



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

FROM: General Manager-Chief Engineer

SUBMITTAL DATE:

July 12, 2016

SUBJECT: Adopt Resolution F2016-16 – Confirmation of the FY 2016-2017 Benefit Assessments for the Whitewater Watershed; 3rd/4th/5th Districts; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Conduct the public hearing concerning the "Engineer's Report on the NPDES Program for the Whitewater Watershed Benefit Assessment Area", dated June 2016; and
2. If at the conclusion of the hearing, a majority protest has not been received, adopt the following resolution:

RESOLUTION NO. F2016-16

ADOPTING AND CONFIRMING EACH AND ALL ASSESSMENTS ON PROPERTY IN THE
WHITWATER 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.

JG:cw

JASON E. UHLEY

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

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

FISCAL PROCEDURES APPROVED
JEANINE J. REY, FINANCE DIRECTOR
BY: 5/15/16

Departmental Concurrence
BY: GREGORY P. PRIAMOS 5/18/16

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

Prev. Agn. Ref.: 11-4 of 6/7/16

District: 3rd/4th/5th

Agenda Number:

11-11

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT
BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**
FORM 11: Adopt Resolution F2016-16 – Confirmation of the FY 2016-2017 Benefit
Assessments for the Whitewater Watershed; District 3rd/4th/5th Districts; [\$0]
DATE: July 12, 2016
PAGE: Page 2 of 2

BACKGROUND:

Summary (Continued)

All of the requirements of District Ordinance No. 14, providing for the establishment and levy of the Fiscal Year 2016-2017 Benefit Assessments have been satisfied; therefore, the public hearing may be closed and the assessments levied.

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 2016-2017 is \$3.63 per Benefit Assessment Unit; this is equal to the Benefit Assessment that was enrolled and levied for Fiscal Year 1996-1997 and all subsequent years.

JG:cw
P8/204382

BOARD OF SUPERVISORSRIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

RESOLUTION NO. F2016-16

ADOPTING AND CONFIRMING EACH AND ALL ASSESSMENTS ON PROPERTY IN 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

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

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

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

WHEREAS, the District's Board of Supervisors (the "Board") on May 14, 1991, adopted
Resolution No. F91-23 pursuant to the provisions of Section 14 of the Riverside County Flood Control
and Water Conservation District Act, which is Appendix 48 to the California Water Code (the "District
Act"), and pursuant to Ordinance No. 14, that formed a Benefit Assessment Area (the "Benefit
Assessment Area"), which encompasses all territory within the District's 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

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

WHEREAS, the District initially levied the Benefit Assessment for 1991-92 Fiscal Year and has
levied the Benefit Assessment in each successive fiscal year; and

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

WHEREAS, Section 5(a) of Article XIII D provides in pertinent part that "...any assessment
imposed exclusively to finance the capital costs or maintenance and operation expenses for...flood control
and drainage systems..." shall be exempt from the procedures and approval process set forth in Section 4
of Article XIII D until the assessment is increased; and

WHEREAS, the Benefit Assessment proposed to be levied and enrolled for the 2016-17 Fiscal
Year is not greater than the Benefit Assessment that was levied for the 1996-97 Fiscal Year and all
subsequent years.

FORM APPROVED COUNTY COUNSEL
BY:  5-17-16
DATE
AARON C. GETTIS

1 WHEREAS, at a duly noticed hearing as required by Ordinance No. 14, the Board heard and
2 considered all protests with respect to the amount of the Benefit Assessment to be levied for the 2016-17
3 Fiscal Year.

4 NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of
5 Supervisors of the Riverside County Flood Control and Water Conservation District, County of Riverside,
6 State of California, in regular session assembled on July 12, 2016, as follows:

7 Section 1. The above recitals are true and correct.

8 Section 2. That a public hearing has been duly held on this date and that each and every step in
9 the proceedings as required by the District Act and Ordinance No. 14 has been duly taken and all protests
10 considered, and that the Board does hereby close the public hearing.

11 Section 3. That the Board does hereby make its determination upon each parcel in the Benefit
12 Assessment Area as described in the Engineer's Report entitled "Engineer's Report to the Board of
13 Supervisors of the Riverside County Flood Control and Water Conservation District on the NPDES
14 Program for the Whitewater Watershed Benefit Assessment Area" (the "Engineer's Report"), dated July
15 2016, filed with the Board and pursuant to Ordinance No. 14 and that the Board does hereby confirm each
16 and all Benefit Assessments on such parcels and thereby levies a Benefit Assessment in the Benefit
17 Assessment Area of the District for the Fiscal Year 2016-17 at a rate of \$3.63 per benefit assessment unit
18 (BAU).

19 Section 4. Pursuant to Section 5(a) of Article XIID, compliance with the procedures set forth in
20 Section (4) of Article XIID is not necessary and there will be no increase in the Benefit Assessment to be
21 enrolled for the 2016-17 Fiscal Year over the Benefit Assessment enrolled for the 1996-97 Fiscal Year
22 and all subsequent years.

23 Section 5. That a copy of this Resolution duly certified by the Clerk of this Board be recorded in
24 the Office of the Recorder of the County of Riverside and a copy of this Resolution duly certified by the
25 Clerk of this Board and the Engineer's Report be filed with the Auditor/Controller of the County of
26 Riverside.
27
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
JULY 2016

Jason Uhley
General Manager-Chief Engineer



CONTENTS

| | <u>Page</u> |
|--|--------------------|
| INTRODUCTION | 1 |
| APPORTIONMENT METHODOLOGY | 3 |
| CURRENT YEAR ASSESSMENTS (FY 2015-2016) | 3 |
| RECOMMENDED BENEFIT ASSESSMENT RATES (FY 2016-2017) | 4 |
| ASSESSMENT ROLL | 5 |
| NPDES PROGRAM HIGHLIGHTS (FY 2015-2016) | 6 |
| PROGRAM/WORK ITEMS (FY 2016-2017) | 9 |
| CONCLUSIONS AND RECOMMENDATIONS | 11 |
| GLOSSARY | 12 |

APPENDICES

- APPENDIX A – Proposed NPDES Program Budget (FY 2016-2017)**
- 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 2016-2017)
(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 Cities 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 statewide 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 interest¹. 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 (FY) 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 2016-2017 is equal to or less than the assessment rate that was enrolled and levied for FY 1996-1997 and all subsequent years.**

¹ 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 2015-2016)

In July 2015, the District's Board of Supervisors confirmed a benefit assessment rate for FY 2015-2016 of \$3.63 per BAU. Following is a summary of the FY 2015-2016 assessments:

| Rate | Billed Parcels | BAUs | Assessments | Corrections | Amount Paid* |
|-------------|---------------------------|-------------|--------------------|--------------------|-------------------------|
| \$3.63 | 55,460 | 89,521 | \$326,113 | \$0.00 | \$319,265 |

* Through April 30, 2016

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 2016-2017)

The District recommends that for FY 2016-2017, 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 2016-2017, using the proposed benefit assessment rate of \$3.63 per BAU is as follows:

| Rate | Parcels* | BAUs | Assessment* | Projected Revenue** |
|-------------|-----------------|-------------|--------------------|----------------------------|
| \$3.63 | 55,460 | 89,521 | \$326,113 | \$309,807 |

* Based on FY 2015-2016 Assessor's information

** Assumes a 5.0% delinquency rate

The projected revenue along with a portion of the end of year balance from FY 2015-2016 will fund the District's NPDES Stormwater Management Program activities for the Whitewater Watershed area in FY 2016-2017. The proposed FY 2016-2017 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 2016-2017 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, 1st 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 2015-2016)

For the year ending June 30, 2016, the following tasks were accomplished in compliance with the 2013 Whitewater NPDES Permit:

- A. Continued implementation of the Stormwater Management Plan (SWMP) and Appendices, including the Water Quality Management Plan (WQMP). The 2014 SWMP received Executive Officer approval and became effective on December 31, 2014; minor errata changes were made in January 2015 (2015 SWMP and WQMP).
- B. Continued implementation of 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 2015 WQMP was provided to Permittee and private consultant staff in fall 2015. The handbook is available on the District's NPDES website.
- C. The District continued to assist the City of Coachella with identification of BMPs to address the Coachella Valley Stormwater 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 the plan continued through June 30, 2015 when the final quarterly monitoring report was submitted to the Regional Board. 2013 Permit Section G.1.a.ii required that the City submit a final report to the Regional Board by January 31, 2016, and this concluded the City's compliance requirements under the interim water quality-based effluent limitation (WQBEL) and Phase 1.
- D. 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.
- E. Continued to collaborate with water purveyors in the Whitewater River Region as planning partners in the Coachella Valley Regional Water Management Group (CVRWMG). The CVRWMG's 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) and the SWRCB's Proposition 1 funding programs. The District is currently working with the Permittees and CVRWMG to gather funding and plan for the development of a stormwater resources plan, which is a SWRCB requirement to enable any region to be eligible for Proposition 1 funding.
- F. 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.
- G. Continued financial support to area-wide stormwater pollution prevention programs, including the household hazardous waste (HHW) temporary and permanent collection events, and the Anti-freeze, Batteries, Oil, and Paint (ABOP) program.

- H. Developed, prepared, and submitted a comprehensive District Annual Report and Watershed Annual Report to the Regional Board.
- I. Continued efforts in compliance with the Aquatic Weed Control 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.
- J. 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 the receiving water station for required constituents to ensure compliance with the 2013 Permit.
- K. Continued implementation of the CMP includes procedures for collection and analysis of water quality samples at MS4 outfalls and the receiving water station, data management, quality control, and reporting.
- L. 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.
- M. Continued active participation in the California Stormwater Quality Association (CASQA). On behalf of the Permittees, the District remains active within the organization, specifically, Darcy Kuenzi, currently serves as Legislative Co-Chair. District staff also actively participates in the Monitoring & Science, BMP, and Policy and Permitting subcommittees.
- N. 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. To address the problems caused by pesticides in urban waterways in California, CASQA has collaborated with the Water Boards in a coordinated statewide effort, which is referred to as the Urban Pesticides Pollution Prevention Partnership. By working with the Water Boards and other water quality organizations, they are striving to address the impacts of pesticides efficiently and proactively through the statutory authority of Department of Pesticide Regulation and EPA's Office of Pesticide Programs.
- O. Continued presentation of semi-annual municipal employee stormwater training programs. These training classes focus on the requisite knowledge for properly implementing the 2015 SWMP and WQMP, and address Permittee functions such as Development Planning, Municipal Activities, Industrial/Commercial Inspections, and Construction Inspections. Fall and spring training classes were held at the District, and also at the cities of Temecula and Palm Springs, to provide close proximity to Permittees.

- P. Continued to provide stormwater pollution prevention presentations in local elementary schools; 68 assembly style presentations were provided County-wide in 2015-2016, reaching over 8,933 students.
- Q. 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.
- R. Continued an ongoing effort to redesign the District's Public Education webpage to improve its effectiveness, usability and quality of information regarding MS4 compliance programs. The webpage has been reformatted extensively to add more usable and interactive data. The new webpage provides information for the general public, Permittees, regulators and in-house personnel.
- S. 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.
- T. 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.
- U. Attended the Date Festival and other community events to provide information and brochures on stormwater pollution prevention, recycling, and proper disposal of household hazardous waste.

PROGRAM/WORK ITEMS (FY 2016-2017)

The requirements of the 2013 Permit became effective for the Permittees when the Regional Board Executive Officer provided approval of the SWMP on December 31, 2014. Fiscal Year 2016-2017 will mark the second complete year of implementation of 2013 Permit requirements, and as the ROWD for the next Permit term is due for submittal in December 2017, the planning process for ROWD development will begin during this fiscal year. The following program activities will be emphasized for the coming year:

2017 ROWD Planning

NPDES requirements for stormwater discharges have traditionally been shaped with non-arid areas in mind (e.g., eastern and mid-western United States). When considering average annual rainfall and urban runoff, the Whitewater River Region is unique in that average annual totals are a fraction of what they are elsewhere in the nation, at approximately three inches of rainfall per year. The Permittees realize that it is important to highlight regional differences such as these, and to educate EPA and SWRCB staff on Whitewater River Region characteristics prior to each NPDES Permit term because it can assist these regulators in incorporation of more region-appropriate requirements in upcoming NPDES Permits.

Before the end of each NPDES Permit term, the Permittees work collaboratively with Regional Board staff to gather and analyze regional water quality monitoring, flow, rainfall, climatic and programmatic data to compare and contrast with information from other regions of California. These analyses help shape the ROWD, and also serve to educate regulators from throughout that state about the unique characteristics of the Whitewater River Region. This ROWD planning process is highly collaborative, requires extensive research, and will begin in FY 2016-2017.

2013 MS4 Permit Implementation

The 2013 Permit features unique data tracking requirements (including tracking and inventorying of Permittee-owned or operated MS4s located on tribal lands), 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, as amended. Training is ongoing to familiarize Permittee staff with these new unique requirements and the updated SWMP, WQMP, and BMP Design Handbook. These data tracking, reporting requirements and program adjustments will involve continued extensive collaboration between District, Permittee and Regional Board staff during the coming fiscal year.

Aquatic Weed Control Permit Compliance

Compliance with the Aquatic Weed Control 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.

Training for Municipal Employees

Municipal training programs are provided to improve understanding of the 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 General Permit requirements. Training is conducted specifically for construction inspection staff, municipal facilities maintenance staff, and staff responsible for new development/redevelopment project review.

Household Hazardous Waste Collection / ABOP

The District and Permittees provide financial support to the County Department of Waste Resources to support the permanent HHW collection site in the City of Palm Springs, ongoing mobile HHW collection events, and operation of the ABOP 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, and the County Department of Waste Resources. 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 2016-2017.

P8/204775

GLOSSARY

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

BAU – Benefit Assessment Unit

BMP – Best Management Practice

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

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 2016-2017)

APPENDIX A

WHITEWATER WATERSHED BENEFIT ASSESSMENT AREA PROPOSED NPDES PROGRAM BUDGET FOR FY 2016-2017

STAFFING

| | |
|---|------------------|
| General Staff Salaries and Benefits | \$182,493 |
| General Staff Standby/Differential/Overtime Pay | <u>7,000</u> |
| Subtotal | \$189,493 |

ADMINISTRATION & OVERHEAD

| | |
|---|-----------------|
| Administration & Overhead | \$74,663 |
| County Counsel Services | 500 |
| Equipment Lease / Rental | 1,000 |
| Vehicle Mileage | 3,000 |
| Photocopying / Reproduction | 1,330 |
| Miscellaneous (Photography, Communications, Supplies, etc.) | <u>6,420</u> |
| Subtotal | \$86,913 |

GENERAL CONSULTANT SERVICES

| | |
|--------------------------------|-----------------|
| Technical / Regulatory Support | \$30,000 |
| Grants / Misc. Applications | 20,000 |
| Benefit Assessment Services | <u>3,250</u> |
| Subtotal | \$53,250 |

PUBLIC EDUCATION PROGRAM

| | |
|--|-----------------|
| Education Program: Staff / Contract Services / Presentations | \$54,000 |
| Education Program: Production / Materials / Media | <u>22,960</u> |
| Subtotal | \$76,960 |

WATER QUALITY MONITORING PROGRAM

| | |
|---|-----------------|
| Staff Time / Laboratory Services / Monitoring / Reporting | \$50,000 |
| Small Tools & Equipment | <u>1,200</u> |
| Subtotal | \$51,200 |

POLLUTION PREVENTION PROGRAMS

| | |
|---|-----------------|
| Watershed Clean-up/Assessment (State Trash Amendments) | \$5,000 |
| Household Hazardous Waste Program (Department of Waste Resources) | <u>30,000</u> |
| Subtotal | \$35,000 |

PROGRAM SUBTOTAL **\$492,816**

| | |
|---|------------|
| CONTINGENCY (10%) | \$49,282 |
| Assessor's/Treasurer's Office Line Item Charges (\$0.41/parcel) | 22,739 |
| County Fee for Annual Submittal | <u>130</u> |

TOTAL EXPENDITURES **\$564,967**

| | |
|---------------------------------------|------------------|
| FUND BALANCE FROM FY 2015-2016 (est.) | \$1,878,930 |
| PERMITTEE REIMBURSEMENTS | \$366,416 |
| PROJECTED REVENUE | <u>\$326,113</u> |

CASH AVAILABLE **\$2,571,459**

PROJECTED FUND BALANCE **\$2,006,492**

APPENDIX B

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

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

GENERALSection 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

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 ////

ARTICLE II

DEFINITIONS

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

- a.) "Benefit Assessment" means the Benefit Assessment to be levied annually on each Parcel within a Benefit Assessment Area pursuant to Article IV of this Ordinance.
- b.) "Benefit Assessment Area" means a Benefit Assessment Area formed pursuant to Section 48-14 of the District Act by the Board of Supervisors and identified in Article III of this Ordinance.
- c.) "Board of Supervisors" means the Board of Supervisors of the Riverside County Flood Control and Water Conservation District.
- d.) "Chief Engineer" means the Chief Engineer of the Riverside County Flood Control and Water Conservation District.
- e.) "County" means the County of Riverside, State of California.
- f.) "CRWQCB" means the California Regional Water Quality Control Board for the region in which the Benefit Assessment Area has been established.
- g.) "District" means the Riverside County Flood Control and Water Conservation District.
- h.) "District Act" means the Riverside County Flood Control and Water Conservation District Act, Statutes 1945, Chapter 1122, as amended; California Water Code,

Appendix, Chapter 48.

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

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

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

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

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

ARTICLE III

ESTABLISHMENT OF BENEFIT ASSESSMENT AREAS

Section 1. Formation of Benefit Assessment Areas.

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

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

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

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

18 ARTICLE IV

19 REPORT OF CHIEF ENGINEER, HEARING THEREON;

20 CONFIRMATION OF BENEFIT ASSESSMENT BY THE

21 BOARD OF SUPERVISORS

22 Section 1. Report.

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

27 Section 2. Content of the Report.

28 Each report shall contain the District's estimate of

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

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

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

25 Section 4. Hearing.

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

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

9 Section 5. Enrollment.

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

14 ARTICLE IV

15 LEVY OF BENEFIT ASSESSMENT

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

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

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

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

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

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

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

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

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

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

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

13 Group A: Commercial or industrial use

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

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

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

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

28 Group F: The undeveloped portion of a parcel such

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

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

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

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

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

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

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

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

13 ARTICLE V

14 COLLECTION OF BENEFIT ASSESSMENT.

15 Section 1. Collection by Treasurer/Tax Collector.

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

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

Section 2. Applicable Law.

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

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

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

ARTICLE VI

CORRECTION OR CHANGE TO THE TAX ROLL

Section 1. Initiation of the Correction or Change.

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

Section 2. Initiation by Flood Control Engineer.

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

Section 3. Initiation by the Assessee.

The Assessee may initiate a correction or change to the tax roll by filing a written application with the Chief Engineer within 60 days following his/her receipt of the tax bill 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 *William C. Katzenstein*
20 Chairman

21 ATTEST:
22 GERALD A. MALONEY, Clerk

23 *Bernie May*
24 DEPUTY

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Attest:

(Seal)

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.

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

Dated: 6/4/91

(Seal)

CLERK OF THE BOARD
OF SUPERVISORS

By Bernie May
Deputy

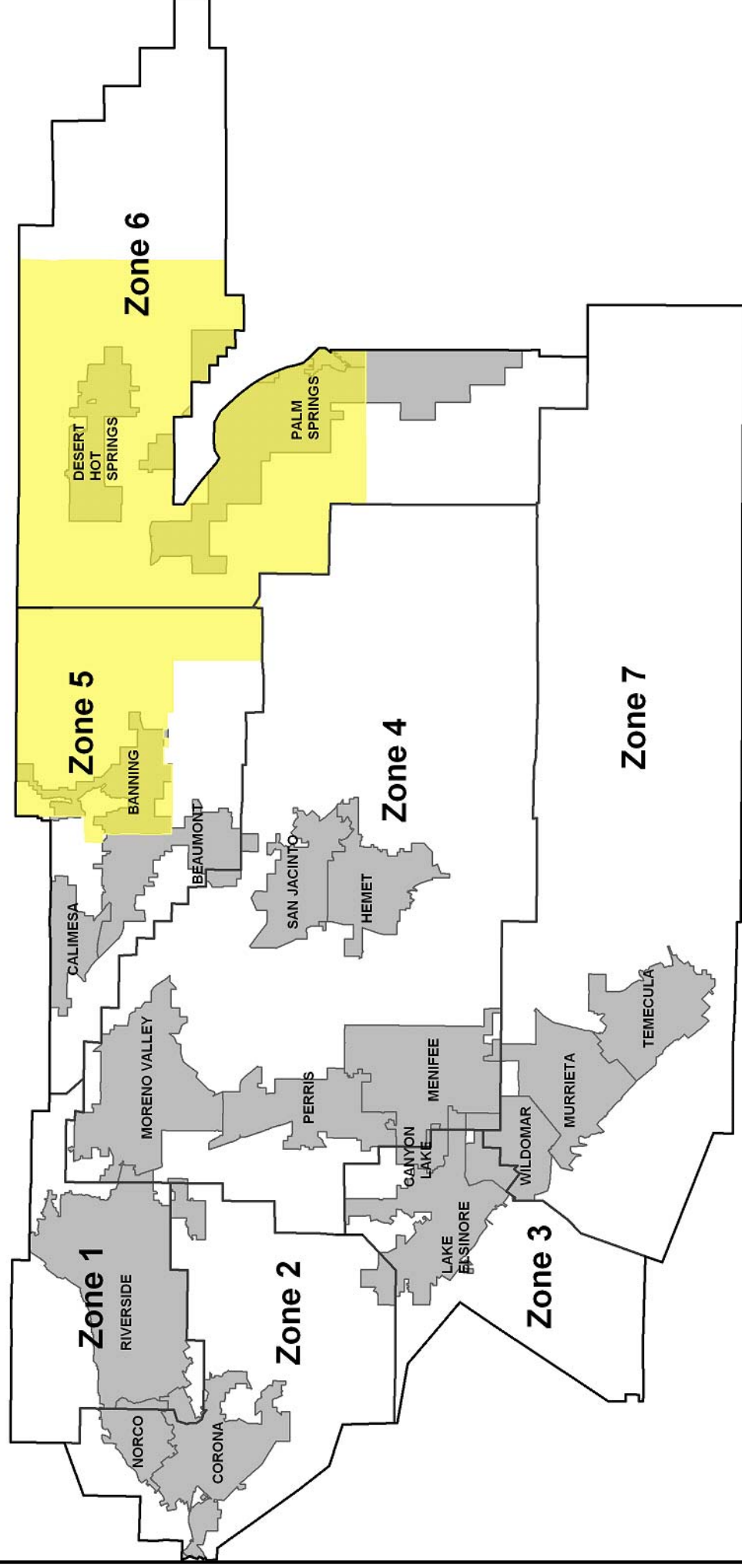
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5/17/91
ID #107C

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 2016-2017)
(Under Separate Cover)**