

A. All discharges of sanitary waste shall be made into the designated manhole located at the agency's regional treatment plant. No domestic waste hauler or other person, firm or corporation shall discharge sanitary waste into a community system or the regional system at any other location, unless specifically permitted by the General Manager or his/her designee.

B. The General Manager or his/her designee may prohibit all discharge of sanitary waste during times the regional treatment plant is operating under adverse conditions. The discharge of sanitary waste may also be prohibited if the General Manager or his/her designee determines the sanitary waste contains substances detrimental to the regional treatment plant.

7.24.080 Time of discharge.

A. Discharge of sanitary waste at the regional treatment plant shall be permitted only during the following days and hours: Sunday through Saturday, excluding posted days, 8:00 a.m. until 12:00 noon and 1:00 p.m. until 4:30 p.m.

B. All discharges of sanitary waste at times other than those set forth in this section, are accommodated at the discretion of the agency

7.24.090 Fee for discharge.

A. All domestic waste haulers discharging sanitary waste to the agency's regional treatment plant shall pay all applicable fees relating to said discharge. Failure to pay any applicable fee on a timely basis after billing by the agency may result in suspension of the domestic waste hauler's DWH permit.

B. For discharge, treatment, and disposal of sanitary waste, a domestic waste hauler shall pay a fee to the agency based on the following schedule of costs for various types of sanitary waste:

<u>Type of Sanitary Waste</u>	<u>Treatment Cost</u>
Septic Tank Waste	\$54.50 per 1000 gallons
Holding Tank Waste	\$ 4.30 per 1000 gallons
Chemical Toilet Waste	\$28.70 per 1000 gallons

The treatment and disposal costs shall be prorated for discharges of less than or in excess of 1000 gallons.

C. All domestic waste haulers will be required to submit an annual fee of \$98.07 for the base cost of monitoring.

7.24.100 Discharge; payment; violation.

A. Each domestic waste hauler shall at the time of discharge sign, certify, and enter into the agency's log book, (domestic waste manifest), a statement of waste discharge which contains the following: (a) the type of sanitary waste (e.g., holding tank, septic tank, or chemical toilet) contained in the discharge, (b) the amount of each type of sanitary waste discharged, (c) the originating address, (d) the date and time the sanitary waste was pumped from the holding tank, septic tank, or chemical toilet, and the date and time of discharge, and (e) any other information the agency may require for purposes of controlling and tracking discharges of sanitary waste.

B. The agency shall bill each domestic waste hauler monthly based on the entries in the agency's logbook and the fee schedule established under this chapter.

C. If the agency determines a domestic waste hauler has discharged sanitary waste in a greater quantity or of a type other than what is reported in the log book, the agency

may revoke the domestic waste hauler's DWH permit and may take such other action as is determined to be appropriate.

D. Any person, firm, or corporation which violates any provision of this chapter shall not thereafter be allowed to deliver or discharge sanitary waste to the regional treatment plant unless the Governing Board of the agency determines that such person, firm, or corporation may recommence such deliveries and discharges.

7.24.110 Permit duration and duty to reapply

DWH Permits shall be issued for a specified time period, not to exceed five (5) years. The permit holder shall submit a new application with appropriate fees no later than thirty (30) days before the existing permit expires.

ORDINANCE NO.66

**AN ORDINANCE OF THE BIG BEAR AREA
REGIONAL WASTEWATER AGENCY MODIFYING
AND REESTABLISHING USER CHARGE
CLASSIFICATIONS AND REPEALING
ORDINANCE NO. 25**

WHEREAS, this Governing Board finds that it is necessary that the Model User Charge System required under Section 5 of Operating Agreement No. 1 and previously established by and contained in Ordinance No. 25 of the Big Bear Area Regional Wastewater Agency be revised and clarified.

NOW THEREFORE, the Governing Board of the BIG BEAR AREA REGIONAL WASTEWATER AGENCY hereby ordains as follows:

SECTION 1. Chapter 5.12 of the Big Bear Area Regional Wastewater Agency Code of Regulations and Ordinances is amended to read as follows:

“Chapter 5.12

USER CHARGE CLASSIFICATION

Sections:

- | | |
|-----------------|---|
| 5.12.010 | Definitions. |
| 5.12.020 | New user liability. |
| 5.12.030 | User charge classifications. |
| 5.12.040 | Change of use. |
| 5.12.050 | Users contesting EDU calculations. |
| 5.12.060 | Special relief on own motion. |

5.12.010 Definitions.

A. As used in this Chapter herein, the following terms shall have the meaning hereinafter ascribed to them:

B. "Equivalent Dwelling Unit" or "EDU" means the equivalent flow and pollutant loading of sewage and wastewater from a single-family dwelling unit and establishes the basis for the Connection Fee and Annual User Fee.

C. "User Charge" means the charge per EDU to be collected from and paid by each user of the Regional System.

D. "Collecting Agency" means the agencies who operate local sewage collection system, i.e., the Big Bear City Community Services District, the City of Big Bear Lake, and the County of San Bernardino, which operates the sewage collection system within Improvement Zone "B" of San Bernardino County Service Area 53.

E. "Residential User" means any user of the public sewer system residing in a Single Family Dwelling or Multi-Family (duplex, triplex, apartments and condominiums) Dwelling.

- F. "Commercial User" means any user not defined as a residential user.
- G. "BOD" means Biochemical Oxygen Demand Concentration in mg/l, from Commercial Users Strength Characteristics, State Water Resources Control Board, Revenue Program Guidelines.
- H. "SS" means Suspended Solids Concentration in mg/l, from Commercial Users Strength Characteristics, State Water Resources Control Board, Revenue Program Guidelines.
- I. "0.642" means percentage of treatment allocated to flow.
- J. "0.179" means percentage of treatment allocated to BOD and SS.
- K. "Daily Flow" means Flow as estimated by the Agency, with actual flow being verified after one year of service. If actual flow exceeds estimated flow by 15% or more, the daily flow will be adjusted along with the applicable fees being charged. Estimated flow will be based upon similar types of existing establishments or based upon the State Water Resources Control Board, Revenue Program Guidelines. In addition information supplied by the customer may be used in establishing this estimate.
- L. "160 gpd, 200mg/l BOD and 200 mg/l SS" means standard wastewater flow and strength from a single family dwelling within the BBARWA service area, (Bartle Wells Associates, Wastewater Rate Review).

5.12.020 New user liability.

A newly constructed residence or commercial building shall be considered to be using the regional sewerage system and shall be liable for user charges when the building waste system is physically connected to a sewer main, and such installation and connection are approved and accepted by the collecting agencies.

5.12.030 User charge classifications.

- A. User charges for all users of the public sewer system shall be based on the number of EDU's assigned to such users by the Collecting Agencies based upon the following formula.
- B. Residential User: 1 EDU per living unit.
- C. Commercial User, Industrial waste and special cases:

$$\frac{\text{Daily flow [(0.642) + (BOD) (0.179) + (SS) (0.179)]}{160 \text{ gpd} \quad 200 \text{ mg/l BOD} \quad 200 \text{ mg/l SS}} = \text{equals EDU's}$$

5.12.040 Change of use.

When a change in use of a building or premises causes an increase in sewer flow or other system changes, the EDU's assigned to the building or premises shall be recalculated as provided herein and the owner shall pay the applicable connection fees for the increased flow based upon the corrected number of EDU's at the time of the change in use.

5.12.050 Users contesting EDU calculation.

A User who is dissatisfied with the EDUs assigned to his/her property under this chapter may (1) appeal to the Collecting Agency and, if still dissatisfied, user may (2) appeal to the Governing Board of the Regional System. The User shall deposit an estimate, as determined by the Regional Agency, to cover all estimated costs associated with the appeal to the Regional Agency for changes in assignment of EDU's, i.e.; staff

time, sampling, testing and any legal fees associated with reclassification. If the Regional Agency accepts the User's determination of EDU, the Regional Agency shall refund the deposit.

5.12.060 Special relief on own motion.

A. The Board may, on its own motion, find that, by reason of special circumstances, a provision of this Chapter should be suspended or modified as applied to particular premises and may order such suspension or modification of such provision with respect to such premises during the period of such special circumstances.

B. Special Circumstances and other items not covered by this Chapter shall be governed by the collecting agencies most current sewer ordinance.”

SECTION 2. This ordinance supersedes Ordinance No. 25 which shall be and is hereby repealed.

SECTION 3. This ordinance shall become effective immediately upon its adoption. The Secretary of this Governing Board shall cause a copy of this ordinance to be published once in the Big Bear Life and Grizzly. The Secretary shall deliver a certified copy of this ordinance to the City of Big Bear Lake, the County of San Bernardino and the Big Bear City Community Services District.

ADOPTED this 22nd day of July, 1998.

Robert Mark, Chairman of the
Governing Board Big Bear Area
Regional Wastewater Agency

ATTEST:

Secretary of the Governing Board of the
Big Bear Area Regional Wastewater Agency

ORDINANCE NO. ____

**AN ORDINANCE OF THE BIG BEAR AREA
REGIONAL WASTEWATER AGENCY ESTABLISHING
USER CHARGE PER EQUIVALENT DWELLING UNIT
FOR FISCAL YEAR 2000/01**

BE IT ORDAINED by the Governing Board of the Big Bear Area Regional Wastewater Agency as follows:

1. Findings. Pursuant to Health and Safety Code Section 5471 and Government Code Sections 54344-54358, the Governing Board of the Big Bear Area Regional Wastewater Agency ("Agency") is empowered to prescribe and collect rates and charges for services and facilities furnished by the Agency in connection with its sewerage system. This Governing Board is required by the Agreement of May 3, 1977 entitled "OPERATING AGREEMENT NO. 1, AGREEMENT BETWEEN BIG BEAR AREA REGIONAL WASTEWATER AGENCY, BIG BEAR LAKE SANITATION DISTRICT, BIG BEAR CITY COMMUNITY SERVICES DISTRICT, AND COUNTY OF SAN BERNARDINO ON BEHALF OF IMPROVEMENT ZONE "B" OF SAN BERNARDINO COUNTY SERVICE AREA 53 REGARDING CAPACITY IN AND OPERATION AND MAINTENANCE OF REGIONAL SEWERAGE SYSTEM FOR THE BIG BEAR VALLEY," Part 5.02 of Section 5, to present to each Collecting Agency a statement showing the amount of the User Charge to be collected for each Equivalent Dwelling Unit during the ensuing fiscal year. It is therefore necessary that this Governing Board establish the amount of User Charge to be so collected for the fiscal year 2000/01.

2. Definitions. As used herein, the following terms shall have the meaning hereinafter ascribed to them:

2.1 "Equivalent Dwelling Unit" or "EDU" means the equivalent flow and pollutant loading of sewage and wastewater from a single family dwelling unit. The amount of various fees and charges to be paid by users of the Agency's sewerage system are determined based on the number of Equivalent Dwelling Units or EDU's assigned to such users by the Collecting Agencies in accordance with the user charge classifications and formula established by Ordinance No. 66.

2.2 "Plumbing Fixture Unit" means a plumbing fixture unit or equivalent fixture unit, public use, as defined in the Uniform Plumbing Code.

2.3 "Collecting Agency" means the Agencies which operate local sewage collection systems, i.e., the Big Bear City Community Services District, the City of Big Bear Lake, and the County of San Bernardino, which operates the sewage collection system within Improvement Zone "B" of San Bernardino County Service Area 53.

3. User Charge. The user charge to be collected by the Collecting Agency during the fiscal year 2000/01 shall be \$104.74 per Equivalent Dwelling Unit.

4. Collection. Each Collecting Agency shall levy said User Charge against all users of its sewage collection system based upon the Equivalent Dwelling

Units assigned to each user and shall collect the same in not more than twelve (12) installments.

5. Proration for New Users. Users who commence using the sewage collection system of one of the Collection Agencies after July 1, 2000 shall pay a proportionate amount of the User Charge for each Equivalent Dwelling Unit assigned to them by the Collecting Agency based on the number of calendar days during said fiscal year, in which they will use said collection system.

6. Repeal of Ordinance No 67. Ordinance No. 67 is hereby repealed.

7. Effective Date. This Ordinance shall become effective immediately upon its adoption.

ADOPTED this 26th day of January 2000.

DICK MORGAN, Chairman of the
Governing Board

ATTEST:

Secretary of the Governing Board of the
Big Bear Area Regional Wastewater Agency