

C-4.0 LEGAL AUTHORITY

C-4.1 Introduction

The ability of the Permittees to comply with the requirements of the Permits is contingent upon there being adequate legal authority to support control program implementation. This section discusses the status of the Permittee's legal authority which is based upon a 1993 Model Water Quality Ordinance that was used by the Permittees as the basis of their local ordinances that were adopted by 1997.

C-4.2 Accomplishments

Responsibility for ensuring the adequacy of the Permittees' legal authority rests with the Legal and Regulatory Task Force (see **Section C-2.3.2**). No changes to the Permittees' legal authority were undertaken during the current reporting period.

C-4.3 Assessment

The program effectiveness assessment outcome level for the **DAMP Section 4.0** is presented in **Table C-4.1**. In addition to evaluating adequacy with respect to the specific expectations of the Fourth term Permits, the Permittees' legal authority can also be assessed in the context of the sections of the DAMP that it primarily supports which are primarily **DAMP Sections 7.0, 8.0, 9.0, and 10.0**. The single test of the Permittees' legal authority occurred in 2005-06 when the request for a site clean-up, predicated on the authority of a jurisdiction's water quality ordinance, was formerly challenged under the ordinance's appeal provisions. The jurisdiction prevailed in the third party adjudicated appeal hearing and again at a subsequent trial in an action brought by the Orange County District Attorney. This outcome, in addition to the numerous successful administrative actions and citations detailed in **Sections 8.0, 9.0 and 10.0** of this report, validates the robustness of the Permittees' legal basis for implementing **DAMP Sections 9.0 and 10.0**.

C-4.4 Summary

The Santa Ana Region Permittees reviewed the legal basis for implementing the DAMP in early 2010. The San Diego Region Permittees reviewed their local legal basis for implementing the DAMP in late 2010. This latter review resulted in updates to the San Diego Permittees' local Water Quality Ordinances. The Permittees continue to review aspects of this legal authority under the aegis of the Legal and Regulatory Task Force. This Task Force oversight and the formal legal challenge to this authority discussed above respectively ensure and affirm the fundamental robustness of the Permittees' water quality ordinances.

SECTION C-4.0, LEGAL AUTHORITY

Table C-4.1: Current and Potential Outcome Levels (Legal Authority)

Legal Authority	Effectiveness Assessment Outcome Levels					
	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6
	Document Stormwater Program Activities	Raise Awareness	Change Behavior	Load Reduction	Runoff Quality	Receiving Water Quality
Water Quality Ordinance	✓ Adopt and Maintain Adequate Legal Authority					
<p><u>Key:</u> ✓ = Currently Achieved Outcome Level P = Potentially Achievable Outcome Level</p>						