

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

103B



FORM APPROVED COUNTY COUNSEL
BY: GREGORY P. PRIAMOS DATE: 5/11/15

FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
June 2, 2015

SUBJECT: Adopt Resolution F2015-20 – Accepting the Engineer's Report and Setting the Date of the Public Hearing for the NPDES Program Santa Margarita Watershed Benefit Assessment Area; 1st/3rd/5th District; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Accept the Engineer's Report on the NPDES Program for the Santa Margarita Watershed Benefit Assessment Area, dated June 2015; and
2. Direct the Clerk of the Board to advertise for the public hearing on said report, to be held at 10:30 a.m. July 7, 2015, at a regular meeting of the Board; and
3. Adopt the following entitled resolution:

RESOLUTION NO. F2015-20

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

BACKGROUND:

See Page 2.

SEB:cw

Warren D. Williams
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	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET DISTRICT COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	

SOURCE OF FUNDS: N/A	Budget Adjustment: N/A
	For Fiscal Year: N/A

C.E.O. RECOMMENDATION:

APPROVE

BY: Steven C. Horn
Steven C. Horn

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

FISCAL PROCEDURES APPROVED
BY: Jeanine J. Rey DATE: 5/10/15
JEANINE J. REY, FINANCE DIRECTOR

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

Prev. Agn. Ref.:

District: 1st/3rd/5th

Agenda Number:

11-3

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

FORM 11: Adopt Resolution F2015-20 – Accepting the Engineer's Report and Setting the
Date of the Public Hearing for the NPDES Program Santa Margarita Watershed
Benefit Assessment Area; 1st/3rd/5th District; [\$0]

DATE: June 2, 2015

PAGE: Page 2 of 2

BACKGROUND:

Summary (Continued)

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.

Impact on Residents and Businesses

The financial impact to property owners is outlined in the Engineer's Report and Benefit Assessment Tax Rolls. The proposed benefit assessment rate for Fiscal Year 2015-2016 is \$4.00 per Benefit Assessment Unit; this is equal to the Benefit Assessment that was enrolled and levied for Fiscal Year 1996-97 and all subsequent years.

SEB:cw
P8/169385

1 BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

2 RESOLUTION NO. F2015-20

3
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
7 BENEFIT ASSESSMENTS FOR THE NATIONAL POLLUTANT DISCHARGE
8 ELIMINATION 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
12 the EPA pursuant thereto, has issued an area-wide stormwater discharge permit under the
13 National Pollutant Discharge Elimination System (the "NPDES Permit") to the Riverside
14 County Flood Control and Water Conservation District (the "District"), the County of Riverside
15 and certain cities within the Santa Margarita Watershed that are within the District's jurisdiction,
16 and has 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
22 within 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

FORM APPROVED COUNTY COUNSEL
BY: 
AARON C. GETTIS
DATE: 5/11/15

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

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

8 WHEREAS, the Chief Engineer has caused a report (the "Report") to be prepared and
9 filed with the Clerk of the Board of Supervisors regarding the Benefit Assessment to be levied
10 for the 2015-16 Fiscal Year for the Santa Margarita Watershed Benefit Assessment Area; and

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

13 WHEREAS, the voters of California on November 5, 1996, approved Proposition No.
14 218 which added Article XIID to the California Constitution ("Article XIID") effective
15 November 6, 1996; and

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

21 BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of
22 Supervisors of the Riverside County Flood Control and Water Conservation District in regular
23 session assembled on the 2nd day of June 2015, as follows:

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

25 Section 2. The Report prepared by the Chief Engineer and filed with the Clerk of the
26 Board is accepted.
27

28 Section 3. The Report proposes that the Benefit Assessment to be levied on all parcels
within the Santa Margarita Watershed Benefit Assessment Area, as described in Ordinance No.

1 14, in Fiscal Year 2015-16 is equal to or less than the Benefit Assessment that was enrolled and
2 levied for Fiscal Year 1996-97 and all subsequent years.

3 Section 4. The public hearing on the Report is to be held at 10:30 a.m. on Tuesday,
4 July 7, 2015, in the meeting room of the District's Board of Supervisors which is located at 4080
5 Lemon Street, 1st Floor, Riverside, California.

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

8 Clerk of the District's Board
9 County Administrative Center
10 4080 Lemon Street, 1st Floor
11 Riverside, California

12 Riverside County Flood Control
13 and Water Conservation District
14 1995 Market Street
15 Riverside, California

16 City of Temecula
17 41000 Main Street
18 Temecula, California

19 City of Murrieta
20 1 Town Square
21 Murrieta, California

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

27 Section 7. This resolution shall take effect upon its adoption.
28

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 2015

WARREN D. WILLIAMS
General Manager-Chief Engineer



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- APPENDIX A – Proposed NPDES Program Budget (FY 2015-2016)**
- APPENDIX B – RCFC&WCD Ordinance No. 14 (May 14, 1991)**
- APPENDIX C – Map of Santa Margarita Watershed
Benefit Assessment Area (SMWBAA)**
- APPENDIX D – SMWBAA Assessment Roll (FY 2015-2016)
(Under Separate Cover)**

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 Separate Storm Sewer System (MS4) 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 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 Watersheds. The discharge of stormwater from MS4s 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 (SMR), the District, along with the County of Riverside (County) and the City of Temecula (Co-Permittees) obtained an "early"¹ NPDES Permit from the CRWQCB - San Diego Region (Regional Board) on June 16, 1990 (First-term SMR Permit). The Regional Board added the then newly incorporated City of Murrieta as a Co-Permittee to the Permit on May 18, 1992. This first-term SMR NPDES Permit was considered a "Developmental Permit". The Co-Permittees were authorized to continue discharging stormwater from their MS4 while developing various elements of an area-wide stormwater management program. The Permit identified the District as Principal Permittee, and the County and Cities of Temecula and Murietta as Co-Permittees (collectively, the Principal Permittee and Co-Permittees comprise the Permittees). The area-wide stormwater management program was documented in the 1993 Drainage Area Management Plan (1993 DAMP).

Although the first-term SMR Permit "expired" on June 16, 1995, its provisions remained in effect in accordance with the applicable provisions of the NPDES Permit Program regulations until reissuance. The Regional Board adopted a "second-term SMR NPDES Permit (Board Order 98-02) on May 13, 1998. However, USEPA Region IX raised an objection to specific language that was included in Board 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 Phase I NPDES MS4 regulations at 40 CFR123.44 (h). On June 25, 1999, Region IX "returned" the NPDES Permit which it had issued to the Regional Board for implementation. On November 8, 2000, the Regional Board issued Addendum No. 1 to Board Order No. 98-02, which incorporated, by reference, the USEPA NPDES Permit into their Board Order.

¹ 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].

In general, both Board Order No. 98-02 and the USEPA NPDES Permit validated the Co-Permittees' overall stormwater management efforts by incorporating the major elements of the 1993 DAMP and other stormwater management program elements that the Co-Permittees had subsequently developed. However, both Board Order 98-02 and the USEPA NPDES Permit imposed additional programs and activities that the Co-Permittees were required to implement in accordance with specified time schedules in order to achieve compliance with Board Order No. 98-02, the USEPA NPDES Permit, and the CWA. Board Order 98-02 expired on November 30, 2003. The Co-Permittees submitted a Report of Waste Discharge (ROWD) to the Regional Board on May 30, 2003, requesting renewal of the SMR Permit. On June 14, 2004, the Regional Board adopted Board Order No. R9-2004-001, the third-term SMR Permit.

The third-term SMR Permit required several additional or expanded program elements, such as strict control on new developments, expanded construction, industrial and commercial inspection programs, and a new emphasis on water quality monitoring and program effectiveness evaluations. Compliance programs were developed or expanded to address the third-term SMR Permit between June 2004 and June 2005.

The Co-Permittees submitted a ROWD to the Regional Board on January 15, 2009, requesting renewal of the SMR Permit by the Regional Board. The Regional Board responded to the ROWD and permit renewal process on February 18, 2010. The District and Co-Permittees worked with the Regional Board to develop the fourth-term SMR Permit which was adopted on November 10, 2010 (2010 Permit), and included the newly incorporated City of Wildomar.

Although currently regulated under the 2010 Permit, the District and Co-Permittees coordinated with the San Diego County and South Orange County Permittees in responding to the Regional Board staff proposals in their development of a Regional NPDES Permit (Regional MS4 Permit). The development of the Regional MS4 Permit was initiated in early 2012 and it was subsequently adopted in May 2013. The Regional MS4 Permit regulates Co-Permittees within San Diego and Orange Counties, and is intended to regulate Co-Permittees within portions of Riverside County upon expiration of their 2010 Permit (the 2010 Permit expires November 10, 2015). On May 10, 2015, the Co-Permittees submitted a ROWD to the Regional Board for their fifth-term MS4 Permit, which is anticipated to be the Regional MS4 Permit.

Since issuance of the first-term SMR Permit in 1990, the Co-Permittees' Stormwater Management Program has been guided by the following principles:

1. Utilize existing Co-Permittee departments/programs to meet NPDES Permit requirements whenever possible.
2. Minimize duplication of effort through coordinated Co-Permittee compliance actions.
3. When necessary, develop new or expanded 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.

As Principal Permittee, the District is required to coordinate MS4 permit activities, and facilitate collaboration on development and implementation of programs required by the MS4 Permit². As such, the costs of the District's various NPDES Permit compliance activities fluctuate from year to year. Although some expenses do not change significantly on a yearly basis, certain costs are cyclical (*e.g.*, preparing ROWDs and negotiating NPDES 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, production, and distribution of public education materials are not always incurred on a fiscal year basis. Occasionally, additional consultant and/or legal 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 Fiscal Year 2015-2016 is equal to or less than the assessment rate that was enrolled and levied for Fiscal Year 1996-1997 and all subsequent years.**

² Section M, Order No. R9-2010-0016

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 parcel size (acreage) and 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 exempted from the assessment. Vacant, undeveloped parcels are not assessed because they are considered to generate no increase in pollutant loading. Additionally, certain large undeveloped tracts of land such as Federal or State owned forest are excluded from the SMWBAA. A more detailed discussion of the apportionment methodology is presented in Appendix B.

CURRENT YEAR ASSESSMENTS (FY 2014-2015)

In July 2014, the District's Board of Supervisors confirmed a benefit assessment rate for FY 2014-2015 of \$4.00 per BAU. Following is a summary of FY 2014-2015 assessments:

Rate	Billed Parcels	BAUs	Assessments	Corrections	Amount Paid*
\$4.00	83,756	133,973	\$535,893.48	\$0.00	\$521,477.95

* Through April 30, 2015

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 2015-2016)

The District recommends that for FY 2015-2016, 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 2015-2016, using the proposed benefit assessment rate of \$4.00 per BAU is as follows:

Rate	Parcels*	BAUs	Assessment*	Projected Revenue**
\$4.00	83,756	133,973	\$535,893.48	\$495,701.47

* Based on FY 2014-2015 Assessor's information

** Assumes a 7.5% delinquency rate

The projected revenue along with any remaining portion of the ending fund balance from FY 2014-2015 will fund the District's NPDES Stormwater Management Program activities for the Santa Margarita Watershed area in FY 2015-2016. The proposed FY 2015-2016 budget is presented in Appendix A.

During the early years of the NPDES Program, there were many uncertainties regarding startup 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 maintain a modest fund balance since the benefit assessments were first levied in FY 1991-1992. The District is 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 impending application of the Regional MS4 Permit, it is expected that the District's NPDES Permit compliance costs will increase significantly in Fiscal Year 2015-2016, and in the coming years.

ASSESSMENT ROLL

The SMWBAA Assessment Roll provides a listing by Assessor's Parcel Number of the proposed FY 2015-2016 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, 1st floor
Riverside, CA 92501

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

City of Murrieta
1 Town Square
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/SantaMargaritaWS.aspx>

NPDES PROGRAM HIGHLIGHTS (FY 2014-2015)

The following tasks were accomplished or are ongoing for the year ending June 30, 2015 in compliance with the 2010 SMR Permit:

- A. The development and submittal of the SMR Report of Waste Discharge (ROWD) began in early 2015; the document was submitted to the Regional Board on May 10, 2015.
- B. Continued to implement the Standard Stormwater Mitigation Plan (SSMP) (referred to by the Co-Permittees as a Water Quality Management Plan or WQMP), Template and Guidance documents for new development, in accordance with the 2010 SMR Permit and comments from Regional Board staff. The SSMP requires developers to submit a project-specific SSMP for qualified new development and redevelopment projects, and identifies water quality impacts of the proposed development, and mitigation measures for those impacts. The Regional Board required revision of the SSMP to incorporate an increased focus on low impact development (LID) design practices and BMPs.
- C. Completed development of the SMR Hydromodification Management Plan (HMP). The SMR HMP was developed by the Co-Permittees in response to Provision F.1.h of the 2010 Permit to manage increases in runoff discharge rates and durations from Priority Development Projects (PDPs). Hydrologic and sediment supply performance standards that will support maintenance of geomorphic stability in channels receiving runoff from PDPs were developed in this process. The final draft HMP was submitted to the Regional Board on July 11, 2014, at which time the District and each of the Co-Permittees began implementation. Training seminars were held for Co-Permittee staff and the development community in June, August, and December 2014. These seminars focused on HMP requirements, and how to implement the HMP into development and redevelopment projects.
- D. Completed development of the SMR Hydrology Model (SMRHM). The SMRHM was submitted to the Regional Board for final approval in July 2014, and became effective on July 11, 2014. The SMRHM is a tool that provides continuous simulation of peak flow runoff rates, from 10% of the 2-year runoff event up to the 10-year runoff event for Priority Development Projects (PDPs). The software is a Hydrologic Simulation Program FORTRAN (HSPF) model that allows users to demonstrate compliance with the HMP performance standards through an interactive graphic user interface.
- E. Completed updates to the Upper Santa Margarita River Watershed Water Quality Workplan (Watershed Workplan); this document identifies and prioritizes areas within the Santa Margarita River watershed that require action to improve water quality, likely sources causing water quality problems, likely sources of pollutants, and an implementation strategy and schedule to attain receiving water quality objectives. The District and Co-Permittees are required to review and update the Watershed Workplan annually to identify any needed changes to the prioritized water quality problem(s) listed in the workplan. The revised Watershed Workplan was submitted to the Regional Board in October 2013 with the Annual Report. Annual updates, if necessary, are submitted with the Co-Permittees' Annual Reports in October of every year. The Co-Permittees conduct a public workshop to receive input on the Watershed Workplan during the annual Watershed Review Meeting.

- F. Conducted the annual Watershed Review Meeting in April 2015. The Watershed Review Meeting is held annually during the month of April. The meeting was established per requirements of the 2010 Permit. A schedule of implementing the meeting was based upon the submitted schedule in the Watershed Workplan. The meeting is open to the public and any submitted comments received regarding the watershed program are discussed in the Co-Permittees' Annual Reports.
- G. Continued implementation of the Agricultural, Federal, Tribal and State Sources Special Study, and conducted the second and final year of monitoring. The goal of this Special Study is to assess the water quality of stormwater runoff from agricultural, federal, tribal and state target source areas. These source areas are not under the jurisdiction of, and cannot be regulated by the Co-Permittees, but may be subject to regulation by the Regional Board. The objective of the Special Study is to determine the type, quantity and estimated loading of pollutants in these discharges during storm flow conditions.
- H. Completed monitoring under the Sediment Toxicity Special Study. The purpose of this special study was to assess sediment toxicity in streams and to determine the relationship between sediment toxicity and Index of Biotic Integrity (IBI) scores. The final report is available in Attachment G (Special Studies, Work Plans, and Support Documentation) of the 2013-2014 Monitoring Annual Report, which was submitted to the Regional Board in October 2014.
- I. Finalized the LID Impacts Special Study that was initiated by Camp Pendleton due to concerns that the mandate in the 2010 Permit requiring onsite retention of stormwater using LID may reduce runoff at the Gorge and impact water supply to the Base. The study found that if LID stormwater BMPs were to be implemented on all New Development, runoff at the Gorge would be less than if traditional BMPs were required. If retrofit of existing development with LID retention BMPs were to be implemented, runoff at the Gorge would be further reduced. However, under anticipated levels of LID implementation there will be no significant impacts on downstream beneficial uses.
- J. Continued preparation of a study assessing potential sources of iron and manganese contributing to exceedances of water quality objectives (WQOs) in the Santa Margarita Watershed. The purposes of the study are to: begin developing an understanding of the predominant sources of iron and manganese in surface waters in the SMR; and evaluate whether MS4 discharges are more or less important to iron and manganese concentrations than the background levels contributed by the geological characteristics of receiving waters.
- K. Continued proactive efforts to inform regulators and policy makers by working with the Permittees to provide comment on various draft policy and legislation which have potential to shape District, County, and Co-Permittee MS4 Permit compliance activities.
- L. Continued partnership and support in the Upper Santa Margarita Watershed Integrated Regional Watershed Management Group (USMRWVG). The RWVG involves multiple agencies, stakeholders, individuals and groups, and collaborates to apply for Proposition 84 Grant funding through the Upper Santa Margarita Watershed Integrated Regional Watershed Management Plan (IRWMP) for planning projects within the SMR that would additionally help provide funding for compliance activities required by the 2010 Permit.

- M. Continued to chair the Santa Margarita Technical Advisory Committee, comprised of Co-Permittees, Regional Board staff, and interested parties. The Co-Permittees coordinate their Urban Runoff management activities to work toward achieving the greatest protection of Receiving Water quality. This committee serves as a forum to effectively disseminate information, discuss regional and statewide program issues, and plan and coordinate Co-Permittee actions to achieve compliance with the NPDES MS4 Permit.
- N. Continued financial support to area-wide Stormwater Pollution Prevention Programs, including the Hazardous Materials Response (HAZMAT) Team, the Household Hazardous Waste (HHW) temporary and permanent collection events and the "ABOP" (Anti-freeze, Batteries, Oil, and Paint) program.
- O. Developed, prepared, and submitted a comprehensive District Jurisdictional Runoff Management Plan (JRMP) Annual Report to the Regional Board.
- P. Continued to utilize the District's LID Project to test and demonstrate stormwater capture, management, and treatment using LID practices. This project implements a variety of LID BMPs, and provides a facility in a centralized location which is convenient for educating residents, regulators, developers, municipal employees, engineers and other interested stakeholders from many Southern California communities. Since completion of the LID Project, District staff has provided dozens of informational project tours. The project is partially funded by a Proposition 13 grant, in partnership with the Santa Ana Watershed Project Authority (SAWPA).
- Q. The District continues to review and update the LID BMP Design Manual, which is focused on landscape-based BMPs and infiltration BMPs capable of addressing identified water quality impairments in the Santa Ana and Santa Margarita Watersheds. The LID BMP Design Manual is available on the District's website.
- R. Continued efforts in compliance with the Aquatic Weed Control NPDES Permit. Compliance with this Permit is required for vegetation control activities which utilize application of aquatic herbicides on District facilities. Vegetation control is an essential part of the District's routine maintenance activities in order to ensure that its facilities continue to provide the design level of flood protection to which they were constructed and minimize or prevent loss of life and property. Compliance with the Aquatic Weed Control Permit includes maintaining an aquatic pesticide application plan, implementing BMPs to minimize potential impacts from use of herbicides, monitoring for impacts to water quality, and submittal of an annual report to the Regional Board and State Water Board.
- S. Continued collection and analysis of water quality samples in accordance with the 2010 Permit and the Consolidated Monitoring Program (CMP) for water quality monitoring. Water quality samples are collected during dry and wet weather at MS4 outfalls and receiving water stations, and are analyzed for required constituents. Dry weather stream assessment at designated receiving water stations, and mass load sampling of three monitoring stations during three winter storms continues to be conducted.
- T. In June 2012, the CMP was revised to address the monitoring efforts that will be implemented to comply with the County's three MS4 Permits. Since then the CMP (Volume III - Santa Margarita Region Monitoring Plan) has been updated as-needed to reflect refined programmatic adjustments, such as lessons learned in each monitoring year,

global revisions to provide standardization and clarity, updates of key staff assignments, and improvements to sampling procedures. In July 2014, said updates included continued data collection for the Co-Permittees SMR perennial stream segment characterization, and working with the contracted laboratories to improve quality assurance and quality control (QA/QC). The CMP includes procedures for collection and analysis of water quality samples at MS4 outfalls and Receiving Waters sites for a variety of constituents, and includes reference to additional monitoring components that are required by the MS4 Permits.

- U. Continued participation in the Stormwater Monitoring Coalition (SMC), a regional monitoring group comprised of Southern California Phase 1 Municipal NPDES Permit holders whose focus is developing effective, meaningful stormwater quality monitoring techniques.
- V. Continued coordination with the SMC on a long-term (i.e., five-year) southern California bioassessment monitoring program.
- W. Continued active participation in the California Stormwater Quality Association (CASQA). On behalf of the Co-Permittees, the District remains active within the organization, specifically: Jason Uhley has served as Legislative Chair since 2003. District staff also actively participates in the Monitoring & Science, BMP and Policy and Permitting sub-committees.
- X. Continued active participation in the CASQA Pesticides Subcommittee, with the goal of facilitating changes to State and Federal pesticides regulations. These changes will improve processes for evaluating the environmental impacts on Receiving Waters of new pesticides, and also change labeling and use requirements for existing pesticides, such as pyrethroids.
- Y. Continued presentation of semi-annual municipal employee stormwater training programs. These training classes focus on the requisite knowledge for properly implementing the JRMP, WQMP, and HMP. The training classes also address Permittee functions such as development planning, municipal activities, industrial/commercial inspections and construction inspections. Fall and spring training sessions were held at the District and also at the cities of Temecula and Palm Springs to provide close proximity for the Co-Permittees.
- Z. Continued to provide stormwater pollution prevention presentations in local elementary schools; 22 assembly style presentations were provided County-wide in 2014-2015, reaching over 7,592 students.
- AA. Continued to chair the Public Education Subcommittee. Meetings include Co-Permittee representation from each watershed to review elements of regional public education programs and program materials.
- BB. Continued an ongoing effort to redesign the District's NPDES public education webpage to improve its effectiveness, usability and quality of information regarding MS4 compliance programs. The webpage is currently being reformatted to add more usable and interactive data as well as add information pertinent to new permit requirements. The webpage will provide information for the general public, Permittees, regulators, and in-house personnel.

- CC. Continued to host the District's NPDES website which provides information regarding the Regional MS4 Permit compliance programs. The website provides pertinent information for the general public, Permittees, regulators, and in-house personnel.
- DD. Continued distribution of focused BMP brochures targeting construction activities, pet care, guidelines for swimming pool, jacuzzi and garden fountain maintenance, septic tank maintenance, restaurant/food service industry, professional mobile services, automobile service industry, outdoor cleaning activities and industrial facilities. Efforts continue to ensure that brochures are updated as necessary.
- EE. Developed and executed informative e-newsletters, which are sent out quarterly, and focus on one key area of pollution prevention in each issue, for a variety of target audiences. The e-newsletters are also tightly integrated with the revised District website to enhance our ability to outreach to target audiences.

PROGRAM/WORK ITEMS (FY 2015-2016)

The 2010 Permit is due to expire November 10, 2015. With submittal of the ROWD on May 10, 2015, most resources in FY 2015-2016 will be spent negotiating the remaining terms of the upcoming MS4 Permit, and initiating implementation of the new Permit requirements. It is anticipated that the MS4 Permit that will be adopted for Riverside County will modify the current monitoring program, and will require development of a Water Quality Improvement Plan (WQIP) specific to the Santa Margarita Watershed. Modification of the Co-Permittees' monitoring program and development of the WQIP may have significant impacts on resources.

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

NPDES PERMIT COMPLIANCE PROGRAM IMPLEMENTATION

Upon adoption of the 2010 Permit, the District was designated as the Principal Co-Permittee, and began establishing a team of consultants to revise and develop compliance programs. Compliance documents which have been finalized and require implementation during FY 2015-2016 specifically include the:

- Jurisdictional Runoff Management Plan (JRMP);
- Water Quality Management Plan (WQMP);
- Hydromodification Management Plan (HMP);
- Upper Santa Margarita River Watershed Water Quality Workplan; and
- Consolidated Monitoring Program (CMP).

It is anticipated that the above noted compliance plans may require updates during FY 2015-2016 to comply with future Permit requirements; specific updates to these compliance plans are not known at this time. Until a new permit is adopted for the SMR, the Co-Permittees will continue implementing their current compliance programs and plans. Costs to implement these programs have proven to be significant. For such requirements, the District's share of the cost for implementing these programs will be wholly from SMWBAA funds.

LID PROJECT

Construction of the District's LID Project was completed in Spring of 2012; this project implements a variety of LID BMPs, and is being used to test and demonstrate stormwater capture, management, and treatment using LID practices. The project provides a facility in a centralized location, which is convenient for educating residents, regulators, developers, municipal employees, engineers and other interested stakeholders from many southern California communities.

This fiscal year, the District will continue to host tours of the facility, and gather data regarding water quality and flow, and operations and maintenance cost and practices.

AQUATIC WEED CONTROL NPDES PERMIT COMPLIANCE

Compliance with the Aquatic Weed Control NPDES Permit is required for vegetation control activities which utilize application of aquatic herbicides on District facilities. Vegetation control is an essential part of the District's routine maintenance activities in order to ensure that its facilities continue to provide the design level of flood protection to which they were constructed, and minimize or prevent loss of life and property. Compliance with the Aquatic Weed Control Permit includes maintaining an aquatic pesticide application plan, implementing BMPs to

minimize potential impacts from use of herbicides, monitoring for impacts to water quality, and submittal of an annual report to the Regional Board and State Water Board.

MS4 PROGRAM MANAGEMENT

As Principal Permittee, the District conducts certain activities to coordinate the efforts of the other Co-Permittees, and facilitates compliance with the 2010 Permit. These activities include chairing quarterly meetings of the SMR 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 JRMP Annual Report to the Regional Board. As a new MS4 permit is anticipated for the SMR during 2015-2016, additional resources will be needed to account for overlaps in implementation and submittal dates of the current and future permit requirements; the monitoring program should see the largest impact to resources to account for such monitoring requirement overlaps. The District will also continue to focus its efforts on identifying and commenting on statewide issues that affect local stormwater programs.

AREA-WIDE MS4 PROGRAMS

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

Public Education

The District provides for 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. This includes 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. Additionally, e-newsletters are developed and distributed quarterly, and the public education webpage is under an ongoing redesign effort to improve its effectiveness, usability and quality of information regarding MS4 compliance programs.

Training for Municipal Employees

Municipal training programs are provided 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, implementation of the WQMP and HMP, local stormwater ordinances, and State Construction and Industrial General Permit requirements. Training is 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

The District and Co-Permittees provide 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

The District and Co-Permittees provide financial support to the County Waste Management Department to support ongoing permanent and mobile HHW collection events, and operation of the "ABOP" (Antifreeze, Batteries, used motor Oil, and latex Paint) program, all of which provide local residents with opportunities to properly dispose of HHW.

WATER QUALITY MONITORING

On behalf of the Co-Permittees, the District conducts both wet and dry weather sample collection and analysis in accordance with the 2010 Permit's Monitoring and Reporting Program (MRP). Program development for the additional monitoring required in the 2010 Permit's MRP was completed during FY 2012-2013; implementation of these requirements is ongoing. The Co-Permittees have also been participating in a study to develop Numeric Nutrient Endpoints for a Santa Margarita River Nutrient Total Maximum Daily Load (TMDL).

As required by the 2010 Permit, the Co-Permittees will finalize the following Special Study:

- Submittal of the final report of findings for the Agricultural, Federal, Tribal and State Sources Special Study to the Regional Board. The study work plan was submitted to the Regional Board in September 2012. A revised final work plan including characterization of runoff from state highways was approved in August 2013. No data was collected during the 2012–2013 reporting year due to lack of runoff. The first year of data collection took place during the 2013–2014 reporting year, and the second and final year of sampling was completed during 2014-2015.

INDIVIDUAL JURISDICTION RUNOFF MANAGEMENT PLANS

The District will continue to implement a JRMP that describes its specific runoff management programs and activities implemented to comply with the requirements of the 2010 Permit and upcoming MS4 permit. The JRMP is a Co-Permittee specific document that comprehensively translates Permit requirements into actions. The JRMP is reviewed annually to incorporate new and revised compliance programs specified in the 2010 and upcoming MS4 permits.

WATERSHED WORKPLAN IMPLEMENTATION

In accordance with 2010 Permit requirements, the District, in conjunction with the Co-Permittees, developed a plan to identify, prioritize, address and mitigate the highest priority water quality issues and/or pollutants in the Upper Santa Margarita River watershed. The current fiscal year is the last year of implementing the Watershed Workplan; any findings or improvements to the Watershed Workplan will be submitted to the Regional Board with the 2014-2015 Annual Report, in October of 2015. The Watershed Workplan may continue to be used during the next Permit term, depending on approval from the Regional Board. If not approved, the development of a WQIP will be required by the Co-Permittees.

HYDROMODIFICATION MANAGEMENT PLAN (HMP) IMPLEMENTATION

In accordance with 2010 Permit requirements, the District, in conjunction with the Co-Permittees, developed a HMP to manage increases in runoff discharge rates and durations from certain Priority Development Projects. The HMP requires projects to have estimated post-project runoff discharge rates and durations that do not exceed pre-development discharge rates and durations. A modeling software, called the Santa Margarita Region Hydrology Model (SMRHM) was developed and finalized to perform the necessary calculations to estimate pre-development and post-project runoff discharge rates. A hydromodification susceptibility map was also developed, which identifies and addresses channel segments for their susceptibility and geomorphic stability. Implementation of the HMP and SMRHM will continue in FY 2015-2016.

CONSOLIDATED MONITORING PROGRAM

The District updated the Consolidated Monitoring Program (CMP) to describe the monitoring efforts that were implemented to comply with the 2010 Permit; during FY 2014-2015, these monitoring efforts were implemented. The CMP describes monitoring requirements in the SMR, including:

- Expansion of the IC/ID Program to require implementation of a more rigorous and proactive detection and elimination program based action levels. This includes development and implementation of Co-Permittee specific schedules to conduct systematic investigations of MS4 facilities 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 2010 Permit;
- Stream assessment monitoring which is comprised of chemistry, bioassessment (e.g., physical habitat, benthic macroinvertebrate community assessment, algae assessment), and toxicity sampling;
- High Priority Inland Aquatic Habitat monitoring; and
- Five special monitoring studies.

These monitoring efforts, which are unique to the Santa Margarita Watershed, will continue to be implemented during FY 2015-2016.

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, the Riverside County Fire Department, and Riverside County Waste Management. The District's NPDES Program activities, which are funded by these SMWBAA assessments, are required to comply with the 2010 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 MS4s. 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 2015-2016.

GLOSSARY

ABOP –Anti-freeze, Batteries, Oil and Paint

BAU – Benefit Assessment Unit

BMP – Best Management Practice

CMP – Consolidated Monitoring Program

CRWQCB – California Regional Water Quality Control Board

CWA - Clean Water Act

District – Riverside County Flood Control and Water Conservation District

FY – Fiscal Year

HAZMAT Team –Hazardous Materials Emergency Response Team

HHW – Household Hazardous Waste

HMP – Hydromodificaiton Management Plan

IRWMP - Integrated Regional Watershed Management Plan

JRMP – Jurisdictional Runoff Management Plan

LID – Low Impact Development

MS4 – Municipal Separate Storm Sewer System

MRP – Monitoring and Reporting Program

NPDES – National Pollutant Discharge Elimination System.

Board 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.

Board 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.

Regional Board – San Diego Regional Water Quality Control Board

ROWD – Report of Waste Discharge

SA – Santa Ana

SAWPA – Santa Ana Watershed Project Authority

SMC – Stormwater Monitoring Coalition

SMR – Santa Margarita Region of Riverside County

SMRHM – Santa Margarita Region Hydrology Model

SMWBAA – Santa Margarita Watershed Benefit Assessment Area

SWRCB – State Water Resources Control Board

SSMP – Standard Stormwater Mitigation Plan; same as WQMP

TMDL – Total Maximum Daily Load

USEPA – United States Environmental Protection Agency

USMRWMG - Upper Santa Margarita Watershed Regional Watershed Management Group

WQMP - Watershed Quality Management Plan; same as SSMP

WQIP - Water Quality Improvement Plan

WQO – Water Quality Objective

APPENDIX A

Proposed NPDES Program Budget (FY 2015-2016)

APPENDIX A

**SANTA MARGARITA WATERSHED BENEFIT ASSESSMENT AREA
PROPOSED NPDES PROGRAM BUDGET (FY 2015-2016)**

STAFFING	
General Staff Salaries and Benefits	\$489,700
Staff Standby/Differential/Overtime Pay	<u>3,000</u>
Subtotal	\$492,700
ADMINISTRATION & OVERHEAD	
Administration & Overhead	\$141,180
County Counsel Services	7,000
Equipment Lease / Rental	1,350
Vehicle Mileage	5,980
Photocopying / Reproduction	1,500
Miscellaneous (Photography, Communications, Supplies, etc.)	<u>10,460</u>
Subtotal	\$167,470
GENERAL CONSULTANT SERVICES	
Technical / Regulatory Support	\$545,000
Grants / Misc. Applications	50,000
Benefit Assessment Services	<u>3,250</u>
Subtotal	\$598,250
PUBLIC EDUCATION PROGRAM	
Education Program: Staff / Contract Services / Presentations	\$58,900
Education Program: Production / Materials / Media	<u>24,350</u>
Subtotal	\$83,250
WATER QUALITY MONITORING PROGRAM	
Staff Time / Laboratory Services / Monitoring / Reporting	\$650,000
Small Tools & Equipment	<u>52,000</u>
Subtotal	\$702,000
POLLUTION PREVENTION PROGRAMS	
Household Hazardous Waste Program (Waste Management Dept.)	\$30,000
Integrated Regional Water Mgmt. - RCWD	50,000
Watershed Clean-up/Assessment (State Trash Amendments)	95,000
TMDL Cooperative Projects	<u>182,000</u>
Subtotal	\$357,000
PROGRAM SUBTOTAL	\$2,400,670
CONTINGENCY (10%)	\$240,067
Assessor's/Treasurer's Office Line Item Charges (\$0.48/parcel)	\$40,203
County Fee for Annual Submittal	<u>\$130</u>
TOTAL EXPENDITURES	\$2,681,070
FUND BALANCE FROM FY 2014-2015 (est.)	\$1,280,810
PERMITTEE REIMBURSEMENTS	\$1,775,630
PROJECTED REVENUE	<u>\$495,701</u>
CASH AVAILABLE	\$3,552,141
PROJECTED FUND BALANCE	\$871,071

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

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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.

28 ////

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,

1 Appendix, Chapter 48.

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

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

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

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

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

22 ARTICLE III

23 ESTABLISHMENT OF BENEFIT ASSESSMENT AREAS

24 Section 1. Formation of Benefit Assessment Areas.

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

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

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

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

18 ARTICLE IV

19 REPORT OF CHIEF ENGINEER, HEARING THEREON;

20 CONFIRMATION OF BENEFIT ASSESSMENT BY THE

21 BOARD OF SUPERVISORS

22 Section 1. Report.

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

27 Section 2. Content of the Report.

28 Each report shall contain the District's estimate of

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

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

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

25 Section 4. Hearing.

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

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

9 Section 5. Enrollment.

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

14 ARTICLE IV

15 LEVY OF BENEFIT ASSESSMENT

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

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

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

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

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

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

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

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

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

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

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

13 Group A: Commercial or industrial use

14 Group B: Institutional uses, ie. churches, or
15 hospitals, or multiple family residential
16 use having four or more units per parcel,
17 ie. apartments or mobile home parks.

18 Group C: Single family residential or multiple
19 family residential having three or fewer
20 units on 1/6 of an acre parcel.

21 Group D: Agricultural uses, including dairies,
22 poultry, livestock, groves, orchards,
23 row crops, field crops, vines or dry farming.

24 Group E: Golf courses, cemeteries, etc. and that
25 portion of a single family residential
26 parcel in excess of 7,200 square feet (1/6
27 acre) but less than 2.5 acres.

28 Group F: The undeveloped portion of a parcel such

1 as the portion of a single family

2 residential parcel exceeding 2.5 acres.

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

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

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

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

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

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

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

13 ARTICLE V

14 COLLECTION OF BENEFIT ASSESSMENT.

15 Section 1. Collection by Treasurer/Tax Collector.

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

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

3 Section 2. Applicable Law.

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

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

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

12 ARTICLE VI

13 CORRECTION OR CHANGE TO THE TAX ROLL

14 Section 1. Initiation of the Correction or Change.

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

19 Section 2. Initiation by Flood Control Engineer.

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

24 Section 3. Initiation by the Assessee.

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

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

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

10 Section 4. Categories of Corrections or Changes.

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

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

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

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

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

8 ARTICLE VII

9 EFFECTIVE DATE OF ORDINANCE

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

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

19 By *Walter D. ...*
20 Chairman

21 ATTEST:
22 GERALD A. MALONEY, Clerk

23 *Bernie May*
24 DEPUTY

21 ////
22 ////
23 ////
24 ////
25 ////
26 ////
27 ////
28 ////

1 Attest:

2

3

4

(Seal)

5

6

STATE OF CALIFORNIA)

7

) ss.

COUNTY OF RIVERSIDE)

8

9

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

10

11

12

13

14

Dated: 6/4/91

15

CLERK OF THE BOARD OF SUPERVISORS

16

(Seal)

By Bonnie May
Deputy

17

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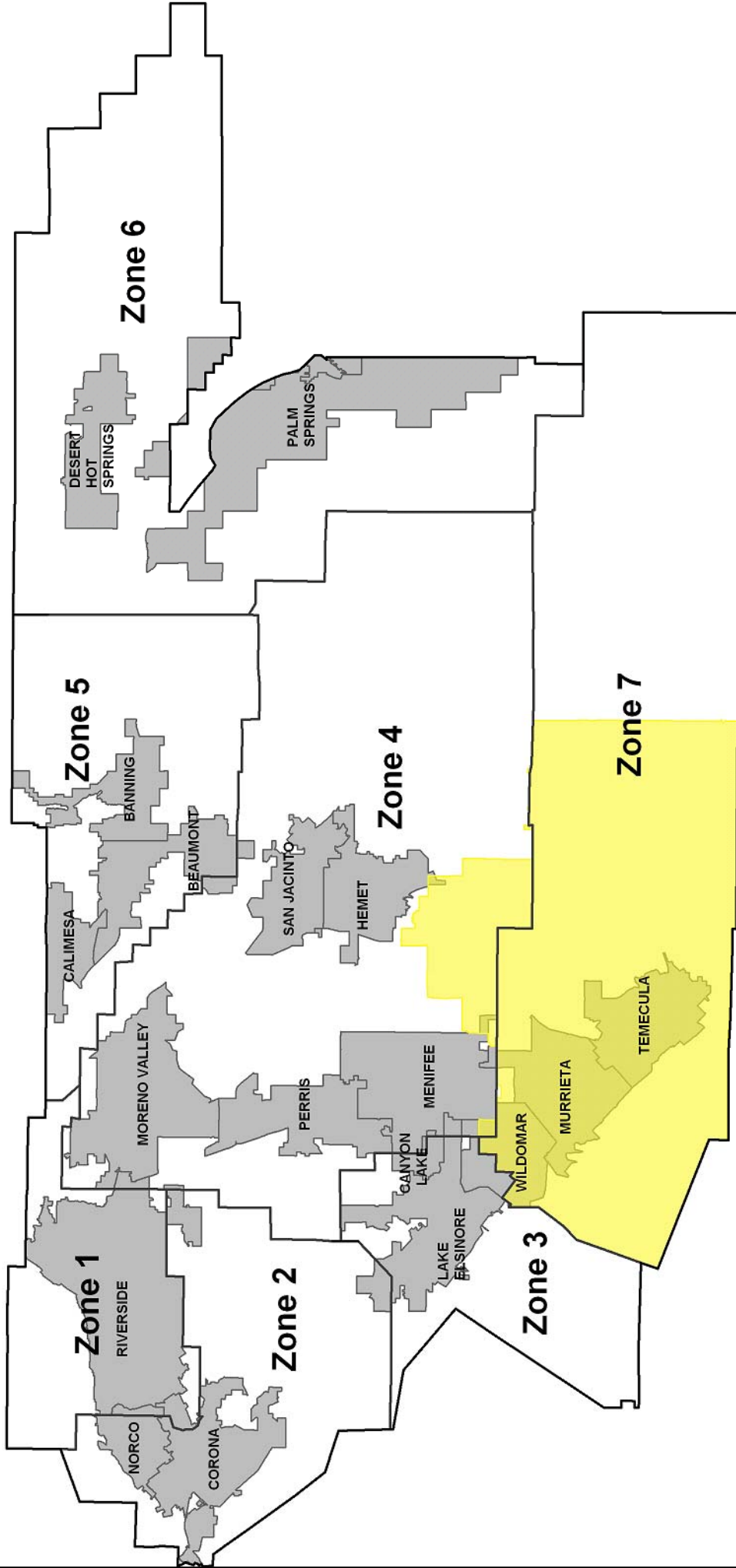
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5/17/91
ID #107C

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 2015-2016)
(Under Separate Cover)**