

Indian Wells
(760) 568-2811
Irvine
(949) 263-2600
Los Angeles
(213) 617-8100
Ontario
(909) 989-8584



BEST BEST & KRIEGER
ATTORNEYS AT LAW

3390 University Avenue, 5th Floor, P.O. Box 1028, Riverside, CA 92502
Phone: (951) 686-1450 | Fax: (951) 686-3083 | www.bbklaw.com

Sacramento
(916) 325-4000
San Diego
(619) 525-1300
Walnut Creek
(925) 977-3300
Washington, DC
(202) 785-0600

Jeffrey F. Ferre
(951) 826-8271
jeff.ferre@bbklaw.com

September 1, 2015

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

Re: Statement Certifying Legal Authority

Dear Mr. Perdue:

Please be advised this this firm serves as General Counsel to the Coachella Valley Water District ("CVWD"). The purpose of this letter is to provide a statement certifying CVWD's legal authority to implement and enforce the applicable provisions of the Discharges From The Municipal Separate Storm Sewer System (MS4) Within The Whitewater River Watershed, Order No. R7-2013-0011, NPDES No. CAS617002.

E. SPECIFIC PERMITTEE REQUIREMENTS, Section 4 of the MS4 Permit provides that each Permittee, such as CVWD, shall establish and maintain adequate legal authority through statute, ordinance, or series of contracts, which authorizes or enables the Permittee to implement and enforce, at a minimum, each of the requirements contained in 40 CFR Section 122.26(d)(2)(i)(A-F). Section 4 also provides that because CVWD is not a general purpose local government entity and only operates facilities that may convey Urban Runoff, CVWD lacks the authority to adopt and enforce ordinances to regulate development and other authorities and abilities of general purpose government entities. It is further explained in Section 4 that CVWD shall therefore comply with the applicable provisions, as well as other aspects of the MS4 Permit, only to the extent of its statutory authority and within the constraints imposed by the California Constitution.

A. FINDINGS, Section 4 of the MS4 Permit further explains that CVWD does not own or operate any public streets, roads, or highways and has no planning, zoning, development permitting or other land use authority over industrial or commercial facilities, "New Development" or "Redevelopment Projects," or development construction sites located in any incorporated or unincorporated areas within their service areas.

E. SPECIFIC PERMITTEE REQUIREMENTS, Section 5 of the MS4 Permit requires CVWD to submit this letter, signed by legal counsel, which certifies the legal authority of



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Robert Perdue, Executive Officer
September 1, 2015
Page 2

CVWD to implement and enforce the applicable provisions of the MS4 Permit. Said legal authority is set forth as follows.


1. CVWD is a public agency formed under the County Water District Law ("Law") set forth in Section 30000 et seq. of the Water Code. CVWD may exercise the powers therein expressly granted or necessarily implied therefrom. (Section 31000) CVWD also has the power generally to perform all acts necessary to carry out fully the provisions of the Law. (Section 31001) CVWD may make contracts to carry out its purposes. (Section 31004) CVWD may operate works, property, rights, and privileges useful or necessary to convey, supply, store, or make use of water for any purpose. (Section 31022)

2. CVWD may acquire, construct, and operate facilities for the collection, treatment and disposal of sewage, waste and storm water. (Section 31100) Under the Coachella District Merger Law, CVWD has the authority to provide for the proper distribution, use, and control of the water available for the Coachella Valley and to provide for the protection of the Coachella Valley from storm water. (Section 33100 et seq.)

3. That certain Municipal Stormwater Implementation And Cost-Sharing Agreement, dated June 20, 2014, ("Agreement") has been entered into by and between CVWD, the Riverside County Flood Control And Water Conservation District, the County Of Riverside, and the Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage. The Agreement establishes responsibilities for each party concerning compliance and financial responsibilities in connection with requirements relating to stormwater as established under the federal Clean Water Act and California law. The Agreement sets forth program cost sharing provisions and conditions by which Permittees, including CVWD, will perform activities and responsibilities prescribed in MS4 Permit.

Based on the legal authorities referenced herein, it is hereby certified that CVWD has the legal authority to implement and enforce the applicable provisions of the MS4 Permit.

Sincerely,



Jeffrey F. Ferre
of BEST BEST & KRIEGER LLP