

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

609



**FROM:** Fire

**SUBMITTAL DATE:**  
May 2, 2013

**SUBJECT:** Approval of the Multi-Year Agreement for Hazardous Materials Emergency Response Team Service with the Riverside County Flood Control and Water Conservation District  
District All / District All

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

1. Approve the attached Multi-Year Agreement for Hazardous Materials Emergency Response Team Service with the Riverside County Flood Control and Water Conservation District, between the County of Riverside Fire Department and Flood Control and Water Conservation District; and
2. Authorize the Chairman of the Board to execute this Agreement on behalf of the County.

**BACKGROUND:** This Agreement is necessary for the Riverside County Flood Control and Water Conservation District to continue contributing funds to the Riverside County Fire Department's Hazardous Materials Emergency Response Team for emergency response services to control the discharge of pollutants in runoff to waters of the United States.

\_\_\_\_\_  
John R. Hawkins, County Fire Chief

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 1,825,000	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	12/13-16/17

<b>SOURCE OF FUNDS:</b> Riverside County Flood Control and Water Conservation District	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

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

APPROVE

**County Executive Office Signature**

By: Tina Grande

- Policy
- Policy
- Consent
- Consent

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

**Ayes:** Jeffries, Tavaglione, Stone, Benoit and Ashley

**Nays:** None

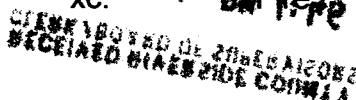
**Absent:** None

**Date:** May 21, 2013

**xc:** [Handwritten initials]

Kecia Harper-Ihem  
Clerk of the Board

By:   
Deputy



(Comp. Item 11-2)

**Prev. Agn. Ref.:** 07/15/08 Item 11.3 | **District:** All/All | **Agenda Number:**

**3-13**

FORM APPROVED COUNTY COUNSEL

BY: ERIC STOPHER DATE 5/2/13  
Departmental Concurrence

Dept Recomm.:  
Per Exec. Ofc.:

RE: Multi-Year Agreement for Hazardous Materials Emergency Response Team Service – FY 2012/2013 – FY 2016/2017

Date: May 2, 2013

Page 2

The National Pollutant Discharge Elimination System (NPDES) Permits for Riverside County require Riverside County's stormwater permittees (District, County of Riverside, Coachella Valley Water District, and the incorporated Cities) to respond to emergency spills in the County of Riverside.

In compliance with the NPDES Permits, the District has chosen to continue to help financially support the Hazardous Materials Emergency Response Team for its emergency response services. Therefore, the District will contribute a lump sum amount of one million eight hundred twenty-five thousand dollars (\$1,825,000) to the Riverside County Fire Department to help support its Hazardous Materials Emergency Response Team for Fiscal Years 2012/13, 2013/14, 2014/15, 2015/16, and 2016/17.

A companion item appears on the Special District's agenda this same date. The fund sources for the District appear on their separate Form 11.

Attached is a copy of the Multi-Year Agreement and the Form 11 from Flood Control and Water Conservation District. The original Multi-Year Agreement for signature is attached to Flood Control and Water Conservation District's Agenda Item to be heard later this same date.

**MULTI-YEAR AGREEMENT**

For Hazardous Materials Emergency Response Team Services  
FY 2012/13 to FY 2016/17

The Riverside County Flood Control and Water Conservation District,  
hereinafter called "DISTRICT", and the County of Riverside, hereinafter called "COUNTY",  
hereby agree as follows concerning COUNTY'S Hazardous Materials Emergency Response  
Team:

**RECITALS**

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

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

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

D. Section 402(p) further requires the United States Environmental Protection  
Agency (USEPA) to promulgate regulations requiring NPDES Permit applications; and

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

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

G. SWRCB has in turn delegated its NPDES permitting authority to the  
Regional Water Quality Control Boards (RWQCBs) to administer the NPDES Permit process

1 within the boundaries of their respective regions; and

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

6 I. DISTRICT, COUNTY, CVWD and certain incorporated Cities within  
7 Riverside County have obtained NPDES Permits from the respective RWQCBs in order to  
8 comply with Section 402(p); and

9 J. The NPDES Permits require the municipal permittees to develop  
10 comprehensive stormwater discharge management programs to improve water quality and to  
11 respond to emergency incidents to control the discharge of pollutants to the waters of the  
12 United States in the County of Riverside; and

13 K. COUNTY, through the Riverside County Fire Department, staffs and  
14 maintains a Hazardous Materials Emergency Response Team, hereinafter called "TEAM"; and

15 L. In accordance with certain responsibilities described in the NPDES  
16 Permits and the NPDES Stormwater Discharge Permit Implementation Agreements for the  
17 Santa Ana Region (Santa Ana Drainage Area) dated November 30, 2010; San Diego Region  
18 (Santa Margarita Drainage Area) dated December 6, 2011; and Colorado River Basin Region  
19 (Whitewater Drainage Area) dated March 18, 2008, DISTRICT wishes to contribute a lump  
20 sum amount of not to exceed one million eight hundred twenty-five thousand dollars  
21 (\$1,825,000), hereinafter called "CONTRIBUTION", to help support TEAM'S existence and its  
22 current activity status for Fiscal Years 2012/13 through 2016/17 as set forth herein.  
23

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

25 1. DISTRICT CONTRIBUTION – Within sixty (60) days after execution of  
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1 this Agreement, DISTRICT shall pay COUNTY for CONTRIBUTION to help support  
2 TEAM'S existence and its current activity status for Fiscal Years 2012/13 through 2016/17 as  
3 set forth herein.

4 2. ANNUAL PROGRAM REVIEW – During January of each year,  
5 DISTRICT and COUNTY representatives shall meet and review program status, scope, costs,  
6 priorities, and projected activities for TEAM.

7 3. USE OF CONTRIBUTION – COUNTY shall use CONTRIBUTION only  
8 for salaries, equipment and maintenance of TEAM.

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

18 5. REPORTS AND INFORMATION – COUNTY shall submit to DISTRICT  
19 on or before August 15<sup>th</sup> a report summarizing the activities, responses, and cases handled or  
20 performed by TEAM between July 1<sup>st</sup> and June 30<sup>th</sup> of the previous Fiscal Year. The report  
21 shall consist of a narrative describing TEAM, its operations and any major spills, and a  
22 categorization of TEAM'S responses showing the following: responses inside and outside  
23 DISTRICT'S jurisdiction, traffic related responses, industrial related responses, drug  
24 enforcement responses, and other response categories. The report shall also include a  
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description of current TEAM operating expenses and revenue sources (budget).

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6. TEAM OPERATIONS – This Agreement does not give DISTRICT any authority to dictate the day to day activities of TEAM, or grant DISTRICT any authority over any TEAM personnel other than that stated in this paragraph. TEAM shall, at DISTRICT'S request, provide timely response to emergency incidents where a hazardous material is entering or has a reasonable potential to enter a DISTRICT owned storm drain facility, provided that TEAM is not already committed to another incident. TEAM shall respond to emergency incidents irrespective of the local jurisdiction (City or County) in which said DISTRICT facilities are located.

7. TERM OF AGREEMENT – This Agreement shall commence on the date of execution thereof and shall continue in effect until June 30, 2017.

8. TERMINATION OF AGREEMENT – Either party may terminate the provisions of this Agreement subject to six (6) month's written notice thereof.

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

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

COUNTY OF RIVERSIDE FIRE  
DEPARTMENT  
210 West San Jacinto Avenue  
Perris, CA 92570  
Attn: Dean Veik, Battalion Chief

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

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\_\_\_\_\_  
(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

By \_\_\_\_\_  
WARREN D. WILLIAMS  
General Manager-Chief Engineer

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

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

APPROVED AS TO FORM:

PAMELA J. WALLS  
County Counsel

ATTEST:

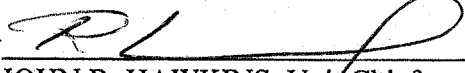
KECIA HARPER-IHEM  
Clerk of the Board

By \_\_\_\_\_  
NEAL R. KIPNIS  
Deputy County Counsel

By \_\_\_\_\_  
Deputy

(SEAL)

RECOMMENDED FOR APPROVAL:

By  \_\_\_\_\_  
JOHN R. HAWKINS, Unit Chief  
CAL FIRE/Riverside County Fire Chief  
for Chief Hawkins, by  
ROBERT MICHAEL, Deputy Chief  
CAL FIRE/Riverside County Fire

**COUNTY OF RIVERSIDE**

By \_\_\_\_\_  
JOHN J. BENOIT, Chairman  
County of Riverside Board of Supervisors

ATTEST:

KECIA HARPER-IHEM  
Clerk of the Board

By \_\_\_\_\_  
Deputy

(SEAL)

Multi-Year Agreement for  
Hazardous Materials Emergency Response Team Services  
FY 2012/13 to FY 2016/17  
04/08/2013



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

**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
May 7, 2013

**SUBJECT:** Multi-Year Agreement for Hazardous Materials Emergency Response Team Services -  
FY 2012/13 to FY 2016/17

**RECOMMENDED MOTION:**

1. Approve the Multi-Year Agreement between the District and the County of Riverside; and
2. Authorize the Chairman to execute the Multi-Year Agreement on behalf of the District.

**BACKGROUND:**

This Agreement is necessary for the District to contribute funds to the Riverside County Fire Department's Hazardous Materials Emergency Response Team for emergency response services to control the discharge of pollutants in runoff to waters of the United States.

Continued on page 2

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

<b>FINANCIAL DATA</b>	Current F.Y. District Cost:	\$1,825,000	In Current Year Budget:	YES
	Current F.Y. County Cost:	N/A	Budget Adjustment:	NO
	Annual Net District Cost:	N/A	For Fiscal Year:	N/A

<b>SOURCE OF FUNDS:</b> See SOURCE OF FUNDS, Page 2	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

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

**COPY**

**County Executive Office Signature**

Policy  
 Policy  
 Consent  
 Consent  
 Dep't Recomm.:  
 Per Exec. Ofc.:

**Prev. Agn. Ref.:**

**District:** All

**Agenda Number:**



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

**SUBJECT:** Multi-Year Agreement for Hazardous Materials Emergency Response Team Services -  
FY 2012/13 to FY 2016/17

**SUBMITTAL DATE:** May 7, 2013

**Page 2**

**BACKGROUND (continued):**

The National Pollutant Discharge Elimination System (NPDES) Permits for Riverside County require Riverside County's municipal stormwater permittees (District, County of Riverside, Coachella Valley Water District, and the incorporated Cities) to respond to emergency spills in the County of Riverside.

In compliance with the NPDES Permits, the District has chosen to continue to help financially support the Hazardous Materials Emergency Response Team for its emergency response services. Therefore, the District will contribute a lump sum amount of one million eight hundred twenty-five thousand dollars (\$1,825,000) to the Riverside County Fire Department to help support its Hazardous Materials Emergency Response Team for Fiscal Years 2012/13, 2013/14, 2014/15, 2015/16 and 2016/17.

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

**FINANCIAL:**

The financial contribution to help support Hazardous Materials Emergency Response Team for Fiscal Years 2012/13 through 2016/17 will be paid in a lump sum payment of one million eight hundred twenty-five thousand dollars (\$1,825,000) in Fiscal Year 2012/2013. No additional contribution will be made in Fiscal Years 2013/14 through 2016/17.

**SOURCE OF FUNDS:**

25110 947400 536200 Zone 1 - Const/Maint/Misc-Other- Contributions \$426,000  
25120 947420 536200 Zone 2 - Const/Maint/Misc-Other- Contributions \$426,000  
25130 947440 536200 Zone 3 - Const/Maint/Misc-Other- Contributions \$91,500  
25140 947460 536200 Zone 4 - Const/Maint/Misc-Other- Contributions \$426,000  
25150 947480 536200 Zone 5 - Const/Maint/Misc-Other- Contributions \$91,500  
25160 947500 536200 Zone 6 - Const/Maint/Misc-Other- Contributions \$182,000  
25170 947520 536200 Zone 7 - Const/Maint/Misc-Other- Contributions \$182,000

TT:bjj



**RIVERSIDE COUNTY FIRE DEPARTMENT**  
IN COOPERATION WITH  
THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

**John R. Hawkins ~ Fire Chief**  
210 West San Jacinto Avenue ~ Perris, CA 92570  
(951) 940-6900 ~ www.rvcfire.org

PROUDLY SERVING THE  
UNINCORPORATED AREAS  
OF RIVERSIDE COUNTY  
AND THE CITIES OF:

BANNING  
BEAUMONT  
CALIMESA  
CANYON LAKE  
COACHELLA  
DESERT HOT SPRINGS  
EASTVALE  
INDIAN WELLS  
INDIO  
JURUPA VALLEY  
LAKE ELSINORE  
LA QUINTA  
MENIFEE  
MORENO VALLEY  
NORCO  
PALM DESERT  
PERRIS  
RANCHO MIRAGE  
RUBIDOUX CSD  
SAN JACINTO  
TEMECULA  
WILDOMAR

March 6, 2013

TO: TINA GRANDE,  
Principal Management Analyst  
Riverside County Executive Office

FROM: KAREN GIPSON,  
Administrative Services Analyst II  
Riverside County Fire Department

RE: Multi-Year Agreement for Hazardous Materials  
Emergency Response Team Services

The enclosed Form 11 is for the Fire Department regarding the Multi-Year Agreement for Hazardous Materials Emergency Response Team Services. It has been reviewed and signed by County Fire Chief Hawkins, and County Counsel.

Please review this document. If it meets your approval, please sign and forward on to the Board of Supervisors to be placed on the calendar for hearing. If there is anything you do not approve of, please contact me as soon as possible.

Thank you for your time.

Karen

BOARD OF  
SUPERVISORS:

KEVIN JEFFRIES  
DISTRICT 1

JOHN TAVAGLIONE  
DISTRICT 2

JEFF STONE  
DISTRICT 3

JOHN BENOIT  
DISTRICT 4

MARION ASHLEY  
DISTRICT 5