



ATTORNEYS AT LAW
13200 Crossroads Parkway North, Suite 345
City of Industry, CA 91746
Telephone: 626.269.2980

James M. Casso
Principal
jcasso@cassosparks.com
www.cassosparks.com

November 15, 2016

Samuel Unger, P.E. Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

Attention: Renee Purdy

**Re: Los Angeles County NPDES Permit No. CAS004001/Board Order No. R4-2012-0175,
as amended by State Water Board Order WQ 2015-0075), City of Industry's Annual
Statement of Legal Authority (2015-2016)**

Dear Mr. Unger & Ms. Purdy:

This office serves as the City Attorney for the City of Industry ("City"). This Statement of Legal Authority ("Statement") verifies that the City has established, maintains, and enforces legal authority to effectively implement all requirements of the California Regional Water Quality Control Board Los Angeles Region's Order No. R4-2012-0175, as amended by State Water Board Order WQ 2015-0075 ("Order"), and the requirements set forth in 40 CFR § 122.26(d)(2)(i)(A-F) during the reporting period of July 1, 2015 through June 30, 2016.

As required in the Order, the City is responding to each of the items in Section VI.A.2 of the Order, including the provisions of 40 CFR 122.26(d)(2)(i)(A-F), as set forth below. Unless otherwise noted, all citations set forth herein are to the City's Municipal Code ("Code").

The City's legal authority to implement and enforce these requirements is derived from the provisions of Article XI of the California Constitution granting charter cities powers over municipal affairs, the City of Industry's Charter, the City's general police powers under Article XI, Section 7 of the California Constitution, and more particularly, the provisions of the Code, including Chapter 13.16 (Stormwater and Urban Runoff Pollution Control).

- 1. Control the contribution of pollutants to its MS4 from stormwater discharges associated with industrial and construction activity and control the quality of stormwater 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;**

Pursuant to Chapter 13.16 of the City's Code, industrial and construction sites are either required to maintain the appropriate NPDES permit, implement BMPs prescribed by the regional board or its executive officer, or comply with all requirements set forth in the Stormwater Management Quality Program.

Municipal Code Section References: 13.16.060 Spills, dumping and disposal prohibited, 13.16.070 Requirements for new development and redevelopment projects, and 13.16.080 Requirements for industrial/commercial and construction activities.

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

In accordance with the provisions of Chapter 13.16, illicit discharges are prohibited, and require payment for any remediation.

Municipal Code Section Reference: Chapter 13.16.

3. Prohibit and eliminate illicit discharges and illicit connections to the MS4;

Sections 13.16.040 and 13.16.050 of the City's Code prohibit illicit discharges and illicit connections, and require the person who owns or operates an illicit discharge and illicit connection to remove it or render it inoperable upon discovery.

Municipal Code Section References: 13.16.040 Illicit discharges prohibited, and 13.16.050 Illicit connections prohibited.

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

Under Sections 13.16.040 – 13.16.060, and 13.16.080 of the City's Code, the City prohibits illicit discharges, and the dumping/disposal of pollutants and foreign objects.

Municipal Code Section References: 13.16.040 through and including 13.16.060, and 13.16.080 Requirements for industrial/commercial and construction activities.

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);

Under its general police and zoning powers that are set forth by the California Constitution, the City is able to require compliance with the conditions set forth in its ordinances, permits, contracts and orders. Further, as set forth in the responses to Questions 1-4 above, the City's Code prohibits illicit discharges and dumping/disposal of pollutants and foreign objects, and contains enforcement provisions to address any violations.

*Municipal Code Section References: 13.16.040 through and including 13.16.080
Additional Reference: Cal. Const. art. XI, §7.*

6. Utilize enforcement mechanisms to require compliance with applicable ordinances, permits, contracts, or orders;

The City has the authority under the California Constitution and various State statutes to enforce its laws, rules and ordinances. Moreover, Chapters 13.16.090 as well as Chapters 1.08, 1.20 and 1.30 of the City's Code contain specific enforcement provisions for violations of the stormwater and urban runoff pollution ordinance.

Municipal Code Section References: 13.16.090 Enforcement, Chapter 1.08 Code Violations, Penalties and Enforcement, Chapter 1.20 Administrative Citations, and Chapter 1.30 Public Nuisances
Additional Reference: Cal. Const. art. XI, §7.

7. Control the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements among Copermitees;

The City is invested with full power to do everything necessarily incident to a proper discharge of its public functions. This includes entering into agreements that serve a public purpose. Interagency agreements that work to control pollutants in the MS4 serve a public purpose, and are therefore within the City's contractual authority.

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;

The City is invested with full power to do everything necessarily incident to a proper discharge of its public functions. This includes entering into agreements that serve a public purpose. Interagency agreements that work to control pollutants in the MS4 serve a public purpose, and are therefore within the City's contractual authority.

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-stormwater 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;

The City has the authority under the California Constitution, various State statutes and its Charter to enforce its laws, rules and ordinances. This authority necessarily includes carrying out all inspections, surveillance and monitoring necessary to ensure compliance. Moreover, Chapters 13.16.090 and 1.30 of the City's Code contain specific enforcement provisions for violations of the stormwater and urban runoff pollution ordinance. Any enforcement action requires inspection, surveillance and monitoring.

Municipal Code Section References: 13.16.090 Enforcement, Chapter 1.30 Public Nuisances.
Additional Reference: Cal. Const. art. XI, §7.

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

The discharge of pollutants is prevented/reduced by requiring commercial and industrial facilities and construction sites to implement BMPs, maintain General Industrial Activities Stormwater NPDES permits and General Construction Activity Stormwater NPDES permits.

Municipal Code Section Reference: Chapter 13.16.

11. Require that structural BMPs are properly operated and maintained; and

Sections 13.16.070 and 13.16.080 of the City's Code permit the City to require appropriate BMPs to be installed during construction, so they may be operated and maintained once the project is completed.

Municipal Code Section References: 13.16.070 Requirements for new development and redevelopment projects, and 13.16.080 Requirements for industrial/commercial construction activities.

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

Projects are conditioned to provide a Low Impact Development Plan where structural BMPs and ongoing maintenance is required as a component.

Municipal Code Section Reference: 13.16.070 Requirements for new development and redevelopment projects.

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.

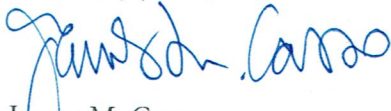
The City has authority under the California Constitution, various State statutes and its Charter to enact and enforce ordinances, and the City's Code contains provisions that apply specifically to stormwater and urban runoff. These ordinances contain specific enforcement provisions and/or are enforceable under general provisions of the City's Code. Enforcement may occur through misdemeanor prosecution, suspension or revocation of permits, and through administrative penalties. Pursuant to Section 13.16.090, and Chapters 1.08, 1.20 and 1.30 of the City's Code, the City may declare any violation of the City's Stormwater and Urban Runoff Pollution Control and Standard Urban Stormwater Mitigation Plan Implementation ordinances a public nuisance, and the City may then file a civil or criminal action to abate or enjoin the nuisance. Further, in accordance with the provisions set forth in Section 13.16.090, the City may enforce any violation of the Chapter 13.16 of the City's Code through a civil action. The City may also issue cease and desist orders, and revoke permits via administrative processes, pursuant to Section 13.16.090, and Chapters 1.08, 1.20

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and 1.30 of the City's Code. In addition to the remedies and enforcement tools available in Chapter 13.16, the City may also use the public nuisance provisions set forth in Chapter 1.20, as well as any of the permit revocation provisions set forth in any applicable land use entitlement.

This completes the Statement as required by the Order. Should you have any questions, please do not hesitate to contact my office.

Very truly yours,



James M. Casso
City Attorney

cc: Alex Gonzalez, Director of Development Services and Administration