

RESOLUTION NO. 299

A RESOLUTION OF THE COMMISSION OF THE
SANTA ANA WATERSHED PROJECT AUTHORITY
ESTABLISHING A POLICY AUTHORIZING EMERGENCY
DISCHARGES OF QUALIFIED WASTEWATER INTO THE
SANTA ANA REGIONAL INTERCEPTOR SYSTEM

WHEREAS, the SANTA ANA WATERSHED PROJECT AUTHORITY ("SAWPA") is the owner of the Santa Ana Regional Interceptor System, consisting of a pipeline for the conveyance of nonreclaimable wastewater and a right to deliver, treat and dispose of such wastewater in the facilities of the County Sanitation Districts of Orange County;

WHEREAS, from time-to-time SAWPA has been asked by various producers of wastewater to accept the temporary diversion of wastewater to the SARI System during emergencies; and

WHEREAS, it is the purpose of this Resolution to establish a policy authorizing qualified dischargers to temporarily divert wastewater, during emergencies, to the SARI System.

NOW, THEREFORE, the Commissioners of the SANTA ANA WATERSHED PROJECT AUTHORITY hereby resolve as follows:

Section 1. Policy Statement.

It shall be the policy of the SANTA ANA WATERSHED PROJECT AUTHORITY to permit the temporary emergency discharge of wastewater to the SARI System provided that all of the conditions set forth herein are fulfilled.

Section 2. Conditions of Emergency Discharge.

Prior to discharge, the following conditions shall be fulfilled or otherwise satisfied:

- a. Emergency Only: Discharges pursuant to this policy shall be the result of an operational emergency, such as a broken pipeline, non-functioning pump station, the failure of a wastewater treatment facility, or similar catastrophic event. The determination of whether an emergency exists shall be made solely by SAWPA, and the General Manager of SAWPA is delegated the authority, in his sole discretion, to deny any request to discharge pursuant to this policy. Periodic or intermittent discharges in excess of any SARI System capacity right do not qualify as an emergency.

b. Availability of Capacity: Any such emergency discharge shall only be permitted if SAWPA determines that it has available pipeline capacity to accommodate such discharge.

c. Prior Notice: Before any emergency discharge, the discharger shall verbally request permission to discharge to the SARI System. Each such request shall be confirmed in writing to SAWPA within 24 hours thereafter. Both notices shall include the following information:

(i) A description of the nature of the emergency requiring the discharge; and

(ii) The anticipated duration of the discharge; and

(iii) The amount of wastewater expected to be discharged; and

(iv) The name and telephone number of the discharger's representative.

d. Quality of Wastewater to be Discharged: The quality of the wastewater to be discharged hereunder shall comply with the requirements of SAWPA's Ordinance No. 3 and any and all amendments thereto that may hereafter be adopted, as well as any and all applicable conditions imposed upon the discharger pursuant to a permit to discharge wastewater to the SARI System.

e. Term of Emergency Discharge: Emergency discharges shall be temporary in nature, and shall be terminated as soon as the operational emergency has passed; provided, however, that under no circumstances shall an emergency discharge exceed 30 days in any calendar year.

f. Disposal Costs: The cost of discharging wastewater to the SARI System pursuant to this policy shall be established on a case-by-case basis by the General Manager of SAWPA, such amount to include recovering all costs associated with the conveyance, treatment and disposal of the wastewater. Such costs shall also include an additional 10% to offset the increase in administration and overhead as the result of the emergency situation.

g. Interest on Delinquent Payments: In the event that a discharger fails to make timely payments, the discharger shall, pursuant to California Health and Safety Code, Section 5473.10, pay interest at the rate of 1 1/2% per month on all sums owed to SAWPA.

h. Meters: All emergency discharges shall be measured in a manner and with a metering device acceptable to SAWPA, in its sole discretion. All costs and expenses of measurement shall be borne solely by the discharger.

i. Discharge Point: SAWPA, in its sole discretion, shall determine the point of any emergency discharge to the SARI System. All costs and expenses associated with the connection to the SARI System shall be borne by the discharger.

j. Additional Conditions: SAWPA reserves the right to impose on any discharger such additional conditions as may be necessary to protect the SARI System.

k. Indemnification: Any and all dischargers permitted to discharge on an emergency basis to the SARI System shall and does hereby agree to fully indemnify SAWPA against, and hold SAWPA and its employees and agents completely free and harmless from, any cost, expense, claim, demand, judgment, loss, fine, penalty, injury and/or liability of any kind or nature, including personal injury, death or property damage, asserted or unasserted, whether in contract or tort, that may arise from, directly or indirectly, or be occasioned by, or be in any way related to the discharge of wastewater to the SARI System.


Section 3. Effective Date.

This policy shall be effective on January 13, 1998, until amended or rescinded.

Adopted this 13th day of January, 1998.

SANTA ANA WATERSHED PROJECT AUTHORITY

By


Chairman of the Commission