

Watershed Management Program Appendix 7

A-7-1 Legal Authority Letter

DRAFT



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February 26, 2015

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VIA CERTIFIED MAIL AND EMAIL

RETURN RECEIPT REQUESTED

Mr. Samuel Unger, P.E., Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013-2343

Attention: Mr. Ivar Ridgeway

RE: City of Long Beach Order No. R4-2014-0024/NPDES Permit No.
CAS004003: City of Long Beach Statement of Legal Authority (2014-
2015)

Dear Mr. Unger:

This office serves as City Attorney to the City of Long Beach. Pursuant to the requirements of Part VII.A (2)(b) of Order No. R4-2014-0024 ("Order") and NPDES Permit No. CAS004003 ("Permit"), the Long Beach City Attorney's Office submits this statement of legal authority.

The City of Long Beach ("City") has the legal authority to implement and enforce a majority of the requirements contained in 40 CFR § 122.26(d)(2)(i)(A-F) and the Order during the reporting period. In addition, insofar as certain legal requirements are not yet in place, the City is actively working to approve additional ordinances that will permit the City to meet all of the requirements of the Order and the Permit, resulting in a comprehensive and updated NPDES ordinance which contains provisions and remedies specifically tailored to the Order. It is anticipated that the remaining ordinances will be approved and in place prior to December 31, 2015.

The City's legal authority to implement and enforce these requirements is derived from the City's general police powers under Article XI, Section 7 of the California Constitution, and more particularly, the provisions of the Long Beach Municipal Code ("LBMC"), including Chapter 18.61 (NPDES and SUSMP Regulations) and the NPDES and SUSMP Regulations Manual, which details technical information and implementation parameters, alternative compliance for technical infeasibility, as well as other rules, requirements and procedures for implementation.

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The City's legal procedures available to mandate compliance with the provisions of Chapter 18.61 include LBMC section 1.32 which deems any violation of the LBMC to be enforceable criminally as an infraction or misdemeanor, or as a public nuisance that can be abated and remedied administratively or judicially, in accordance with the enforcement procedures set forth in LBMC section 1.32.

If you have questions regarding this matter, please do not hesitate to contact this Office.

Very truly yours,

CHARLES PARKIN, City Attorney

By:



AMY R. WEBBER
Deputy City Attorney

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cc: Charles Parkin, City Attorney
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