

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

938



FROM: TLMA/Building and Safety and County Executive Office

SUBMITTAL DATE:
March 13, 2006

SUBJECT: Feasibility Report on NPDES Commercial/Industrial Compliance Program and Business Registration and Licensing Program

RECOMMENDED MOTION: That the Board of Supervisors:

1. Receive and file the attached report, entitled Feasibility Report on NPDES Commercial/Industrial Compliance Program and Business Registration and Licensing Program;
2. Approve the development of a NPDES Commercial/Industrial Compliance Program and Business Registration and Licensing Program, and direct TLMA/Building and Safety and County Counsel to report back in 90 days with the required ordinances, budget and staffing needs to implement the program.

Concur: 
 Tony Carstens, Agency Director, TLMA
 Departmental Concurrence


 Alex Gann, Senior Management Analyst
 County Executive Office


 Jim Miller, Director
 Department of Building and Safety

FINANCIAL DATA	Current F.Y. Total Cost:	N/A	In Current Year Budget:	No
	Current F.Y. Net County Cost:	N/A	Budget Adjustment:	No
	Annual Net County Cost:	N/A	For Fiscal Year:	FY 06-07

SOURCE OF FUNDS: Start-up program costs, including NCC, to be considered in the FY 06-07 budget.	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:
 APPROVE

 County Executive Office Signature

Policy
 Consent
 Policy
 Consent

Dept's Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.: 9/27/05 (3.7) | **District:** All | **Agenda Number:**

3.23

BACKGROUND: On September 27, 2005, the Board of Supervisors directed the Executive Office and the Director of Building and Safety to evaluate the feasibility of implementing an "Environmental Registration and Compliance Program (ERCP)" and report back to the Board.

The attached report entitled, Feasibility Report on NPDES Commercial/Industrial Compliance Program and Business Registration and Licensing Program outlines the pertinent NPDES regulatory and compliance issues, with respect to the requirements to develop a database and inspection program for commercial/industrial facilities. The report was prepared with input from TLMA/Building and Safety, County Counsel, County Executive Office, Fire Department, Economic Development Agency (EDA), Department of Environmental Health, and the Sheriff's Department.

The findings of the report indicate that the County of Riverside does not have an adequate database or inspection program for commercial and industrial businesses within the Santa Margarita Watershed. In addition, the County has received correspondence from the San Diego Regional Water Quality Control Board (RWQCB) indicating these deficiencies could lead to an enforcement action if significant progress is not achieved (Attachment C of the report). Attachment B of the report provides examples of administrative civil liabilities against cities, counties and developers for failure to implement NPDES required programs.

The report includes a description of a NPDES Commercial/Industrial Compliance Program that would comply with the NPDES Permit issued by the San Diego RWQCB. The Colorado and Santa Ana RWQCBs will issue new permits in 2006 and 2007, respectively. It is likely that the new permits will have similar database and inspection requirements as the San Diego Permit. Establishing a NPDES Commercial/Industrial Compliance Program that includes all the watersheds would, in the long-term, reduce program costs and encourage efficiencies in inspection and enforcement.

The recommendation for a Business Registration and Licensing Program was a natural outgrowth of the research conducted. Without a Business Registration/License Program, it is difficult to develop an adequate inventory of the commercial/industrial facilities stipulated within the NPDES permits. Business practices and activities must be known to determine their potential threat to water quality. A business registration/license database could provide the essential inventory information needed to meet NPDES requirements.

The positive attributes of a Business Registration/License program are also described within the report. Several county departments identified the following possible benefits of a countywide Business Registration/License database: increased public safety capabilities (standardized inspection process, fire safe environments, emergency contact information, reduction in possible loss of life and property), business development and outreach, annual registration of Packers and Point of Sale Stations, demographic information, sales tax monitoring, and business compliance with codes and standards.

The report also included a survey of surrounding Southern California cities and counties to determine whether they had a business license program. All the cities within Riverside County have a business license program as detailed in Attachment F. Three counties within Southern California (Ventura, Santa Barbara and Los Angeles) have a business license program and three others do not have business licenses (San Bernardino, Orange and San Diego).

In addition, the report documents that several jurisdictions utilize General Funds to pay for their NPDES Commercial/Industrial Inspection Programs. Few jurisdictions have identified a single source of revenue to offset the cost of the program, outside of General Fund contributions.

Based on the findings in the report, staff is recommending that the Board approve the development of a NPDES Commercial/Industrial Compliance Program and Business Registration and Licensing Program and direct TLMA/Building and Safety and County Counsel to report back in 90 days with the required ordinances, budget and staffing needs to implement the program. The Business Registration and Licensing Program will provide the necessary database for the NPDES Commercial/Industrial Compliance Program.

If approved by the Board, the initial program costs will require General Fund support. The support needed would include: purchase of a software program and staffing to administer the program. The intent of each program is to be self-sustaining through the establishment of fees and would likely need to be evaluated semi-annually to determine whether additional General Funds are required.

The NPDES Commercial/Industrial Compliance Program will be limited in scope and staffing. It is estimated that the program could be initiated with \$100,000 for data development and initial inspections. Long-term, the program would become fee supported. General Fund support, estimated at \$200,000, would also be needed to develop the Business Registration and Licensing Program. It is anticipated that after the first year, the annual registration/license fee and renewal fee will offset the cost of maintaining the data base and processing renewals.

In conclusion, the approach recommended within the report is intended to meet the immediate and long term needs of the County. If approved by the Board, staff will return with future budgetary and programmatic impacts related to the program and incorporate the items within the departmental budgets for FY 06/07.



**FEASIBILITY REPORT TO
THE BOARD OF SUPERVISORS ON:**

**NPDES COMMERCIAL/INDUSTRIAL
COMPLIANCE PROGRAM**

&

**BUSINESS REGISTRATION AND LICENSING
PROGRAM**

PREPARED BY:

**COUNTY EXECUTIVE OFFICE &
TLMA/BUILDING AND SAFETY DEPARTMENT**

March 14, 2006

FEASIBILITY REPORT ON NPDES COMMERCIAL/INDUSTRIAL COMPLIANCE PROGRAM AND BUSINESS REGISTRATION AND LICENSING PROGRAM

MARCH, 2006

Background

On September 27, 2005 (M.O. 3.7), the Board of Supervisors directed the Executive Office and the Building and Safety Department to evaluate the feasibility of implementing an Environmental Registration and Compliance Program (ERCP). This direction was in response to the Board report which found that as a result of the Clean Water Act and the recent National Pollutant Discharge Elimination System (NPDES) permit, issued by the San Diego Regional Water Quality Control Board (RWQCB) on July 14, 2004, a formal water quality/stormwater discharge inspection of specific commercial and industrial facilities is required. The new permit also requires an increase in County enforcement, per the County's Stormwater Discharge Ordinance (Ordinance 754.1) (Attachment A), for violations of the ordinance and/or permit.

Failure to comply with the federal Clean Water Act and/or the NPDES permit could subject the County to administrative civil liability in the amount of up to \$10,000 per day, per site, pursuant to California Water Code § 13385(c)(2). In addition, the County could also be subject to significant civil or even criminal sanctions under federal and/or state law. Under both federal and state law, civil liability may accrue at \$25,000 per day for each violation and criminal sanctions for a first offense generally accrue at up to \$50,000 per day of violation, or by imprisonment for not more than 3 years, or by both. (See 33 U.S.C. § 1319(c, d and g) and California Water Code §§ 13385(b) and 13387(c).

Failure to comply with RWQCB-issued NPDES permits can be costly for businesses and local jurisdictions. In a recently reported case, a criminal fine in the amount of \$600,000 for industrial runoff from a collection pit into the Los Angeles and San Gabriel Rivers was imposed on a Southern California soft drink bottler, 7-Up/RC Bottling (Los Angeles Times, 11/11/05 at B5). Similar penalties have been levied against governmental agencies and developers by the RWQCBs that have jurisdiction over Riverside County (Attachment B).

Current obstacles to meeting NPDES requirements include the lack of a County inventory of commercial and industrial businesses and a comprehensive program to conduct inspections and direct enforcement to meet the new requirements. This report separates the proposed ERCP into two programs for the Board's consideration. While each program could be developed separately, in the long term, establishing both programs would address NPDES and other County program needs identified in this report.

- ♦ The first section of this report discusses the NPDES Commercial/Industrial Compliance Program. It provides a summary of NPDES requirements, a description of the County's current commercial/industrial compliance program, and offers, for the Board's consideration, a program that can be designed to meet current NPDES regulations in the San Diego RWQCB area of Riverside County.
- ♦ The second section discusses a Business Registration and Licensing program by describing the long-term potential benefits of a countywide business licensing program that would assist the County in complying with long-term NPDES requirements and enhance current County programs related to public health and safety, economic development, graffiti control and other existing County programs.¹

I. NPDES COMMERCIAL/INDUSTRIAL COMPLIANCE PROGRAM

A. REGULATIONS

Federal and State Regulations: The federal Clean Water Act (CWA), in conjunction with the State's Porter-Cologne Water Quality Control Act (Porter-Cologne), provides the primary legal basis for controlling discharges to California's waters. The CWA requires issuance of NPDES permits for discharges of pollutants from public storm drainage systems. In California, the CWA and Porter-Cologne Act are administered by the State Water Resources Control Board ("State Board") and the nine Regional Water Quality Control Boards (RWQCBs). Ultimately, the responsibility for cleaning up non-point source pollution that enters the local storm drainage systems has been directed to counties and cities, with RWQCBs levying large fines against local jurisdictions and developers that fail to comply with permit requirements.

Every five years the NPDES permits issued for public storm drainage systems must be renewed. With each renewal, new and more stringent requirements have been inserted, even though the underlying statutory and regulatory requirements have not changed significantly. Changes in regulations may be a result, in part, to pressure from environmental groups that have argued and sued cities, counties and RWQCBs for not implementing the CWA adequately. Overall, there is an ongoing shift in regulatory focus from an education and technology-based approach to an approach based on achieving water quality standards without full disclosure of benefit, cost, or practicality.

¹ The proposed business license program would be instituted pursuant to the authority contained in California Business and Professions Code § 16100. The licensing fees cannot legally exceed the reasonable costs of providing the service or regulatory activity included in such a program (i.e. it must remain revenue-neutral). The proposed program is to be distinguished from the business license tax feature authorized by California Revenue and Taxation Code § 7284. A business license tax would require voter-approval under proposition 218 and is not being proposed to the Board for consideration.

The most recent NPDES permits require regulated local agencies, including Riverside County, to increase its inspection and enforcement efforts to achieve water quality standards. Large public and private expenditures are being required to achieve this goal and these expenditures are expected to increase. Although Porter-Cologne requires consideration of economics, the State Board and RWQCBs hold that either the CWA does not require consideration of economics or argue that many current standards were developed at a time when the costs required to meet them were unforeseen.² The Flood Control District and County staffs, mindful of these costs, negotiate with the RWQCBs to consider the cost and efficacy of increased requirements as permits and programs are developed.

The CWA requires the elimination of pollutants at their source, prior to entering the publicly owned storm drain system, streams, rivers, creeks and water bodies. The CWA specifies a variety of control measures for commercial and industrial land uses, often referred to as Best Management Practices (BMPs). The CWA considers "end of pipe" solutions as a last resort, with a preference towards identification and mitigating the impacts of pollutants at their source. Potentially, this can reduce costs as it is usually less expensive to develop proactive inspection programs of on-site facilities than to develop the infrastructure to treat storm water runoff off-site, like sewage.

The CWA requires inspection and enforcement programs to eliminate pollutants from municipal, commercial, industrial and residential sources. The NPDES permits adopted pursuant to the CWA further requires local governments to adopt and/or amend ordinances utilizing their police powers in order to prevent pollutants from industrial and commercial sources from entering the publicly owned storm drain system.

Local Regional Boards: The Santa Ana, the Colorado River and the San Diego RWQCBs regulate water quality activities in Riverside County. Attachment C shows the areas that are covered by each RWQCB. Riverside County is required to review its legal authority, ordinances and administrative procedures when permits are issued by each RWQCB within a typical five year permit cycle.

In July 2004, the San Diego RWQCB issued a new NPDES permit to Riverside County for the Santa Margarita Watershed. An important element of the new San Diego RWQCB permit is the requirement that minimum BMPs be defined and installed at all new development sites and at existing residential, commercial and industrial sites.³ The San Diego RWQCB issued a letter dated September 28, 2005 (Attachment D) that indicated the County had not developed a database for commercial/industrial facility types outlined within the permit that went beyond those

² This position has received support from a recent decision of the California Supreme Court in City of Burbank v. State Water Resources Control Board (April 4, 2005) in which the Court held that a RWQCB is not required to consider economic factors in deciding to impose pollutant restrictions that are less stringent than applicable federal standards required under the CWA.

³ The issue of new development site requirements will be addressed at the Board's NPDES workshop scheduled for April 4, 2006.

inspected by DEH, a potential violation of the permit. As noted earlier, the County faces the risk of substantial penalties because failure to implement a mandatory program could subject the County to an administrative civil liability of \$10,000 per day or worse in the event that civil or criminal sanctions were imposed. See California Water Code §§ 13385(b), 13385(c) and 13387(c). Attachment E lists the businesses subject to increased NPDES enforcement in accordance with the San Diego permit.

It is likely that the new Colorado and Santa Ana permits will mirror the regulations contained in the San Diego permit, as this has been the pattern for new permits. The County will be required to review and modify its ordinances, administrative procedures and policies with the renewal of the Colorado Region RWQCB Permit in 2006 and Santa Ana RWQCB Permit in 2007.

Table 1 provides a summary of each of the RWQCBs, the watershed areas they include, and the date of permit issuance and expiration. The table also summarizes where the current County commercial/industrial program, the Commercial/Industrial Compliance/Assistance Program (C/AP), needs to be expanded. The next section describes the C/AP.

**Table 1
RWQCB Permit Cycle and Current Commercial/Industrial Requirements**

RWQCB	Watershed Area	Permit Issued	Permit Expires	Industrial & Commercial Program Expansions
San Diego	Santa Margarita Watershed	July 2004	July 2009	C/AP insufficient. Additional businesses require inspection and enforcement.
Colorado	Whitewater Watershed	November 2001	November 2006	C/AP currently sufficient
Santa Ana	Santa Ana Watershed	October 2002	October 2007	C/AP sufficient, though mobile operator data is lacking.

B. COMMERCIAL/INDUSTRIAL COMPLIANCE/ASSISTANCE (C/AP) AND PROPOSED NPDES COMMERCIAL/INDUSTRIAL COMPLIANCE PROGRAMS

Current C/AP: The cities and the County of Riverside currently rely on a regional inspection program funded by the Riverside County Flood Control District, through a Memorandum of Understanding (MOU) with the Department of Environmental Health (DEH). The DEH has crafted a Stormwater Survey Program referred to as the Commercial/Industrial Compliance/Assistance Program (C/AP) that involves a stormwater survey for two types of facilities, those that must secure a hazardous materials permit for storage, handling or generating such materials, and food

retailers and restaurants. The Stormwater Surveys are conducted in conjunction with other scheduled DEH inspections.

Overall, the C/AP has proven to be an effective and efficient program serving the unincorporated County and cities in Riverside County. The Flood Control District has funded DEH with approximately \$275,000 annually to implement the C/AP.

C/AP Limitations: The current C/AP has the following limitations in meeting current San Diego RWQCB permit requirements:

1. The San Diego RWQCB permit requires more facility types to be inventoried and inspected, as shown in Attachment E. Many of the facility types listed in Attachment E do not fall within the regulatory parameters of DEH and there is no current inventory of these facilities.
2. The San Diego permit requires more rigorous inspection and enforcement, including specific inspection criteria that identify a variety of technical BMPs, and an enforcement program that lists specific potential violations and corrective actions. The DEH has limited stormwater enforcement powers.
3. DEH has voiced the concern that expanding the C/AP to enforce increased storm water regulations for more formalized inspection and enforcement at additional facilities will impinge on their primary mission to inspect food service and hazardous waste facilities. DEH is willing, however, to continue the current C/AP in the Santa Ana and Whitewater areas, where regulations have not expanded. DEH is also committed to continuing its current level of service in the cities of Temecula and Murrieta, as these cities, like the County, prepare to expand their programs to meet increased regulatory requirements.
4. Building and Safety, including Code Enforcement, has been enforcing the Stormwater Ordinance for typical violations. The increase in permit requirements, resulting in follow-up/reinspection by Code Enforcement, has created additional administrative burdens for Code Enforcement.
5. The Flood Control District has indicated that funding for the C/AP is limited, due to increased NPDES monitoring and other permit requirements. An alternative funding source is needed to continue and expand the commercial and industrial NPDES compliance program.

The business community has expressed concern with having two County departments, DEH and Code Enforcement, providing similar inspection services. The Transportation and Land Management Agency (TLMA), who is identified as the lead enforcement agency for the Stormwater Ordinance, has agreed, upon the Board's direction, to spearhead a three phase development of an expanded NPDES Commercial/Industrial Compliance Program to meet RWQCB regulations.

Proposed NPDES Commercial/Industrial Compliance Program:⁴

The proposed NPDES Commercial/Industrial Compliance Program has three phases. The first phase is the creation of a data base that will record property owner/operator information for commercial and industrial uses in the unincorporated areas of Riverside County. This data base will be used as the basis for the initial notification to property owners of the need for an inspection. The second phase will involve the inspection of businesses for compliance with NPDES regulations and the third phase is enforcement activities for businesses not currently in compliance.

Phase 1: Data Base: The initial data base will be drawn from the current DEH inventory of businesses, sales tax data lists, and other county data sources, such as the Auditor, Treasurer, and Planning Department. Field verification will occur, using TLMA personnel in the field to assist in developing the data base.

Notices will be sent out to affected commercial and industrial businesses informing them of RWQCB permit requirements and requesting that the property owner/operator fill out an accompanying business information questionnaire. The questionnaire will retrieve basic property owner information and additional information relating to the type of activity, processes, materials and other pertinent manufacturing/sales activities applicable to the NPDES permit. TLMA is exploring the possibility that funding for the data base could be based on an estimated payment of \$30-60 to register the business and a reduced cost for annual renewal. The imposition of such a fee would be subject to legal authority considerations in determining the method/manner under which the fee would be authorized. Without this fee, this program would have to become General Fund supported.

Phase 2: Inspection: The data base and responses will be reviewed to determine whether the business requires an inspection based on the prioritization of inventoried facilities, as shown in Attachment E. The program will benefit from inspections already completed by DEH, so that the program can focus on newly identified commercial/industrial facilities for inspection.

Due to the varying degree of complexity of the many different types of commercial and industrial facilities that will be inspected, it is proposed that a deposit-based inspection fee be required (subject to legal authority considerations as to whether such a fee may legally be imposed). Without this fee, this program would have to become General Fund supported. A deposit-based fee, estimated at \$150, is viewed as being more equitable (versus a flat fee) because the size and complexity of the facility will dictate the actual inspection costs. It is anticipated that the first inspections will begin as soon as a reliable data base is developed, but no sooner

⁴ If the Board approves the recommendations within this report, the C/AP Program would ultimately be phased out within the unincorporated County (with the exception of the Santa Ana and Whitewater Watersheds). Within the Santa Margarita Watershed, the cities of Murrieta and Temecula depend on the C/AP for program compliance and would need time to develop an alternative program and funding. Therefore, it is recommended that the C/AP continue within the cities until alternative programs can be developed. DEH has agreed with this transition strategy and will assist with coordination on this issue.

than January 1, 2007. Following an initial notification to property owners, a billing will be sent to commercial/industrial facilities requiring inspection so that their business may receive certification for NPDES compliance.

Once an initial inspection is completed, the required inspection frequency will be based on the prioritization schedule established by the RWQCB permit. The Santa Margarita permit requires that high priority facilities be inspected annually, medium priority facilities be inspected every two years and low priority facilities be inspected once every five years. It is anticipated that over a period of three years all required facilities will be inspected at least once by TLMA staff.

Phase 3: Enforcement: If a facility fails to register, or fails to comply with the inspection requirements, the business will be turned over to TLMA for follow up. TLMA staff will be assigned to verify the accuracy of the non-responding facilities by inspecting them. During that inspection, staff will note any water quality deficiencies and determine the appropriate corrective action.

Initially, all property owners will be given a written warning stating that all violations will need to be brought into compliance within 90 days. However, if corrective action is not taken, violations will follow the existing Administrative Citation procedure in which the first violation receives a \$100 citation, the second if not corrected in 30 days \$250, and \$500 if not corrected within an additional 30 days. Additional civil and criminal remedies are also available should the violation continue unabated.

It should be noted that failure to renew a registration will also be subject to the administrative citation procedure. This billing will also identify the renewal date and any late fees associated with failure to renew. Any late fees to be assessed will be based solely on the cost of sending out additional notices and therefore will not be punitive in nature.

II. BUSINESS REGISTRATION AND LICENSING PROGRAM

A. PURPOSE OF A BUSINESS REGISTRATION AND LICENSING PROGRAM

Implementation of the NPDES Commercial/Industrial Compliance Program is difficult without an inventory of all commercial and industrial businesses in the County. Watershed boundaries do not follow parcel line boundaries, roadways or jurisdictional lines. It is difficult for TLMA staff to create a list of NPDES-related businesses in the Santa Margarita area, for example, when there are no visible watershed boundaries in the field. Further, business names do not reflect all the activities that could overlap with NPDES requirements. Lastly, since it is likely that the Santa Ana and Colorado RWQCBs will expand permit requirements to mirror those in San Diego, there are certain cost and manpower benefits in establishing a countywide Business Registration and Licensing Program.

A survey of Southern California Counties revealed that three counties have enacted business licenses (Los Angeles, Santa Barbara, and Ventura) and three others do not have business licenses (San Bernardino, Orange, and San Diego).⁵ All the cities in Riverside County currently have a business/registration or business tax (Attachment F).

B. POTENTIAL BENEFITS OF A BUSINESS REGISTRATION AND LICENSING PROGRAM

When contacted by the Executive Office, the Fire Department, Economic Development Agency (EDA), Sheriff, TLMA and DEH identified the following possible benefits from a countywide Business Registration and Licensing database of commercial and industrial businesses:

1. Sheriff, Fire, Environmental Health, Hazardous Materials and Code Enforcement would have access to critical information during emergencies. The Fire Chief noted, for example, the data base will allow for a standardized inspection process to eradicate normal hazards existing in many businesses in Riverside County today. Station personnel will have increased familiarity with businesses in their roll area. An improved inspection process will provide fire safe environments, reducing the loss of life and property.
2. EDA noted that commercial/industrial data base information would assist in business development and outreach programs.
3. Use of data base information would assist other County programs, such as: Graffiti Implement Sales Monitoring and the Annual Registration of Packers and Point of Sale Stations.
4. The business registration and licensing data would provide valuable information to the TLMA Demographic Unit in their analyses and to respond to public requests for data, including incorporation efforts.
5. The data base would help to monitor sales tax data.
6. The data base could provide Information about businesses out of compliance with codes and standards, which if unidentified, can unfairly undercut businesses that are in compliance with codes and standards.
7. Licensing will provide evidence of operating a legitimate business in the County of Riverside to business owners needing this documentation.

⁵ San Diego County, subject to the same NPDES compliance requirements, uses general funds to pay for its NPDES commercial/industrial compliance program.

The Business Registration and Licensing Program under consideration would be authorized by California Business and Professions Code Sec. 16100. The fees associated with the program could not exceed the reasonable cost of providing the service or regulatory activity and may not be levied for general revenue purposes. The proposed regulatory program is, therefore, revenue-neutral and is not a business license tax instituted pursuant to California Revenue and Taxation Code Sec. 7284. (A business license tax would require voter-approval under Proposition 218 and is not under consideration.)

C. FACTORS TO BE CONSIDERED IN A BUSINESS REGISTRATION AND LICENSING PROGRAM

Staff conducted a survey of business license fees charged by the cities located in the County (Attachment F) and found varying fee charges and funding structures. If the Board approves a Business Registration and Licensing Program, full staffing and cost information will be determined and the applicable rate calculated. It is anticipated that staffing would be minimal for data entry, field verification and supervision. Other costs associated with the program include data base software, electronic application and payment capabilities, and typical overhead expenses. The fees associated with a Business Registration and Licensing Program would not exceed the reasonable cost of the program and may only be used for the purpose of regulation (not for general revenue purposes), in accordance with the California Business and Professions Code 16100.

Similar to Phase 1 of the NPDES Commercial/Industrial Compliance Program, the first phase would include development of an application to ensure sufficient information is collected from businesses to assess the need for subsequent inspections, certifications and monitoring. It is proposed that data from existing sources would be used to create a database of businesses and a public outreach campaign would be conducted regarding the Board's decision to proceed with a Business Registration and Licensing Program. This data base would be expanded through field efforts and long-term, by including in conditions of approval, a requirement for a business registration/license.

Businesses would complete an application for a business registration/license with the County, and pay the applicable fee(s). Staff is investigating an electronic application and payment process through Information Technology. To streamline processes and meet interdepartmental goals, the application form would include sections pertinent to current County regulations, including: water quality/ stormwater discharge, graffiti implement sales and packer and point of sale stations. Departments responsible for these programs would help to develop the registration/license form and have access to the data base to complete certifications, inspections, reporting and monitoring.

It is recommended that the registration fee be based upon the cost of maintaining the data base, estimated at \$30-60/year per business, with a lesser fee for business

renewal for registered businesses.⁶ Based on a review of other jurisdictions' programs, staff considered a fee that could be based on the size of the property, business type, number of employees, sales, etc. However, staff recommends a flat fee for the business registration/license, regardless of the size or type of business, because the work associated with processing the application, issuing a registration/license and making an entry into the database is the same, regardless of the size or type of business. Annual renewals are recommended due to the rapid growth in Riverside County and the frequent turnover in businesses. Every attempt will be made to create a streamlined, user-friendly and cost effective program.

III. ORDINANCES

Implementing the NPDES Commercial/Industrial Compliance and Registration Program or Business Registration and Licensing Program will require amendments to current County ordinances or the development of a new ordinance. County Counsel has advised that a stand-alone ordinance or a major amendment to the existing Stormwater Ordinance [Riverside County Ordinance (RCO) No. 754] will be required to implement the registration, inspection and enforcement components of the NPDES Commercial/Industrial Compliance Program.

For the Business Registration and Licensing Program, County Counsel would be required to develop a new stand-alone ordinance (to cover all businesses located within the unincorporated areas of the County) or a major amendment to RCO No. 754 (if coverage only extends to those NPDES-related businesses within the unincorporated areas of the County subject to the commercial/industrial inspections required under the NPDES permits).

IV. FISCAL

The initial program costs will require General Fund support in order to get the program started. The support needed would include: purchase of a software program to manage the data base and to hire staff to input the required information for the NPDES Commercial/Industrial Compliance Program and Business Registration and Licensing Program. The intent of each program is to be self-sustaining through the fees and either program would likely need to be evaluated semi-annually to determine whether additional General Fund support is required.

The NPDES Commercial/Industrial Compliance Program could be limited in scope and staffing to direct efforts at NPDES-related businesses. It is estimated that this type of program could be initiated with \$100,000 for data development and initial inspections. Long-term, the program would become fee supported.

General Fund support, estimated at \$200,000, would be needed to develop the Business Registration and Licensing Program. It is anticipated that after the first year, the annual registration fee and renewal fee will offset the cost of maintaining the data base and processing renewals. If the Board supports either of these

⁶ If a Business Registration and Licensing Program is established, the NPDES Compliance Program would use this data base. Only a single registration fee and renewal fee would be required.

programs, TLMA will request the Board's approval of a general fund request in its FY 06-07 budget addback.

V. FINDINGS

1. The current C/AP does not fully address the requirements of the San Diego RWQCB permit. It is likely that future Whitewater and Santa Ana RWQCB permits will require an expansion of the County's C/AP in these areas. By developing an NPDES commercial/industrial data base, inspection and enforcement program in Building and Safety, the County will be better able to respond to increased permit requirements, allow for centralized NPDES staff training, streamline enforcement, and limit cross-over issues between departments.
2. Cities, like the County, will face similar challenges in implementing an expanded inspection program to meet RWQCB requirements.⁷ The DEH, working with Flood Control, TLMA and the Executive Office, will assist in this transition.
3. A Business Registration and Licensing Program would further address the NPDES compliance requirements by providing a complete inventory of commercial and industrial businesses allowing for a phased implementation of the NPDES compliance programs as RWQCB permits are amended. Further, a Business Registration and Licensing Program would provide important data for existing County programs and serve as a resource for future County programs, as approved by the Board.
4. Establishing a countywide Business Registration and Licensing Program would eliminate the need for phase 1 of the NPDES Commercial/Industrial Compliance Program, as the countywide business inventory could be used.

VI. RECOMMENDATIONS

Based on the findings in this report, staff recommends that the Board approve the development of a NPDES Commercial/Industrial Compliance Program and Business Registration and Licensing Program and direct TLMA/Building and Safety and County Counsel to report back in 90 days with the required ordinances, budget and staffing needs to implement the program.

⁷ Some cities like Riverside, Corona, and Moreno Valley can expand beyond the current C/AP program because their cities have other revenue sources, such as utility/sewer programs. The city of Moreno Valley has addressed this issue by adopting a separate NPDES inspection fee.

ATTACHMENT A

ORDINANCE NO. 754.1

AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 754
ESTABLISHING STORMWATER/URBAN RUNOFF MANAGEMENT
AND DISCHARGE CONTROLS

The Board of Supervisors of the County of Riverside Ordains as Follows:

ARTICLE I

TITLE, PURPOSE AND GENERAL PROVISIONS

Section 1. Title. This ordinance shall be known as the Riverside County Stormwater/Urban Runoff Management and Discharge Controls Ordinance and may be so cited.

Section 2. Purpose and Intent. The purpose of this ordinance is to ensure the future health, safety, and general welfare of County citizens by:

- A. Reducing pollutants in stormwater discharges to the maximum extent practicable;
- B. Regulating illicit connections and discharges to the storm drain system; and
- C. Regulating non-stormwater discharges to the storm drain system.

The intent of this ordinance is to protect and enhance the water quality of County watercourses, water bodies, ground water, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. § 1342).

Section 3. Definitions. The terms as used in this ordinance shall have the following meanings:

- A. Best Management Practice (BMPs) shall mean any activities, prohibitions, practices, procedures, programs, or other measures designed to prevent or reduce the discharge of pollutants directly or indirectly into waters of the United States. BMPs shall include, but are not limited to, those measures specified in the California Stormwater Best Management Practice Handbooks for Municipal, Industrial/Commercial and Construction Activity and those measures identified by the Director of TLMA.
- B. County shall mean the County of Riverside.
- C. Illicit Discharge shall mean any discharge to the storm drain system that is not composed entirely of stormwater runoff except discharges made pursuant to

a National Pollutant Discharge Elimination System (NPDES) permit or as otherwise authorized by the Santa Ana, San Diego, or Colorado River basin Regional Water Quality Control Board.

D. Illicit Connection shall mean any physical connection to a storm drain system which has not been permitted by Riverside County, the Riverside County Flood Control and Water Conservation District, or other appropriate public agency.

E. National Pollutant Discharge Elimination System (NPDES) Permit shall mean a stormwater discharge permit issued by the Santa Ana, San Diego, or Colorado River Basin Regional Water Quality Control Board or the State Water Resources Control Board in compliance with the Clean Water Act.

F. Municipal NPDES Permit shall mean an area-wide NPDES permit issued to a government agency or agencies for the discharge of stormwater from a stormwater system.

G. Non-Stormwater Discharge shall mean any discharge to the storm drain system that is not entirely composed of stormwater.

H. Person shall mean any natural person, firm, association, club, organization, corporation, partnership, business trust, company or other entity which is recognized by law as the subject of rights or duties.

I. Pollutant shall mean anything which causes the deterioration of water quality such that it impairs subsequent and/or competing uses of the water. Pollutants may include but are not limited to paints, oil and other automotive fluids, soil, rubbish, trash, garbage, debris, refuse, waste, fecal coliform, fecal streptococcus, enterococcus, heavy metals, hazardous waste, chemicals, fresh concrete, yard waste from commercial landscaping operations, animal waste, materials that result from the process of constructing a building or structure, nauseous or offensive matter of any kind.

J. Premises shall mean any building, lot, parcel of land, land or portion of land whether improved or unimproved.

K. Storm Drain System shall mean any facility within the unincorporated areas of the County by which stormwater may be conveyed to waters of the United States. Storm drain system includes but is not limited to any roads with drainage systems, streets, curbs, gutters, catch basins, natural and artificial channels, ditches, aqueducts, storm drains, inlets, conduit or other drainage structure.

L. Stormwater Runoff shall mean surface runoff and drainage associated with rain storm events and snow melt.

M. Director of TLMA shall mean the Director of the County Transportation and Land Management Agency.

Section 4. Responsibility for Administration. This ordinance shall be administered for the County by the Director of TLMA.

Section 5. Regulatory Consistency. This ordinance shall be construed to assure consistency with the requirements of the Clean Water Act and acts amendatory thereof or supplementary thereto, applicable

implementing regulations, and any existing or future municipal NPDES Permits and any amendments or revisions thereto or reissuance thereof.

Section 6. Severability. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

ARTICLE II

MANAGEMENT AND DISCHARGE CONTROLS

Section 1. Reduction of Pollutants in Stormwater.

A. General. It is a violation of this ordinance to throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any pollutant in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private plot of land in the County. The only exception being where such pollutant is temporarily placed in an appropriate container with a spill containment system for later collection and removal. It is a violation of this ordinance to cause or permit any dumpster, solid waste bin, or similar container to leak such that any pollutant is discharged into any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private plot of land in the County.

B. Construction Sites. Any person performing construction work in the County shall comply with the provisions of this ordinance, Sections 4.J.12 and 4.J.13 of Ordinance No. 457 and, Sections 5.1.D. and 5.2.E. of Ordinance No. 460.

C. New Development and Redevelopment. New development or redevelopment projects shall control stormwater runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The Director of TLMA shall identify the BMP's that may be implemented to prevent such deterioration and shall identify the manner of implementation. The BMP's may, among other things, require new developments or redevelopments to do any of the following:

1. Increase Permeable Areas, by leaving highly porous soil and low lying areas undisturbed; by incorporating landscaping and open space into the project design; by using porous materials for or near driveways and walkways; and by incorporating detention ponds and infiltration pits into the project design.
2. Direct Runoff to Permeable Areas, by orienting it away from impermeable areas to swales, berms, green strip filters, gravel beds, and french drains; by installing rain-gutters oriented towards permeable areas; by modifying the grade of the property to divert flow to permeable areas and minimize the amount of stormwater runoff leaving the property; and by designing curbs, berms or other structures such that they do not isolate permeable or landscaped areas.
3. Maximize Stormwater Storage for Reuse, by using

retention structures, subsurface areas, cisterns, or other structures to store stormwater runoff for reuse or slow release.

D. Existing Development. Existing development shall control stormwater runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The Director of TLMA shall identify the BMP's that may be implemented to prevent such deterioration and shall identify the manner of implementation.

Section 2. Illicit Connections/Discharges. It is a violation of this ordinance to establish, use, maintain, or continue illicit connections to the storm drain system, or to commence or continue any illicit discharges to the storm drain system. This prohibition against illicit connections and discharges is expressly retroactive and applies to connections and discharges made in the past, regardless of whether permissible under the law or practices applicable or prevailing at the time of the connection or discharge.

Section 3. Non-Stormwater Discharges. The discharge of non-stormwater into the storm drain system is a violation of this ordinance except as specified below.

A. The discharge prohibition shall not apply to any discharge regulated under a NPDES Permit or Waiver issued to the discharger and administered by the State of California under the authority of the EPA, provided that the discharger is in full compliance with all requirements of the permit or waiver and other applicable laws or regulations.

B. Discharges from the following activities will not be considered a violation of this ordinance when properly managed: water line flushing and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising ground waters, infiltration to separate storm drains, uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washing, flows from riparian habitats and wetlands, swimming pool discharges or flows from fire fighting.

Section 4. Discharges in violation of Permit.

A. Municipal NPDES Permit. Any discharge that would result in or contribute to a violation of an existing or future Municipal NPDES Permit(s) or any amendment or revision thereto or reissuance thereof, either separately considered or when combined with other discharges, is a violation of this ordinance and is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the County in any administrative or judicial enforcement action relating to such discharge.

B. NPDES Permit for Industrial/Commercial and Construction Activity. Any industrial discharger, discharger associated with construction activity, or other discharger subject to any NPDES permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board, the Santa Ana Regional Water Quality Control Board, the Santa Ana Regional Water Quality Control Board, the San Diego Regional Water Quality Control Board or the Colorado River Basin Regional Water Quality Control Board, shall comply with all requirements of such permit. Such dischargers shall specifically comply with the following permits: the Industrial Stormwater General Permit, the Construction Activity Stormwater General Permit, and the Dewatering General Permit. Proof of compliance with said NPDES General Permits may be required in a form acceptable to the Director prior to issuance of any County grading, building, or occupancy permits.

ARTICLE III**ENFORCEMENT**

Any person in violation of this ordinance is subject to the procedures and penalties set forth in Ordinance No. 725. In addition, to the extent that the County makes any provision of this ordinance or identified BMP a condition of approval to the issuance of a permit, any person in violation of such condition is subject to the permit revocation procedures set forth in the ordinance governing permit issuance.

ARTICLE IV**EFFECTIVE DATE OF ORDINANCE**

This ordinance shall take effect 30 days after its adoption by the Board of Supervisors.

ADOPTED: 7-11-95 (Eff.: 8-10-95)

3.31 (Eff.: 1-2-97)

ATTACHMENT B

SANTA ANA RWQCB ENFORCEMENT ACTIONS (Sample)

- 1) SARWQCB v. City of Stanton (March 2005) – administrative civil liability in the amount of **\$100,000** for alleged violations including failure to develop an industrial facilities and commercial facilities/companies inventory list, failure to adequately train inspection staff, failure to timely submit required annual report, etc.
- 2) SARWQCB v. City of Buena Park (March 2005) – administrative civil liability in the amount of **\$90,000** for alleged violations including failure to develop an industrial facilities inventory database, failure to conduct timely inspections of high priority industrial facilities, failure to clean catch basins, etc.
- 3) SARWQCB v. City of La Habra (March 2005) – administrative civil liability in the amount of **\$75,000** for alleged violations including failure to develop an industrial facilities inventory database, failure to adequately train inspection staff, , failure to conduct adequate inspections of high priority industrial facilities, etc.

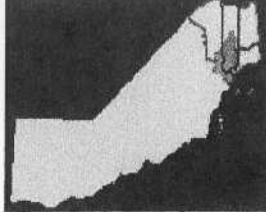
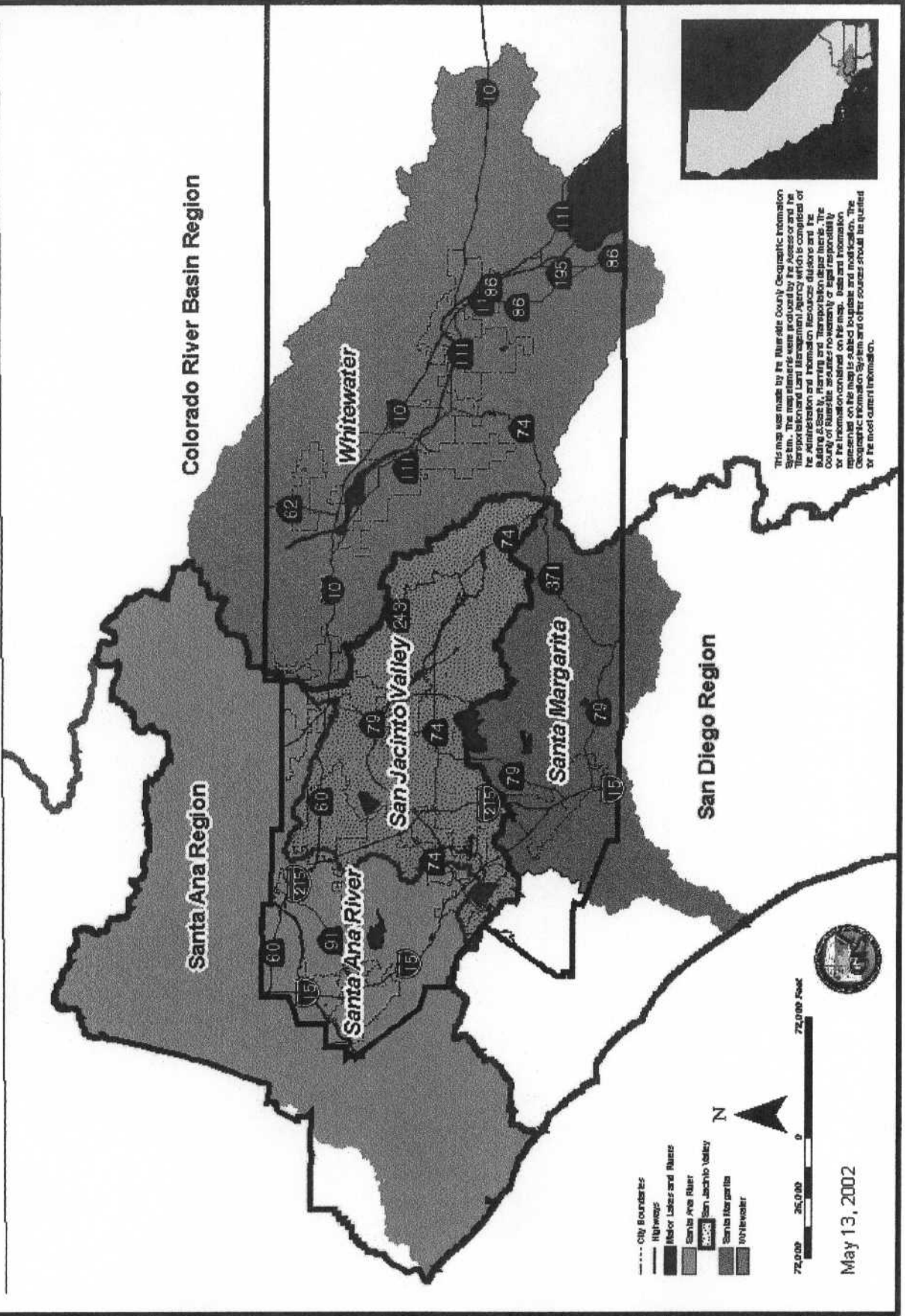
SAN DIEGO RWQCB ENFORCEMENT ACTIONS (Sample)

- 1) SDRWQCB v. City of Escondido (September 2005) – administrative civil liability in the amount of **\$129,000** for alleged violations including failure to require developer to implement BMPs at construction site for the Escondido Research and Technology Center.
- 2) SDRWQCB v. JRMC Real Estate, Inc. (September 2005) – administrative civil liability in the amount of **\$1,260,600** for alleged violations including failure to prohibit discharges into Escondido Creek, failing to implement and/or maintain BMPs at construction site for the Escondido Research and Technology Center.
- 3) SDRWQCB v. Ryland Homes of California, Inc. (June 2003) – administrative civil liability in the amount of **\$158,350** for alleged violations including failure to prohibit runoff discharges into waters of the United States, failing to implement and/or maintain BMPs at construction site for Serenada project in Murrieta, Riverside County.
- 4) SDRWQCB v. Ashby USA, LLC (May 2003) – administrative civil liability in the amount of **\$84,500** for alleged violations including failure to prohibit runoff discharges into waters of the United States, failing to implement and/or maintain BMPs at construction site for Roripaugh Ranch project in Temecula, Riverside County.

5) SDRWQCB v. City of San Diego (January 2003) – administrative civil liability in the amount of **\$129,000** for alleged violations including effluent exceedances for chronic toxicity, acute toxicity, total suspended solids and copper as reported in self-monitoring reports concerning San Diego Convention center groundwater dewatering discharges to San Diego Bay.

6) SDRWQCB v. City of San Diego (September 2000) – administrative civil liability in the amount of **\$532,000** for alleged violations including failure to prohibit runoff discharges into Los Penasquitos Lagoon, failing to implement and/or maintain BMPs along dirt road as part of City construction site.

Regional Water Quality Control Board Areas



This map was made by the Riverside County Geographic Information System. The map elements were provided by the Assessor and the Transportation and Land Management Agency which is comprised of the Administration and Information Services Division and the Planning & Safety, Planning and Transportation Divisions. The County Assessor's Office is responsible for the accuracy of the information contained on the map. Data and information presented on this map is subject to change and modification. The Geographic Information System and other sources should be qualified by the most current information.

- City Boundaries
- Highway
- ▨ Major Lakes and Rivers
- ▨ Santa Ana River
- ▨ San Jacinto Valley
- ▨ Santa Margarita
- ▨ Whitewater

72,000 36,000 0 72,000 Feet



May 13, 2002



ATTACHMENT D
California Regional Water Quality Control Board
San Diego Region



Alan C. Lloyd, Ph.D.
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb9/>
9174 Sky Park Court, Suite 100, San Diego, California 92123
Phone (858) 467-2952 • FAX (858) 571-6972

Arnold Schwarzenegger
Governor

Certified Mail No. 70051160000460266581

September 28, 2005

Ms. Rhonda King, Deputy County CEO
County of Riverside
4080 Lemon Street, 4th Floor
Riverside, CA 92501

In reply refer to:
WPN: 10-7004.02:quigm

Dear Ms. King:

SUBJECT: REVIEW OF STORM WATER MANAGEMENT PLAN (SWMP) FOR THE COUNTY OF RIVERSIDE, SANTA MARGARITA WATERSHED

We have reviewed your Individual SWMP entitled *County of Riverside Santa Margarita Region Stormwater Management Plan* and the *Riverside County Drainage Area Management Plan* dated July 2005. As stated in the MS4 permit (Order No. R9-2004-001), the purpose of the Individual SWMP document is to provide a written account of the overall program to be conducted by the County during the five-year life of the Order. The Order further specifies that the Individual SWMP document describe all activities that the County has taken or is planning to take to implement the requirements contained in Sections B through J of the Order. Order No. R9-2004-001 also requires the submittal of a Watershed SWMP, which is the written account of all area-wide and watershed-wide programs and activities conducted collectively by the Permittees. The Order states that the Watershed SWMP shall contain the programs and items required in Section K of the Order.

Subsequent to the receipt of the SWMP, we met with the Permittees to discuss the results of our initial review. This discussion clarified several issues and, in turn, enhanced our understanding of the intent of the material presented in the documents. Consequently, we have only identified in this letter the major omissions or deficiencies in the SWMP and the Drainage Area Management Plan (DAMP) documents that potentially are violations of Order No. R9-2004-001. If not corrected in a timely manner, these omissions or deficiencies could lead to enforcement action by the Regional Board. I, therefore, request that the County submit a report by November 7, 2005 addressing these items. The report should document the needed modifications made in its Individual and/or Watershed SWMP and/or propose a time schedule for making necessary future modifications to achieve full compliance with Order No. R9-2004-001.

1. INDUSTRIAL/COMMERCIAL FACILITIES PROGRAM (Permit Section H.2)

Requirement H.2.b requires the County to develop an inventory or database of all industrial and commercial facilities under its jurisdiction that could contribute a significant pollutant load to the MS4. Requirement H.2.b. lists facility types that must be included in the inventory.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

The County's SWMP does not include a complete inventory of industrial and commercial facilities. The County identifies only those facilities covered by the Compliance Assistance Program (CAP), which includes facilities covered under Department of Environmental Health permits. The County's SWMP states that, "The County does not have a business database or business license program in order to assist with locating facilities outside of the CAP Program. The County will continue to evaluate other alternatives in order to locate facilities outside of the CAP Program."

Requirement H.2.d requires the County to establish priorities for inspections and oversight of industrial/commercial facilities by prioritizing the inventory required in H.2.b. The Order also requires (H.2.d.2 - 4) the County to inspect and ensure the implementation of minimum BMPs at all inventoried facilities.

The fact that the County has not inventoried all applicable facilities would likely result in not conducting the required inspections.

The purpose of Requirement H.2.b is for the Permittees to be capable of identifying industrial and commercial facilities that must be inspected on a periodic basis. The inspection frequency is determined by the Permittees on an evaluation of the facility's threat to water quality. We understand that the County already has a program in place to inspect all restaurants and facilities with storage or use of hazardous materials. For industrial/commercial facilities that are neither restaurants nor hazardous materials facilities, a commitment by the County to inspect all areas in the unincorporated area that are zoned commercial or industrial in a timely manner would satisfy this requirement. The purpose of these inspections is to identify and prioritize specific facilities or commercial areas for inspection frequencies and BMP requirements.

2. WATERSHED SWMP REQUIREMENTS (PERMIT SECTION K)

Section E.1.b. of the Order requires that the Permittees collaborate to develop a Watershed SWMP, which is the written account of all area-wide and watershed-based programs and activities conducted by the Permittees. The Order states that the Watershed SWMP shall contain the programs and items required in Section K of the Order. These requirements should be specifically addressed in either a Watershed SWMP document or a Watershed section of the DAMP.

Deficiencies in the DAMP include:

- a. The DAMP does not adequately describe how the Permittees collaborated to identify, address, and mitigate the highest priority water quality issues/pollutants in the Upper Santa Margarita Watershed (Requirement K.1).

- b. The DAMP does not contain an assessment of water quality of all receiving waters in the watershed (Requirement K.2.c).
- c. The DAMP fails to identify and prioritize major water quality problems in the watershed caused or contributed to by MS4 discharges and the likely sources of the problems (Requirement K.2.d).
- d. The DAMP does not include an implementation time schedule of short and long-term recommended activities needed to address the highest priority water quality problem(s) identified in Requirement K.2.d (Requirement K.2.e).
- e. The DAMP does not include a mechanism to facilitate collaborative "watershed-based" land use planning with neighboring local governments in the watershed (Requirement K.2.g). San Diego County's effort to develop a watershed management plan is no longer occurring.
- f. The DAMP does not include a short or long term strategy specifically addressing the effectiveness of the Watershed SWMP (Requirements K.2.l and K.2.m).

If an assessment of all available water quality data does not allow the Permittees to identify a priority water quality problem(s), the Permittees shall focus their Watershed SWMP activities on a potential priority problem(s) resulting from rapid urbanization of the upper watershed. The Watershed SWMP must contain commitments to address these identified existing or potential issues to the maximum extent practicable. Attachment 1 contains examples of commitments that could be included in a Watershed SWMP to address existing or potential priority water quality problems.

3. CONSTRUCTION BMP REQUIREMENTS (PERMIT SECTION G.5)

Section G.5 requires the County to designate and require minimum BMPs at all construction sites within its jurisdiction.

The County's SWMP does not contain minimum BMPs that will be enforced at these construction sites. A list of construction BMPs is provided in the DAMP, but the SWMP does not indicate that these are the minimum BMPs that are required.

4. DEVELOPMENT PLANNING (PERMIT SECTION F)

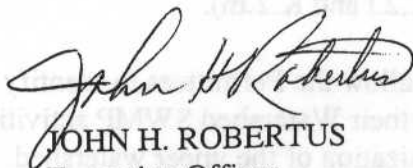
Requirement F.2.b(2)(a) of the Permit states that BMPs for Priority Development Projects shall control post-development urban runoff discharge velocities, volumes, durations, and peak rates to maintain or reduce pre-development downstream erosion, and protect stream habitat. The Permit requires the County to ensure all Priority Development Projects implement source control and treatment BMPs to prevent increased erosion downstream. The County's SWMP implements the Model WQMP in the DAMP, which identifies mitigation measures to address hydrologic conditions of concern for priority development

projects. A mitigation measure (Methodology A.1) describes construction of a detention basin to maintain peak discharge rates and velocities for 2 & 10-year storm events.

The mitigation measure, however, is inadequate without addressing increased flow duration, which could substantially increase downstream erosion.

We look forward to receiving your report on or before November 7, 2005 and to working with the County of Riverside to preserve and enhance the quality of water resources for the benefit of present and future generations. If you would like meet with us to discuss the development of your report, or if you have any questions regarding this letter, please contact Megan Quigley at 858-268-5363 or email mquigley@waterboards.ca.gov.

Respectfully,



JOHN H. ROBERTUS
Executive Officer

CC:

Alex Gann, Senior Management Analyst
Riverside County Executive Office

Jason Uhley, Riverside County Flood Control and Water Conservation District

ATTACHMENT 1

Listed below are examples of existing and potential water quality problems that could be a focus of the Watershed SWMP and examples of the types of activities and commitments that can be included to address the selected water quality problems and meet the maximum extent practicable standard, as it is outlined in the requirements of section K of San Diego Regional Water Quality Control Board Order No. 2004-001 (the Riverside County Municipal Storm Water Permit). Activities included in the Watershed SWMP should be in addition to the minimum BMP requirements contained in the individual SWMPs.

Phosphorus

1. Focus education efforts on residents and businesses that use and sell fertilizer and other lawn care products.
2. Collaborate with the water districts in an effort to reduce the use of irrigation water runoff.
3. Focus inspections and increase enforcement at industrial and commercial facilities known to be sources of phosphorus (i.e., dry cleaners, landscape companies, car washes, etc.)
4. Conduct outreach to farmers and other entities in the watershed that may be contributing to the phosphorus impairment.
5. Require/encourage the use of Integrated Pest Management measures.
6. Require/encourage the use of native landscaping in new developments to reduce runoff from irrigation water.
7. Construct wetlands or similar structural treatment best management practices
8. Conduct a source identification study for an identified problem area, such as Murrieta Creek
9. Implement a BMP pilot project in an identified problem area
10. Increase dry weather monitoring for phosphorus in suspected problem areas
11. Coordinate and prioritize water quality projects that address pollutants of concern in the watershed, co-sponsor applications for funding
12. Prioritize drainages in the watersheds where actions should be focused and monitored

13. Conduct meetings among permittees to exchange ideas of how to address sources of pollutants of concern in the watershed and evaluate the effectiveness of actions
14. Conduct annual meetings with San Diego County and other entities in the watershed to discuss monitoring data and potential management measures to target the phosphorus impairment.
15. Identify what types of new projects would have a higher potential for contributing to the watershed problem and identify how the permittees have agreed to mitigate that threat.
16. Establish load reduction goals for each permittee in the watershed.

Sediment/Turbidity (example of potential problem from construction activities)

1. Treat all construction sites that disturb soil within the watershed as high priority construction sites (i.e., increase inspection frequencies).
2. Adopt more stringent BMP requirements for construction sites located in the watershed.
3. Conduct pre-construction meeting at all construction sites, notifying developers and contractors of sediment problems within the watershed.
4. Survey the watershed to identify drainages and other areas that are excessively eroding, then address the excessive erosion.
5. Implement focused education efforts targeting sources of sediment.

Impacts to Hydrologic Function (example of potential problem from new development)

1. Place additional focus on the SUSMP requirements.
2. Minimize impacts to streams and wetlands.
3. Remove concrete from channels and v-ditches.
4. Daylight underground storm water conveyance lines.
5. Preserve pre-development hydrology of sites by requiring Low Impact Development (LID) techniques instead of mitigating the effects with basins and other conventional methods.

6. Conduct a pilot study in an area of new development by requiring LID techniques and monitoring water quality and downstream erosion as compared to a typical development.
7. Meet with San Diego County annually to discuss available monitoring data and potential BMPs to address chemical and physical problems from rapid growth.

COMMISSIONER OF WATER RESOURCES
REGULATORY DIVISION
SAN DIEGO COUNTY
ELECTRONIC

**ATTACHMENT E
COMMERCIAL/INDUSTRIAL FACILITY LIST
REQUIRED TO BE INSPECTED PER NPDES PERMITS**

Facility Type	Inspection Frequency
Auto-related:	
Mechanical repair, maintenance, fueling or cleaning of: Automobiles, Airplanes, Boats and Equipment	Annual or every two years
Body repair or painting of Automobiles and other vehicles	Annual or every two years
Retail or Wholesale fueling	Annual or every two years
Auto parking lots and storage facilities	two years to five years
Mobile-related activities:	
Mobile auto or other vehicle washing	Annual or every two years
Pest control services	Annual
Mobile carpet, drape or furniture cleaning	Annual or every two years
Concrete mixing or cutting	Annual or every two years
Masonry	Annual or every two years
Painting and Coating	Annual or every two years
Landscaping	Every two to five years
Pool and fountain cleaning	Every two to five years
Port-a-Potty servicing	Every two to five years
Others:	
Cemeteries	Every five years
Nurseries and greenhouses	Every two to five years
Golf courses, parks and other recreational areas/facilities	Every two to five years
Eating and drinking establishments	Every two to five years
Industrial:	
Industrial facilities (per CWA)	Annual
Operating and closed municipal landfills	Annual
Facilities subject to SARA Title III	Annual
Hazardous waste treatment, disposal, storage and recovery facilities	Annual

- Inspection frequencies can vary within each facility type based on a number of factors. Inspection Frequency: High – Annual, Medium - every two years, and Low - once every five years.
- The facilities listed are per the Santa Margarita Watershed Permit. The Whitewater Watershed Region has differing inspection requirements and is not a part of this proposal.

**ATTACHMENT E
COMMERCIAL/INDUSTRIAL FACILITY LIST
REQUIRED TO BE INSPECTED PER NPDES PERMITS**

Facility Type	Inspection Frequency
Auto-related:	
Mechanical repair, maintenance, fueling or cleaning of: Automobiles, Airplanes, Boats and Equipment	Annual or every two years
Body repair or painting of Automobiles and other vehicles	Annual or every two years
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Auto parking lots and storage facilities	two years to five years
Mobile-related activities:	
Mobile auto or other vehicle washing	Annual or every two years
Pest control services	Annual
Mobile carpet, drape or furniture cleaning	Annual or every two years
Concrete mixing or cutting	Annual or every two years
Masonry	Annual or every two years
Painting and Coating	Annual or every two years
Landscaping	Every two to five years
Pool and fountain cleaning	Every two to five years
Port-a-Potty servicing	Every two to five years
Others:	
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Industrial:	
Industrial facilities (per CWA)	Annual
Operating and closed municipal landfills	Annual
Facilities subject to SARA Title III	Annual
Hazardous waste treatment, disposal, storage and recovery facilities	Annual

- Inspection frequencies can vary within each facility type based on a number of factors. Inspection Frequency: High – Annual, Medium - every two years, and Low - once every five years.
- The facilities listed are per the Santa Margarita Watershed Permit.

Attachment F

SUMMARY OF CITIES' COMMERCIAL/INDUSTRIAL BUSINESS LICENSE INFORMATION

CITY NAME	Business License or Tax?	Business License Processing Fees
Banning	Yes	Base fee of \$50.00
Beaumont	Yes	Base fee of \$75.00
Blythe	Yes	Base fee of \$104.00
Calimesa	Yes	Flat fee of \$75.00
Canyon Lake	Yes	Flat fee of \$90; renewal fee of \$25.00
Cathedral City	Yes	Sliding scale starting at \$25.25 and going up from there. Inspection fees also apply, starting at \$53.00 and going up from there.
Coachella	Yes	Base fee of \$20.00
Corona	Yes	Base fee of \$36.00
Desert Hot Springs	Yes	License fees start at \$60.00 and go up from there. Application fee of \$49.00 also applies.
Hemet	Yes	Base fee of \$130.00; renewal fee is \$70.00 less than the license fee, or a minimum of \$60.00.
Indian Wells	Yes	Base fee of \$24.00
Indio	Yes	Sliding scale starting at \$60.00 and going up from there. Code compliance fee of \$130.00 for new businesses operating within the city limits also applies.
La Quinta	Yes	Sliding scale starting at \$15.00 and going up from there.
Lake Elsinore	Yes	Sliding scale starting at \$72.00 and going up from there. A processing fee starting at \$38.00 also applies.

Attachment F

SUMMARY OF CITIES' COMMERCIAL/INDUSTRIAL BUSINESS LICENSE INFORMATION

CITY NAME	Business License or Tax?	Business License Processing Fees
Moreno Valley	Yes	Base fee of \$53.00. NPDES inspection fees: Industrial (initial) \$889.00 Industrial (each follow-up compliance) \$455.00 Commercial (initial) \$719.00 Commercial (each follow-up compliance) \$243.00 Restaurant/CAP (initial) \$243.00 Restaurant/CAP (ea follow-up compliance) \$243.00
Murrieta	Yes	Base fee of \$75.00
Norco	Yes	License fees start at \$10.00; renewal fee of \$5.00
Palm Desert	Yes	Base fee of \$50, renewal of \$25.00
Palm Springs	Yes	Base fee of \$25.00; renewal fee of \$15.
Perris	Yes	Base fee of \$100.00; additional fees apply.
Rancho Mirage	Yes	Base fee of \$30.00
Riverside	Yes	Base fee of \$75.00
San Jacinto	Yes	Base fee starting at \$60.00 and going up from there.
Temecula	Yes	Flat fee of \$35 per calendar year.

Information was obtained from city staff or website.

It should be noted that some city staff reported that data collected through the business license application is also used by other city departments, especially public safety departments.