

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



ITEM
11.5
(ID # 10318)

MEETING DATE:
Tuesday, July 23, 2019

FROM : FLOOD CONTROL DISTRICT:

SUBJECT: FLOOD CONTROL DISTRICT: (PUBLIC HEARING) Adopt Resolution F2019-15
Confirmation of the FY 2019-20 Benefit Assessments for the Whitewater
Watershed, Districts 3, 4 and 5. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Conduct the public hearing concerning the Engineer's Report on the National Pollutant Discharge Elimination System (NPDES) Program for the Whitewater Watershed Benefit Assessment Area, dated July 2019; and
2. If at the conclusion of the hearing a majority protest has not been received, adopt the following resolution:

RESOLUTION NO. F2019-15
ADOPTING AND CONFIRMING EACH AND ALL ASSESSMENTS ON PROPERTY IN
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

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Washington, seconded by Supervisor Spiegel and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington and Perez
Nays: None
Absent: Hewitt
Date: July 23, 2019
xc: Flood

Kecia R. Harper
Clerk of the Board
By: *Kecia R. Harper*
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	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment:	N/A
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

All of the requirements of District Ordinance No. 14 providing for the establishment and levy of the Fiscal Year 2019-20 Benefit Assessments have been satisfied; therefore, the public hearing may be closed and the assessments levied.

Prev. Agn. Ref.: MT#10019 11.3 of 06/11/19

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 2019-20 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. Whitewater Watershed Benefit Assessment Area Engineer's Report FY 2019-20
2. Whitewater Watershed Benefit Assessment Area Resolution No F2019-15

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

KECIA HARPER-IHEM, CLERK OF THE BOARD
RIVERSIDE CO. CLERK OF THE BOARD
4080 LEMON STREET, 1ST FLOOR CAC
P O BOX 1147 – RIVERSIDE, CA 92502

MAIL STOP # 1010

AND WHEN RECORDED MAIL TO:

RETURN TO: STOP #1010
RIVERSIDE COUNTY CLERK OF THE BOARD
P. O. BOX 1147 – RIVERSIDE, CA 92502

2019-0283881

07/30/2019 11:08 AM Fee: \$ 0.00

Page 1 of 5

Recorded in Official Records
County of Riverside
Peter Aidana
Assessor-County Clerk-Recorder



THIS SPACE FOR RECORDERS USE ONLY

782

RESOLUTION NO. F2019-15

Title of Document

ADOPTING AND CONFIRMING EACH AND ALL ASSESSMENTS ON PROPERTY IN
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

(Flood Control and Water Conservation District ~ Item 11.5 of 07/23/19)

BOARD OF SUPERVISORS

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

RESOLUTION NO. F2019-15

ADOPTING AND CONFIRMING EACH AND ALL ASSESSMENTS ON PROPERTY IN 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 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: Aaron C. Gettis 5-21-19 DATE

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

WHEREAS, the District initially levied the Benefit Assessment for 1991-92 Fiscal Year and has levied the Benefit Assessment in each successive fiscal year; 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, 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; and

WHEREAS, the Benefit Assessment proposed to be levied and enrolled for the 2019-2020 Fiscal Year is not greater than the Benefit Assessment that was levied for the 1996-97 Fiscal Year and all subsequent years;

WHEREAS, at a duly noticed hearing as required by Ordinance No. 14, the Board heard and considered all protests with respect to the amount of the Benefit Assessment to be levied for the 2019-2020 Fiscal Year.

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors of the Riverside County Flood Control and Water Conservation District, County of Riverside, State of California, in regular session assembled on July 23, 2019 as follows:

Section 1. The above recitals are true and correct.

Section 2. That a public hearing has been duly held on this date and that each and every step in the proceedings as required by the District Act and Ordinance No. 14 has been duly taken and all protests considered, and that the Board does hereby close the public hearing.

Section 3. That the Board does hereby make its determination upon each parcel in the Benefit Assessment Area as described in the Engineer's Report entitled "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" ("Engineer's Report"), dated July 2019, filed with the Board pursuant to Ordinance No. 14, and that the Board does hereby confirm each and all Benefit Assessments on such parcels and thereby levies a Benefit Assessment in the Benefit Assessment Area of the District for the Fiscal Year 2019-2020 at a rate of \$3.63 per benefit assessment unit.

Section 4. Pursuant to Section 5(a) of Article XIID, compliance with the procedures set forth in Section (4) of Article XIID is not necessary and there will be no increase in the Benefit Assessment to be enrolled for the 2019-2020 Fiscal Year over the Benefit Assessment enrolled for the 1996-97 Fiscal Year and all subsequent years.

Section 5. That a copy of this Resolution duly certified by the Clerk of this Board be recorded in the Office of the Recorder of the County of Riverside, and a copy of this Resolution duly certified by the Clerk of this Board and the Engineer's Report be filed with the Auditor/Controller of the County of Riverside.

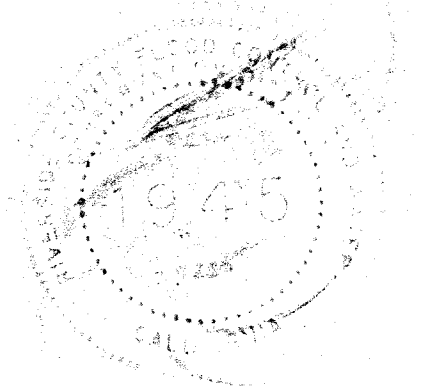
ROLL CALL:

Ayes: Jeffries, Spiegel, Washington and Perez
 Nays: None
 Absent: Hewitt

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 R. Harper, Clerk of said Board

By *Kecia R. Harper*
 Deputy



CW:mc

07,23.19 11.5

**PETER ALDANA
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

Recorder
P.O. Box 751
(951) 486-7000

www.riversideacr.com

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION FOR SEAL for the Riverside County Flood Control and Water Conservation District (EMBOSSSED ON DOCUMENT)

RIVERSIDE COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT

1945

CALIFORNIA

Date:

7-23-19

Signature:

Karen Barton

Print Name: Karen Barton, Board Assistant

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
JULY 2019

Jason Uhley
General Manager-Chief Engineer



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APPENDICES

APPENDIX A – Proposed NPDES Program Budget (FY 2019-20)

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 2019-20)

(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 California State Water Resources Control Board (CSWRCB). 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 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 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) have had to comply with Permit requirements issued by the Colorado River Basin CRWQCB (Regional Board). On June 11, 1992 the District, County, CVWD, and Cities jointly submitted Part 1 of the required Permit application to the Regional Board. This application consisted of a compilation of existing information such as land use, facilities, discharge information, fiscal resources, legal authority, etc. Part 2 of the Permit application was submitted to the Regional Board on May 17, 1994 and outlined the development of the region's first municipal Stormwater Management Program.

The Regional Board adopted the initial (first-term), Permit, Order No. 96-015 (1996 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 Permittees). This Permit expired on May 22, 2001. In compliance with the Permit renewal requirements, the Permittees submitted a Permit renewal application, referred to as the Report of Waste Discharge (ROWD), to the Regional Board. The ROWD subsequently led to the adoption of the region's second-term Permit, Order No. 01-077 (2001 Permit), on September 5, 2001. The Permittees have, since then, submitted new ROWDs prior to each new Permit.

The second-term Permit incorporated the Permittees' Stormwater Management Plan (SWMP), which was developed during the initial Permit term, and identified additional activities and corresponding compliance schedules that were necessary to achieve compliance with the CWA. On May 21, 2008, the Regional Board adopted the region's third-term Permit, Order No. R7-2008-0001 (2008 Permit), which sought to improve programs established in the previous term, and on June 20, 2013, the fourth-term Permit, Order No. R7-2013-0011 (2013 Permit) was adopted. This latest Permit represents a collaborative effort between the Permittees and Regional Board staff in which local Best Management Practices (BMPs) were analyzed for effectiveness and applicability, and statewide Permits were reviewed to develop region-appropriate language and requirements.

From the beginning, the Permittees' stormwater management programs have 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 NPDES 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.

The District coordinates and implements regional-scale Permit compliance activities of common interest¹. The costs to implement these activities fluctuate year to year. Some expenses do not change significantly on a yearly basis (e.g., the preparation of annual reports), while other expenses vary significantly due to the amount of rainfall occurring in a given year (e.g. monitoring and sampling) or in. Additionally, there are certain costs (e.g. public education materials, ROWD, Permit renewal, etc.) that 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 regulations could result in changes to the assessment rate in future years, **the proposed assessment rate for FY 2019-20 remains unchanged from last fiscal year and continues to be equal to or less than the assessment rate that has been levied since the adoption of the first-term Permit.**

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 than residential parcels. Because agricultural discharges are currently exempt under the NPDES 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 forests are excluded from the WWBAA. A more detailed discussion of the apportionment methodology is presented in Appendix B.

CURRENT YEAR ASSESSMENTS (FY 2018-19)

In July 2018, the District's Board of Supervisors confirmed a benefit assessment rate for FY 2018-19 of \$3.63 per BAU. Following is a summary of the FY 2018-19 assessments:

Rate	Billed Parcels	BAUs	Assessments	Corrections	Amount Paid*
\$3.63	55,850	92,568	\$336,022	\$0	\$154,341

* Through April 30, 2019

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 2019-20)

The District recommends that for FY 2019-20, the WWBAA assessment rate remain unchanged at \$3.63 per BAU. This BAU rate results 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 2019-20, 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	55,850	92,568	\$336,022	\$319,220.84

⁽¹⁾ Based on FY 2018-19 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 2018-19 will fund the District's NPDES Program for the Whitewater Watershed in FY 2019-20. The proposed FY 2019-20 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 NPDES 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. However, as the District's NPDES Program expenditures continue to rise, and the assessment rate remains unchanged, the fund balance is gradually being reduced. It should be noted that the current trend in California is toward more stringent regulation of municipal stormwater runoff. Thus, it is expected that the District's Permit compliance costs will continue to rise over the coming years.

ASSESSMENT ROLL

The WWBAA Assessment Roll provides a listing by Assessor's Parcel Number of the proposed FY 2019-20 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>**

PROGRAM HIGHLIGHTS (FY 2018-19)

For the fiscal year ending June 30, 2019, the following tasks were accomplished in compliance with the Permit:

- A. The District continued complying with the local and regional components of the Permit, including administering the regional Monitoring and Reporting Program (MRP), the Public Education and Outreach Program, the Permittee Implementation and Cost-Sharing Agreement (IA), and assisting the Co-Permittees with implementing the SWMP. The Permit and associated compliance documents are available on the District's NPDES website at <http://rcflood.org/npdes/WhitewaterWS.aspx>.
- B. The District submitted a draft White Paper to the Regional Board entitled 'Whitewater River Watershed Municipal Stormwater Permitting Approach', which provides a comprehensive overview of the unique conditions of the watershed and outlines recommendations that the Permittees believe will allow them to continue achieving the requirements of the Permit. The draft white paper is currently in review by the Regional Board.
- C. The District submitted a comprehensive trash assessment that was conducted at its facilities throughout the Whitewater Watershed as required by an amendment to the Trash Provision Order 13383. This assessment is intended to enable the Regional Board to determine whether the Trash Provisions are applicable to the District. The assessment is currently in review by the Regional Board.
- D. The District submitted its Annual Progress Report and the Watershed Annual Progress 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 with the District's into the Watershed Annual Progress Report prior to its submittal to the Regional Board and USEPA.
- E. The District continued surveying its channels and outfalls for Illicit Connections and Illegal Discharges (IC/IDs) to ensure that these facilities are not transporting pollutants that may impact the beneficial uses of the Whitewater River.
- F. The District continued identifying and tracking proposed policies and regulations from USEPA and SWRCB, and informed the County and Co-Permittees of potential impacts to the Permit program or to any of its specific components.
- G. The District continued collaborating with the Coachella Valley Regional Water Management Group (CVRWVG) in support of the Integrated Regional Water Management Plan (IRWMP) and Stormwater Resources Plan (SWRP). The CVRWVG coordinates water resource management efforts throughout the region that enable stakeholders (including the Permittees) to apply for grants offered by the Department of Water Resource (DWR), the SWRCB, and the Bureau of Reclamation.
- H. The District continued organizing and chairing the DTF meetings. The DTF is a technical advisory committee consisting of the Permittees staff from the Regional Board, and other stakeholders. These meetings provide a forum to effectively disseminate information, discuss state and federal regulations, and coordinate efforts to achieve compliance with the Permit.

- I. The District continued administering interagency cooperative agreements with County agencies that allowed regional components of the Permit 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).
- J. The District continued collecting and analyzing water quality samples in accordance with the Permit's MRP and 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 Watershed, managing data, ensuring quality control, and maintaining accurate reporting. By implementing the CMP, the District successfully complies with the MRP of the Permit during dry and wet weather seasons.
- K. 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 Board and the CSWRCB.
- L. The District continued participating in the Stormwater Monitoring Coalition (SMC). The SMC is a multi-regional monitoring consortium of southern California agency members. The overall goal of the SMC is to develop effective and meaningful stormwater monitoring techniques, increase the effectiveness of the existing monitoring program, and integrate information among agencies to achieve a large-scale assessment of the watershed condition.
- M. The District continued participating in the California Stormwater Quality Association (CASQA). CASQA is a professional member association dedicated to the advancement of stormwater quality management through collaboration, education, implementation guidance, regulatory review, and scientific assessment. CASQA assists California's stormwater Permittees in developing, implementing, and maintaining effective stormwater quality management programs. To date, the District has served on its Board of Directors, Executive Program Committee, Legislative Sub-Committee, Monitoring and Science Sub-Committee, Policy and Permitting Sub-Committee, Best Management Practices (BPMs) Sub-Committee, and Pesticides Sub-Committee.
- N. The District continued administering semi-annual municipal employee stormwater training programs. These training classes provide municipal staff with the requisite knowledge to comply with the Permit. These courses review the NPDES regulations, proper BMP implementation, identification of violations, etc., and provide overviews of the state's General Permits for industrial and construction activities. Fall and spring training classes are held in the Whitewater Watershed to provide close proximity to the Whitewater Watershed Permittee group.
- O. The District continued conducting educational presentations at local elementary schools, participating in regional community 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 industrial/commercial facilities.

- P. The District continued operating and maintaining its redesigned NPDES website (www.rcwatershed.org) which provides updated information, resources, and important links for Permittees, regulators, developers, business owners, the public, and in-house staff regarding the Permit compliance programs, compliance documents, monitoring and sampling, education and outreach, and more.
- Q. The District continued complying with the Permit's unique data tracking requirements (such as tracking and inventorying of Permittee-owned or operated MS4s, including those located on tribal lands), as well as its inspection components (focusing on construction projects, existing business facilities, and municipal activities). Data tracking, monitoring, reporting, and program adjustments will be a continuous effort requiring extensive collaboration between the Permittees and Regional Board staff during the coming fiscal year.

The District continued to utilize its LID research campus to test and demonstrate stormwater capture, management, and treatment using LID practices through the use of various LID BMPs. This campus is centrally located and has served to educate residents, regulators, developers, municipal employees, engineers, and other interested stakeholders from throughout Southern California. Since its completion, District staff have provided dozens of informational project tours.

PROGRAM WORK ITEMS (FY 2019-20)

The principal work proposed in the Whitewater Watershed for FY 2019-20 will continue to focus on the Permit renewal, including negotiation of a fifth-term municipal Permit, and updating the Program's compliance documents to address any 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, 2020, the following tasks are proposed:

Permit Renewal

In collaboration with the County and Co-Permittees, the District will continue to assist the Regional Board through the renewal process of the impending fifth-term Permit. Currently, the Permit renewal process is temporarily on hold but should resume in late 2019. When the process resumes, the Permittees will ensure that the information contained in the new Permit is accurate and applicable to the 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 CSWRCB is looking for new provisions addressing the effects of climate change on stormwater and ecosystem resilience, as well as incorporation of the trash amendments.

Permit Implementation

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

Program Management

The District will continue coordinating the regional requirements of the Permit. These activities include chairing DTF 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 progress 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 audit process.

Program Development

The District will coordinate updates to the SWMP to reflect any 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 public reviews as they become available by the Regional Board.

Area-Wide Program Funding

The District will continue administering and/or supporting the following "area-wide" BMP programs implemented on behalf of the Permittees:

Public Education and Outreach

The District provides coordination and oversight of the area-wide public education and outreach efforts, including public outreach events, school presentations, promotional items, 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 Staff

Municipal training programs are provided to improve staff's understanding of the Permit requirements and stormwater BMPs. The classes focus on methods to identify violations, reduce and/or eliminate sources of stormwater pollution from public agency facilities and activities, implement the WQMP, and the State-wide General Permit requirements for construction and industrial activities. Training is conducted specifically for construction inspection staff, municipal facilities maintenance staff, and staff responsible for new development/redevelopment project review.

Household Hazardous Waste and ABOP Collection

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 and the Permittee's CMP. 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, when necessary, updates to the Application Plan, BMP implementation, monitoring water quality, and submitting annual reports to the Regional Board.

CONCLUSIONS AND RECOMMENDATIONS

The Stormwater Management Program for the Whitewater Watershed has been implemented in an efficient, cost-effective manner through the ongoing cooperative efforts of the District, County, the Co-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 Permit 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 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 2019-20.

P8/225782

GLOSSARY

ABOP – Anti-freeze, Batteries, Oil, and Paint

BAU – Benefit Assessment Unit

BMP – Best Management Practice

CASQA - California Stormwater Quality Association

CESQG – Conditionally Exempt Small Quantity Generators

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

DTF – Desert Task Force

DWR – Department of Water Resources

FY – Fiscal Year

HHW – Household Hazardous Waste

IA – Implementation Agreement

ICID – Illicit Connection/Illegal Discharge

IRWMP - Integrated Regional Watershed Management Plan

LID – Low Impact Development

MRP – Monitoring and Reporting Program

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

GLOSSARY

SWMP – Stormwater Management Plan

SWRP – Stormwater Resources 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 2019-20)

APPENDIX A

WHITEWATER WATERSHED BENEFIT ASSESSMENT AREA PROPOSED NPDES PROGRAM BUDGET FOR FY 2019-20

STAFFING

Salaries, Overtime and Benefits **\$324,323.00**

OVERHEAD

Administration Support 50,000.00

Computer Workstation Usage 30,000.00

Subtotal \$80,000.00

CONSULTANT SERVICES

NPDES Permit Administration 70,000.00

Public Education & Outreach – Community Outreach 24,037.00

NPDES Stormwater Training Program 25,500.00

Water Quality Monitoring 62,000.00

District Permit Compliance 20,000.00

Subtotal \$201,537.00

OTHER MS4 PROGRAM EXPENSES

County Counsel/Vehicle Usage 10,000.00

Public Education & Outreach: Event Sponsorships 4,750.00

Public Education & Outreach: Educational Materials 6,500.00

Water Quality Monitoring Equipment 1,100

Licenses, Permits, and Publications 600.00

Subtotal \$22,950.00

REGIONAL PROGRAMS AND MEMBERSHIPS

NPDES Permit Administration: CASQA Membership 2,380.00

NPDES Permit Administration: HHW Program, SMC 40,000.00

Subtotal \$42,380.00

PROGRAM SUBTOTAL

\$671,190.00

CONTINGENCY (10%) 67,119.00

Assessor's/Treasurer's Office Line Item Charges (\$0.45/parcel) 25,132.50

County Fee for Annual Submittal 130.00

TOTAL EXPENDITURES FOR WHITEWATER RIVER WATERSHED

\$763,571.50

ENDING FUND BALANCE FY 2018-19 (EST.) \$2,030,755.00

PERMITTEE CONTRIBUTIONS \$477,233.40

PROJECTED BENEFIT ASSESSMENT REVENUE \$310,000.00

CASH AVAILABLE

\$2,817,988.40

PROJECTED FUND BALANCE

\$1,267,183.50

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 2019-20)
(Under Separate Cover)**

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



ITEM
11.3
(ID # 10019)

MEETING DATE:
Tuesday, June 11, 2019

FROM : FLOOD CONTROL DISTRICT:

SUBJECT: FLOOD CONTROL DISTRICT: Adopt Resolution F2019-10 – Accepting the Engineer's Report and Setting the Date of the Public Hearing for the National Pollutant Discharge Elimination System Program Whitewater Watershed Benefit Assessment Area. Districts 3, 4 and 5. [\$0] (CLERK TO ADVERTISE)

RECOMMENDED MOTION: That the Board of Supervisors:

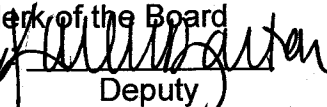
1. Accept the Engineer's Report on the National Pollutant Discharge Elimination System (NPDES) Program for the Whitewater Watershed Benefit Assessment Area, dated June 2019;
2. Direct the Clerk of the Board to advertise for the public hearing on said report, to be held at 9:30 a.m. July 23, 2019 at a regular meeting of the Board; and
3. Adopt Resolution No. F2019-10 accepting the engineer's report and setting a public hearing for the Whitewater Watershed Benefit Assessment Area and levy of benefit assessments for the NPDES stormwater program.

ACTION: Set for Hearing, Clerk to Advertise, Policy

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and is set for public hearing on Tuesday, July 23, 2019 at 9:30 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: June 11, 2019
xc: Flood, COB

Kecia Harper
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	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
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 2019-20 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. Whitewater Watershed Benefit Assessment Area Engineer's Report FY 2019-20
2. Whitewater Watershed Benefit Assessment Area Resolution No. F2019-10