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January 11, 2016

CITY OF RANCHO MIRAGE
OFFICE OF THE CITY ATTORNEY

Jose Angel, Executive Officer
Colorado River Basin Regional Water Quality Control Board
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

Re: Whitewater Region MS4 Permit – Determination of Legal Authority

Dear Mr. Angel:

In accordance with Section E of the National Pollutant Discharge Elimination System (MS4) Permit No. CAS617002 (Order No. R7-2013-0011), the Riverside County Flood Control and Water Conservation District ("District") has requested the City of Rancho Mirage certify that it has adequate legal authority to implement and enforce, at a minimum, the storm sewer system requirements contained in 40 CFR 122.26(d)(2)(i)(A-F), which are as follows:

(A) The authority to control through ordinance, permit, contract, order or similar means, the contribution of pollutants to the municipal storm sewer by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity;

(B) The authority to prohibit through ordinance, order or similar means, illicit discharges to the municipal separate storm sewer;

(C) The authority to control through ordinance, order or similar means the discharge to a municipal separate storm sewer of spills, dumping or disposal of materials other than storm water;

(D) The authority to control through interagency agreements among coapplicants the contribution of pollutants from one portion of the municipal system to another portion of the municipal system;

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(E) The authority to require compliance with conditions in ordinances, permits, contracts or orders; and

(F) The authority to carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the municipal separate storm sewer.

As set forth below, the City is able to provide such assurances.

Historical Background:

On July 3, 1997 the Rancho Mirage City Council adopted Ordinance No. 671, which added Chapter 7.03 "Storm Water Management and Discharge Control" to the City's Municipal Code. The purpose of Ordinance 671, titled the "City of Rancho Mirage Storm Water Management and Discharge Control Ordinance" (the "MS4 Ordinance") is to ensure the future health, safety and general welfare of City residents by regulating non-storm water discharges to the municipal separate storm drain, controlling the discharge to municipal separate storm drains from spills, dumping or disposal of materials other than storm water; and reducing pollutants in storm water discharges to the maximum extent practicable. The City's MS4 Ordinance, which was modeled after the ordinance prepared by the District, fully complied with the requirements of 40 CFR 122.26(d)(2)(i)(A-F) at the time of its adoption.

On September 4, 2001 the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Board) issued an area-wide National Pollution Discharge Elimination System (NPDES) Municipal Storm Water (Order No. 01-077, the "2001 Permit") to the Riverside County Flood Control and Water Conservation District (District), the County of Riverside, the Coachella Valley Water District, and the cities of Rancho Mirage, Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert and Palm Springs (collectively, Permittees) for the portion of the Whitewater River Basin located within Riverside County. On May 21, 2008 the Regional Board adopted a NPDES Municipal Storm Water Permit (Order No. R7-2008-0001, the "2008 Permit"). On June 20, 2013, the Regional Board adopted NPDES Municipal Stormwater Permit (Order No. R7-2013-0011, the "2013 Permit"). The 2001 Permit, 2008 Permit and 2013 Permit (collectively, the "Permits"), require the City and the other Permittees to implement the Stormwater Management Plan (SWMP) developed for the Whitewater River Region. The SWMP describes various Best Management Practices (BMPs) that are to be implemented by the Permittees in order to control storm water pollution to the maximum extent practicable. Additionally, the Permittees have entered into an Implementation Agreement that establishes the responsibilities of each co-permittee with regards to compliance with the Permits.

Regulatory Consistency Provision

Section 7.03.040 (Regulatory Consistency) of the MS4 Ordinance specifically provides the following:

> *"This chapter shall be construed to assure consistency with the requirements of the federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations and any existing or future municipal NPDES Permits and any amendments, revisions or reissuance thereof."*

It is my opinion as the City Attorney for the City of Rancho Mirage that any new legal requirements imposed under the federal Clean Water Act and/or the 2013 Permit would be enforceable by the City under Section 7.03.040 of its existing ordinance. As such, I have determined that the City has adequate legal authority to implement and enforce at a minimum, the storm sewer system requirements contained in 40 CFR 122.26(d)(2)(i)(A-F).

If you have any questions, please feel free to contact me at (760) 770-0873.

Regards,

Law Offices of Quintanilla & Associates
Steven B. Quintanilla, City Attorney

Robert J. Lee, Assistant City Attorney
City of Rancho Mirage

cc: Randal K. Bynder, City Manager
Bill Enos, City Engineer
Leland Cole, Senior Civil Engineer