

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

804B



**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
June 18, 2013

**SUBJECT:** Whitewater Watershed Benefit Assessment  
Resolution No. F2013-17  
District 3,4,5/District 3,4,5

**RECOMMENDED MOTION:** The Board adopt Resolution No. F2013-17, which accepts the Engineer's Report on the NPDES Program for the Whitewater Watershed Benefit Assessment Area, dated June 2013, sets a public hearing on said report to be held at 10:30 am on July 16, 2013, at a regular meeting of the Board, and instructs the Clerk of the Board to advertise said public hearing in accordance with Section 6066 of the California Government Code.

**BACKGROUND:** The Whitewater Watershed Benefit Assessment Area was established on May 14, 1991 by the adoption of Resolution No. F91-21 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.

*Steve Thomas*  
for **WARREN D. WILLIAMS**  
General Manager-Chief Engineer

<b>FINANCIAL DATA</b>	Current F.Y. District Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net District Cost:	\$ N/A	For Fiscal Year:	N/A

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

**C.E.O. RECOMMENDATION:** APPROVE  
BY: *Steven C. Horn*  
**County Executive Office Signature** Steven C. Horn, MPA

**MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and is set for hearing on July 16, 2013 at 10:30 a.m.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: June 18, 2013  
xc: Flood, Col

Kecia Harper-Ihem  
Clerk of the Board  
By: *Kecia Harper-Ihem*  
Deputy

**Prev. Agn. Ref.:** District: 3,4,5/3,4,5 **Agenda Number:** 11-4

FISCAL PROCEDURES APPROVED  
JEANINE J. REY, FINANCE DIRECTOR  
BY: *Regina L. Neal*  
REGINA L. NEAL

FORM APPROVED COUNTY COUNSEL  
BY: *Karin L. Watts-Bazan*  
KARIN L. WATTS-BAZAN  
DATE: 6/15/13

Dept's Recomm.:  Policy  Consent  
Per Exec. Ofc.:  Policy  Consent

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

**SUBJECT:** Whitewater Watershed Benefit Assessment  
Resolution No. F2013-17

**SUBMITTAL DATE:** June 18, 2013  
**Page 2**

**FINANCIAL:** The financial impact to property owners is outlined in the Engineer's Report and Benefit Assessment Tax Rolls.

SEB:cw

BOARD OF SUPERVISORSRIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

## RESOLUTION NO. F2013-17

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

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

WHEREAS, the Chief Engineer has caused a report (the "Report") to be prepared and filed with the Clerk of the Board of Supervisors regarding the Benefit Assessment to be levied for the 2013-14 Fiscal Year for the Whitewater Watershed Benefit Assessment Area; and

WHEREAS, Section 3 of Article IV of Ordinance No. 14 requires that the Board set a date, time and place for a public hearing on the Report; 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, with regard to an assessment in place as of November 6, 1996, 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.

BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of Supervisors of the Riverside County Flood Control and Water Conservation District in regular session assembled on the 18<sup>th</sup> day of June 2013, as follows:

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

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

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, in Fiscal Year 2013-14 is equal to or less than the Benefit Assessment that was enrolled and levied for Fiscal Year 1996-97 and all subsequent years.

Section 4. The public hearing on the Report is to be held at 10:30 a.m. on Tuesday, July 16, 2013, in the meeting room of the District's Board of Supervisors which is located at 4080 Lemon Street, 1<sup>st</sup> Floor, Riverside, California.

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

Clerk of the District's Board  
County Administrative Center  
4080 Lemon Street  
Riverside, California

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

City of Banning  
99 East Ramsey Street  
Banning, California

City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, California

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

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

FORM APPROVED COUNTY COUNSEL  
BY: Karin Watts 6/5/13  
KARIN L. WATTS-BAZAN DATE

ROLL CALL:

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.

KECIA HARPER-IHEM, Clerk of said Board

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

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS  
OF RIVERSIDE COUNTY FLOOD CONTROL AND WATER  
CONSERVATION DISTRICT ON THE NPDES BENEFIT ASSESSMENT PROGRAM FOR  
THE WHITEWATER WATERSHED BENEFIT ASSESSMENT AREA

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, acting as the governing board of the Riverside County Flood Control and Water Conservation District, County Administrative Center, 4080 Lemon Street, Riverside, California, on July 16, 2013 at 10:30 a.m., relative to the Flood Control Engineer's Report on the NPDES Program for the Whitewater Watershed Benefit Assessment Area. The Board will hear and consider all protests with regard to the program, if any, including protests with regard to the amount of the proposed assessment to be levied. At the conclusion of the hearing, the board may adopt, revise, change, reduce, or modify any assessment and shall make its determination upon each assessment described in the report for Fiscal Year 2013-14.

NOTICE IS FURTHER GIVEN that pursuant to statutory authorization, a written report by the Chief Engineer to the District describing the Benefit Assessment Program has been filed with the Clerk of the District's Board. The report contains a description of each parcel of property within the boundaries of the Whitewater Watershed Benefit Assessment Area of the District on which a benefit assessment is proposed to be levied, and sets forth the amount of the proposed benefit assessment for each such parcel. The report contains a schedule of the benefit assessment rates for the 2013-14 Fiscal Year. Copies of the report, together with copies of the assessment rolls for the Whitewater Watershed Benefit Assessment Area, and of the official Riverside County Assessor's Map Books, are on file and available for review by the public at the office of the Clerk of the District's Board, at the County Administrative Center, 4080 Lemon Street, Riverside, California, the District's office at 1995 Market Street, Riverside, California, the City of Banning, 99 E. Ramsey Street, Banning, California, and the City of Palm Springs, 3200 E. Tahquitz Canyon Way, Palm Springs, California. By reference to the Chief Engineer's report, the assessment rolls and the map books, each property owner may verify the area of his or her parcel, its land use, and the amount of the 2013-14 Benefit Assessment.

NOTICE IS FURTHER GIVEN THAT the proposed benefit assessment rate for Fiscal Year 2013-14 is the same benefit assessment rate as Fiscal Year 1996-97 and all subsequent years.

BY ORDER OF THE BOARD OF SUPERVISORS

Dated: \_\_\_\_\_

June 18, 2013

KECIA HARPER-IHEM  
Clerk of the Districts' Board

By: \_\_\_\_\_

Deputy

**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 2013**

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



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Benefit Assessment Area (WWBAA)**
- APPENDIX D – WWBAA Assessment Roll (FY 2013-2014)  
(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. 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. 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 Clean Water Act. 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. From late November 2012, through early May 2013, Permittee and Regional Board staff put forth a collaborative effort to review Whitewater River Region monitoring data, 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 draft fourth term MS4 Permit. A draft of the

fourth term MS4 Permit is available for public comment on the Regional Board website until June 5, 2013, and is anticipated to go before the Regional Board for adoption 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.

The cost of the District's various Permit compliance activities fluctuates from year to year. Although some expenses do not change significantly on a yearly basis, certain costs are cyclical (e.g., preparing Permit applications 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 and production of public education materials are not always incurred on a FY basis. Occasionally, additional consultant services may be needed to assist the District with the development of a particular Permit requirement or program activity. Also, certain activities or programs may be expanded or curtailed from time to time and, occasionally, new programs or activities must be developed and implemented.

Currently, the regulation and management of stormwater runoff is a topic of increasing interest amongst the public, municipalities, regulatory authorities and legislators. Although new laws and/or regulations could result in changes to the assessment rate in future years, **the proposed assessment rate for FY 2013-2014 is equal to or less than the assessment rate that was enrolled and levied for FY 1996-1997 and all subsequent years.**

## 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, commercial/industrial parcels are assessed at a higher rate per acre than residential parcels. Because agricultural discharges are currently exempt under the NPDES Permit regulations, parcels within the 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 Federally-owned 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 2012-2013)

In July 2012, the District's Board of Supervisors confirmed a benefit assessment rate for FY 2012-2013 of \$3.63 per BAU. Following is a summary of the FY 2012-2013 assessments:

<b>Rate</b>	<b>Billed Parcels</b>	<b>BAUs</b>	<b>Assessments</b>	<b>Corrections</b>	<b>Amount Paid*</b>
\$3.63	54,828	90,124	\$327,148.88	\$0.00	\$299,406.65

\* Through April 30, 2013

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 2013-2014)**

The District recommends that for FY 2013-2014, 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:

<u>Group</u>	<u>Land Use Category</u>	<u>BAU/Acre</u>	<u>Assessment Rate*</u>
A	Commercial, Industrial	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 2013-2014, using the proposed benefit assessment rate of \$3.63 per BAU is as follows:

<b>Rate</b>	<b>Parcels*</b>	<b>BAUs</b>	<b>Assessment*</b>	<b>Projected Revenue**</b>
\$3.63	54,828	90,124	\$327,148.88	\$302,612.71

\* Based on FY 2012-2013 Assessor's information

\*\* Assumes a 7.5% delinquency rate

The projected revenue along with a portion of the end of year balance from FY 2012-2013 will fund the District's NPDES Stormwater Management Program activities for the Whitewater Watershed area in FY 2013-2014. The proposed FY 2013-2014 budget is presented in Appendix A.

During the early years of the NPDES Program, there were many uncertainties regarding startup costs (consultant costs, amount of sampling that would be required, overall program scope, etc.) since the program was new for both the regulatory authorities and the Permittees. Consequently, the initial assessment rates were set conservatively to ensure that all Permit obligations could be met. To date, the District has been able to 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 the fund balance by maintaining the current assessment rate while sustaining expenditure levels that are slightly above projected revenues. It is expected that the fund balance will effectively be depleted during FY 2013-2014. It should also 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 Permit compliance costs will increase over the next few years.

## ASSESSMENT ROLL

The WWBAA Assessment Roll provides a listing by Assessor's Parcel Number of the proposed FY 2013-2014 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 Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

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

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

## NPDES PROGRAM HIGHLIGHTS (FY 2012-2013)

For the year ending June 30, 2013, the following tasks were accomplished in compliance with the 2008 Whitewater NPDES Permit:

- A. Coordinated, developed and provided monthly program presentations to assess Whitewater Regional MS4 Program status. The presentations were provided to Regional Board staff, interested parties and Permittees, upon request by Regional Board staff, and covered each NPDES Permit program element detailed in the SWMP. Comments provided by Permittee and Regional Board staff, and interested parties following each presentation were utilized to prepare sections of the ROWD, which was submitted to the Regional Board on November 21, 2012.
- B. Worked extensively with Regional Board staff to review Whitewater River Region monitoring data, 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 draft fourth term MS4 Permit. A draft of the fourth term MS4 Permit is available for public comment on the Regional Board website until June 5, 2013, and is anticipated to go before the Regional Board for adoption on June 20, 2013.
- C. Continued implementation of 2008 MS4 Permit compliance documents, including the SWMP and the Water Quality Management Plan (WQMP) for New Development and Redevelopment in the Whitewater River Region.
- D. Continued to assist with identification of BMPs to address the Coachella Valley Storm Water Channel (CVSC) Total Maximum Daily Load (TMDL) for Bacterial Indicators, which was granted final approval by USEPA on April 27, 2012. The TMDL regulates discharges from MS4 owned by the City of Coachella.
- 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 program.
- F. Continued presentation of semi-annual municipal employee stormwater training programs. These training classes focus on the requisite knowledge for properly implementing the SWMP, 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 Palm Springs and La Quinta to provide close proximity to Permittees.
- G. Continued to chair the NPDES Desert Task Force, comprised of Permittees and members of the Regional Board staff. 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.

- H. Continued implementation of the Commercial/Industrial Compliance Assistance Program (CAP) to conduct focused outreach to restaurants, automotive repair shops and certain other commercial and industrial establishments to encourage implementation of appropriate stormwater Best Management Practices 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.
- I. Continued financial support to area-wide Stormwater Pollution Prevention Programs, including Hazardous Materials Response (HAZMAT) Team, the Household Hazardous Waste (HHW) temporary and permanent collection events and "ABOP" (Anti-freeze, Batteries, Oil, and Paint) program.
- J. Developed, prepared and submitted a comprehensive District Annual Report and Watershed Annual Report to the Regional Board.
- K. Continued to utilize the District's \$2.5 million Low Impact Development (LID) Project to test, demonstrate and evaluate the effectiveness of LID practices in stormwater capture and management, treating pollutants of concern associated with urban runoff, mitigating the impacts of hydromodification from urban development, and identifying optimum design criteria and standards for LID BMPs in Riverside County. 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. Data collected will also be provided to the regional Southern California Stormwater Monitoring Coalition (SMC) LID Project. As this project will have statewide and regional benefits, the project is partially funded by a Proposition 13 grant and in partnership with SAWPA.
- L. The District completed development of an enhanced LID BMP Design Manual, which is focused on landscape-based BMPs and infiltration BMPs capable of addressing identified water quality impairments across Riverside County. The LID BMP Design Manual is available on the District's website. In May 2012, the District's Board of Supervisors adopted the LID BMP Manual and ordered the establishment of a Water Quality Facilities Maintenance Community Facilities District. The District is currently working on establishing consulting services agreements for the CFD formation and legal services. Once the agreements are executed, the funding generated by this CFD will support tracking and maintenance of residential and some commercial/industrial post-construction BMPs in the unincorporated County area.
- M. Continued collection and analysis of water quality samples in accordance with the Permit's Monitoring and Reporting Program via the Consolidated Program for Water Quality Monitoring (CMP). 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 2008 Permit.
- N. Updated the CMP to describe the additional monitoring efforts that will be 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.
- O. Continued active participation in the California Stormwater Quality Association (CASQA). On behalf of the Permittees, the District serves many leadership roles within the organization, specifically: Jason Uhley, Board Member from 2010-present, Legislative

Chair since 2003, Treasurer since 2010; and active contributory membership roles in the Monitoring & Science, Legislative, and Construction Sub-committees.

- P. Continued active participation in the CASQA Pesticides Subcommittee, with the goal of facilitating changes to State and Federal pesticides regulations. These changes will improve processes for evaluating the environmental impacts on Receiving Waters of new pesticides, and also change labeling and use requirements for existing pesticides, such as pyrethroids.
- Q. 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.
- R. Continued to assist the Permittees in adapting to the requirements of the State Water Resources Control Board's Construction General Permit Order 2009-0009-DWQ, which was adopted on September 2, 2009, and revised in 2011 and 2013.
- S. Developed a new Stormwater Pollution Prevention Presentation for elementary schools, to be presented by the District's consultant.
- T. 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.
- U. 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, public and in-house personnel.
- V. 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.
- W. 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
- X. 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.
- Y. Developed and executed informative e-newsletters. E-newsletters are sent out quarterly and focus on one key area of pollution prevention in each issue, for a variety of target audiences. The e-newsletters are also tightly integrated with the revised District website to enhance our ability to outreach to target audiences.



- Z. Continued to provide outreach material for County and District new employee orientation sessions regarding appropriate stormwater stewardship practices including clean water information and promotional items that link back to the County's "Only Rain Down the Storm Drain" message. Attendees receive a carry bag containing After the Storm, Outdoor Cleaning Activities, Pool and Spa Maintenance, Pet Care and Tips for Horse Care brochures. Various promotional items that reinforce outreach messages such as dust pans (use dry cleanup methods), imprinted with the "Only Rain Down the Storm Drain" logo and the 1-800 Toll Free line are also distributed.

## **PROGRAM/WORK ITEMS (FY 2013-2014)**

The 2008 MS4 Permit expired on May 21, 2013. In accordance with Federal Regulations, the Permittees submitted a ROWD to the Regional Board on November 21, 2012; the ROWD comprised the Permittee's application for a new MS4 Permit.

From late November 2012, through early May 2013, Permittee and Regional Board staff put forth a collaborative effort to review Whitewater River Region monitoring data, 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 draft fourth term MS4 Permit. A draft of the fourth term MS4 Permit is available for public comment on the Regional Board website until June 5, 2013, and is anticipated to go before the Regional Board for adoption on June 20, 2013.

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

### **NEW MS4 PERMIT NEGOTIATION/IMPLEMENTATION**

The Permittees are currently awaiting receipt of comments from interested parties on the draft fourth term MS4 Permit; as such, requirements found in the draft Permit are not yet finalized, and may be subject to change. If the draft Permit receives significant comments that the Regional Board decides need to be addressed prior to Permit adoption, Permittee and Regional Board staff may need to go back to negotiations to work out details.

As currently written, the draft fourth term MS4 Permit requires revision of several key compliance documents within the first year of Permit adoption, including the SWMP, WQMP and BMP Design Manual. Additionally, the draft Permit features adjustments to the monitoring program, annual reporting process, and will also require Permittee construction projects to seek coverage under the State Water Resources Control Board's Construction General Permit, Order 2009-0009-DWQ. These adjustments and compliance document revisions will involve extensive collaboration between Permittees and Regional Board staff during the coming fiscal year.

### **LID PROJECT**

Construction of the District's \$2.5 million LID Project was completed in Spring of 2012; this project implements a variety of LID BMPs, and is being used to test and demonstrate the effectiveness of LID practices in stormwater capture and management, treating pollutants of concern associated with urban runoff, mitigating the impacts of hydromodification from urban development, and identifying optimum design criteria and standards for LID BMPs in Riverside County. Water quality monitoring and hydrology studies will continue to be conducted over the coming years, and data collected is also being provided to the regional SMC LID Project.

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.

### **PROGRAM MANAGEMENT**

As a Principal Permittee, 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.

## **AREA-WIDE PROGRAMS**

As "Principal Permittee" the District also provides funding for several key "area-wide" BMP programs, including:

### **Public Education**

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. 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 commercial and industrial activities that are potential sources of stormwater pollution. Additionally, e-newsletters are developed and distributed quarterly, and the public education webpage is under an ongoing redesign effort, to improve its effectiveness, usability and quality of information regarding MS4 compliance programs.

### **Training for Municipal Employees**

Municipal training programs 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. Training is conducted specifically for construction inspection staff, industrial/commercial facilities inspection staff, municipal facilities maintenance staff, Compliance Assistance Program inspectors, and staff responsible for new development/re-development project review.

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

Providing 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**

Providing financial support to the County Waste Management Department to support ongoing mobile Household Hazardous Waste (HHW) collection events, and operation of the "ABOP" (Anti-freeze, Batteries, Oil, and Paint) program, which provide local residents with opportunities to properly dispose of HHW.

### **Compliance Assistance Program**

Continuation of a partnership with the County Environmental Health Department to conduct outreach and education to specific commercial establishments and industrial facilities in conjunction with existing facility inspection programs. In addition, this program provides feedback through survey forms concerning the compliance status of commercial and industrial facilities to both Permittees and the Regional Board.

## **WATER QUALITY MONITORING**

In collaboration with the CVWD, a Whitewater Co-Permittee, conduct wet weather and dry weather sample collection and analysis in accordance with the fourth term MS4 Permit's Monitoring and Reporting Program (Section L). The District will also continue 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 Riverside 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 2013-2014.**

# GLOSSARY

- ABOP** – A permanent collection facility that accepts Anti-freeze, Batteries, Oil and latex Paint for recycling and/or proper disposal
- BAU** – Benefit Assessment Unit
- BMP** – Best Management Practice
- CAP** – Compliance Assistance Program
- 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. Commonly used household chemicals that may be toxic or require special handling for proper disposal, e.g., automotive fluids, pesticides, fertilizers, paint, cleaning products, pool chemicals, etc.
- IRWM** - Integrated Regional Watershed Management Plan
- LID** – Low Impact Development
- NPDES** – National Pollutant Discharge Elimination System
- Order R7-2008-0001** – Colorado River Basin Regional Board Order adopted on May 21, 2008
- Regional Board** - California Regional Water Quality Control Board – Colorado River Region
- ROWD** – Report of Waste Discharge
- SWMP** – Storm Water Management Program
- 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 for FY 2013-2014**

**APPENDIX A**

**WHITEWATER WATERSHED BENEFIT ASSESSMENT AREA  
PROPOSED NPDES PROGRAM BUDGET FOR FY 2013-2014**

**STAFFING**

General Staff Salaries and Benefits	\$271,400
General Staff Standby/Differential/Overtime Pay	<u>750</u>
<b>Subtotal</b>	<b>\$272,150</b>

**ADMINISTRATION & OVERHEAD**

Administration & Overhead	\$97,360
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>\$115,840</b>

**GENERAL CONSULTANT SERVICES**

Technical / Regulatory Support	\$310,000
Benefit Assessment Services	<u>3,250</u>
<b>Subtotal</b>	<b>\$313,250</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	\$93,000
Small Tools & Equipment	<u>600</u>
<b>Subtotal</b>	<b>\$93,600</b>

**POLLUTION PREVENTION PROGRAMS**

HAZMAT Response Team (Fire Dept.)	\$36,500
Compliance Assistance Program (Environmental Health Dept.)	50,000
Household Hazardous Waste Program (Waste Management Dept.)	30,000
TMDL Compliance Agreements	<u>0</u>
<b>Subtotal</b>	<b>\$116,500</b>

**PROGRAM SUBTOTAL**

**\$1,033,040**

**CONTINGENCY (10%)**

\$103,304

Assessor's/Treasurer's Office Line Item Charges (\$0.51/parcel) 27,962

County Fee for Annual Submittal 104

**TOTAL EXPENDITURES**

**\$1,164,410**

FUND BALANCE FROM FY 2012-2013(est.) \$916,712

PERMITTEE REIMBURSEMENTS \$582,320

PROJECTED REVENUE \$302,613

**CASH AVAILABLE**

**\$1,801,645**

**PROJECTED FUND BALANCE**

**\$637,235**

**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,

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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

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 *[Signature]*  
20 Chairman

21 ATTEST:  
22 GERALD A. MALONEY, Clerk  
23 *[Signature]*  
24 DEPUTY

21 ////  
22 ////  
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25 ////  
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**APPENDIX C**

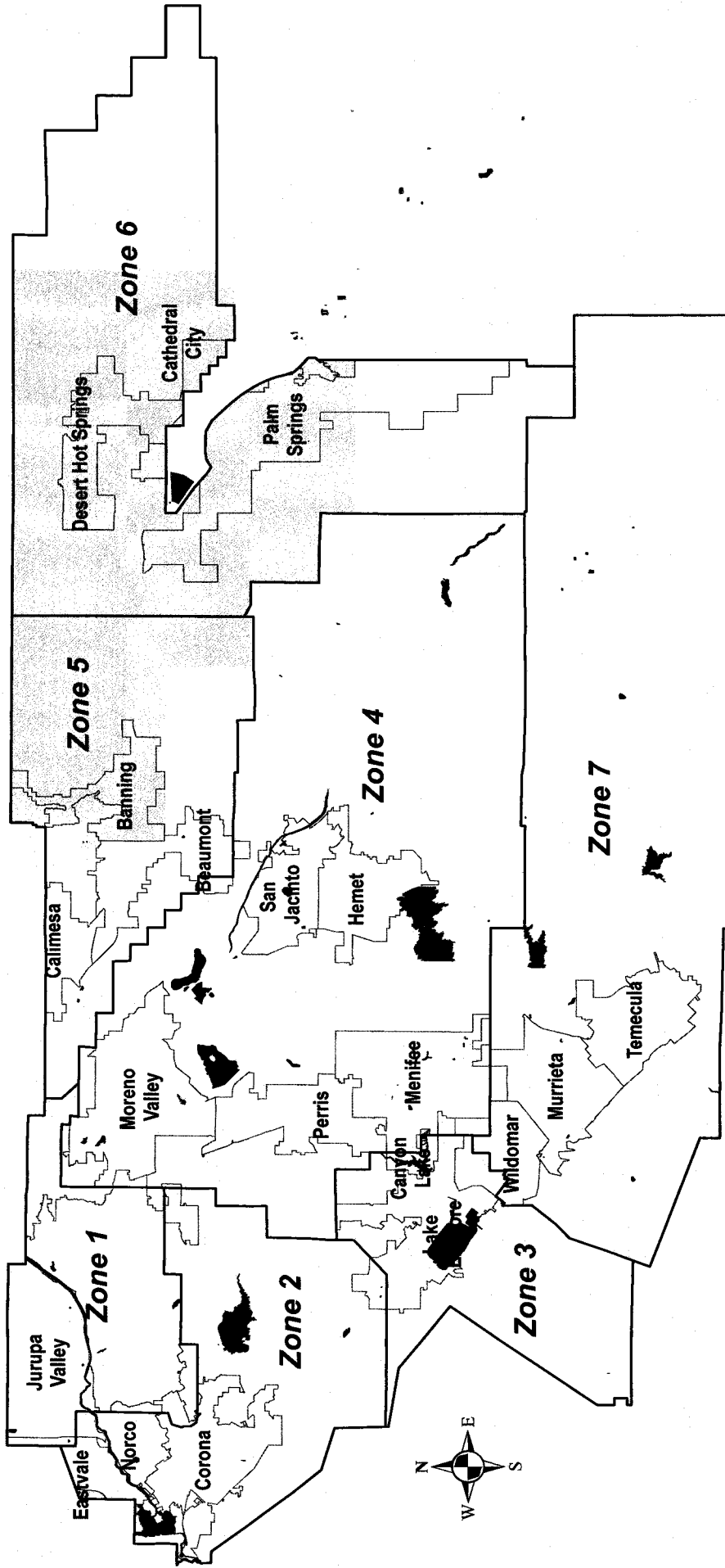
**Map of Whitewater Watershed Benefit Assessment Area**





# Riverside County Flood Control and Water Conservation District

## Map of Whitewater Watershed Benefit Assessment Area



Whitewater Watershed Benefit Assessment Area

RCFC and WCD Zone Areas



**APPENDIX D**

**WWBAA Assessment Roll (FY 2013-2014)  
Under Separate Cover**