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File No. 80237.00000

December 29, 2015

Robert Perdue, Executive Officer
Colorado River Basin Regional Water Quality Control Board
73-720 Fred Waring Dr., Suite 100
Palm Desert, CA 92260

Re: City of Coachella Certification of Legal Authority R7-2013-0011

Dear Mr. Perdue:

This letter provides the Certification of Legal Authority for the City of Coachella ("City") to be submitted by the City with its Annual Report in accordance with Section E.5 of Colorado River Basin Regional Water Quality Control Board Order No. R7-2013-0011, *Waste Discharge Requirement for Discharges from the Municipal Separate Storm Sewer System within the Whitewater Watershed* ("Permit").

CERTIFICATION OF LEGAL AUTHORITY

As City Attorney for the City, I hereby certify that the City possesses adequate legal authority to comply with the legal requirements imposed on the City by the Permit, 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), 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. Subject to those limitations, this includes the authority to:

- Control through ordinance, permit, contract, order or similar means, the contribution of Pollutants to the MS4 by Urban Runoff associated with industrial activity and the quality of Urban Runoff discharged from sites of industrial activity. (Permit, E.4.a.)
 - Coachella Municipal Code ("CMC") §§ 13.16.240 [prohibition of non-stormwater discharges]; 36.16.241 [requiring controls]; 13.16.340 [same].
- Prohibit through ordinance, order or similar means, illicit discharges to the MS4, including, but not limited to, discharges (i) of wash water resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities; (ii) Resulting from the cleaning, repair, or maintenance of any type of equipment or machinery including motor vehicles, cement-related equipment, and port-a-potty servicing; (iii) Of wash water from mobile operations such as oily or greasy



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ATTORNEYS AT LAW

Robert Perdue, Executive Officer
December 29, 2015
Page 2

discharges from mobile automobile washing, and/or discharges from steam cleaning, power washing, and carpet cleaning, etc.; (iv) Of runoff from material storage areas containing chemicals, fuels, grease, oil, or other Hazardous Materials; and (v) Of food-related Wastes (e.g., grease, fish processing, and restaurant kitchen mat and trash bin wash water, etc.). (Permit, E.4.b.)

- CMC §§ 13.16.030 [defining illicit discharge]; 13.16.045 [prohibiting illicit discharges]
- Control through ordinance, order or similar means the discharge to the MS4 of spills, dumping or disposal of materials other than Urban Runoff. (Permit, E.4.c.)
 - CMC §§ 13.16.030 [defining discharge]; 13.16.140 [prohibiting discharges]
- Control through interagency agreements among Permittees the contribution of Pollutants from one portion of the MS4 to another portion of the MS4. (Permit, E.4.d.)
 - Government Code section 37350 and 37355 provide the City with authority to control City property by contract.
- Require compliance with conditions in Permittee ordinances, permits, contracts or orders consistent with the Enforcement and Compliance Strategy described in Section 1.7 of the SWMP. (Permit, E.4.e.)
 - CMC §§ 13.16.441 – 13.16.545 [enforcement authority]
- Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with MS4 Permit conditions, including the prohibition on IDs to the MS4. (Permit, E.4.f.)
 - CMC §§ 13.16.052 [inspection and monitoring authority]; 13.16.343 [authorizing additional monitoring]
- Require that Urban Runoff collection, transport, and storage facilities shall be in good working condition at all times to effectuate compliance with this MS4 Permit. (Permit, E.4.g.)
 - CMC §§ 13.16.047 [requiring BMPs]; 13.16.142 [requiring maintenance of private stormwater facilities]; 13.16.243 [requiring maintenance of BMPs]



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Robert Perdue, Executive Officer
December 29, 2015
Page 3

CONCLUSION

Based on my review of the City's authority, the City has the legal authority to implement and enforce the applicable provisions of the MS4 Permit.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and curves, representing the name Carlos L. Campos.

Carlos L. Campos
of BEST BEST & KRIEGER LLP