



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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## State Water Resources Control Board

November 21, 2013

**VIA EMAIL ONLY**

**TO ALL PETITIONERS AND THEIR COUNSEL OF RECORD AND TO ALL INTERESTED PERSONS:**

**IN RE PETITIONS CHALLENGING 2012 LOS ANGELES MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (ORDER NO. R4-2012-0175): NATURAL RESOURCES DEFENSE COUNCIL'S MOTION TO STRIKE SWRCB/OCC FILES A-2236(a) THROUGH (kk)**

The State Water Resources Control Board (State Water Board) received submissions from petitioners and interested persons on August 15, 2013, responding to issues related to the receiving water limitations in the petitions in the above matter, and on October 15, 2013, responding to the remaining issues raised in the petitions. Petitioners Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay (Environmental Petitioners), submitted a motion on November 11, 2013, requesting that the State Water Board strike sections of the October 15, 2013 responses by six petitioners. The relevant sections respond to a collateral estoppel argument made by the Environmental Petitioners in their August 15, 2013, receiving water limitations submission to the State Water Board. The State Water Board had previously stated in a July 15, 2013 letter, that "[i]nterested person may not use the [October 15] deadline for responses on the remaining petition issues as an opportunity to respond to comments filed on the receiving water limitations approach."

The State Water Board is currently reviewing all submissions by petitioners and interested persons and preparing a draft order to resolve the petitions. The State Water Board will not resolve the motion to strike at this time but will instead address the motion concurrently with preparation of the draft order. Petitioners and interested persons will have an opportunity to comment on all issues addressed in the draft order, including the resolution of the motion to strike, during the comment period following release of the draft order. The State Water Board accordingly will not allow additional submissions responding to the August 15, 2013 receiving water limitations submissions, the October 15, 2013 responses, or the motion to strike at this time.

The State Water Board additionally notes that several requests for official notice and supplemental evidence submitted with the October 15, 2013 responses will also be resolved in the draft order.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

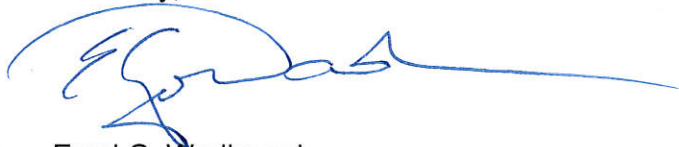
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November 21, 2013

If you have any questions regarding this letter, please contact me at (916) 322-3622 or at [Emel.Wadhvani@waterboards.ca.gov](mailto:Emel.Wadhvani@waterboards.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Emel Wadhvani', with a long horizontal flourish extending to the right.

Emel G. Wadhvani  
Senior Staff Counsel

Enclosures

cc: See next page

cc: **[via email only]**  
Exhibit A – Petitioners and Their  
Counsel of Record

**[via email only]**  
Exhibit B – MS4 Dischargers List

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cc: (Continued)

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