

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

117B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
June 28, 2011

SUBJECT: Santa Ana Watershed Benefit Assessment
Resolution No. F2011-10

RECOMMENDED MOTION: The Board adopt Resolution F2011-10 which accepts the Engineer's Report on the NPDES Program for the Santa Ana Watershed Benefit Assessment Area, dated June 2011 sets a public hearing on said report to be held at 1:30 p.m. on July 26, 2011 at a regular meeting of the Board; and instructs the Clerk of the Board to advertise said public hearing in accordance with Section 6066 of the California Government Code.

BACKGROUND: The Santa Ana Watershed Benefit Assessment Area was established on May 14, 1991 by the adoption of Resolution No. F91-21 by the Board pursuant to Ordinance No. 14 of the Flood Control District and the Flood Control District Act. Said Ordinance No. 14 requires that the Chief Engineer shall prepare an annual report on the status of the program and recommend the benefit assessment levy to be enrolled for the ensuing fiscal year. The Board, upon acceptance of said report, shall set a time and place for a public hearing to hear and consider all protests regarding the report and the amount of the proposed benefit assessment levy.

Warren D. Williams
WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. District Cost:	\$	N/A	In Current Year Budget:	N/A
	Current F.Y. County Cost:	\$	N/A	Budget Adjustment:	N/A
	Annual Net District Cost:	\$	N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
BY: *Michael R. Shetter*
Michael R. Shetter
County Executive Office Signature

FORM APPROVED
FOR M. CHIEF ENGINEER
DAVID H.K. HUFF
6/13/2011

FORM APPROVED COUNTY COUNSEL
BY: *DAVID H.K. HUFF*
DATE: 6/10/2011

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

Prev. Agn. Ref.: District: All **Agenda Number:** 11.1

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

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Page 2

FINANCIAL: The financial impact to the property owners is outlined in the Engineer's Report and Benefit Assessment Tax Rolls.

1
2 BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

3 RESOLUTION NO. F2011-10

4 ACCEPTING THE ENGINEER'S REPORT AND SETTING A PUBLIC HEARING
5 FOR THE SANTA ANA WATERSHED BENEFIT ASSESSMENT AREA
6 PURSUANT TO ORDINANCE NO. 14 PROVIDING FOR THE ESTABLISHMENT AND
7 LEVY OF BENEFIT ASSESSMENTS FOR THE NATIONAL POLLUTANT DISCHARGE
8 ELIMINATION SYSTEM (NPDES) STORMWATER PROGRAM

9 WHEREAS, the California Regional Water Quality Control Board - Santa Ana Region,
10 on behalf of the Federal Environmental Protection Agency (the "EPA"), and consistent with
11 Section 402 of the Federal Clean Water Act, as amended, and the regulations promulgated by the
12 EPA pursuant thereto, has issued an area-wide stormwater discharge permit under the National
13 Pollutant Discharge Elimination System (the "NPDES Permit") to the Riverside County Flood
14 Control and Water Conservation District (the "District"), the County of Riverside and certain
15 cities within the Santa Ana Watershed that are within the District's jurisdiction, and has named
16 the District as the "Principal Permittee"; and

17 WHEREAS, under existing State and Federal regulations, the District must obtain and
18 comply with the provisions of the NPDES Permit in order to legally discharge stormwater from
19 its flood control and stormwater drainage facilities; and

20 WHEREAS, the NPDES Permit requires the District to develop, implement, and manage
21 specific compliance programs dealing with stormwater runoff that will benefit all property within
22 the Santa Ana Watershed that lies within the District's jurisdiction; and

23 WHEREAS, the District's Board of Supervisors (the "Board") on May 14, 1991, adopted
24 Resolution No. F91-21 pursuant to the provisions of Section 14 of the Riverside County Flood
25 Control and Water Conservation District Act, which is Appendix 48 to the California Water
26 Code (the "District Act"), and pursuant to Ordinance No. 14, that formed a Benefit Assessment
27 Area (the "Benefit Assessment Area"), which encompasses all territory within the District's
28 jurisdiction that is within the Santa Ana Watershed as described in Ordinance No. 14, and has
levied annually thereon a Benefit Assessment ("Benefit Assessment") to pay the District's annual
costs associated with the NPDES Permit; and

WHEREAS, the Benefit Assessments collected are principally used to finance capital
costs and to maintain and operate the flood control system as required by the terms of said
Permit and must be expended in the Benefit Assessment Area in which they are collected; and

WHEREAS, pursuant to Article IV of Ordinance No. 14, the General Manager-Chief
Engineer of the District (the "Chief Engineer") is to cause to be prepared annually a written
report for each Benefit Assessment Area regarding the Benefit Assessment to be levied and to
file said report with the Clerk of the Board of Supervisors; and

FORM APPROVED COUNTY COUNSEL
BY: [Signature] DATE: 6/10/2011
DAVID H. K. HUFF

1 WHEREAS, the Chief Engineer has caused a report (the "Report") to be prepared and
2 filed with the Clerk of the Board of Supervisors regarding the Benefit Assessment to be levied
3 for the 2011-12 Fiscal Year for the Santa Ana Watershed Benefit Assessment Area; and

4 WHEREAS, Section 3 of Article IV of Ordinance No. 14 requires that the Board set a
5 date, time and place for a public hearing on the Report; and

6 WHEREAS, the voters of California on November 5, 1996, approved Proposition No.
7 218 which added Article XIID to the California Constitution ("Article XIID") effective
8 November 6, 1996; and

9 WHEREAS, with regard to an assessment in place as of November 6, 1996, Section 5(a)
10 of Article XIID provides in pertinent part that "...any assessment imposed exclusively to finance
11 the capital costs or maintenance and operation expenses for ...flood control and drainage
12 systems..." shall be exempt from the procedures and approval process set forth in Section 4 of
13 Article XIID until the assessment is increased.

14 BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of
15 Supervisors of the Riverside County Flood Control and Water Conservation District in regular
16 session assembled on the 28th day of June 2011, as follows:

17 Section 1. Each of the above recitals is true and correct.

18 Section 2. The Report prepared by the Chief Engineer and filed with the Clerk of the
19 Board is accepted.

20 Section 3. The Report proposes that the Benefit Assessment to be levied on all parcels
21 within the Santa Ana Watershed Benefit Assessment Area, as described in Ordinance No. 14, in
22 Fiscal Year 2011-12 is equal to or less than the Benefit Assessment that was enrolled and levied
23 for Fiscal Year 1996-97 and all subsequent years.

24 Section 4. The public hearing on the Report is to be held at 1:30 p.m. on Tuesday, July
25 26, 2011, in the meeting room of the District's Board of Supervisors which is located at 4080
26 Lemon Street, 1st Floor, Riverside, California.

27 Section 5. The Chief Engineer is to cause copies of the Report to be placed at the
28 following sites for review by the public:

Clerk of the District's Board
County Administrative Center
4080 Lemon Street
Riverside, California

1 Riverside County Flood Control
2 and Water Conservation District
3 1995 Market Street
4 Riverside, California

5 City Clerk's Office
6 City of Hemet
7 445 E. Florida Avenue
8 Hemet, California

9 City Clerk's Office
10 City of Corona
11 400 South Vincentia Avenue, 1st Floor
12 Corona, California

13 City Clerk's Office
14 City of Lake Elsinore
15 130 S. Main Street
16 Lake Elsinore, California

17 Section 6. The Clerk of the Board of Supervisors is to cause a notice to be prepared by
18 the Chief Engineer to be published in The Press Enterprise pursuant to the provisions of Section
19 6066 of the California Government Code. The Chief Engineer is to cause said notice to be
20 posted in at least three public places within the boundaries of the Santa Ana Watershed Benefit
21 Assessment Area at least seven (7) days prior to the date of the hearing.

22 Section 7. This resolution shall take effect upon its adoption.
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ENGINEER'S REPORT
TO THE
BOARD OF SUPERVISORS
OF THE
RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
ON THE
NPDES PROGRAM
FOR THE
SANTA ANA WATERSHED
BENEFIT ASSESSMENT AREA

JUNE 2011

WARREN D. WILLIAMS
General Manager-Chief Engineer



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INTRODUCTION

In 1987, Congress amended the Federal Clean Water Act (CWA) to require public agencies which serve urbanized areas with a population greater than 100,000, and other designated areas to obtain permits to discharge urban stormwater runoff from municipally owned drainage facilities including streets, highways, storm drains and flood control channels. In November 1990, the United States Environmental Protection Agency (USEPA) promulgated enforceable regulations establishing Municipal Stormwater Permit requirements under its National Pollutant Discharge Elimination System (NPDES) program. In California, USEPA has delegated its NPDES permitting authority to the State Water Resources Control Board (SWRCB). The SWRCB issues and enforces NPDES Municipal Separate Storm Sewer System (MS4) Permits through its nine California Regional Water Quality Control Boards (CRWQCBs).

The Riverside County Flood Control and Water Conservation District (District) service area encompasses portions of three major watersheds (drainage areas): the Santa Ana, the Santa Margarita and the Whitewater. The discharge of stormwater from municipal storm drainage systems within each of these three watersheds is regulated pursuant to an NPDES MS4 Permit (NPDES Permit) administered by a separate CRWQCB. **The District must comply with the provisions of these NPDES Permits in order to legally operate and maintain its flood control and drainage system infrastructure.** The USEPA and the CRWQCB can impose significant penalties for non-compliance as high as \$32,500 per day per violation. In addition, private citizens can pursue enforcement actions under the Federal CWA.

In the case of the Santa Ana Watershed, the District, along with the County of Riverside (County) and the Cities of Beaumont, Corona, Hemet, Lake Elsinore, Moreno Valley, Norco, Perris, Riverside and San Jacinto obtained an "early"¹ NPDES Permit (NPDES Permit) from the CRWQCB - Santa Ana Region (Regional Board) on July 1, 1990. The Regional Board added the then newly incorporated cities of Calimesa and Canyon Lake to the NPDES Permit on July 10, 1992. The initial NPDES Permit expired on July 1, 1995; however, the provisions of this first NPDES Permit remained in effect until the Regional Board adopted a subsequent NPDES Permit (Permit) on March 8, 1996. The 1996 Permit, which identified the District, County and above listed cities (Cities) as Permittees, expired on March 1, 2001. The Permittees submitted a "Report of Waste Discharge" (ROWD), as required by the Permit renewal procedures, and the Regional Board extended coverage under the 1996 Permit until October 25, 2002, when Order No. R8-2002-0011 (2002 Permit) was adopted. The 2002 Permit expired on October 25, 2007; thus, in accordance with permit renewal procedures, the Permittees submitted a ROWD on April 26, 2007. The Permittees received a new MS4 Permit, Order No. R8-2010-0033 on January 29, 2010 (2010 MS4 Permit). The 2010 MS4 Permit added the newly incorporated cities of Wildomar and Menifee.

The first NPDES Permit issued by the Regional Board in July 1990 was considered a "Developmental Permit". The Permittees were authorized to continue discharging stormwater from their municipally owned storm drain and flood control facilities while developing the various elements of their respective Municipal Stormwater Management Programs.

¹ The term "early" is used to refer to permits that were issued prior to the promulgation of the final USEPA rules for permitting municipal stormwater discharges [40 CFR 122.26, November 1990].

The 2002 Permit required the Permittees to implement a Drainage Area Management Plan (DAMP) incorporating upgraded program elements and other information as specified by the Permit. To ensure a consistent region-wide program in Riverside County, the DAMP was designed to address both the Santa Ana and San Diego Regional Boards NPDES Permits. The Permittees submitted the DAMP in 2004, and finalized the document during FY 2005-2006 after having received comments from both Regional Boards.

From the beginning, the Permittees' Municipal Stormwater Management Program has been guided by the following principles:

1. Utilize existing municipal departments/programs to meet NPDES Permit requirements whenever possible.
2. Minimize duplication of effort through coordinated Permittee compliance actions.
3. When necessary, develop new or enhanced Stormwater Management Programs (Best Management Practices) that are both cost-effective and acceptable to the public.

The 2010 MS4 Permit requires the Permittees to enhance the DAMP to incorporate Low Impact Development and Hydromodification design standards into the new development programs, enhance IC/ID programs and evaluate opportunities to address water quality problems at regional or watershed scales. The 2010 MS4 Permit also requires each Permittee to develop and maintain a Local Implementation Plan (LIP). The LIP describes the Permittee's individual programs, procedures, tools and ordinances to implement the DAMP consistent with the 2010 MS4 Permit requirements. Additionally the 2010 MS4 Permit requires development of a Watershed Action Plan (WAP) which includes several efforts such as Hydromodification Susceptibility Mapping, Regional Geodatabase, Hydromodification Management Plan and Retrofit Studies.

The Santa Ana Watershed Benefit Assessment Area (SAWBAA) was established pursuant to District Ordinance No. 14 on May 14, 1991 (copy attached - see Appendix B). The SAWBAA was formed to offset the District's program and administrative costs associated with the development, implementation and management of identified stormwater management activities required by the federally mandated NPDES Permit Program. The District must continue to develop and implement these stormwater management activities in order to legally operate and maintain its flood control and drainage facilities. A map showing the boundaries of the SAWBAA is attached hereto as Appendix C.

The cost of the District's various NPDES Permit compliance activities fluctuates from year to year. Although some expenses do not change significantly on a yearly basis, certain costs are cyclical (e.g., preparing Permit applications and negotiating Permit provisions) while expenses associated with collecting water samples and performing laboratory analysis may vary according to the amount of rainfall occurring in a given year or in response to certain information requests from the Regional Board. Costs associated with the development, production and distribution of public education materials are not always incurred on a FY basis. Occasionally, consultant services may be needed to assist the District with the development of a particular Permit requirement or program activity. Also, certain activities or programs may be expanded or curtailed from time to time and, occasionally, new programs or activities must be developed and implemented.

Currently, the regulation and management of stormwater runoff is a topic of increasing interest amongst the public, municipalities, regulatory authorities and legislators. Although new laws and/or regulations could result in changes to the assessment rate in future years, **the proposed assessment rate for FY 2011-2012 is equal to or less than the assessment rate that was enrolled and levied for FY 1996-1997 and all subsequent years.**

APPORTIONMENT METHODOLOGY

SAWBAA assessments are apportioned on the basis of proportionate stormwater runoff generated by each parcel. This method of assessment is consistent with State law and the District Act. The amount of benefit is computed based upon the parcel's size (acreage) and its use classification. A single-family residential structure on a 7,200 square foot lot (1/6 of an acre) is defined as one benefit assessment unit (BAU). The BAUs for other types of land use are calculated in proportion to the amount of runoff generated by a single-family residence on a 7,200 square foot lot.

In comparison with a typical single family residence, properties used for industrial and commercial purposes typically generate more stormwater runoff and higher pollutant loads on a per acre basis. Thus, commercial/industrial parcels are assessed at a higher rate per acre than residential parcels. Because agricultural discharges are currently exempt under the NPDES Permit regulations, parcels within the SAWBAA that are used for agricultural purposes are exempt from the assessment. Vacant undeveloped parcels are not assessed because they are considered to generate no increase in pollutant loading. Additionally, certain large undeveloped tracts of land such as Federal or State owned forest are excluded from the SAWBAA. A more detailed discussion of the apportionment methodology is presented in Appendix B.

CURRENT YEAR ASSESSMENTS (FY 2010-2011)

In July 2010, the District's Board of Supervisors confirmed a benefit assessment rate for FY 2010-2011 of \$3.75 per BAU. Following is a summary of FY 2010-2011 assessments:

Rate	Billed Parcels	BAUs	Assessments	Corrections	Amount Paid*
\$3.75	363,277	644,338	\$2,416,269.18	\$0.00	\$2,280,547.87

*Through May 31, 2011

Property owners may request a review of their assessment(s) by contacting the District. District staff considers each request by reviewing readily available information such as assessor's parcel maps, aerial photographs, and, when necessary, conducting site visits. The Auditor/Controller is notified of any needed corrections and a new tax bill is issued or, in cases where the assessment has been paid, a refund is made. Last year, there were no corrections processed.

RECOMMENDED BENEFIT ASSESSMENT RATES (FY 2011-2012)

The District recommends that for FY 2011-2012, the SAWBAA assessment rate remain unchanged at \$3.75 per BAU. This BAU rate would result in an equivalent charge per acre for the following land uses:

Group	Land Use Category	BAU/Acre	Assessment Rate*
A	Commercial, Industrial	12	\$45.00/acre
B	Apartments/Mobile Home Parks, Churches and Schools	9	\$33.75/acre
C	Single-family Residential	6**	\$22.50/acre
D	Agricultural/Vacant Undeveloped	Exempt	\$0.00/acre
E	Golf Courses	0.10	\$0.38/acre
F	Undeveloped Portions of Parcels	0.05	\$0.19/acre

* Refer to Appendix B for a detailed discussion of the Benefit Assessment methodology.

** 1 BAU per single-family residence, assuming six equally sized residential parcels per acre.

The projected revenue for FY 2011-2012, using the proposed benefit assessment rate of \$3.75 per BAU is as follows:

Rate	Parcels*	BAUs	Assessment*	Projected Revenue**
\$3.75	364,005	646,619	2,424,820.90	\$2,242,959.33

* Based on preliminary Assessor's information

** Assumes a 7.5% delinquency rate

The projected revenue along with a portion of the end of year balance from FY 2010-2011 will fund the District's NPDES Stormwater Management Program activities for the Santa Ana Watershed area in FY 2011-2012. The proposed FY 2011-2012 budget is presented in Appendix A.

During the early years of the NPDES Program, there were many uncertainties regarding start up costs (consultant costs, amount of sampling that would be required, overall program scope, etc.) since the program was new for both the regulatory authorities and the Permittees. Consequently, the initial assessment rates were set conservatively to ensure that all Permit obligations could be met. To date, the District has been able to successfully negotiate reasonable NPDES Permit conditions and implement its Stormwater Management Program in a manner that has retained a portion of the program's initial budget surpluses. As a result, a modest fund balance has been maintained since the benefit assessments were first levied in FY 1991-1992. The District is maintaining the current assessment rate while sustaining required expenditure levels that are slightly above projected revenues, which should gradually reduce the fund balance. It should also be noted here that the current trend in California is toward more stringent regulation of municipal stormwater runoff. Thus, it is expected that the District's NPDES Permit compliance costs may increase over the next few years.

ASSESSMENT ROLL

The SAWBAA Assessment Roll provides a listing by Assessor's Parcel Number of the proposed FY 2011-2012 Benefit Assessment to be levied on each parcel of property in the SAWBAA. The Assessment Roll is identified as Appendix D and incorporated herein by this reference. This Engineer's Report along with the SAWBAA Assessment Roll will be placed at the following locations for review by the public:

Clerk of the Board of Supervisors
4080 Lemon Street, 1st floor
Riverside, CA 92501

Riverside County Flood Control
and Water Conservation District
1995 Market Street
Riverside, CA 92501

City of Corona
400 South Vicentia Avenue, 1st floor
Corona, CA 92882

City of Hemet
445 East Florida Avenue
Hemet, CA 92543

City of Lake Elsinore
130 S. Main Street
Lake Elsinore, CA 92530

The Engineer's Report may also be viewed or downloaded at
<http://rcflood.org/NPDES/>

NPDES PROGRAM HIGHLIGHTS FOR FY 2010-2011

For the year ending June 30, 2011, the following major tasks and activities were accomplished:

- A. The most significant activity conducted during the FY 2010-2011 was the development of the implementation documents associated with the adoption of the 2010 MS4 Permit including (but not limited to): implementation schedules, issuing contracts for Permit tasks, and initiating the work necessary to address the 2010 MS4 Permit schedules.
- B. Development of the Water Quality Management Plan (WQMP) for new development in accordance with the 2010 MS4 Permit. The Regional Water Quality Control Board – Santa Ana Region (SARWQCB) required revision of the WQMP to incorporate low impact development (LID) and hydrologic conditions of concern (HCOC). The District is developing additional BMP design guidance to standardize post-construction BMP selection and design in Riverside County. Updates to the handbook include a plan to incorporate LID design concepts. A draft of this guidance will be submitted to the SARWQCB in July 2011.
- C. The Permittees have reviewed the Implementation Agreement and determined the need for additional revisions. The Permittees determined the need to include the newly incorporated cities of Eastvale, Menifee and Wildomar, to allow participation in the Implementation Agreement. The Implementation Agreement was fully executed by all Permittees in early 2011.
- D. The Permittees utilized the Middle Santa Ana River TMDL Task Force Agreement to facilitate the hiring of a consultant to complete the development of the Draft Comprehensive Bacteria Reduction Plan (CBRP) for those Permittees named in the TMDL within Riverside County. The CBRP was submitted to the SARWQCB in December 2010.
- E. Continued participation in the Lake Elsinore/Canyon Lake Nutrient TMDL Task Force. The Task Force is formed of stakeholders regulated by the SARWQCB through the Lake Elsinore/Canyon Lake Nutrient TMDL (adopted December 17, 2004). The District also participates in another TMDL Task Force for the Reach 3 Santa Ana River Pathogen Indicator TMDL (adopted August 26, 2005). The purpose of both task forces is to implement joint requirements of the TMDLs, to address these impairments and implement the TMDLs.
- F. Continued implementation of a Commercial/Industrial Compliance Assistance Program (CAP) to conduct focused outreach to restaurants, automotive repair shops and certain other commercial and industrial establishments. The CAP encourages the implementation of stormwater BMPs and facilitates consistent and coordinated enforcement of local stormwater quality ordinances. Site visits included use of a survey checklist to document stormwater management practices for each facility.
- G. Continued financial support for area-wide Stormwater Pollution Prevention Programs, including Hazardous Materials Response (HAZMAT) Team, the Household Hazardous Waste (HHW) collection events and "ABOP" (Anti-freeze, Batteries, Oil and Paint) program.

- H. Promotion of proper household hazardous waste disposal at special hazardous waste collection events and at the "ABOP" collection center through distribution of the Regional Household Hazardous Waste flyer. Attending community events to educate the general public and provide information and brochures on stormwater pollution prevention, recycling and proper disposal of household hazardous waste.
- I. Creation and chairing of a Public Education Subcommittee. Different MS4 permittees meet regularly to discuss the public education and outreach program and provide input to improving its effectiveness.
- J. Continued offering municipal employee-training sessions to provide an overview of the Municipal Stormwater Program including topics such as stormwater regulations and permits, storage and disposal of hazardous materials, BMPs for parks and recreation activities, animal control facilities, vehicle and equipment cleaning, outdoor cleaning activities, pesticides/fertilizers, painting, dumpster areas, etc. to all Santa Ana Permittees' staff. Attendees included code enforcement and field maintenance staff, construction site inspectors, and personnel involved in conducting industrial/commercial facility inspections.
- K. The District, on behalf of the Permittees, developed a Request for Proposals (RFP) to provide public education support services. This RFP sought consultants experienced and qualified in implementing stormwater public education, and allowed the Permittees to re-evaluate the existing Public Education program. Based on the proposals received, the District selected a consultant and has developed an innovative and cost effective program to address NPDES MS4 Permit public education and outreach requirements. The District has finalized the contract and has begun the implementation of the improved public education and outreach program.
- L. Distribution of focused BMP Brochures targeting Construction Activities, Bank Stabilization, Pet Care, Guidelines for Maintaining your Swimming Pool, Jacuzzi and Garden Fountains, Septic Tank Maintenance, Restaurant/Food Service Industry, Professional Mobile Services, Automotive Service Industry, Outdoor Cleaning Activities and Industrial Facilities. Efforts continue to ensure the brochures are updated as necessary.
- M. Developing a new Stormwater Pollution Prevention Program for elementary school classrooms to be presented by the District's consultant.
- N. Implemented a series of Home Gardening Workshops at local nurseries and garden centers to promote alternative to fertilizer and pesticide usage, presented by the District's consultant. Store staff is trained and point-of-purchase displays are placed at paint, pesticide and fertilizer departments.
- O. Initiated a redesign of the District's NPDES Public Education website to improve its effectiveness, usability and quality of information regarding MS4 compliance programs. The website provides pertinent information for the general public, copermitees, regulators, public and in-house personnel. Redesign branding assistance provided by the District's consultant.

- P. The District is in the construction stage of an LID Retrofit project for the District's headquarters in Riverside to establish a LID BMP Testing and Evaluation facility. The project will implement a variety of LID Integrated Management Practices (IMPs) that will be used to test and demonstrate the effectiveness of these practices in contributing to stormwater capture and management, treating pollutants of concern associated with urban runoff, mitigating the impacts of hydromodification from urban development, and identifying optimum IMP design criteria and standards for LID IMPs in Riverside County. Data collected by this project will be provided to the regional SMC LID Project. As this project will have statewide and regional benefits, the project is partially funded by a proposition 13 grant and in partnership with SAWPA.
- Q. Participation in the California Stormwater Quality Association, including the leadership roles of Board Member, Legislative Chair and 2010 and 2011 Conference Chair and membership roles in the Monitoring Science, Pesticides, Industrial and Construction Subcommittees.
- R. Continued participation in the Consolidated Program for Water Quality Monitoring (Consolidated Monitoring Program) in accordance with NPDES Permit requirements that includes collection of water quality samples at Municipal Separate Storm Sewer Systems (MS4) outfalls and Receiving Waters for a variety of constituents as well as coordinate monitoring efforts for the Canyon Lake/Lake Elsinore TMDL and for the Middle Santa Ana River TMDL development. The District is also coordinating the implementation of a new bioassessment monitoring program with the Stormwater Monitoring Coalition.
- S. Preparation of a comprehensive Annual Report to the Regional Board. The 2010 Report contained updates to the Permittees' stormwater management activities including a summary of actions to investigate and eliminate Illegal Discharges, Construction site and Industrial/Commercial business inspections, and BMP implementation for Municipal Facilities Programs and Activities.
- T. Participation in the Santa Ana "One Water One Watershed"(OWOW) planning process which focuses on establishing regional solutions for water problems within the Santa Ana Watershed and is intended to develop linkages between all water interests. The objective of OWOW is to encourage and secure resources for the development of multi-benefit projects that use resources and expertise from across disciplines.
- U. Participation in the Stormwater Quality Standards Task Force. The multi-stakeholder Task Force was formed by Orange, San Bernardino, and Riverside counties to assist the Santa Ana Regional Board in reevaluating the application of the water contact beneficial uses (REC-1, REC-2) for receiving waters in the Santa Ana Watershed. The Task Force's goal is to recommend revised beneficial use designations for sections of the Santa Ana River and its tributaries, develop water quality objectives to protect each designated use, and reexamine the appropriateness of the fecal coliform bacteria as the most appropriate water quality objective indicator organism.
- V. Participation in the Southern California Stormwater Monitoring Coalition, a regional monitoring group comprised of Southern California Phase 1 Municipal NPDES Permit holders whose focus is developing effective, meaningful stormwater quality monitoring techniques.

- W. Continuation of the Permittees' Management Steering Committee quarterly meetings. The Management Steering Committee consists of the City Managers, Directors of Public Works and other essential municipal staff. The District's Chief Engineer chairs the Committee. The Committee was established to address Urban Runoff management policies for the Permit Area and coordinate the review and necessary revisions to the DAMP, Implementation Agreement, and development of the WQMP. In addition, the Management Steering Committee facilitates coordination with related water quality management programs and monitoring. It also responds to new legislative and regulatory initiatives.
- X. The District and County have partnered with Metropolitan Water District (MWD) to update the Lake Mathews Area Drainage Plan (ADP). The existing Lake Mathews ADP was a joint effort of the County, District and MWD and was originally adopted in 1994 and was one of the first ADPs in Riverside County to incorporate water quality mitigation features. The features were intended to provide protection to Lake Mathews. The costs of the constructing ADP facilities are partially offset by associated ADP Developer Fees charged to developments within the watershed. Unfortunately, several of the proposed water quality features were "regional" in nature and incorporated into Receiving Waters. Recent NPDES MS4 Permits include language that indicates regional treatment systems cannot be incorporated into Receiving Waters. Further, the ADP was adopted prior to NPDES MS4 Permit requirements for WQMPs for new development and redevelopment. The WQMP requires new developments to incorporate onsite mitigation that may obviate the need for some of the regional water quality features proposed in the original ADP. For these reasons, the District, County and MWD are partnering to update the Lake Mathews ADP based on current regulatory requirements. The study will include the development of a watershed model that will attempt to evaluate the effectiveness of the existing water quality mitigation features protecting Lake Mathews, as well as the potential benefits of continued WQMP implementation. The need for additional regional water quality mitigation features will then be evaluated based on the modeling results. The District entered into a cooperative agreement with the County of Riverside and MWD to hire a consultant who will perform the updated watershed evaluation. A schedule for the revised ADP has not yet been established;
- Y. The District partnered with Western Municipal Water District (WMWD) to examine the feasibility of infiltrating urban runoff/stormwater into the Arlington Groundwater Basin. The recharge project would be part of a larger effort to increase the sustainable yield of the Arlington Groundwater Basin. WMWD has selected a consultant (Wildermuth Environmental) who is currently developing a study evaluating alternative scenarios. Wildermuth is also evaluating any potential negative impacts from the recharge project on the groundwater basin. Proposed recharge facilities will incorporate any necessary mitigation measures to protect the groundwater. The project is expected to incorporate multiple benefits, including increasing the sustainable yield of the Arlington Basin and decreasing pollutant loads (particularly bacteria) to the Santa Ana River. A draft of the study was submitted during this fiscal year.

PROGRAM / WORK ITEMS FOR FY 2011-2012

The 2010 MS4 Permit significantly expanded the compliance requirements that must be implemented by the Santa Ana Region Permittees. The 2010 MS4 Permit incorporated several new programs addressing Low Impact Development, Hydromodification, Permittee public works projects, Illicit Discharge Detection and Elimination, mobile businesses, watershed scale planning, urban and MS4 retrofit, De-Minimus and General Construction Permit coordination and program effectiveness assessment. The Permittees were also required to develop Permittee specific implementation manuals called Local Implementation Plans. The Local Implementation Plans describe the specific tools, processes, procedures and resources used by the Permittees to implement the DAMP. The Permittees had 18 months to develop these programs, with most being due July 2011. Most resources in FY 2011-2012 will be spent working to implement the new programs to address the 2010 MS4 Permit, as well as to develop the required components of the Watershed Action Plan including efforts such as Hydromodification Susceptibility Mapping, Regional Geodatabase, Hydromodification Management Plan and Retrofit Studies. The District also continues to work with the Regional Board staff on the development of Total Maximum Daily Loads (TMDLs) for certain pollutants identified as causing impairment of beneficial uses in Canyon Lake, Lake Elsinore, and the Santa Ana River. The TMDLs contain implementation plans that impact MS4 Permittees and that must be funded and addressed by the Permittees. The implementation plans also affect other watershed stakeholders, private landowners, and other local, state and federal government entities. Several implementation plan programs must be jointly funded and implemented by multiple stakeholders. The District will continue to spend a significant amount of time coordinating TMDL Task Forces to address joint TMDL requirements, commenting on pending TMDLs for Canyon Lake, participating in Task Force and Regional Board meetings, and coordinating and commenting on technical reports and studies required by the implementation plans.

The following program activities will be emphasized for the coming year:

LID PROJECT

The District has partnered with the Santa Ana Watershed Project Authority to obtain an approximately \$475,000 Proposition 13 grant to retrofit the District's headquarters with low impact development features and drought tolerant landscaping. The project has broken ground and is expected to be completed in late 2011. The project will construct, test and evaluate a variety of integrated management practices (IMPs) that serve as hydraulic and hydrologic controls consistent with the low impact development planning and design approach.

The project will also provide a facility that can be used for demonstrating and evaluating the effectiveness of low impact development IMP techniques in southern California. The centralized location is convenient for training residents, regulators, developers, municipal employees, engineers and other interested stakeholders from many southern California communities.

PROGRAM MANAGEMENT

As Principal Permittee, the District conducts certain activities to coordinate the efforts of the other Permittees and facilitate compliance with the Permit. These activities include chairing monthly meetings of the combined Santa Ana/Santa Margarita Technical Advisory Committee, administration of area-wide programs (e.g., public education, household hazardous waste collection, hazardous material spill response, stormwater sample collection and analysis), program development and preparation of the Annual Report to the Regional Board.

Implementation of the revised SA/SMR DMAP programs, and development of Hydromodification Susceptibility Mapping, Regional Geodatabase, Hydromodification Management Plan and Retrofit Studies will be the most significant program management activity for FY 2011-2012. The District will also focus its efforts on identifying and commenting on statewide issues that affect local storm water programs.

AREA-WIDE PROGRAMS

The District will continue to provide financial support for several important "area-wide" BMP programs implemented on behalf of the Permittees. Major revisions to these programs that will be required by the 2010 MS4 Permit include enhancement to address TMDL and 303(d) listed pollutants associated with urban runoff. The programs currently include:

Public Education

Coordination and oversight of the area-wide NPDES public education and outreach efforts, including public events, school and adult education programs, printed brochures and commercial mass-media campaigns. Continued development and distribution of focused educational outreach materials for specific industries and businesses such as restaurants, auto repair shops, mobile cleaning businesses, and other commercial and industrial activities that are potential sources of stormwater pollution.

Training for Municipal Employees

Municipal training programs to improve understanding of NPDES Permit requirements and stormwater BMPs. The classes focus on methods to reduce and/or eliminate sources of stormwater pollution from public agency facilities and activities. Training will be conducted specifically for construction inspection staff, industrial/commercial facilities inspection staff, municipal facilities maintenance staff, and staff responsible for new development/re-development project review.

Hazardous Materials Emergency Spill Response

Providing financial support to the County Fire Department's Hazardous Materials Emergency Spill Response Team to ensure that hazardous chemical incidents (spills or illegal dumping) are responded to quickly and effectively cleaned up.

Household Hazardous Waste Collection / ABOP

Providing financial support to the County Waste Management Department to support ongoing mobile Household Hazardous Waste (HHW) collection events and operation of the ABOP (Antifreeze, Batteries, used motor Oil, and latex Paint) program that provide local residents with opportunities to properly dispose of HHW.

Compliance Assistance Program

Continuation of a partnership with the County Environmental Health Department to conduct outreach and education to specific commercial establishments and industrial facilities in conjunction with existing facility inspection programs. In addition, this program will provide feedback through survey forms concerning the compliance status of commercial and industrial facilities to both Permittees and the Regional Board.

WATER QUALITY MONITORING

On behalf of all Permittees, the District conducts both wet and dry weather sample collection and analysis in accordance with the Permit's Monitoring and Reporting Program. Coordinating and conducting monitoring in support of the Regional Board's TMDL development for Canyon Lake, Lake Elsinore, and Reach 3 of the Santa Ana River has resulted in additional demands being placed on the current Water Quality Monitoring Program. District staff will be meeting with Regional Board staff during this fiscal year to determine necessary changes to the program to address the 2010 MS4 Permit.

LEGAL AUTHORITY

The 2010 MS4 Permit requires documentation of adequate legal authority to control the contribution of pollutants to the MS4, to enforce those authorities and to otherwise demonstrate capability to implement 2010 MS4 Permit requirements. In developing the DAMP updates, the District and Permittees may identify potential deficiencies in one or more of the Permittees current legal authorities. The District will continue to work with the Permittees to coordinate consistent programs, including the approach to enforcement of local stormwater quality and soil erosion ordinances. This will be achieved through development and implementation of regionally acceptable programs and enforcement procedures to be described in the revised DAMP. Each Permittee, including the District, will be required to provide its own certification of legal authority to the Regional Board.

WATERSHED ACTION PLAN (WAP)

The WAP will describe and implement the Permittees' approach to coordinated watershed management. The objective of the WAP is to address watershed scale water quality impacts of urbanization associated with urban TMDL waste load allocations, stream system vulnerability to hydromodification from urban runoff, cumulative impacts of development on vulnerable streams, preservation of beneficial uses of streams, and protection of water resources, including groundwater recharge areas. The WAP document will include the following:

1. Hydromodification Susceptibility Mapping - delineation of stream channels that are vulnerable to hydromodification,
2. Regional Geodatabase – an integrated, world wide web available Geodatabase and web interface. The web interface will be designed to allow for the input of a project location / area, and then output a report of design related constraints and information specific to that project; such as watershed and hydrologic sub area(s), downstream receiving waters including hydromodification susceptibility (see Task 2) and 303(d) listed pollutants, soil types, structural post-construction BMPs suitable for the site based on the previously listed constraints, MSHCP areas, flood zones, land use designations, District Master/Area Drainage Plans, MS4 facilities, etc.
3. Hydromodification Management Plan – describes how the hydromodification mapping above will be used on a per project, sub-watershed and watershed basis.
4. Retrofit Studies - recommendations to identify candidate areas for retrofits within existing public and private MS4, parks and recreational areas and that incorporate opportunities for addressing TMDL implementation plans, hydromodification from urban runoff, LID implementation and pollutant discharge reduction.

NEW DEVELOPMENT

Perhaps the most significant expansion of the compliance requirements in the new MS4 Permit is related to the Water Quality Management Plan for new development and significant redevelopment (WQMP). The WQMP requirements impact both public and private projects.

Significant revisions include the expansion of project types subject to the WQMP, low impact development and Hydromodification requirements, requirements to establish an urban runoff fund or water quality credit system for those projects that cannot implement low impact development, and development of a database and inspection program to track and ensure maintenance of structural post-construction BMPs.

To support the development of these requirements, the Permittees will have to conduct the following specific studies:

- GIS level mapping of stream segments in the Santa Ana Watershed to determine those streams that may be susceptible to Hydromodification from new or existing development.
- Development of feasibility criteria for determining when infiltration, capture and re-use or evapotranspiration are not feasible for a specific development site. The Permit requires that these BMPs be used unless a technical feasibility study indicates that they are not feasible for a particular project.
- Development of revised road standards for public works road projects. The 2010 MS4 Permit requires the Permittees to develop individual WQMPs for public road projects. This is problematic for a number of reasons. Therefore, the Permittees negotiated an option to develop revised road standards in lieu of a WQMP requirement. This study would evaluate existing road standards, identify potential improvements to better address water quality, and develop those revised road standards.
- Development of a revised LID BMP design manual to incorporate low impact development concepts including infiltration and filtration BMPs, capture and re-use technologies and evapotranspiration.
- Development of updated project-specific WQMP templates and training to assist Permittees and developers with the transition to the new requirements.

These studies will be implemented during FY 2011-2012 to support the final requirements for the revised WQMP.

LOCAL IMPLEMENTATION PLANS (LIPs)

As part of the 2010 MS4 Permit, the Permittees must prepare and maintain a LIP that describes their compliance programs to implement the revised DAMP programs to address the 2010 MS4 Permit. The District has developed a LIP template for use by the Permittees. The initial template was submitted for approval by the Executive Officer of the Santa Ana Regional Board on July 29, 2010. The Permittees received comments on the LIP template and a revised template will be submitted to the Regional Board in July 2011. The Permittees must use the LIP template to prepare their individual LIPs within 12 months of approval. Additional LIP template modifications will be required when the DAMP is updated to incorporate additional new programs required by the 2010 MS4 Permit.

TOTAL MAXIMUM DAILY LOADS (TMDLs)

The 2010 MS4 Permit directly incorporates two TMDLs that have been established for the Santa Ana Region of Riverside County, namely the Middle Santa Ana River (MSAR) Bacteria Indicator TMDL and the Lake Elsinore/Canyon Lake (LE/CL) Nutrient TMDL. The 2010 MS4 Permit incorporates interim and final water quality based effluent limitations (WQBELs) specified in the TMDLs. The interim WQBELs are established based on the TMDL Implementation Plans. The final WQBELs will either be based on a Comprehensive Bacteria Reduction Plan (CBRP) for the MSAR TMDL and a Comprehensive Nutrient Reduction Plan

(CNRP) for the LE/CL TMDL (Reduction Plans) to be developed by the Permittees and approved by the Regional Board or the explicit numeric Waste Load Allocations that are prescribed for Urban Runoff in the respective TMDLs. The Reduction Plans are long term plans designed to achieve compliance with Waste Load Allocations for bacterial indicators (MSAR) and nutrients (LE/CL) established by the TMDLs. The Reduction Plans must describe, in detail, the specific actions that have been taken or will be taken to achieve compliance with the waste load allocations by December 31, 2015, and December 31, 2020, respectively. The District and Permittees will be working with consultants in order to develop and complete the Reduction Plans over the next fiscal year.

ILLICIT CONNECTION/ILLEGAL DISCHARGE (IC/ID) PROGRAMS

The 2010 MS4 Permit requires the expansion of the IC/ID Program and will require implementation of a more rigorous and proactive IC/ID detection and elimination program, including development and implementation of Permittee specific schedules to conduct systematic investigations of MS4 channels and outfalls with a diameter of 36 inches or larger to receiving waters.

MUNICIPAL FACILITIES AND ACTIVITIES

Continue to implement the provisions of the NPDES Permit's Municipal Facilities Strategy as described in the revised DAMP, including improvements to structural facilities at the District's headquarters, municipal employee training activities, and reduction and/or elimination of stormwater pollution sources at public agency facilities.

CONCLUSIONS AND RECOMMENDATIONS

The area-wide Municipal Stormwater Program for the Santa Ana Watershed has been implemented in an efficient, cost-effective manner through the ongoing cooperative efforts of the District, the Co-Permittees, the Regional Board and the Riverside County Fire Department and Environmental Health Department. The District's NPDES Program activities, which are funded by these SAWBAA assessments, are required to comply with the current NPDES Permit for the Santa Ana Watershed and enforceable provisions of the California Water Code and the Federal Clean Water Act which regulate the discharge of stormwater from municipally owned storm drains and flood control facilities. These mandatory Stormwater Management Program activities are an essential component of the District's continuing operation and maintenance of its critical public safety facilities; therefore, the following action is recommended:

Levy a Flood Control Benefit Assessment in the Santa Ana Watershed Benefit Assessment Area at an unchanged rate of \$3.75 per benefit assessment unit for FY 2011-2012.

GLOSSARY

ABOP – A permanent collection facility that accepts Anti-freeze, Batteries, Oil and latex Paint for recycling and/or proper disposal

BAU – Benefit Assessment Unit

BMP – Best Management Practice

CAP - Commercial/Industrial Compliance Assistance Program

CRWQCB - California Regional Water Quality Control Board

CWA – Clean Water Act

District – The Riverside County Flood Control and Water Conservation District

FY – Fiscal Year

HAZMAT Team – Hazardous Materials Emergency Response Team

HHW – Household Hazardous Waste. Commonly used household chemicals that may be toxic or require special handling for proper disposal, e.g., automotive fluids, pesticides, fertilizers, paint, cleaning products, pool chemicals, etc.

LID – Low Impact Development

NPDES – National Pollutant Discharge Elimination System

Order R8-2010-0033 - Santa Ana Regional Board Order adopted on January 29, 2010

Regional Board - California Regional Water Quality Control Board – Santa Ana Region

ROWD - Report of Waste Discharge (NPDES Permit Re-application)

SA/SMR DAMP – Santa Ana/Santa Margarita Regional Drainage Area Management Plan

SAWBAA – Santa Ana Watershed Benefit Assessment Area

SWRCB – State Water Resources Control Board

TMDL - Total Maximum Daily Load

USEPA – United States Environmental Protection Agency

WQMP – Water Quality Management Plan

APPENDIX A

Proposed NPDES Program Budget for FY 2011-2012

APPENDIX A

**SANTA ANA WATERSHED BENEFIT ASSESSMENT AREA
PROPOSED NPDES PROGRAM BUDGET FOR FY 2011-2012**

STAFFING

Staff Salaries	\$480,400
Staff Benefits	193,800
Other Pay (Standby/Shift Differential/Overtime)	<u>5,000</u>
Subtotal	\$679,200

ADMINISTRATION & OVERHEAD

Administration & Overhead	\$191,990
County Counsel Services	8,480
Equipment Lease / Rental	1,400
Vehicle Mileage	13,000
Photocopying / Reproduction	5,000
Miscellaneous (Photography, Communications, Supplies, etc.)	<u>39,460</u>
Subtotal	\$259,330

GENERAL CONSULTANT SERVICES

Permit Compliance Assistance	\$1,161,450
LID Demonstration Facility Design	0
Benefit Assessment Services	<u>26,000</u>
Subtotal	\$1,187,450

PUBLIC EDUCATION PROGRAM

Education Program: Contract Services / Presentations	\$206,250
Education Program: Production / Materials / Media	<u>145,270</u>
Subtotal	\$351,520

WATER QUALITY MONITORING PROGRAM

Laboratory Services	\$251,720
SMC/SCWRP Regional Monitoring Program	25,000
Small Tools & Equipment	<u>83,300</u>
Subtotal	\$360,020

POLLUTION PREVENTION PROGRAMS

HAZMAT Response Team (Fire Dept.)	\$292,000
Household Hazardous Waste Program (Waste Management Dept.)	240,000
Compliance Assistance Program (Environmental Health Dept.)	64,480
Santa Ana WQS Workgroup	100,000
Contributions to other efforts	<u>148,382</u>
Subtotal	\$844,862

PROGRAM SUBTOTAL

PROGRAM SUBTOTAL	\$3,682,382
CONTINGENCY (10%)	\$368,238
Assessor's/Treasurer's Office Line Item Charges (\$0.57/parcel)	<u>\$207,607</u>
TOTAL EXPENDITURES	\$4,258,227

FUND BALANCE FROM FY 2010-2011 (est.)	\$3,907,999
PROJECTED REVENUE	<u>\$2,242,959</u>
CASH AVAILABLE	\$6,150,958
PROJECTED FUND BALANCE	\$1,892,731

APPENDIX B

**RCFC&WCD Ordinance No. 14
(May 14, 1991)**

0586

ORDINANCE NO. 14

AN ORDINANCE OF THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ESTABLISHING A BENEFIT ASSESSMENT FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PROGRAM

The Board of Supervisors of the Riverside County Flood Control and Water Conservation District, State of California, do ordain as follows:

ARTICLE I

GENERAL

Section 1. Title.

This Ordinance shall be known as the "NPDES Program - Benefit Assessment Ordinance" of the Riverside County Flood Control and Water Conservation District.

Section 2. Purpose.

The United States Environmental Protection Agency (the "EPA") has, consistent with Section 402 of the Federal Clean Water Act, as amended, promulgated the National Pollutant Discharge Elimination System Regulations (the "NPDES Regulations") pursuant to which the EPA, through the appropriate California Regional Water Quality Control Board (the "CRWQCB") has required the Riverside County Flood Control and Water Conservation District (the "District") and other affected public entities to secure a National Pollutant Discharge Elimination System Stormwater Permit (the "NPDES Permit") which does require the District to develop, implement and manage identified programs dealing with stormwater runoff. The parcels of land within the respective watersheds within the District's jurisdiction for which a NPDES Permit is

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1 required will benefit from these programs. The Board of
2 Supervisors of the District has determined, pursuant to the
3 Riverside County Flood Control and Water Conservation Act (the
4 "District Act"), which is Chapter 48, as amended, of the
5 California Water Code Appendix, to establish certain Benefit
6 Assessment Areas in which the District will annually levy a
7 Benefit Assessment to pay the cost of these programs required by
8 the NPDES Permit. The Board of Supervisors of the District,
9 consistent with Section 48-14 of the District Act, held a noticed
10 public hearing at which time all testimony, oral and written, was
11 considered. As the conclusion of the public hearing, the Board of
12 Supervisors of the District adopted resolutions establishing the
13 Benefit Assessment Areas. The provisions of this Ordinance
14 confirming the establishment of the Benefit Assessment Areas and
15 providing for the annual levy of a Benefit Assessment are
16 consistent with the District Act and the reports prepared by the
17 Chief Engineer of the District and accepted by the Board of
18 Supervisors of the District.

19 The Board of Supervisors of the District finds that
20 the Benefit Assessment to be annually levied shall be based on the
21 proportional stormwater runoff generated by each lot or parcel
22 within the Benefit Assessment Area. Revenues derived from the
23 Benefit Assessment shall be applied exclusively to pay the
24 District's administrative and program costs associated with the
25 NPDES Permit required for the Benefit Assessment Area and are to
26 be apportioned to the Benefit Assessment Area in which they are
27 collected.

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1 ARTICLE II

2 DEFINITIONS

3 Section 1. Unless otherwise specifically provided or required by
4 the context, certain terms or expressions used herein have the
5 meanings set forth below:

6 a.) "Benefit Assessment" means the Benefit Assessment
7 to be levied annually on each Parcel within a Benefit
8 Assessment Area pursuant to Article IV of this Ordinance.

9 b.) "Benefit Assessment Area" means a Benefit Assessment
10 Area formed pursuant to Section 48-14 of the District Act
11 by the Board of Supervisors and identified in Article III
12 of this Ordinance.

13 c.) "Board of Supervisors" means the Board of Supervisors
14 of the Riverside County Flood Control and Water
15 Conservation District.

16 d.) "Chief Engineer" means the Chief Engineer of the
17 Riverside County Flood Control and Water Conservation
18 District.

19 e.) "County" means the County of Riverside, State of
20 California.

21 f.) "CRWQCB" means the California Regional Water Quality
22 Control Board for the region in which the Benefit
23 Assessment Area has been established.

24 g.) "District" means the Riverside County Flood Control
25 and Water Conservation District.

26 h.) "District Act" means the Riverside County Flood
27 Control and Water Conservation District Act, Statutes
28 1945, Chapter 1122, as amended; California Water Code,

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Appendix, Chapter 48.

i.) "EPA" means the United States Environmental Protection Agency, which, pursuant to the Clean Water Act of 1976, as amended by the Water Quality Act of 1987, has jurisdiction to establish the NPDES program and promulgate regulations pursuant thereto.

j.) "NPDES Permit" means the permit, issued by the regional CRWQCB, dealing with stormwater runoff in association with the National Pollutant Discharge Elimination System (NPDES) and the regulations promulgated by the EPA.

k.) "NPDES Regulations" means the final regulations dated November 16, 1990, and any subsequent amendments thereto promulgated by the EPA governing the National Pollutant Discharge Elimination System (NPDES).

l.) "Ordinance" means this Ordinance No. 14 of the Riverside County Flood Control and Water Conservation District.

m.) "Parcel" means a parcel of property identified by Assessor parcel number as shown on the equalized tax rolls of the County of Riverside, State of California.

ARTICLE III

ESTABLISHMENT OF BENEFIT ASSESSMENT AREAS

Section 1. Formation of Benefit Assessment Areas.

Pursuant to Section 48-14 of the District Act, the Board of Supervisors noticed three public hearings to consider the establishment of three Benefit Assessment Areas for each of which a NPDES Permit would be required by the NPDES Regulations. At the

1 conclusion of the hearings, the Board of Supervisors adopted
2 Resolutions Nos. F91-21, F91-22, and F91-23 which established,
3 respectively, the Santa Ana Watershed Benefit Assessment Area, the
4 Santa Margarita Watershed Benefit Assessment Area, and the
5 Whitewater Watershed Benefit Assessment Area. The legal
6 descriptions for each of the Benefit Assessments Areas are
7 attached hereto, marked respectively Exhibits A, B, and C, and are
8 by this reference incorporated herein.

9 Section 2. Amendment to or Additional Benefit Assessment Areas.

10 The District may amend the boundaries of each of the
11 Benefit Assessment Areas or create additional Benefit Assessment
12 Areas, if in the District's administrative judgment the NPDES
13 Regulations and the NPDES Permits issued pursuant thereto so
14 require. To amend the boundaries to a Benefit Assessment Area or
15 to create an additional Benefit Assessment Area, the District is
16 to comply with provisions of the District Act then governing the
17 creation of a benefit assessment area.

18 ARTICLE IV

19 REPORT OF CHIEF ENGINEER, HEARING THEREON;

20 CONFIRMATION OF BENEFIT ASSESSMENT BY THE

21 BOARD OF SUPERVISORS

22 Section 1. Report.

23 The Chief Engineer shall cause to be prepared annually
24 a written report for each Benefit Assessment Area regarding the
25 Benefit Assessment to be levied and shall file each report with
26 the Clerk of the Board of Supervisors.

27 Section 2. Content of the Report.

28 Each report shall contain the District's estimate of

1 its administrative and program costs in association with the NPDES
2 Permit for the Benefit Assessment Area for the ensuing fiscal
3 year. Said estimate of cost shall be apportioned to each Parcel
4 on the basis of proportionate stormwater runoff generated from
5 each Parcel to be assessed. Only Parcels not otherwise exempted
6 by this Ordinance or the NPDES Regulations shall have a Benefit
7 Assessment levied on them. The report shall identify all Parcels
8 by Assessor parcel number on which a Benefit Assessment is to be
9 levied and the amount of the assessment.

10 Section 3. Resolution Accepting Report and Noticing Public
11 Hearing.

12 Upon the report being filed with the Clerk of the
13 Board of Supervisors, the Board of Supervisors is, by resolution,
14 to accept, if appropriate, the report and to set a date, time and
15 place for a hearing on said report. Prior to the date of the
16 hearing, a notice specifying the date, time, place and purpose of
17 the hearing and identifying those locations at which a property
18 owner may review the report shall be published in a newspaper of
19 general circulation within the Benefit Assessment Area pursuant to
20 the provisions of Section 6066 of the California Government Code.
21 In addition, the District shall cause the notice of the hearing to
22 be posted in at least three public places within the boundaries of
23 the Benefit Assessment Area at least seven (7) days prior to the
24 date of the hearing.

25 Section 4. Hearing.

26 The Board of Supervisors shall hear the matter on the
27 date and at the time specified in the notice, or as continued for
28 good cause. At the hearing, the Board of Supervisors shall hear

1 and consider all testimony, oral and written, presented, including
2 all written protests. At the conclusion of the hearing, the Board
3 of Supervisors may revise, change, reduce or modify any Benefit
4 Assessment and shall make its determination upon each Benefit
5 Assessment identified in the report. Thereafter, by resolution it
6 shall confirm the assessments. Such confirming resolution shall
7 be adopted no later than August 10 of each fiscal year in which
8 the Benefit Assessment is to be levied and collected.

9 Section 5. Enrollment.

10 The District shall provide certified copies of the
11 confirming resolutions and the roll of confirmed Benefit
12 Assessments, in an acceptable format, to the Auditor-Controller of
13 the County on or before August 10 of each fiscal year.

14 ARTICLE IV

15 LEVY OF BENEFIT ASSESSMENT

16 Section 1. Determination of the Amount to be Assessed.

17 The District is to estimate for the fiscal year in
18 which the Benefit Assessment is to be levied the administrative
19 and program costs that it will incur pursuant to the NPDES Permit
20 issued for each Benefit Assessment Area. This estimate of costs
21 is to be apportioned among the Parcels within each Benefit
22 Assessment Area on the basis of proportionate stormwater runoff
23 generated by each Parcel. The Benefit Assessment levied and
24 collected within each Benefit Assessment Area may only be applied
25 toward the costs incurred pursuant to the NPDES Permit for that
26 Benefit Assessment Area. If at the conclusion of any fiscal year
27 there remains in the account for a Benefit Assessment Area
28 unexpended funds, the remaining balance shall be applied toward

1 the estimated costs for the next fiscal year and thereby reduce
2 the amount of the Benefit Assessment to be levied. Benefit
3 Assessments levied and collected pursuant to this Ordinance may
4 not be applied toward any other costs or expenses of the District
5 nor may they be applied to the costs of a Benefit Assessment Area
6 other than the Benefit Assessment Area for which they were levied
7 and collected.

8 Section 2. Determination of Proportionate Storm Water Runoff and
9 Amount of Benefit Assessment to be Levied.

10 a.) Benefit Assessment Unit. The District shall
11 express the of proportionate stormwater runoff factor as a
12 decimal. The standard against which all property is to be
13 measured shall be a single-family residential parcel of 7,200
14 square feet (1/6 acre) in size to which a runoff factor of 0.40 is
15 ascribed and shall be called a Benefit Assessment Unit (BAU).

16 The runoff factor for each of the classes listed in subsection
17 (b) below are as follows:

18	Group A	0.80
19	Group B	0.60
20	Group C	0.40
21	Group D	Exempt
22	Group E	0.0067
23	Group F	0.0033

24 The runoff factor for each group is compared to the
25 runoff factor of the standard Benefit Assessment Unit (Group C) as
26 described above. This results in a runoff factor ratio. The
27 runoff factor ratio shall be that ratio established by comparing
28 Benefit Assessment Units assigned to one of the groups listed

1 above, compared to the standard Benefit Assessment Unit
2 represented by Group C. The number of Benefit Assessment Units
3 per parcel size for each of the classes listed in subsection (b)
4 below are as follows:

5	Group A	12 BAU/acre
6	Group B	9 BAU/acre
7	Group C	1 BAU/7200 sq. ft. lot
8	Group D	Exempt
9	Group E	0.10 BAU/acre
10	Group F	0.05 BAU/acre

11 b.) Classification of Parcels. All Parcels shall be
12 assigned to one of the following classifications based on land use:

- 13 Group A: Commercial or industrial use
- 14 Group B: Institutional uses, ie. churches, or
15 hospitals, or multiple family residential
16 use having four or more units per parcel,
17 ie. apartments or mobile home parks.
- 18 Group C: Single family residential or multiple
19 family residential having three or fewer
20 units on 1/6 of an acre parcel.
- 21 Group D: Agricultural uses, including dairies,
22 poultry, livestock, groves, orchards,
23 row crops, field crops, vines or dry farming.
- 24 Group E: Golf courses, cemeteries, etc. and that
25 portion of a single family residential
26 parcel in excess of 7,200 square feet (1/6
27 acre) but less than 2.5 acres.
- 28 Group F: The undeveloped portion of a parcel such

1 as the portion of a single family
2 residential parcel exceeding 2.5 acres.

3 Calculation of the Benefit Assessment Units to be
4 attributed to a single family residential unit on a Parcel larger
5 than 1/6 acre is cumulative with that portion of the Parcel in
6 excess of the 1/6 acre which falls in either Group E or F being
7 assigned the appropriate BAU for the amount of acreage falling
8 within either Group E or F.

9 It is determined that Parcels used as a railroad, gas,
10 water, telephone, cable television, electric utility right-of-way,
11 electric line right-of-way or other utility right-of-way will
12 benefit from the programs required by the NPDES Permit and will be
13 subject to the Benefit Assessment to be levied pursuant to this
14 Ordinance.

15 c.) Exempted Land Uses. All land uses expressly
16 exempted by the NPDES Regulation will be exempted from the levy of
17 a Benefit Assessment pursuant to this Ordinance. Those land uses
18 exempted are:

- 19 1.) Agricultural uses, including dairies,
20 poultry, livestock, groves, orchards, row
21 crops, field crops, vines or dry farming.
22 2.) Vacant, undeveloped parcels.
23 3.) Publicly owned parcels which are parcels
24 owned by a Federal, State or local public
25 entity or agency and used for public
26 purposes.

27 d.) Determination of Benefit Assessment Units per
28 Parcel. Once a Parcel is classified and its acreage is

1 determined, the appropriate BAU's per acre for its classification
2 will be multiplied by the acreage to determine the total Benefit
3 Assessment Units for the Parcel

4 e.) Determination of Benefit Assessment to be levied
5 per Benefit Assessment Unit. The aggregate number of Benefit
6 Assessment Units within a Benefit Assessment Area will be divided
7 into the estimated administrative and program costs for the
8 Benefit Assessment Area to determine the amount of Benefit
9 Assessment to be levied per Benefit Assessment Unit. The Benefit
10 Assessment to be levied on a Parcel is determined by the number of
11 Benefit Assessment Units ascribed to the Parcel and the assessment
12 value of each unit.

13 ARTICLE V

14 COLLECTION OF BENEFIT ASSESSMENT.

15 Section 1. Collection by Treasurer/Tax Collector.

16 The confirmed Benefit Assessment for each Parcel shall
17 appear as a separate item on the tax bill issued by the
18 Treasurer-Tax Collector of the County. The Benefit Assessment
19 shall be levied and collected at the same time and in the same
20 manner as the general ad valorem property taxes and shall be
21 subject to the same penalties and the same procedures for sale in
22 case of delinquency. If, for the first year the Benefit
23 Assessment is levied, the property on which the Benefit Assessment
24 is levied has been transferred or conveyed to a bona fide
25 purchaser for value, or if a lien of a bona fide encumbrancer for
26 value has been created and attached thereon, prior to the date on
27 which the first installment of ad valorem property taxes would
28 become delinquent, the Benefit Assessment shall not result in a

1 lien against the real property but shall be transferred to the
2 unsecured roll.

3 Section 2. Applicable Law.

4 All laws applicable to the levy, collection and
5 enforcement of ad valorem property taxes shall be applicable to
6 Benefit Assessments, except as otherwise provided herein.

7 Section 3. Validity of Benefit Assessment Not Affected by Time
8 Limits.

9 Failure to meet the time limits set forth in this
10 Ordinance for whatever reason shall not invalidate any Benefit
11 Assessment levied hereunder.

12 ARTICLE VI

13 CORRECTION OR CHANGE TO THE TAX ROLL

14 Section 1. Initiation of the Correction or Change.

15 A correction or change to the tax roll with respect to
16 a Benefit Assessment may be made by the Chief Engineer, either on
17 his own initiative, or on application by a property owner (the
18 "Assessee").

19 Section 2. Initiation by Flood Control Engineer.

20 The Chief Engineer may initiate a correction or change
21 to the tax roll at any time within four (4) years of the date of
22 the resolution of the Board of Supervisors confirming Benefit
23 Assessments placed upon the tax roll.

24 Section 3. Initiation by the Assessee.

25 The Assessee may initiate a correction or change to
26 the tax roll by filing a written application with the Chief
27 Engineer within 60 days following his/her receipt of the tax bill
28 reflecting the Benefit Assessment. The application shall contain

1 or include the following information, together with such
2 additional information deemed relevant by the Assessee or
3 requested by the Chief Engineer:

- 4 1. Assessor's parcel number.
- 5 2. Gross acreage.
- 6 3. Use of property as of the preceding March 1st.
- 7 4. Measurements of man-made impervious area, if known.
- 8 5. Copy of the tax bill containing the benefit
9 assessment.

10 Section 4. Categories of Corrections or Changes.

11 Upon approval of the Chief Engineer, corrections or
12 changes shall be made with respect to:

- 13 1. Ownership of a Parcel;
- 14 2. Address of an owner of a Parcel;
- 15 3. Subdivision of an existing Parcel;
- 16 4. Land use category of all or part of a Parcel;
- 17 5. Computation of the area of a Parcel;
- 18 6. Erroneous computation of the Benefit Assessment.

19 Corrections to the tax roll shall not be valid unless and
20 until approved by the Board of Supervisors. All corrections or
21 changes must be reported by the Chief Engineer to the
22 Auditor-Controller of the County, who shall prepare the amended
23 billing, as the case may be. The Chief Engineer shall give
24 written notice to the Assessee of the action taken on the
25 application.

26 If the Assessee disagrees with the Chief Engineer's
27 determination, he/she may file an appeal with the Board of
28 Supervisors within 30 days after receipt of the written notice.

1 The appeal shall be initiated by a written application filed with
2 the Clerk of the Board of Supervisors for refund of all or part of
3 the Benefit Assessment. The decision of the Board of Supervisors
4 shall be final and shall complete the administrative process. Any
5 further action by the Assessee for recovery of any part of the
6 Benefit Assessment shall be by complaint for refund filed in the
7 Superior Court.

8 ARTICLE VII

9 EFFECTIVE DATE OF ORDINANCE

10 This Ordinance shall take effect and be in force 30 days
11 after the adoption by the Board of Supervisors. Before the
12 expiration of fifteen (15) days after the effective date of this
13 Ordinance it shall be published once in The Press-Enterprise, a
14 newspaper of general circulation in the County of Riverside.

15
16 BOARD OF SUPERVISORS OF THE RIVERSIDE
17 FLOOD CONTROL AND WATER CONSERVATION
18 DISTRICT

19 By *[Signature]*
20 Chairman

21 ATTEST:
22 GERALD A. MALONEY, Clerk
23 By *[Signature]*
24 DEPUTY

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Attest:

(Seal)

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

I HEREBY CERTIFY that a regular meeting of the Board of
Supervisors of the Riverside County Flood Control and Water
Conservation District held on 6/4, 1991, the foregoing
ordinance consisting of 7 articles was adopted by said Board by
the following vote:

Dated: 6/4/91

CLERK OF THE BOARD
OF SUPERVISORS

(Seal)

By Bernie May
Deputy

TJD:cm/db
5/17/91
ID #107C

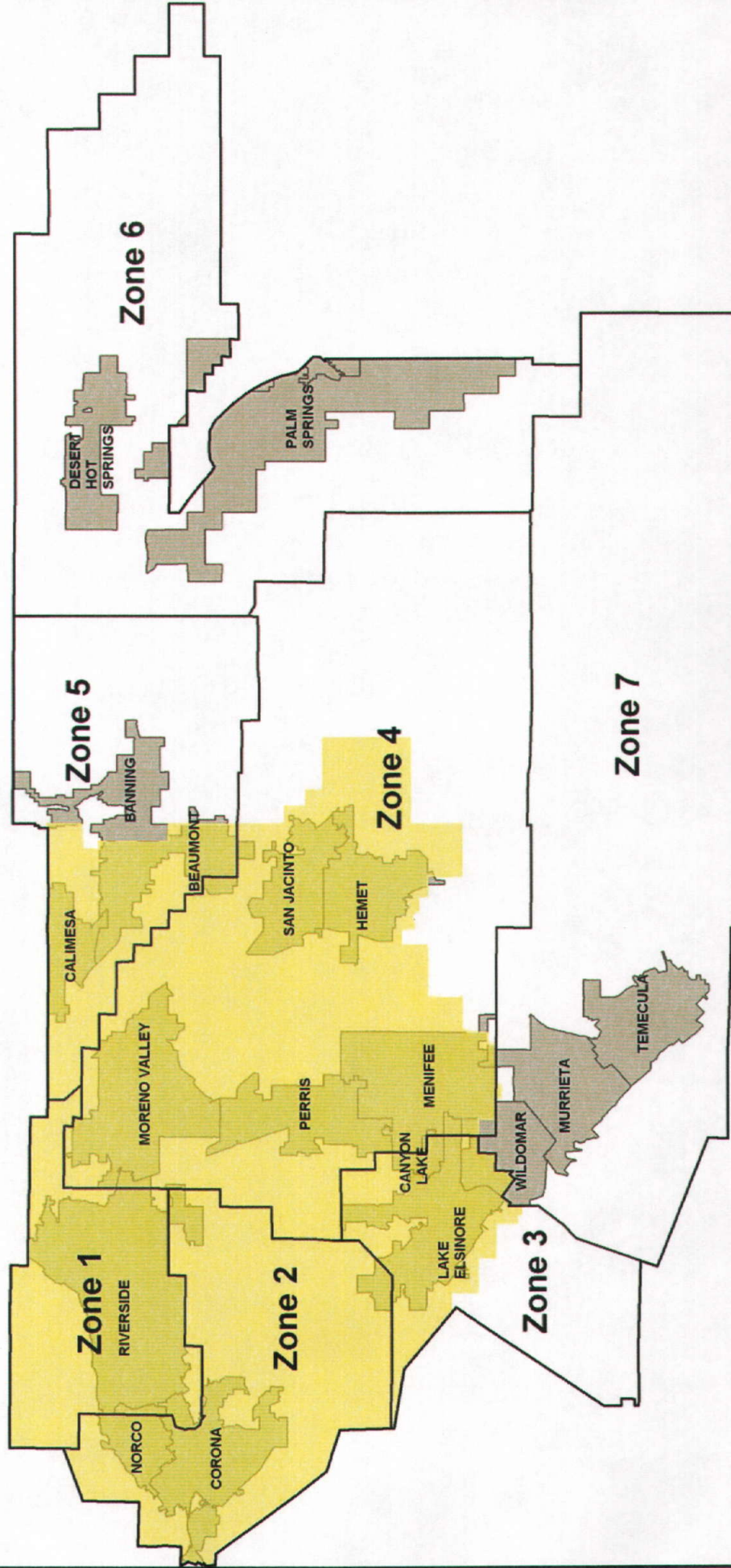
WILLIAM C. KATZENSTEIN
COUNTY COUNSEL
SUITE 300
3535 10TH STREET
RIVERSIDE, CALIFORNIA

APPENDIX C

Map of Santa Ana Watershed Benefit Assessment Area

Riverside County Flood Control & Water Conservation District

Map of Santa Ana Watershed Benefit Assessment Area



■ - Santa Ana Watershed Benefit Assessment Area (SAWBAA)

APPENDIX D

**FY 2011-2012 SAWBAA Assessment Roll
(Under Separate Cover)**

