



CLEAN WATER NOW

is an innovative, science-based organization committed to solution-oriented collaboration as a means of developing safe, sustainable water supplies and preserving healthy ecosystems.

To: State Water Resources Control Board

Attention: Mr. Ryan Mallory-Jones (Office of Chief Counsel)

Date: April 26, 2016

Re: SWRCB/OCC File A-2456(a thru l)

PETITIONS OF SAN DIEGO COASTKEEPER AND COASTAL ENVIRONMENTAL RIGHTS FOUNDATION; CITY OF RANCHO SANTA MARGARITA; CITY OF LAGUNA HILLS; COUNTY OF ORANGE & ORANGE COUNTY FLOOD CONTROL DISTRICT; CITY OF DANA POINT; CITY OF LAGUNA BEACH; CITY OF MISSION VIEJO; CITY OF LAGUNA NIGUEL; RIVERSIDE COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT ET AL; CITY OF SAN CLEMENTE; CITY OF SAN JUAN CAPISTRANO; AND CITY OF ALISO VIEJO [ORDER NO. R9-2015-0100, AN ORDER AMENDING ORDER NO. R9-2013-0001, NPDES NO. CAS0109266, NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT AND WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM THE MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s) DRAINING THE WATERSHEDS WITHIN THE SAN DIEGO REGION] SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD: EXTENSION OF TIME TO SUBMIT ADMINISTRATIVE RECORD AND RESPONSES TO THE PETITION

SWRCB/OCC FILE A-2456(a thru l)

From: **Clean Water Now** (**CWN** herein)

To all parties in this matter:

CWN wishes to add its enthusiastic, unequivocal, and full support to both San Diego Coast Keeper (SDCK) and Coastal Environmental Rights Foundation (CERF) in their appellate submissions regarding the Adopted Order No. R9-2015-0100 (Amending R9-2013-0001).

CWN is prepared to testify in depth at subsequent procedural hearings.



(cont.)

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Although the NGO appellants (SDCK and CERF) Petition for Review and Memorandum of Points and Authorities in said documents specifically address San Diego County elements/conditions, CWN believes that they equally apply to the South Orange County Watersheds (San Juan Hydrologic Unit) MS4 Copermittees (**SOC Copermittees**) WQIP.

This potential for a similar conundrum, i.e., the entire WQIP process compromised (as SDCK/CERF asserted, illegally, illegitimately, etc.) is sustained by twelve of (12) the SOC Copermittees own appeals. CWN believes the Amendment is fatally flawed, will be rescinded/overturned.

The SOC Copermittees seek, via parallel, contemporaneous appellate activity, to acquire the same "safe harbor" SDCK and CERF object to, what they have sought for the past 15 years. Arrogantly and without precedent, they petition to achieve safe harbor/immunity **DURING** the WQIP process, a form of pre-certification/pre-qualifying by the Board itself.

Respectfully submitted,

Roger E. Bütow

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CC: See next 4 pages

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