

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



104B

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 F2015-21 – Accepting the Engineer's Report and Setting the Date of the Public Hearing for the NPDES Program Whitewater Watershed Benefit Assessment Area; 3rd/4th/5th District [\$0]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Accept the Engineer's Report on the NPDES Program for the Whitewater 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. F2015-21**

**ACCEPTING THE ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR THE WHITEWATER 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)
<b>COST</b>	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
<b>NET DISTRICT COST</b>	\$ N/A	\$ N/A	\$ N/A	\$ N/A	

<b>SOURCE OF FUNDS:</b> N/A	<b>Budget Adjustment:</b> N/A
	<b>For Fiscal Year:</b> 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  
JEANINE J. REY, FINANCE DIRECTOR  
DATE: 5/13/15  
Departmental Concurrence

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

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

**FORM 11:** Adopt Resolution F2015-21 – Accepting the Engineer's Report and Setting the Date of the Public Hearing for the NPDES Program Whitewater Watershed Benefit Assessment Area; 3<sup>rd</sup>/4<sup>th</sup>/5<sup>th</sup> District; [\$0]

**DATE:** June 2, 2015

**PAGE:** Page 2 of 2

**BACKGROUND:**

**Summary (Continued)**

The Whitewater Watershed Benefit Assessment Area was established on May 14, 1991 by the adoption of Resolution No. F91-23 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 \$3.63 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

P8/169386

1 BOARD OF SUPERVISORS  
2 DISTRICT

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION

3 RESOLUTION NO. F2015-21

4 ACCEPTING THE ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR THE  
5 WHITEWATER 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 - Colorado River  
10 Basin Region, on behalf of the Federal Environmental Protection Agency (the "EPA"), and  
11 consistent with Section 402 of the Federal Clean Water Act, as amended, and the regulations  
12 promulgated by the EPA pursuant thereto, has issued an area-wide stormwater discharge permit  
13 under the National Pollutant Discharge Elimination System (the "NPDES Permit") to the  
14 Riverside County Flood Control and Water Conservation District (the "District"), the County of  
15 Riverside and certain cities within the Whitewater Watershed that are within the District's  
16 jurisdiction, 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 Whitewater 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. F91-23 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 Whitewater 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

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

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

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

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

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

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

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

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

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

28 Section 3. The Report proposes that the Benefit Assessment to be levied on all parcels  
within the Whitewater Watershed Benefit Assessment Area, as described in Ordinance No. 14,

1 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, 1<sup>st</sup> 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, 1<sup>st</sup> Floor  
11              Riverside, California

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

16              City of Banning  
17              99 East Ramsey Street  
18              Banning, California

19              City of Palm Springs  
20              3200 East Tahquitz Canyon Way  
21              Palm Springs, 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 Desert Sun pursuant to the provisions of Section  
24 6066 of the California Government Code. The Chief Engineer is to cause said notice to be  
25 posted in at least three public places within the boundaries of the Whitewater Watershed Benefit  
26 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**  
**WHITEWATER WATERSHED**  
**BENEFIT ASSESSMENT AREA**  
**JUNE 2015**

**WARREN D. WILLIAMS**  
General Manager-Chief Engineer



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## **APPENDICES**

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- APPENDIX B – RCFC&WCD Ordinance No. 14 (May 14, 1991)**
- APPENDIX C – Map of Whitewater Watershed  
Benefit Assessment Area (WWBAA)**
- APPENDIX D – WWBAA 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 Whitewater Watershed, the District, in conjunction with the County of Riverside (County), Coachella Valley Water District (CVWD), and the Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage (Cities), jointly submitted the required Part 1 application for an NPDES Permit on June 11, 1992 to the CRWQCB - Colorado River Basin Region (Regional Board). Part 2 of the NPDES Permit application was submitted to the Regional Board on May 17, 1994. The Part 1 NPDES Permit application consisted primarily of a compilation of existing District, County, CVWD and City information such as land use, facilities, discharge information, fiscal resources, legal authority, etc. The Part 2 NPDES Permit application outlined the Permittees' (District, County, CVWD, and Cities) proposed Stormwater Management Program and corresponding implementation schedules.

The Regional Board adopted the initial NPDES Permit (Permit) for the Whitewater Watershed on May 22, 1996; this Permit established the District and County as Principal Permittees, and the CVWD and Cities as Co-Permittees (collectively, the Principal and Co-Permittees comprise the Permittees). The initial Permit expired on May 22, 2001 and as required by the Permit renewal procedures, the Permittees submitted a Report of Waste Discharge (ROWD) to the Regional Board that led to the subsequent adoption of Permit No. 01-077 on September 5, 2001. Permit No. 01-077 incorporated the Permittees' proposed Stormwater Management Plan (SWMP) which was developed during the initial Permit term along with additional management programs that were subsequently developed. Additionally, the Permit identified certain additional activities that the Permittees needed to pursue, in accordance with specific time schedules, in order to achieve compliance with the Permit and the CWA. On May 21, 2008, the Regional Board adopted the region's third-term permit, Order Number R7-2008-0001 (2008 Permit). The third-term 2008 Permit sought to improve programs established in the previous term. On November 21, 2012, the Permittees submitted a ROWD to the Regional Board to apply for a fourth-term MS4 Permit. A collaborative effort was put forth by Permittees and Regional Board staff to analyze local BMP effectiveness and applicability, and research other applicable state-wide MS4 Permits to develop region-appropriate language and requirements for the Whitewater River



Region fourth-term MS4 Permit. The fourth-term MS4 Permit, Order Number R7-2013-0011 (2013 Permit), was subsequently adopted by the Regional Board on June 20, 2013.

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

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

The Whitewater Watershed Benefit Assessment Area (WWBAA) was established pursuant to District Ordinance No. 14 on May 14, 1991 (copy attached - see Appendix B). The WWBAA 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 WWBAA is attached hereto as Appendix C.

As Principal Permittee, the District is required to coordinate regional-scale Permit compliance activities, and implement Permit activities of common interest<sup>1</sup>. As such, the costs of the District's various 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 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 among the public, municipalities, regulatory authorities and legislators. Although new laws and/or regulations could result in changes to the assessment rate in future years, **the proposed assessment rate for FY 2015-2016 is equal to or less than the assessment rate that was enrolled and levied for FY 1996-1997 and all subsequent years.**

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<sup>1</sup> Section E.2, Order No. R7-2013-0011

## APPORTIONMENT METHODOLOGY

WWBAA 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 on 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, industrial/commercial 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 WWBAA 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 WWBAA. 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 \$3.63 per BAU. Following is a summary of the FY 2014-2015 assessments:

<b>Rate</b>	<b>Billed Parcels</b>	<b>BAUs</b>	<b>Assessments</b>	<b>Corrections</b>	<b>Amount Paid*</b>
\$3.63	55,081	89,902	\$326,344.28	\$0.00	\$319,164.71

\* 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 WWBAA assessment rate remain unchanged at \$3.63 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	Industrial, Commercial	12	\$43.56/acre
B	Apartments/Mobile Home Parks, Churches and Schools	9	\$32.67/acre
C	Single-family Residential	6**	\$21.78/acre
D	Agricultural/Vacant Undeveloped	Exempt	\$0.00/acre
E	Golf Courses	0.10	\$0.36/acre
F	Undeveloped Portions of Parcels	0.05	\$0.18/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 \$3.63 per BAU is as follows:

Rate	Parcels*	BAUs	Assessment*	Projected Revenue**
\$3.63	55,081	89,902	\$326,344.28	\$301,868.46

\* Based on FY 2014-2015 Assessor's information

\*\* Assumes a 7.5% delinquency rate

The projected revenue along with a portion of the end of year balance from FY 2014-2015 will fund the District's NPDES Stormwater Management Program activities for the Whitewater 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 required sampling, overall program scope, etc.) since the program was new for both the regulatory authorities and the Permittees. Consequently, the initial assessment rates were set conservatively to ensure that all Permit obligations could be met. To date, the District has been able to successfully negotiate reasonable Permit conditions and implement its Stormwater Management Program in a manner that has retained a portion of the program's initial budget surpluses. As a result, a modest fund balance has been maintained since the benefit assessments were first levied in FY 1991-1992. The District is gradually reducing that fund balance by maintaining the current assessment rate while sustaining expenditure levels that are slightly above projected revenues. It should be noted here that the current trend in California is toward more stringent regulation of municipal stormwater runoff. Thus, it is expected that the District's NPDES Permit compliance costs will increase over the coming years.

## **ASSESSMENT ROLL**

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

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

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

City of Banning  
99 E. Ramsey Street  
Banning, CA 92220

City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

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

## **NPDES PROGRAM HIGHLIGHTS (FY 2014-2015)**

For the year ending June 30, 2015, the following tasks were accomplished in compliance with the 2013 Whitewater NPDES Permit:

- A. The Permittees worked collaboratively with interested parties to revise the Stormwater Management Plan (SWMP) and Appendices, including the Water Quality Management Plan (WQMP), in accordance with the 2013 MS4 Permit. The 2014 SWMP was submitted to the Regional Board Executive Officer for approval on June 19, 2014; it received Executive Officer approval and subsequently became effective on December 31, 2014.
- B. Worked with Permittee staff to develop the Whitewater River Region Stormwater Quality BMP Design Handbook for Low Impact Development (LID). This handbook provides selection and design guidance for structural Best Management Practices (BMPs), and recognizes the unique characteristics and regulatory requirements of the Whitewater River Region. Training on this handbook and the 2014 WQMP was provided to Permittee and private consultant staff in September 2014. The handbook is available on the District's NPDES website.
- C. The Permittees worked with legal counsel to draft, finalize, and execute the 2014 Whitewater River Region Municipal Stormwater and Cost-Sharing Agreement (2014 Implementation Agreement). The 2014 Implementation Agreement sets forth program cost-sharing provisions, and the terms and conditions by which the Permittees perform and execute activities and responsibilities prescribed by the 2013 Permit.
- D. Effective January 1, 2015, applicable Permittees assumed direct responsibility for inspection of industrial and commercial businesses and food service establishments within their respective jurisdictions which were previously performed under the auspices of the Compliance Assistance Program (CAP). The CAP was implemented by County Department of Environmental Health (CDEH) since 1999 through contract with the District. In July 2014, CDEH notified the District that, due to a shortage in resources, they could no longer implement the CAP in assistance with compliance with the 2013 Permit. This change-over in compliance program implementation requires ongoing coordination between CDEH, the District, and the Cities. Per Permit requirements, the SWMP was revised to reflect dissolution of the CAP, and was submitted to the Regional Board in January 2015.
- E. The District continued to assist with identification of BMPs to address the Coachella Valley Storm Water Channel (CVSC) Total Maximum Daily Load (TMDL) for Bacterial Indicators. The TMDL regulates discharges from MS4 owned by the City of Coachella, and was granted final approval by USEPA on April 27, 2012. Phase 1 of TMDL implementation began when the City of Coachella received Regional Board approval for its monitoring program plan on May 9, 2013, and will continue until May 2016.
- F. 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.
- G. Continued to collaborate with water purveyors in the Whitewater River Region as planning partners in the Coachella Valley Regional Water Management Group (CVRWMG). The CVRWMGs purpose is to coordinate water resource management efforts, and to enable the

Coachella Valley region to apply for grants tied to Department of Water Resource's Integrated Regional Water Management (IRWM) program.

- H. Continued to chair the NPDES Desert Task Force, which is a committee comprised of Permittees, members of the Regional Board staff and interested parties. The 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 Permittee actions to achieve compliance with the NPDES MS4 Permit.
- I. Through December 31, 2014, continued implementation of the Industrial/Commercial Compliance Assistance Program (CAP) to conduct focused outreach to restaurants, automotive repair shops and certain other industrial and commercial establishments to encourage implementation of appropriate stormwater BMPs and facilitate consistent and coordinated enforcement of local stormwater quality ordinances. Site visits included use of a survey checklist to document stormwater management practices for each facility. The CAP was subsequently terminated, and effective January 1, 2015, the Cities and County assumed direct responsibility for inspection of industrial and commercial businesses and food service establishments within their respective jurisdictions.
- J. 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.
- K. Developed, prepared, and submitted a comprehensive District Annual Report and Watershed Annual Report to the Regional Board.
- L. 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 construction, District staff have 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).
- M. 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.
- N. Continued collection and analysis of water quality samples in accordance with the Permit's Monitoring and Reporting Program via 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 for required constituents to ensure compliance with the 2013 Permit.

- O. Updated the CMP to describe the additional monitoring efforts being implemented to comply with the County's three NPDES Permits. The CMP includes procedures for collection and analysis of water quality samples at MS4 outfalls and receiving waters.
- P. 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.
- Q. Continued active participation in the California Stormwater Quality Association (CASQA). On behalf of the 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 subcommittees.
- R. Continued active participation in the CASQA Pesticides Subcommittee, with the goal of facilitating changes to State and Federal pesticides regulations. These changes could 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.
- S. Continued compliance with the requirements of the SWRCB's Construction General Permit Order 2009-0009-DWQ (Construction General Permit), which was adopted on September 2, 2009, and revised in 2011 and 2013. Effective June 20, 2013, applicable Permittee public works projects are now required to obtain coverage under, and comply with the Construction General Permit.
- T. Continued presentation of semi-annual municipal employee stormwater training programs. These training classes focus on the requisite knowledge for properly implementing the SWMP and WQMP, and 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 to Permittees.
- U. 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.
- V. Continued to chair the Public Education Subcommittee. Meetings include Permittee representation from each watershed to review elements of regional public education programs and program materials.
- W. 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 extensively to add more usable and interactive data, as well as add information pertinent to new permit requirements, based on recommendations from the District's consultant. The webpage will provide information for the general public, Permittees, regulators and in-house personnel.

- X. Continued to host the District's NPDES website which provides information regarding the regional MS4 Permit compliance programs. The website provides pertinent information for Permittees, regulators, public and in-house personnel.
- Y. 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.
- Z. Attended the Date Festival, Tamale Festival, and other community events to provide information and brochures on stormwater pollution prevention, recycling, and proper disposal of household hazardous waste.
- AA. 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 integrated with the District website to enhance our ability to outreach to target audiences.



## **PROGRAM/WORK ITEMS (FY 2015-2016)**

The 2013 Permit required revision of several key compliance documents within the first year of Permit adoption, including the SWMP, WQMP, and BMP Design Handbook for Low Impact Development; these documents received approval by the Regional Board Executive Officer on December 31, 2014. Per the Permit, all of the program implementation measures described within these approved compliance documents, and the requirements described within the Permit itself, became effective on that date. Therefore, Fiscal Year 2015-2016 will mark the first complete year of implementation of 2013 Permit requirements. The following program activities will be emphasized for the coming year:

### **2013 MS4 PERMIT IMPLEMENTATION**

The 2013 Permit features increased data tracking requirements, adjustments to the monitoring program and annual reporting requirements, and also requires Permittee construction projects to seek coverage and comply with the SWRCB's Construction General Permit, Order 2009-0009-DWQ. Training is ongoing to familiarize Permittee staff with these new requirements and the updated SWMP, WQMP, and BMP Design Handbook. These additional data tracking and reporting requirements and program adjustments will involve extensive collaboration between District, Permittee and Regional Board staff during the coming fiscal year.

### **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 a Principal Permittee, and in accordance with the 2014 Implementation Agreement, the District conducts certain activities to coordinate the efforts of the Co-Permittees and facilitate compliance with the Permit. These activities include chairing monthly meetings of the Permittees' NPDES advisory committee (Desert Task Force), administration of area-wide programs (e.g., public education, household hazardous waste collection, hazardous material spill response, stormwater sample collection and analysis), ongoing program development and preparation of the Annual Report to the Regional Board. 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 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 outreach events, school and adult education programs, printed brochures and commercial media campaigns. This includes continued development and distribution of focused educational outreach materials for specific industries and businesses such as restaurants, auto repair shops, mobile cleaning businesses, and other industrial and commercial 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, 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/redevelopment project review.

### **Hazardous Materials Emergency Spill Response**

The District and 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 Permittees provide financial support to the County Waste Management Department to support the permanent Household Hazardous Waste (HHW) collection site in the City of Palm Springs, ongoing mobile HHW collection events, and operation of the "ABOP" (Anti-freeze, Batteries, Oil, and Paint) program, all of which provide local residents with opportunities to properly dispose of HHW.

## **WATER QUALITY MONITORING**

In collaboration with the CVWD, the District conducts wet weather and dry weather water quality sample collection and analysis in accordance with the fourth-term MS4 Permit's Monitoring and Reporting Program (Section L). The District continues to improve the reporting of water quality monitoring activities and results.

## **CONCLUSIONS AND RECOMMENDATIONS**

The area-wide Municipal Stormwater Program for the Whitewater 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, County Waste Management, and the County Environmental Health Department. The District's NPDES Program activities, which are funded by these WWBAA assessments, are required to comply with the current NPDES Permit for the Whitewater Watershed and enforceable provisions of the California Water Code and the Federal Clean Water Act, which regulate the discharge of stormwater from municipally owned storm drains and flood control facilities. These mandatory

stormwater management program activities are an essential component of the District's continuing operation and maintenance of its critical public safety facilities; therefore, the following action is recommended:

**Levy a Flood Control Benefit Assessment in the Whitewater Watershed Benefit Assessment Area at an unchanged rate of \$3.63 per benefit assessment unit for the FY 2015-2016.**

# **GLOSSARY**

**ABOP** – Anti-freeze, Batteries, Oil, and Paint

**BAU** – Benefit Assessment Unit

**BMP** – Best Management Practice

**CAP** – Compliance Assistance Program

**CASQA** - California Stormwater Quality Association

**CMP** – Consolidated Monitoring Program

**CRWQCB** - California Regional Water Quality Control Board

**CVRWMG** – Coachella Valley Regional Water Management Group

**CVWD** - Coachella Valley Water District

**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

**IRWM** - Integrated Regional Watershed Management

**LID** – Low Impact Development

**NPDES** – National Pollutant Discharge Elimination System

**Order R7-2013-0011** – Colorado River Basin Regional Board Order adopted on June 20, 2013

**Regional Board** - California Regional Water Quality Control Board – Colorado River Region

**ROWD** – Report of Waste Discharge

**SMC** – Southern California Stormwater Monitoring Coalition

**SWMP** – Stormwater Management Plan

**WWBAA** – Whitewater Watershed Benefit Assessment Area

**SWRCB** – State Water Resources Control Board

**TMDL** – Total Maximum Daily Load

**USEPA** – United States Environmental Protection Agency

**WQMP** – Water Quality Management Plan

## **APPENDIX A**

### **Proposed NPDES Program Budget (FY 2015-2016)**

## APPENDIX A

### WHITEWATER WATERSHED BENEFIT ASSESSMENT AREA PROPOSED NPDES PROGRAM BUDGET FOR FY 2015-2016

#### STAFFING

General Staff Salaries and Benefits	\$263,000
General Staff Standby/Differential/Overtime Pay	<u>2,750</u>
<b>Subtotal</b>	<b>\$265,750</b>

#### ADMINISTRATION & OVERHEAD

Administration & Overhead	\$99,900
County Counsel Services	3,000
Equipment Lease / Rental	300
Vehicle Mileage	7,020
Photocopying / Reproduction	3,000
Miscellaneous (Photography, Communications, Supplies, etc.)	<u>5,160</u>
<b>Subtotal</b>	<b>\$118,380</b>

#### GENERAL CONSULTANT SERVICES

Technical / Regulatory Support	\$50,000
Grants / Misc. Applications	20,000
Benefit Assessment Services	<u>3,250</u>
<b>Subtotal</b>	<b>\$73,250</b>

#### PUBLIC EDUCATION PROGRAM

Education Program: Staff / Contract Services / Presentations	\$99,000
Education Program: Production / Materials / Media	<u>22,700</u>
<b>Subtotal</b>	<b>\$121,700</b>

#### WATER QUALITY MONITORING PROGRAM

Staff Time / Laboratory Services / Monitoring / Reporting	\$225,000
Small Tools & Equipment	<u>600</u>
<b>Subtotal</b>	<b>\$225,600</b>

#### POLLUTION PREVENTION PROGRAMS

Watershed Clean-up/Assessment (State Trash Amendments)	\$100,000
Household Hazardous Waste Program (Waste Management Dept.)	30,000
TMDL Compliance Agreements	<u>0</u>
<b>Subtotal</b>	<b>\$130,000</b>

#### **PROGRAM SUBTOTAL**

**\$934,680**

CONTINGENCY (10%)	\$93,468
Assessor's/Treasurer's Office Line Item Charges (\$0.48/parcel)	26,439
County Fee for Annual Submittal	<u>130</u>

#### **TOTAL EXPENDITURES**

**\$1,054,717**

FUND BALANCE FROM FY 2014-2015 (est.)	\$1,227,453
PERMITTEE REIMBURSEMENTS	\$426,169
PROJECTED REVENUE	<u>\$301,868</u>

#### **CASH AVAILABLE**

**\$1,955,490**

#### **PROJECTED FUND BALANCE**

**\$900,773**

## **APPENDIX B**

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

0596

ORDINANCE NO. 14

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

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

ARTICLE I

GENERAL

Section 1. Title.

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

Section 2. Purpose.

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

6-4-91 12



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

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

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

18

19

20

21

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

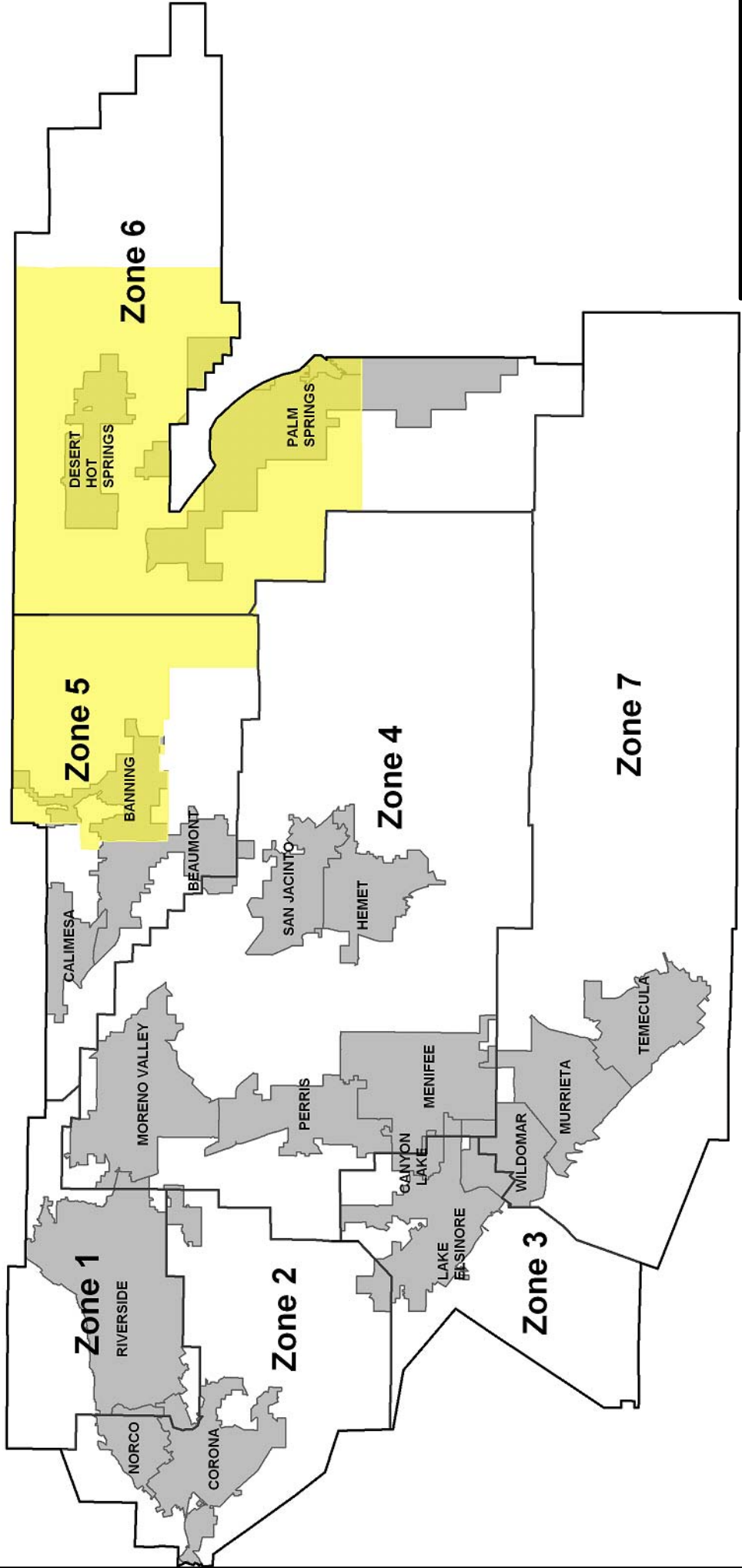
WILLIAM C. KATZENSTERN  
COUNTY COUNSEL  
SUITE 100  
1535 10TH STREET  
RIVERSIDE, CALIFORNIA

## **APPENDIX C**

### **Map of Whitewater Watershed Benefit Assessment Area**

# Riverside County Flood Control & Water Conservation District

## Map of Whitewater Watershed Benefit Assessment Area



 - Whitewater Watershed Benefit Assessment Area (WWBAA)

### APPENDIX C

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



## **APPENDIX D**

**WWBAA Assessment Roll (FY 2015-2016)  
(Under Separate Cover)**