

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

805B



FISCAL PROCEDURES APPROVED
 JEANINE J. REY, FINANCE DIRECTOR
 BY: *Jeanine J. Rey* 8/24/2013
 JEANINE J. REY

FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
September 24, 2013

SUBJECT: First Amendment to National Pollutant Discharge Elimination System Urban Runoff Discharge Implementation Agreement for Santa Ana Region (Santa Ana Drainage Area)

RECOMMENDED MOTION:

Approve the attached Amendment to the Santa Ana Region Implementation Agreement and authorize the Chairman of the Board to sign the Amendment.

BACKGROUND:

NPDES Municipal Separate Storm Sewer System (MS4) Permit R8-2010-0033 for the Santa Ana River Watershed was adopted on January 29, 2010, and amended June 7, 2013 by the Santa Ana Regional Water Quality Control Board, Region 8.

(Continued on Page 2)

JG:cw

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

FINANCIAL DATA	Current F.Y. District Cost:	\$0	In Current Year Budget:	Yes
	Current F.Y. County Cost:	\$0	Budget Adjustment:	N/A
	Annual Net District Cost:	\$0	For Fiscal Year:	FY13/14-FY14/15

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

C.E.O. RECOMMENDATION:

APPROVE
 BY: *Steven C. Horn*
 Steven C. Horn, MPA

County Executive Office Signature

- Policy
- Consent
- Policy
- Consent

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.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: September 24, 2013
xc: Flood

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

(Comp. item 3-9)

Prev. Agn. Ref.: 11.3 11/30/10 | **District:** 1,2,3,5 | **Agenda Number:**

11-3

FOR APPROVED COUNTY COUNSEL
 BY: *Karin L. Watts-Bazan* 8/28/13
 KARIN L. WATTS-BAZAN DATE

10/13/200

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

SUBJECT: First Amendment to National Pollutant Discharge Elimination System Urban Runoff Discharge Implementation Agreement for Santa Ana Region (Santa Ana Drainage Area)

SUBMITTAL DATE: September 24, 2013

Page 2

BACKGROUND: (continued)

The MS4 Permit requires the Permittees (Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Cities of Beaumont, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, and Wildomar) to annually review their Implementation Agreement (Agreement) and determine the need for any revisions. Since the recently adopted MS4 Permit amendment added the Cities of Jurupa Valley and Eastvale as Permittees, designated the San Diego Regional Board as the regulating authority for the Cities of Murrieta and Wildomar, and designated the Santa Ana Regional Board as the regulating authority for the entire City of Menifee for matters pertaining to MS4 permitting, the Implementation Agreement for the Santa Ana Drainage Area needs to be amended to reflect the recently updated Santa Ana Region MS4 Permit.

A companion item appears on the County's agenda this same date.

FINANCIAL:

The approval of this Amendment will not result in any additional cost to the District from the execution of the original Agreement.

FIRST AMENDMENT TO AGREEMENT

**National Pollutant Discharge Elimination System
Urban Runoff Discharge Permit
Implementation Agreement
Santa Ana Region
(Santa Ana Drainage Area)**

This First Amendment ("Amendment") to that certain agreement ("Agreement") entered into by and between the RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ("DISTRICT"), the COUNTY OF RIVERSIDE ("COUNTY"), and the CITIES OF BEAUMONT, CALIMESA, CANYON LAKE, CORONA, EASTVALE, HEMET, LAKE ELSINORE, MENIFEE, MORENO VALLEY, MURRIETA, NORCO, PERRIS, RIVERSIDE, SAN JACINTO and WILDOMAR (individually, "CITY" and collectively, "CITIES") (each of the DISTRICT, COUNTY and CITIES shall be a "PARTY", and collectively, "PARTIES") with respect to establishing the responsibilities of each PARTY concerning compliance with the National Pollutant Discharge Elimination System Urban Runoff Discharge Permit issued by the California Regional Water Quality Control Board - Santa Ana Region ("RWQCB-SAR") pursuant to Order No. R8-2010-0033 ("NPDES Permit"), is entered into by and between the PARTIES and the CITY of JURUPA VALLEY with respect to the following:

RECITALS

WHEREAS, the RWQCB-SAR issued the NPDES Permit to DISTRICT, COUNTY and CITIES on January 29, 2010; and

WHEREAS, the NPDES Permit designates DISTRICT as the "Principal Permittee", and COUNTY and CITIES as "Co-Permittees"; and

WHEREAS, cooperation between the PARTIES in the administration and implementation of the NPDES Permit is in the best interests of the PARTIES; and

1 WHEREAS, the PARTIES entered into the Agreement to facilitate the
2 administration and implementation of the NPDES Permit; and

3 WHEREAS, on July 20, 2010 and July 21, 2010 the CITIES of MURRIETA and
4 WILDOMAR, respectively, pursuant to California Water Code section 13228, requested that the
5 RWQCB-SAR designate the California Regional Water Quality Control Board – San Diego
6 Region ("RWQCB-SDR") as the regulating authority for all portions of those CITIES, regardless
7 of RWQCB jurisdictional boundaries for matters pertaining to MS4 permitting; and
8

9 WHEREAS, on July 22, 2010, the CITY of MENIFEE requested that the
10 RWQCB-SDR designate the RWQCB-SAR as the regulating authority for all portions of the
11 CITY, regardless of RWQCB jurisdictional boundaries for matters pertaining to MS4 permitting;
12 and
13

14 WHEREAS, on September 28, 2010, the Executive Officers of the RWQCB-SAR
15 and RWQCB-SDR signed Designation Agreements, pursuant to Water Code Section 13228(a),
16 providing (1) the RWQCB-SDR authority to regulate municipal stormwater runoff from the
17 CITIES of MURRIETA and WILDOMAR, including those portions of the CITIES that fall
18 within the RWQCB-SAR geographic jurisdiction; and (2) the RWQCB-SAR the authority to
19 regulate municipal stormwater runoff from all portions of the CITY of MENIFEE, including
20 those portions that are within the RWQCB-SDR geographic jurisdiction; and
21

22 WHEREAS, in accordance with the RWQCB-SDR Permit, Order No. R9-2010-
23 0016, the CITIES of MURRIETA and WILDOMAR are required to comply with the applicable
24 provisions of the Santa Ana NPDES MS4 Permit, Order R8-2010-0033, pertaining to
25 implementation of the Nutrient Total Maximum Daily Load (TMDL) for Lake Elsinore and
26 Canyon Lake; and
27

28 WHEREAS, Order R8-2010-0033 requires the CITY of MENIFEE to comply

1 with TMDLs and associated MS4 permit requirements issued by the RWQCB-SDR which
2 include the CITY of MENIFEE as a responsible PARTY; and

3
4 WHEREAS, on June 7, 2013 the RWQCB-SAR NPDES Permit Order No. R8-
5 2010-0033 was amended with Order No. R8-2013-0024 to provide for the removal of the
6 CITIES of MURRIETA and WILDOMAR and the addition of the newly incorporated CITIES of
7 EASTVALE and JURUPA VALLEY; and

8 WHEREAS, the entire jurisdictional areas of the CITIES of MURRIETA and
9 WILDOMAR are now regulated by the RWQCB-SDR with respect to MS4 stormwater
10 discharges ' and are no longer subject to the RWQCB-SAR NPDES Permit except with respect to
11 those CITIES' compliance with the Nutrient TMDL for Lake Elsinore and Canyon Lake; and
12

13 WHEREAS, portions of the jurisdictional area of the CITY of MENIFEE were
14 previously under the jurisdiction of the RWQCB-SDR and the entire jurisdictional area of the
15 CITY of MENIFEE is now under the jurisdiction of the RWQCB-SAR.

16 NOW, THEREFORE, the PARTIES do mutually agree as follows:

17
18 1. Removal of CITIES of MURRIETA and WILDOMAR. Upon the Effective
19 Date of this Amendment, the CITIES of MURRIETA and WILDOMAR are no longer subject to
20 the terms of this Agreement except as necessary to meet their respective TMDL obligations
21 (including cost shares for regional TMDL programs paid for through this agreement, timely
22 implementation of Comprehensive Nutrient Reduction Plan programs and requirements, and
23 timely submittal of information needed to satisfy TMDL reporting requirements) and except for
24 where the CITIES of MURRIETA and WILDOMAR wish to participate in other related reports,
25 studies or programs that may be necessary to address the Lake Elsinore and Canyon Lake
26 Nutrient TMDL or other future TMDLs regulating the portion of the CITIES of MURRIETA and
27 WILDOMAR within the RWQCB-SAR jurisdiction.
28

1 2. Addition of CITY of JURUPA VALLEY. Upon the Effective Date of this
2 Amendment, the CITY of JURUPA VALLEY is a PARTY under the Agreement and shall be
3 considered a "CITY" for purposes of all duties and responsibilities assigned, and all benefits
4 accruing, to CITIES under the Agreement.
5

6 3. Permit Area Amendment. As used in the Agreement, the term "Permit
7 Area" shall include the entire jurisdictional area of the CITY of MENIFEE.

8 4. Effective Date of Amendment. This Amendment shall become effective on
9 the last date that both (a) duly authorized representatives of PARTIES representing a majority of
10 the percentage contribution set forth in Section 4 of the Agreement and (b) the CITIES of
11 JURUPA VALLEY, MENIFEE, MURRIETA and WILDOMAR sign the Amendment. Each
12 PARTY's vote shall be calculated according to the percentage contribution of each PARTY as
13 described in Section 4 of the Agreement.
14

15 5. Budget Responsibility of CITY of JURUPA VALLEY. Upon the Effective
16 Date of the Amendment, the CITY of JURUPA VALLEY shall be responsible for the shared
17 costs discussed in Section 4 of the Agreement for the current and any subsequent budget year.
18

19 6. Effectiveness of Agreement. Except as amended herein, all provisions in
20 the Agreement remain in full force and effect.

21 7. Applicability of Prior Agreements. This Amendment, the Agreement and
22 the exhibits attached hereto constitute the entire Agreement between the PARTIES with respect
23 to the subject matter; all prior agreements, representations, statements, negotiations, and
24 undertakings are superseded hereby.
25

26 8. Execution in Counterparts. This Amendment may be executed and
27 delivered in any number of counterparts or copies ("counterpart") by the PARTIES hereto.
28 When each PARTY has signed and delivered at least one counterpart to the other PARTIES

1 hereto, each counterpart shall be deemed an original and, taken together, shall constitute one and
2 the same agreement, which shall be binding and effective as to the PARTIES hereto.

3 IN WITNESS WHEREOF, the PARTIES have executed this Amendment on the dates set
4 forth below.
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2 RECOMMENDED FOR APPROVAL:

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

3 By Steve Thomas
4 ~~For~~ WARREN D. WILLIAMS
5 General Manager-Chief Engineer

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

7 Date: SEP 24 2013

8 APPROVED AS TO FORM:

ATTEST:

9 PAMELA J. WALLS
10 County Counsel

KECIA HARPER-IHEM
Clerk of the Board

11 By Karin Watts-Bazan
12 Karin Watts-Bazan
13 Principal Deputy County Counsel

By Karin Watts-Bazan
Deputy


14 Date: SEP 24 2013

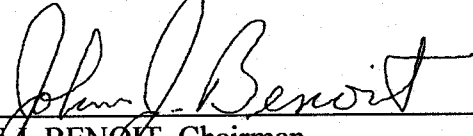
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RECOMMENDED FOR APPROVAL:

COUNTY OF RIVERSIDE

By 
JAY ORR
Riverside County Executive Officer

By 
JOHN J. BENOIT, Chairman
Riverside County Board of Supervisors
Fourth District

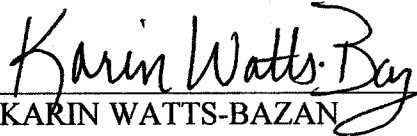
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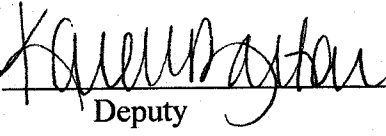
APPROVED AS TO FORM:

ATTEST:

PAMELA J. WALLS
County Counsel

KECIA HARPER-IHEM
Clerk of the Board

By 
KARIN WATTS-BAZAN
Principal Deputy County Counsel

By 
Deputy

Date: SEP 24 2013

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APPROVED AS TO FORM:

CITY OF BEAUMONT

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

Date: _____

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APPROVED AS TO FORM:

CITY OF CALIMESA

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

Date: _____

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APPROVED AS TO FORM:

CITY OF CANYON LAKE

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

Date: _____

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APPROVED AS TO FORM:

CITY OF CORONA

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

Date: _____

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APPROVED AS TO FORM:

CITY OF EASTVALE

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

Date: _____

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APPROVED AS TO FORM:

CITY OF HEMET

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

Date: _____

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APPROVED AS TO FORM:

CITY OF JURUPA VALLEY

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

Date: _____

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APPROVED AS TO FORM:

CITY OF LAKE ELSINORE

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

Date: _____

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APPROVED AS TO FORM:

CITY OF MENIFEE

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

Date: _____

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APPROVED AS TO FORM:

CITY OF MORENO VALLEY

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

Date: _____

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APPROVED AS TO FORM:

CITY OF MURRIETA

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

Date: _____

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APPROVED AS TO FORM:

CITY OF NORCO

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

Date: _____

(SEAL)

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APPROVED AS TO FORM:

CITY OF PERRIS

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

Date: _____

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APPROVED AS TO FORM:

CITY OF RIVERSIDE

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

Date: _____

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APPROVED AS TO FORM:

CITY OF SAN JACINTO

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

Date: _____

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APPROVED AS TO FORM:

CITY OF WILDOMAR

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

Date: _____

(SEAL)