

FORM APPROVED COUNTY COUNSEL
 BY: GREGORY P. PRIAMOS
 DATE: 11/3/14

FISCAL PROCEDURES APPROVED
 BY: JEANINE J. REY, FINANCE DIRECTOR
 DATE: 11/19/14
 Concurrent Concurrence

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

401B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
 December 2, 2014

SUBJECT: Ratification and Approval of Agreement for Support for Regional National Pollutant Discharge Elimination System Program Activities, [\$153,233 total]; District Funds 100%

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify and Approve the Agreement for Support for Regional National Pollutant Discharge Elimination System Program Activities between the District and the County of Riverside; and
2. Authorize the Chairman to execute the Agreement documents on behalf of the District.

BACKGROUND:

Summary

This Agreement is necessary for the District to contribute funds to the Riverside County Department of Environmental Health's Commercial/Industrial Compliance Assistance Programs (CAP) in order to meet the requirements of the National Pollutant Discharge Elimination System (NPDES) Permits.

Continued on page 2

P8/164088
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WARREN D. WILLIAMS
 General Manager-Chief Engineer

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 153,233	\$ N/A	\$ 153,233	\$	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET DISTRICT COST	\$ 153,233	\$ N/A	\$ 153,233	\$	

SOURCE OF FUNDS: Continued on page 2

Budget Adjustment: No
 For Fiscal Year: FY14/15

C.E.O. RECOMMENDATION:

APPROVE
 BY:
 Steven C. Horn

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- Positions Added
- 4/5 Vote
- Change Order

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

11-1

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

164088

FORM 11: Ratification and Approval of Agreement for Support for Regional National Pollutant Discharge Elimination System Program Activities, [\$153,233 total]; District Funds 100%

DATE: December 2, 2014

PAGE: Page 2 of 2

BACKGROUND:

Summary (continued)

In support for the Regional NPDES Program Activities, the Riverside County Department of Environmental Health (DEH) will conduct education and outreach activities to the commercial/industrial businesses by providing information on i) stormwater best management practices, ii) permitting requirements, and iii) prohibitions against non-stormwater discharges. The DEH will also, through its stormwater surveys, provide feedback regarding the compliance status of commercial/industrial facilities to the municipal stormwater permittees and the appropriate Regional Water Quality Control Board, as necessary. These efforts will be performed in conjunction with the existing facility inspection programs implemented by the DEH's Hazardous Materials Management Branch and District Environmental Services.

This Agreement will allow the Riverside County Department of Environmental Health to continue its ongoing inspection programs in cooperation with the District, County of Riverside, Coachella Valley Water District (CVWD), and the following Cities: Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, Rancho Mirage, Beaumont, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Norco, Perris, Riverside and San Jacinto (Cities).

County Counsel has approved this Agreement as to legal form. A companion item appears on the County's Board Agenda this same date.

Impact on Residents and Businesses

The regulatory requirements imposed on businesses and local government by the United States Environmental Protection Agency and State of California through the NPDES stormwater program continues to escalate. This Agreement allows the District to implement a regional stormwater regulatory compliance program for commercial and industrial businesses in a cost effective manner through coordination with the Riverside County Department of Environmental Health.

Costs incurred under this Agreement will be funded by i) the District's annual NPDES Benefit Assessments levied in the Santa Ana, Santa Margarita, and Whitewater Benefit Assessment Areas, as appropriate, and ii) contributions from CVWD, the County of Riverside and any Cities, as appropriate.

SUPPLEMENTAL:

Additional Fiscal Information

Sufficient funding is available in the District's budget for FY 2014-15.

SOURCE OF FUNDS: (continued)

25180 947540 525440 NPDES Whitewater Assessment
25190 947560 525440 NPDES Santa Ana Assessment
25200 947580 525440 NPDES Santa Margarita Assessment

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AGREEMENT

Support For Regional National Pollutant Discharge Elimination System
Program Activities (July 2014 to December 2014)

The Riverside County Flood Control and Water Conservation District, hereinafter called "DISTRICT" and the County of Riverside, hereinafter called "COUNTY" on behalf of its Department of Environmental Health, hereby agree as follows:

RECITALS

A. Congress in 1987 added Section 402(p) to the Federal Clean Water Act (CWA) {33 U.S.C. §1342(p)}; and

B. Section 402(p) requires certain municipalities to obtain a National Pollutant Discharge Elimination System (NPDES) Permit to discharge stormwater from Municipal Separate Storm Sewer Systems (MS4s) into waters of the United States; and

C. Pursuant to 33 U.S.C. §1342(p) (2) (C), (D) and (E), DISTRICT, County of Riverside, the Coachella Valley Water District (CVWD) and certain incorporated Cities within Riverside County have obtained NPDES Permits for municipal stormwater discharges; and

D. Section 402(p) further requires the United States Environmental Protection Agency (USEPA) to promulgate regulations requiring NPDES Permits for designated industrial activities and certain MS4s; and

E. USEPA promulgated such regulations and adopted them in November 1990; and

F. USEPA has delegated its authority to the California State Water Resources Control Board (SWRCB) to administer the NPDES Permit process within the State of California; and

1 G. SWRCB has in turn delegated its NPDES permitting authority to the
2 Regional Water Quality Control Boards (RWQCBs) to administer the NPDES Permit process
3 within the boundaries of their respective regions; and
4

5 H. DISTRICT and CVWD are authorized to provide for the control of flood
6 and stormwater within their respective jurisdictions of the County of Riverside and are
7 empowered to investigate, examine, measure, analyze, study and inspect matters pertaining to
8 flood and stormwaters; and

9 I. DISTRICT, County of Riverside, CVWD and the incorporated Cities
10 (except for the City of Blythe) within Riverside County have obtained NPDES MS4 Permits
11 from the respective RWQCBs in order to comply with Section 402(p); and
12

13 J. USEPA regulations and the NPDES MS4 Permits require municipalities to
14 control the contribution of pollutants to the municipal storm sewer by stormwater discharges
15 associated with industrial activity and the quality of stormwater discharged from the sites of
16 industrial activity; and

17 K. DISTRICT, in accordance with its responsibilities as a Principal Permittee,
18 is developing comprehensive stormwater management programs within the County of Riverside
19 and in the region; and
20

21 L. COUNTY, through the Riverside County Department of Environmental
22 Health, conducts certain area-wide programs and activities pertaining to hazardous waste
23 management, hazardous materials facility compliance inspections, and health and safety code
24 inspections; and

25 M. Certain aspects of Riverside County Department of Environmental Health's
26 area-wide programs and activities are consistent with the goals and objectives of NPDES MS4
27

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1 Permits and the Best Management Practices (BMP) included in the Permittee's regional Drainage
2 Area Management Plans (DAMP); and

3 N. DISTRICT wishes to support certain Riverside County Department of
4 Environmental Health's area-wide programs and activities by entering into this Agreement to
5 contribute an amount not to exceed one hundred fifty-three thousand two hundred thirty-three
6 dollars (\$153,233), hereinafter called "CONTRIBUTION", to sustain the scope of certain
7 Riverside County Department of Environmental Health's area-wide programs and activities to
8 meet the requirements of NPDES MS4 Permits as set forth herein; and

9
10 O. It is understood that this Agreement does not change existing
11 responsibilities for compliance with any NPDES MS4 Permit, and the Riverside County
12 Department of Environmental Health, through any services provided herein, is not assuming
13 responsibility for NPDES MS4 Permit compliance requirements as they exist or may be
14 established; and

15
16 P. Cooperation between DISTRICT and the Riverside County Department of
17 Environmental Health in these matters is in the best interest of the public.

18 NOW, THEREFORE, the parties hereto do mutually agree as follows:

19
20 1. NPDES PROGRAM ACTIVITIES

21 COUNTY, through the Riverside County Department of Environmental
22 Health, will perform certain NPDES PROGRAM ACTIVITIES as long
23 as adequate manpower is available within the Riverside County
24 Department of Environmental Health's staff and reimbursement from
25 DISTRICT is sufficient to perform the activities agreed to including the
26 following: hazardous materials/food facilities surveys, hereinafter called
27 FIELD SERVICES and enforcement actions, hereinafter called
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ENFORCEMENT ACTIONS/LITIGATION SUPPORT. A scope of services and budget for FIELD SERVICES and ENFORCEMENT ACTIONS/LITIGATION SUPPORT are described in Attachment A attached hereto and made a part hereof.

(a) FIELD SERVICES

(i) COUNTY, through its Department of Environmental Health, shall provide NPDES Program support by distributing appropriate NPDES Stormwater education materials and performing facility surveys at selected industrial and commercial as further described in Attachment A.

(b) ENFORCEMENT ACTIONS/LITIGATION SUPPORT

(i) DISTRICT and the Riverside County Department of Environmental Health recognize that on occasion it may be necessary to pursue enforcement action(s) against violators of local stormwater ordinances and/or the California Water Code. Upon written request from DISTRICT, the Riverside County Department of Environmental Health, acting within the scope of its normal regulatory activities, will assist DISTRICT in obtaining compliance with NPDES stormwater regulations.

(ii) In cases of significant non-compliance, the Riverside County Department of Environmental Health's Hazardous Materials Management Branch will coordinate, as needed, with the appropriate NPDES MS4 Permittees, the appropriate

1 RWQCB, and the Riverside County District Attorney's
2 Environmental Crimes Task Force.

3 2. USE OF DISTRICT'S FUNDING CONTRIBUTION

4 COUNTY shall use CONTRIBUTION only for salaries, training,
5 equipment, supplies, waste disposal and other expenses related to
6 providing NPDES PROGRAM ACTIVITIES as agreed upon by
7 DISTRICT and COUNTY.
8

9 3. INDEMNITY AND HOLD HARMLESS

10 COUNTY shall indemnify and hold DISTRICT, its officers, employees
11 and agents free and harmless from all claims, actions, damages and
12 liabilities of whatsoever kind and nature arising from death, personal
13 injury property damage or other cause asserted or based upon any act or
14 omission of or by person or persons associated with NPDES PROGRAM
15 ACTIVITIES relating to or in any way connected with the
16 accomplishment of the work or performance of services of NPDES
17 PROGRAM ACTIVITIES. As part hereto of the foregoing indemnity,
18 COUNTY agrees to protect and to defend, at its own expense, including
19 attorneys' fees, DISTRICT, its officers, agents and employees from any
20 and all legal action based upon any negligent acts or omissions, as stated
21 herein, by any person or persons.
22

23 4. REPORTS AND INFORMATION

24 The Riverside County Department of Environmental Health shall submit
25 to DISTRICT on or before October 1st a report on NPDES PROGRAM
26 ACTIVITIES performed by the Riverside County Department of
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Environmental Health pursuant to this Agreement during the time period from July 1, 2014 to December 31, 2014. The report shall include but not be limited to:

- (a) Narrative describing the FIELD SERVICES and ENFORCEMENT ACTIONS/LITIGATION SUPPORT, performed by the Riverside County Department of Environmental Health.
- (b) Costs incurred for FIELD SERVICES and ENFORCEMENT ACTIONS/ LITIGATION SUPPORT activities.

5. PAYMENT

The Riverside County Department of Environmental Health shall invoice DISTRICT on a quarterly basis for FIELD SERVICES and ENFORCEMENT ACTIONS/LITIGATION SUPPORT. DISTRICT shall pay within thirty (30) days after receipt of appropriate invoice from the Riverside County Department of Environmental Health. The total amount of DISTRICT'S CONTRIBUTION to be paid to the Riverside County Department of Environmental Health shall not exceed one hundred fifty-three thousand two hundred thirty-three dollars (\$153,233) for the entire term of this Agreement.

6. CONTINGENCY

CONTRIBUTION shall be contingent upon the approval by DISTRICT'S Board of Supervisors of the annual Benefit Assessment levies for the Santa Ana, Santa Margarita and Whitewater Watershed Benefit Assessment Areas and based on available funding. In the event that

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DISTRICT funds determined to be available will be less than the agreed upon not to exceed amount of one hundred fifty-two thousand two hundred thirty-three dollars (\$153,233), DISTRICT will notify the Riverside County Department of Environmental Health of the deficiency in the Benefit Assessment Area's funds so that Riverside County Department of Environmental Health may adjust, after consultation and agreement by DISTRICT, the scope of NPDES PROGRAM ACTIVITIES to be provided for the remainder term of this Agreement.

7. COMPLIANCE WITH NPDES PERMITS

NPDES PROGRAM ACTIVITIES, as specified herein, will be performed by the Riverside County Department of Environmental Health. Nothing in this Agreement shall be construed as making the Riverside County Department of Environmental Health responsible for NPDES Permit compliance. Riverside County Department of Environmental Health may temporarily suspend NPDES PROGRAM ACTIVITIES (work), as specified herein during periods of staffing shortages and/or heavy California Environmental Protection Agency (State) mandated workloads. Riverside County Department of Environmental Health must notify DISTRICT in writing 30 days in advance of such work suspensions.

8. NON-INTERFERENCE

DISTRICT understands and agrees that it shall not directly supervise or interfere with any of the Riverside County Department of Environmental Health's activities contemplated hereunder.

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9. TERM OF AGREEMENT

This Agreement shall commence on July 1, 2014 and shall continue in effect until December 31, 2014.

10. TERMINATION OF AGREEMENT

Either party may terminate the provision related to FIELD SERVICES portion of this Agreement subject to a three (3) months written notice thereof.

11. NOTICES

Any and all notices sent or required to be sent to the parties of this Agreement will be mailed by first class mail, postage prepaid, to the following addresses:

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
1995 Market Street
Riverside, CA 92501
Attn: NPDES Section

RIVERSIDE COUNTY DEPARTMENT
OF ENVIRONMENTAL HEALTH
4065 County Circle Drive
Riverside, CA 92503
Attn: Dottie Ellis-Merki


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1 IN WITNESS WHEREOF, the parties hereto have executed this Agreement on

2
3 (to be filled in by Clerk of the Board)

4
5 RECOMMENDED FOR APPROVAL:

**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

6 By 
7 WARREN D. WILLIAMS
8 General Manager-Chief Engineer

By _____
MARION ASHLEY, Chairman
Riverside County Flood Control and Water
Conservation District Board of Supervisors

9 APPROVED AS TO FORM:

ATTEST:

10 GREGORY P. PRIAMOS
11 County Counsel

KECIA HARPER-IHEM
Clerk to the Board

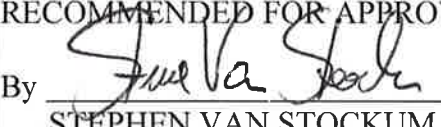
12 By 
13 NEAL R. KIPNIS
14 Deputy County Counsel

By _____
Deputy

(SEAL)

15 RECOMMENDED FOR APPROVAL:

COUNTY OF RIVERSIDE

16 By 
17 STEPHEN VAN STOCKUM
18 Director of Environmental Health

By _____
JEFF STONE, Chairman
County of Riverside Board of Supervisors
For Department of Environmental Health

19 APPROVED AS TO FORM:

ATTEST:

20 GREGORY P. PRIAMOS
21 County Counsel

KECIA HARPER-IHEM
Clerk to the Board

22 By 
23 ERIC STOPHER
24 Deputy County Counsel

By _____
Deputy

(SEAL)

25
26
27 Agreement for Support for Regional NPDES Program Activities (July 2014 to December 2014)
09/30/2014

28 AMR:blm

Attachment A

Scope of Services for Support for Regional NPDES Program Activities (July 2014 to December 2014)

Task 1 - Conduct education and outreach and inspect for compliance with City stormwater ordinances at approximately 1405 industrial and commercial facilities that are routinely inspected by the Riverside County Department of Environmental Health's Hazardous Materials Management Branch (HMMB) and District Environmental Services Division (DESD) staff within the specified incorporated areas of the County. The Riverside County Department of Environmental Health (DEH) staff shall notify the Riverside County Flood Control and Water Conservation District (DISTRICT) of perceived significant Stormwater Ordinance violations. The DEH staff shall also ask facility representatives if they have a General Industrial Stormwater Permit Storm Water Pollution Prevention Plan (SWPPP) on site. In addition, the DEH will distribute NPDES program information to facilities normally inspected by existing HMMB and DESD inspection programs. Appropriate Stormwater education materials describing stormwater regulations and Best Management Practices will be provided to DEH staff by DISTRICT'S StormWater/CleanWater Protection Program (SW/CWPP) for distribution to facility representatives.

Task 2 – The DEH field staff shall complete Stormwater Compliance Survey forms approved by the DEH and the DISTRICT through calendar year 2014 as follows:

- High Priority Regulated Facilities (underground storage tanks) – through calendar year 2014;
- Medium Priority Regulated Facilities (other facilities handling hazardous materials inspected by HMMB) – inspect with established frequencies through calendar year 2014;
- Low Priority Regulated Facilities (restaurants and other facilities inspected by DESD) – as per usual frequency through calendar year 2014.

Facilities inspected by the Regional Water Quality Control Board (RWQCB) in a given year need not be surveyed by HMMB or DESD during the same year. To facilitate this, the DISTRICT shall provide a list to the DEH of facilities previously inspected from the Regional Board's website and make this information available to its Co-Permittees by other pre-arranged means. Completed Compliance Survey forms will be forwarded to DISTRICT monthly through calendar year 2014. If HMMB and DESD field staff observe a perceived violation of stormwater ordinances during an inspection not otherwise scheduled for a stormwater compliance survey, they may initiate an additional stormwater compliance survey to address the perceived violation.

Task 3 - The DEH will provide DISTRICT an electronic spreadsheet of facilities included in their inspection program for provision to its Co-Permittees. In addition, DEPARTMENT will prepare a year-end report as specified in Section 5 of this agreement.

Task 4 - The DEH'S HMMB will provide staff support for major enforcement actions via the Riverside County District Attorney's Environmental Crimes Task Force.

Task 5 - The DEH shall, through its HMMB, provide DISTRICT with information regarding industrial "non-filers", (i.e., facilities that are required to obtain coverage under the State General Permit for Discharges of Storm Water Associated With Industrial Activities (97-03-DWQ or its successor)) using HMMB's database information currently collected only on facilities regulated and inspected by the DEH.

Task 6 - As needed, modify existing policies and procedures pertaining to survey protocols and reporting procedures.

DISTRICT will provide information as needed regarding the following:

The General Industrial Activities Storm Water Permit

Santa Ana RWQCB Board Order No. R8-2010-0033, section XV:

- The Storm Water Ordinances
- Order No. R8-2010-0033 (the Riverside County Municipal Storm Water Permit adopted by the SARWQCB)
- The Santa Ana Region Drainage Area Management Plan (DAMP)
- The revised Enforcement/Compliance Strategy (DAMP section 8)
- Pollution Prevention Plans
- Implementation and maintenance of BMPs for commercial sites

Colorado River Basin RWQCB Board Order No. R7-2013-0011, or its successor

- The Storm Water Ordinances
- Order No. R7-2013-0011

San Diego RWQCB Board Order No. R9-2010-0016, or its successor

- The Storm Water Ordinances
- Order No. R7-2013-0011

Support for Regional NPDES Program Activities – Budget Estimate

FY 14-15 (7/1/14 to 12/31/14)		Facilities (No.)	Time (min)	Rate (\$/hr)	Total	Budget
Task 1, 2, 3, 5 and 6	DESD	750	30	145*	\$54,375	
	HMMB (Includes any necessary administrative support time)	655	30	189*	\$61,897	
	Enforcement/Contingency				\$ 16,974	
Task 4	GRAND TOTAL				\$133,246	
	Anticipated rate increase as specified in Ordinance 640 (15%)				\$19,987	
						\$153,233

*Hourly rate as specified in Ordinance 640. Rate is subject to annual change.