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4.0 LEGAL AUTHORITY

4.1 Introduction

Permits issued by the Santa Ana and San Diego Regional Boards to the Permittees require the implementation of programs to address runoff from commercial, industrial, and residential areas to reduce the discharges of pollutants from the municipal storm drain system to the MEP. Central to these programs is the establishment, by each Permittee, of adequate legal authority to control the contribution of pollutants to the "Municipal Separate Storm Sewer System" or "MS4". The regulatory requirements and Permittees legal authority are described below.

4.2 Regulatory Requirements

Federal regulations 40 CFR 122.26 (d)(2)(i); Section VI of the Santa Ana Regional Water Quality Control Board Municipal NPDES Stormwater permit, Order No. R8-2002-0010; and Section D of the San Diego RWQCB Municipal NPDES Stormwater permit, Order No. R9-2002-0001, requires municipal NPDES Stormwater Permit applicants to demonstrate that they have adequate legal authority to:

- Control the contribution of pollutants to the municipal storm drain system by stormwater discharges associated with industrial activity;

- Prohibit illicit discharges to the municipal storm drain system;

- Control the discharge to the MS4 of spills, dumping or disposal of materials other than stormwater;

- Control through interagency agreements amongst the Permittees, the contribution of pollutants from one municipality into the common combined flood control and stormwater conveyance system managed by the Orange County Flood Control District;

- Require compliance with conditions in ordinances, permits, contracts or orders; and

- 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 storm drain system.

4.3 Authority to Control Pollutant Discharges

Although adequate legal authority existed for most potential pollutant discharges at the inception of the Orange County NPDES Stormwater Program, the Permittees prepared a Model Water Quality Ordinance (Ordinance) to provide a more uniform countywide approach and to provide a legal underpinning to the entire Orange County NPDES Stormwater Program. Subsequently, by 1997, all of the Permittees had adopted largely similar versions of the Water Quality Ordinance and began to implement the corresponding Enforcement Consistency Guide (**Exhibit 4.I**) and provided certifications regarding this to the Regional Boards.

Each Permittee has designated Authorized Inspector(s) responsible for enforcing the Ordinance. The Authorized Inspector is the person designated to investigate compliance with, detect violations of, and/or take actions pursuant to the Ordinance.

The detection, elimination, and enforcement activities undertaken by the Permittees are described further in **Section 10.0**. In addition to prohibiting unpermitted discharges, the Ordinance also provides for requiring BMPs in new development and significant redevelopment (see **Section 7.0**).

4.4 Program Effectiveness Assessment

All ordinances will continue to be reviewed in order to determine if any modifications are necessary in order to comply with Permit requirements in accordance with the Program Effectiveness Assessment (PEA) as described in **Appendix C of the DAMP**. The overall PEA serves as the foundation for the annual progress report that is submitted each year to the Principal Permittee and subsequently to the Regional Boards and serves as the basis for evaluating each municipality's individual municipal activity efforts.

By completing the effectiveness assessment, the Permittees will each have a baseline by which they can compare subsequent evaluations and identify trends. This information can then be used to determine where modifications within the program may be necessary and ensures that the iterative evaluation and improvement process is applied to the program component and used as an effective management tool.