

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

118 B



**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
June 28, 2011

**SUBJECT:** Santa Margarita Watershed Benefit Assessment  
Resolution No. F2011-11

**RECOMMENDED MOTION:** The Board adopt Resolution F2011-11 which accepts the Engineer's Report on the NPDES Program for the Santa Margarita 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 Margarita Watershed Benefit Assessment Area was established on May 14, 1991 by the adoption of Resolution No. F91-22 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**  
General Manager-Chief Engineer

<b>FINANCIAL DATA</b>	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

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

**C.E.O. RECOMMENDATION:**

APPROVE

BY: Michael R. Shetler  
Michael R. Shetler

**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
BY: David H.K. Huff  
DATE: 6/10/2011

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:** 1, 3

**Agenda Number:**

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

**SUBJECT:** Santa Margarita Watershed Benefit Assessment  
Resolution No. F2011-11

**SUBMITTAL DATE:** June 28, 2011  
**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. F2011-11

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

9 WHEREAS, the California Regional Water Quality Control Board - San Diego 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 Margarita Watershed that are within the District's jurisdiction, and has  
16 named 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 Margarita 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. F91-22 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 Margarita 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

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

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

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

1  
2 WHEREAS, the voters of California on November 5, 1996, approved Proposition No.  
3 218 which added Article XIID to the California Constitution ("Article XIID") effective  
4 November 6, 1996; and

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

10 BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of  
11 Supervisors of the Riverside County Flood Control and Water Conservation District in regular  
12 session assembled on the 28<sup>th</sup> day of June 2011, as follows:

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

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

16 Section 3. The Report proposes that the Benefit Assessment to be levied on all parcels  
17 within the Santa Margarita Watershed Benefit Assessment Area, as described in Ordinance No.  
18 14, in Fiscal Year 2011-12 is equal to or less than the Benefit Assessment that was enrolled and  
19 levied for Fiscal Year 1996-97 and all subsequent years.

20 Section 4. The public hearing on the Report is to be held at 1:30 p.m. on Tuesday, July  
21 26, 2011, in the meeting room of the District's Board of Supervisors which is located at 4080  
22 Lemon Street, 1<sup>st</sup> Floor, Riverside, California.

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

25 Clerk of the District's Board  
26 County Administrative Center  
27 4080 Lemon Street  
28 Riverside, California

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

City of Temecula  
43200 Business Park Drive  
Temecula, California

City of Murrieta  
24601 Jefferson Avenue  
Murrieta, California

Section 6. The Clerk of the Board of Supervisors is to cause a notice to be prepared by  
the Chief Engineer to be published in The Press Enterprise pursuant to the provisions of Section  
6066 of the California Government Code. The Chief Engineer is to cause said notice to be

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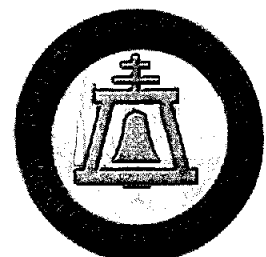
posted in at least three public places within the boundaries of the Santa Margarita Watershed Benefit Assessment Area at least seven (7) days prior to the date of the hearing.

Section 7. This resolution shall take effect upon its adoption.

**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 MARGARITA 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 Margarita Watershed, the District, along with the County of Riverside (County) and the City of Temecula obtained an "early"<sup>1</sup> NPDES Permit from the CRWQCB - San Diego Region (Regional Board) on July 16, 1990. The Regional Board added the then newly incorporated City of Murrieta to the Permit on May 18, 1992.

This first NPDES Permit was considered a "Developmental Permit". The Permittees (District, County, and the cities of Temecula and Murrieta) were authorized to continue discharging stormwater from their municipally owned storm drains and flood control facilities while developing various elements of an area-wide stormwater management program. Although the initial NPDES Permit "expired" on July 16, 1995, its provisions remained in effect in accordance with the applicable provisions of the NPDES Permit Program regulations. The Regional Board adopted a "second-round" NPDES Permit (Board Order 98-02) for the Santa Margarita Watershed on May 13, 1998. However, USEPA Region IX raised an objection to specific language that was included in Order 98-02 at the direction of the SWRCB. Region IX subsequently took action to issue its own NPDES Permit (CAS0108766) in accordance with the Memorandum of Agreement between Region IX and the SWRCB and the NPDES regulations at 40 CFR123.44(h). On June 25, 1999, Region IX "returned" the NPDES Permit to the Regional Board for implementation. On November 8, 2000, the Regional Board issued Addendum No. 1 to Order No. 98-02, which incorporated, by reference, the EPA Permit into their Board Order.

In general, both Order No. 98-02 and the USEPA Permit validated the Permittees' overall stormwater management efforts by incorporating the major elements of the initial 1993 Drainage Area Management Plan (1993 DAMP) and other stormwater management program elements that

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<sup>1</sup> The term "early" is used to indicate permits that were issued prior to the promulgation of the final USEPA rules for permitting municipal stormwater discharges [40CF122.26, November 1990].



the Permittees have subsequently developed. However, both Order 98-02 and the USEPA Permit identified certain additional programs and activities that the Permittees were required to implement in accordance with specified time schedules in order to achieve compliance with Order No. 98-02, the USEPA Permit, and the Federal Clean Water Act. Order 98-02 expired on November 30, 2003. The Permittees submitted a joint Report of Waste Discharge (ROWD) on May 30, 2003, requesting renewal of the Permit by the Board. On July 14, 2004, the San Diego Regional Water Quality Board (Regional Board) adopted Order No. R9-2004-001, the Third-term Santa Margarita Region (SMR) MS4 Permit (Third-term SMR Permit). The Third-term SMR Permit required several additional or enhanced program elements, such as strict control on new developments, enhancements to construction, industrial and commercial inspection programs, and a new emphasis on water quality monitoring and program effectiveness evaluations. Compliance programs were developed or enhanced to address the Third-term MS4 Permit between July 2004 and July 2005. These program elements have been incorporated into the updated Drainage Area Management Plan for the Santa Ana/Santa Margarita Region (SA/SMR DAMP). The Permittees submitted a joint ROWD on January 15, 2009, requesting renewal of the Permit by the Board. The Regional Board responded to the ROWD and permit renewal process on February 18, 2010. The District and Permittees worked with the Regional Board to develop the watershed's Fourth-term MS4 Permit which was adopted on November 10<sup>th</sup>, 2010 and included the newly incorporated City of Wildomar.

From the beginning, the Permittees' 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 Santa Margarita Watershed Benefit Assessment Area (SMWBAA) was established pursuant to District Ordinance No. 14 on May 14, 1991 (copy attached - see Appendix B). The SMWBAA 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 SMWBAA 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 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 and production of public education materials are not always incurred on a FY basis. Occasionally, additional 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**

SMWBAA 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 a 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, industrial and commercial properties 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 SMWBAA that are used for agricultural purposes are exempt from the assessment. Vacant undeveloped parcels that effectively generate no urban pollutants are also exempt. In addition, large tracts of land that consist mostly of Federally or State owned forest or similar property have been excluded from the SMWBAA. Refer to Appendix B for a more detailed discussion of the apportionment methodology.

**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 \$4.00 per BAU. Following is a summary of FY 2010-2011 assessments:

<b>Rate</b>	<b>Billed Parcels</b>	<b>BAUs</b>	<b>Assessments</b>	<b>Corrections</b>	<b>Amount Paid*</b>
\$4.00	81,671	128,322	\$513,288.48	\$0.00	\$485,612.19

\* 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 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, no corrections were processed.

**RECOMMENDED BENEFIT ASSESSMENT RATES (FY 2011-2012)**

The District recommends that for FY 2011-2012, the SMWBAA assessment rate remain unchanged at \$4.00 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	\$48.00/acre
B	Apartments/Mobile Home Parks, Churches and Schools	9	\$36.00/acre
C	Single-family Residential	6**	\$24.00/acre
D	Agricultural/Vacant Undeveloped	Exempt	\$0.00/acre
E	Golf Courses	0.10	\$0.40/acre
F	Undeveloped Portions of Parcels	0.05	\$0.20/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 \$4.00 per BAU is as follows:

Rate	Parcels*	BAUs	Assessment*	Projected Revenue**
\$4.00	81,701	129,100	\$516,398.86	\$477,668.95

\* Based on preliminary Assessor's information  
 \*\* Assumes a 7.5% delinquency rate

The projected revenue along with any remaining portion of the ending fund balance from FY 2010-2011 will fund the District's NPDES program for the Santa Margarita 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

gradually reducing the fund balance by *maintaining the current* assessment rate while sustaining expenditure levels that are slightly above projected revenues. It should also be noted here that the current trend in California is toward more stringent regulation of municipal stormwater runoff, and with the recent adoption of the fourth-term Santa Margarita NPDES MS4 Permit, it is expected that the District's NPDES Permit compliance costs will increase significantly in Fiscal Year 2011/2012 and over the next few years.

### **ASSESSMENT ROLL**

The SMWBAA 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 SMWBAA. The Assessment Roll is identified as Appendix D and incorporated herein by this reference. This Engineer's Report along with the SMWBAA Assessment Roll will be placed at the following locations for review by the public:

Clerk of the Board of Supervisors  
4080 Lemon Street, 1<sup>st</sup> floor  
Riverside, CA 92501

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

City of Murrieta  
24601 Jefferson Avenue  
Murrieta, CA 92562

City of Temecula  
41000 Main Street  
Temecula, CA 92590

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

## NPDES PROGRAM HIGHLIGHTS (FY 2010-2011)

The following tasks were accomplished or are ongoing for the year ending June 30, 2011 in compliance with the 2004 Santa Margarita NPDES Permit, negotiating with the Regional Board on the 4<sup>th</sup> term Santa Margarita NPDES MS4 Permit, and preparing compliance documents for the new Permit:

- A. Continued participation in a series of meetings with staff at the San Diego Regional Water Quality Control Board (SDRWQCB) discussing the submitted ROWD and the Fourth-term NPDES Permit set for adoption by the SDRWQCB on November 10, 2011. Positive outcomes realized during these 20 meetings included removal of dual regulation for City of Wildomar, Menifee and Murrieta, a compromise on unpaved roads regulation, streamlined reporting and clarification on multiple provisions.
- B. Continued implementation of the Water Quality Management Plan (WQMP) for new development required by the third-term SMR Permit as of July 14, 2005. The WQMP requires developers to submit a project-specific WQMP for qualified new development and redevelopment projects. The WQMP identifies water quality impacts of the proposed development and mitigation measures for those impacts. Further updates in accordance to the new 2010 requirements will commence FY 2011-2012 after the completion of the WQMP revision according to Santa Ana permit requirements. In the meantime changes to the WQMP for the Santa Ana Region are reviewed in the context of how these changes will affect compliance for the Santa Margarita Region based on the new permit requirements. The District is currently in the process of finalizing a comprehensive Post-Construction Best Management Practices (BMP) Design Handbook to assist the development community in complying with the requirements and the new Low Impact Development (LID) BMP principals and tiered system adopted in the new 2010 Santa Margarita NPDES permit. The Post-Construction BMP Design Handbook will focus on detailed BMP design guidance and add several new BMPs focused on addressing high priority pollutants of concern in the SMR. BMPs will emphasize natural treatment systems, with a preference for enhanced water quality swales over water quality basins.
- C. 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.
- D. Continued financial support to area-wide stormwater pollution prevention programs, including the Hazardous Materials Response (HAZMAT) Team, mobile Household Hazardous Waste (HHW) collection events, and the "ABOP" (Antifreeze, Batteries, used motor Oil, and latex Paint) program.
- E. Promotion of proper household hazardous waste disposal at special hazardous waste collection events and at "ABOP" collection centers through distribution of the Regional Household Hazardous Waste flyer. Attended community events to educate the general public and provide information and brochures on stormwater pollution prevention, recycling and proper disposal of household hazardous waste.

- F. 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.
- G. Continued offering of 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. Attendees included Permittee code enforcement and field maintenance staff, construction site inspectors, and personnel involved in conducting industrial/commercial facility inspections. Training focused on compliance requirements and ordinance enforcement processes required by the Permit. Training for municipal planners and engineers regarding the WQMP was also provided. Training included a summary of new program requirements to come and development of new compliance documents in progress to comply with the 2010 Santa Margarita NPDES Permit.
- H. 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.
- I. 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.
- J. Conducted Stormwater Pollution Prevention Program presentations in elementary school classrooms in the Santa Margarita area. Developed a new Stormwater Pollution Prevention presentation for elementary schools to be presented by the District's consultant. This *improved program* is set to begin in the Santa Margarita area in FY 2011-2012.
- K. Implemented a new 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.
- L. 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, copermittees, regulators, public and in-house personnel. Redesign branding assistance provided by the District's consultant.
- M. 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.

- N. Development, preparation and submittal of a comprehensive annual report to the Regional Board based on the revised requirements of the third-term SMR Permit.
- O. Continued enhancement of the collection and analysis of water quality samples in accordance with the NPDES Permit's Monitoring and Reporting Program. Mass load sampling of three monitoring stations during three winter storms continues to be conducted.
- P. Participation in the Southern California Stormwater Monitoring Coalition, a regional monitoring group comprised of Southern California Phase 1 Municipal NPDES MS4 Permit holders. The focus is developing effective, meaningful stormwater quality monitoring techniques.
- Q. Continued coordination with the SMC on a southern California bioassessment monitoring program.
- R. Coordination with CASQA and others on the development of legislation, regulations and programs to address potential sources of pyrethroid toxicity in receiving waters. Activities included meetings with Department of Pesticide Regulation Management Staff and various presentations to interested parties regarding the impacts of pyrethroid pesticides.
- S. Applied for Proposition 84 Grant funding through the Upper Santa Margarita Watershed Integrated Regional Watershed Management Plan, for planning projects within the Santa Margarita Region that would additionally help provide funding for compliance document development required by the new 4<sup>th</sup> Term NPDES MS4 Permit.
- T. Drafted a new Santa Margarita Region Implementation Agreement to cover the additional costs required for program development to comply with the 2010 Permit and include the newly incorporated City of Wildomar. The agreement is anticipated to be finalized at the beginning of FY 2011-2012

## PROGRAM/WORK ITEMS (FY 2011-2012)

Order No. R9-2004-001 was adopted by the Regional Board on July 14, 2004, and specifies minimum compliance program requirements for the overall Stormwater Management Program. The majority of the District's efforts over the last several years have been focused on program implementation, preparing annual reports, assessing overall program effectiveness, and determining any necessary changes to compliance programs based on the effectiveness assessment. With the recent adoption of the 4<sup>th</sup> Term NPDES MS4 Permit, Order No. R9-2010-0016, significant development and revisions to compliance documents and programs will commence in order to comply with the new requirements. During the course of the development and revision period, existing compliance programs will continue according to the Third-term Permit requirements.

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

### REGIONAL PERMIT

The District will meet as requested with the San Diego Regional Water Quality Control Board staff in discussions on the Regional NPDES MS4 Permit that is being proposed by Regional Board staff. These discussions are to gain a mutual understanding of what issues need to be addressed in the Regional Permit, and how the permit requirements will be written to address those issues. The Regional Permit will be intended govern over portions or all of 3 counties: San Diego, Orange and Riverside County.

### PROGRAM DEVELOPMENT

Order No. R9-2010-0016 was adopted by the Regional Board on November 10, 2010. Following the adoption of the Permit, the District was designated as the Principal Copermitee and began establishing teams of consultants to revise and develop compliance programs. Compliance documents will be developed during FY 2011-2012 specifically include the:

- Jurisdictional Runoff Management Plan (JRMP),
- Water Quality Management Plan (WQMP),
- Hydromodification Management Plan (HMP).
- Watershed Workplan, and
- Consolidated Monitoring Program (CMP).

Costs to develop these programs will be significant and where feasible these programs will be coordinated with the development of the Santa Ana Permit programs. However there are many requirements in Santa Margarita Permit that are unique from the Santa Ana Watershed programs. For such requirements, the District's share of the cost for developing these programs will be wholly upon the SMWBAA funds. Additional information on these new compliance efforts is provided below

### GENERAL CONSTRUCTION PERMIT

A new General Construction Permit was adopted on September 2, 2009 and became effective on July 1, 2010. The Permit is exponentially more stringent than the previous Permit. The District is developing guidance memos and training for the Permittees. District NPDES staff are still revising contract specifications for District public works projects to assist with the transition to the new General Construction Permit requirements.



## **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 construction of the project started in Spring 2011 and will be finished by the Fall 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 2004 Permit and the new 2010 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. Due to an increase in program compliance documentation development, consideration of separate TAC meetings for Santa Ana and Santa Margarita was looked into with possible implementation to occur early FY 2011-2012. Revision and implementation of the revised SA/SMR DAMP programs 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 stormwater programs.

## **AREA-WIDE PROGRAMS**

The District will also continue to provide financial support for several important "area-wide" BMP programs implemented on behalf of the Permittees, including:

### **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, outdoor 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 Third-term SMR Permit's Monitoring and Reporting Program. Program development for the additional monitoring required in the Fourth-term SMR Permit's MRP will be established. The Permittees are also participating in a study of the Santa Margarita River to develop Numeric Nutrient Endpoints for a Santa Margarita River Nutrient TMDL. Additionally, based on the results of the TRE special study, the District will continue to verify and address potential Pyrethroid Toxicity in both Murrieta and Temecula Creeks.

## **NEW DEVELOPMENT**

The District will continue to review new developments and redevelopments within the unincorporated area of Riverside County for compliance with the WQMP and other development related requirements of the Third-term SMR Permit. Due to timing for some development projects, these projects may be subject to the Fourth-term SMR Permit requirements.

In order comply with the new Fourth-term SMR Permit requirements the Water Quality Management Plan for new development and significant redevelopment (WQMP) will need to be revised. The WQMP requirements impact both public and private projects. Significant revisions already occurring to comply with the Santa Ana 2010 Permit that are also included within the Santa Margarita 2010 Permit 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 District will be developing the following specific studies:

- Development of a Hydromodification Management Plan to determine new development and redevelopment hydromodification impacts to receiving waters, including GIS level mapping of stream segments in the Santa Margarita Watershed to determine those streams that may be susceptible to hydromodification from new or existing development.

A special look will need to take place for those streams with historic hydromodification that are also tributary to receiving waters with low and very low IBI scores.

- Development of a Water Quality Management Plan (WQMP) including: a focus on utilizing Low Impact Development (LID) BMPs, feasibility criteria for determining when infiltration, capture and re-use or evapotranspiration are not feasible for a specific development site, a revised LID BMP design manual to incorporate low impact development concepts including infiltration and filtration BMPs, capture and re-use technologies and evapotranspiration, updated project-specific WQMP templates and training to assist Permittees and developers with the transition to the new requirements.

These documents will be developed or revised during FY 2011-2012.

#### **INDIVIDUAL JURISDICTION RUNOFF MANAGEMENT PLANS**

As part of the 2010 MS4 Permit, the Permittees must prepare and maintain a JRMP that describes their compliance programs to address the 2010 MS4 Permit. The District will develop a JRMP template for use by the Permittees.

#### **RETROFIT STUDIES**

Development of a retrofit study highlighting both public and private land areas as retrofit candidates and a retrofit program for implementing and tracking retrofit projects. The results of this study will be incorporated into the JRMP.

#### **WATERSHED WORKPLAN**

Development of a plan to indentify, prioritize, address and mitigate the highest priority water quality issues and/or pollutants in the Upper Santa Margarita Watershed.

#### **HYDROMODIFICATION MANAGEMENT PLAN (HMP)**

Development of a plan to manage increases in runoff discharge rates and durations from all Priority Development Projects. The plan will require projects to have estimated post-project runoff discharge rates and durations that do not exceed pre-development discharge rates and durations.

#### **CONSOLIDATED MONITORING PROGRAM**

The District will be developing an updated Consolidated Monitoring Program (CMP) to describe the monitoring efforts that will be implemented to comply with the 2010 MS4 Permit. The 2010 MS4 Permit includes significant increases in monitoring requirements including:

- Expansion of the IC/ID Program to require implementation of a more rigorous and proactive detection and elimination program based action levels. This will include 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 as well as industrial areas tributary to outfalls with a diameter 18 inches or larger and with specified acreage as outlined in the permit.
- Additional Bioassessment requirements, which will require reconnaissance of three new viable sampling locations.
- New High Priority Inland Aquatic Habitat monitoring.

- Five special monitoring studies. The studies to be performed in FY 2011-2012 include Sediment Toxicity Special Study and MS4 and Receiving Water Maintenance Study.

### **GENERAL CONSTRUCTION PERMIT**

A new General Construction Permit was adopted on September 2, 2009 and became effective on July 1, 2010. The Permit is exponentially more stringent than the previous Permit. The District is developing guidance memos and training for the Permittees. District NPDES staff are revising contract specifications and processes for District public works projects to assist with the transition to the new General Construction Permit requirements.

### **INTEGRATED REGIONAL WATERSHED MANAGEMENT PLAN**

The District and the County of Riverside are continuing to support Rancho California Water District in the implementation of an Integrated Regional Watershed Management Plan for the Santa Margarita River region in Riverside County. The plan identifies necessary coordination and projects to sustain water quality and water supply, control flooding, and protect and/or enhance open space and critical habitat areas. Several other agencies are also participating in the effort. The plan will not only provide guidance for future planning efforts, it will also open the Santa Margarita Region to participate in solicitation of funds for various Integrated Watershed Management Plan grant programs associated with Propositions 40, 50 and 84.

### **CONCLUSIONS AND RECOMMENDATIONS**

The area-wide Municipal Stormwater Program for the Santa Margarita 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 SMWBAA assessments, are required to comply with the current NPDES Permit for the Santa Margarita 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 Margarita Watershed Benefit Assessment Area at an unchanged rate of \$4.00 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** - Compliance Assistance Program. A stormwater outreach and reporting program conducted in conjunction with selected facility inspection programs conducted by the Riverside County Environmental Health Department.

**CWA** - Clean Water Act

**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.

**HMP** – Hydromodificaiton Management Plan

**JRMP** – Jursidictional Runoff Management Plan

**LID** – Low Impact Development

**NPDES** – National Pollutant Discharge Elimination System.

**Order No. R9-2004-001** – An Order of the California Regional Water Quality Control Board – San Diego Region to regulate stormwater discharges from municipal stormwater facilities owned or operated by the District, County of Riverside, or the Cities of Murrieta and Temecula.

**Order No. R9-2010-0016** - An Order of the California Regional Water Quality Control Board – San Diego Region to regulate stormwater discharges from municipal stormwater facilities owned or operated by the District, County of Riverside, or the Cities of Murrieta, Temecula and Wildomar.

**ROWD** – Report of Waste Discharge

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

**SMWBAA** – Santa Margarita Watershed Benefit Assessment Area

**SWRCB** – State Water Resources Control Board

**USEPA** – United States Environmental Protection Agency

**WQMP** - Watershed Quality Management Plan

**APPENDIX A**

**Proposed NPDES Program Budget (FY 2011-2012)**

APPENDIX A

SANTA MARGARITA WATERSHED BENEFIT ASSESSMENT AREA  
PROPOSED NPDES PROGRAM BUDGET (FY 2011-2012)

<b>STAFFING</b>	
Staff Salaries	\$356,900
Staff Benefits	144,000
Staff Standby/Differential/Overtime Pay	<u>5,000</u>
<b>Subtotal</b>	<b>\$505,900</b>
<b>ADMINISTRATION &amp; OVERHEAD</b>	
Administration & Overhead	\$94,890
County Counsel Services	5,920
Equipment Lease / Rental	300
Vehicle Mileage	6,180
Photocopying / Reproduction	1,700
<u>Miscellaneous</u> (Photography, Communications, Supplies, etc.)	<u>9,810</u>
<b>Subtotal</b>	<b>\$118,800</b>
<b>GENERAL CONSULTANT SERVICES</b>	
Technical / Regulatory Support	\$698,400
Benefit Assessment Services	<u>3,250</u>
<b>Subtotal</b>	<b>\$701,650</b>
<b>PUBLIC EDUCATION PROGRAM</b>	
Education Program: Contract Services / Presentations	\$85,750
Education Program: Production / Materials / Media	<u>23,630</u>
<b>Subtotal</b>	<b>\$109,380</b>
<b>WATER QUALITY MONITORING PROGRAM</b>	
Laboratory Services/Monitoring	\$479,540
Small Tools & Equipment	<u>57,000</u>
<b>Subtotal</b>	<b>\$536,540</b>
<b>POLLUTION PREVENTION PROGRAMS</b>	
HAZMAT Response Team (Fire Dept.)	\$36,500
Household Hazardous Waste Program (Waste Management Dept.)	30,000
Compliance Assistance Program (Environmental Health Dept.)	<u>19,840</u>
Contributions to other programs	\$58,000
<b>Subtotal</b>	<b>\$144,340</b>
<b>PROGRAM SUBTOTAL</b>	<b>\$2,116,610</b>
CONTINGENCY (10%)	<u>\$211,611</u>
Assessor's/Treasurer's Office Line Item Charges (\$0.57/parcel)	\$46,694
<b>TOTAL EXPENDITURES</b>	<b>\$2,374,915</b>
FUND BALANCE FROM FY 2010-2011(est.)	\$518,954
PROJECTED REVENUE	\$477,669
PROJECTED EXTERNAL CONTRIBUTIONS	<u>\$1,504,000</u>
<b>CASH AVAILABLE</b>	<b>\$2,500,623</b>
<b>PROJECTED FUND BALANCE</b>	<b>\$125,708</b>

**APPENDIX B**

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



0596

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

6-4-91 12

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

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

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

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

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

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

d.) Determination of Benefit Assessment Units per 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 *[Signature]*  
24 DEPUTY

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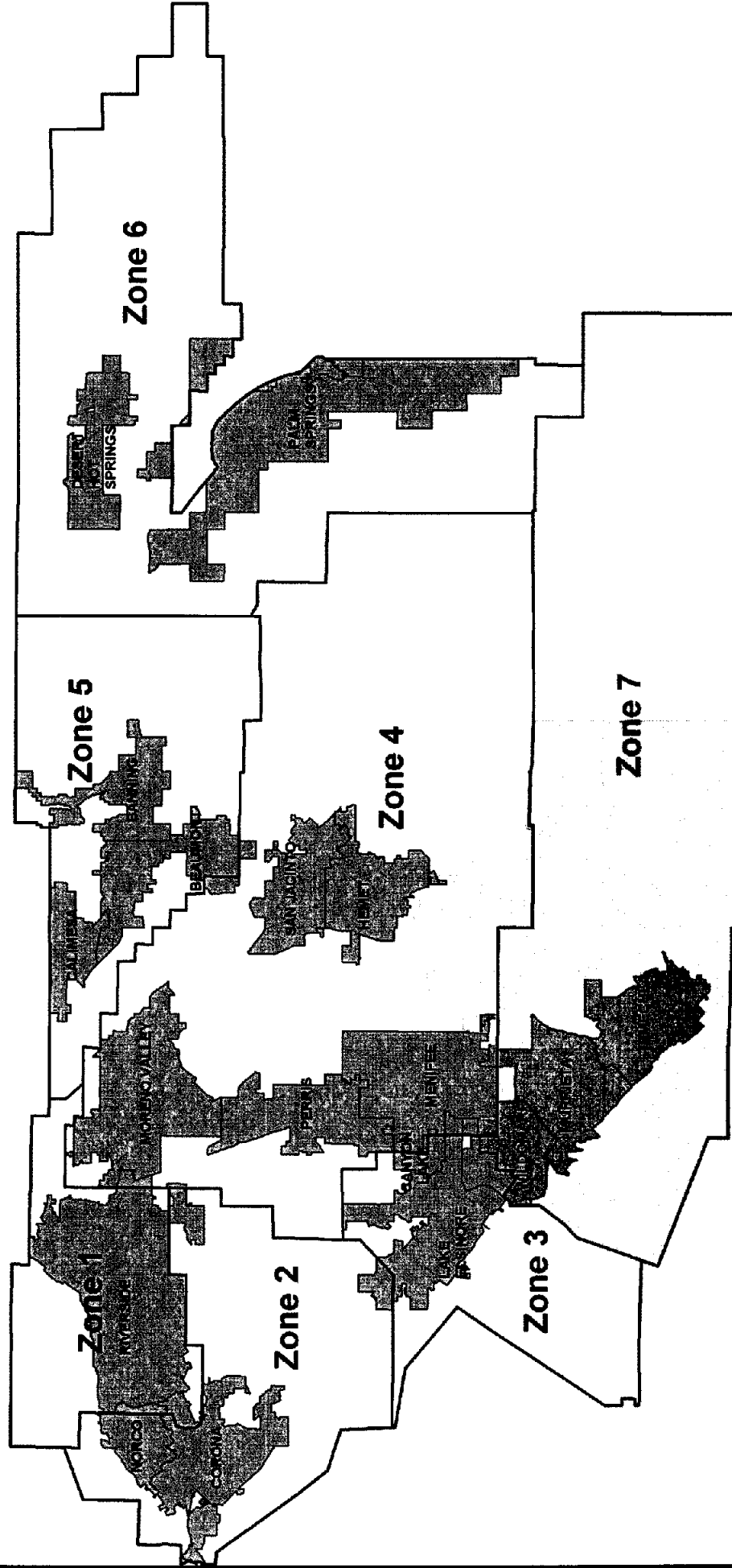
**APPENDIX C**

**Map of Santa Margarita Watershed  
Benefit Assessment Area**



# Riverside County Flood Control & Water Conservation District

## Map of Santa Margarita Watershed Benefit Assessment Area



■ - Santa Margarita Watershed Benefit Assessment Area (SMWBAA)

### APPENDIX C

Engineer's Report  
to the  
Board of Supervisors of  
Riverside County Flood Control  
and Water Conservation District

**APPENDIX D**

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

