

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



8023

FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
June 7, 2016

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

RECOMMENDED MOTION: That the Board of Supervisors:

1. Accept the Engineer's Report on the NPDES Program for the Santa Margarita 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. F2016-11

ACCEPTING THE ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR THE SANTA MARGARITA 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.

[Signature]
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
[Signature]
BY: **Steven C. Hoff**

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: *[Signature]*
Deputy

Prev. Agn. Ref.: | **District:** 1st/3rd/5th | **Agenda Number:**

11-3

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* 5/16/16
DATE: GREGORY P. PRIAMOS

Departmental Concurrence

FISCAL PROCEDURES APPROVED
BY: *[Signature]* 6/10/16
JEANINE J. REY, FINANCE DIRECTOR

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

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

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

DATE: June 7, 2016

PAGE: Page 2 of 2

BACKGROUND:

Summary (Continued)

The Santa Margarita Watershed Benefit Assessment Area was established on May 14, 1991 by the adoption of Resolution No. F91-22 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 \$4.00 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

P8/204377

BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

RESOLUTION NO. F2016-11

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

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

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

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

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

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

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

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

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

APPROVED COUNTY COUNSEL
5-16-16
DATE
ARON C. GETTIS

1
2 WHEREAS, the voters of California on November 5, 1996, approved Proposition No.
3 218 which added Article XIID to the California Constitution ("Article XIID") effective
4 November 6, 1996; and

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

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

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

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

16 Section 3. The Report proposes that the Benefit Assessment to be levied on all parcels
17 within the Santa Margarita Watershed Benefit Assessment Area, as described in Ordinance No.
18 14, in Fiscal Year 2016-17 is equal to or less than the Benefit Assessment that was enrolled and
19 levied for Fiscal Year 1996-97 and all subsequent years.

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

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

25 Clerk of the District's Board
26 County Administrative Center
27 4080 Lemon Street, 1st Floor
28 Riverside, California

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

City of Temecula
41000 Main Street
Temecula, California

City of Murrieta
1 Town Square
Murrieta, 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

1 Engineer is to cause said notice to be posted in at least three public places within the boundaries
2 of the Santa Margarita Watershed Benefit Assessment Area at least seven (7) days prior to the
3 date of the hearing.

4 Section 7. This resolution shall take effect upon its adoption.
5
6

7 ROLL CALL:

8 Ayes: Jeffries, Washington and Benoit

9 Nays: None

Absent: Tavaglione and Ashley

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

12 KECIA HARPER-IHEM, Clerk of said Board

13 By 

14 Deputy

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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 MARGARITA WATERSHED
BENEFIT ASSESSMENT AREA
JUNE 2016

JASON UHLEY
General Manager-Chief Engineer



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- APPENDIX A – Proposed NPDES Program Budget (FY 2016-2017)**
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- APPENDIX C – Map of Santa Margarita Watershed
Benefit Assessment Area (SMWBAA)**
- APPENDIX D – SMWBAA 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, EPA 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 EPA 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 Margarita Region (SMR), the District, along with the County of Riverside (County) and the City of Temecula (Co-Permittees), obtained an "early"¹ NPDES Permit from the CRWQCB - San Diego Region (Regional Board) on June 16, 1990 (First-term SMR Permit). The Regional Board added the then newly incorporated City of Murrieta as a Co-Permittee to the Permit on May 18, 1992. This first-term SMR NPDES Permit was considered a "Developmental Permit". The Co-Permittees were authorized to continue discharging stormwater from their MS4 while developing various elements of an area-wide stormwater management program. The Permit identified the District as Principal Permittee, and the County and cities of Temecula and Murrieta as Co-Permittees (collectively, the Principal Permittee and Co-Permittees comprise the Riverside County Permittees). The area-wide stormwater management program was documented in the 1993 Drainage Area Management Plan (1993 DAMP).

Although the first-term SMR Permit "expired" on June 16, 1995, its provisions remained in effect in accordance with the applicable provisions of the NPDES Permit Program regulations until reissuance. The Regional Board adopted a second-term SMR NPDES Permit (Board Order 98-02) on May 13, 1998. However, EPA Region IX raised an objection to specific language that was included in Board Order 98-02 at the direction of the SWRCB. Region IX subsequently took action to issue its own NPDES Permit (CAS0108766) in accordance with the Memorandum of Agreement between Region IX and the SWRCB and the Phase I NPDES MS4 regulations at 40 CFR123.44 (h). On June 25, 1999, Region IX "returned" the NPDES Permit which it had issued to the Regional Board for implementation. On November 8, 2000, the Regional Board

¹ The term "early" is used to indicate permits that were issued prior to the promulgation of the final USEPA rules for permitting municipal stormwater discharges [40CF122.26, November 1990].

issued Addendum No. 1 to Board Order No. 98-02, which incorporated, by reference, the EPA NPDES Permit into their Board Order.

In general, both Board Order No. 98-02 and the EPA NPDES Permit validated the Riverside County Co-Permittees' overall stormwater management efforts by incorporating the major elements of the 1993 DAMP and other stormwater management program elements that the Co-Permittees had subsequently developed. However, both Board Order 98-02 and the EPA NPDES Permit imposed additional programs and activities that the Riverside County Co-Permittees were required to implement in accordance with specified time schedules in order to achieve compliance with Board Order No. 98-02, the EPA NPDES Permit, and the CWA. Board Order 98-02 expired on November 30, 2003. The Riverside County Co-Permittees submitted a Report of Waste Discharge (ROWD) to the Regional Board on May 30, 2003, requesting renewal of the SMR Permit. On June 14, 2004, the Regional Board adopted Board Order No. R9-2004-001, the third-term SMR Permit.

The third-term SMR Permit required several additional or expanded program elements, such as strict control on new developments, expanded construction, industrial and commercial inspection programs, and a new emphasis on water quality monitoring and program effectiveness evaluations. Compliance programs were developed or expanded to address the third-term SMR Permit between June 2004 and June 2005.

The Riverside County Co-Permittees submitted a ROWD to the Regional Board on January 15, 2009, requesting renewal of the SMR Permit by the Regional Board. The Regional Board responded to the ROWD and permit renewal process on February 18, 2010. The District and Riverside County Co-Permittees worked with the Regional Board to develop the fourth-term SMR Permit which was adopted on November 10, 2010 (2010 Permit), and included the newly incorporated City of Wildomar as a Permittee.

From 2012 to 2015, although regulated under the 2010 Permit at the time, the Riverside County Co-Permittees coordinated with the San Diego County and South Orange County Permittees in responding to Regional Board staff proposals in their development of a Regional NPDES Permit (Regional MS4 Permit). The Regional MS4 Permit required a paradigm shift from traditional jurisdiction-based Permit requirements to watershed based, outcome oriented requirements. The Regional MS4 Permit was adopted in May 2013; in May of 2015, the Riverside County Co-Permittees submitted a ROWD requesting renewal of the SMR Permit. The Regional MS4 Permit regulates Co-Permittees within San Diego and Orange Counties, and as of January 7, 2016, now regulates Riverside County Co-Permittees.

Since issuance of the first-term SMR Permit in 1990, the Riverside County Co-Permittees' Stormwater Management Program has been guided by the following principles:

1. Utilize existing Co-Permittee departments/programs to meet NPDES Permit requirements whenever possible.
2. Minimize duplication of effort through coordinated Co-Permittee compliance actions.
3. When necessary, develop new or expanded stormwater management programs that are both cost-effective and acceptable to the public.

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

As Principal Permittee, the District is required to coordinate MS4 permit activities, and facilitate collaboration on development and implementation of programs 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 NPDES permit provisions), while expenses associated with collecting water samples and laboratory analysis may vary according to the amount of rainfall occurring in a given year or in response to certain information requests from the Regional Board. Costs associated with the development, production, and distribution of public education materials are not always incurred on a fiscal year basis. Occasionally, additional consultant and/or legal services may be needed to assist the District with the development of a particular Permit requirement or program activity. Also, certain activities or programs may be expanded or curtailed from time to time and, occasionally, new programs or activities must be developed and implemented.

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

² Section G, Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100

APPORTIONMENT METHODOLOGY

SMWBAA 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 and use classification. A single-family residential structure on a 7,200 square foot 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 SMWBAA that are used for agricultural purposes are exempt 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 SMWBAA. 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 \$4.00 per BAU. Following is a summary of FY 2015-2016 assessments:

Rate	Billed Parcels	BAUs	Assessments	Corrections	Amount Paid*
\$4.00	85,354	136,131	\$549,490	\$0.00	\$542,621

* Through April 30, 2016

Property owners may request a review of their assessment(s) by contacting the District. District staff considers each request by reviewing information such as assessor's parcel maps, aerial photographs, and, when necessary, conducting site visits. The Auditor/Controller is notified of any needed corrections and a new tax bill is issued or, in cases where the assessment has been paid, a refund is made. Last year, there were no corrections processed.

RECOMMENDED BENEFIT ASSESSMENT RATES (FY 2016-2017)

The District recommends that for FY 2016-2017, the SMWBAA assessment rate remain unchanged at \$4.00 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	Commercial, Industrial	12	\$48.00/acre
B	Apartments/Mobile Home Parks, Churches and Schools	9	\$36.00/acre
C	Single-family Residential	6**	\$24.00/acre
D	Agricultural/Vacant Undeveloped	Exempt	\$0.00/acre
E	Golf Courses	0.10	\$0.40/acre
F	Undeveloped Portions of Parcels	0.05	\$0.20/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 \$4.00 per BAU is as follows:

Rate	Parcels*	BAUs	Assessment*	Projected Revenue**
\$4.00	85,354	136,131	\$549,490	\$522,015

* Based on FY 2015-2016 Assessor's information

** Assumes a 5.0% delinquency rate

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

During the early years of the NPDES Program, there were many uncertainties regarding startup costs (consultant costs, amount of 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 reducing the fund balance by maintaining the current assessment rate while sustaining expenditure levels that are slightly above projected revenues. It should also be noted here that the current trend in California is toward more stringent regulation of municipal stormwater runoff, and with the newly effective Regional MS4 Permit, it is expected that the District's NPDES Permit compliance costs will increase significantly in FY 2016-2017, and in the coming years.

ASSESSMENT ROLL

The SMWBAA Assessment Roll provides a listing by Assessor's Parcel Number of the proposed FY 2016-2017 Benefit Assessment to be levied on each parcel of property in the SMWBAA. The Assessment Roll is identified as Appendix D and incorporated herein by this reference. This Engineer's Report along with the SMWBAA 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 Murrieta
1 Town Square
Murrieta, CA 92562

City of Temecula
41000 Main Street
Temecula, CA 92590

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

NPDES PROGRAM HIGHLIGHTS (FY 2015-2016)

The following tasks were accomplished or are ongoing for the year ending June 30, 2016 in compliance with the 2010 Permit:

- A. The Riverside County Co-Permittees worked with Orange and San Diego County Co-Permittees and Regional Board staff in development of final revisions to the Regional MS4 Permit. On November 18, 2015, Order No. R9-2013-0001 was amended by Order No. R9-2015-0100, to enroll the Riverside County Co-Permittees into the Regional MS4 Permit.
- B. Pursuant to Provision B of the Regional MS4 Permit, the Riverside County Co-Permittees began planning and development of the SMR Water Quality Improvement Plan (WQIP). The WQIP is a watershed-based plan that addresses the entire SMR, including land area and facilities within the jurisdiction of the Riverside County Co-Permittees, City of Menifee, and the County of San Diego), in which Co-Permittees must assess all watershed streams and known pollutant sources, prioritize water quality issues, and then set forth an adaptive management process to implement strategies to address the highest priority issues. Development of the WQIP will be a transparent process which involves extensive collaboration with watershed stakeholders and the public. The final WQIP is due for submittal to the Regional Board on January 7, 2018.
- C. Worked collaboratively with the Riverside County Co-Permittees, the City of Menifee, and the County of San Diego to draft and execute a Regional Permit Implementation Agreement which sets forth responsibilities and cost share procedures for development of the SMR WQIP and implementation of Regional Permit requirements within the SMR Watershed Management Area (SMR WMA).
- D. Continued to implement the Standard Stormwater Mitigation Plan (SSMP) (referred to by the Riverside County Co-Permittees as a Water Quality Management Plan or WQMP), Template and Guidance document for new development, in accordance with the 2010 Permit and comments from Regional Board staff. The SSMP requires developers to submit a project-specific SSMP for qualified new development and redevelopment projects, and identifies water quality impacts of the proposed development, and mitigation measures for those impacts. The Regional Board required revision of the SSMP to incorporate an increased focus on low impact development (LID) design practices and BMPs.
- E. Continued to implement the SMR Hydromodification Management Plan (HMP). The SMR HMP was developed by the Riverside County Co-Permittees in response to Provision F.1.h of the 2010 Permit to manage increases in runoff discharge rates and durations from Priority Development Projects (PDPs). Hydrologic and sediment supply performance standards that will support maintenance of geomorphic stability in channels receiving runoff from PDPs were developed in this process. The final draft HMP was submitted to the Regional Board on July 11, 2014, at which time the Riverside County Co-Permittees began implementation. Training seminars were held for Co-Permittee staff and the development community in June, August, and December 2014. These seminars focused on HMP requirements and how to implement the HMP into development and redevelopment projects.
- F. Continued implementation of, and performed periodic updates to the SMR Hydrology Model (SMRHM). The SMRHM became effective on July 11, 2014. The SMRHM is a

tool that provides continuous simulation of peak flow runoff rates, from 10% of the 2-year runoff event up to the 10-year runoff event for PDPs. The software is a Hydrologic Simulation Program FORTRAN (HSPF) model that allows users to demonstrate compliance with the HMP performance standards through an interactive graphic user interface.

- G. Revised the SMR HMP Monitoring Plan and began monitoring for hydromodification impacts within the SMR. The watershed stakeholders were consulted during revision of the plan, including the Regional Board. The plan features monitoring and assessing two streams in the SMR over time; data gathered will be used in monitoring efforts required under the Regional MS4 Permit, and will also be provided to several watershed stakeholders for use in special studies and/or stream restoration projects.
- H. Completion of the monitoring for the Agricultural, Federal, Tribal and State Sources Special Study and conducted the second and final year of monitoring. The goal of this Special Study is to assess the water quality of stormwater runoff from agricultural, federal, tribal and state target source areas. These source areas are not under the jurisdiction of, and cannot be regulated by the Riverside Co-Permittees, but may be subject to regulation by the Regional Board. The objective of the Special Study was to determine the type, quantity and estimated loading of pollutants in these discharges during storm flow conditions. Based upon the two years of monitoring data, the pollutant concentrations were characterized for the target source inputs. In terms of analytes that exceeded water quality criteria, the results were relatively similar by target source input for both monitored years. Among the three target input areas sampled, agriculture input areas had the greatest quantity of discharge to the Santa Margarita Region over the two year study.
- I. Completion of a study assessing potential sources of iron and manganese contributing to exceedances of water quality objectives (WQOs) in the Santa Margarita Watershed. The purposes of the study was to begin developing an understanding of the predominant sources of iron and manganese in surface waters in the SMR and evaluate whether MS4 discharges are more or less important to iron and manganese concentrations than the background levels contributed by the geological characteristics of receiving waters. The study found that natural water quality conditions in the SMR can lead to iron and manganese concentrations substantially higher than WQOs. Such exceedances in the SMR are strongly associated with watershed geology. Iron and manganese exceedances in the SMR are primarily a wet weather flow-based management concern. In general, iron and manganese concentrations meet WQOs during dry weather conditions and because the receiving waters are predominantly ephemeral in nature; rising groundwater in the lower reaches near the confluence with Santa Margarita River is the primary source of dry weather exceedances. Further supporting this observation is the fact that the MS4 is hydrologically disconnected from the receiving waters during dry weather conditions. Trends in iron and manganese concentrations indicate that the conditions are improving with time. The decrease in concentrations suggests that source contributions appear to be decreasing and are relatively small compared to the natural contributions resulting from geologic characteristics.
- J. Continued proactive efforts to inform regulators and policy makers by working with the Permittees to provide comment on various draft policy and legislation which have potential to shape District, County, and Co-Permittee MS4 Permit compliance activities.

- K. Continued partnership and support in the Upper Santa Margarita Watershed Integrated Regional Watershed Management Group (USIMRWMG). The Regional Watershed Management Group (RWMG) involves multiple agencies, stakeholders, individuals and groups, and collaborates to apply for Propositions 1 and 84 grant funding through the Upper Santa Margarita Watershed Integrated Regional Watershed Management Plan (IRWMP) for planning projects within the SMR that would additionally help provide funding for compliance activities required by the 2010 Permit and Regional MS4 Permits.
- L. Continued to chair the Santa Margarita Technical Advisory Committee comprised of Riverside County Co-Permittees, Regional Board staff, and interested parties. The Riverside County Co-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 Co-Permittee actions to achieve compliance with the NPDES MS4 Permit.
- M. Continued financial support to area-wide stormwater pollution prevention programs, such as the Household Hazardous Waste (HHW) temporary and permanent collection events and the "ABOP" (Anti-freeze, Batteries, Oil, and Paint) Program.
- N. Developed, prepared, and submitted a comprehensive District Jurisdictional Runoff Management Plan (JRMP) Annual Report to the Regional Board.
- 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 Permit. Compliance with this Permit is required for vegetation control activities which utilize application of aquatic herbicides on District facilities. Vegetation control is an essential part of the District's routine maintenance activities in order to ensure that its facilities continue to provide the design level of flood protection to which they were constructed and minimize or prevent loss of life and property. Compliance with the Aquatic Weed Control Permit includes maintaining an aquatic pesticide application plan, implementing BMPs to minimize potential impacts from use of herbicides, monitoring for impacts to water quality, and submittal of an annual report to the Regional Board and State Water Board.
- Q. Continued collection and analysis of water quality samples in accordance with the 2010 Permit and 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. Dry weather stream assessment at designated receiving water stations, and mass load sampling of three monitoring stations during three winter storms continues to be conducted.
- R. In June 2012, the CMP was revised to address the monitoring efforts that will be implemented to comply with the County's three MS4 Permits. Since then the CMP (Volume III - Santa Margarita Region Monitoring Plan) has been updated to reflect refined programmatic adjustments, such as lessons learned in each monitoring year, global revisions to provide standardization and clarity, updates of key staff assignments, and

improvements to sampling procedures. In July 2014, said updates included continued data collection for the Riverside County Co-Permittees' SMR perennial stream segment characterization and working with the contracted laboratories to improve quality assurance and quality control (QA/QC). Since then, only minor errata were conducted as of November 2014 to provide clarity of dry weather field sampling procedures. The 2014 CMP updates are applicable to the 2014-2015 monitoring year. The CMP includes procedures for collection and analysis of water quality samples at MS4 outfalls and receiving waters sites for a variety of constituents, and includes reference to additional monitoring components that are required by the MS4 Permits.

- S. Continued participation in the Stormwater Monitoring Coalition (SMC), a regional monitoring group comprised of Southern California Phase 1 Municipal NPDES Permit holders whose focus is developing effective, meaningful stormwater quality monitoring techniques. This 2009–2013 regional effort involved the participation of approximately 20 public agency participants. It included the stratification of 15 watersheds for the overall south coast region of California, spanning 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 Watershed 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 coordination with the SMC on a five-year southern California bioassessment monitoring program.
- U. Continued active participation in the California Stormwater Quality Association (CASQA). On behalf of the Riverside County Co-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.
- V. 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.
- W. Continued presentation of semi-annual municipal employee stormwater training programs. These training classes focus on the requisite knowledge for properly implementing the JRMP, WQMP, and HMP. The training classes also 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 Riverside County Co-Permittees.

- X. 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.
- Y. Continued to chair the Public Education Subcommittee. Meetings include Co-Permittee representation from each watershed to review elements of regional public education programs and program materials.
- Z. 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 to add more usable and interactive data. The new webpage provides information for the general public, Permittees, regulators, and in-house personnel.
- AA. 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.
- BB. 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 Regional Board enrolled the Riverside County Co-Permittees into the Regional MS4 Permit on November 18, 2015; the Permit became effective for the Co-Permittees on January 7, 2016. Upon the Regional MS4 Permit's effective date, a two-year timeline began in which the SMR WMA WQIP must be developed and submitted for Regional Board approval; additionally, the HMP, SSMP, and JRMP are all required to be updated and submitted. Each of these Regional MS4 Permit compliance documents will require public and stakeholder participation, review and comment, and extensive coordination with other WMA entities including the Riverside County Co-Permittees, County of San Diego and City of Menifee. The WQIP is a major undertaking and it is anticipated that it may have significant impacts on Co-Permittee resources.

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

NPDES Permit Compliance Document Development Submittal

Pursuant to Regional MS4 Permit requirements, the Co-permittees in the SMR WMA (Riverside County Co-Permittees, County of San Diego and City of Menifee) have designated the District to be the Principal Watershed Co-Permittee for the SMR WMA; this means that in addition to assuring its own compliance with the Regional MS4 Permit, the District is also responsible for serving as liaison between WMA co-permittees and the Regional Board, and facilitating development and coordinating submittal of the primary Permit compliance documents for the WMA. Regional MS4 Permit compliance documents which are currently being developed, including dates for submittal to the Regional Board are as follows:

- Transitional JRMP Annual Reports – Due annually by October 31st
- Transitional Monitoring Annual Reports – Due annually by January 31st
- ROWD – Due December 29, 2017
- Regional Monitoring and Assessment Report – Due December 29, 2017
- SMR WMA WQIP – Due January 7, 2018
- Revised JRMP – Due January 7, 2018
- Revised WQMP – Due January 7, 2018
- Revised HMP - Due January 7, 2018
- Revised BMP Design Manual – Due January 7, 2018

Pursuant to the Regional MS4 Permit, until the WQIP for the SMR has been approved by the Regional Board, the Riverside County Co-Permittees will continue implementing their 2010 Permit compliance programs and plans. Costs to coordinate and develop the above stated plans and reports are anticipated to be significant; the District's share of the cost for developing these compliance documents will include SMWBAA funds.

SMR WMA WQIP

The WQIP proposes to address water quality issues within the SMR WMA in a systematic fashion which is prescribed by the Regional MS4 Permit. As previously mentioned, development of the WQIP requires public and stakeholder participation, review and comment, and extensive coordination with other WMA entities including the Riverside County Co-Permittees, County of San Diego and City of Menifee. Moreover, it will involve a complete assessment of watershed streams and outfalls, pollutant sources, extensive mapping, modeling of pollutant loads, and development of strategies for addressing the SMR WMA's water quality issues. A monitoring program and an adaptive management process will also be developed. The

WQIP is to serve as the cornerstone Regional MS4 Permit compliance document going forward into subsequent MS4 Permit terms.

Because the planning, mapping and modeling efforts required for development of the WQIP are extensive, and require specialized knowledge and expertise, the Riverside County Co-Permittees have elected to seek consultant support in development of the WQIP.

Individual JRMPS

The District will continue to implement a JRMP that describes its specific runoff management programs and activities.

HMP Implementation

In accordance with 2010 Permit and Regional MS4 Permit requirements, the Riverside County Co-Permittees developed a HMP to manage increases in runoff discharge rates and durations from certain Priority Development Projects. The HMP requires projects to have estimated post-project runoff discharge rates and durations that do not exceed pre-development discharge rates and durations. Modeling software, called the Santa Margarita Region Hydrology Model (SMRHM), was developed and finalized to perform the necessary calculations to estimate pre-development and post-project runoff discharge rates. Implementation of the HMP and SMRHM will continue in FY 2016-2017.

Aquatic Weed Control Permit Compliance

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

MS4 Program Management

As Principal Watershed Co-Permittee, the District conducts certain activities to coordinate the efforts of the other WMA Co-Permittees, and facilitates regional compliance with certain aspects of the Regional MS4 Permit on behalf of the Riverside County Co-Permittees. These activities include chairing quarterly meetings of the SMR WMA Workgroup, administration of area-wide programs (e.g., public education, household hazardous waste collection, hazardous material spill response, stormwater sample collection and analysis), program development and preparation of the Transitional JRMP Annual Report and Monitoring 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 Riverside County Co-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, outdoor cleaning businesses, and other commercial and industrial activities that are potential sources of stormwater pollution.

Training for Municipal Employees

Municipal training programs 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 HMP, 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 Riverside County Co-Permittees provide financial support to the County Department of Waste Resources to support ongoing permanent and mobile HHW collection events, and operation of the "ABOP" (Antifreeze, Batteries, used motor Oil, and latex Paint) Program, all of which provide local residents with opportunities to properly dispose of HHW.

Water Quality Monitoring

On behalf of the Riverside County Co-Permittees, the District will conduct wet weather sample collection from receiving water and outfall monitoring stations in accordance with the Regional MS4 Permit's Transitional Monitoring and Assessment Program until the WQIP is developed and adopted. The Monitoring and Reporting Program requirements under the 2010 Permit will be completed during FY 2015-2016.

The Riverside County Co-Permittees have also been participating in a study to develop Numeric Nutrient Endpoints for a Santa Margarita River Nutrient Total Maximum Daily Load (TMDL).

As required by the Regional MS4 Permit, during the transitional period the Riverside County Co-Permittees will work to identify and develop Special Studies work plans that are intended to be in alignment with addressing the high priority water quality conditions in the SMR under the WQIP.

Consolidated Monitoring Program

The District updated the Consolidated Monitoring Program (CMP) to describe the monitoring efforts that were implemented to comply with the 2010 Permit; during FY 2015-2016, these monitoring efforts were implemented. The CMP describes monitoring requirements in the SMR, including:

- Expansion of the IC/ID Program to require implementation of a more rigorous and proactive detection and elimination program based action levels. This includes development and implementation of Co-Permittee specific schedules to conduct systematic investigations of MS4 facilities and outfalls with a diameter of 36 inches or larger to receiving waters as well as industrial areas tributary to outfalls with a diameter 18 inches or larger and with specified acreage as outlined in the 2010 Permit;
- Stream assessment monitoring which is comprised of chemistry, bioassessment (e.g., physical habitat, benthic macroinvertebrate community assessment, algae assessment), and toxicity sampling;
- High Priority Inland Aquatic Habitat monitoring; and
- Five special monitoring studies.

These monitoring efforts, which are unique to the Santa Margarita Watershed, will continue to be implemented during FY 2016-2017.

CONCLUSIONS AND RECOMMENDATIONS

The area-wide Municipal Stormwater Program for the Santa Margarita Watershed has been implemented in an efficient, cost-effective manner through the ongoing cooperative efforts of the District, the Riverside County Co-Permittees, the Regional Board, the Riverside County Fire Department, and Riverside County Department of Waste Resources. The District's NPDES Program activities, which are funded by these SMWBAA assessments, are required to comply with the Regional MS4 Permit and enforceable provisions of the California Water Code and the Federal Clean Water Act, which regulate the discharge of stormwater from MS4s. 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 Margarita Watershed Benefit Assessment Area at an unchanged rate of \$4.00 per benefit assessment unit for FY 2016-2017.

P8/204767

GLOSSARY

ABOP –Anti-freeze, Batteries, Oil and Paint

BAU – Benefit Assessment Unit

BMP – Best Management Practice

CASQA– California Stormwater Quality Association

CMP – Consolidated Monitoring Program

CRWQCB – California Regional Water Quality Control Board

CWA - Clean Water Act

District – Riverside County Flood Control and Water Conservation District

FY – Fiscal Year

HAZMAT Team –Hazardous Materials Emergency Response Team

HHW – Household Hazardous Waste

HMP – Hydromodification Management Plan

IRWMP - Integrated Regional Watershed Management Plan

JRMP – Jurisdictional Runoff Management Plan

LID – Low Impact Development

MS4 – Municipal Separate Storm Sewer System

MRP – Monitoring and Reporting Program

NPDES – National Pollutant Discharge Elimination System

Board Order No. R9-2004-001 – An Order of the California Regional Water Quality Control Board – San Diego Region to regulate stormwater discharges from municipal stormwater facilities owned or operated by the District, County of Riverside, or the cities of Murrieta and Temecula.

Board Order No. R9-2010-0016 - An Order of the California Regional Water Quality Control Board – San Diego Region to regulate stormwater discharges from municipal stormwater facilities owned or operated by the District, County of Riverside, or the cities of Murrieta, Temecula and Wildomar.

Board Order No. R9-2013-0001- See Regional MS4 Permit

Regional Board – San Diego Regional Water Quality Control Board

Regional MS4 Permit - An Order of the California Regional Water Quality Control Board – San Diego Region to regulate stormwater discharges from municipal stormwater facilities owned or operated by the District, County of Riverside, cities of Murrieta, Temecula or Wildomar, County of San Diego and all incorporated cities, and County of Orange and named incorporated cities.

ROWD – Report of Waste Discharge

SA – Santa Ana

SAWPA – Santa Ana Watershed Project Authority

SMC – Stormwater Monitoring Coalition

SMR – Santa Margarita Region of Riverside County

SMRHM – Santa Margarita Region Hydrology Model

SMWBAA – Santa Margarita Watershed Benefit Assessment Area

SWRCB – State Water Resources Control Board

SSMP – Standard Stormwater Mitigation Plan; same as WQMP

TMDL – Total Maximum Daily Load

USEPA –Environmental Protection Agency

USMRWMG - Upper Santa Margarita Watershed Regional Watershed Management Group

WQMP - Watershed Quality Management Plan; same as SSMP

WQIP - Water Quality Improvement Plan

WQO – Water Quality Objective

APPENDIX A

Proposed NPDES Program Budget (FY 2016-2017)

APPENDIX A

**SANTA MARGARITA WATERSHED BENEFIT ASSESSMENT AREA
PROPOSED NPDES PROGRAM BUDGET (FY 2016-2017)**

STAFFING	
General Staff Salaries and Benefits	\$711,348
Staff Standby/Differential/Overtime Pay	<u>18,000</u>
Subtotal	\$729,348
ADMINISTRATION & OVERHEAD	
Administration & Overhead	\$209,957
County Counsel Services	6,000
Equipment Lease / Rental	1,000
Vehicle Mileage	7,000
Photocopying / Reproduction	270
Miscellaneous (Photography, Communications, Supplies, etc.)	<u>10,020</u>
Subtotal	\$234,247
GENERAL CONSULTANT SERVICES	
Technical / Regulatory Support	\$543,000
Benefit Assessment Services	<u>3,250</u>
Subtotal	\$546,250
PUBLIC EDUCATION PROGRAM	
Education Program: Staff / Contract Services / Presentations	\$41,400
Education Program: Production / Materials / Media	<u>37,200</u>
Subtotal	\$78,600
WATER QUALITY MONITORING PROGRAM	
Staff Time / Laboratory Services / Monitoring / Reporting	\$485,400
Small Tools & Equipment	<u>30,300</u>
Subtotal	\$515,700
POLLUTION PREVENTION PROGRAMS	
Household Hazardous Waste Program (Department of Waste Resources)	\$30,000
Integrated Regional Water Mgmt. - RCWD	40,000
SMC 5yr Agreement	10,000
NNE Cooperative Projects	<u>20,000</u>
Subtotal	\$100,000
PROGRAM SUBTOTAL	\$2,204,145
CONTINGENCY (10%)	\$220,415
Assessor's/Treasurer's Office Line Item Charges (\$0.41/parcel)	\$34,995
County Fee for Annual Submittal	<u>\$130</u>
TOTAL EXPENDITURES	\$2,459,685
FUND BALANCE FROM FY 2015-2016 (est.)	\$2,735,836
PERMITTEE REIMBURSEMENTS	\$1,768,553
PROJECTED REVENUE	<u>\$549,490</u>
CASH AVAILABLE	\$5,053,879
PROJECTED FUND BALANCE	\$2,594,194

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

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

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

28 ////

ARTICLE II

DEFINITIONS

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

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

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

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

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

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

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

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

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

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 *William C. Katzenstein*
20 Chairman

21 ATTEST:
22 GERALD A. MALONEY, Clerk

23 *Bernice May*
24 DEPUTY

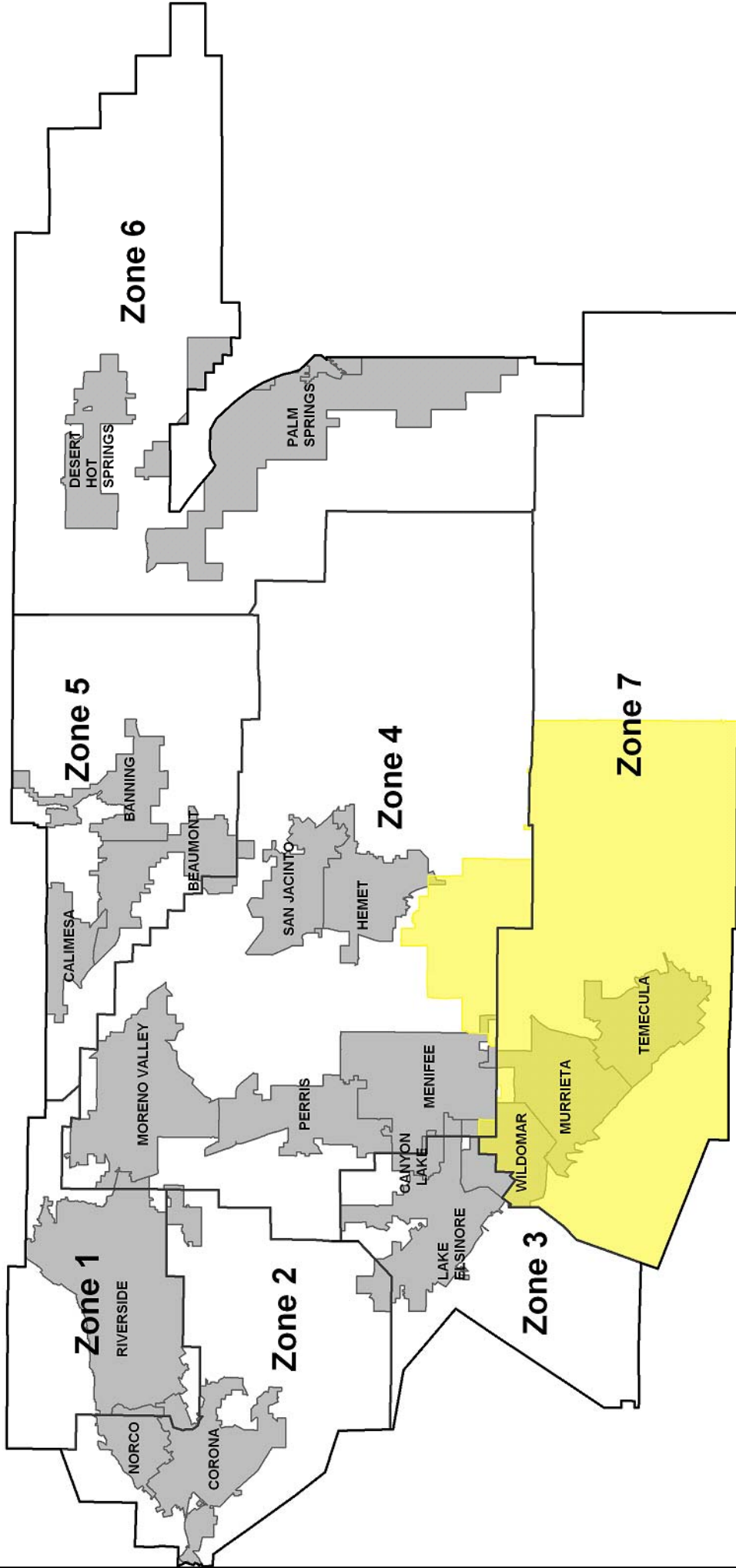
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APPENDIX C

Map of Santa Margarita Watershed Benefit Assessment Area

Riverside County Flood Control & Water Conservation District

Map of Santa Margarita Watershed Benefit Assessment Area



 - Santa Margarita Watershed Benefit Assessment Area (SMWBAA)

APPENDIX C

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

APPENDIX D

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