

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM
12.1
(ID # 6850)

MEETING DATE:

Tuesday, June 26, 2018

FROM : DEPARTMENT OF WASTE RESOURCES AND Flood Control and Water Conservation
District :

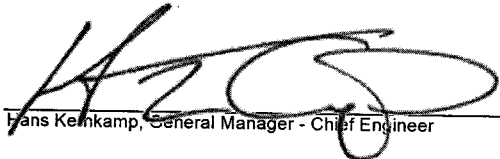
SUBJECT: DEPARTMENT OF WASTE RESOURCES: Agreement with Riverside County Flood Control and Water Conservation District - Support for Regional NPDES Program Activities. All Districts. [\$0 - Department of Waste Resources Funds] (CEQA Exempt) (Companion Item to MT Item 7229)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) (General Rule for Exemption) and Section 15301 (Existing Facilities); and
2. Approve the Agreement between the Flood Control and Water Conversation District (District) and Riverside County Department of Waste Resources (Department); and
3. Authorize the Chairman to execute the Agreement on behalf of the Department; and
4. Direct the Department to file the Notice of Exemption (NOE) with the County Clerk upon approval of the Project.

Prev. Agn. Ref.: M.O. 12.3 of 09/24/13

ACTION: Policy


Hans Kemkamp, General Manager - Chief Engineer 6/12/2018

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Perez and duly carried, IT WAS ORDERED that the above matter is received and filed as recommended.

Ayes: Jeffries, Tavaglione, Washington and Perez
Nays: None
Absent: Ashley
Date: June 26, 2018
xc: Waste, Flood

Kecia Harper-Ihem
Clerk of the Board

By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: NPDES Benefit Assessments levied in the Santa Ana, Whitewater and Santa Margarita Benefit Assessment Areas.			Budget Adjustment:	No
			For Fiscal Year:	18/19 to 22/23

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Since 1993, the District, as part of its area-wide municipal stormwater management program, has provided funding in support of the County's Household Hazardous Waste (HHW) Collection Program, currently operated by the Department. The existing funding Agreement between the Department and District was approved by the Board on September 24, 2013 (Item 12.3). The proposed Agreement, which is also scheduled for concurrent approval on the District's Board agenda (MT Item 7229), continues the funding arrangement for the HHW program through Fiscal Year 2022-2023. County Counsel has approved this Agreement as to legal form.

CEQA Findings

The Project is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3) (General Rule for Exemption), as it can be seen with certainty that there is no possibility that this Project would have a direct, indirect, or cumulatively significant effect on the environment; therefore, the activity is exempt under CEQA. The Project merely involves approval of an agreement allowing for the ongoing funding for HHW programs and subsequent events. Furthermore, the Project is found to be categorically exempt pursuant to State CEQA Guidelines, Section 15301 (Existing Facilities) because the proposed Project simply continues to fund Department HHW programs and subsequent events, which are held at facilities and locations authorized to hold such events. The proposed Project involves negligible or no expansion of uses at the locations/facilities where the events are, or will be, held.

A NOE to this effect will be filed with the County Clerk upon Project approval.

Impact on Residents and Businesses

The Department operates permanent HHW facilities and recycle-only HHW facilities that offer services on a regular basis and temporary 1-day and 2-day HHW events throughout the year that provide residents of Riverside County a free and environmentally safe way to properly dispose of or recycle hazardous household waste.

Additional Fiscal Information

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

Funding for the HHW Collection Program will be provided by the District's annual NPDES Benefit Assessments levied in the Santa Ana, Margarita and Whitewater Benefit Assessment Areas in the amount of \$300,000 annually with a total cost of \$1.5 million to the District over the 5-year Agreement.

ATTACHMENT A. Multi-Year Agreement For Household Hazardous Waste Collection Programs FY 2018/19 to FY 2022/23

ATTACHMENT B. NOE 2018-02



Jason Farin, Senior Management Analyst

6/19/2018



Gregory V. Priamos, Director County Counsel

6/14/2018

MULTI-YEAR AGREEMENT

For Household Hazardous Waste Collection Programs
FY 2018/19 to FY 2022/23

The Riverside County Flood Control and Water Conservation District, a body politic ("DISTRICT"), and the County of Riverside, a political subdivision of the State of California, on behalf of the Department of Waste Resources ("COUNTY"), hereby agree as follows:

RECITALS

A. Congress in 1987 added Section 402(p) to the Federal Clean Water Act (CWA) {33 U.S.C. §1342(p)}; and

B. Section 402(p) requires certain municipalities to obtain a National Pollutant Discharge Elimination System (NPDES) Permit to discharge stormwater from Municipal Separate Storm Sewer Systems (MS4s) into waters of the United States; and

C. Pursuant to 33 U.S.C. §1342(p) (2) (C), (D) and (E), DISTRICT, County of Riverside, the Coachella Valley Water District (CVWD) and certain incorporated Cities within Riverside County have obtained NPDES Permits for municipal stormwater discharges; and

D. Section 402(p) further requires the United States Environmental Protection Agency (USEPA) to promulgate regulations requiring NPDES Permits for designated industrial activities and certain MS4s; and

E. USEPA promulgated such regulations and adopted them in November 1990; and

F. USEPA has delegated its authority to the California State Water Resources Control Board (SWRCB) to administer the NPDES Permit process within the State of California; and

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G. SWRCB has in turn delegated its NPDES permitting authority to the Regional Water Quality Control Boards (RWQCBs) to administer the NPDES Permit process within the boundaries of their respective regions; and

H. DISTRICT and CVWD are authorized to provide for the control of flood and stormwater within their respective jurisdictions of the County of Riverside and are empowered to investigate, examine, measure, analyze, study and inspect matters pertaining to flood and stormwaters; and

I. DISTRICT, County of Riverside, CVWD and the incorporated Cities (except for the City of Blythe) within Riverside County have obtained NPDES MS4 Permits from the respective RWQCBs in order to comply with Section 402(p); and

J. USEPA regulations and the NPDES MS4 Permits require municipalities to control the contribution of pollutants to the municipal storm sewer by stormwater discharges associated with industrial activity and the quality of stormwater discharged from the sites of industrial activity; and

K. DISTRICT, in accordance with its responsibilities as a Principal Permittee, is developing comprehensive stormwater management programs within the County of Riverside and in the region; and

L. COUNTY, conducts certain area-wide collection programs and activities pertaining to hazardous waste management, hazardous materials facility compliance inspections, and health and safety code inspections; and

M. Certain aspects of COUNTY activities are consistent with the goals and objectives of NPDES MS4 Permits and the Best Management Practices (BMP) included in the Permittee's regional Drainage Area Management Plans (DAMP); and

N. DISTRICT wishes to support certain COUNTY programs and activities by contributing an amount not to exceed three hundred thousand dollars (\$300,000) per fiscal year, hereinafter called "CONTRIBUTION", for Fiscal Years 2018/19 through 2022/23 to sustain the scope of certain COUNTY programs and activities to meet the requirements of NPDES MS4 Permits as set forth herein. The total amount of DISTRICT CONTRIBUTION under this Agreement shall not exceed one million five hundred thousand dollars (\$1,500,000); and

O. It is understood that this Agreement does not change existing responsibilities for compliance with any NPDES MS4 Permit, and COUNTY, through any services provided, is not assuming responsibility for NPDES MS4 Permit compliance requirements as they exist or may be established; and

P. Cooperation between DISTRICT and the COUNTY in these matters is in the best interest of the public.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. NPDES PROGRAM ACTIVITIES – COUNTY, will perform certain NPDES program activities as long as adequate manpower is available within COUNTY's staff and reimbursement from DISTRICT is sufficient to perform the activities agreed to including the following: Household Hazardous Waste (HHW) Collection Program, and Antifreeze, Battery, Oil and Latex Paint (ABOP) Program. A scope of services and budget for the HHW and ABOP Programs are described below.

(a) TEMPORARY HHW COLLECTION FACILITY (THHWCF)
PROGRAM:

(i) COUNTY, shall conduct not less than fifteen (15) HHW collection events during the first Fiscal Year of this Agreement. Additional events for future Fiscal Years will be

scheduled based on the amount of DISTRICT's contribution to specifically support the HHW program. A minimum of two (2) THHWCF events or a single permanent HHW site shall be established in each of the three (3) NPDES MS4 Permit areas (Santa Ana, Santa Margarita and Whitewater watersheds).

- (ii) COUNTY and DISTRICT shall advertise scheduled HHW collection events in countywide and/or local newspapers.
 - (iii) DISTRICT and COUNTY shall work cooperatively with the County of Riverside, incorporated Cities, and other interested parties to provide technical assistance and/or coordinate additional HHW collection sites within the NPDES Permit areas.
- (b) PERMANENT HHW COLLECTION FACILITY (PHHWCF) AND ABOP PROGRAM:
- (i) COUNTY, shall operate at least one (1) PHHWCF and/or ABOP collection center in each of the Santa Ana, Santa Margarita and Whitewater River Watersheds.
 - (ii) DISTRICT and COUNTY shall work cooperatively with the County of Riverside, incorporated Cities, and other interested parties to facilitate the establishment of additional PHHWCF and/or collection centers within the NPDES Permit areas.

2. ANNUAL PROGRAM REVIEW – During January of each year, DISTRICT and the COUNTY representatives shall meet and review program status, scope, costs,

priorities, projected activities and available funding sources for NPDES PROGRAM ACTIVITIES:

- (a) DISTRICT and COUNTY staff shall review available funding resources and develop a preliminary schedule for NPDES program activities based on DISTRICT's contribution to NPDES PROGRAM ACTIVITIES for the upcoming Fiscal Year.

3. USE OF ABOP/HHW CONTRIBUTION – The COUNTY shall use CONTRIBUTION only for salaries, training, equipment, supplies, waste disposal and other expenses related to providing NPDES PROGRAM ACTIVITIES as agreed upon by DISTRICT and COUNTY.

4. INDEMNITY AND HOLD HARMLESS - The COUNTY shall indemnify and hold DISTRICT, its officers, employees and agents free and harmless from all claims, actions, damages and liabilities of whatsoever kind and nature arising from death, personal injury property damage or other cause asserted or based upon any act or omission of or by person or persons associated with NPDES PROGRAM ACTIVITIES relating to or in any way connected with the accomplishment of the work or performance of services of NPDES PROGRAM ACTIVITIES. As part hereto of the foregoing indemnity, the COUNTY agrees to protect and to defend at its own expense, including attorneys' fees, DISTRICT, its officers, agents and employees from any and all legal action based upon any negligent acts or omissions, as stated herein, by any person or persons.

5. REPORTS AND INFORMATION – The COUNTY shall submit to DISTRICT on or before October 1st a report on NPDES PROGRAM ACTIVITIES performed

by the COUNTY during the previous Fiscal Year (July 1st through June 30th). The report shall include but not be limited to:

- (a) Narrative describing the HHW Program (to include a summary of each collection event) and ABOP Program performed by the COUNTY pursuant to this Agreement during the prior Fiscal Year.
- (b) Quantities of materials collected by the HHW and ABOP Programs, cost of waste disposal, and costs associated with labor, supply, equipment and materials costs.

6. HHW EVENT – For the purposes of this Agreement, a HHW event is a THHWCF event operated by COUNTY.

7. PAYMENT – For Fiscal Years 2018/19 through 2022/23, COUNTY shall invoice DISTRICT on or before April 30th of each fiscal year for a lump sum amount of three hundred thousand dollars (\$300,000). DISTRICT shall pay within thirty (30) days after receipt of appropriate invoice from COUNTY. The total amount to be paid to COUNTY pursuant to this Agreement shall not exceed three hundred thousand dollars (\$300,000) in any fiscal year and shall not exceed the sum of one million five hundred thousand dollars (\$1,500,000) for the entire term of this Agreement.

8. CONTINGENCY – CONTRIBUTION shall be contingent upon the approval by DISTRICT's Board of Supervisors of the annual Benefit Assessment levies for the Santa Ana, Santa Margarita and Whitewater Watershed Benefit Assessment Areas and based on available funding. In the event that DISTRICT funds determined to be available will be less than the agreed upon not to exceed amount of three hundred thousand dollars (\$300,000) for the next fiscal year, DISTRICT will notify COUNTY in January of the current fiscal year of the deficiency in the Benefit Assessment Area's funds so that COUNTY may adjust, after

consultation and agreement by DISTRICT, the scope of NPDES PROGRAM ACTIVITIES to be provided for the remainder of the current fiscal year or the next fiscal year.

9. COMPLIANCE WITH NPDES PERMITS – NPDES PROGRAM ACTIVITIES, as specified herein, will be performed by COUNTY under this Agreement. Nothing in this Agreement shall be construed as making COUNTY responsible for NPDES Permits compliance.

10. NON-INTERFERENCE – DISTRICT understands and agrees that it shall not directly supervise or interfere with any of the COUNTY activities contemplated hereunder.

11. TERM OF AGREEMENT – This Agreement shall commence on the date of execution thereof and shall continue in effect until June 30, 2023.

12. TERMINATION OF AGREEMENT – Either party may terminate the provisions of this Agreement related to the HHW and ABOP Programs subject to six (6) months written notice thereof.

13. APPLICABILITY OF PRIOR AGREEMENTS – This Agreement constitutes the entire Agreement between the parties with respect to the subject matter; all prior agreements, representations, statements, negotiations and understandings are hereby superseded.

14. NOTICES – Any and all notices sent or required to be sent to the parties of this Agreement will be mailed by first class mail, postage prepaid, to the following addresses:

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
1995 Market Street
Riverside, CA 92501
Attn: Richard Boon

RIVERSIDE COUNTY DEPARTMENT
OF WASTE RESOURCES
14310 Frederick Street
Moreno Valley, CA 92553
Attn: Elizabeth Thompson

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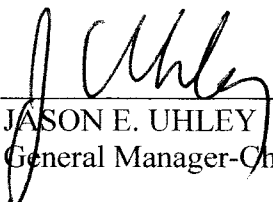
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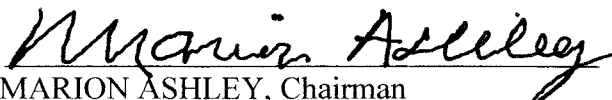
IN WITNESS WHEREOF, the parties hereto have executed this Agreement on
JUN 26 2018

(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

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

By 
JASON E. UHLEY
General Manager-Chief Engineer


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

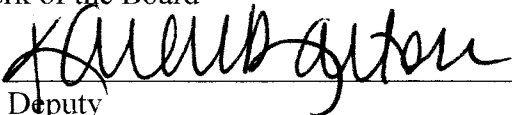
APPROVED AS TO FORM:

ATTEST:

GREGORY P. PRIAMOS
County Counsel

KECIA HARPER-IHEM
Clerk of the Board

By 
Kristine Bell-Valdez
Supervising Deputy County Counsel


By 
Deputy

(SEAL)

Multi-Year Agreement for Household Hazardous Waste Collection Programs
FY 2018/19 to FY 2022/23
05/31/2018
AMR:cw

RECOMMENDED FOR APPROVAL:

COUNTY OF RIVERSIDE

By 
HANS W. KERNKAMP
General Manager – Chief Engineer

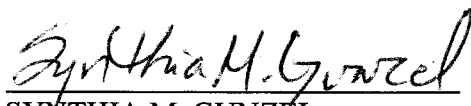
By 
CHUCK WASHINGTON, Chairman
Riverside County Board of Supervisors

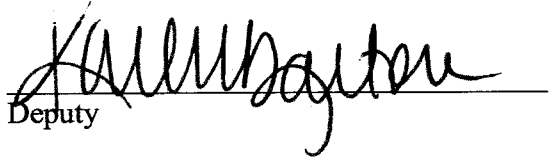
APPROVED AS TO FORM:

ATTEST:

GREGORY P. PRIAMOS
County Counsel

KECIA HARPER-IHEM
Clerk of the Board

By 
SYNTHIA M. GUNZEL
Chief Deputy County Counsel

By 
Deputy

(SEAL)

Multi-Year Agreement for Household Hazardous Waste Collection Programs
FY 2018/19 to FY 2022/23
05/31/2018
AMR:cw



Hans W. Kernkamp, General Manager-Chief Engineer

Original Negative Declaration/Notice of Determination was routed to County Clerks for posting on.

NOTICE OF EXEMPTION

Date

Via Waste
Initial

DATE: May 23, 2018

TO: County Clerk, County of Riverside

PROJECT CASE NO/TITLE: NOE 18-02/Agreement between the Flood Control and Water Conservation District (District) and Riverside County Department of Waste Resources (RCDWR)

PROJECT LOCATION: Countywide at Riverside County Owned, Leased, or Contracted Sites Used for Temporary or Permanent Household Hazardous Waste (HHW) or Antifreeze, Battery, Oil, Latex Paint (ABOP) Program Events.

PROJECT DESCRIPTION: Agreement between the District and RCDWR, for continued funding by the District for RCDWR HHW and ABOP events/facilities held or operated throughout the County, and in specific geographic areas in the County as mandated by the Agreement (Project), (see Appendix A – Multi Year Agreement).

PUBLIC AGENCY APPROVING PROJECT: County of Riverside (County)

PROJECT SPONSOR: RCDWR and the District

The project is exempt from the provisions of CEQA, specifically by the State CEQA Guidelines as identified below. The project will not result in any specific or general exceptions to the use of categorical exemptions as detailed under State CEQA Guidelines section 15300.2. The project will not cause any impacts to scenic resources, historic resources, or unique sensitive environments. Further, no unusual circumstances or potential cumulative impacts would occur that may reasonably create a direct or reasonably foreseeable indirect physical environmental impact.

EXEMPT STATUS:

- Ministerial
- Declared Emergency
- Emergency Project
- Statutory Exemption:
- Categorical Exemption
- Other Exemption:

**Section 15301, Existing Facilities,
Section 15061(b)(3), General Rule Exemption**

REASONS FOR EXEMPTION:

Section 15061(b)(3) - General Rule Exemption

The activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty

that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

This project is exempt under Section 15061(b)(3) because:

RCDWR is responsible for implementing HHW and ABOP collection programs and activities throughout Riverside County. As such, certain aspects of those programs/activities are consistent with the goals and objectives of the National Pollutant Discharge Elimination System (NPDES), Municipal Separate Storm Sewer System (MS4) permits, for which the District is a Principal Permittee. Since 1993, the District has provided funding in support of the County's HHW and ABOP Collection Programs (Programs), currently operated by the RCDWR, in accordance with its responsibilities to develop comprehensive stormwater management programs. This Agreement continues the existing funding arrangement for this program from Fiscal Year (FY) 2018/19 to FY 2022/23. The Agreement would allow the District to contribute funds to the RCDWR Programs in order to meet the requirements of the NPDES MS4 permits.

The Project would merely provide funding for the Programs from the District's annual NPDES Benefit Assessment levied in the Santa Ana, Santa Margarita and Whitewater Benefit Assessment Areas. The Project does not propose new development of Permanent HHW (PHHW) facilities or of facilities where Temporary HHW (THHW) events will be held. The events merely collect HHW and ABOP from the public and contracts with HHW and ABOP vendors who recycle and/or properly dispose of collected HHW and ABOP products.

Based upon the entire record, the Project would not result in the potential for any significant effect on the environment. This determination is an issue of fact and sufficient evidence exists in the record that the activity will not have a significant effect on the environment. As such, the exemption applies and no further evaluation under CEQA is required. See *Muzzy Ranch Co. v. Solano County Airport Land Use Comm'n* (2007) 41 Cal. 4th 372.

Section 15301, Existing Facilities

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time the lead agency's determination.

This project is exempt under Section 15301 because:

The Project involves the operation of existing facilities, and does not involve expansion of any PHHW facilities throughout Riverside County for the purpose of collecting HHW and ABOP products from the public consistent with the proposed Agreement. The operation at PHHW and THHW facilities consists of the collection, storage and transfer of HHW and ABOP products to authorized HHW and ABOP recycling and disposal vendors. As such, due to the already existing facilities where the operation of the THHW or PHHW events are held, which would not involve expansion of current uses, no environmental resources will be affected, therefore the Project meets the scope and intent of Section 15301, Categorical Exemption.

FINDINGS:

1. Based upon the identified exemptions and justifications above, the RCDWR, on behalf of the County, hereby concludes that no physical environmental impacts are anticipated to occur and the Project as proposed is exempt under CEQA. No further environmental analysis is warranted.

2. The proposed Project is exempt from CEQA pursuant to Section 15061(b)(3), and categorically exempt from CEQA pursuant to Section 15301.
3. It can be seen with certainty that there is no possibility that this Project would have a direct, indirect, or cumulatively significant effect on the environment; therefore, the activity is exempt under CEQA as previously identified.

If there are any questions regarding the above matter, I can be reached at (951) 486-3200.

Hans Kernkamp, General Manager - Chief Engineer
Riverside County Department of Waste Resources

By: 
Jose Merlan

Title: Urban/Regional Planner III

Date: May 23, 2018

DM# 224808

MULTI-YEAR AGREEMENT

For Household Hazardous Waste Collection Programs
FY 2018/19 to FY 2022/23

The Riverside County Flood Control and Water Conservation District, a body politic ("DISTRICT"), and the County of Riverside, a political subdivision of the State of California, on behalf of the Department of Waste Resources ("COUNTY"), hereby agree as follows:

RECITALS

- A. Congress in 1987 added Section 402(p) to the Federal Clean Water Act (CWA) {33 U.S.C. §1342(p)}; and
- B. Section 402(p) requires certain municipalities to obtain a National Pollutant Discharge Elimination System (NPDES) Permit to discharge stormwater from Municipal Separate Storm Sewer Systems (MS4s) into waters of the United States; and
- C. Pursuant to 33 U.S.C. §1342(p) (2) (C), (D) and (E), DISTRICT, County of Riverside, the Coachella Valley Water District (CVWD) and certain incorporated Cities within Riverside County have obtained NPDES Permits for municipal stormwater discharges; and
- D. Section 402(p) further requires the United States Environmental Protection Agency (USEPA) to promulgate regulations requiring NPDES Permits for designated industrial activities and certain MS4s; and
- E. USEPA promulgated such regulations and adopted them in November 1990;
and
- F. USEPA has delegated its authority to the California State Water Resources Control Board (SWRCB) to administer the NPDES Permit process within the State of California;
and