



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

8073

FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
June 7, 2016

SUBJECT: Adopt Resolution F2016-10 – Accepting the Engineer's Report and Setting the Date of the Public Hearing for the NPDES Program Santa Ana Watershed Benefit Assessment Area; 1st/2nd/3rd/5th Districts; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Accept the Engineer's Report on the NPDES Program for the Santa Ana Watershed Benefit Assessment Area, dated June 2016; and
2. Direct the Clerk of the Board to advertise for the public hearing on said report, to be held at 9:00 a.m. July 12, 2016, at a regular meeting of the Board; and
3. Adopt the following entitled resolution:

RESOLUTION NO. F2016-10

ACCEPTING THE ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR THE SANTA ANA WATERSHED BENEFIT ASSESSMENT AREA PURSUANT TO ORDINANCE NO. 14 PROVIDING FOR THE ESTABLISHMENT AND LEVY OF BENEFIT ASSESSMENTS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PROGRAM

BACKGROUND:

See Page 2.

JASON E. UHLEY
 General Manager-Chief Engineer

JG:cw

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET DISTRICT COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	

SOURCE OF FUNDS: N/A	Budget Adjustment: N/A
	For Fiscal Year: N/A

C.E.O. RECOMMENDATION:

APPROVE

 BY: **Steven C. Horn**

County Executive Office Signature

MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT

On motion of Supervisor Jeffries, seconded by Supervisor Washington and duly carried, IT WAS ORDERED that the above matter is approved as recommended, and is set for public hearing on Tuesday, July 12, 2016, at 9:00 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Washington and Benoit
Nays: None
Absent: Tavaglione and Ashley
Date: June 7, 2016
xc: Flood, COB

Kecia Harper-Ihem
 Clerk of the Board
 By:
 Deputy

Prev. Agn. Ref.: District:1,2,3,5 **Agenda Number:**

11-2

FORM APPROVED COUNTY COUNSEL 5/16/16
 BY:
 GREGORY P. PRIAMOS DATE

Departmental Concurrence

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

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

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

FORM 11: Adopt Resolution F2016-10 – Accepting the Engineer's Report and Setting the Date of the Public Hearing for the NPDES Program Santa Ana Watershed Benefit Assessment Area; 1st/2nd/3rd/5th Districts [\$0]

DATE: June 7, 2016

PAGE: Page 2 of 2

BACKGROUND:

Summary (Continued)

The Santa Ana 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.

Impact on Residents and Businesses

The financial impact to property owners is outlined in the Engineer's Report and Benefit Assessment Tax Rolls. The proposed benefit assessment rate for Fiscal Year 2016-2017 is \$3.75 per Benefit Assessment Unit; this is equal to the Benefit Assessment that was enrolled and levied for Fiscal Year 1996-1997 and all subsequent years.

JG:cw
P8/204376

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2 BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

3 RESOLUTION NO. F2016-10

4 ACCEPTING THE ENGINEER'S REPORT AND SETTING A PUBLIC HEARING
5 FOR THE SANTA ANA WATERSHED BENEFIT ASSESSMENT AREA
6 PURSUANT TO ORDINANCE NO. 14 PROVIDING FOR THE ESTABLISHMENT AND
7 LEVY OF BENEFIT ASSESSMENTS FOR THE NATIONAL POLLUTANT DISCHARGE
8 ELIMINATION SYSTEM (NPDES) STORMWATER PROGRAM

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

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

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

18 WHEREAS, the District's Board of Supervisors (the "Board") on May 14, 1991, adopted
19 Resolution No. F91-21 pursuant to the provisions of Section 14 of the Riverside County Flood
20 Control and Water Conservation District Act, which is Appendix 48 to the California Water
21 Code (the "District Act"), and pursuant to Ordinance No. 14, that formed a Benefit Assessment
22 Area (the "Benefit Assessment Area"), which encompasses all territory within the District's
23 jurisdiction that is within the Santa Ana Watershed as described in Ordinance No. 14, and has
24 levied annually thereon a Benefit Assessment ("Benefit Assessment") to pay the District's annual
25 costs associated with the NPDES Permit; and

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

26 WHEREAS, pursuant to Article IV of Ordinance No. 14, the General Manager-Chief
27 Engineer of the District (the "Chief Engineer") is to cause to be prepared annually a written
28 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

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

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

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

6 WHEREAS, the voters of California on November 5, 1996, approved Proposition No.
 7 218 which added Article XIID to the California Constitution ("Article XIID") effective
 8 November 6, 1996; and

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

14 BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of
 15 Supervisors of the Riverside County Flood Control and Water Conservation District in regular
 16 session assembled on the 7th day of June 2016, as follows:

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

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

20 Section 3. The Report proposes that the Benefit Assessment to be levied on all parcels
 21 within the Santa Ana Watershed Benefit Assessment Area, as described in Ordinance No. 14, in
 22 Fiscal Year 2016-17 is equal to or less than the Benefit Assessment that was enrolled and levied
 23 for Fiscal Year 1996-97 and all subsequent years.

24 Section 4. The public hearing on the Report is to be held at 9:00 a.m. or soon
 25 thereafter on Tuesday, July 12, 2016, in the meeting room of the District's Board of Supervisors
 26 which is located at 4080 Lemon Street, 1st Floor, Riverside, California.

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

Clerk of the District's Board
 County Administrative Center
 4080 Lemon Street, 1st Floor
 Riverside, California

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

City Clerk's Office
City of Hemet
445 E. Florida Avenue
Hemet, California

City Clerk's Office
City of Corona
400 South Vincentia Avenue, 1st Floor
Corona, California

City Clerk's Office
City of Lake Elsinore
130 S. Main Street
Lake Elsinore, 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 Press Enterprise once a week for two successive weeks 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 Santa Ana Watershed Benefit Assessment Area at least seven (7) days prior to the date of the hearing.

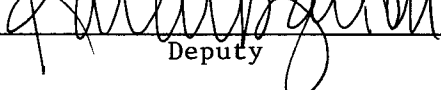
Section 7. This resolution shall take effect upon its adoption.

ROLL CALL

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

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

ENGINEER'S REPORT
TO THE
BOARD OF SUPERVISORS
OF THE
RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
ON THE
NPDES PROGRAM
FOR THE
SANTA ANA WATERSHED
BENEFIT ASSESSMENT AREA
JUNE 2016

Jason Uhley
General Manager-Chief Engineer



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- APPENDIX A – Proposed NPDES Program Budget (2016-2017)**
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Benefit Assessment Area (SAWBAA)**
- APPENDIX D – SAWBAA Assessment Roll (FY 2016-2017)
(Under Separate Cover)**

INTRODUCTION

In 1987, Congress amended the Federal Clean Water Act (CWA) to require public agencies which serve urbanized areas with a population greater than 100,000 and other designated areas to obtain permits to discharge urban stormwater runoff from municipally owned drainage facilities including streets, highways, storm drains and flood control channels. In November 1990, the United States Environmental Protection Agency (EPA) 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, Santa Margarita, and Whitewater Watersheds. The discharge of stormwater from MS4s within each of these three watersheds is regulated pursuant to an NPDES MS4 Permit (NPDES Permit) administered by a separate CRWQCB. **The District must comply with the provisions of these NPDES Permits in order to legally operate and maintain its flood control and drainage system infrastructure.** The USEPA and the CRWQCB can impose significant penalties for non-compliance as high as \$32,500 per day per violation. In addition, private citizens can pursue enforcement actions under the Federal CWA.

In the case of the Santa Ana Watershed, the District, along with the County of Riverside (County) and the Cities of Beaumont, Corona, Hemet, Lake Elsinore, Moreno Valley, Norco, Perris, Riverside and San Jacinto, obtained an "early"¹ NPDES Permit from the CRWQCB - Santa Ana Region (Regional Board) on June 1, 1990. The Regional Board added the then newly incorporated Cities of Calimesa and Canyon Lake to the NPDES Permit on June 10, 1992. This first NPDES Permit was considered a "Developmental Permit". The Permittees were authorized to continue discharging stormwater from their municipally owned storm drain and flood control facilities while developing the various elements of their respective Municipal Stormwater Management Programs.

The initial NPDES Permit expired on June 1, 1995; however, the provisions of this first NPDES Permit remained in effect until the Regional Board adopted a subsequent NPDES Permit on March 8, 1996. The 1996 Permit, which identified the District as the Principal Permittee, and the County and above listed Cities (Cities) as Co-Permittees (collectively, the Principal Permittee and Co-Permittees comprise the Permittees), expired on March 1, 2001. The Permittees submitted a "Report of Waste Discharge" (ROWD), as required by the Permit renewal procedures, and the Regional Board extended coverage under the 1996 Permit until October 25, 2002, when the 2002 Permit was adopted. The 2002 Permit expired on October 25, 2007; in accordance with permit renewal procedures, the Permittees submitted a ROWD on April 26, 2007. The Permittees received the fourth-term MS4 Permit, Order No. R8-2010-0033 on January 29, 2010 (2010 MS4 Permit); the 2010 MS4 Permit added three additional Permittees: the newly incorporated Cities of Menifee, Eastvale, and Jurupa Valley. The Permittees submitted a ROWD to the Regional Board for their fifth-term MS4 Permit (MS4 Permit) on July 29, 2014;

¹ The term "early" is used to refer to permits that were issued prior to the promulgation of the final USEPA rules for permitting municipal stormwater discharges [40 CFR 122.26, November 1990].

the 2010 MS4 Permit expired January 29, 2015 and has been administratively extended until the effective date of the new permit.

The 2002 Permit required the Permittees to implement a Drainage Area Management Plan (DAMP), incorporating upgraded program elements and other information as specified by the Permit. To ensure a consistent region-wide program in Riverside County, the DAMP was originally designed to address both the Santa Ana and San Diego Regional Board's NPDES Permits. The Permittees submitted the original DAMP in 2004, and finalized the document during Fiscal Year (FY) 2005-2006, after having received comments from both Regional Boards. Since then, the DAMP has undergone several additional revisions to reflect changes in Permit compliance activities, and required updates to other Permit compliance documents.

From the beginning, the Permittees' Municipal 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 that are both cost-effective and acceptable to the public.

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

As Principal Permittee, the District is required to take a lead role, and implement area-wide management programs and related plans, as required by the MS4 Permit². As such, the costs of the District's various NPDES Permit compliance activities fluctuate from year to year. Although some expenses do not change significantly on a yearly basis, certain costs are cyclical (e.g., preparing ROWDs and negotiating Permit provisions), while expenses associated with collecting water samples and performing laboratory analysis may vary according to the amount of rainfall occurring in a given year or in response to certain information requests from the Regional Board. Costs associated with the development, production and distribution of public education materials are not always incurred on a FY basis. Occasionally, additional consultant and/or legal services may be needed to assist the District with the development of a particular Permit requirement or program activity. Also, certain activities or programs may be expanded or curtailed from time to time and, occasionally, new programs or activities must be developed and implemented.

² Section III.A, Order No. R8-2010-0033

Currently, the regulation and management of stormwater runoff is a topic of increasing interest among the public, municipalities, regulatory authorities, and legislators. Although new laws and/or regulations could result in changes to the assessment rate in future years, **the proposed assessment rate for FY 2016-2017 is equal to or less than the assessment rate that was enrolled and levied for FY 1996-1997 and all subsequent years.**

APPORTIONMENT METHODOLOGY

SAWBAA 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 upon parcel size (acreage) and use classification. A single-family residential structure on a 7,200 square foot lot (1/6 of an acre) is defined as one benefit assessment unit (BAU). The BAUs for other types of land use are calculated in proportion to the amount of runoff generated by a single-family residence on a 7,200 square foot lot.

In comparison with a typical single family residence, industrial and commercial properties typically generate more stormwater runoff and higher pollutant loads on a per acre basis. Thus, industrial/commercial parcels are assessed at a higher rate per acre than residential parcels. Because agricultural discharges are currently exempt under the NPDES Permit regulations, parcels within the SAWBAA that are used for agricultural purposes are exempted from the assessment. Vacant, undeveloped parcels are not assessed because they are considered to generate no increase in pollutant loading. Additionally, certain large undeveloped tracts of land such as Federal or State owned forest are excluded from the SAWBAA. A more detailed discussion of the apportionment methodology is presented in Appendix B.

CURRENT YEAR ASSESSMENTS (FY 2015-2016)

In July 2015, the District's Board of Supervisors confirmed a benefit assessment rate for FY 2015-2016 of \$3.75 per BAU. Following is a summary of FY 2015-2016 assessments:

Rate	Billed Parcels	BAUs	Assessments	Corrections	Amount Paid*
\$3.75	373,685	666,894	\$2,511,642	\$2,260	\$2,478,265

* Through April 30, 2016

Property owners may request a review of their assessment(s) by contacting the District. District staff considers each request by reviewing readily available 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, there was one parcel refunded in the amount of \$2,260. According to the Riverside County Assessor's Office, the parcel was classified as developed commercial property. Research verified the parcel was undeveloped vacant land, and therefore, should not have received an assessment.

RECOMMENDED BENEFIT ASSESSMENT RATES (FY 2016-2017)

The District recommends that for FY 2016-2017, the SAWBAA assessment rate remain unchanged at \$3.75 per BAU. This BAU rate would result in an equivalent charge per acre for the following land uses:

Group	Land Use Category	BAU/Acre	Assessment Rate*
A	Industrial/Commercial	12	\$45.00/acre
B	Apartments/Mobile Home Parks, Churches and Schools	9	\$33.75/acre
C	Single-family Residential	6**	\$22.50/acre
D	Agricultural/Vacant Undeveloped	Exempt	\$0.00/acre
E	Golf Courses	0.10	\$0.38/acre
F	Undeveloped Portions of Parcels	0.05	\$0.19/acre

* Refer to Appendix B for a detailed discussion of the Benefit Assessment methodology.

** 1 BAU per single-family residence, assuming six equally sized residential parcels per acre.

The projected revenue for FY 2016-2017, using the proposed benefit assessment rate of \$3.75 per BAU is as follows:

Rate	Parcels*	BAUs	Assessment*	Projected Revenue**
\$3.75	373,684	666,291	\$2,509,381	\$2,383,912

* Based on FY 2015-2016 Assessor's information

** Assumes a 5.0% delinquency rate

The projected revenue along with a portion of the end of year balance from FY 2015-2016 will fund the District's NPDES Stormwater Management Program activities for the Santa Ana Watershed area in FY 2016-2017. The proposed FY 2016-2017 budget is presented in Appendix A.

During the early years of the NPDES Program, there were many uncertainties regarding start-up 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 maintain a modest fund balance since the benefit assessments were first levied in FY 1991-1992. The District is maintaining the current assessment rate while sustaining required expenditure levels that are slightly above projected revenues, which should gradually reduce the fund balance. It should also be that the current trend in California is toward more stringent regulation of municipal stormwater runoff. Thus, it is expected that the District's NPDES Permit compliance costs will increase over the coming years.

ASSESSMENT ROLL

The SAWBAA Assessment Roll provides a listing by Assessor's Parcel Numbers of the proposed FY 2016-2017 Benefit Assessment to be levied on each parcel of property in the SAWBAA. The Assessment Roll is identified as Appendix D and incorporated herein by this reference. This Engineer's Report along with the SAWBAA Assessment Roll, will be placed at the following locations for review by the public:

Clerk of the Board of Supervisors
4080 Lemon Street, 1st floor
Riverside, CA 92501

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

City of Corona
400 South Vicentia Avenue, 1st floor
Corona, CA 92882

City of Hemet
445 East Florida Avenue
Hemet, CA 92543

City of Lake Elsinore
130 S. Main Street
Lake Elsinore, CA 92530

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

NPDES PROGRAM HIGHLIGHTS (FY 2015-2016)

For the year ending June 30, 2016, the following major tasks and activities were accomplished in compliance with the 2010 Santa Ana MS4 Permit:

- A. The most significant activity conducted during FY 2015-2016 was the continued development of the following Watershed Action Plan (WAP) components: the Regional Geodatabase, Hydromodification Susceptibility Mapping and Report, and the Hydromodification Management Plan (HMP). Per 2010 MS4 Permit requirements, a draft WAP was submitted by the Permittees for Regional Board approval on January 29, 2013. Since then, the District, on behalf of the Permittees, continues to meet with the Regional Board to finalize the WAP and supporting hydromodification documents.
- B. Continued implementation of the Water Quality Management Plan (WQMP) Template and Guidance documents for new development, and the Low Impact Development (LID) Guidance and Standards for Transportation Projects (TPG). The Regional Board required both development of the TPG and revision of the WQMP to incorporate an increased focus on LID design practices and BMPs.
- C. Continued participation in the Lake Elsinore/Canyon Lake Nutrient TMDL Task Force. The Task Force is comprised of stakeholders regulated by the Regional Board through the Lake Elsinore/Canyon Lake Nutrient TMDL (LE/CL TMDL), which was adopted on December 17, 2004. The District also participates in another TMDL Task Force for the Reach 3 Santa Ana River Pathogen Indicator TMDL (MSAR TMDL), which was adopted on August 26, 2005. The purpose of both Task Forces is to implement joint requirements of the TMDLs, to address these impairments and implement the TMDLs. The agreements for both Task Forces were recently renewed and have a term of five (5) years. The current task force agreements are set to expire on June 17, 2017 for the LE/CL TMDL Task Force, and December 1, 2017 for the MSAR TMDL Task Force.
- D. The Permittees utilized the LE/CL TMDL Task Force to implement the approved Comprehensive Nutrient Reduction Plan (CNRP) which includes an alum treatment project for Canyon Lake, as well as the continued funding and aeration of the Lake Elsinore Aeration and Mixing System. The services of a consultant (Amec Foster Wheeler) were secured to perform monitoring requirements of the LE/CL TMDL Phase 2 Compliance Monitoring Program.
- E. The Permittees utilized the MSAR TMDL Task Force Agreement to facilitate the hiring of a consultant to aid in the implementation of the Comprehensive Bacteria Reduction Plan (CBRP) for those Permittees named in the TMDL within Riverside County. The CBRP was approved at the February 10, 2012 Regional Board meeting and is currently in the implementation phase. Specifically, the consultant (CDM Smith, Inc.) was contracted to develop a monitoring program to identify and quantify uncontrollable sources of bacteria in the Middle Santa Ana River Watershed. The consultant finished field monitoring activities in January 2016. A final report is currently in development that will identify natural sources of bacteria in the watershed and give a range of counts of bacteria associated with each identified source.

- F. Permittees identified locations that are suitable to implement structural BMPs to manage dry weather flows and reduce bacterial indicators in downstream waters. Preliminary geotechnical analysis and design of these sites is currently being performed.
- G. Continued participation in the Stormwater Quality Standards Task Force. The Task Force has developed the necessary information to amend the Santa Ana Basin Plan to include a high flow suspension of REC-1 uses, and also revisions to designated uses for selection of waterbody segments where a Use Attainability Analysis was completed. The Regional Board approved the Basin Plan Amendment (BPA) to revise recreation standard for inland fresh waters in the Santa Ana Region in June 2012, and the State Board subsequently approved the Basin Plan Amendment in January 2014. The Office of Administrative Law (OAL) approved the Basin Plan Amendment in July 2014. Following OAL approval in April 2015, EPA Region IX issued a decision letter approving parts of the amendments. The BPA requires establishment of a comprehensive monitoring program to support implementation of the changes to the Basin Plan for the entire Santa Ana Basin. Most recently, the Task Force developed a Regional Bacteria Monitoring Plan (RMP) to fulfill these monitoring and surveillance requirements of the BPA as well as continue to conduct sampling to support implementation of the Middle Santa Ana River (MSAR) Bacterial Indicator Total Maximum Daily Load (TMDL). The RMP prioritizes monitoring activities in waterbodies where significant recreational use frequently occurs, posing a greater potential risk to public health, by categorizing inland surface waters into Tiers and associated monitoring priority classifications. The RMP was approved by the Regional Board on March 11, 2016 and implementation of the RMP will begin collecting samples in May 2016. This monitoring effort will supersede the monitoring efforts of the watershed-wide compliance monitoring program for the MSAR Bacteria TMDL.
- H. Continued proactive efforts to inform regulators and policy makers by working with the Permittees to provide comments on various draft policies and legislations which have potential to shape District, County, and Co-Permittee MS4 Permit compliance activities.
- I. Continued participation in the Santa Ana "One Water One Watershed" (OWOW) planning process which focuses on establishing regional solutions for water problems within the Santa Ana Watershed and is intended to develop linkages between all water interests. The objective of OWOW is to encourage and secure resources for the development of multi-benefit projects that use resources and expertise from across disciplines. The Santa Ana Watershed Project Authority (SAWPA) is the administrator of the OWOW planning process.
- J. Continued to chair the Santa Ana Technical Advisory Committee, which is comprised of Permittees, members of the Regional Board staff, and interested parties. The Permittees coordinate their Urban Runoff management activities to work toward achieving the greatest protection of Receiving Water quality. This committee serves as a forum to effectively disseminate information, discuss regional and statewide program issues, and plan and coordinate Permittee actions to achieve compliance with the NPDES MS4 Permit.

- K. Continuation of the Permittees' Management Steering Committee meetings, which consist of the Permittee's City Managers, Directors of Public Works, and other essential municipal staff. The committee is a Permit requirement, which was established to address Urban Runoff management policies for the Permit Area, and coordinate the review and necessary revisions to the DAMP, Implementation Agreement, and development of the WQMP. In addition, the Management Steering Committee facilitates coordination with related water quality management programs and monitoring. It also responds to new legislative and regulatory initiatives.
- L. Continued financial support to area-wide stormwater pollution prevention programs, including the Household Hazardous Waste (HHW) temporary and permanent collection events and the "ABOP" (Anti-freeze, Batteries, Oil, and Paint) Program.
- M. Developed, prepared, and submitted a comprehensive District Annual Report and Watershed Annual Report to the Regional Board.
- N. Continued to utilize the District's LID Project to test and demonstrate stormwater capture, management, and treatment using LID practices. This project implements a variety of LID BMPs, and provides a facility in a centralized location which is convenient for educating residents, regulators, developers, municipal employees, engineers, and other interested stakeholders from many Southern California communities. Since completion of the LID Project, District staff have provided dozens of informational project tours.
- O. The District continues to review and update the LID BMP Design Manual, which is focused on landscape-based BMPs and infiltration BMPs capable of addressing identified water quality impairments in the Santa Ana and Santa Margarita Watersheds. The LID BMP Design Manual is available on the District's website.
- P. Continued efforts in compliance with the Aquatic Weed Control NPDES Permit. Compliance with this Permit is required for vegetation control activities which utilize application of aquatic herbicides on District facilities. Vegetation control is an essential part of the District's routine maintenance activities in order to ensure that its facilities continue to provide the design level of flood protection to which they were constructed and minimize or prevent loss of life and property. Compliance with the Aquatic Weed Control NPDES Permit includes maintaining an aquatic pesticide application plan, implementing BMPs to minimize potential impacts from use of herbicides, monitoring for impacts to water quality, and submittal of an annual report to the Regional Board, State Water Board, and EPA.
- Q. Continued collection and analysis of water quality samples in accordance with the Permit's Monitoring and Reporting Program via the Consolidated Monitoring Program (CMP) for water quality monitoring. Water quality samples are collected during dry and wet weather at MS4 outfalls and receiving water stations, and are analyzed for required constituents to ensure compliance with the 2010 MS4 Permit.
- R. The CMP for water quality monitoring describes the monitoring efforts that will be implemented to comply with the County's three MS4 Permits. Specifically, the Santa Ana Region Monitoring Plan (CMP Volume IV) was updated in August 2012 to comply

with the 2010 MS4 Permit. It is reviewed annually, and was updated July 2014, and again in November 2014 with minor errata to reflect current methods and improvements based on program information. Minor corrections were made to Water Quality Objective tables to reflect the Basin Plan update. The 2014 CMP updates are applicable to the 2015-2016 monitoring year. The CMP includes procedures for collection and analysis of water quality samples at Municipal Separate Storm Sewer Systems' (MS4) outfalls and receiving waters sites for a variety of constituents. The CMP also includes monitoring efforts for the LE/CL TMDL, MSAR TMDL development, Hydromodification Monitoring, LID Monitoring, and participation in the Regional Watershed Monitoring through membership with the Southern California Stormwater Monitoring Coalition (SMC). These additional monitoring components and Special Studies have stand-alone work plans that have been developed and approved for these components independently of the CMP.

- S. Continued participation in the 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. This included a 2009–2013 regional effort and involved the participation of approximately 20 public agency participants. It included the stratification of 15 watersheds for the overall south coast region of California, which spanned from Ventura County to San Diego County. The goal was to monitor 450 sites overall (i.e., approximately 90 sites per year); however, with collaboration, results from 545 sites region-wide were included in the assessment of over 4,350 miles of streams in the southern coast region of California. The final report was published in May 2015 and can be found on the Southern California Coastal Water Research Project and/or SMC websites. Based on the findings and lessons learned from this effort, a revised study design has commenced for the 2015-2019 regional monitoring effort.
- T. Continued active participation in the California Stormwater Quality Association (CASQA). On behalf of the Permittees, the District remains active within the organization, specifically, Darcy Kuenzi, currently serves as Legislative Co-Chair. District staff also actively participates in the Monitoring & Science, BMP, and Policy and Permitting subcommittees.
- U. 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. To address the problems caused by pesticides in urban waterways in California, CASQA has collaborated with the Water Boards in a coordinated statewide effort referred to as the Urban Pesticides Pollution Prevention Partnership. By working with the Water Boards and other water quality organizations, CASQA is striving to address the impacts of pesticides efficiently and proactively through the statutory authority of Department of Pesticide Regulation and EPA's Office of Pesticide Programs.
- V. Continued presentation of semi-annual municipal employee stormwater training programs. These training classes focus on the requisite knowledge for properly implementing the DAMP and WQMP, and address Permittee functions such as

development planning, municipal activities, industrial/commercial inspections, and construction inspections. Fall and spring training classes were held at the District, and also at the cities of Temecula and Palm Springs, to provide close proximity for the Permittees.

- W. Continued to provide stormwater pollution prevention presentations in local elementary schools; 68 assembly style presentations were provided County-wide in 2015-2016, reaching over 8,933 students.
- X. 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.
- Y. 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 has been reformatted extensively to add more usable and interactive data. The new webpage provides information for the general public, Permittees, regulators, and in-house personnel.
- Z. Continued to host the District's NPDES website which provides information regarding the regional MS4 Permit compliance programs. The website provides pertinent information for the general public, Permittees, regulators, and in-house personnel.
- AA. 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.

PROGRAM / WORK ITEMS (FY 2016-2017)

The 2010 MS4 Permit incorporated several programs addressing LID, hydromodification, Permittee public works projects, illicit discharge detection and elimination, mobile businesses, watershed scale planning, urban and MS4 retrofit, De-Minimus and General Construction Permit coordination, and program effectiveness assessment. Most resources in FY 2016-17 will be spent on developing the fifth-term MS4 Permit, which looks to build upon the programs and requirements established by the 2010 MS4 Permit. Additionally, the Permittees must focus on implementation of all components of the Watershed Action Plan (WAP).

The District also continues to work with Regional Board staff on implementation of TMDLs for certain pollutants identified as causing impairment of beneficial uses in Lake Elsinore, Canyon Lake, and the Santa Ana River. The TMDLs contain implementation plans that impact MS4 Permittees and that must be funded and addressed by the Permittees. The implementation plans also affect other watershed stakeholders, private landowners, and other local, state and federal government entities. Several implementation plan programs must be jointly funded and implemented by multiple stakeholders. The District will continue to spend significant resources coordinating TMDL Task Forces to address joint TMDL requirements, participating in Task Force and Regional Board meetings, and coordinating and commenting on technical reports and studies required by the implementation plans.

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

New MS4 Permit Development

The Permittee's ROWD was submitted on July 29, 2014; the 2010 MS4 Permit expired on January 29, 2015 and was administratively extended until the effective date of the new permit. Permit negotiations are the program's primary focal point throughout FY 2016-2017.

LID Project

Construction of the District's LID Project was completed in Spring of 2012; this project implements a variety of LID BMPs, and is being used to test and demonstrate stormwater capture, management, and treatment using LID practices. The project continues to provide 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.

Aquatic Weed Control NPDES Permit Compliance

Compliance with the Aquatic Weed Control NPDES Permit is required for vegetation control activities which utilize application of aquatic herbicides on District facilities. Vegetation control is an essential part of the District's routine maintenance activities in order to ensure that its facilities continue to provide the design level of flood protection to which they were constructed and minimize or prevent loss of life and property. Compliance with the Aquatic Weed Control NPDES Permit includes maintaining an aquatic pesticide application plan, implementing BMPs to minimize potential impacts from the use of herbicides, monitoring for impacts to water quality, and submittal of an annual report to the Regional Board and State Water Board.

MS4 Program Management

As Principal Permittee, the District conducts certain activities to coordinate the efforts of the Co-Permittees and facilitates compliance with the Permit. These activities include chairing monthly meetings of the Santa Ana Technical Advisory Committee, administration of area-wide programs (e.g., public education, HHW collection, hazardous material spill response, stormwater sample collection and analysis), ongoing program development and preparation of the Annual Report to the Regional Board. The District will also continue to focus its efforts on identifying and commenting on statewide issues that affect local stormwater programs.

Area-Wide MS4 Programs

The District will continue to provide financial support for several important "area-wide" BMP programs implemented on behalf of the Permittees. The programs currently include:

Public Education

The District provides for coordination and oversight of the area-wide NPDES public education and outreach efforts, including public events, school and adult education programs, printed brochures, and commercial mass-media campaigns. This includes continued development and distribution of focused educational outreach materials for specific industries and businesses such as restaurants, auto repair shops, mobile cleaning businesses, and other industrial activities that are potential sources of stormwater pollution.

Training for Municipal Employees

Municipal training classes are provided to improve understanding of NPDES Permit requirements and stormwater BMPs. The classes focus on methods to reduce and/or eliminate sources of stormwater pollution from public agency facilities and activities, implementation of the WQMP and Transportation Project Guidance (TPG), local stormwater ordinances, and State Construction and Industrial General Permit requirements. Training is conducted specifically for construction inspection staff, industrial/commercial facilities inspection staff, municipal facilities maintenance staff, and staff responsible for new development/redevelopment project review.

Household Hazardous Waste Collection/ABOP

The District and Co-Permittees provide financial support to the Riverside County Department of Waste Resources to support the permanent HHW collection sites at Agua Mansa and Lake Elsinore, ongoing mobile HHW collection events and operation of the "ABOP" (Anti-freeze, Batteries, Oil, and Paint) program, all of which provide local residents with opportunities to properly dispose of HHW.

Water Quality Monitoring

On behalf of all Permittees, the District conducts both wet and dry weather sample collection and analysis in accordance with the Permit's Monitoring and Reporting Program. Coordinating and conducting monitoring in compliance with the Regional Board's TMDL for Lake Elsinore, Canyon Lake, and Reach 3 of the Santa Ana River has resulted in additional demands being placed on the current Water Quality Monitoring Program. The approval of the Basin Plan Amendment for water contact beneficial use designations also has a new Regional Monitoring Program (RMP). The RMP was approved by the Regional Board on March 11, 2016 and implementation of the RMP will begin collecting samples in May 2016. This monitoring effort

will supersede the efforts of the watershed-wide compliance monitoring program for the MSAR Bacteria TMDL.

Watershed Action Plan (WAP)

The WAP describes and implements the Permittees' approach to coordinated watershed management. The objective of the WAP is to address watershed-scale water quality impacts of urbanization associated with urban TMDL waste load allocations, stream system vulnerability to hydromodification from urban runoff, cumulative impacts of development on vulnerable streams, preservation of beneficial uses of streams, and protection of water resources, including groundwater recharge areas. The WAP document includes the following:

1. Hydromodification Susceptibility Mapping - delineation of stream channels that are vulnerable to hydromodification.
2. Regional Geodatabase – an integrated, World Wide Web available Geodatabase and web interface. The web interface is designed to allow for the input of a project location/area, and then output a report of design related constraints and information specific to that project, such as watershed and hydrologic subarea(s), downstream receiving waters including hydromodification susceptibility and 303(d) listed pollutants, soil types, structural post-construction BMPs suitable for the site based on the previously listed constraints, MSHCP areas, flood zones, land use designations, District Master/Area Drainage Plans, MS4 facilities, etc.
3. Hydromodification Management Plan – describes how the hydromodification mapping described above will be used on a per project, sub-watershed and watershed basis.
4. Hydromodification Management Plan Evaluation Program - established to assess the effectiveness of efforts to manage increases in runoff volumes and discharge rates from new development or significant redevelopment projects through the implementation of the SAR HMP. The overall goal of the HMP Evaluation Program is to ensure that the natural geomorphologic processes in channel systems are maintained as development occurs.
5. Retrofit Studies - recommendations to identify candidate areas for retrofits within existing public and private MS4s, parks and recreational areas, and that incorporate opportunities for addressing TMDL implementation plans, hydromodification from urban runoff, LID implementation and pollutant discharge reduction.
6. Causes of Degradation and Aggradation in the Santa Ana Region - identifies potential causes of stream degradation and aggradation in the region. This technical memorandum is part of a larger study for the Permittees to develop the SAR HMP.

Per 2010 MS4 Permit requirements, a draft WAP was submitted by the Permittees for Regional Board approval on January 29, 2013. The District, on behalf of the Permittees, has been meeting with the Regional Board to finalize the WAP and supporting hydromodification documents. If the WAP and supporting documents are approved, a major focus during the coming fiscal year will be implementation and maintenance of the various WAP components.

Total Maximum Daily Loads (TMDLs)

The 2010 MS4 Permit directly incorporates two TMDLs that have been established for the Santa Ana Region of Riverside County, namely the Middle Santa Ana River Bacteria Indicator TMDL and the LE/CL Nutrient TMDL. The 2010 MS4 Permit incorporates interim and final water quality based effluent limitations (WQBELs) specified in the TMDLs. The interim WQBELs are established based on the TMDL Implementation Plans. The final WQBELs are based on the Comprehensive Bacteria Reduction Plan (CBRP) for the MSAR TMDL and the Comprehensive Nutrient Reduction Plan (CNRP) for the LE/CL TMDL (Reduction Plans); these documents were developed by the Permittees and approved by the Regional Board. The CBRP was approved in February 2012; TMDL compliance is now based upon CBRP implementation. The CNRP was approved at the July 19, 2013 Regional Board meeting.

The MSAR TMDL Permittees will continue implementation of the CBRP in the upcoming fiscal year. As part of the continued effort to implement the CBRP, the Permittees continue identifying locations suitable for the construction of BMPs to address and manage dry weather flows and bacteria indicators.

In compliance with the LE/CL TMDL, the Permittees will continue implementation of the CNRP in the upcoming fiscal year. As part of CNRP implementation, the Permittees are working with the LE/CL TMDL Task Force to fund and administer in-lake projects at Canyon Lake and Lake Elsinore. The LE/CL TMDL is currently being revised by the Task Force with the help of Risk Sciences and CDM Smith. The aim of the revision is to have a pragmatic approach to the LE/CL TMDL that takes into account the unique factors of the Canyon Lake and Lake Elsinore watersheds. A land use study was completed in 2016 to represent the current developed condition in the watershed. This updated information will help with future modeling and cost sharing of the LE/CL TMDL Permittees.

Municipal Facilities and Activities

Continued to implement the provisions of the NPDES Permit's Municipal Facilities Strategy as described in the DAMP, including improvements to structural facilities at the District's headquarters, municipal employee training activities, and reduction and/or elimination of stormwater pollution sources at public agency facilities.

CONCLUSIONS AND RECOMMENDATIONS

The area-wide Municipal Stormwater Program for the Santa Ana Watershed has been implemented in an efficient, cost-effective manner through the ongoing cooperative efforts of the District, the Co-Permittees, the Regional Board, the Riverside County Fire Department, and the Riverside County Department of Waste Resources. The District's NPDES Program activities, which are funded by these SAWBAA assessments, are required to comply with the current NPDES Permit for the Santa Ana 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 Santa Ana Watershed Benefit Assessment Area at an unchanged rate of \$3.75 per benefit assessment unit for FY 2016-2017.

P8/204772

GLOSSARY

ABOP – Anti-freeze, Batteries, Oil, Paint

BAU – Benefit Assessment Unit

BMP – Best Management Practice

BPA– Basin Plan Amendment

CASQA– California Stormwater Quality Association

CBRP - Comprehensive Bacteria Reduction Plan

CDEH – Riverside County Department of Environmental Health

CNRP – Comprehensive Nutrient Reduction Plan

CMP – Consolidated Monitoring Plan

CRWQCB - California Regional Water Quality Control Board

CWA – Clean Water Act

District – Riverside County Flood Control and Water Conservation District

EPA – Environmental Protection Agency

FY – Fiscal Year

HAZMAT Team – Hazardous Materials Emergency Response Team

HHW – Household Hazardous Waste

HMP – Hydromodification Management Plan

LE/CL – Lake Elsinore/Canyon Lake

LID – Low Impact Development

LIP – Local Implementation Plan

MSAR – Middle Santa Ana River

NPDES – National Pollutant Discharge Elimination System

OAL – Office of Administrative Law

Order R8-2010-0033 - Santa Ana Regional Board Order adopted on January 29, 2010

Regional Board - California Regional Water Quality Control Board – Santa Ana Region

RMP – Regional Bacteria Monitoring Plan

ROWD – Report of Waste Discharge (NPDES Permit Re-application)

SA DAMP – Santa Ana Drainage Area Management Plan

SAWBAA – Santa Ana Watershed Benefit Assessment Area

SAWPA – Santa Ana Watershed Project Authority

SCCRWP– Southern California Coastal Water Research Project

SMC- Southern California Stormwater Monitoring Coalition

SWRCB – State Water Resources Control Board

TPG – Transportation Project Guidance document

TMDL - Total Maximum Daily Load

USEPA – United States Environmental Protection Agency

WAP – Watershed Action Plan

WQBELS – water quality based effluent limitations

WQMP – Water Quality Management Plan

APPENDIX A

Proposed NPDES Program Budget (FY 2016-2017)

APPENDIX A

**SANTA ANA WATERSHED BENEFIT ASSESSMENT AREA
PROPOSED NPDES PROGRAM BUDGET FOR FY 2016-2017**

EXPENDITURES

STAFFING

General Staff Salaries and Benefits	\$1,168,682
General Staff Standby / Differential / Overtime Pay	<u>18,000</u>
Subtotal	\$1,186,682

ADMINISTRATION & OVERHEAD

Administration & Overhead	\$412,255
County Counsel Services	500
Equipment Lease / Rental	1,000
Vehicle Mileage	10,000
Photocopying / Reproduction	2,400
Miscellaneous (Photography, Communications, Supplies, etc.)	<u>35,160</u>
Subtotal	\$461,315

GENERAL CONSULTANT SERVICES

Permit Compliance Assistance	\$135,000
CNRP/CBRP Support	100,000
District LID Project Support	50,000
Grants / Misc. Applications	50,000
Benefit Assessment Services	<u>26,000</u>
Subtotal	\$361,000

PUBLIC EDUCATION PROGRAM

Education Program: Staff / Contract Services / Presentations	\$184,600
Education Program: Production / Materials / Media	<u>174,390</u>
Subtotal	\$358,990

WATER QUALITY MONITORING PROGRAM

Staff Time / Laboratory Services / Monitoring / Reporting	\$448,000
Small Tools & Equipment	<u>76,500</u>
Subtotal	\$524,500

POLLUTION PREVENTION PROGRAMS

Household Hazardous Waste Program (Department of Waste Resources)	240,000
Watershed Clean-up/Assessment (State Trash Amendments)	40,000
TMDL Cooperative Projects	20,000
SMC 5-yr Agreement	20,000
Contributions to other efforts	<u>55,000</u>
Subtotal	\$375,000

PROGRAM SUBTOTAL

CONTINGENCY (10%)	\$326,749
Assessor's/Treasurer's Office Line Item Charges (\$0.41/parcel)	\$153,211
County Fee for Annual Submittal	<u>\$130</u>

TOTAL EXPENDITURES **\$3,747,577**

REVENUES

FUND BALANCE FROM FY 2015-2016 (est.)	\$5,762,801
PROJECTED REVENUE	\$2,509,381
PERMITTEE REIMBURSEMENTS	<u>\$517,000</u>

TOTAL REVENUE **\$8,789,182**

PROJECTED FUND BALANCE **\$5,041,605**

APPENDIX B

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

0596

ORDINANCE NO. 14

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

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

ARTICLE I

GENERAL

Section 1. Title.

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

Section 2. Purpose.

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

6-4-91 12

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

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

28 ////

1 ARTICLE II

2 DEFINITIONS

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

6 a.) "Benefit Assessment" means the Benefit Assessment
7 to be levied annually on each Parcel within a Benefit
8 Assessment Area pursuant to Article IV of this Ordinance.

9 b.) "Benefit Assessment Area" means a Benefit Assessment
10 Area formed pursuant to Section 48-14 of the District Act
11 by the Board of Supervisors and identified in Article III
12 of this Ordinance.

13 c.) "Board of Supervisors" means the Board of Supervisors
14 of the Riverside County Flood Control and Water
15 Conservation District.

16 d.) "Chief Engineer" means the Chief Engineer of the
17 Riverside County Flood Control and Water Conservation
18 District.

19 e.) "County" means the County of Riverside, State of
20 California.

21 f.) "CRWQCB" means the California Regional Water Quality
22 Control Board for the region in which the Benefit
23 Assessment Area has been established.

24 g.) "District" means the Riverside County Flood Control
25 and Water Conservation District.

26 h.) "District Act" means the Riverside County Flood
27 Control and Water Conservation District Act, Statutes
28 1945, Chapter 1122, as amended; California Water Code,

1 Appendix, Chapter 48.

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

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

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

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

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

22 ARTICLE III

23 ESTABLISHMENT OF BENEFIT ASSESSMENT AREAS

24 Section 1. Formation of Benefit Assessment Areas.

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

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

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

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

18 ARTICLE IV

19 REPORT OF CHIEF ENGINEER, HEARING THEREON;

20 CONFIRMATION OF BENEFIT ASSESSMENT BY THE

21 BOARD OF SUPERVISORS

22 Section 1. Report.

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

27 Section 2. Content of the Report.

28 Each report shall contain the District's estimate of

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

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

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

25 Section 4. Hearing.

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

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

9 Section 5. Enrollment.

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

14 ARTICLE IV

15 LEVY OF BENEFIT ASSESSMENT

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

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

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

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

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

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

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

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

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

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

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

13 Group A: Commercial or industrial use

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

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

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

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

28 Group F: The undeveloped portion of a parcel such

1 as the portion of a single family

2 residential parcel exceeding 2.5 acres.

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

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

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

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

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

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

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

13 ARTICLE V

14 COLLECTION OF BENEFIT ASSESSMENT.

15 Section 1. Collection by Treasurer/Tax Collector.

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

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

3 Section 2. Applicable Law.

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

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

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

12 ARTICLE VI

13 CORRECTION OR CHANGE TO THE TAX ROLL

14 Section 1. Initiation of the Correction or Change.

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

19 Section 2. Initiation by Flood Control Engineer.

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

24 Section 3. Initiation by the Assessee.

25 The Assessee may initiate a correction or change to
26 the tax roll by filing a written application with the Chief
27 Engineer within 60 days following his/her receipt of the tax bill
28 reflecting the Benefit Assessment. The application shall contain

1 or include the following information, together with such
2 additional information deemed relevant by the Assessee or
3 requested by the Chief Engineer:

- 4 1. Assessor's parcel number.
- 5 2. Gross acreage.
- 6 3. Use of property as of the preceding March 1st.
- 7 4. Measurements of man-made impervious area, if known.
- 8 5. Copy of the tax bill containing the benefit
9 assessment.

10 Section 4. Categories of Corrections or Changes.

11 Upon approval of the Chief Engineer, corrections or
12 changes shall be made with respect to:

- 13 1. Ownership of a Parcel;
- 14 2. Address of an owner of a Parcel;
- 15 3. Subdivision of an existing Parcel;
- 16 4. Land use category of all or part of a Parcel;
- 17 5. Computation of the area of a Parcel;
- 18 6. Erroneous computation of the Benefit Assessment.

19 Corrections to the tax roll shall not be valid unless and
20 until approved by the Board of Supervisors. All corrections or
21 changes must be reported by the Chief Engineer to the
22 Auditor-Controller of the County, who shall prepare the amended
23 billing, as the case may be. The Chief Engineer shall give
24 written notice to the Assessee of the action taken on the
25 application.

26 If the Assessee disagrees with the Chief Engineer's
27 determination, he/she may file an appeal with the Board of
28 Supervisors within 30 days after receipt of the written notice.

1 The appeal shall be initiated by a written application filed with
2 the Clerk of the Board of Supervisors for refund of all or part of
3 the Benefit Assessment. The decision of the Board of Supervisors
4 shall be final and shall complete the administrative process. Any
5 further action by the Assessee for recovery of any part of the
6 Benefit Assessment shall be by complaint for refund filed in the
7 Superior Court.

8 ARTICLE VII

9 EFFECTIVE DATE OF ORDINANCE

10 This Ordinance shall take effect and be in force 30 days
11 after the adoption by the Board of Supervisors. Before the
12 expiration of fifteen (15) days after the effective date of this
13 Ordinance it shall be published once in The Press-Enterprise, a
14 newspaper of general circulation in the County of Riverside.

15
16 BOARD OF SUPERVISORS OF THE RIVERSIDE
17 FLOOD CONTROL AND WATER CONSERVATION
18 DISTRICT

19 By *Walter D. ...*
20 Chairman

21 ATTEST:
22 GERALD A. MALONEY, Clerk

23 *Bernie May*
24 DEPUTY

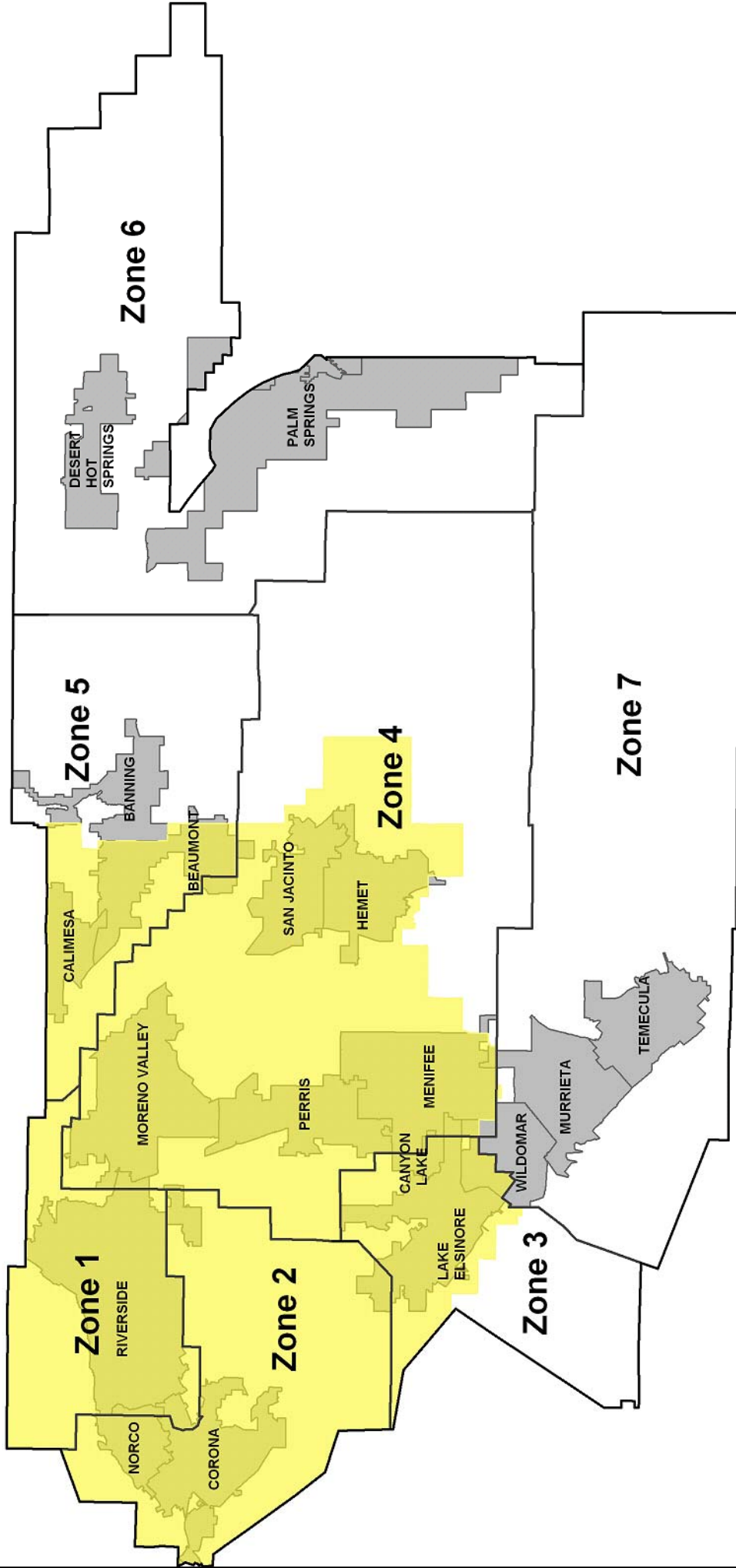
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APPENDIX C

Map of Santa Ana Watershed Benefit Assessment Area

Riverside County Flood Control & Water Conservation District

Map of Santa Ana Watershed Benefit Assessment Area



 - Santa Ana Watershed Benefit Assessment Area (SAWBAA)

APPENDIX C

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

APPENDIX D

**SAWBAA Assessment Roll (FY 2016-2017)
(Under Separate Cover)**