

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



ITEM: 11.2
(ID # 15074)

MEETING DATE:
Tuesday, June 15, 2021

FROM: FLOOD CONTROL DISTRICT AND General Manager-Chief Engineer:

SUBJECT: FLOOD CONTROL DISTRICT: Adopt Resolution F2021-17 Accepting the Engineer's Report and Setting the Date of the Public Hearing for the NPDES Program Santa Margarita Watershed Benefit Assessment Area, Districts 1, 3 and 5. [\$0] (CLERK TO ADVERTISE)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Accept the Engineer's Report on the NPDES Program for the Santa Margarita Watershed Benefit Assessment Area, dated June 2021;
2. Direct the Clerk of the Board to advertise for the public hearing on said report, to be held at 9:30 a.m. on July 20, 2021 at a regular meeting of the District's Board of Supervisors; and
3. Adopt the following entitled Resolution: Resolution No. F2021-17 Accepting the Engineer's Report and Setting a Public Hearing for the Santa Margarita Watershed Benefit Assessment Area Pursuant to Ordinance No. 14 Providing for the Establishment and Levy of Benefit Assessments for the National Pollutant Discharge Elimination System (NPDES) Stormwater Program.

ACTION: Policy, Clerk to Advertise, Set for Hearing

Jason Uhley, GENERAL MGR-CHF FLD CNTRL ENG

6/2/2021

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Washington, seconded by Supervisor Jeffries 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 20, 2021, at 9:30 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Spiegel, Washington, Perez, and Hewitt
Nays: None
Absent: None
Date: June 15, 2021
xc: Flood, COB

Kecia R. 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: 21/22	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

The Santa Margarita Watershed Benefit Assessment Area was established on May 14, 1991 by the adoption of Resolution No. F91-22 by the Board pursuant to Ordinance No. 14 of the Riverside County Flood Control and Water Conservation District and the Riverside County Flood Control and Water Conservation 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 2021-22 is \$4.00 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. SM BA Engineer's Report FY 2021-22
2. SM BA Resolution No. F2021-17

CW:mc
MT #15074
P8/237656


6/8/2021

6/3/2021

1 Board of Supervisors

Riverside County Flood Control
2 And Water Conservation District

3
4 **RESOLUTION NO. F2021-17**

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

10
11 **WHEREAS**, the California Regional Water Quality Control Board - San Diego Region, on behalf
12 of the Federal Environmental Protection Agency ("EPA"), and consistent with Section 402 of the Federal
13 Clean Water Act, as amended, and the regulations promulgated by the EPA pursuant thereto, has issued
14 an area-wide stormwater discharge permit under the National Pollutant Discharge Elimination System
15 ("NPDES Permit") to the Riverside County Flood Control and Water Conservation District ("District"),
16 the County of Riverside and certain cities within the Santa Margarita Watershed that are within the
17 District's jurisdiction, and has named the District as the "Principal Permittee"; and

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

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

24 **WHEREAS**, the District's Board of Supervisors ("Board") on May 14, 1991 adopted Resolution
25 No. F91-22 pursuant to the provisions of Section 14 of the Riverside County Flood Control and Water
26 Conservation District Act, which is Appendix 48 to the California Water Code ("District Act"), and
27 pursuant to Ordinance No. 14 that formed a Benefit Assessment Area ("Benefit Assessment Area") which

FURM APPROVED COUNTY COUNSEL
BY: AARON C. GETTIS
5-20-21
DATE

28 JUN 15 2021 11.2

1 encompasses all territory within the District's jurisdiction that is within the Santa Margarita Watershed as
2 described in Ordinance No. 14, and has levied annually thereon a Benefit Assessment ("Benefit
3 Assessment") to pay the District's annual costs associated with the NPDES Permit; and

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

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

11 **WHEREAS**, the Chief Engineer has caused a report to be prepared and filed with the Clerk of the
12 Board of Supervisors regarding the Benefit Assessment to be levied for the 2021-22 Fiscal Year for the
13 Santa Margarita Watershed Benefit Assessment Area; and

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

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

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

23 **BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board of Supervisors
24 of the Riverside County Flood Control and Water Conservation District in regular session assembled on
25 the 15th day of June 2021 as follows:

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

27 Section 2. The Report prepared by the Chief Engineer and filed with the Clerk of the Board
28

1 of Supervisors is accepted.

2 Section 3. The Report proposes that the Benefit Assessment to be levied on all parcels within
3 the Santa Margarita Watershed Benefit Assessment Area, as described in Ordinance No. 14, in Fiscal Year
4 2021-22 is equal to or less than the Benefit Assessment that was enrolled and levied for Fiscal Year 1996-
5 97 and all subsequent years.

6 Section 4. The public hearing on the Report is to be held at 9:30 a.m. or soon thereafter on
7 Tuesday, July 20, 2021 in the meeting room of the District's Board of Supervisors which is located at 4080
8 Lemon Street, 1st Floor, Riverside, California.

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

- 11 Clerk of the Board
- 12 County Administrative Center
- 13 4080 Lemon Street, 1st Floor
- 14 Riverside, California

- 15
- 16 Riverside County Flood Control
- 17 and Water Conservation District
- 18 1995 Market Street
- 19 Riverside, California

- 20
- 21 City of Temecula
- 22 41000 Main Street
- 23 Temecula, California

- 24
- 25 City of Murrieta
- 26 1 Town Square
- 27 Murrieta, California
- 28

ENGINEER'S REPORT
TO THE
BOARD OF SUPERVISORS
OF THE
RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
ON THE
NPDES PROGRAM
FOR THE
SANTA MARGARITA WATERSHED
BENEFIT ASSESSMENT AREA
JUNE 2021

JASON E. UHLEY
General Manager-Chief Engineer



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- APPENDIX A – Proposed NPDES Program Budget (FY 2021-22)**
- APPENDIX B – RCFC&WCD Ordinance No. 14 (May 14, 1991)**
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Benefit Assessment Area (SMWBAA)**
- APPENDIX D – SMWBAA Assessment Roll (FY 2021-22)
(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 CSWRCB issues and enforces NPDES MS4 Permits through its nine California Regional Water Quality Control Boards (CRWQCB).

The Riverside County Flood Control and Water Conservation District (District) service area encompasses portions of three major watersheds (drainage areas): the Santa Ana River, Santa Margarita River, and Whitewater River Watersheds. The discharge of stormwater from MS4s within each of these three watersheds is regulated pursuant to an NPDES MS4 Permit (NPDES Permit) administered by a separate CRWQCB. **The District must comply with the provisions of these NPDES Permits in order to legally operate and maintain its flood control and drainage system infrastructure.** The USEPA and the CRWQCBs can impose significant penalties for non-compliance. In addition, private citizens can pursue enforcement actions under the Federal CWA.

In the Santa Margarita Region (SMR), the District, along with the County of Riverside (County) and the City of Temecula (Co-Permittees), obtained an "early"¹ NPDES Permit from the CRWQCB - San Diego Region (Regional Board) on June 16, 1990 (first-term SMR Permit). The Regional Board added the then newly incorporated City of Murrieta as a Co-Permittee to the Permit on May 18, 1992. This first-term SMR NPDES Permit was considered a "Developmental Permit". The Co-Permittees were authorized to continue discharging stormwater from their MS4s while developing various elements of an area-wide stormwater management program. The Permit identified the District as Principal Permittee, and the County and Cities of Temecula and Murrieta as Co-Permittees (collectively, the Principal Permittee and Co-Permittees comprise the Riverside County Permittees). The area-wide stormwater management program was documented in the 1993 Drainage Area Management Plan (1993 DAMP).

Although the first term SMR Permit "expired" on June 16, 1995, its provisions remained in effect in accordance with the applicable provisions of the NPDES Permit Program regulations until the Regional Board adopted a second-term SMR NPDES Permit (Board Order No. 98-02) on May 13, 1998. However, USEPA Region IX raised an objection to specific language that was included in Board Order No. 98-02 at the direction of the SWRCB. Region IX subsequently took action to issue its own NPDES Permit (CAS0108766) in accordance with the Memorandum of Agreement between Region IX and the SWRCB and the Phase I NPDES MS4 regulations at 40 CFR123.44 (h). On June 25, 1999, Region IX "returned" the NPDES Permit which it had issued to the Regional Board for implementation. On November 8, 2000, the Regional Board issued Addendum No. 1 to Board Order No. 98-02, which incorporated, by reference, the USEPA NPDES Permit into their Board Order.

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

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

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

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

From 2012 to 2015, although regulated under the 2010 Permit at the time, the Riverside County Co-Permittees coordinated with the San Diego County and South Orange County Permittees in responding to Regional Board staff proposals in their development of a Regional NPDES Permit (Regional MS4 Permit). The Regional MS4 Permit required a paradigm shift from traditional jurisdiction-based Permit requirements to watershed-based, outcome-oriented requirements. The Regional MS4 Permit was adopted in May 2013; in May 2015, the Riverside County Co-Permittees submitted a ROWD requesting renewal of the SMR Permit. The Regional MS4 Permit regulates Co-Permittees within San Diego and Orange Counties, and as of November 18, 2015, now regulates the Riverside County Co-Permittees. The Regional MS4 Permit expired on June 27, 2018 but has been administratively extended until it is reissued. On December 27, 2017, the Riverside County Co-Permittees submitted a ROWD requesting renewal of the SMR Permit. As of the date of this Engineer's Report, the Regional Board stated that they are currently drafting the next Regional MS4 Permit and expect to begin the permit renewal process in mid- 2021.

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

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

The Santa Margarita Watershed Benefit Assessment Area (SMWBAA) was established pursuant to District Ordinance No. 14 on May 14, 1991 (see Appendix B). The SMWBAA was formed to offset the District's program and administrative costs associated with the development, implementation, and management of identified stormwater management activities required by the federally mandated NPDES Permit Program. **The District must continue to develop and implement these stormwater management activities in order to legally operate and maintain its flood control and drainage facilities.** A map showing the boundaries of the SMWBAA is attached hereto as Appendix C.

As Principal Permittee, the District serves as liaison to the Regional Board on general Permit issues, and is required to coordinate MS4 Permit activities and facilitate collaboration on development and implementation of programs required by the MS4 Permit.² As such, the costs of the District's various NPDES Permit compliance activities fluctuate from year to year. Although some expenses do not change significantly on a yearly basis, certain costs are cyclical (e.g., preparing ROWDs and negotiating NPDES permit provisions), while expenses associated with collecting water samples and laboratory analysis may vary according to the amount of rainfall occurring in a given year or in response to certain information requests from the Regional Board. Costs associated with the development, production, and distribution of public education materials are not always incurred on a Fiscal Year basis (FY). Occasionally, additional consultants and/or legal services may be needed to assist the District with the development of a particular Permit requirement or program activity. Also, certain activities or programs may be expanded or curtailed from time to time and, occasionally, new programs or activities must be developed and implemented.

Currently, the regulation and management of stormwater runoff is a topic of increasing interest amongst the public, municipalities, regulatory authorities, and legislators. Although new laws and/or regulations could result in changes to the assessment rate in future years, **the proposed assessment rate for Fiscal Year 2021-22 is equal to or less than the assessment rate that was enrolled and levied since Fiscal Year 1996-97.**

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

APPORTIONMENT METHODOLOGY

SMWBAA assessments are apportioned on the basis of proportionate stormwater runoff generated by each parcel. This method of assessment is consistent with state law and District Ordinance No. 14. The amount of benefit is computed based upon parcel size and use classification. A single-family residential structure on a 7,200 square foot is defined as one benefit assessment unit (BAU). The BAUs for other types of land use are calculated in proportion to the amount of runoff generated by a single-family residence on a 7,200 square foot lot.

In comparison with a typical single-family residence, industrial, and commercial properties typically generate more stormwater runoff and higher pollutant loads on a per acre basis. Thus, industrial/commercial parcels are assessed at a higher rate per acre than residential parcels. Because agricultural discharges are currently exempt under the NPDES Permit regulations, parcels within the SMWBAA that are used for agricultural purposes are exempt from the assessment. Vacant, undeveloped parcels are not assessed because they are considered to generate no increase in pollutant loading. Additionally, certain large undeveloped tracts of land such as federal or state-owned forest are excluded from the SMWBAA. A more detailed discussion of the apportionment methodology is presented in Appendix B.

CURRENT YEAR ASSESSMENTS (FY 2020-21)

In July 2019, the District's Board of Supervisors confirmed a benefit assessment rate for FY 2020-21 of \$4.00 per BAU. Following is a summary of FY 2020-21 assessments:

Rate	Billed Parcels	BAUs	Assessments	Corrections	Amount Paid⁽²⁾⁽³⁾
\$4.00	92,590	145,687	\$582,375 ⁽¹⁾	\$0	\$530,016

⁽¹⁾ Amount reflects actual total assessments on all parcels. Total may vary due to rounding.

⁽²⁾ Through May 26, 2021 provided by the County of Riverside Auditor-Controller.

⁽³⁾ Includes payments received for direct billed parcels.

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 2021-22)

The District recommends that for FY 2021-22, the SMWBAA assessment rate remain unchanged at \$4.00 per BAU. This BAU rate would result in an equivalent charge per acre for the following land uses:

Group	Land Use Classification	BAU/Acre	Assessment Rate*
A	Commercial, Industrial	12	\$48.00/acre
B	Apartments/Mobile Home Parks, Churches and Schools	9	\$36.00/acre
C	Single-family Residential	6**	\$24.00/acre
D	Agricultural/Vacant Undeveloped	Exempt	\$0.00/acre
E	Golf Courses	0.10	\$0.40/acre
F	Undeveloped Portions of Parcels	0.05	\$0.20/acre

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

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

The projected revenue for FY 2021-22, using the proposed benefit assessment rate of \$4.00 per BAU is as follows:

Rate	Parcels⁽¹⁾	BAUs	Assessment⁽¹⁾⁽²⁾	Projected Revenue⁽³⁾
\$4.00	92,590	145,687	\$582,375	\$553,256

⁽¹⁾ Based on FY 2020-21 Assessor's information.

⁽²⁾ Totals may vary due to rounding.

⁽³⁾ Assumes a 5.0% delinquency rate.

The projected revenue along with any remaining portion of the ending fund balance from FY 2020-21 will fund the District's NPDES Stormwater Management Program activities for the Santa Margarita Watershed area in FY 2021-22. The proposed FY 2021-22 budget is presented in Appendix A.

During the early years of the NPDES Program, there were many uncertainties regarding startup costs (consultant costs, amount of sampling that would be required, overall program scope, etc.) since the program was new for both the regulatory authorities and the Permittees. Consequently, the initial assessment rates were set conservatively to ensure that all permit obligations could be met. To date, the District has been able to maintain a modest fund balance since the benefit assessments were first levied in FY 1991-92. The District is reducing the fund balance by maintaining the current assessment rate while sustaining expenditure levels that are slightly above projected revenues. As a result of increasingly stringent regulations of municipal stormwater runoff in California, continued full implementation and anticipated reissuance of the Regional MS4 Permit, and with continued technical and monitoring work required to support the TMDL Alternative work for the Santa Margarita River and Estuary, it is expected that the District's NPDES Permit compliance costs will increase significantly in FY 2021-22 and in the coming years.

ASSESSMENT ROLL

The SMWBAA Assessment Roll provides a listing by Assessor's Parcel Number of the proposed FY 2020-21 Benefit Assessment to be levied on each parcel of property in the SMWBAA. The Assessment Roll is identified as Appendix D and incorporated herein by this reference. This Engineer's Report along with the SMWBAA Assessment Roll will be placed at the following locations for review by the public:

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

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

City of Murrieta
1 Town Square
Murrieta, CA 92562

City of Temecula
41000 Main Street
Temecula, CA 92590

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

NPDES PROGRAM HIGHLIGHTS (FY 2020-21)

The following tasks were accomplished or are ongoing for the year ending June 30, 2021 in compliance with the Regional MS4 Permit:

- A. Pursuant to Provision B of the Regional MS4 Permit, the Riverside County Co-Permittees developed and implement the SMR Water Quality Improvement Plan (WQIP). The WQIP is a watershed-based plan that addresses the entire SMR Watershed Management Area (SMR WMA), including land-use areas and facilities within the jurisdiction of the Riverside County Co-Permittees, a portion of the City of Menifee, and a portion of the County of San Diego, in which Co-Permittees must assess all watershed streams and known pollutant sources, prioritize water quality issues, and then set forth an adaptive management process to implement strategies to address the highest priority water quality issues. The WQIP was developed through a transparent process involving extensive collaboration with watershed stakeholders and the public. The Regional Board accepted the WQIP on November 27, 2018.

Pursuant to Provision B of the Regional MS4 Permit, the Riverside County Co-Permittees elected to perform the optional Watershed Management Area Analysis (WMAA). The WMAA is a watershed-scale analysis that identifies important characteristics, such as hydrologic processes categories and stream descriptions. The WMAA identifies candidate projects with the potential to provide offsite alternative compliance options. The WMAA evaluated three selected large stream reaches to determine whether they were currently experiencing impacts from hydromodification or were likely to experience such impacts in a future "full buildout" condition. The WMAA recommends hydromodification exemptions for two large streams (Murrieta Creek and the Santa Margarita River) and provides quantitative data and analyses to support the exemptions. Additional WMAA analyses were conducted in May and June 2018, and a revised version of the WMAA document was submitted with the WQIP in October 2018.

- B. The District prepared a WQIP Update that was submitted to the Regional Board concurrently with the WQIP Annual Report in January 2021. The WQIP Update was required by the Regional Board as outlined in the WQIP acceptance letter (2018), in letters received in 2019 and 2020 following review of the SMR WQIP Annual Reports, and as specified in Investigative Order No. R9-2019-0007 (see item C, below). The primary WQIP Update requested by the Regional Water Board was the incorporation of the 2019 SMR Estuary Investigative Order No. R9-2019-0007 including the Final Monitoring and Assessment Workplan for the SMR Estuary and Watershed Monitoring and Assessment Program by January 31, 2021. The WQIP Update process required public participation and review by a WQIP Consultation Panel.
- C. The District continued coordinating the work of the Santa Margarita River Nutrient Initiative Group (SMRNIG); District coordination began in October 2018. The District coordinates and provides facilitation services for quarterly and as-needed meetings of the SMRNIG's Stakeholder Advisory Group. This coordination had been provided by the County of San Diego from 2014 – 2018. The Regional Board, in conjunction with the USEPA and local stakeholders including the local agencies in the Santa Margarita River Watershed, formed the SMRNIG to investigate the conditions, sources of pollutants, loading capacity, and existing control requirements affecting the eutrophic conditions in the watershed. Several long-term water quality monitoring projects have been implemented, and modeling of the Santa Margarita Estuary, River Mainstem, and watershed have been performed. The information is currently being used to develop a TMDL Alternative to address the pollutants

and conditions affecting eutrophication within the estuary and the river. From 2012-18, the SMRNIG was funded largely through the Integrated Regional Water Management (IRWM) process and a Proposition 84 grant from the State of California with matching funding and in-kind services by the District, the County of San Diego, and U.S. Marine Corps (USMC) Base Camp Pendleton. The current technical work, which began in early 2019, has been funded largely by the Regional Board. However, the District, in coordination with the Riverside County Co-Permittees, is providing review of the technical work, supporting a related modeling project to determine nutrient loading and water quality conditions under a natural condition, and providing administrative support.

- D. On May 9, 2019, the Regional Board issued Investigative Order No. R9-2019-0007: An Order Directing the Cities of Murrieta, Temecula, and Wildomar, the Counties of San Diego and Riverside, the Riverside Flood Control and Water Conservation District, and the United States Marine Corps Base Camp Pendleton to Design and Implement a Water Quality Improvement Monitoring and Assessment Program for Eutrophic Conditions in the Santa Margarita River Estuary and Watershed. Order R9-2019-0007 required these seven named agencies to develop a Monitoring and Assessment Workplan and submit the Workplan to the Regional Board for approval within six months. The Workplan was developed in coordination with the seven agencies and with review by the SMRNIG. The final Workplan was submitted November 8, 2019 and was approved by the Regional Board on January 30, 2020. The required monitoring activities for the SMR Estuary are being funded jointly by the seven named agencies under a Memorandum of Understanding (MOU). Additional monitoring required at three sites on the Santa Margarita River are being conducted independently by the County of San Diego, the USMC Base Camp Pendleton, and by the District. Monitoring began in May of 2020 and will continue through 2023.
- E. Until July 5, 2018, the District continued to implement the Standard Stormwater Mitigation Plan (SSMP) (referred to by the Riverside County Co-Permittees as a Water Quality Management Plan or WQMP), Template, and Guidance document for new development, in accordance with the 2010 Permit. However, pursuant to Provision E.3.d of the Regional MS4 Permit, the Co-Permittees updated the BMP Design Manual (BMPDM), which incorporates the WQMP and includes updated BMP design standards and development project requirements. The updated BMPDM was first submitted to the Regional Board on January 5, 2018. Following comments from the Regional Board received in March and May of 2018, the BMPDM and WQMP were finalized in June 2018, and became effective July 5, 2018. The Co-Permittees are currently implementing the updated BMPDM and WQMP per the Regional MS4 Permit.
- F. The SMR Hydromodification Management Plan (HMP) was developed by the Riverside County Co-Permittees in response to Provision F.1.h of the 2010 Permit to manage increases in runoff discharge rates and durations from Priority Development Projects (PDPs). Hydrologic and sediment supply performance standards that will support maintenance of geomorphic stability in channels receiving runoff from PDPs were developed in this process. The final draft HMP was submitted to the Regional Board on July 11, 2014, at which time the Riverside County Co-Permittees began implementation. The HMP requirements have been incorporated into the BMPDM and WQMP, which now supersede the HMP. The HMP is now a historical program document.
- G. The District continued implementation of the SMR Hydrology Model (SMRHM). The SMRHM became effective on July 11, 2014. The SMRHM is a tool that provides continuous simulation of peak flow runoff rates, from 10% of the 2-year runoff event up to the 10-year

runoff event for PDPs. The software is a Hydrologic Simulation Program FORTRAN (HSPF) model that allows users to demonstrate compliance with the HMP performance standards through an interactive graphic user interface.

- H. The District conducted hydromodification monitoring within the SMR as specified in the SMR HMP Monitoring Plan from 2016 - 2019. The plan requires monitoring and assessing two streams in the SMR over time; data gathered will be used in conjunction with monitoring efforts required under the Regional MS4 Permit and will also be provided to several watershed stakeholders for use in special studies and/or stream restoration projects. This monitoring was completed in 2019 and a final HMP Monitoring Report was submitted to the Regional Board in January 2020. Hydromodification monitoring will now be conducted as required in the monitoring program under the Regional MS4 Permit.
- I. The District developed and submitted a completed test claim on the 2010 MS4 Permit, pursuant to request from the Commission on State Mandates. In light of a recent Supreme Court ruling, the Commission agreed to review the original test claim filed by the SMR Co-Permittees in 2011 regarding costs incurred for 2010 MS4 Permit provisions which may be eligible for reimbursement from the state. The completed test claim was submitted to the Commission on April 28, 2017; hearing dates continue to be delayed due to ongoing legal challenges regarding other test claims in the state, but it is currently scheduled for a hearing by the Commission on September 24, 2021.
- J. The District developed and submitted a completed test claim on the Regional MS4 Permit with the Commission on State Mandates. The test claim was submitted on June 30, 2017; hearing dates continue to be delayed, but it is currently scheduled for a hearing by the Commission on January 27, 2023.
- K. The District continued identifying and tracking impending draft policies and proposed legislation to inform regulators, policy makers, and the Co-Permittees of potential impacts to the Permit program or to any of its specific components.
- L. The District continued partnership and support in the Upper Santa Margarita Watershed Integrated Regional Watershed Management Group (USMWIRWMG). The Regional Watershed Management Group (RWMG) involves multiple agencies, stakeholders, individuals, and groups, and collaborates to apply for Propositions 1 and 84 grant funding through the Upper Santa Margarita Watershed Integrated Regional Watershed Management Plan (IRWMP) for planning projects within the SMR that would additionally help provide funding for compliance activities required by the Regional MS4 Permit.
- M. In 2019, the District prepared a Storm Water Resources Plan (SWRP) for the Upper Santa Margarita River Watershed (USMRW). The 2019 USMRW SWRP is an integrated plan that focuses on regional watershed-based stormwater priorities and on developing projects with multiple benefits in the Riverside County portion of the SMRWMA. The purpose of the SWRP is to guide development, facilitate implementation, and improve funding eligibility of stormwater projects that will provide benefits such as improved water quality, augmented water supply, and reduced flood risk. The SWRP also acts as a vehicle for agency collaboration to allow development of regional stormwater and dry weather runoff solutions. The SWRP was developed out of previous cooperative water management planning efforts in the Planning Area, which is also covered by the SMR WQIP. The SWRP works closely with the WQIP as well as the USMRW IRWMP. In December 2019, the SWRP was submitted for approval to the SWRCB. In January 2021, the SWRCB provided a letter of

concurrence that approved the SWRP. The SWRP was also submitted to Rancho California Water District for inclusion in the USMRW IRWM.

- N. The District continued to chair the Santa Margarita Permit Technical Advisory Committee comprised of Riverside County and San Diego Co-Permittees and Regional Board staff. The Riverside County Co-Permittees coordinate their urban runoff management activities to work toward achieving the greatest protection of receiving water quality. This committee serves as a forum to effectively disseminate information, discuss regional and statewide program issues, and plan and coordinate Co-Permittee actions to achieve compliance with the Regional MS4 Permit.
- O. The District continued contributing financial support to area-wide stormwater pollution prevention programs, such as the Household Hazardous Waste (HHW) temporary and permanent collection events and the "ABOP" (Anti-freeze, Batteries, Oil, and Paint) Program. These programs are provided through a Memorandum of Understanding and financial contributions to the Riverside County Department of Waste Resources.
- P. The District prepared the comprehensive 2019-20 WQIP Annual Report, which was submitted via posting to the Regional Clearinghouse website as directed by the Regional Board. The WQIP Annual Report was posted to the website on January 31, 2021. The WQIP Annual Report included extensive information provided in response to a Regional Board review of WQIP Annual Reports for all the Watershed Management Areas in the San Diego Region.
- Q. The District continues to review and update the Low Impact Development (LID) BMP Design Manual, which is focused on landscape based BMPs and infiltration BMPs capable of addressing identified water quality impairments in the Santa Margarita Watershed. The LID BMP Design Manual is available on the District's website.
- R. The District continued collection and analysis of water quality samples in accordance with the Regional MS4 Permit's WQIP Monitoring and Assessment Program requirements. Dry weather field screening is conducted at MS4 outfalls and water quality samples collected during wet and dry weather at MS4 outfalls are analyzed for required constituents. Water quality samples will continue to be collected at receiving water stations and analyzed for required constituents in accordance with the program schedule under the WQIP.
- S. The WQIP includes a Water Quality Monitoring and Assessment Program (MAP), which incorporates the requirements specified in the Regional MS4 Permit. The WQIP as accepted by the Regional Board replaces the prior monitoring plan previously referenced within Volume III of the District's Consolidated Monitoring Program (CMP). The CMP now serves as a reference document to the MAP and has been updated to reflect current Regional MS4 Permit requirements. This CMP contains a Quality Assurance Project Plan (QAPP) (Volume II) which specifies the general methods, procedures, quality assurance, and quality control requirements as relevant to the Riverside County MS4 Permit's monitoring requirements.
- T. The District continued participation in the Stormwater Monitoring Coalition (SMC), a regional monitoring group comprised of Southern California Phase 1 Municipal NPDES Permit holders and local Water Board representatives whose focus is developing effective and meaningful stormwater quality monitoring techniques. The goal of the SMC is to develop the technical information necessary to better understand stormwater mechanisms and impacts, and then develop the tools that will effectively and efficiently improve

stormwater decision-making. The SMC develops and funds cooperative projects to improve the knowledge of stormwater quality management and reports on the progress of those projects on an annual basis (<http://socalsmc.org/>). To date, the coalition has funded more than 30 research projects valued at \$18 million, underscoring the value of collaborative research. The newest master agreement was signed in October 2019 and spans five years. Under our newest agreement, the SMC executive steering committee has called for the development of a forward-looking research agenda that can guide the SMC's priorities and directions through 2024. To date, the District has served as SMC Chair, Vice-chair, as the Project Manager for the SMC's Streamline Annual Reporting Project, on the Executive Steering Committee, on the Regional Bioassessment Survey Technical Subcommittee, and on the SMC California LID Evaluation and Analysis Network Technical Subcommittee.

- U. The District continued coordination with the SMC for the completion of the current five-year cycle of the southern California bioassessment monitoring program. This monitoring program was created in response to the need for a more holistic and coordinated approach for gathering information about the health of streams in southern California both for compliance purposes and data-sharing purposes as streams are an important natural resource. The study is designed to answer questions essential to watershed management. Answering these questions at the regional scale provides resource managers with the ability to contextualize their programs and improve understanding of the effectiveness of management actions, prioritization of streams most in need of protection, and identification of stressors that are likely to pose the greatest risk to stream health. Based on the findings and lessons learned from the decade of regional monitoring efforts, a revised 5-year study design has been developed for 2019-2024. Two SMC monitoring stations have been monitored during the 2019-2020 monitoring year in the SMR. The long-term receiving water stations identified in the WQIP, will be monitored in spring of 2021, as representative of the SMR. Moving forward, the SMC is initiating the next cycle of regional monitoring which will continue to assess trends and condition sites and may also expand to include wet-dry mapping of areas within the southern California watersheds, a possible causal assessment, and monitoring of targeted underrepresented streams in the regional bioassessment program.
- V. The District continued to participate in the California Stormwater Quality Association (CASQA) on behalf of the Permittees. 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, District staff have served on the CASQA Board of Directors, on the Executive Program Committee, as Legislative Subcommittee Co-Chair, Monitoring and Science Subcommittee Co-Chair, Policy and Permitting Subcommittee Co-Chair, BMP Effectiveness Subcommittee Co-Chair, and as a member of the BMP Subcommittee.
- W. The District continued active participation in the CASQA Pesticides Subcommittee. This subcommittee is tasked with facilitating changes to state and federal pesticides regulations that 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 subcommittee 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 USEPA's Office of Pesticide. As of 2021 this working group combined with the Watershed

Management & Impaired Waters Subcommittee and is now referred to the as the CASQA True Source Control Subcommittee.

- X. The District continued providing semi-annual municipal employee stormwater training. These training classes focus on the requisite knowledge for properly implementing the requirements outlined in the Jurisdictional Runoff Management Program (JRMP) Plan and WQMP. The training classes also address Permittee functions such as development planning, municipal activities, industrial/commercial inspections, and construction inspections. In previous years all such training was conducted through in-person training events. The District has begun implementation of an online training program to allow for a more cost effective and convenient training platform for Co-Permittees.
- Y. The District continued providing stormwater pollution prevention education and outreach by supporting area-wide events such as Love Your Neighborhood program and distributing BMP brochures addressing pollution prevention, recycling, proper disposal of household hazardous waste, runoff from construction activities, pet care, swimming pool discharges, jacuzzi and garden fountain maintenance, septic tank upkeep, professional mobile services, landscape and gardening activities, over-irrigation tips, the "Do's and Don'ts" of outdoor cleaning, and proper housekeeping practices for automotive facilities, restaurants, and industrial/commercial facilities.
- Z. The Riverside County Watershed Protection website (<http://rcwatershed.org>) is undergoing a major revision to make it a "one-stop, one shop" website that contains public education materials as well as compliance documents and any other information relevant to Permittees, development community, regulatory agencies, and the public.
- AA. The District continues to update the District's NPDES website to meet the Regional MS4 Permit requirements for the "Regional Clearinghouse". The Regional MS4 Permit requires all program documents and supporting documents to be accessible online. The website has been updated to provide links to all required documents and to link to the relevant section of the San Diego County NPDES website for the SMR Watershed Management Area.
- BB. In March 2020, the Governor and the County of Riverside Public Health Officer declared a health emergency due to the COVID-19 pandemic and issued several orders which included behavioral restrictions for the entire population, such as prohibiting gatherings of any size and following social distancing protocols. In April 2020, the District notified the Regional Board, as required, to identify specific MS4 Implementation activities that were impacted by COVID-19 restrictions. These restrictions resulted in postponement of in-person public outreach activities, transition to virtual meetings, and widespread telecommuting for District and Co-Permittee staff. In addition, new protocols were implemented for some monitoring activities to allow social distancing practices.

PROGRAM/WORK ITEMS (FY 2021-22)

The Regional Board enrolled the Riverside County Co-Permittees into the Regional MS4 Permit on November 18, 2015; the Permit became effective for the Co-Permittees on January 7, 2016. Upon the Regional MS4 Permit's effective date, a two-year timeline began in which the SMR WMA WQIP must be developed and submitted for Regional Board approval; additionally, the JRMP Plan and BMPDM were all required to be updated and submitted. Each of these Regional MS4 Permit compliance documents require significant public and stakeholder participation, review and comment, and extensive coordination with other WMA entities including the Riverside County Co-Permittees, County of San Diego, and City of Menifee. Implementation of the WQIP is expected to have significant impacts on Co-Permittee resources.

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

NPDES Permit Compliance Document Development Submittal

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

Regional MS4 Permit compliance reports which will be developed and submitted, including dates for submittal to the Regional Board are as follows:

- WQIP Annual Reports: due annually by January 31st after the WQIP has been accepted by the Regional Board

The District and the Co-Permittees will continue to implement the WQIP and the JRMP requirements. The District will also review and update the WQIP, the WMAA, the JRMP template, and the BMP Design Manual as needed. Costs to coordinate and develop the above stated plans and reports have been significant; the District's share of the cost for developing these compliance documents include SMWBAA funds.

Renewal of the Regional MS4 Permit

The District (in coordination with the Co-Permittees, the County of San Diego, and the County of Orange) submitted the ROWD as application for a renewed Regional MS4 Permit on December 27, 2017. It is expected that the process to renew the Regional MS4 Permit will begin in FY 2021-22. The District will lead the renewal activities on behalf of the Co-Permittees, including stakeholder coordination meetings and document development, review, and revision.

SMR WMA WQIP Implementation

The WQIP addresses water quality issues within the SMR WMA in a systematic fashion which is prescribed by the Regional MS4 Permit. The WQIP includes a complete assessment of watershed streams and outfalls, pollutant sources, extensive mapping, assessment of pollutant loads, and development of strategies for addressing the SMR WMA's identified highest priority water quality issues. The WQIP also includes a monitoring program and an adaptive management process. The WQIP serves as the cornerstone Regional MS4 Permit compliance document going forward into subsequent MS4 Permit terms. The District will coordinate to ensure full implementation of water quality improvement strategies identified in the WQIP.

Individual JRMPs

The District will continue to implement a JRMP that describes its specific runoff management programs and activities. Additionally, each Co-Permittee must update its respective JRMP Plans to reflect the requirements of the Regional MS4 Permit. As Principal Co-Permittee, the District prepared a JRMP template to assist Co-Permittees with preparation of their own jurisdiction-specific documents. Using the JRMP template as a guide, the Co-Permittees prepared and submitted updated JRMP Plans to the Regional Board on January 5, 2018 and are updating and adapting these programs as needed.

WQMP Implementation

In accordance with 2010 Permit and Regional MS4 Permit requirements, the Riverside County Co-Permittees developed an HMP to manage increases in runoff discharge rates and durations from certain Priority Development Projects. The WQMP requires projects to have estimated post-project runoff discharge rates and durations that do not exceed pre-development discharge rates and durations. Modeling software, called the Santa Margarita Region Hydrology Model (SMRHM), was developed and finalized to perform the necessary calculations to estimate pre-development and post-project runoff discharge rates. Implementation of the WQMP and SMRHM will continue in FY 2021-22.

MS4 Program Management

As Principal Watershed Co-Permittee, the District coordinates the efforts of the other WMA Co-Permittees and facilitates regional compliance with certain aspects of the Regional MS4 Permit on behalf of the Riverside and San Diego County Co-Permittees. This includes acting as liaison between Co-Permittees and the Regional Board, chairing regular meetings of the SMR WMA Technical Advisory Committee, administration of area-wide programs (e.g., public education and outreach, municipal employee training, household hazardous waste collection, hazardous material spill response, and stormwater sample collection and analysis), program development, and preparation and submittal of the Monitoring Annual Report to the Regional Board. The District will also continue its efforts on identifying and commenting on statewide issues that affect local stormwater programs.

Additionally, the District will continue to update and modify MS4 programs to address COVID-19 Riverside County Public Health Order(s) restrictions and maintain permit compliance.

Area-Wide MS4 Programs

The District will continue to provide financial support for several important "area-wide" BMP programs implemented on behalf of the Riverside County Co-Permittees. The programs currently include:

Public Education

The District provides for coordination and oversight of the area-wide NPDES public education and outreach efforts, including public events, school and adult education programs, printed brochures, and commercial mass-media campaigns. This includes continued development and distribution of focused educational outreach materials for specific industries and businesses such as restaurants, auto repair shops, outdoor cleaning businesses, and other commercial and industrial activities that are potential sources of stormwater pollution.

Training for Municipal Employees

Municipal training programs are provided to improve understanding of NPDES Permit requirements and stormwater BMPs. The classes focus on methods to reduce and/or eliminate

sources of stormwater pollution from public agency facilities and activities, implementation of the WQMP and HMP, local stormwater ordinances, and Statewide NPDES Construction and Industrial General Permit requirements. Training is conducted specifically for construction inspection staff, industrial/commercial facilities inspection staff, municipal facilities maintenance staff, and staff responsible for new development/redevelopment project review.

Household Hazardous Waste Collection/ABOP

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

Santa Margarita River and Estuary TMDL Alternative

The District will coordinate the work of the SMRNIG and provide facilitation services for quarterly and as-needed meetings of the SMRNIG's Stakeholder Advisory Group. Currently, water quality monitoring and modeling of the Santa Margarita River mainstem. The information is currently being used to develop a TMDL Alternative, including water quality targets and pollutant allocations to address the pollutants and conditions affecting eutrophication within the river. The current technical work, which began in early 2019, has been funded largely by the Regional Board. However, the District, in coordination with the Riverside County Co-Permittees, is providing review of the technical work, supporting a related modeling project to determine nutrient loading and water quality conditions under a natural condition, and providing administrative support.

Water Quality Monitoring

On behalf of the Riverside County Co-Permittees, the District will conduct wet and dry weather sample collection from receiving water and outfall monitoring stations in accordance with the SMR WQIP.

The Riverside County Co-Permittees have also been participating in a study to develop Numeric Nutrient Endpoints for a Santa Margarita River Nutrient Total Maximum Daily Load (TMDL) alternative. The District and Co-Permittees developed a new monitoring program to assess pollutant loading and impacts to the SMR Estuary to comply with the Regional Board Investigative Order issued May 9, 2019. The District is collaborating with the County of San Diego and the USMC Camp Pendleton to conduct the required monitoring through October 2023.

As required by the Regional MS4 Permit, the Riverside County Co-Permittees conduct and implement Special Studies work plans that are intended to be in alignment with addressing the high priority water quality conditions in the SMR under the WQIP. The most recent Special Study included the Tenaja Post-Fire Monitoring Study where a sampling design was developed to assess the potential water quality impacts of the 2019 Tenaja Fire. The study focused on characterizing the contaminant flux from post-fire runoff over the 2019-20 and 2020-2021 wet weather seasons. The goal of this study is to assess contaminant concentration and flux by sampling stormwater runoff from the terminal end of burned catchments and comparing the data to reference sites, and to assess the effects of the Tenaja Fire on the hydrologic response, sediment loads, and contribution of pollutant loads (metals, nutrients, and organic contaminants) from post-fire runoff observed at the WQIP's most proximate long-term receiving water monitoring station.

CONCLUSIONS AND RECOMMENDATIONS

The area-wide Municipal Stormwater Program for the Santa Margarita Watershed has been implemented in an efficient, cost-effective manner through the ongoing cooperative efforts of the District, the Riverside County Co-Permittees, the Regional Board, the Riverside County Fire Department, and Riverside County Department of Waste Resources. The District's NPDES Program activities, which are funded by these SMWBAA assessments, are required to comply with the Regional MS4 Permit and enforceable provisions of the California Water Code and the Federal Clean Water Act, which regulate the discharge of stormwater from MS4s. These mandatory stormwater management program activities are an essential component of the District's continuing operation and maintenance of its critical public safety facilities; therefore, the following action is recommended:

Levy a Flood Control Benefit Assessment in the Santa Margarita Watershed Benefit Assessment Area at an unchanged rate of \$4.00 per benefit assessment unit for FY 2021-22.

GLOSSARY

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

BAU – Benefit Assessment Unit

BMP – Best Management Practice

CASQA – California Stormwater Quality Association

CMP – Consolidated Monitoring Program

CRWQCB – California Regional Water Quality Control Board

CWA – Clean Water Act

District – Riverside County Flood Control and Water Conservation District

FY – Fiscal Year

HAZMAT Team – Hazardous Materials Emergency Response Team

HHW – Household Hazardous Waste

HMP – Hydromodification Management Plan

IRWMP – Integrated Regional Watershed Management Plan

JRMP – Jurisdictional Runoff Management Program

LID – Low Impact Development

MS4 – Municipal Separate Storm Sewer System

MRP – Monitoring and Reporting Program

NPDES – National Pollutant Discharge Elimination System

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

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

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

Regional Board – San Diego Regional Water Quality Control Board

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

ROWD – Report of Waste Discharge

SA – Santa Ana

SAWPA – Santa Ana Watershed Project Authority

SMC – Southern California Stormwater Monitoring Coalition

SMR – Santa Margarita River/Region

SMRHM – Santa Margarita Region Hydrology Model

SMRNIG – Santa Margarita River Nutrient Initiative Group

SMWBAA – Santa Margarita Watershed Benefit Assessment Area

SWRCB – California State Water Resources Control Board

SWRP – Stormwater Resource Plan

SSMP – Standard Stormwater Mitigation Plan; same as WQMP

TMDL – Total Maximum Daily Load

USEPA – United States Environmental Protection Agency

USMWRWMG – Upper Santa Margarita Watershed Integrated Regional Watershed Management Group

WQMP – Watershed Quality Management Plan; same as SSMP

WQIP – Water Quality Improvement Plan

WQO – Water Quality Objective

APPENDIX A

Proposed NPDES Program Budget (FY 2021-22)

APPENDIX A

SANTA MARGARITA WATERSHED BENEFIT ASSESSMENT AREA PROPOSED NPDES PROGRAM BUDGET (FY 2021-22)

STAFFING

Salaries, Overtime and Benefits **\$685,000.00**

OVERHEAD

Administration Support 66,000.00

Computer Workstation Usage 75,000.00

Subtotal \$141,000.00

CONSULTANT SERVICES

NPDES Permit Administration 270,000.00

Public Education & Outreach 71,140.00

Training Program 19,800.00

Water Quality Monitoring 600,000.00

TMDLs 395,000.00

Subtotal \$1,356,240.00

OTHER MS4 PROGRAM EXPENSES

NPDES Permit Administration: County Counsel/Vehicle Usage 45,000.00

Public Education & Outreach Sponsorships 8,650.00

Public Education & Outreach Materials 3,075.00

Water Quality Monitoring 4,250.00

District Permit Compliance 700.00

Subtotal \$54,950.00

REGIONAL PROGRAMS AND MEMBERSHIPS

NPDES Permit Administration: CASQA Membership 3,975.00

NPDES Permit Administration: HHW Program, SMC 50,000.00

Subtotal \$53,975.00

PROGRAM SUBTOTAL

\$2,291,165.00

Contingency (10%) 229,116.50

Assessor's/Treasurer's Office Line Item Charges (\$0.35/parcel) * 32,406.50

County Fee for Annual Submittal * 91.17

TOTAL EXPENDITURES

\$2,552,779.17

* Based on County's FY 2020-2021 collection charges. The County's FY 2021-2022 collection charges are not yet available.

APPENDIX B

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

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

6-4-91 12

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

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as the portion of a single family residential parcel exceeding 2.5 acres.

Calculation of the Benefit Assessment Units to be attributed to a single family residential unit on a Parcel larger than 1/6 acre is cumulative with that portion of the Parcel in excess of the 1/6 acre which falls in either Group E or F being assigned the appropriate BAU for the amount of acreage falling within either Group E or F.

It is determined that Parcels used as a railroad, gas, water, telephone, cable television, electric utility right-of-way, electric line right-of-way or other utility right-of-way will benefit from the programs required by the NPDES Permit and will be subject to the Benefit Assessment to be levied pursuant to this Ordinance.

c.) Exempted Land Uses. All land uses expressly exempted by the NPDES Regulation will be exempted from the levy of a Benefit Assessment pursuant to this Ordinance. Those land uses exempted are:

- 1.) Agricultural uses, including dairies, poultry, livestock, groves, orchards, row crops, field crops, vines or dry farming.
- 2.) Vacant, undeveloped parcels.
- 3.) Publicly owned parcels which are parcels owned by a Federal, State or local public entity or agency and used for public purposes.

d.) Determination of Benefit Assessment Units per 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 DEPUTY

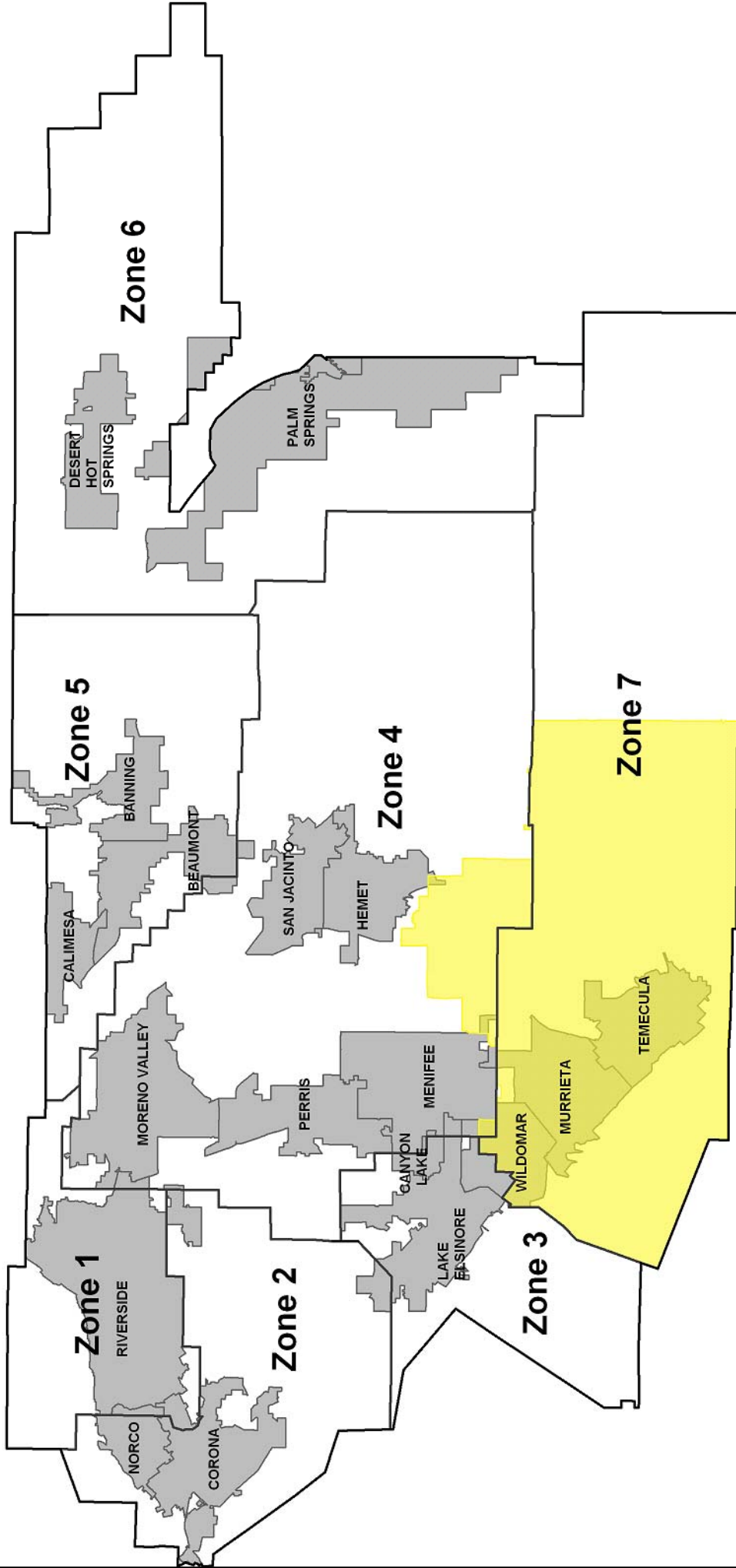
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APPENDIX C

Map of Santa Margarita Watershed Benefit Assessment Area

Riverside County Flood Control & Water Conservation District

Map of Santa Margarita Watershed Benefit Assessment Area



 - Santa Margarita Watershed Benefit Assessment Area (SMWBAA)

APPENDIX C

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

APPENDIX D

**SMWBAA Assessment Roll (FY 2021-22)
(Under Separate Cover)**