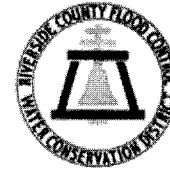


**SUBMITTAL TO THE FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM
11.2
(ID # 7207)

FROM : FLOOD CONTROL DISTRICT:

MEETING DATE:
Tuesday, June 12, 2018

SUBJECT: FLOOD CONTROL DISTRICT: Adopt Resolution F2018-09 – Accepting the Engineer's Report and Setting the Date of the Public Hearing for the NPDES Program Whitewater Watershed Benefit Assessment Area, Districts 3, 4 and 5. [\$0] (CLERK TO ADVERTISE)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Accept the Engineer's Report on the National Pollutant Discharge Elimination System (NPDES) Program for the Whitewater Watershed Benefit Assessment Area, dated June 2018; 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 17, 2018, at a regular meeting of the Board; and
3. Adopt the following entitled resolution:

RESOLUTION NO. F2018-09
ACCEPTING THE ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR THE
WHITEWATER WATERSHED BENEFIT ASSESSMENT AREA PURSUANT TO ORDINANCE
NO. 14 PROVIDING FOR THE ESTABLISHMENT AND LEVY OF BENEFIT ASSESSMENTS
FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
STORMWATER PROGRAM

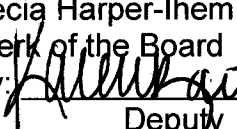
ACTION: Policy, Clerk to Advertise, Set for Hearing


Bob Cullen, Assistant Chief Engineer 6/17/2018

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended, and is set for public hearing Tuesday, July 17, 2018 at 9:00 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: June 12, 2018
xc: Flood, COB

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY 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

BACKGROUND:

Summary

The Whitewater Watershed Benefit Assessment Area was established on May 14, 1991 by the adoption of Resolution No. F91-23 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 2018-19 is \$3.63 per Benefit Assessment Unit; this is equal to the Benefit Assessment that was enrolled and levied for Fiscal Year 1996-97 and all subsequent years.

ATTACHMENTS:

1. WW BA Engineer's Report FY 2018-19
2. WW BA Resolution No. F2018-09

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



Jeanine Rey, Finance Director

5/31/2018



Jason Farin, Senior Management Analyst

6/5/2018



Gregory V. Priaplos, Director County Counsel

5/31/2018

BOARD OF SUPERVISORS

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

RESOLUTION NO. F2018-09

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

WHEREAS, the California Regional Water Quality Control Board - Colorado River Basin
Region, on behalf of the Federal Environmental Protection Agency ("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 ("NPDES Permit") to the Riverside County Flood Control
and Water Conservation District ("District"), the County of Riverside and certain cities within the
Whitewater Watershed that are within the District's jurisdiction, and has named the District as the
"Principal Permittee"; and

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

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

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

FORM APPROVED COUNTY COUNSEL
BY: AC 5-25-18 DATE
AARON C. GETTIS

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 NPDES 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 ("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 ("Report") with the Clerk of the Board of Supervisors; and

WHEREAS, the Chief Engineer has caused a report to be prepared and filed with the Clerk of the Board of Supervisors regarding the Benefit Assessment to be levied for the 2018-19 Fiscal Year for the Whitewater Watershed Benefit Assessment Area; and

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

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

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

BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of Supervisors of the Riverside County Flood Control and Water Conservation District in regular session assembled on the 12th day of June 2018 as follows:

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

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

Section 3. The Report proposes that the Benefit Assessment to be levied on all parcels within the Whitewater Watershed Benefit Assessment Area, as described in Ordinance No. 14, in Fiscal Year 2018-19 is equal to or less than the Benefit Assessment that was enrolled and levied for Fiscal Year 1996-97 and all subsequent years.

Section 4. The public hearing on the Report is to be held at 9:00 a.m. or soon thereafter on Tuesday, July 11, 2018 in the meeting room of the District's Board of Supervisors which is located at 4080 Lemon Street, 1st Floor, Riverside, California.

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

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

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

City of Banning
99 East Ramsey Street
Banning, California

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

Section 6. The Clerk of the Board of Supervisors is to cause a notice to be prepared by the Chief Engineer to be published in The Desert Sun once a week for two (2) 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 (3) public places within the boundaries of the Whitewater Watershed Benefit Assessment Area at least seven (7) days prior to the date of the hearing.

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

2
3 **RESOLUTION NO. F2018-09**

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

9
10 **ADOPTED** by Riverside County Board of Supervisors on June 12, 2018

11 **ROLL CALL:**

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14 **Ayes:** Jeffries, Tavaglione, Washington, Perez and Ashley
15 **Nays:** None
16 **Absent:** None

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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

06.12.18 11.2

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

NOTICE IS HEREBY GIVEN that, a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, acting as the governing board of the Riverside County Flood Control and Water Conservation District, County Administrative Center, 4080 Lemon Street, Riverside, California, on July 17, 2018 at 9:00 a.m. or soon thereafter, relative to the Flood Control Engineer's Report on the NPDES Program for the Whitewater Watershed Benefit Assessment Area. The Board will hear and consider all protests with regard to the program, if any, including protests with regard to the amount of the proposed assessment to be levied. At the conclusion of the hearing, the Board may adopt, revise, change, reduce, or modify any assessment and shall make its determination upon each assessment described in the report for Fiscal Year 2018-19.

NOTICE IS FURTHER GIVEN that, pursuant to statutory authorization, a written report by the Chief Engineer of the District describing the Benefit Assessment Program has been filed with the Clerk of the District's Board. The report contains a description of each parcel of property within the boundaries of the Whitewater Watershed Benefit Assessment Area of the District on which a benefit assessment is proposed to be levied, and sets forth the amount of the proposed benefit assessment for each such parcel. The report contains a schedule of the benefit assessment rates for the 2018-19 Fiscal Year. Copies of the report, together with copies of the assessment rolls for the Whitewater Watershed Benefit Assessment Area and the official Riverside County Assessor's Map Books, are on file and available for review by the public at the office of the Clerk of the District's Board at the County Administrative Center, 4080 Lemon Street, Riverside, California; the District's office at 1995 Market Street, Riverside, California; the City of Banning, 99 E. Ramsey Street, Banning, California; and the City of Palm Springs, 3200 E. Tahquitz Canyon Way, Palm Springs, California. By reference to the Chief Engineer's report, the assessment rolls, and the map books, each property owner may verify the area of his or her parcel, its land use, and the amount of the 2018-19 Benefit Assessment.

NOTICE IS FURTHER GIVEN THAT the proposed benefit assessment rate for Fiscal Year 2018-19 is the same benefit assessment rate as Fiscal Year 1996-97 and all subsequent years.

BY ORDER OF THE BOARD OF SUPERVISORS:

Dated: _____

June 12, 2018

KECIA HARPER-IHEM
Clerk of the District's Board

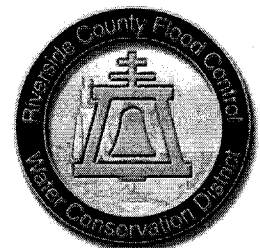
By: _____

Deputy

Karen Barton

ENGINEER'S REPORT
TO THE
BOARD OF SUPERVISORS
OF THE
RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
ON THE
NPDES PROGRAM
FOR THE
WHITEWATER WATERSHED
BENEFIT ASSESSMENT AREA
JUNE 2018

Jason Uhley
General Manager-Chief Engineer



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APPENDICES

- APPENDIX A – Proposed NPDES Program Budget (FY 2018-19)**
- APPENDIX B – RCFC&WCD Ordinance No. 14 (May 14, 1991)**
- APPENDIX C – Map of Whitewater Watershed
Benefit Assessment Area (WWBAA)**
- APPENDIX D – WWBAA Assessment Roll (FY 2018-19)
(Under Separate Cover)**

INTRODUCTION

In 1987, Congress amended the Federal Clean Water Act (CWA) to require public agencies which serve urbanized areas with a population greater than 100,000 and other designated areas to obtain permits to discharge urban stormwater runoff from municipally owned drainage facilities including streets, highways, storm drains and flood control channels. In November 1990, the United States Environmental Protection Agency (USEPA) promulgated enforceable regulations establishing Municipal Separate Storm Sewer System (MS4) Permit requirements under its National Pollutant Discharge Elimination System (NPDES) Program. In California, USEPA has delegated its NPDES permitting authority to the State Water Resources Control Board (SWRCB). The SWRCB issues and enforces NPDES MS4 Permits through its nine California Regional Water Quality Control Boards (CRWQCBs).

The Riverside County Flood Control and Water Conservation District (District) service area encompasses portions of three major watersheds (drainage areas): the Santa Ana, the Santa Margarita, and the Whitewater Watersheds. The discharge of stormwater from MS4s within each of these three watersheds is regulated pursuant to an NPDES MS4 Permit (Permit) administered by separate CRWQCBs. **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 CRWQCBs can impose significant penalties for non-compliance as high as \$32,500 per day per violation. In addition, private citizens can pursue enforcement actions under the Federal CWA.

In the case of the Whitewater Watershed, the District, in conjunction with the County of Riverside (County), Coachella Valley Water District (CVWD), and the Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage (Cities) jointly submitted the required Part 1 application for a Permit on June 11, 1992 to the CRWQCB - Colorado River Basin Region (Regional Board). Part 2 of the Permit application was submitted to the Regional Board on May 17, 1994. The Part 1 Permit application consisted primarily of a compilation of existing information from the District, County, CVWD, and Cities such as land use, facilities, discharge information, fiscal resources, legal authority, etc. The Part 2 Permit application outlined the proposed Stormwater Management Program and corresponding implementation schedules for the District, County, CVWD, and Cities.

The Regional Board adopted the initial Permit for the Whitewater Watershed on May 22, 1996 which designated the District and County as Co-Principal Permittees, and the CVWD and Cities as Co-Permittees (collectively, the Principal and Co-Permittees comprise the Permittees). The initial Permit expired on May 22, 2001 and, as required by the Permit renewal procedures, the Permittees submitted a Permit renewal application, referred to as the Report of Waste Discharge (ROWD), to the Regional Board that led to the subsequent adoption of the region's second-term Permit, No. 01-077 (2001 Permit), on September 5, 2001. The second-term Permit incorporated the Permittees' proposed Stormwater Management Plan (SWMP) which was developed during the initial Permit term along with additional management programs that were subsequently developed. Additionally, the Permit identified certain additional activities that the Permittees needed to pursue, in accordance with specific time schedules, in order to achieve compliance with the Permit and the CWA.

On May 21, 2008, the Regional Board adopted the region's third-term permit, No. R7-2008-0001 (2008 Permit). The third-term 2008 Permit sought to improve programs established in the previous term. On November 21, 2012, the Permittees submitted a ROWD to the Regional Board to apply for a fourth-term Permit. A collaborative effort was put forth by Permittees and Regional Board staff to analyze the effectiveness and applicability of local Best Management Practices (BMPs),

and research other applicable statewide Permits to develop region-appropriate language and requirements for the Whitewater Region's fourth-term Permit, No. R7-2013-0011 (2013 Permit), which was subsequently adopted by the Regional Board on June 20, 2013.

From the beginning, the Permittees' Stormwater Management Program has been guided by the following principles:

1. Utilize existing municipal departments/programs to meet 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 Whitewater Watershed Benefit Assessment Area (WWBAA) was established pursuant to District Ordinance No. 14 on May 14, 1991 (copy attached - see Appendix B). The WWBAA was formed to offset the District's program and administrative costs associated with the development and implementation of identified stormwater management activities required by the Permit. The District must continue to develop and implement these stormwater management activities in order to legally operate and maintain its flood control and drainage facilities. A map showing the boundaries of the WWBAA is attached hereto as Appendix C.

As Principal Permittee, the District is required to coordinate and implement regional-scale Permit compliance activities of common interest¹. As such, the costs of the District's various 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 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 (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.

The regulation and management of stormwater runoff is a continuing 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 2018-19 is equal to or less than the assessment rate that has been levied since FY 1996-97.**

¹ Section E.2, Order No. R7-2013-0011

APPORTIONMENT METHODOLOGY

WWBAA assessments are apportioned on the basis of proportionate stormwater runoff generated by each parcel. This method of assessment is consistent with State law and District Ordinance No. 14. The amount of benefit is computed based on parcel size (acreage) and land-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 uses 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 WWBAA that are used for agricultural purposes are exempted from the assessment. Vacant, undeveloped parcels are not assessed because they are considered to generate no increase in pollutant loading. Additionally, certain large undeveloped tracts of land such as Federal or State owned forest are excluded from the WWBAA. A more detailed discussion of the apportionment methodology is presented in Appendix B.

CURRENT YEAR ASSESSMENTS (FY 2017-18)

In July 2017, the District's Board of Supervisors confirmed a benefit assessment rate for FY 2017-18 of \$3.63 per BAU. Following is a summary of the FY 2017-18 assessments:

Rate	Billed Parcels	BAUs	Assessments	Corrections	Amount Paid*
\$3.63	55,525	90,485	\$328,448	\$0	\$322,700

* Through April 30, 2018

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 2018-19)

The District recommends that for FY 2018-19, the WWBAA assessment rate remain unchanged at \$3.63 per BAU. This BAU rate would result in an equivalent charge per acre for the following land uses:

Group	Land Use Category	BAU/Acre	Assessment Rate*
A	Industrial, Commercial	12	\$43.56/acre
B	Apartments/Mobile Home Parks, Churches and Schools	9	\$32.67/acre
C	Single-family Residential	6**	\$21.78/acre
D	Agricultural/Vacant Undeveloped	Exempt	\$0.00/acre
E	Golf Courses	0.10	\$0.36/acre
F	Undeveloped Portions of Parcels	0.05	\$0.18/acre

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

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

The projected revenue for FY 2018-19, using the proposed benefit assessment rate of \$3.63 per BAU is as follows:

Rate	Parcels⁽¹⁾	BAUs	Assessment⁽¹⁾⁽²⁾	Projected Revenue⁽³⁾
\$3.63	55,525	90,485	\$328,448	\$312,025

⁽¹⁾ Based on FY 2017-18 Assessor's information.

⁽²⁾ Totals may vary due to rounding.

⁽³⁾ Assumes a 5.0% delinquency rate.

The projected revenue along with a portion of the end of year balance from FY 2017-18 will fund the District's NPDES Stormwater Management Program activities for the Whitewater Watershed area in FY 2018-19. The proposed FY 2018-19 budget is presented in Appendix A.

During the early years of the NPDES Program, there were many uncertainties regarding startup costs (e.g. consultant costs, amount of required sampling, overall program scope, etc.) since the program was new for both the regulatory authorities and the Permittees. Consequently, the initial assessment rates were set conservatively to ensure that all Permit obligations could be met. To date, the District has been able to successfully negotiate reasonable Permit conditions and implement its Stormwater Management Program in a manner that has retained a portion of the program's initial budget surpluses. As a result, a modest fund balance has been maintained since the benefit assessments were first levied in FY 1991-92. The District is gradually reducing that fund balance by maintaining the current assessment rate while sustaining expenditure levels that are slightly above projected revenues. It should be noted here that the current trend in California is toward more stringent regulation of municipal stormwater runoff. Thus, it is expected that the District's NPDES Permit compliance costs will increase over the coming years.

ASSESSMENT ROLL

The WWBAA Assessment Roll provides a listing by Assessor's Parcel Number of the proposed FY 2018-19 Benefit Assessment to be levied on each parcel of property in the WWBAA. The Assessment Roll is identified as Appendix D and incorporated herein by this reference. This Engineer's Report along with the WWBAA Assessment Roll will be placed at the following locations for review by the public:

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

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

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

City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

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

NPDES PROGRAM HIGHLIGHTS (FY 2017-18)

For the fiscal year ending June 30, 2018, the following tasks were accomplished in compliance with the Whitewater Watershed Permit:

- A. The District continued implementing, and assisting the Permittees with implementing, the Stormwater Management Plan (SWMP), the Water Quality Management Plan (WQMP) guidelines and template, the Low Impact Development Design Handbook (LID Handbook), the California Stormwater Quality Association Best Management Practices Handbooks (CASQA BMP handbooks), and the local and regional components of the Permit. The SWMP, WQMP, LID Handbook, and CASQA BMP Handbooks assist Permittees in satisfying the Permit requirements. The Permit and links to these documents are available on the District's NPDES website (<http://rcflood.org/npdes/WhitewaterWS.aspx>).
- B. The District submitted the Report of Waste Discharge (ROWD) on December 21, 2017 in preparation for the development of a fifth-term Permit. The ROWD not only showcases the Permittees' Permit program accomplishments, but also presents the region's unique characteristics and the significant challenges that the Permittees encounter in managing a stormwater Permit program in a desert region.
- C. The District continued identifying and tracking proposed or impending policies and regulations from USEPA and SWRCB to inform the Permittees of potential impacts to either the Permit program or to any of its specific components.
- D. The District continued collaborating with water purveyors in the Coachella Valley Regional Water Management Group (CVRWVG). The CVRWVG coordinates water resource management efforts that enable stakeholders throughout the Coachella Valley region (including the Permittees) to apply for grants tied to the Department of Water Resource (DWR), the SWRCB, and the Bureau of Reclamation funding programs. The District is currently working with the Permittees and CVRWVG to finalize a Stormwater Resources Plan (SWRP) that will serve as the functional equivalent of an Integrated Regional Water Management Plan (IRWMP) for the Whitewater Watershed to enable the Permittees to apply for grant funding.
- E. The District continued organizing and chairing the NPDES Desert Task Force (DTF) meetings. The DTF is a technical advisory committee comprised of Permittees, staff from the Regional Board, stakeholders, and other interested parties. This committee provides a forum to effectively disseminate information, discuss regional and statewide compliance issues, and plan and coordinate Permittee actions to achieve compliance with the Permit.
- F. The District continued administering interagency cooperative agreements with County agencies that allowed regional components of the MS4 Permit program to be implemented. These cooperative agreements were administered to maintain collection centers for Household Hazardous Waste (HHW), Antifreeze, Battery, Oil and Latex Paint (ABOP), and waste from Conditionally Exempt Small Quantity Generators (CESQG).
- G. The District submitted the District's comprehensive Annual Progress Report and Watershed Annual Report to the Regional Board and USEPA. This effort requires the District to coordinate the submittal of each Permittee's annual progress report to the District and integrate these reports into the Watershed Annual Report prior to its submittal to the Regional Board and USEPA.

- H. The District continued complying with the requirements of the Aquatic Weed Control Permit in order to control vegetative growth at District facilities. Weed abatement is an essential part of the District's routine maintenance activities that allows its facilities to continue providing the design level of flood protection to which they were constructed and to minimize or prevent loss of life and property. Compliance with the Aquatic Weed Control Permit includes maintaining an Application Plan, implementing BMPs to minimize potential impacts from the use of herbicides, monitoring for potential impacts to water quality, and submitting annual reports to the Regional and State Water Boards.
- I. The District continued collecting and analyzing water quality samples in accordance with the Permit's Monitoring and Reporting Program (MRP) requirements via implementation of the District's Consolidated Monitoring Program (CMP). The District's CMP includes procedures for collecting and analyzing water quality samples at MS4 outfalls and from the receiving water station within the Whitewater Region, managing data, ensuring quality control, and maintaining accurate reporting. By implementing the CMP, the District successfully conducts water quality sampling events during dry and wet weather seasons to ensure continued compliance with the Permit.
- J. The District continued participating in the Stormwater Monitoring Coalition (SMC). The SMC is a regional monitoring consortium that consists of southern California agency members, including municipal permit holders. The overall goal of the SMC is to increase the compliance and effectiveness of existing NPDES monitoring programs by integrating information among agencies to achieve a large-scale assessment of the watershed condition.
- K. The District continued participating in the California Stormwater Quality Association (CASQA). The CASQA is a professional member association dedicated to the advancement of stormwater quality management through collaboration, education, implementation guidance, regulatory review, and scientific assessment. The CASQA assists California's stormwater Permittees in developing, implementing, and maintaining effective stormwater quality management programs. To date, the District has served as a Director of CASQA, Executive Program Committee member, Legislative Sub-Committee Co-Chair, Monitoring and Science Sub-Committee Co-Chair, Policy and Permitting Sub-Committee Co-Chair and Best Management Practices (BPMs) Sub-Committee Member.
- L. The District continued participating in the CASQA Pesticides Sub-Committee. This sub-committee is tasked with facilitating changes to State and Federal pesticides regulations that could potentially improve processes for evaluating the environmental impacts of new pesticides on receiving waters. It is also focused on changing labeling and use requirements for existing pesticides such as pyrethroids. This sub-committee has collaborated with the Water Boards in a coordinated statewide effort referred to as the Urban Pesticides Pollution Prevention Partnership. The goal is to address the impacts of pesticides efficiently and proactively through the statutory authority of the Department of Pesticide Regulation and EPA's Office of Pesticides.
- M. The District continued administering bi-annual municipal employee stormwater training programs. These training classes focus on providing municipal staff with the requisite knowledge to properly implement the SWMP, the WQMP, and the local Permit components. These courses also review the NPDES regulations, proper BMP implementation, identification of violations, etc., and provide overviews of other pertinent state-issued general Permits (industrial and construction). Fall and spring training classes are held in the Whitewater Watershed to provide close proximity to the Whitewater Watershed Permittee group.

- N. The District continued providing stormwater pollution prevention themed education and outreach by conducting educational presentations in local elementary schools throughout the County, participating in annual regional events such as the annual Date Festival, and supporting Permittee community events such as Earth Day. The District continues providing BMP brochures addressing pollution prevention, recycling, and waste management practices for construction sites, pet care, swimming pool discharges, jacuzzi and garden fountain maintenance, septic tank upkeep, professional mobile services, landscape and gardening activities, the "Do's-and-Don'ts" of outdoor cleaning, and proper housekeeping practices for automotive facilities, restaurants, and commercial/industrial facilities.
- O. The District upon request by the Regional Board, the District assisted Cathedral City and the City of Indian Wells in preparing for their respective two-day program audits conducted by the Regional Board. The District further accompanied these cities in successfully navigating through these program audits, which yielded only minimal programmatic recommendations by the Regional Board.
- P. The District continued operating and maintaining the District's NPDES website (www.rcwatershed.org) which provides information, resources, and important links for the Permittees, regulators, developers, business owners, the public, and in-house staff regarding the Permit, its compliance programs, compliance documents, monitoring and sampling, education and outreach, and more. The District also redesigned its Public Education webpage and reformatted the contents in FY2017-18 to incorporate new branding and be more effective at providing usable and interactive data that ultimately enhances the quality of the information.
- Q. The District continued coordinating all responsibilities assigned to the Principal Permittee in the 2013 MS4 Permit. The Permit features unique data tracking requirements (such as tracking and inventorying of Permittee-owned or operated MS4s, including those located on tribal lands), a comprehensive monitoring program, reporting requirements, and inspection components focusing on construction projects and existing facilities and activities, ensuring proper implementing of effective pollution prevention practices, and applicable Permit coverage. Data tracking, monitoring, reporting, and program adjustments will involve continued extensive collaboration between the Permittees and Regional Board staff during the coming fiscal year.

PROGRAM/WORK ITEMS (FY 2018-19)

The principal work effort in the Whitewater Region in FY 2018-19 will be focused on Permit renewal, including negotiation of a fifth-term municipal Permit and updating the Program's policy and guidance documents to address new Permit requirements. Execution of an amendment to the Implementation Agreement that enables collaboration and cost sharing by the Permittees will also be necessary to implement the new Permit. For the fiscal year ending June 30, 2019, the following tasks are proposed in order to support the Whitewater Watershed Permit:

MS4 Permit Renewal

In collaboration with the Permittees, the District will assist the Regional Board in generating updates for the impending fifth-term Permit that is tentatively scheduled for adoption by the Regional Board in November, 2018. These updates are intended to ensure that the information contained in the new Permit is accurate and applicable in a desert region. Compounding this effort, the USEPA is proposing inclusion of requirements for Reasonable Assurance Analyses as part of Receiving Waters Alternative Compliance, Asset Management Planning for Stormwater Systems and the General Permit Remand Rule. Concurrently, the State Board is looking for new provisions addressing the Effects of Climate Change on Stormwater and Ecosystem Resilience as well as incorporation of the Trash Amendments.

MS4 Permit Implementation

The District will continue coordinating all responsibilities assigned to the Principal Permittees in the impending fifth term Permit, as well as assisting Permittees with their jurisdictional requirements upon request.

MS4 Program Management

As a Principal Permittee, the District will continue coordinating the regional requirements of the Permit. These activities include chairing Desert Task Force meetings, administering area-wide programs (e.g., public education, household hazardous waste collections, hazardous material spill response, stormwater sample collection and analysis), continuing ongoing program development, and preparing and submitting Annual Progress Reports and Watershed Annual Reports to the Regional Board and USEPA. The District will also continue focusing its efforts on identifying and commenting on statewide issues that affect local stormwater programs.

When requested, the District will continue assisting the Permittees in preparing for their respective program audits and accompanying them in navigating through the program audits.

MS4 Program Development

As a Principal Permittee, the District will coordinate the updating of the Whitewater Region SWMP to reflect new Permit requirements. The District will also update and further enhance its Stormwater and Water Conservation Tracking Tool geodatabase and participate in Basin Plan and water quality standard review studies.

Area-Wide MS4 Program Funding

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 outreach events, school and adult education programs, printed brochures and commercial 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 and commercial activities that are potential sources of stormwater pollution.

Training for Municipal Employees

Municipal training programs are provided to improve understanding of the 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, local stormwater ordinances, and State Construction and General Permit requirements. Training is conducted specifically for construction inspection staff, municipal facilities maintenance staff, and staff responsible for new development/redevelopment project review.

Household Hazardous Waste Collection / ABOP

The District and Permittees provide financial support to the County Department of Waste Resources to support the permanent HHW collection site in the City of Palm Springs, ongoing mobile HHW collection events, and operation of the ABOP program, all of which provide local residents with opportunities to properly dispose of HHW.

Water Quality Monitoring

In collaboration with the CVWD, the District will continue conducting wet weather and dry weather water quality sample collection and analysis in accordance with the Permit's Monitoring and Reporting Program. As applicable, the District will also continue implementing improvements to the reporting of water quality monitoring activities and associated results.

Aquatic Weed Control Permit Compliance

The District will continue complying with the requirements of the Aquatic Weed Control Permit in order to control vegetative growth at District facilities. Weed abatement will continue to be an essential part of the District's routine maintenance activities to ensure continued flood protection and prevention of loss of life and property. Compliance with the Aquatic Weed Control Permit will include continued maintenance of an updated Application Plan, implementing BMPs to minimize potential impacts from the use of herbicides, monitoring for potential impacts to water quality, and submitting annual reports to the Regional Board.

CONCLUSIONS AND RECOMMENDATIONS

The area-wide Municipal Stormwater Program for the Whitewater Watershed has been implemented in an efficient, cost-effective manner through the ongoing cooperative efforts of the District, the Permittees, the Regional Board, the Riverside County Fire Department, and the County Department of Waste Resources. The District's NPDES Program activities, which are funded by these WWBAA assessments, are required to comply with the current NPDES Permit for the Whitewater Watershed as well as with enforceable provisions of the California Water Code and the Federal Clean Water Act, which regulate the discharge of stormwater from municipally owned storm drains and flood control facilities. These mandatory stormwater management program activities are an essential component of the District's continuing operation and maintenance of its critical public safety facilities; therefore, the following action is recommended:

Levy a Flood Control Benefit Assessment in the Whitewater Watershed Benefit Assessment Area at an unchanged rate of \$3.63 per benefit assessment unit for the FY 2018-19.

P8/221083

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

CVRWMG – Coachella Valley Regional Water Management Group

CVWD – Coachella Valley Water District

CWA – Clean Water Act

District – Riverside County Flood Control and Water Conservation District

FY – Fiscal Year

HHW – Household Hazardous Waste

IRWMP – Integrated Regional Watershed Management Plan

LID – Low Impact Development

NPDES – National Pollutant Discharge Elimination System

Order R7-2013-0011 – Colorado River Basin Regional Board Order adopted on June 20, 2013

Regional Board – California Regional Water Quality Control Board – Colorado River Region

ROWD – Report of Waste Discharge

SMC – Southern California Stormwater Monitoring Coalition

SWMP – Stormwater Management Plan

WWBAA – Whitewater Watershed Benefit Assessment Area

SWRCB – State Water Resources Control Board

TMDL – Total Maximum Daily Load

USEPA – United States Environmental Protection Agency

WQMP – Water Quality Management Plan

APPENDIX A

Proposed NPDES Program Budget (FY 2018-19)

APPENDIX A

**WHITEWATER WATERSHED BENEFIT ASSESSMENT AREA
PROPOSED NPDES PROGRAM BUDGET FOR FY 2018-19**

STAFFING	
General Staff Salaries and Benefits	\$187,200
General Staff Standby/Differential/Overtime Pay	1,000
Subtotal	\$188,200
ADMINISTRATION & OVERHEAD	
Administration & Overhead	\$59,900
County Counsel Services	2,000
Equipment Lease / Rental	1,000
Vehicle Mileage	1,500
Photocopying / Reproduction	670
Miscellaneous (Photography, Communications, Supplies, etc.)	<u>4,620</u>
Subtotal	\$69,690
GENERAL CONSULTANT SERVICES	
Permit Compliance Assistance	\$80,000
Grants / Misc. Applications	20,000
Benefit Assessment Services	<u>3,250</u>
Subtotal	\$103,250
PUBLIC EDUCATION PROGRAM	
Public Education, Outreach and Social Media	\$25,000
NPDES Training and Trash Amendment Workshop	16,000
Education Program: Production / Materials / Media	<u>8,750</u>
Subtotal	\$49,750
WATER QUALITY MONITORING PROGRAM	
Staff Time / Laboratory Services / Monitoring / Reporting	\$62,000
Small Tools & Equipment	<u>1,100</u>
Subtotal	\$63,100
POLLUTION PREVENTION PROGRAMS	
Household Hazardous Waste Program (Department of Waste Resources)	\$30,000
Contributions to other Programs	<u>2,400</u>
Subtotal	\$32,400
PROGRAM SUBTOTAL	\$506,390
CONTINGENCY (10%)	\$50,639
Assessor's/Treasurer's Office Line Item Charges (\$0.45/parcel)	24,986
County Fee for Annual Submittal	<u>122</u>
TOTAL EXPENDITURES	\$582,137
FUND BALANCE FROM FY 2017-18 (est.)	\$2,029,317
PERMITTEE REIMBURSEMENTS	\$393,945
PROJECTED REVENUE	<u>\$310,000</u>
CASH AVAILABLE	\$2,733,262
PROJECTED FUND BALANCE	\$2,151,125

APPENDIX B

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

0586

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

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 *[Signature]*
20 Chairman

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

21 ////
22 ////
23 ////
24 ////
25 ////
26 ////
27 ////
28 ////

1 Attest:

2

3

4

(Seal)

5

6

STATE OF CALIFORNIA)

7

) ss.

COUNTY OF RIVERSIDE)

8

9

I HEREBY CERTIFY that a regular meeting of the Board of Supervisors of the Riverside County Flood Control and Water Conservation District held on 6/4, 1991, the foregoing ordinance consisting of 7 articles was adopted by said Board by the following vote:

10

11

12

13

14

Dated: 6/4/91

15

16

(Seal)

CLERK OF THE BOARD OF SUPERVISORS

17

By Bonnie May
Deputy

18

19

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21

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TJD:cm/db
5/17/91
ID #107C

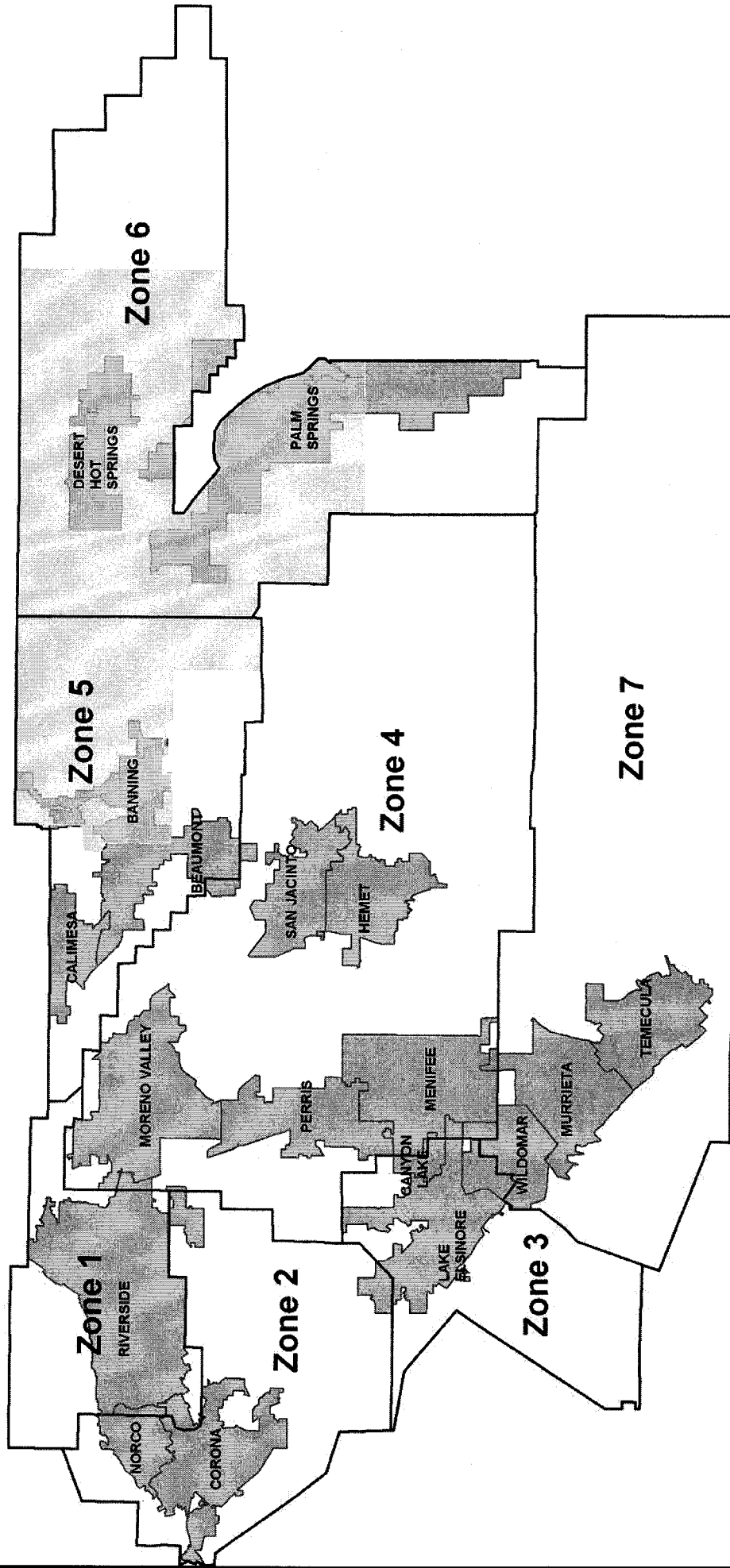
WILLIAM C. KATZENSTEIN
COUNTY COUNSEL
SUITE 100
1535 10TH STREET
RIVERSIDE, CALIFORNIA

APPENDIX C

Map of Whitewater Watershed Benefit Assessment Area

Riverside County Flood Control & Water Conservation District

Map of Whitewater Watershed Benefit Assessment Area



█ - Whitewater Watershed Benefit Assessment Area (WWBAA)

APPENDIX C

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

APPENDIX D

**WWBAA Assessment Roll (FY 2018-19)
(Under Separate Cover)**



PROOF OF PUBLICATION

**STATE OF CALIFORNIA SS.
COUNTY OF RIVERSIDE**

RIVERSIDE COUNTY-BOARD OF SUP.
4080 LEMON ST

RIVERSIDE CA 92501

I am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in this matter. I hereby certify that the attached advertisement appeared in said newspaper (set in type not smaller than non pariel) in each and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

07/01/18, 07/08/18

I acknowledge that I am a principal clerk of the printer of The Desert Sun, printed and published weekly in the City of Palm Springs, County of Riverside, State of California. The Desert Sun was adjudicated a Newspaper of general circulation on March 24, 1988 by the Superior Court of the County of Riverside, State of California Case No. 191236.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 9th of July 2018 in Green Bay, WI, County of Brown.

Sana Karitz

DECLARANT

Ad#:0003001046
P O : Whitewater Watershed
of Affidavits :1

11.2 of 06/12/18

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ON THE NPDES BENEFIT ASSESSMENT PROGRAM FOR THE WHITEWATER WATERSHED BENEFIT ASSESSMENT AREA
NOTICE IS HEREBY GIVEN that, a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, acting as the governing board of the Riverside County Flood Control and Water Conservation District, County Administrative Center, 4080 Lemon Street, Riverside, California, on July 17, 2018 at 9:00 a.m. or soon thereafter, relative to the Flood Control Engineer's Report on the NPDES Program for the Whitewater Watershed Benefit Assessment Area. The Board will hear and consider all protests with regard to the amount of the proposed assessment to be levied. At the conclusion of the hearing, the Board may adopt, revise, change, reduce, or modify any assessment and shall make its determination upon each assessment described in the report for Fiscal Year 2018-19.
NOTICE IS FURTHER GIVEN that, pursuant to statutory authorization, a written report by the Chief Engineer of the District describing the Benefit Assessment Program has been filed with the Clerk of the District's Board.

The report contains a description of each parcel of property within the boundaries of the Whitewater Watershed Benefit Assessment Area of the District on which a benefit assessment is proposed to be levied, and sets forth the amount of the proposed benefit assessment for each such parcel. The report contains a schedule of the benefit assessment rates for the 2018-19 Fiscal Year. Copies of the report, together with copies of the assessment rolls for the Whitewater Watershed Benefit Assessment Area and the official Riverside County Assessor's Map Books, are on file and available for review by the public at the office of the Clerk of the District's Board at the County Administrative Center, 4080 Lemon Street, Riverside, California; the District's office at 1995 Market Street, Riverside, California; the City of Banning, 99 E. Ramsey Street, Banning, California; and the City of Palm Springs, 3200 E. Tahquitz Canyon Way, Palm Springs, California. By reference to the Chief Engineer's report, the assessment rolls, and the map books, each property owner may verify the area of his or her parcel, its land use, and the amount of the 2018-19 Benefit Assessment.

NOTICE IS FURTHER GIVEN THAT the proposed benefit assessment rate for Fiscal Year 2018-19 is the same benefit assessment rate as Fiscal Year 1996-97 and all subsequent years. Please send all written correspondence to: Clerk of the Board, 4080 Lemon Streetm 1st Floor, Post Office Box 1147, Riverside, Ca 92502-1147. Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Lisa Wagner at (951) 955-1063, at least 72 hours prior to the hearing.
Dated: June 26, 2018
Kecia Harper-Ihem, Celerk of the Board
By: Cecilia Gil, Board Assistant
Published: July 1, 8, 2018

2018 JUL 17 AM 10:45
RECORDED RIVERSIDE COUNTY CLERK VERVA OF SUPERIOR