

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



ITEM: 11.2
(ID # 19210)

MEETING DATE:
Tuesday, June 28, 2022

FROM : FLOOD CONTROL DISTRICT:

SUBJECT: FLOOD CONTROL DISTRICT: Approval of Multi-Year Agreement for Hazardous Materials Emergency Response Team Services, 5 Years, All Districts. [\$1,825,000 Total Cost – District Funds 100%] (Companion Item MT No. 19211)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Multi-Year Agreement between the Riverside County Flood Control and Water Conservation District ("District") and the County of Riverside;
2. Authorize the Chair of the District's Board of Supervisors to execute the Multi-Year Agreement on behalf of the District; and
3. Direct the Clerk of the Board to return two (2) copies of the executed Multi-Year Agreement to the District.

ACTION:Policy

Jason Uhley, GENERAL MGR-CHF FLD CNTRL ENG

6/15/2022

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: June 28, 2022
xc: Flood, *Fire*

(Companion Item to 3.27)

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	\$ 365,000	\$ 1,825,000	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: See source of Funds, Page 2			Budget Adjustment: No	
			For Fiscal Year: 22/23 to 26/27	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary (continued)

The National Pollutant Discharge Elimination System ("NPDES") permits for Riverside County require Riverside County's municipal stormwater permittees (District, County of Riverside, Coachella Valley Water District and the incorporated Cities) to respond to emergency spills in the County of Riverside.

In compliance with the NPDES permits, the District has chosen to continue to help financially support the Hazardous Materials Emergency Response Team for its emergency response services.

County Counsel has approved this Agreement as to legal form. A companion item appears on the County of Riverside's agenda this same date.

Impact on Residents and Businesses

Existing funding mechanisms (Special Revenue Zone Funds) will be utilized for District cost-share expenditures; no incremental impact to residents or private businesses.

Prev. Agn. Ref.: MT#3940 11.2 of 05/09/17

SUPPLEMENTAL:

Additional Fiscal Information

The financial contribution to help support Hazardous Materials Emergency Response Team for Fiscal Years 2022/23 through 2026/27 will be paid annually in the amount of Three Hundred Sixty-Five Thousand Dollars (\$365,000) for a total of One Million Eight Hundred Twenty-Five Thousand Dollars (\$1,825,000).

Contract History and Price Reasonableness

The Multi-Year Agreement for Hazardous Materials Emergency Response Team is a continued partnership to support the MS4 Permit compliance program. The costs remain unchanged from the previous five-year agreement.

SOURCE OF FUNDS:

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

			FY 22/23	FY 23/24	FY 24/25	FY 25/26	FY 26/27	Total
Zone 1	25110 (221)	16.9%	\$ 61,685	\$ 61,685	\$ 61,685	\$ 61,685	\$ 61,685	
Zone 2	25120 (222)	27.7%	\$101,087	\$101,087	\$101,087	\$101,087	\$101,087	
Zone 3	25130 (223)	4.3%	\$ 15,695	\$ 15,695	\$ 15,695	\$ 15,695	\$ 15,695	
Zone 4	25140 (224)	27.6%	\$100,758	\$100,758	\$100,758	\$100,758	\$100,758	
Zone 5	25150 (225)	6.0%	\$ 21,827	\$ 21,827	\$ 21,827	\$ 21,827	\$ 21,827	
Zone 6	25160 (226)	9.1%	\$ 33,069	\$ 33,069	\$ 33,069	\$ 33,069	\$ 33,069	
Zone 7	25170 (227)	8.5%	\$ 30,879	\$ 30,879	\$ 30,879	\$ 30,879	\$ 30,879	
Totals for FYs			\$365,000	\$365,000	\$365,000	\$365,000	\$365,000	\$1,825,000

ATTACHMENT:

Multi-Year Agreement

LHM:blm
P8/243840


Jason Farin, Principal Management Analyst 6/21/2022


Cynthia M. Gurzel, Chief Deputy County Counsel 6/15/2022

MULTI-YEAR AGREEMENT

For Hazardous Materials Emergency Response Team
Services FY 2022/23 to FY 2026/27

The Riverside County Flood Control and Water Conservation District, a body corporate and politic ("DISTRICT"), and the County of Riverside, a political subdivision of the State of California ("COUNTY"), hereby agree as follows concerning COUNTY's Hazardous Materials Emergency Response Team:

RECITALS

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

B. Section 402(p) requires certain municipalities to obtain a National Pollutant Discharge Elimination System ("NPDES") Permit to discharge stormwater from Municipal Separate Storm Sewer Systems ("MS4") into waters of the United States; and

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

D. Section 402(p) further requires the United States Environmental Protection Agency ("USEPA") to promulgate regulations requiring NPDES Permit applications; and

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

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

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

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

I. DISTRICT, COUNTY, CVWD and certain incorporated Cities within Riverside County have obtained NPDES Permits from their respective RWQCBs in order to comply with Section 402(p); and

J. NPDES Permits require the municipal permittees to develop comprehensive stormwater discharge management programs to improve water quality and to respond to emergency incidents to control the discharge of pollutants to the waters of the United States in the County of Riverside; and

K. COUNTY, through the Riverside County Fire Department, staffs and maintains a Hazardous Materials Emergency Response Team ("TEAM"); and

L. In accordance with certain responsibilities described in the NPDES Permits and the NPDES Stormwater Discharge Permit Implementation Agreements for the Santa Ana Region (Santa Ana Drainage Area) dated February 9, 2011, as amended; San Diego Region (Santa Margarita Drainage Area) dated July 12, 2016, as amended; and Colorado River Basin Region (Whitewater Drainage Area) dated April 24, 2014, as amended, DISTRICT wishes to contribute a lump sum amount of not to exceed One Million Eight Hundred Twenty-Five Thousand Dollars (\$1,825,000) ("CONTRIBUTION") to help support TEAM's existence and its current activity status for Fiscal Years 2022/23 through 2026/27 as set forth herein.

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

1. DISTRICT CONTRIBUTION – Within sixty (60) days after execution of this Agreement, DISTRICT shall pay COUNTY for CONTRIBUTION to help support TEAM's existence and its current activity status for Fiscal Years 2022/23 through 2026/27 as set forth herein. Payments will be made annually in the amount of Three Hundred Sixty-Five Thousand Dollars (\$365,000) for a total of One Million Eight Hundred Twenty-Five Thousand Dollars (\$1,825,000).
2. ANNUAL PROGRAM REVIEW – During January of each year, DISTRICT and COUNTY representatives shall meet and review program status, scope, costs, priorities and projected activities for TEAM.
3. USE OF CONTRIBUTION – COUNTY shall use CONTRIBUTION only for salaries, equipment and maintenance of TEAM.
4. INDEMNITY AND HOLD HARMLESS – COUNTY shall indemnify and hold DISTRICT, its officers, employees and agents free and harmless from all claims, actions, damages and liabilities of whatsoever kind and nature arising from death, personal injury, property damage or other cause asserted or based upon any act or omission of TEAM relating to or in any way connected with the accomplishment of the work or performance of services of TEAM. As part hereto of the foregoing indemnity, COUNTY agrees to protect and to defend at its own expense, including attorneys' fees, DISTRICT, its officers, agents and employees from any and all legal action based upon any negligent acts or omissions, as stated hereinabove, by any person or persons.
5. REPORTS AND INFORMATION – COUNTY shall submit to DISTRICT on or before August 15 a report summarizing the activities, responses and cases handled or performed by TEAM between July 1 and June 30 of the previous Fiscal Year. The report shall consist of a narrative describing TEAM, its operations and any major spills,

and a categorization of TEAM's responses showing the following: responses inside and outside DISTRICT's jurisdiction, traffic related responses, industrial related responses, drug enforcement responses and other response categories. The report shall also include a description of current TEAM operating expenses and revenue sources (budget).

6. TEAM OPERATIONS – This Agreement does not give DISTRICT any authority to dictate the day-to-day activities of TEAM, or grant DISTRICT any authority over any TEAM personnel other than that stated in this paragraph. TEAM shall, at DISTRICT's request, provide timely response to emergency incidents where a hazardous material is entering or has a reasonable potential to enter a DISTRICT owned storm drain facility, provided that TEAM is not already committed to another incident. TEAM shall respond to emergency incidents irrespective of the local jurisdiction (City or County) in which said DISTRICT facilities are located.

7. TERM OF AGREEMENT – This Agreement shall commence on the date of execution thereof and shall continue in effect until June 30, 2027.

8. TERMINATION OF AGREEMENT – Either party may terminate the provisions of this Agreement subject to six (6) month's written notice thereof. Once written notice is made by either party, the annual CONTRIBUTION will be prorated and refunded to DISTRICT to terminate this Agreement.

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

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
1995 Market Street
Riverside, CA 92501
Attn: Water Quality Compliance Section

COUNTY OF RIVERSIDE
FIRE DEPARTMENT
210 West San Jacinto Avenue
Perris, CA 92570
Attn: Bill Weiser, Chief Bautista Division

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement on
JUN 28 2022

(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

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

By: *Jason E. Uhley*
JASON E. UHLEY
General Manager-Chief Engineer

By: *Karen S. Spiegel*
KAREN SPIEGEL, Chair
Riverside County Flood Control and Water
Conservation District Board of Supervisors

APPROVED AS TO FORM:

ATTEST:

COUNTY COUNSEL

KECIA R. HARPER
Clerk of the Board

By: *Synthia M. Gunzel*
SYNTHIA M. GUNZEL
Chief Deputy County Counsel

By: *Julius M...*
Deputy

(SEAL)

Multi-Year Agreement for
Hazardous Materials Emergency Response Team Services
FY 2022/23 to FY 2026/27
06/01/22
LHM:blm

RECOMMENDED FOR APPROVAL: COUNTY OF RIVERSIDE

By: Bill Weiser
BILL WEISER
CAL FIRE/Riverside County Fire Chief

By: Jeff Hewitt
JEFF HEWITT, Chairman
County of Riverside Board of Supervisors

ATTEST:

KECIA R. HARPER
Clerk of the Board

APPROVED AS TO FORM:

OFFICE OF COUNTY COUNSEL
County of Riverside

By: Gaby Martinez
Deputy

By: Melissa R. Cushman
MELISSA R. CUSHMAN
Deputy County Counsel

Multi-Year Agreement for
Hazardous Materials Emergency Response Team Services
FY 2022/23 to FY 2026/27
06/01/22
LHM:blm

JUN 28 2022 3:27, 11.2