

**COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

ENCROACHMENT PERMIT

Eastern Municipal Water District
Post Office Box 8300
Perris, CA 92572-8300

Attention: John J. Ward

August 31, 20 21

In compliance with your request of October 28, 20 20 and subject to all the terms, conditions and restrictions written below or printed as general or special provisions on any part of this form

PERMISSION IS HEREBY GRANTED TO

Construct an 8-inch PVC waterline crossing perpendicular to and underneath Sunnymead MDP Line M-10 at Parkwood Court Road via open trench method at approximate Station 18+21 of District Drawing No. 4-0363. New waterline to have approximately 2 feet of vertical clearance from the storm drain and shall be backfilled with controlled density fill to the spring line of the storm drain and be offset from the outer diameter 5 feet out on both sides. Work to be completed per the Pettit Regulated Pressure Zone plans as shown on Sheet Nos. 10 and 25 prepared by Krieger & Stewart and approved by the City of Moreno Valley on March 9, 2021 per City Encroachment Permit No. LCO18-0218.

The Permittee or Permittee's contractor will need to submit pipe support and protection plan, final/approved city encroachment permit, and BMP exhibit to the District for review and approval prior to construction.

Environmental review did not yield additional conditions.

This permit is to be strictly construed and no work other than that specifically mentioned above is authorized hereby. Performance of the work shall be deemed to be acceptance by the Permittee of all terms and conditions of this permit.

The permit shall be voided unless work herein contemplated shall have been completed before

December 3, 20 21

Drawing No(s) 4-0363 Sheet(s) 2

APPROVED:

By 
JASON E. UHLEY
GENERAL MANAGER-CHIEF ENGINEER

ec: Miguel Negrete
Michelle Cano

JM:rlp

GENERAL PROVISIONS

1. ACCEPTANCE OF PROVISIONS. It is understood and agreed by the Permittee that the performance of any work authorized under this permit shall constitute an acceptance of the provisions contained herein, and failure to comply with said provisions shall result in revocation of this permit by the Riverside County Flood Control and Water Conservation District.
2. NO PRECEDENT ESTABLISHED. This permit is granted with the understanding that this action is not to be considered as establishing any precedent on the question of the expediency of permitting any certain kind of encroachment to be erected within right-of-way of the Riverside Flood Control and Water Conservation District.
3. KEEP PERMIT ON WORK. This permit shall be kept at the site of the work and must be shown to any representative of the Riverside County Flood Control and Water Conservation District upon request.
4. PERMITS FROM OTHER AGENCIES. The party or parties to whom this permit is issued shall, whenever the same is required by law, secure the written order or consent to any work hereunder from the Public Utilities Commission of the State of California or any other public Board having jurisdiction, and this permit shall be suspended in operation unless and until such order or consent is obtained.
5. CLEAN UP RIGHT OF WAY. Upon completion of the work, all brush, timber, scraps and material shall be entirely removed and the right-of-way left in as presentable condition as before work started.
6. STANDARDS OF CONSTRUCTION. All work shall conform to recognized standards of construction.
7. SUPERVISION OF GRANTOR. All the work shall be done subject to the supervision of, and to the satisfaction of, the Riverside County Flood Control and Water Conservation District.
8. FUTURE MOVING OF INSTALLATION. It is understood by the Permittee that whenever construction, reconstruction or maintenance work on the right-of-way may require the installation provided for herein shall, upon request of the Riverside County Flood Control and Water Conservation District, be immediately moved by, and at the sole expense of, the Permittee.
9. LIABILITY FOR DAMAGES. The Permittee shall indemnify and hold the Riverside County Flood Control and Water Conservation District, its officers, agents, employees and independent contractors free and harmless from any liability whatsoever, based or asserted upon any act or omission of Permittee, its officers, agents, employees, subcontractors, independent contractors, guests and invitees, for property damage, bodily injury or death or any other element of damage of any kind or nature related to or in anywise connected with or arising from the Permittee's use of the premises, including, but not limited to, the construction, operation and maintenance of the installation provided for herein on the District's right-of-way or any such claims that may arise out of the failure of such installation, the condition thereof or the obligations to be performed by the Permittee herein. The Permittee shall defend, at its expense, including attorney's fees, the Riverside County Flood Control and Water Conservation District, its officers, agents, employees and independent contractors, in any claim or legal action based upon such alleged acts or omissions.
10. SURVEY MONUMENTS. Riverside County Flood Control and Water Conservation District monuments and/or right-of-way markers placed for the convenience of the Permittee and monuments or right-of-way markers destroyed or requiring placement during or after completion of the work shall be done by the Riverside County Flood Control and Water Conservation District's survey crews and the Permittee shall pay to the Riverside County Flood Control and Water Conservation District any and all costs incurred in the placement or replacement of District monuments and/or right-of-way markers within thirty (30) days of billing from the Riverside County Flood Control and Water Conservation District.
11. MAKING REPAIRS. The Permittee shall replace and restore the right-of-way at the place of the excavation to its condition prior to the making of the excavation.
12. CARE OF DRAINAGE. If the work herein contemplated shall interfere with the established drainage, ample provision shall be made by the Permittee to provide for it as may be directed by the grantor.
13. MAINTENANCE. The Permittee agrees by the acceptance of this permit to exercise reasonable care to maintain properly any encroachment placed by it in the right-of-way and to exercise reasonable care in inspecting for and immediately repairing and making good any injury to any portion of the right-of-way as a result of the work done under this permit, including any and all injury to the right-of-way which would not have occurred had such work not been done or such encroachment not placed therein.
14. PERFORMANCE WARRANTY. Bond may be required of the Permittee whenever in the judgment of the Riverside County Flood Control and Water Conservation District; it becomes necessary or advisable to guarantee performance.
15. DURATION. This permit may be cancelled by the Riverside County Flood Control and Water Conservation District upon thirty (30) days written notice to Permittee

SPECIAL PROVISIONS

1. INSPECTION FEE REQUIRED BY GRANTOR. The Permittee shall deposit a sum in the amount of \$ _____ with the Riverside County Flood Control and Water Conservation District at least five (5) working days prior to the anticipated start of work covered by this permit. Said amount is to cover the estimated cost of inspection, investigation, testing, etc., by the District of the work proposed under the permit.
2. NOTICE OF BEGINNING OF WORK. The Permittee shall advise the Chief Engineer in writing of the anticipated start of work covered by this permit. Said notice shall be delivered to the office of the Riverside County Flood Control and Water Conservation District at least five (5) working days prior to the start of work.

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All construction shall be performed in accordance with the appropriate provisions of the Standard Specifications for Public Works Construction, latest edition, unless otherwise stated below.

Prior to starting work under this encroachment permit, the Permittee or the contractor performing the work shall furnish a certificate of insurance specifying comprehensive liability limits of \$2,000,000 per occurrence and \$2,000,000 general aggregate. The Permittee, the District, the County of Riverside and any municipal corporation within which the work is to be performed shall each be named as an additional insured. Alternatively, comprehensive liability limits shall be \$1,000,000 per occurrence, with \$2,000,000 general aggregate and a minimum of \$2,000,000 excess liability. This insurance shall remain in effect for the duration of the work. Please reference the encroachment permit number (shown on your receipt for the initial deposit) on the certificate of insurance.

The Permittee's attention is called to all General and Special Provisions found on the reverse side of Sheet 1 of this permit.

The District requires five (5) days written notice prior to commencing work. Notice shall be given by contacting the Permit Section at 951.955.1266 and submitting the completed attached Construction Starting Notice to the District.

In the event Permittee or contractor fails to give proper notice before starting work, Permittee's contractor shall be required to remove the backfill for inspection and/or reconstruction of the work described in this permit, as directed by District's Permit Engineer. In addition, after any period of inactivity of three (3) working days or longer, the Permittee will again be required to notify the District at least one working day in advance of the resumption of work. Failure to properly notify the District could result in the permit being revoked.

The Permittee shall complete the work on the punch list provided by the District inspector. The Permittee shall then schedule a final inspection with the inspector prior to the District providing final approval for the construction authorized by this encroachment permit.

Within ten (10) working days after completing construction, the Permittee shall fill out the attached Construction Completion Notice and submit it to the District. The District must receive the Construction Completion Notice before acceptance of the work authorized by this permit and before a refund of unused funds can be processed.

The Permittee shall accept full responsibility for obtaining any permits necessary to perform the proposed work and for complying with all terms and conditions of these permits and all federal, state and county environmental laws.

After the utility installation, as-built drawings of the utility location(s) shall be submitted by the Permittee to the District. The Permittee or utility owner shall pothole to the precise location of the utility, if requested in the future by the District. The potholing shall be at the expense of the Permittee or utility owner.

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The Permittee shall have the responsibility of relocating or removing the utility in the future if it is necessary to allow the District to access the flood control facility for maintenance purposes or to modify the size of the facility. The Permittee shall incur the cost of relocation or removal.

Prior to the completion of the work authorized by this permit, the Permittee shall submit to the District for record and future information, any locations obtained by potholing of existing utilities next to flood control facilities. The utility locations shall be submitted with the Construction Completion Notice attached to the permit.

NPDES COMPLIANCE

The Permittee shall comply with the following Encroachment Permit conditions to meet the District's NPDES requirements:

- Encroachment permit Permittees whose project is a new development project or significant redevelopment projects shall demonstrate compliance with post-construction BMPs by providing to the District a copy of the project-specific WQMP.
- Encroachment permit Permittees who will discharge non-stormwater to District facilities must provide the following information to the District for review and approval:
 - The location, size and type of District facilities impacted.
 - The location(s) of the proposed connection points.
 - Discharge characteristics including discharge rate, duration, frequency and approximate volume.
 - Applicable NPDES Permits which authorize the discharge.
- Encroachment permit Permittees whose project requires coverage under the Construction General Permit shall demonstrate coverage by providing to the District a copy of the Stormwater Pollution Prevention Plan (SWPPP) and the WDID number.
- Encroachment permit Permittees whose project is exempt from the requirements of the Construction General Permit shall provide to the District documentation which demonstrates why the Permittee's project is exempt.
- Encroachment permit Permittees whose project is exempt from the requirements of the Construction General Permit shall provide to the District a BMP plan which demonstrates how the Permittee plans to implement BMPs which are sufficient to address any potential pollutants that the Permittee may generate by this activity.
- Encroachment permit Permittees shall provide in either the SWPPP or the BMP plan described above, the following items to the District for review and approval for construction activities within District Rights of Way:
 - A vicinity map showing the location of the project.
 - A map identifying the maximum disturbance area.
 - If applicable, identify any natural hydrologic features on the site and how the Permittee proposes to preserve them, where feasible.

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- If applicable, identify any riparian buffers and corridors onsite and how the Permittee proposes to preserve them, where feasible.
- Whether the activity is located within, adjacent to, or would directly discharge to a Receiving Water within an Environmentally Sensitive Area, and any additional BMPs implemented to prevent or minimize impacts to these areas.
- The Permittee shall implement the minimum BMPs listed in Table 1 at the end of this section where applicable. The Permittee shall identify on a map a location of BMPs they determine to be applicable to the project. Where the Permittee determines that a BMP is not applicable, they shall provide an explanation describing why.
- In addition, if upon review of the project, the District determines that the BMPs are not sufficient to prevent the discharge of pollutants to the District's facilities, then the District may require the Permittee to implement additional BMPs.

Discharges to the District's stormwater facilities are regulated pursuant to the Federal Clean Water Act (CWA), the State Porter-Cologne Water Quality Control Act (WQCA) and local ordinances. **Any discharge containing pollutants or that is not entirely composed of stormwater is expressly prohibited unless the discharge is: 1) specifically exempted by law or regulation; 2) authorized by a National Pollutant Discharge Elimination System (NPDES) Permit; or 3) authorized by Waste Discharge Requirements (WDR) or a waiver thereof.** By accepting this Encroachment Permit, the Permittee warrants that they shall at all times remain fully informed of and comply with the applicable provisions of the CWA, WQCA, Code of Federal Regulations, California Water Code, local ordinances, and any applicable NPDES Permit(s), WDRs or waivers thereof. A general permit for discharges shall be obtained from the State Water Resources Control Board or Regional Water Quality Control Board.

The District may, at any time, require the Permittee to provide evidence showing the proposed discharge is duly authorized by law, regulation or permit. Such evidence includes, but is not limited to, an individual NPDES Permit, a Waste Discharge Identification letter, a WDR or waiver thereof or other evidence satisfactory to the District.

The Permittee shall be solely responsible for all penalties and any liability provided by law resulting from Permittee's failure to comply with the requirements of any applicable NPDES Permit, WDR or waiver thereof. For the purposes of this paragraph, penalties and liabilities include, but are not limited to, fines, civil penalties and other damages, whether assessed against the District, Contractor, Permittee or their successors in interest, including those levied under the CWA, WQCA or local ordinance.

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Table 1. Minimum BMPs

BMP Name	CASQA BMPs	CALTRANS BMPs
<i>Erosion Controls</i>		
• Scheduling	EC-1	SS-1
• Preservation of Existing Vegetation	EC-2	SS-2
• Hydraulic Mulch	EC-3	SS-3
• Hydroseeding	EC-4	SS-4
• Straw Mulch	EC-6	SS-6
• Geotextiles and Mats	EC-7	SS-7
• Wood Mulching	EC-8	SS-8
• Earth Dikes and Drainage Swales	EC-9	SS-9
• Velocity Dissipation Devices	EC-10	SS-10
• Slope Drains	EC-11	SS-11
• Streambank Stabilization	EC-12	SS-12
<i>Sediment Controls</i>		
• Check Dams	SE-4	SC-4
• Fiber Rolls	SE-5	SC-5
• Straw Bale Barrier	SE-9	SC-9
• Active Treatment Systems	SE-11	-
<i>Tracking Controls</i>		
• Stabilized Construction Entrance/Exit	TC-1	TC-1
• Stabilized Construction Roadway	TC-2	TC-1
• Entrance/Outlet Tire Wash	TC-3	TC-3
<i>Wind Erosion Controls</i>		
• Wind Erosion Control	WE-1	WE-1
<i>Non-Stormwater Controls</i>		
• Temporary Stream Crossing	NS-4	NS-4
<i>Waste Management</i>		
• Waste Handling and Disposal	WM-5, WM-6	WM-5, WM-6
• Spill prevention, Control and Cleanup	WM-4	WM-4

SEASONAL CONSTRAINTS

All construction activity occurring between October 31st and March 31st must be started and completed during a clear weather forecast and within the scheduled duration of construction that is approved by the District prior to start of construction.

CONSTRUCTION STARTING NOTICE

TO: Encroachment Permits
Riverside County Flood Control
and Water Conservation District
1995 Market Street
Riverside, CA 92501

Work authorized under Encroachment Permit No. _____ is scheduled to begin on
_____ at approximately _____ (a.m. / p.m.). In the event construction
(date) (time)
cannot start as proposed, we will notify the Riverside County Flood Control District of the starting time
prior to the date shown above.

Remarks: _____

(Company and Telephone)

(Print Name and Signature)

CUT AND RETURN UPPER PART BEFORE CONSTRUCTION

CUT AND RETURN LOWER PART AFTER COMPLETION

CONSTRUCTION COMPLETION NOTICE

TO: Encroachment Permits
Riverside County Flood Control
and Water Conservation District
1995 Market Street
Riverside, CA 92501

Work authorized under Encroachment Permit No. _____ on _____
(date issued)
was completed on _____ in accordance with the permit conditions.
(date)

Remarks: _____

(Company and Telephone)

(Print Name and Signature)