

SECTION C-4

LEGAL AUTHORITY

PROGRAM EFFECTIVENESS ASSESSMENT





C-4.0 Legal Authority

C-4.1 Introduction (LIP Section A-4.1)

This section discusses the legal authority established by the County for controlling pollutant discharges into and from its storm drain system.

C-4.2 Assessment of Water Quality & Grading Ordinance (LIP Section A-4.2)

During the 2002-2003 reporting period, the County amended its Water Quality and Grading Ordinances to facilitate implementation and enforcement of the programs provided for in the 2003 DAMP during construction and grading activities. The County has concluded that, to the extent permitted by the Constitutions of the State of California and the United States and to the extent otherwise permitted by law that the County's ordinances grant the County adequate legal authority to comply with the requirements of the permits.

C-4.3 County Authority to Control Pollutant Discharges (LIP Section A-4.3)

As discussed in Section A-4.3 of the LIP, the County has substantial legal authority to control the discharge of pollutants to its MS4 through a variety of tools which include:

- 1) The Stormwater Management and Urban Runoff Ordinance (Orange County Codified Ordinance (OCCO) Sec. 4-13-10 et seq. (County Regulations) and OCCO Sec. 9-1-10 et seq. (Flood Control District Regulations)) prohibit unpermitted discharges to the municipal storm drain system and provide the authority for BMPs in new development and significant redevelopment.
- 2) The Orange County Grading and Excavation Code (OCCO Sec. 7-1-800 et seq.) regulates excavation, grading and establishes administrative requirements for the issuance of permits in accordance with the requirements in the Uniform Building Code.
- 3) The Litter Control Ordinance, as a part of the Stormwater Management and Urban Runoff Ordinance (OCCO Sec. 4-13-52 et seq. (County Regulations) and OCCO Sec. 9-1-52 et seq. (Flood Control District Regulations)), prohibits the disposal of any waste material on any public or private property.
- 4) The Fats, Oils, and Grease Disposal Ordinance (OCCO Sec. 9-1-120 et seq.), specifies appropriate disposal requirements for a food facility to assure that those facilities control, and appropriately dispose of fats, oils and grease so as to assure that their operations do not cause sanitary sewer blockages.
- 5) The Orange County Solid Waste Management Ordinance (OCCO Sec. 4-3-17 et seq.), regulates where solid and liquid wastes, including hazardous and industrial wastes may and may not be deposited or discharged.
- 6) The Uniform Fire Code, which has been adopted into the codified ordinances of the County and the cities and prohibits the discharge of any waste liquid containing crude petroleum or its products "into or upon" any drainage canal or ditch, storm drain, sewer, or upon the ground.



C-4.4 Legal Authority Modifications

As discussed in **Section C-4.2** above, the County amended both its Water Quality and Grading Ordinances during the 2002/03 reporting period. In addition, during the reporting period, the Fats, Oils, & Grease (FOG) Disposal Ordinance was adopted. These ordinances can be found in **Exhibit A-4.I** of the LIP. During the 2003/04 reporting period, the County will be asking the County Board of Supervisors to approve an additional amendment to the Water Quality Ordinance removing the sewage exemption (OCCO Sec. 4-3-30 et seq.).

The County's Water Quality Ordinance contains a Discharge Permit provision (OCCO Sec. 4-3-80 et seq.) granting the County discretionary authority to authorize certain non-stormwater discharges to its MS4. The intent of this provision was to enable the County to regulate non-stormwater discharges allowed by the municipal permits by imposing requirements in the discharge permits including requirements to implement BMPs. The County is currently conducting a review of this section of the Ordinance to determine if changes are necessary to clarify that any permits issued under the provision regulate discharges and do not authorize discharges that are prohibited under the municipal permits.

Section A-8.4 of the LIP (February 13, 2003 version submitted to the San Diego Regional Board) has been updated to clarify how the grading ordinance and implementation of the County's Construction Program provide adequate legal authority to assure that the requirements of Section F.2.b of the San Diego Permit are met.