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**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

SUBMITTAL DATE:
February 22, 2005

FROM: Executive Office

SUBJECT: NPDES Stormwater Discharge Permit- Implementation Agreement between the County of Riverside, the Riverside County Flood Control District and the Cities of Murrieta and Temecula

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the multi-year agreement;
2. Authorize the Chairman to sign the agreement on behalf of the County;
3. Authorize the use of Contingency Funds to hire one (1) additional Code Enforcement Officer;
4. Approve and direct the Auditor-Controller to make the budget adjustments shown on Schedule A attached.
5. Authorize the Purchasing and Fleet Services Department to purchase one (1) additional 4-wheel drive utility vehicle for the TLMA/Building and Safety Code Enforcement Division on an expedited basis.

BACKGROUND: The Implementation Agreement is a requirement of the NPDES Municipal Stormwater Discharge Permit (NPDES Permit) issued by the San Diego Regional Water Quality Control Board- Board Order R9-2004-001. The agreement establishes the responsibilities of each party with respect to the NPDES Permit for the Santa Margarita permit area. The agreement has been revised to reflect the increased permit requirements of Board Order R9-2004-001 and modifies the cost sharing provisions to allow for increased funding of regional compliance programs and consulting services necessary to comply with the NPDES Permit.

Alex Gann

Alex Gann, Management Analyst

FINANCIAL DATA

Current F.Y. Total Cost:	\$ 107,228	In Current Year Budget:	Yes
Current F.Y. Net County Cost:	\$ 107,228	Budget Adjustment:	Yes
Annual Net County Cost:	\$ 147,000	For Fiscal Year:	FY 04/05

SOURCE OF FUNDS: CEO operating budget (\$67,000) and general fund contingency (\$40,228)

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Shonda King

FISCAL PROCEDURES APPROVED
 ROBERT E. BYRD, Auditor-Controller
 BY *RAK* 2/23/05
 Deputy
 Departmental Concurrence

Dep't Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: | **District: 1, 3** | **Agenda Number:**

**ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD**

3.2

COUNTY OF RIVERSIDE
 CLERK OF THE BOARD
 RECEIVED 02 FEB 23 2005
 OFFICE OF EXECUTIVE
 02 FEB 23 09:33
 PRODUCED BY THE CLERK OF THE BOARD
 RIVERSIDE COUNTY

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The Building and Safety Department, Code Enforcement Division requested funding to hire an additional Code Enforcement Officer to assist with implementation of the NPDES Program. The hiring of one Code Enforcement Officer will cost \$80,000 annually. For FY 04/05, the prorated cost is \$40,288. Funding for the position will come out of Contingency Funds. The financial aspects are detailed within the attached Schedule A.

The Building and Safety Department, Code Enforcement Division will coordinate with the Executive Office concerning the development of project assignments for the NPDES Program. Examples of duties to include: follow-up on water quality complaints from the public/regulatory agencies, illicit discharge detection/elimination, follow-up on commercial/industrial inspections, dry-weather monitoring, and other duties which may arise as programs evolve. The Executive Office requests quarterly progress reports concerning the water quality duties being performed by the Code Enforcement Officer.

The San Diego Regional Water Quality Control Board issued a new NPDES Permit on July 14, 2004, to the Santa Margarita River Watershed permittees of Riverside County (Riverside County Flood Control District, County of Riverside, City of Murrieta, and City of Temecula) to regulate urban runoff. This permit is based on previously issued permits issued to San Diego and Orange County's.

The new permit requires significant modifications to the County's existing NPDES program. The new permit outlines prescriptive requirements that must be addressed in order to comply with the State Water Resources Control Board, and prevent Notices of Violations and possible fines. The requirements consist of:

- 1) Modifying existing NPDES and related pollution prevention ordinances;
- 2) Developing local and watershed-wide water quality management plans;
- 3) Revising existing development review and approval processes;
- 4) Conditioning development projects (private and municipal) with source-and-treatment control Best Management Practices (BMPs);
- 5) Enhancing our existing construction pollution prevention program;
- 6) Developing industrial/commercial/municipal facilities pollution prevention programs;
- 7) Enhancing urban runoff education programs;
- 8) Developing an Illicit Discharge Detection program;
- 9) Expanding the existing year-round sampling program;
- 10) Preparing lengthy Annual Reports and Reports of Waste Discharge; and
- 11) Establishing a cost-sharing Implementation Agreement among the permittees.

The Implementation Agreement delegates the responsibilities of the permittees, identifies costs, and establishes a cost sharing formula for a variety of regional program components of the new permit. The Santa Margarita Watershed Benefit Assessment District funds collected by the Flood Control District, are insufficient to continue supporting NPDES program costs. As a result, supplemental costs associated with the new permit are each Permittees responsibility as outlined in the attached cost summary.

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The Permittees have developed Implementation Agreement costs based on each Permittee's population and benefit assessment unit (BAU), which is the area served. The Riverside County Flood Control District, serving as the Principal Permittee, will administer the agreement as well as the compliance activities listed in the attached cost summary. Costs outlined in the Implementation Agreement are in addition to those required to maintain the County's existing NPDES programs, including the annual permit fee.

The agreement calls for all co-permittees to reimburse the Flood Control District for up to \$500,000 per year based on the cost-sharing methodology. The cost for the County for FY 04/05 is estimated to be \$67,000. The Flood Control District will provide the Co-Permittees with annual planning estimates for budgeting purposes. The County's annual costs may increase up to a maximum of \$100,000, during the five-year term of the permit, based upon population increases within the watershed.

The Flood Control District has a companion item to their Board for consideration this same date.

**Form 11: NPDES Stormwater Discharge Permit-Implementation Agreement
March 1, 2005**

ATTACHMENT A

INCREASED APPROPRIATIONS

10000-3110200000-510040	\$28,709
10000-3110200000-523700	\$ 5,009
10000-3110200000-528920	\$ 6,510

TOTAL INCREASED APPROPRIATIONS **\$40,228**

DECREASE APPROPRIATIONS

10000-1109000000-581000	Contingency	\$40,228
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TOTAL DECREASED APPROPRIATIONS **\$40,228**