



OFFICE OF COUNTY COUNSEL
COUNTY OF RIVERSIDE

3960 ORANGE STREET, SUITE 500
RIVERSIDE, CA 92501-3674
TELEPHONE: 951/955-6300
FAX: 951/955-6322 & 951/955-6363

January 12, 2016

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

Re: Order No. R7-2013-0011; 2013 Whitewater River Region NPDES MS4 Permit –
Determination of Legal Authority

Dear Mr. Angel:

The Office of County Counsel serves as legal counsel for both the County of Riverside (“County”) and the Riverside County Flood Control and Water Conservation District (“District”). This letter is being forwarded to you and your Board pursuant to Section E.4 of Order No. R7-2013-0011 (“MS4 Permit”) which requires each Principal Permittee and Copermittee certify that it has adequate legal authority to implement and enforce the appropriate stormwater protections as directed under the MS4 Permit in accordance with applicable federal and State regulations. We have reviewed the provisions of the MS4 Permit, the applicable ordinances of the County, the organization of the District, the interagency agreements between the Principal Permittees and Copermittees, and all other relevant laws, statutes, ordinances, regulations, and rules that we deemed appropriate. As set forth below, we are able to provide assurance of appropriate legal authority to enforce the requirements pursuant to the MS4 Permit.

Particular authority for the County to enforce the requirements of the MS4 Permit subsists within Ordinance No. 754 *An Ordinance of the County of Riverside Amending Ordinance No. 754 Establishing Stormwater/Urban Runoff Management and Discharge Controls*. Articles II and III specifically restrict illicit connections and discharges to the MS4 storm drain system and, upon determining that a violation of the MS4 Permit has occurred or is occurring, directs the County to utilize the procedures and penalties set forth within Ordinance No. 725. Ordinance No. 725 provides suitable options to enforce compliance, including administrative actions (e.g., noticing, administrative hearings, fines); civil actions (e.g., injunctive relief, abatement, civil penalties); or criminal actions (e.g., misdemeanors, infractions). The legal authority for the District¹ is derived

¹ NPDES CAS617002, Order No. R7-2013-0011 [“Because the [District] and CVWD are not general purpose local government entities and only operate facilities that may convey Urban Runoff, these Permittees lack the authority to adopt and enforce ordinances to regulate development and other authorities and abilities of general purpose government entities...[and] shall therefore comply with this Provision as well as other aspects of this MS4 Permit only to the extent of their statutory authority and within the constraints imposed by the California Constitution.”]

from the combined legal authority of the County and other Copermittees as described within the MS4 Permit and the District's Whitewater River Region Stormwater Management Plan. Further, both the District and County have their own stormwater facilities that are managed and operated in accordance with the MS4 Permit. Any illicit connections or illegal disposals are discovered through routine maintenance and inspection of the facilities, with enforcement provided through the County or other Copermittee with appropriate land use authority over that portion of the watershed.

Based upon this review, we have determined that the County and District as Principal Permittees to the MS4 Permit have adequate legal authority to both perform and enforce appropriate compliance as set forth in the permit in accordance with federal and State laws. Moreover, the Principal Permittees have the right to modify and/or update their legal authority as the need arises during the term of the MS4 Permit to ensure the provisions contained therein are fulfilled.

Please do not hesitate to contact me in the event that you have any questions or comments. I may be reached at (951) 955-6300 or via email at AGETTIS@CO.RIVERSIDE.CA.US.

Sincerely,

GREGORY P. PRIAMOS
County Counsel



Aaron C. Gettis
Deputy County Counsel

ATTY:sec
Enclosure

cc: Stuart McKibbin, Principal Engineer
Karin Watts-Bazan, Principal Deputy County Counsel
Steve Horn, Senior Management Analyst