Appendix 2.A
Legal Authority

CITY OF LOS ANGELES
CALIFORNIA

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January 22, 2015

Mr. Sam Unger, Executive Officer
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Attention Mr. Ivar Ridgeway

Dear Mr. Unger:

CERTIFICATION BY LEGAL COUNSEL FOR THE CITY OF LOS ANGELES CONFIRMING LEGAL AUTHORITY TO IMPLEMENT THE PROVISIONS OF THE MUNICIPAL STORMWATER PERMIT

I write pursuant to Part VI(A)(2)(b) of Order No. R4-2012-0175,otherwise known as the Municipal Separate Stormwater Sewer System (MS4) Permit (the "Order"). Part VI(A)(2)(b) of the Permit provides:

> *"Each Permittee must submit a statement certified by its chief legal counsel that the Permittee has the legal authority within its jurisdiction to implement and enforce the requirements contained in 40 CFR §122.26(d) (2) (i) (AF) and this Order."*

The Office of the City Attorney of the City of Los Angeles (City), serving as its legal counsel, certifies that the City has the legal authority within its jurisdiction to implement and enforce the requirements contained in 40 CFR §122.26(d)(2)(i)(A-F) and of the Order. This correspondence addresses all legal authority requirements as listed in the Order. Subsequently, annual certification by our office will be included in the Stormwater Annual Report as required by the Order.

Order Part VI(A)(2)(b)(i) - "Citation of applicable municipal ordinances or other appropriate legal authorities and their relationship to the requirements of 40 CFR §122.26(d) (2) (i) (A-F) and this Order"

Below is a list of applicable Los Angeles Municipal Code (LAMC) provisions that provide the requisite legal authorities:

LAMC 64.70 General Provisions.
LAMC 64.70.01 Definitions and Abbreviations.
LAMC 64.70.02 Pollutant Discharge Control.
LAMC 64.70.03 Elimination of Illicit Discharges and Illicit Connections.
LAMC 64.70.05 Authority to Inspect.
LAMC 64.70.06 Authority to Arrest and Issue Citations.
LAMC 64.70.07 Enforcement.
LAMC 64.70.08 Remedies Not Exclusive.
LAMC 64.70.09 Liability for Costs of Correction Arising from Unlawful Discharge.
LAMC 64.70.10 Disposition of Money Collected.
LAMC 64.70.11 Stormwater and Urban Runoff Pollution Education.
LAMC 64.70.12 Construction and Application.
LAMC 64.70.13 Severability.
LAMC 64.72 Stormwater Pollution Control Measures for Development Planning and Construction Activities.
LAMC 64.72.01 Authority of the Board of Public Works.
LAMC 64.72.02 Funds Collected from Waiver.
LAMC 64.72.03 Supplemental Provisions.
LAMC 64.72.04 Authority to Inspect and Enforce Stormwater Pollution Control Measures.
LAMC 64.72.05 LID Plan Check Fees.

In addition, statewide regulations provide further legal authorities with respect to intergovernmental authorities, specifically:

California Government Code §6502
California Government Code §23004

Relationship of Applicable Ordinances and Other Legal Authorities to the Requirements of 40CFR §122.26(d)(2)(i)(a-F) and the Order

The table below indicates the basic relationship between the "Legal Authority" requirements listed in Section VI(A)(2)(b) of the Order and the existing legal statutes that provide this legal authority.

Legal Authority Required by Permit	City/State Legal Provisions
VI.A.2.i. Control the contribution of pollutants to its MS4 from storm water discharges associated with industrial and construction activity and control the quality of storm water discharged from industrial and construction sites. This requirement applies both to industrial and construction sites with coverage under an NPDES permit, as well as to those sites that do not have coverage under an NPDES permit.	LAMC 64.70.02.B LAMC 64.70.02.C.1.a LAMC 64.70.02.D LAMC 64.70.03.A
ii. Prohibit all non-storm water discharges through the MS4 to receiving waters not otherwise authorized or conditionally exempt pursuant to Part III.A	LAMC 64.70.03.A
iii. Prohibit and eliminate illicit discharges and illicit connections to the MS4	LAMC 64.70.03.A LAMC 64.70.03.B
iv. Control the discharge of spills, dumping, or disposal of materials other than storm water to its MS4	LAMC 64.70.03.A
v. Require compliance with conditions in Permittee ordinances, permits, contracts or orders (i.e., hold dischargers to its MS4 accountable for their contributions of pollutants and flows)	LAMC 64.70.03.A LAMC 64.70.07
vi. Utilize enforcement mechanisms to require compliance with applicable ordinances, permits, contracts, or orders	LAMC 64.70.05.B.4 LAMC 64.70.05.B.6
vii. Control the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements among Co-permittees	California Government Code §6502 California Government Code §23004
viii. Control of the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements with other owners of the MS4 such as the State of California Department of Transportation	California Government Code §6502 California Government Code §23004

ix. Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with applicable municipal ordinances, permits, contracts and orders, and with the provisions of this Order, including the prohibition of non-storm water discharges into the MS4 and receiving waters. This means the Permittee must have authority to enter, monitor, inspect, take measurements, review and copy records, and require regular reports from entities discharging into its MS4	LAMC 64.70.05.A LAMC 64.70.05.B LAMC 64.72.04.B
x. Require the use of control measures to prevent or reduce the discharge of pollutants to achieve water quality standards/receiving water limitations	LAMC 64.70.02.D
xi. Require that structural BMPs are properly operated and maintained	LAMC 64.70.02.D
xii. Require documentation on the operation and maintenance of structural BMPs and their effectiveness in reducing the discharge of pollutants to the MS4	LAMC 64.70.05.B.3
VI.A.b.ii. Identification of the local administrative and legal procedures available to mandate compliance with applicable municipal ordinances identified in subsection (i) above and therefore with the conditions of this Order, and a statement as to whether enforcement actions can be completed administratively or whether they must be commenced and completed in the judicial system.	The local administrative and legal procedures available to mandate compliance with the above LAMC provisions are specified in the provisions themselves with key enforcement provisions being LAMC 64.70.06 and LAMC 64.70.07

The City is in the process of updating the LAMC with respect to its stormwater regulations. These changes will be reported with the 2014-2015 annual report.

Very truly yours,

JOHN CARVALHO, Deputy City Attorney
City's Attorney Office

WPDCR9163

COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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JOHN F. KRATTLI
County Counsel

December 16, 2013

Mr. Samuel Unger, P.E., Executive Officer
California Regional Water Quality Control Board – Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013-2343

Attention: Mr. Ivar Ridgeway

Re: Certification By Legal Counsel For County of Los Angeles' Annual Report

Dear Mr. Unger:

Pursuant to the requirements of Part VI(A)(2)(b) of Order No. R4-2012-0175 (the "Order"), the Office of the County Counsel of the County of Los Angeles makes the following certification in support of the Annual Report of the County of Los Angeles ("County"):

Certification Pursuant To Order Part VI(A)(2)(b)

"*Each Permittee must submit a statement certified by its chief legal counsel that the Permittee has the legal authority within its jurisdiction to implement and enforce the requirements contained in 40 CFR §122.26(d)(2)(i)(A-F) and this Order.*"

The County has the legal authority within its jurisdiction to implement and enforce each of the requirements contained in 40 CFR §122.26(d)(2)(i)(A-F) and the Order.

Order Part VI(A)(2)(b)(i)

"*Citation of applicable municipal ordinances or other appropriate legal authorities and their relationship to the requirements of 40 CFR §122.26(d)(2)(i)(A-F) and this Order*"

Citations Of Applicable Ordinances Or Other Legal Authorities

Although many portions of State law, the Charter of the County of Los Angeles and the Los Angeles County Code are potentially applicable to the implementation and enforcement of these requirements, the primary applicable laws and ordinances are as follows:

Los Angeles County Code, Title 12, Chapter 12.80 STORMWATER AND RUNOFF POLLUTION CONTROL, including:

§12.80.010 - §12.80.360 Definitions

§12.80.370 Short title.

§12.80.380 Purpose and intent.

§12.80.390 Applicability of this chapter.

§12.80.400 Standards, guidelines and criteria.

§12.80.410 Illicit discharges prohibited.

§12.80.420 Installation or use of illicit connections prohibited.

§12.80.430 Removal of illicit connection from the storm drain system.

§12.80.440 Littering and other discharge of polluting or damaging substances prohibited.

§12.80.450 Stormwater and runoff pollution mitigation for construction activity.

§12.80.460 Prohibited discharges from industrial or commercial activity.

§12.80.470 Industrial/commercial facility sources required to obtain a NPDES permit.

§12.80.480 Public facility sources required to obtain a NPDES permit.

§12.80.490 Notification of uncontrolled discharges required.

§12.80.500 Good housekeeping provisions.

§12.80.510 Best management practices for construction activity.

§12.80.520 Best management practices for industrial and commercial facilities.

§12.80.530 Installation of structural BMPs.

§12.80.540 BMPs to be consistent with environmental goals.

§12.80.550 Enforcement—Director's powers and duties.

§12.80.560 Identification for inspectors and maintenance personnel.

§12.80.570 Obstructing access to facilities prohibited.

§12.80.580 Inspection to ascertain compliance—Access required.

§12.80.590 Interference with inspector prohibited.

§12.80.600 Notice to correct violations—Director may take action.

§12.80.610 Violation a public nuisance.

§12.80.620 Nuisance abatement—Director to perform work when—Costs.

§12.80.630 Violation—Penalty.

§12.80.635 Administrative fines.

§12.80.640 Penalties not exclusive.

§12.80.650 Conflicts with other code sections.

§12.80.660 Severability.

§12.80.700 Purpose.

§12.80.710 Applicability.

§12.80.720 Registration required.

§12.80.730 Exempt facilities.

§12.80.740 Certificate of inspection—Issuance by the director.

§12.80.750 Certificate of inspection—Suspension or revocation.

§12.80.760 Certificate of inspection—Termination.

§12.80.770 Service fees.

§12.80.780 Fee schedule.

§12.80.790 Credit for overlapping inspection programs.

§12.80.800 Annual review of fees.

Los Angeles County Code, Title 12, Chapter 12.84 LOW IMPACT DEVELOPMENT STANDARDS, including:

§12.84.410 Purpose.

§12.84.420 Definitions.

§12.84.430 Applicability.

§12.84.440 Low Impact Development Standards.

§12.84.445 Hydromodification Control.

§12.84.450 LID Plan Review.

§12.84.460 Additional Requirements.

Los Angeles County Code, Title 22 PLANNING AND ZONING, Part 6 ENFORCEMENT PROCEDURES, including:

§22.60.330 General prohibitions.

§22.60.340 Violations.

§22.60.350 Public nuisance.

§22.60.360 Infractions.

§22.60.370 Injunction.

§22.60.380 Enforcement.

§22.60.390 Zoning enforcement order and noncompliance fee.

Los Angeles County Code, Title 26 BUILDING CODE, including:

§26.103 Violations And Penalties

§26.104 Organization And Enforcement

§26.105 Appeals Boards

§26.106 Permits

§26.107 Fees

§26.108 Inspections

California Government Code §6502

California Government Code §23004

Relationship Of Applicable Ordinances Or Other Legal Authorities To The Requirements of 40 CFR §122.26(d)(2)(i)(A-F) And The Order

Although, depending upon the particular issue, there may be multiple ways in which particular sections of the County's ordinances and State law relate to the requirements contained in 40 CFR §122.26(d)(2)(i)(A-F) and the Order, the table below indicates the basic relationship with Part VI(A)(2)(a) of the Order:

Order Part VI(A)(2)(a) Items	**Primary Applicable Ordinance/Statute**
i. Control the contribution of pollutants to its MS4 from storm water discharges associated with industrial and construction activity and control the quality of storm water discharged from industrial and construction sites. This requirement applies both to industrial and construction sites with coverage under an NPDES permit, as well as to those sites that do not have coverage under an NPDES permit.	§12.80.410 [illicit discharge prohibited]; §12.80.450 [construction] §12.80.460 [industrial and commercial] §12.80.470 and .480 [industrial and commercial NPDES requirements] §12.84.440 [LID standards] §12.84.445 [hydromodification control] §12.84.450 [LID Plan Review] §22.60.330 [general prohibitions]

Order Part VI(A)(2)(a) Items	Primary Applicable Ordinance/Statute
	§22.60.340 [violations] §22.60.350 [public nuisance] §22.60.360 [infractions] §22.60.370 [injunction] §22.60.380 [enforcement.] §22.60.390 [zoning enforcement order] §26.103 [violations and penalties] §26.104 [enforcement] §26.106 [permits] §26.108 [inspections]
ii. Prohibit all non-storm water discharges through the MS4 to receiving waters not otherwise authorized or conditionally exempt pursuant to Part III.A.	§12.80.410 [illicit discharge prohibited]
iii. Prohibit and eliminate illicit discharges and illicit connections to the MS4.	§12.80.410 [illicit discharge prohibited]; §12.80.420 [illicit connections prohibited]
iv. Control the discharge of spills, dumping, or disposal of materials other than storm water to its MS4.	§12.80.410 [illicit discharge prohibited]; §12.80.440 [littering and other polluting prohibited]

Order Part VI(A)(2)(a) Items	Primary Applicable Ordinance/Statute
v. Require compliance with conditions in Permittee ordinances, permits, contracts or orders (i.e., hold dischargers to its MS4 accountable for their contributions of pollutants and flows).	§12.80.490 [notification of uncontrolled discharge] §12.80.570 [obstructing access to facilities] §12.80.580 [compliance inspection] §12.80.610 [violation a nuisance] §12.620 [nuisance abatement] §12.80.635 [violation penalty] §12.80.640 [penalties not exclusive] §12.84.440 [LID standards] §12.84.445 [hydromodification control] §12.84.450 [LID Plan Review] §22.60.330 [general prohibitions] §22.60.340 [violations] §22.60.350 [public nuisance] §22.60.360 [infractions] §22.60.370 [injunction] §22.60.380 [enforcement.] §22.60.390 [zoning enforcement order] §26.103 [violations and penalties] §26.104 [enforcement] §26.106 [permits] §26.108 [inspections]
vi. Utilize enforcement mechanisms to require compliance with applicable ordinances, permits, contracts, or orders.	Same as item v., above

Order Part VI(A)(2)(a) Items	Primary Applicable Ordinance/Statute
vii. Control the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements among Copermittees.	California Government Code §6502 and §23004
viii. Control of the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements with other owners of the MS4 such as the State of California Department of Transportation.	California Government Code §6502 and §23004
ix. Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with applicable municipal ordinances, permits, contracts and orders, and with the provisions of this Order, including the prohibition of non-storm water discharges into the MS4 and receiving waters. This means the Permittee must have authority to enter, monitor, inspect, take measurements, review and copy records, and require regular reports from entities discharging into its MS4.	§12.80.490 [notification of uncontrolled discharge] §12.80.570 [obstructing access to facilities] §12.80.580 [compliance inspection] §12.80.610 [violation a nuisance] §12.80.620 [nuisance abatement] §12.80.635 [violation penalty] §12.80.640 [penalties not exclusive] §22.60.380 [enforcement.] §26.106 [permits] §26.108 [inspections]

Order Part VI(A)(2)(a) Items	Primary Applicable Ordinance/Statute
x. Require the use of control measures to prevent or reduce the discharge of pollutants to achieve water quality standards/receiving water limitations.	§12.80.450 [construction mitigation] §12.80.500 [good housekeeping practices] §12.80.510 [construction BMPs] §12.80.520 [industrial/commercial BMPs] §12.84.440 [LID standards] §12.84.450 [LID Plan Review] §22.60.330 [general prohibitions] §22.60.380 [enforcement.] §22.60.390 [zoning enforcement order] §26.106 [permits] §26.108 [inspections]
xi. Require that structural BMPs are properly operated and maintained.	§12.80.530 [installation of structural BMPs] §22.60.380 [enforcement.] §22.60.390 [zoning enforcement order] §26.106 [permits] §26.108 [inspections]
xii. Require documentation on the operation and maintenance of structural BMPs and their effectiveness in reducing the discharge of pollutants to the MS4.	§12.80.530 [installation of structural BMPs] §22.60.380 [enforcement.] §22.60.390 [zoning enforcement order] §26.106 [permits] §26.108 [inspections]

Order Part VI(A)(2)(b)(ii)

"*Identification of the local administrative and legal procedures available to mandate compliance with applicable municipal ordinances identified in subsection (i) above and therefore with the conditions of this Order, and a statement as to whether enforcement actions can be completed administratively or whether they must be commenced and completed in the judicial system.*"

The local administrative and legal procedures available to mandate compliance with the above ordinances are specified in those ordinances, particularly in:

§12.80.550 Enforcement—Director's powers and duties.

§12.80.600 Notice to correct violations—Director may take action.

§12.80.610 Violation a public nuisance.

§12.80.620 Nuisance abatement—Director to perform work when—Costs.

§12.80.630 Violation—Penalty.

§12.80.635 Administrative fines.

§12.80.640 Penalties not exclusive.

§12.84.450 LID Plan Review.

§12.84.460 Additional Requirements.

Title 26, §103 Violations And Penalties

Title 26, §104 Organization And Enforcement

Title 26, §105 Appeals Boards

Title 26, §106 Permits

Title 22 PLANNING AND ZONING, Part 6 ENFORCEMENT PROCEDURES, including:

§22.60.330 General prohibitions.

§22.60.340 Violations.

§22.60.350 Public nuisance.

§22.60.360 Infractions.

§22.60.370 Injunction.

§22.60.380 Enforcement.

§22.60.390 Zoning enforcement order and noncompliance fee.

The County attempts to first resolve each enforcement action administratively. However, the above cited ordinances also provide the County with the authority to pursue such actions in the judicial system as necessary.

Very truly yours,

JOHN F. KRATTLI
County Counsel

By
JUDITH A. FRIES
Principal Deputy County Counsel
Public Works Division

JAF:jyj

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December 11, 2013

Mr. Sam Unger, Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013-1105

Re: Legal Authority Certification for the City of Alhambra

Dear Mr. Unger:

The City of Alhambra ("City) hereby submits the following certification, required by PartVI.A.2.b of Order No.R4-2012-0175, issued by the Regional Water Quality Control Board – Los Angeles Region ("RWQCB"), adopted on December 28, 2012 and entitled "Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, except those Discharges Originating from the City of Long Beach (MS4)" [NPDES No. CAS004001] (the"2012 NPDES Permit"). Part VI.A.2.b of the 2012 NPDES Permit requires the City, as a Permittee under the 2012 NPDES Permit, to submit an annual statement certified by its City Attorney that the City has the legal authority within its jurisdiction to implement and enforce the requirements contained in 40 CFR § 122.26(d)(2)(i)(A-F) and the 2012 NPDES Permit.

On November 25, 2013, the City Council held a public hearing and conducted the first reading of Ordinance O2M13-4646 amending the provisions of the City's municipal code pertaining to storm water pollution elimination. Ordinance O2M13-4646 amends the code to ensure that the City has adequate legal authority to implement the 2012 NPDES Permit and 40 CFR § 122.26(d)(2)(i)(A-F). The second reading of this ordinance was held on December 9, 2013, and the City Council adopted the Ordinance. The Ordinance will take effect thirty (30) days after its adoption on January 8, 2014. In addition, in order to have all City authority and regulations be in effect by the Annual Report deadline, the City also adopted these changes as an Urgency Ordinance, O2M13-4648, on December 9, 2013, making the changes effective immediately.

The table on the following page lists the requirements of the 2012 NPDES Permit and 40 CFR § 122.26(d)(2)(i)(A-F), and provides citations to the municipal code sections and state laws through which the City complies with each of these requirements. As the table demonstrates, the City has the legal authority within its jurisdiction to implement and enforce the 2012 NPDES Permit and the requirements of 40 CFR § 122.26(d)(2)(i)(A-F).

Requirements	Legal Authorities
i. Control the contribution of pollutants to the City's MS4 from storm water discharges associated with industrial and construction activity and control the quality of storm water discharged from industrial and construction sites. (2012 NPDES Permit, Part VI.A.2.a.i; 40 CFR § 122.26(d)(2)(i)(A))	Municipal Code §§16.34.070 *CONSTRUCTION ACTIVITY STORM WATER MEASURES* and 16.34.040 *CONTROL OF POLLUTANTS FROM SITES OF INDUSTRIAL ACTIVITY*
ii. Prohibit all non-storm water discharges through the City's MS4 to receiving waters not otherwise authorized or conditionally exempt. (2012 NPDES Permit, Part VI.A.2.a.ii)	Municipal Code §16.34.020 *ILLICIT DISCHARGES- NON STORM WATER PROHIBITED*
iii. Prohibit and eliminate illicit discharges and illicit connections to the MS4. (2012 NPDES Permit, Part VI.A.2.a.iii; 40 CFR § 122.26(d)(2)(i)(B))	Municipal Code §§16.34.020 *ILLICIT DISCHARGES- NON STORM WATER PROHIBITED* and 16.34.030 *ILLICIT CONNECTIONS PROHIBITED*
iv. Control the discharge of spills, dumping, or disposal of materials other than storm water to the City's MS4. (2012 NPDES Permit, Part VI.A.2.a.iv; 40 CFR § 122.26(d)(2)(i)(C))	Municipal Code §16.34.050 *SPILLS, DUMPING AND DISPOSAL PROHIBITED*
v. Require compliance with the conditions in the City's ordinances, permits, contracts or orders. (2012 NPDES Permit, Part VI.A.2.a.v; 40 CFR § 122.26(d)(2)(i)(E))	Municipal Code §§ 1.12 *VIOLATIONS PROCEDURE* and 1.13 *ADMINISTRATIVE CITATIONS* ; Duty to Comply with MS4 permit is a condition of approval where applicable, also insert requirement in contract documents
vi. Utilize enforcement mechanisms to require compliance with applicable ordinances, permits, contracts, or orders. (2012 NPDES Permit, Part VI.A.2.a.vi; 40 CFR § 122.26(d)(2)(i)(F))	Municipal Code §§ 1.12 *VIOLATIONS PROCEDURE* and 1.13 *ADMINISTRATIVE CITATIONS*
vii. Control of the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements among Co-Permittees. (2012 NPDES Permit, Part VI.A.2.a.vii; 40 CFR § 122.26(d)(2)(i)(D))	See Alhambra Charter Section 59 (11.) (regarding authority of City to enter into agreements); See also contract number C2M13-54 entering into MOU for Enhanced Watershed Management Program approved

	on November 25, 2012 via minute order M2M13-121
viii. Control of the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements with other owners of the MS4. (2012 NPDES Permit, Part VI.A.2.a.viii)	See Alhambra Charter Section 59 (11.) (regarding authority of City to enter into agreements); See also contract number C2M13-54 entering into MOU for Enhanced Watershed Management Program approved on November 25, 2012 via minute order M2M13-121
ix. Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with applicable ordinances, permits, contracts and orders, and with the provisions of the 2012 NPDES Permit. (2012 NPDES Permit, Part VI.A.2.a.ix)	Municipal Code § 16.34.120
x. Require the use of control measures to prevent or reduce the discharge of pollutants to achieve water quality standards/receiving water limitations. (2012 NPDES Permit, Part VI.A.2.a.x)	Municipal Code § 16.34.015
xi Require that structural BMPs are properly operated and maintained. (2012 NPDES Permit, Part VI.A.2.a.xi)	Municipal Code §16.34.065
xii. Require documentation on the operation and maintenance of structural BMPs and their effectiveness in reducing the discharge of pollutants to the MS4. (2012 NPDES Permit, Part VI.A.2.a.xii)	Municipal Code §16.34.065

Part VI.A.2.b of the 2012 NPDES Permit further requires this statement to identify the local administrative and legal procedures available to mandate compliance with the City municipal code sections cited in the table above, and a statement as to whether enforcement actions can be completed administratively or judicially.

The City's municipal code contains both administrative and judicial enforcement options. The City may issue an administrative citation to enforce any provision of its municipal code. Title 1, Chapter 1.13 of the City's municipal code contains the procedures applicable to the issuance of administrative citations, and the schedule of administrative fines. An administrative citation may be appealed to a hearing officer, and the decision of the hearing officer on the appeal may be appealed to the superior court. The City's municipal code also authorizes violations of the code to be enforced judicially through criminal and civil proceedings. A violation of the City's storm water ordinances is a misdemeanor (City's municipal code §16.34.080) and a public nuisance

(City municipal code §16.34.100). The procedures for issuing a criminal citation are contained in Title 1, Chapter 1.12 of the City's municipal code. In addition, the City may bring a civil action to abate the public nuisance, and the procedures for abatement actions are contained in Title 1, Chapter 1.12.080, of the City's municipal code.

If you have any questions regarding this statement, please feel free to contact me at your convenience.

Sincerely,

Burke, Williams & Sorensen, LLP

Joseph M. Montes

Joseph M. Montes, City Attorney
City of Alhambra

Cc: Mary Chavez, Director of Public Works
David Dolphin, Environmental Compliance Specialist
Rachel Richman, Assistant City Attorney

CITY OF BURBANK
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November 25, 2014

Writers Direct Dial
(818) 238-5702

Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Re: Annual Legal Counsel Certification Concerning Order No. R4-2012-0175
NPDES Permit No. CAS004001

To Whom It May Concern:

This letter is the statement of legal authority required pursuant to Final Order No. R4-2012-0175, Permit No. CAS004001 for the City of Burbank (the "Order").

Prior to the effective date of the Order, and on a continuing basis, the City of Burbank ("Burbank") has maintained adequate legal authority to implement and enforce the Order and to perform all of the functions set forth in Title 40 of the Code of Federal Regulations, Section 122.26(d)(2)(i)(A)-(F), through numerous provisions of the Burbank Municipal Code[1] (BMC), including Titles 8 and 9, each of which were adopted by ordinance of the City Council. Specific BMC provisions are as follows:

8-1-1001 et. seq. sets forth a comprehensive regulatory regime for Storm Water and Runoff Pollution Control, including but not limited to prohibition of illicit discharges into the storm drain system, runoff management requirements, inspection and enforcement procedures including administrative enforcement procedures, and civil and criminal penalties.

9-3-401 et. seq. provides comprehensive Standard Urban Storm Water and Urban Runoff Management Programs incorporating permitting, best management practices, and a regime for inspections and enforcement.

The City has also developed a Comprehensive Illicit Connection/Illicit Discharge Manual, including an Enforcement Response Plan and a Non-Storm Water Prohibition Plan as appendices to the IC/ID Manual. This includes the need for detailed documentation of conditionally allowed non-storm water discharges, and progressive enforcement action for violators of the BMC (MS4 permit).

[1] The Burbank Municipal Code can be accessed at http://www.codepublishing.com/ca/burbank/

As noted above, under BMC Section 8-1-1005, enforcement can be completed administratively through a notice of correction abatement process, by a nuisance abatement civil action and through misdemeanor criminal proceedings as a municipal code violation.

Sincerely,

Joseph H. McDougall
Senior Assistant City Attorney

Cc: Bonnie Teaford, Public Works Director
Daniel Rynn, Asst. Public Works Director

STATEMENT OF LEGAL AUTHORITY TO ENFORCE PROVISIONS OF 40 CFR Sec. 1.22.26(d)

Pursuant to Part VI.A.2b. of Order No. R4-2012-0175, the City of Calabasas has all the necessary legal authority to implement and enforce the requirements contained in 40 CFR Sec. 1.22.26(d)(2)(i)(A-F) and this Order during the reporting period of July 1, 2012 and June 30, 2013 pursuant to citation to the relevant Municipal Code provisions as set forth below:

1. Control the contribution of pollutants to its MS4 from storm water discharges associated with industrial and construction activity, and control the quality of storm water discharged from industrial and construction sites. This requirement applies both to industrial and construction sites with coverage under an NPDES permit, as well as to those sites that do not have coverage under an NPDES permit.

Chapter 8.28, Article II "Discharge Prohibitions and Requirements", sections 8.28.050-8.28.125.

2. Prohibit all non-storm water discharges through the MS4 to receiving waters not otherwise authorized or conditionally exempt pursuant to Part III.A.

Chapter 8.28, Articles I through III.

8. Control of the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements with other owners of the MS4 such as the State of California Department of Transportation.

Chapter 8.28, Articles I through III.

9. Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with applicable municipal ordinances, permits, contracts and orders, and with the provisions of this Order, including the prohibition of non-storm water discharges into the MS4 and receiving waters. This means the Permittee must have authority to enter, monitor, inspect, take measurements, review and copy records, and require regular reports from entities discharging into its MS4.

Chapter 8.28, Article III, Section 8.28.130 A-D.

10. Require the use of control measures to prevent or reduce the discharge of pollutants to achieve water quality standard/receiving water limitations.

Chapter 8.28, sections 8.28.070 and 8.28.125.

11. Require that structural BMP's are properly operated and maintained.

Chapter 8.28, section 8.28.125K

12. Require documentation on the operation and maintenance of structural BMP's and their effectiveness in reducing the discharge of pollutants to the MS4.

Chapter 8.28, section 8.28.125K and 8.28.130A.

The City of Calabasas legal processes and procedures available to mandate compliance with applicable municipal ordinances identified above, and therefore with the conditions of the Order, can be found in **Chapter 8.28, Article III, "Inspection and Enforcement".**

Violations are deemed a public nuisance subject to abatement through various alternatives including, but not limited to, administrative orders to cease and desist; administrative citation; permit revocation; civil action; and criminal prosecution (misdemeanor).

Dated 12-2-13

Scott H. Howard
City Attorney

CITY OF GLENDALE, CALIFORNIA
Office of the City Attorney

613 East Broadway, Suite 220
Glendale, California 91206-4308
(818) 548-2080 Fax (818) 547-3402
www.ci.glendale.ca.us

December 9, 2014

California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Attention: Mr. Sam Unger, Executive Officer

RE: Legal Authority Certification for the City of Glendale

Dear Mr. Unger:

Pursuant to the Regional Water Quality Control Board ("RWQCB") - Los Angeles Region's Order No. R4-2012-0175, Part VI, Section A(2)(b) ("RWQCB Order"), this letter serves as certification that the City of Glendale has the legal authority to implement and enforce the requirements of the RWQCB Order and Code of Federal Regulations ("CFR"), Title 40, Section 122.26(d)(2)(i)(A - F) pertaining to storm water discharge applicable to State NPDES programs).

The provisions of Chapter 13.42 of the Glendale Municipal Code ("GMC"), titled *Stormwater And Urban Runoff Pollution Prevention Control And Standard Urban Stormwater Mitigation Plan*, enable the City of Glendale to operate pursuant to the legal authority required in 40 CFR 122.26(d)(2), inclusive of subdivision (d)(2)(i)(A – F).

The enforcement of the City of Glendale's storm water ordinances may be commenced and completed administratively and/or, if necessary, through the judicial system.

Very truly yours,

Michael J. Garcia, City Attorney

MJG:mg

cc: John L. Hunter & Associates

WE RECYCLE

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ATTORNEYS AT LAW

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December 3, 2013

Mr. Sam Unger, Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, California 90013-1105

Re: Statement of Legal Authority

Dear Mr. Unger:

This letter is provided to serve as the Statement of Legal Authority for the City of La Canada Flintridge (the "City") that must be submitted with its Annual Report pursuant to Part VI.A.2.b. of Order No. R4-2012-0175 for NPDES Permit No. CAS004001. As legal counsel for the City, I have determined that it has all the necessary legal authority to implement and enforce the requirements contained in 40 CFR § 122.26(d)(2)(i)(A-F) and this Order during the reporting period of July 1, 2012 through June 30, 2013, to the extent permitted by State and Federal law, subject to the limitations on municipal action under the California and United States Constitutions.

Per the requirement in Part VI.A.2.b.i., here are citations to the City's Municipal Code for each of the following requirements found in Part VI.A.2.a:

i. *Control the contribution of pollutants to its MS4 from storm water discharges associated with industrial and construction activity and control the quality of storm water discharged from industrial and construction sites. This requirement applies both to industrial and construction sites with coverage under an NPDES permit, as well as to those sites that do not have coverage under an NPDES permit.*

   Municipal Code Sections: 9.20.040 Elimination of pollutants in stormwater, 9.20.050 Prohibited activities, and 9.20.140 Requirements for construction projects

ii. *Prohibit all non-storm water discharges through the MS4 to receiving waters not otherwise authorized or conditionally exempt pursuant to Part III.A.*

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Municipal Code Section: 9.20.050 Prohibited activities

iii. *Prohibit and eliminate illicit discharges and illicit connections to the MS4.*

Municipal Code Section: 9.20.050 Prohibited activities

iv. *Control the discharge of spills, dumping, or disposal of materials other than storm water to its MS4.*

Municipal Code Section: 9.20.050 Prohibited activities, subsection R

v. *Require compliance with conditions in Permittee ordinances, permits, contracts or orders (i.e., hold dischargers to its MS4 accountable for their contributions of pollutants and flows);*

Municipal Code Section: 9.20.040 Elimination of pollutants in stormwater, subsection E

vi. *Utilize enforcement mechanisms to require compliance with applicable ordinances, permits, contracts, or orders.*

Municipal Code Section: 9.20.070 Enforcement

vii. *Control the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements among Co-permittees;*

Municipal Code Section: 9.20.050 Prohibited activities

viii. *Control of the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements with other owners of the MS4 such as the State of California Department of Transportation;*

Municipal Code Section: 9.20.050 Prohibited activities

ix. *Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with applicable municipal ordinances, permits, contracts and orders, and with the provisions of this Order, including the prohibition of non-storm water discharges into the MS4 and receiving waters. This means the Permittee must have authority to enter, monitor, inspect, take measurements, review and copy records, and require regular reports from entities discharging into its MS4;*

Municipal Code Sections: 1.10.010 Enforcement authority, 9.20.160 Inspection, and 9.20.070 Enforcement

x. *Require the use of control measures to prevent or reduce the discharge of pollutants to achieve water quality standards/receiving water limitations;*

Municipal Code Section: 9.20.040 Elimination of pollutants in stormwater

xi. *Require that structural BMPs are properly operated and maintained;*

Municipal Code Section: 9.20.090 Content of urban stormwater mitigation plan

xii. *Require documentation on the operation and maintenance of structural BMPs and their effectiveness in reducing the discharge of pollutants to the MS4.*

Municipal Code Section: 9.20.110 Review of the urban stormwater mitigation plan by city

Per the requirement in Part VI.A.2.b.ii., the City's legal procedures available to mandate compliance with applicable municipal ordinances identified in the above section, and therefore with the conditions of the Order, can be found in Municipal Code Section 9.20.070 Enforcement. Here is the relevant text of that provision:

9.20.070 Enforcement.

[...]

C. For the first failure to comply with any provision of this chapter, the director of public works, or his or her designee, shall issue to the affected person a written notice which includes the following information:

1. A statement specifying the violation committed;

2. A specified time period within which the affected person shall correct the failure or file a written notice disputing the notice of violation;

3. A statement of the penalty for continued noncompliance.

D. Each subsequent failure to comply with any provision of this chapter following written notice issued pursuant to subsection A of this section, shall constitute an infraction punishable as provided in Chapter 1.04 of this code. Each day during which a person fails to comply with the provisions of this chapter following written notice shall constitute a separate offense.

E. A violation of any provision of this chapter is declared to be a public nuisance, and the city attorney is authorized to abate such violation by means of a civil action.

F. The penalties and remedies established by this section shall be cumulative.

In addition, here is the relevant section from Chapter 1.04 Penalty Provisions:

1.04.010 Violation—Penalties—Declaration of nuisance.

A. No person shall violate any provision or fail to comply with any of the requirements of this code or of any statute or ordinance which is adopted by reference by any provision of this code. Any person who violates any such provision or fails to comply with any such requirement, unless otherwise provided, shall be guilty of a misdemeanor and shall be punishable by a fine of not more than one thousand dollars ($1,000.00), or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

B. Every violation determined to be an infraction is punishable by: (1) a fine not exceeding one hundred dollars ($100.00) for a first violation; (2) a fine not exceeding two hundred dollars ($200.00) for a second violation of the same ordinance within twelve (12) consecutive months; (3) a fine not exceeding five hundred dollars ($500.00) for each additional violation of the same ordinance within twelve (12) consecutive months.

C. In addition to the penalties set forth in subsections A and B of this section, any condition caused or permitted to exist in violation of any of the provisions of this code or any statute or ordinance adopted by reference to this code shall be deemed a public nuisance and may be abated by the city in any manner authorized by law.

D. Each separate day, or any portion thereof, during which any violation of the municipal code occurs or continues constitutes a separate offense and, upon conviction thereof, shall be punishable as provided in this section.

Thus, enforcement actions can be completed administratively or judicially if necessary.

Please contact the undersigned if you have any questions.

Sincerely,

ALESHIRE & WYNDER, LLP

Mark W. Steres
City Attorney for the City of La Canada Flintridge

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City of Monterey Park
320 W. Newmark Avenue Monterey Park CA 91754-2896
www.montereypark.ca.gov

CITY COUNCIL
Peter Chan
Mitchell Ing
Hans Liang
Teresa Real Sebastian
Anthony Wong

CITY CLERK
Vincent D. Chang

CITY TREASURER
Joseph Leon

November 18, 2014

Mr. Sam Unger, Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013-1105

RE: LEGAL AUTHORITY CERTIFICATION FOR THE CITY OF MONTEREY PARK TO IMPLEMENT AND ENFORCE THE REQUIREMENTS OF LARWQCB ORDER R4-2012-0175

Dear Mr. Unger:

The City of Monterey Park submits this statement in its capacity as a co-permittee under LARWQCB Order R4-2012-0175 (NPDES No. CAS004001) (the "MS4 Permit"), in accordance with Part VI.A.2 of the MS4 Permit.

I am the City Attorney of the City of Monterey Park, California. In that capacity, I state that it is my opinion that the City has adequate legal authority to implement and enforce the requirements in the MS4 Permit, consistent with the requirements set forth in the regulations implementing the Clean Water Act (40 CFR § 122.26(d)(2)(i)(A-F)), and to the extent permitted by state and federal law and subject to the limitations on municipal action under the California and United States Constitutions.

The primary source of the City's authority is Article 11, § 7 of the California Constitution. The City also has authority under California Water Code § 13002 to adopt and enforce regulations conditioning, restricting and limiting activities which might degrade the quality of waters of the State. In accordance with these laws, the City adopted Monterey Park Municipal Code ("MPMC") Chapter 6.30 which includes the City's regulations enabling it to implement the MS4 Permit. As the City transitions to the new EWMP requirements, these regulations may be amended to implement the new programs. Nevertheless, the City has already the legal authority as required under Part VI.A.2 of the MS4 Permit.

California law also authorizes the City to require the use of control measures to prevent or reduce the discharge of pollutants and ensure that such control measures are properly operated and maintained. The City's regulatory authority is supplemented by the California Environmental Quality Act ("CEQA") process by allowing the City to impose enforceable mitigation measures on development projects. As a general law city and municipal corporation, the City may enter into contracts that enable it to carry out its necessary functions including, without limitation, the ability to enter into interagency agreements to control the contribution of pollutants from one portion of the shared MS4 to another.

Pursuant to MPMC § 6.30.260, the City Attorney may enforce the City's regulations administratively, civilly and criminally. The MPMC also provides various procedures to modify and/or revoke city-issued permits for unlawful and/or environmentally disruptive activity.

Consequently, it is my opinion that the City has adequate legal authority to implement and enforce the requirements in the MS4 Permit. Please do not hesitate to contact me should you have any questions or need any additional information

Very truly yours,
Mark D. Hensley, City Attorney

By: _____
Karl H. Berger,
Assistant City Attorney

OFFICE OF THE CITY ATTORNEY/CITY PROSECUTOR
CIVIL DIVISION

December 15, 2014

Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Annual Reporting Requirement for
Los Angeles County MS4 Permittees
Legal Authority

The City of Pasadena ("Permittee") hereby certifies that, to the extent the provisions of 40 CFR § 122.26(d)(2)(i)(A)-(F) and the provisions of Order No. R4-2012-0175 have become effective and required of the City of Pasadena, all such effective and required provisions are within the authority of the City of Pasadena to enforce pursuant to Pasadena Municipal Code Title 8, Chapter 8.70 which provides enforcement authority that may be implemented either administratively or through the judicial system.

Sincerely,

Michele Beal Bagneris
City Attorney

100 North Garfield Avenue, Suite N210 · P.O. Box 7115 · Pasadena, CA 91109-7215
(626) 744-4141 · Fax (626) 744-4190

STATEMENT OF LEGAL AUTHORITY

Pursuant to Part VI.A.2.b. of Order No. R4-2012-0175, the City of Rosemead has all the necessary legal authority to implement and enforce the requirements contained in 40 CFR § 122.26(d)(2)(i)(A-F) and this Order during the reporting period of July 1, 2012 through June 30, 2013. This is made evident by municipal code citation to each of the following requirements found in Part VI.A.2.a:

1. Control the contribution of pollutants to its MS4 from storm water discharges associated with industrial and construction activity and control the quality of storm water discharged from industrial and construction sites. This requirement applies both to industrial and construction sites with coverage under an NPDES permit, as well as to those sites that do not have coverage under an NPDES permit.
   Municipal Code Section: 13.16.030 Control of urban runoff, Section B
2. Prohibit all non-storm water discharges through the MS4 to receiving waters not otherwise authorized or conditionally exempt pursuant to Part III.A.
   Municipal Code Section: 13.16.020 Prohibition on illicit connections and prohibited discharges
3. Prohibit and eliminate illicit discharges and illicit connections to the MS4.
   Municipal Code Section: 13.16.020 Prohibition on illicit connections and prohibited discharges
4. Control the discharge of spills, dumping, or disposal of materials other than storm water to its MS4.
   Municipal Code Section: 13.16.030 Control of urban runoff
5. Require compliance with conditions in Permittee ordinances, permits, contracts or orders (i.e., hold dischargers to its MS4 accountable for their contributions of pollutants and flows);
   Municipal Code Section: 13.16.050 Permits
6. Utilize enforcement mechanisms to require compliance with applicable ordinances, permits, contracts, or orders.
   Municipal Code Section: 13.16.050 Permits and 13.16.060 Enforcement—Administrative remedies
7. Control the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements among Copermittees;
   Municipal Code Section: 13.16.150 Interagency cooperation
8. Control of the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements with other owners of the MS4 such as the State of California Department of Transportation;
   Municipal Code Section: 13.16.150 Interagency cooperation

9. Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with applicable municipal ordinances, permits, contracts and orders, and with the provisions of this Order, including the prohibition of non-storm water discharges into the MS4 and receiving waters. This means the Permittee must have authority to enter, monitor, inspect, take measurements, review and copy records, and require regular reports from entities discharging into its MS4;
   Municipal Code Section: 13.16.040 Inspections—Scope
10. Require the use of control measures to prevent or reduce the discharge of pollutants to achieve water quality standards/receiving water limitations;
    Municipal Code Section: 13.16.040 Inspections—Scope
11. Require that structural BMPs are properly operated and maintained; and
    Municipal Code Section: 13.16.030 Control of urban runoff
12. Require documentation on the operation and maintenance of structural BMPs and their effectiveness in reducing the discharge of pollutants to the MS4.
    Municipal Code Section: 13.16.030 Control of urban runoff

The City's municipal code contains both administrative and judicial enforcement options. The City of Rosemead has administrative legal procedures available to mandate compliance with applicable municipal ordinances identified in the above section, and therefore with the conditions of the Order, can be found in Section 13.16.060 Enforcement—Administrative remedies. In addition, any condition in violation of the prohibitions of this chapter, including but not limited to the maintenance or use of any illicit connection or the occurrence of any prohibited discharge, shall constitute a threat to the public health, safety and welfare, and is declared and deemed a nuisance pursuant to Government Code Section 38771 and Rosemead Municipal Code Section 1.16.010. Lastly, the City can pursue violations of the Municipal Code to be enforced judicially by criminal proceedings as found in Section 1.16.010.

Signature: Rachel Richman

Rachel Richman, City Attorney

Date: 12/9/13

City of San Gabriel

◆ City With A Mission ◆ Founded 1771 ◆

December 11, 2013

Sam Unger
Executive Officer
Los Angeles Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

RE: City of San Gabriel Statement of Legal Authority in Compliance with Los Angeles Regional Water Quality Control Board Order No. R4-2012-0175

Dear Mr. Unger:

The City of San Gabriel ("City") hereby submits this Statement of Legal Authority in its capacity as co-permittee in accordance with Section VI.A.2, and in particular subparagraph 2.b, of the Los Angeles Regional Water Quality Control Board Order No. R4-2012-0175, National Pollution Discharge Elimination System ("NPDES)" Permit and Waste Discharge Requirements for the Municipal Separate Storm Sewer System ("MS4") Discharges Within the Coastal Watersheds of Los Angeles County Except Those Discharges Originating from the City of Long Beach ("Permit" or "Order").

As you are aware, a number of other co-permittees are currently seeking review of certain portions of the Order through an administrative petition to the State Water Resources Control Board, the outcome of which may alter its terms. Consequently, this Statement of Legal Authority is not intended to be, and should not be construed as, a waiver of any rights the City has or may have to (A) bring or maintain any legal challenge to any part of the Order, or (B) to seek to recover any costs or other expenditures incurred or to be incurred to comply with programs that are or may be considered unfunded State mandates. The City hereby reserves any and all rights in this regard.

The undersigned City Attorney for the City hereby states that the City has or will have obtained all necessary legal authority to comply with the legal requirements imposed upon the City by the Order, consistent with the requirements set forth in the regulations to the Clean Water Act, 40 CFR [Code of Federal Regulations] §122.26(d)(2)(i)(A-F), to the extent permitted by State and federal law, but subject to the limitations on municipal actions under the California Constitution and United States Constitution. Subject to such limitations, the City's authority includes the following authority, within the City's jurisdictional boundaries, to:

- Control the contribution of pollutants to its MS4 from storm water discharges associated with industrial and construction activity and control the quality of storm water discharged from industrial and construction sites. *Municipal Code Sections: 53.08 Control of pollutants from industrial activities, 53.09 Control of pollutants from other industrial facilities, 53.10 Control of pollutants from state permitted construction activities, 53.11 Control of pollutants from other construction activities, 53.12 Control of pollutants from new developments/redevelopment projects.*

- Prohibit all non-storm water discharges through the MS4 to receiving waters not otherwise authorized or conditionally exempt pursuant to Part III.A. *Municipal Code Sections: 50.003 Dumping Rubbish...Prohibited, 53.04 Illicit discharges and nonstormwater discharges.*

- Prohibit and eliminate illicit discharges and illicit connections to the MS4. *Municipal Code Sections: 53.04 Illicit discharges and nonstormwater discharges, 53.05 Illicit connections.*

- Control the discharge of spills, dumping, or disposal of materials other than storm water to its MS4. *Municipal Code Sections: 50.003 Dumping Rubbish...Prohibited, 53.04 Illicit discharges and nonstormwater discharges.*

- Require compliance with conditions in Permittee ordinances, permits, contracts or orders (i.e., hold dischargers to its MS4 accountable for their contributions of pollutants and flows). *Municipal Code Sections: Chapter 53: Stormwater and Urban Runoff Pollution Prevention.*

- Utilize enforcement mechanisms to require compliance with applicable ordinances, permits, contracts, or orders. *Municipal Code Sections: 53.13 Enforcement, 53.14 Violations constituting misdemeanors, 53.15 Acts potentially resulting in violations of Federal Clean Water Act and/or Porter Cologne Act, 53.16 Violations deemed a public nuisance.*

- Control the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements among Copermittees. *Municipal Code Sections: 53.02 Purpose and intent, 50.003 Dumping Rubbish...Prohibited*

- Control of the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements with other owners of the MS4 such as the State of California Department of Transportation. *Municipal Code Sections: 53.02 Purpose and intent, 50.003 Dumping Rubbish...Prohibited.*

- Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with applicable municipal ordinances, permits, contracts and orders, and with the provisions of the Permit, including the prohibition of non-storm water discharges into the MS4 and receiving waters. This authority includes the authority to enter, monitor, inspect, take measurements, review and copy records, and require regular reports from entities discharging into the MS4. *Municipal Code Sections: 53.13 Enforcement.*

- Require the use of control measures to prevent or reduce the discharge of pollutants to achieve water quality standards/receiving water limitations. *Municipal Code Sections: 53.16 Violations Deemed a Public Nuisance.*

- Require that structural BMPs are properly operated and maintained. *Municipal Code Sections: 53.04 Illicit discharges and nonstormwater discharges.*

- Require documentation on the operation and maintenance of structural BMPs and their effectiveness in reducing the discharge of pollutants to the MS4. *Municipal Code Sections: 53.04 Illicit discharges and nonstormwater discharges.*

The City of San Gabriel legal procedures available to mandate compliance with applicable municipal ordinances identified in the above section, and therefore with the conditions of the Order, can be found in *Section 53.13 Enforcement.* Violations of this section are deemed a "Public Nuisance" where enforcement actions can be completed administratively, or judicially if necessary.

Signature: _____
Robert L. Kress, City Attorney

Date: Dec. 13, 2013

300 S. Grand Avenue, Suite 2700
Los Angeles, CA 90071-3137
Voice (213) 542-5700
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COLANTUONO
HIGHSMITH
WHATLEY, PC

Teresa L. Highsmith
(213) 542-5703
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Our File No. 49063.0001

December 15, 2014

Mr. Sam Unger, Executive Officer
California Regional Water Quality
Control Board, Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles CA, 90013-1105

Re: **Legal Authority Certification for the City of South Pasadena**

Dear Mr. Unger

The City of South Pasadena has the necessary legal authority to implement and enforce the requirements contained in 40 CFR § 122.26(d)(2)(i)(A-F) and the Regional Water Quality Control Board, Los Angeles Region's Order No. R4-2012-0175, the Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Los Angeles County Flood Control District, including the County of Los Angeles, and the Incorporated Cities therein, except the City of Long Beach [NPDES No. CAS004001] ("the 2012 MS4 Permit"). The South Pasadena Municipal Code sections providing this authority are detailed in the following table of requirements imposed by Part VI.A.2.a of the 2012 MS4 Permit:

1. Control the contribution of pollutants to its MS4 from storm water discharges associated with industrial and construction activity and control the quality of storm water discharged from industrial and construction sites. This requirement applies both to industrial and construction sites with coverage under an NPDES permit, as well as to those sites that do not have coverage under an NPDES permit.
   - *South Pasadena Municipal Code Sections 23.1, 23.2, 23.3, 23.4, 23.5, 23.6, 23.10, 23.11, 23.12, 23.13, and 23.14.*

2. Prohibit all non-storm water discharges through the MS4 to receiving waters not otherwise authorized or conditionally exempt pursuant to Part III.A.

- *South Pasadena Municipal Code Sections 23.1, 23.2, 23.3, 23.4, 23.5, and 23.6.*

3. Prohibit and eliminate illicit discharges and illicit connections to the MS4.
   - *South Pasadena Municipal Code Sections 23.6 and 23.7.*

4. Control the discharge of spills, dumping, or disposal of materials other than storm water to its MS4.
   - *South Pasadena Municipal Code Sections 23.1, 23.2, 23.3, 23.4, 23.5, and 23.6.*

5. Require compliance with conditions in Permittee ordinances, permits, contracts or orders (i.e., hold dischargers to its MS4 accountable for their contributions of pollutants and flows);
   - *South Pasadena Municipal Code Sections 23.1, 23.2, 23.3, 23.4, 23.5, 23.18, 23.20, 23.21, and 23.22.*

6. Utilize enforcement mechanisms to require compliance with applicable ordinances, permits, contracts, or orders.
   - *South Pasadena Municipal Code Sections 23.15, 23.16, 23.17, 23.18, 23.19, 23.20, 23.21, and 23.22.*

7. Control the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements among Copermittees;
   - *South Pasadena Municipal Code Section 23.1, 23.2, 23.3, 23.4, 23.5, 23.6, and 23.9.*

8. Control of the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements with other owners of the MS4 such as the State of California Department of Transportation;
   - *South Pasadena Municipal Code Section 23.1, 23.2, 23.3, 23.4, 23.5, 23.6, and 23.9.*

9. Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with applicable municipal ordinances, permits, contracts and orders, and with the provisions of this Order, including the prohibition of non-storm water discharges into the MS4 and receiving waters. This means the Permittee must have authority to enter, monitor, inspect, take

measurements, review and copy records, and require regular reports from entities discharging into its MS4;

- *South Pasadena Municipal Code Sections 23.1, 23.2, 23.3, 23.4, 23.5, 23.6, 23.15, 23.16, 23.17, 23.18, and 23.19.*

10. Require the use of control measures to prevent or reduce the discharge of pollutants to achieve water quality standards/receiving water limitations;
    - *South Pasadena Municipal Code Sections 23.1, 23.2, 23.3, 23.4, 23.5, 23.6, 23.7, 23.8, 23.9, 23.10, 23.11, 23.12, 23.13, and 23.14.*

11. Require that structural BMPs are properly operated and maintained; and
    - *South Pasadena Municipal Code Sections 23.9, 23.11, and 23.14.*

12. Require documentation on the operation and maintenance of structural BMPs and their effectiveness in reducing the discharge of pollutants to the MS4.
    - *South Pasadena Municipal Code Sections 23.9, 23.11, 23.14, 23.15, 23.16, 23.17, 23.18, and 23.19.*

The City of South Pasadena's legal procedures available to mandate compliance with applicable ordinances identified above, and therefore with the conditions of the 2012 MS4 Permit, can be found in South Pasadena Municipal Code sections 23.15, 23.16, 23.17, 23.18, 23.19, 23.20, 23.21, and 23.22. Violations of this section are deemed a "Public Nuisance" where enforcement actions can be completed administratively, or judicially if necessary, as authorized by section 23.20.

Sincerely,

Teresa L. Highsmith
City Attorney, City of South Pasadena

TLH:mts

cc: Sergio Gonzalez, City Manager
Paul Toor, Public Works Director

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December 11, 2013

VIA U.S. MAIL AND E-MAIL

Mr. Samuel Unger
Executive Officer
Los Angeles Regional Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013
sunger@waterboards.ca.gov

Re: Legal Authority of the City of San Marino to Implement and Enforce the Requirements of 40 CFR 122.26(d)(2)(i)(A-F) and RWQCB Order R4-2012-0175, NPDES Permit CAS004001

Dear Mr. Unger:

The City of San Marino (the "City"), by and through its City Attorney, hereby submits the following certification ("Statement"), pursuant to Section VI.A.2.b of Order R4-2012-0175 (NPDES Permit CAS004001), issued by the California Regional Water Quality Control Board, Los Angeles Region ("RWQCB") on November 8, 2012 and entitled "Waste Discharge Requirements for Municipal Separate Storm Sewer System ("MS4") Discharges within the Coastal Watersheds of Los Angeles County, Except Those Discharges Originating from the City of Long Beach MS4" (the "Permit").

The City is one of the co-permittees under the Permit. Section VI.A.2.b of the Permit requires the City to provide the RWQCB with a statement by its chief legal counsel, certifying that the City has the legal authority to implement and enforce each of the current requirements set forth in 40 C.F.R. § 122.26(d)(2)(i)(A-F) and the Permit. The purpose of this Statement is to describe the City's compliance with Section VI.A.2.b of the Permit. As discussed in further detail herein, it is our opinion that the City has the necessary legal authority to implement the Permit and to control and prohibit discharges of pollutants into the Municipal Separate Storm Sewer System ("MS4"). However, this Statement is not, nor should it be construed as, a waiver of any rights that the City may have relating to the Permit.

1. Legal Authority Statement

In our opinion, the City has the necessary legal authority to comply with the legal requirements imposed upon it under the Permit, consistent with the requirements set forth in the U.S. Environmental Protection Agency's regulations promulgated under the Clean Water Act, and, specifically, 40 C.F.R. § 122.26(d)(2)(i)(A-F), and to the

extent permitted by state and federal law and subject to the limitations on municipal action under the California and United States Constitutions, except as noted herein.

The City, as a general law city, has broad general police powers under the California Constitution to enact legislation for health and public welfare of the community to the extent not preempted by federal or state law. In addition, the City adopted ordinances for the purpose of ensuring that it has adequate legal authority to implement and enforce its storm water control program. The City has the authority under the California Constitution and state law to enact and enforce these ordinances, and these ordinances were duly enacted.

2. Ordinances

The City has adopted ordinances related to the regulation of urban runoff to control and prohibit discharges of pollutants into the MS4 and to comply with the requirements of the Permit applicable to it, as well as, to the extent applicable, 40 C.F.R. § 122.26 (d)(2)(i)(A)-(F). The City's Storm Water Ordinance (Chapter 14.12 of the San Marino Municipal Code ("SMMC")) is the principal City ordinance addressing the control of urban runoff. Under this ordinance, the City has the necessary legal authority to do the following:

i. 40 C.F.R. § 122.26(d)(2)(i)(A); Permit Section VI.A.2.a.i: Control the contribution of pollutants to its MS4 from storm water discharges associated with industrial and construction activity and control the quality of storm water discharged from industrial and construction sites. This requirement applies both to industrial and construction sites with coverage under an NPDES permit, as well as to those sites that do not have coverage under an NPDES permit (SMMC § 14.12.09—Requirements for industrial/commercial and construction activities);

ii. 40 C.F.R. § 122.26(d)(2)(i)(C); Permit Section VI.A.2.a.ii: Prohibit all non-storm water discharges through the MS4 to receiving waters not otherwise authorized or conditionally exempt pursuant to Part III.A (SMMC § 14.12.06—Prohibited activities; SMMC § 14.12.08—Good housekeeping provisions);

iii. 40 C.F.R. § 122.26(d)(2)(i)(B); Permit Section VI.A.2.a.iii: Prohibit and eliminate illicit discharges and illicit connections to the MS4 (SMMC §14.12.06—Prohibited activities);

iv. 40 C.F.R. § 122.26(d)(2)(i)(C); Permit Section VI.A.2.a.iv: Control the discharge of spills, dumping, or disposal of materials other than storm water to its MS4 (SMMC § 14.12.06—Prohibited activities; SMMC §14.12.08—Good housekeeping provisions; SMMC § 14.12.10—Enforcement);

v. 40 C.F.R. § 122.26(d)(2)(i)(E); Permit Section VI.A.2.a.v: Require compliance with conditions in Permittee ordinances, permits, contracts or orders (*i.e.*, hold dischargers to its MS4 accountable for their contributions of pollutants and flows) (SMMC § 14.12.10—Enforcement);

vi. 40 C.F.R. § 122.26(d)(2)(i)(E)-(F); Permit Section VI.A.2.a.vi: Utilize enforcement mechanisms to require compliance with applicable ordinances, permits, contracts, or orders (SMMC § 14.12.10—Enforcement);

vii. 40 C.F.R. § 122.26(d)(2)(i)(D); Permit Section VI.A.2.a.vii: Control the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements among Copermittees (SMMC § 14.12.06—Prohibited activities; SMMC § 14.12.10—Enforcement);

viii. 40 C.F.R. § 122.26 (d)(2)(i)(D); Permit Section VI.A.2.a.viii: Control of the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements with other owners of the MS4 such as the State of California Department of Transportation (SMMC § 14.12.06—Prohibited activities; SMMC § 14.12.10—Enforcement);

ix. 40 C.F.R. § 122.26(d)(2)(i)(F); Permit Section VI.A.2.a.ix: Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with applicable municipal ordinances, permits, contracts and orders, and with the provisions of this Order, including the prohibition of non-storm water discharges into the MS4 and receiving waters. This means the Permittee must have authority to enter, monitor, inspect, take measurements, review and copy records, and require regular reports from entities discharging into its MS4 (SMMC § 14.12.095—Standard Urban Stormwater Mitigation Plan ("SUSMP") requirements for new development and redevelopment projects; SMMC § 14.12.10—Enforcement);

x. 40 C.F.R. § 122.26(d)(2)(i)(E); Permit Section VI.A.2.a.x: Require the use of control measures to prevent or reduce the discharge of pollutants to achieve water quality standards/receiving water limitations (SMMC § 14.12.06—Prohibited activities; SMMC § 14.12.095—Standard Urban Stormwater Mitigation Plan ("SUSMP") requirements for new development and redevelopment projects);

xi. 40 C.F.R. § 122.26(d)(2)(i)(E); Permit Section VI.A.2.a.xi: Require that structural BMPs are properly operated and maintained (SMMC § 14.12.095—Standard Urban Stormwater Mitigation Plan ("SUSMP") requirements for new development and redevelopment projects); and

xii. 40 C.F.R. § 122.26(d)(2)(i)(E); Permit Section VI.A.2.a.xii: Require documentation on the operation and maintenance of structural BMPs and their effectiveness in reducing the discharge of pollutants to the MS4 (SMMC § 14.12.095—Standard Urban Stormwater Mitigation Plan ("SUSMP") requirements for new development and redevelopment projects; SMMC § 14.12.08—Good housekeeping provisions).

3. Implementation

Some of the City's ordinances are implemented through permit programs and others are implemented as regulatory programs. Under each ordinance, one or more City bodies, departments, or department directors are authorized and directed in each ordinance to take the actions contemplated by the ordinance (*e.g.*, to consider evidence and make findings, to issue or deny permits, to impose conditions on projects, to inspect, to take enforcement action, etc.).

The City's Storm Water Ordinance (SMMC Chapter 14.12) is the principal City ordinance addressing the control of urban runoff. This ordinance is regulatory, and applies to specified new and existing residential and business communities and associated facilities and activities, as well as new development and redevelopment, and all other specified new and existing facilities and activities that threaten to discharge pollutants within the boundaries of the City and within its regulatory jurisdiction, whether or not a City permit or approval is required. The City's Storm Water Ordinance also contains discharge prohibitions and requirements for the implementation of BMPs and other requirements necessary to implement the Permit.

Other City departments require compliance with the City's Storm Water Ordinance as a condition for issuance of relevant City permits. City departments may also impose specific conditions of approval consistent with the City's Storm Water Ordinance. All City environmental ordinances are also implemented, in part, through the application of the CEQA process to proposed projects.

4. Administrative and Judicial/Legal Procedures

In addition to the above authority, the City has in place various legal and administrative procedures to assist in enforcing the various urban runoff related Ordinances, including the following:

A. Administrative Remedies

- General Penalties (SMMC Chapter 1.04--Violations).
- Administrative Penalties and Citations (SMMC Chapter 1.04—Violations; SMMC Chapter 1.06—Administrative Procedure).

B. Nuisance Remedies

- Public nuisance under State law.
- City nuisance abatement procedures (SMMC Chapter 1.04—Violations; SMMC Chapter 1.06—Administrative Procedure).

C. Criminal Remedies

- Misdemeanor citations/prosecution (SMMC Chapter 1.04—Violations).

D. Equitable Remedies

- Injunctive relief under State law and the Municipal Code (SMMC Chapter 1.04—Violations; SMMC Chapter 1.06—Administrative Procedure).
- Declaratory relief under State law.

E. Other Civil Remedies

- Federal law claims (*e.g.*, Clean Water Act and Resource Conservation and Recovery Act Citizen Suits).
- Remedies under the California Government Code.

Violations of the City's Storm Water Ordinance are deemed a "public nuisance," in which case enforcement actions can be completed administratively, or judicially when necessary.

Please contact me if you have any questions or if you need any additional information regarding the City's legal authority to enforce the Permit.

Very truly yours,

Steven L. Dorsey
City Attorney

cc: Mayor and Members of the City Council
John Schaefer, City Manager
Lucy Garcia, Assistant City Manager
Candice K. Lee, Esq.
Andrew Brady, Esq.

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December 1, 2014

Mr. Sam Unger, Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013-1105

RE: Annual Legal Authority Certification for the City of Temple City Calendar Year 2014

Dear Mr. Unger:

The City of Temple City ("City) hereby submits the following certification, required by Part VI.A.2.b of Order No. R4-2012-0175, issued by the Regional Water Quality Control Board – Los Angeles Region ("RWQCB"), adopted on December 28, 2012 and entitled "Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, except those Discharges Originating from the City of Long Beach (MS4)" [NPDES No. CAS004001] (the "2012 NPDES Permit"). Part VI.A.2.b of the 2012 NPDES Permit requires the City, as a Permittee under the 2012 NPDES Permit, to submit an annual statement certified by its City Attorney that the City has the legal authority within its jurisdiction to implement and enforce the requirements contained in 40 CFR § 122.26(d)(2)(i)(A-F) and the 2012 NPDES Permit.

On November 19, 2013, the City Council held a public hearing and conducted the first reading of Ordinance 13-984 amending the provisions of the City's municipal code pertaining to storm water pollution elimination. Ordinance 13-984 amends the code to ensure that the City has adequate legal authority to implement the 2012 NPDES Permit and 40 CFR § 122.26(d)(2)(i)(A-F). The Ordinance became effective on January 2, 2014.

The table on the following page lists the requirements of the 2012 NPDES Permit and 40 CFR § 122.26(d)(2)(i)(A-F), and provides citations to the municipal code sections and state laws through which the City complies with each of these requirements. All of these provisions are currently in effect in the City. As the table demonstrates, the City has the legal authority within its jurisdiction to implement and enforce the 2012 NPDES

Permit and the requirements of 40 CFR § 122.26(d)(2)(i)(A-F).

Requirements	Legal Authorities
Control the contribution of pollutants to the City's MSR from storm water discharges associated with industrial and construction activity and control the quality of storm water discharged from industrial and construction sites. (2012 NPDES Permit, Part VI.A.2.a.i; 40 CFR § 122.26(d)(2)(i)(A))	Municipal Code Sec. 8301
Prohibit all non-storm water discharges through the City's MS4 to receiving waters not otherwise authorized or conditionally exempt. (2012 NPDES Permit, Part VI.A.2.a.ii)	Municipal Code Sec. 8201
Prohibit and eliminate illicit discharges and illicit connections to the MS4. (2012 NPDES Permit, Part VI.A.2.a.iii; 40 CFR § 122.26(d)(2)(i)(B))	Municipal Code Sec. 8200, 8201
Control the discharge of spills, dumping, or disposal of materials other than storm water to the City's MS4. (2012 NPDES Permit, Part VI.A.2.a.iv; 40 CFR § 122.26(d)(2)(i)(C))	Municipal Code Sec. 8201, 8202, 8203
Require compliance with the conditions in the City's ordinances, permits, contracts or orders. (2012 NPDES Permit, Part VI.A.2.a.v; 40 CFR § 122.26(d)(2)(i)(E))	Municipal Code Sec. 8400
Utilize enforcement mechanisms to require compliance with applicable ordinances, permits, contracts, or orders. (2012 NPDES Permit, Part VI.A.2.a.vi; 40 CFR § 122.26(d)(2)(i)(F))	Municipal Code Sec. 8401, 8402
Control of the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements among Co-Permittees. (2012 NPDES Permit, Part VI.A.2.a.vii; 40 CFR § 122.26(d)(2)(i)(D))	See Temple City Charter Section 607 (regarding authority of City to enter into agreements); See also Resolution 13-4954 adopted 11/19/13 (approving MOU for Enhanced Watershed Management Program)
Control of the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements with other owners of the MS4. (2012 NPDES Permit, Part VI.A.2.a.viii)	See Temple City Charter Section 607 (regarding authority of City to enter into agreements); See also Resolution 13-4954 adopted 11/19/13 (approving MOU for Enhanced Watershed Management Program)
Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with applicable ordinances, permits, contracts and orders, and with the provisions of the 2012 NPDES Permit. (2012 NPDES Permit, Part VI.A.2.a.ix)	Municipal Code Sec. 8400, 8401
Require the use of control measures to prevent or reduce the	Municipal Code Sec. 8300, 8301,

discharge of pollutants to achieve water quality standards/receiving water limitations. (2012 NPDES Permit, Part VI.A.2.a.x)	8302
Require that structural BMPs are properly operated and maintained. (2012 NPDES Permit, Part VI.A.2.a.xi)	Municipal Code Sec. 8301(K)
Require documentation on the operation and maintenance of structural BMPs and their effectiveness in reducing the discharge of pollutants to the MS4. (2012 NPDES Permit, Part VI.A.2.a.xii)	Municipal Code Sec. 8301(K)

Part VI.A.2.b of the 2012 NPDES Permit further requires this statement to identify the local administrative and legal procedures available to mandate compliance with the City municipal code sections cited in the table above, and a statement as to whether enforcement actions can be completed administratively or judicially.

The City's municipal code contains both administrative and judicial enforcement options. The City may issue an administrative citation to enforce any provision of its municipal code. Title 1, Chapter 4 of the City's municipal code contains the procedures applicable to the issuance of administrative citations, and the schedule of administrative fines. An administrative citation may be appealed to a hearing officer, and the decision of the hearing officer on the appeal may be appealed to the superior court. The City's municipal code also authorizes violations of the code to be enforced judicially through criminal and civil proceedings. A violation of the City's storm water ordinances is a misdemeanor and a public nuisance (City municipal code section 8402). The procedures for issuing a criminal citation are contained in Title 1, Chapter 2 of the City's municipal code. In addition, the City may bring a civil action to abate the public nuisance, and the procedures for abatement actions are contained in Title 4, Chapter 2, Article C of the City's municipal code.

If you have any questions regarding this statement, please feel free to contact me at your convenience.

Sincerely,

Eric S. Vail
City Attorney
City of Temple City

ESV
cc: John L. Hunter & Associates
Michael D. Forbes, AICP, Community Development Director