



January 29, 2015

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100

Submitted via email: Jeanine.Townsend@Waterboards.ca.gov

Re: Oppositions to Environmental Groups' Request for Official Notice Submitted by Concurrently with Comments on Draft Order In Re Petitions Challenging 2012 Los Angeles Municipal Separate Storm Sewer System Permit (Order No. R4-2012-0175)

Dear Members of the Board:

The Oppositions¹ to the Natural Resources Defense Council, Los Angeles Waterkeeper and Heal the Bay (collectively "Environmental Groups") Request for Official Notice lack merit and must be rejected for the following reasons.

First, contrary to the Oppositions' assertions, Environmental Groups do not seek to augment the record before the Regional Board via the procedure provided under 23 C.C.R. § 2050.6. Rather, Environmental Groups have filed a Request for Official Notice under 23 C.C.R. § 648.2 which independently authorizes the State Water Resources Control Board ("State Board") to take "official notice of such facts as may be judicially noticed by the courts of this state." Pursuant to Section 452(c) of the California Evidence Code, and as explained in Environmental Groups' Request for Official Notice, the documents attached as Exhibits A – M to the Request are properly subject to official notice by the State Board because they are federal or state court records or records of state or federal administrative agencies. Request for Official Notice, ¶¶ 1-13.

Second, the documents are highly relevant to one of the central issues before the State Board: whether the Receiving Water Limitations alternative compliance approach proposed by the 2012 Los Angeles MS4 Permit is legal and proper. As explained in Environmental Groups' Request for Official Notice, these documents will assist the State Board in fully evaluating the grounds, substance and impacts of the alternative compliance mechanism. Further, consideration of the documents is particularly important because the Draft Order endorses the alternative compliance approach in a marked departure from the State Board's long-standing position and directs all regional boards to consider the alternative compliance approach when adopting new Phase I MS4 permits.

¹ A joint opposition by 23 municipal petitioners was submitted to the State Board on January 26, 2015. On January 29, 2015, the Cities of Arcadia, Claremont and Covina submitted a joinder in the opposition of the 23 municipal petitioners.

We respectfully ask the State Board to grant our Request for Official Notice and consider in its deliberations these important documents.

Sincerely,

Tatiana K. Gaur

Tatiana Gaur
Los Angeles Waterkeeper