

ORDINANCE NO. O.04-2008

AN ORDINANCE OF THE GOVERNING BOARD OF THE BIG BEAR AREA REGIONAL WASTEWATER AGENCY TO INCREASE THE CURRENT FEE SCHEDULE FOR THE DISPOSAL OF WASTE DELIVERED TO REGIONAL TREATMENT PLANT

WHEREAS, the Big Bear Area Regional Wastewater Agency (“BBARWA”) is a joint powers agency created under Government Code sections 6500 et seq. to exercise specified common powers of the member agencies for the purpose of constructing, maintaining and operating a regional system for the treatment and disposal of sewage and wastewater for the entire Big Bear Valley area (“Regional System”); and

WHEREAS, the Regional System is operated by BBARWA pursuant to the Waste Discharge Requirements and/or National Pollution Discharge Elimination System permits issued to BBARWA by a California Regional Water Quality Control Board in conformity with sections 13263, 13377, and 13523 of the California Water Code and Title 40 CFR Part 403 of the Clean Water Act; and

WHEREAS, Title 7 of the BBARWA Code of Resolutions and Ordinances (“BBARWA Code”) provides uniform rules for the regulation of wastewater discharges by establishing terms, limits, conditions, and permits for discharges, whether from existing, new or increased pollutant contributions, to provide for equitable distribution of the Agency’s and collecting agencies’ costs, and to provide procedures for complying with requirements placed upon the Agency and collecting agencies by local, state and federal regulations (See BBARWA Code 7.040.020 A); and

WHEREAS, Section 7.24.090 (A) of the BBARWA Code requires in part that “[a]ll domestic waste haulers discharging sanitary waste to the Agency’s regional treatment plant pay applicable fees related to said discharge”; and

WHEREAS, the costs of operating and maintaining the regional treatment plant has increased substantially, which has resulted in the need for a Waste Disposal Fee increase in order to provide a fair share distribution of fees based upon use while eliminating the current subsidy by the Single-Family Residence Users; and

WHEREAS, BBARWA retained the services of Engineering Resources of Southern California, Inc. in order to develop recommendations and a Rate Study for Waste Disposal Fee (“Study”). A copy of the Study dated December 14, 2007 is on file at BBARWA’s administrative offices and is available for public review; and

WHEREAS, section 5741 of the Health and Safety Code and Government Code sections 54344-54358, and Government Code Section 61000 *et seq.*, the Governing Board is empowered to prescribe and collect rates and charges for services and facilities furnished by the Agency in connection with its sewerage system; and

WHEREAS, following the Study’s recommendations, the Governing Board finds it necessary to revise the current “fee for discharge” as defined in Section 7.24.090 (B) of the BBARWA Code while using the same formula for Equivalent Dwelling Units (EDU) as found in Section 5.12.030 (C) of the BBARWA Code (See BBARWA Ordinance No. 66, adopted 7/22/98); and

NOW, THEREFORE, the Governing Board of the Big Bear Area Regional Wastewater Agency hereby ordains as follows:

SECTION 1. Section 7.24.090 of the BBARWA Code is hereby replaced in its entirety, to read as follows:

“Section 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 Costs</u>
Septic Tank Waste:	\$72.33 per 1000 gallons
Holding Tank Waste:	\$6.43 per 1000 gallons
Chemical Toilet Waste:	\$60.45 per 1000 gallons

The treatment and disposal costs shall be prorated for discharges 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.”

SECTION 2. The Governing Board finds that there is a reasonable relationship between the amount of the new fee increases and the cost of providing the service for which the fee is charged. This relationship is more fully documented in the Rate Study. The fee for discharge shall not be used for any other purpose than that for which the User

Charge is imposed. The User Charge is not imposed upon real property or upon persons as an incident of property ownership. The fee is imposed only as a condition of service upon the requesting of the Collecting Agency. The Fee is based upon reasonable estimates of the demand placed upon BBARWA in its role as a provider of regional wastewater services.

SECTION 4. In accordance with Health and Safety Code Section 5471, this Ordinance is hereby adopted by a vote of at least two-thirds of the members of the Governing Board.

SECTION 5. The fees adopted by this ordinance shall become effective 30 days after adoption.

SECTION 6. The Chairman of BBARWA shall sign this ordinance, and the secretary shall attest thereto, and a sign copy of this ordinance shall be transmitted to each member agency of BBARWA.

ADOPTED, this 27th day of August 2008.

Elizabeth Harris, Chair of the Governing Board
of the Big Bear Area Regional Wastewater Agency

ATTEST:

John Day, Secretary of the Governing Board
of the Big Bear Area Regional Wastewater Agency

I, John Day, Secretary of the Governing Board of the Big Bear Area Regional Wastewater Agency, DO HEREBY CERTIFY that the foregoing Ordinance of the Governing Board of the Big Bear Area Regional Wastewater Agency Increasing the Wastewater Connection Fee, Amending Ordinance No. 2 and Repealing Ordinance No. O.01-2007 of the Big Bear Area Regional Wastewater Agency, San Bernardino County, State of California, being Ordinance No. O.04-2008 was adopted at a regular meeting on August 27, 2008 of said Agency by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Secretary

(Seal)

STATE OF CALIFORNIA)
) SS
COUNTY OF)
SAN BERNARDINO)

I, John Day, Secretary of the Big Bear Area Regional Wastewater Agency, DO HEREBY CERTIFY that the foregoing Ordinance of the Governing Board of the Big Bear Area Regional Wastewater Agency Regulating the Use of Recycled Water Within the Territory of the Big Bear Area Regional Wastewater Agency, San Bernardino County, State of California, being No. O.04-2008, was adopted at a regular meeting on August 27, 2008 of said Agency by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Secretary

(SEAL)