

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



ITEM: 11.1
(ID # 11611)

MEETING DATE:

Tuesday, January 28, 2020

FROM: FLOOD CONTROL DISTRICT:

SUBJECT: FLOOD CONTROL DISTRICT: Approval of the Amendment to the 2016 Implementation Agreement for the Santa Margarita Watershed Management Area Between the Riverside County Flood Control and Water Conservation District, the County of Riverside, the County of San Diego and the Cities of Murrieta, Temecula, Wildomar and Menifee, CEQA Exempt, Districts 1, 3 and 5. [\$0] (Companion Item to MT Item No. 11726)

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);
2. Approve the Amendment to the 2016 Implementation Agreement ("Amendment") for the Santa Margarita Watershed Management Area between the Riverside County Flood Control and Water Conservation District ("District"), the County of Riverside, the County of San Diego and the Cities of Murrieta, Temecula, Wildomar and Menifee;
3. Authorize the Chairwoman of the Board to execute the same on behalf of the District; and
4. Direct the Clerk of the Board to return eight (8) signed Amendments to the District.

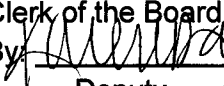
ACTION:Policy


Bob Cullen, Assistant Chief Engineer 1/15/2020

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: January 28, 2020
xc: Flood, EO

Kecia R. Harper
Clerk of the Board
By: 
Deputy

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| 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: | | | Budget Adjustment: No | |
| Not applicable | | | For Fiscal Year: N/A | |

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Federal Clean Water Act and National Pollutant Discharge Elimination System ("NPDES") stormwater regulations require public agencies that serve urbanized areas with a population greater than 100,000 and other designated areas to obtain and comply with NPDES Municipal Separate Storm Sewer System ("MS4") permits. An NPDES MS4 permit regulates discharges of stormwater runoff from one or more MS4s - municipally owned conveyance or system of conveyances that is designed or used to collect or convey stormwater (e.g., roads, storm drains, pipes, ditches), not a combined sewer, and not part of a sewage treatment plant, or publicly owned treatment works – within a watershed.

The Santa Margarita Watershed drains into the Pacific Ocean and covers an area of approximately 750 square miles, encompassing portions of both the County of Riverside and the County of San Diego. Approximately 73.5 percent of the Santa Margarita Watershed land surface falls within the County of Riverside, which includes the city of Temecula, the southwest portion of unincorporated County of Riverside, and portions of the cities of Menifee, Murrieta and Wildomar. The remaining 26.5 percent of the Santa Margarita Watershed is in the County of San Diego.

The discharge of stormwater within the Santa Margarita Watershed is regulated by the *National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region* (Regional Board Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100), which was issued to the Riverside County Flood Control and Water Conservation District ("District"), the County of Riverside, the County of San Diego, and the Cities of Murrieta, Temecula, and Wildomar ("Co-Permittees") by the California Regional Water Quality Control Board – San Diego Region on November 18, 2015 ("2015 Permit"), pursuant to Section 402 of the Federal Clean Water Act.

The 2015 Permit requires the Co-Permittees to collaborate to develop required program plans and reports, and to conduct various implementation actions. The 2016 Implementation Agreement for the Santa Margarita Watershed ("Agreement"), approved by the Board of Supervisors for the District on July 12, 2016 (Minute Order 11-7), provides the mechanism

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through which the Co-Permittees and the City of Menifee collaborate to comply with the applicable provisions of the 2015 Permit. The Agreement sets forth cost sharing provisions, and the terms and conditions by which the Co-Permittees perform and execute 2015 Permit compliance activities and responsibilities.

This Amendment clarifies the responsibilities of the five Co-Permittees within the County of Riverside (the District, the County of Riverside, and the Cities of Murrieta, Temecula and Wildomar) and the City of Menifee regarding the discharge of pollutants, non-stormwater, and other substances into their respective MS4s, which then enter the MS4 of another Riverside County Co-Permittee or the City of Menifee.

County Counsel has approved the Amendment as to legal form. A companion items appears on County of Riverside's Board Agenda for approval this same date.

Prev. Agn. Ref.: 11-7 of 07/12/16

Environmental Findings

Pursuant to CEQA, the Amendment to the Implementation Agreement was determined to be exempt from CEQA under State CEQA Guidelines Section 15061(b)(3). Section 15061(b)(3) or the "common sense exemption" applies to activities 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. As stated previously, the Amendment merely clarifies the responsibilities of the five Co-Permittees and the City of Menifee to implement the Implementation Agreement. Based on the details provided in the amended Implementation Agreement, the District has determined that there is no possibility that the activity may have a significant effect on the environment.

Impact on Residents and Businesses

The proposed action entails no new fees, taxes or bonded indebtedness to residents and businesses. The Amendment will help to protect, preserve and enhance the quality of the water and the natural environment of the Santa Margarita Watershed.

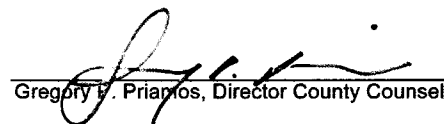
ATTACHMENTS:

1. Vicinity Map
2. Amendment to Implementation Agreement

RKM:blm
P8/229085


Jason Farin, Senior Management Analyst

1/22/2020


Gregory H. Priamos, Director County Counsel

1/16/2020

AMENDMENT TO IMPLEMENTATION AGREEMENT

WHEN DOCUMENT IS FULLY EXECUTED RETURN TO
CLERK'S COPY
Clerk of the Board, Stop 1010
Post Office Box 1147, Riverside, Ca 92502-1147
Thank you.

National Pollutant Discharge Elimination System
Stormwater Discharge Permit
Implementation Agreement
San Diego Region

(Santa Margarita Watershed Management Area)

This Amendment to Implementation Agreement ("Amendment"), dated January 1, 2020, is entered into by and between the RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ("DISTRICT"), the COUNTY OF RIVERSIDE, the CITIES OF MURRIETA, TEMECULA, and WILDOMAR (all collectively referred to as "RIVERSIDE COUNTY CO-PERMITTEES"), the COUNTY OF SAN DIEGO, and the CITY OF MENIFEE (the parties to this Amendment will be referenced herein, individually, as a "PARTY" and, collectively, as "PARTIES") to amend that certain Implementation Agreement ("Agreement") dated July 1, 2016 setting forth tasks relating to the implementation of the Municipal Separate Storm Sewer System (MS4) Permit issued by the California Regional Water Quality Control Board – San Diego Region ("San Diego Water Board") pursuant to Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100 (the "2015 PERMIT"), with respect to the following:

RECITALS

WHEREAS, PARTIES have provided in Section 12 of the Agreement that it can be amended upon the vote of a majority of the PARTIES eligible to vote;

WHEREAS, PARTIES wish to amend the Agreement to further clarify the mutual responsibilities set forth in Section 3.f of the RIVERSIDE COUNTY CO-PERMITTEES and the CITY OF MENIFEE and to add Section 3.g regarding the responsibilities of the CITY OF MENIFEE regarding the discharge of pollutants, non-stormwater and other substances into their respective MS4s which then enter the MS4 of another RIVERSIDE COUNTY CO-PERMITTEE or the CITY OF MENIFEE;

NOW, THEREFORE, the PARTIES agree as follows:

JAN 28 2020 (1.1)

1. Section 3.f of the Agreement is amended by replacing the original language with the following:

f. The RIVERSIDE COUNTY CO-PERMITTEES shall each be responsible for the regulation and enforcement of ordinances, regulations, permits, contracts, orders, and/or other legal mechanisms within their respective jurisdictions to ensure compliance with the applicable portions of the 2015 Permit, including Provision II.E.1.a, and, pursuant to 2015 Permit Provision II.E.1.a(4), to control the contribution of pollutants, non-stormwater discharges not authorized by the 2015 Permit (including, without limitation, non-stormwater flows caused by over-irrigation), flows from illicit discharges or illicit connections, or any other substance prohibited from discharge into an MS4 by the 2015 Permit, originating from their respective MS4s into the MS4 of another RIVERSIDE COUNTY CO-PERMITTEE or the CITY OF MENIFEE in a manner which could cause that co-permittee or CITY OF MENIFEE to violate the 2015 Permit. Such effort includes the exercise of police powers and land use controls (if applicable) and the enforcement of ordinances, regulations, permits, contracts, orders, and/or other legal mechanisms that the RIVERSIDE COUNTY CO-PERMITTEES, to the extent applicable, have adopted or may adopt in the future.

2. Section 3.g is added to the Agreement to read as follows:

g. The CITY OF MENIFEE shall be responsible for the regulation and enforcement of ordinances, regulations, permits, contracts, orders, and/or other legal mechanisms within its jurisdiction to ensure compliance with the applicable provisions of the 2015 Permit, and to control the contribution of pollutants, non-stormwater not authorized by the 2015 Permit (including, without limitation, non-stormwater flows caused by

over-irrigation), flows from illicit discharges or illicit connections, or any other substance prohibited from discharge into an MS4 by the 2015 Permit, originating from its MS4 into the MS4 of a RIVERSIDE COUNTY CO-PERMITTEE in a manner which could cause that RIVERSIDE COUNTY CO-PERMITTEE to violate the 2015 Permit. Such effort includes the exercise of police powers and land use controls (if applicable) and the enforcement of ordinances, regulations, permits, contracts, orders, and/or other legal mechanisms that the CITY OF MENIFEE, to the extent applicable, has adopted or may adopt in the future.

3. The Amendment shall have an effective date of January 1, 2020 and shall become binding on the RIVERSIDE COUNTY CO-PERMITTEES and the CITY OF MENIFEE upon the date on which a majority of the PARTIES eligible to vote have executed the Amendment. The PARTIES shall make all reasonable efforts to execute the Amendment prior to January 31, 2020.

4. All other provisions of the Agreement will remain in full force and effect as originally set forth.

5. This Amendment may be executed and delivered in any number of counterparts or copies ("Counterparts") by the PARTIES. When each PARTY has signed and delivered at least one Counterpart to the other PARTIES, each Counterpart shall be deemed an original and, taken together, shall constitute one and the same Amendment, which shall be binding and effective as to the PARTIES as set forth in Paragraph 2.


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IN WITNESS WHEREOF, each PARTY has executed this Amendment as of the date set forth below.

RECOMMENDED FOR APPROVAL:

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

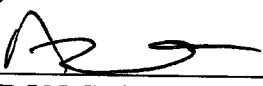
By 
JASON E. UHLEY
General Manager-Chief Engineer

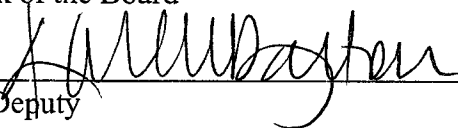
By 
KAREN SPIEGEL, Chairwoman
Riverside County Flood Control and Water Conservation District Board of Supervisors

Dated: JAN 28 2020

APPROVED AS TO FORM:

ATTEST:

GREGORY P. PRIAMOS
County Counsel
By 
AARON C. GETTIS
Supervising Deputy County Counsel


KECIA HARPER
Clerk of the Board
By 
Deputy

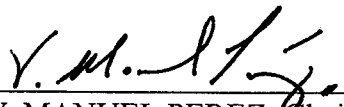
Dated: 1-16-20

(SEAL)

RECOMMENDED FOR APPROVAL:

COUNTY OF RIVERSIDE

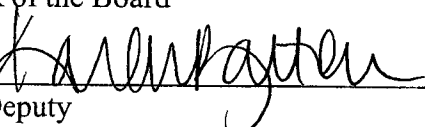
By 
GEORGE JOHNSON
County Executive Officer

By 
V. MANUEL PEREZ, Chairman
Riverside County Board of Supervisors

Dated: JAN 28 2020

Dated: 1-17-20

ATTEST:

KECIA HARPER
Clerk of the Board
By 
Deputy

(SEAL)

RMU:MC
12/19/19

APPROVED AS TO FORM:

CITY OF TEMECULA

By _____
PETER M. THORSON
City Attorney

By _____
MICHAEL S. NAGGAR
Mayor

ATTEST:

By _____
RANDI JOHL
City Clerk

Dated: _____

RMU:MC
12/19/19

APPROVED AS TO FORM:

CITY OF MURRIETA

By _____
LESLIE DEVANEY
City Attorney

By _____
GENE WUNDERLICH
Mayor

ATTEST:

By _____
STEPHANIE D. SMITH
City Clerk

Dated: _____

RMU:MC
12/19/19

APPROVED AS TO FORM:

CITY OF WILDOMAR

By _____
THOMAS D. JEX
City Attorney

By _____
DUSTIN NIGG
Mayor

ATTEST:

By _____
JANET MORALES
Acting City Clerk

Dated: _____

RMU:MC
12/19/19

APPROVED AS TO FORM:

CITY OF MENIFEE

By _____
JEFF MELCHING
City Attorney

By _____
BILL ZIMMERMAN
Mayor

ATTEST:

By _____
SARAH MANWARING
City Clerk

Dated: _____

RMU:MC
12/19/19

AMENDMENT TO IMPLEMENTATION AGREEMENT - National Pollutant Discharge Elimination System Stormwater Discharge Permit Implementation Agreement San Diego Region Santa Margarita Watershed Management Area

APPROVED AS TO FORM:

COUNTY OF SAN DIEGO

By _____
THOMAS DEAK
Senior County Counsel

By _____
BRIAN ALBRIGHT
Director of the Department of Public Works

Dated _____

Dated _____

RMU:MC
12/19/19