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11  
12 UNITED STATES DISTRICT COURT  
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
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15 NATURAL RESOURCES DEFENSE  
16 COUNCIL,

17 Plaintiff,

18 COUNTY OF LOS ANGELES, and,  
19 LOS ANGELES COUNTY FLOOD  
CONTROL DISTRICT,

20 Plaintiffs-Intervenors,

21 NATIONAL ASSOCIATION OF CLEAN  
WATER AGENCIES,

22 Plaintiff-Intervenor

23 v.

24 STEPHEN L. JOHNSON,  
Administrator, United States  
25 Environmental Protection  
Agency, and UNITED STATES  
26 ENVIRONMENTAL PROTECTION  
AGENCY,

27 Defendants.  
28

) No. CV06-4843 PSG (JTLx)  
) Hon. Philip S. Gutierrez

) DEFENDANTS' ANSWER TO  
) PLAINTIFF-INTERVENOR NATIONAL  
) ASSOCIATION OF CLEAN WATER  
) AGENCIES' COMPLAINT

1 Defendants U.S. Environmental Protection Agency and Stephen  
2 L. Johnson, Administrator (collectively "EPA"), by and through  
3 counsel, hereby answer Plaintiff-Intervenor National Association  
4 of Clean Water Agencies' ("NACWA") Complaint ("Complaint").

5 **GENERAL DENIAL**

6 Except as expressly admitted herein, EPA denies each and  
7 every allegation in the Complaint.

8 **SPECIFIC RESPONSES**

9 EPA responds to the correspondingly numbered paragraphs of  
10 the Complaint as follows:

11 **INTRODUCTION**

12 1. This paragraph is a characterization of NACWA's claims  
13 to which no response is required.

14 2. This paragraph characterizes portions of House of  
15 Representatives Report No. 106-98. This document speaks for  
16 itself, and therefore no response is required.

17 3. This paragraph characterizes portions of the Clean  
18 Water Act ("CWA") amended by the BEACH Act. This statute speaks  
19 for itself, and therefore no response is required.

20 4. This paragraph consists of legal conclusions to which  
21 no response is required.

22 **JURISDICTION AND VENUE**

23 5. This paragraph consists of legal conclusions to which  
24 no response is required.

25 6. This paragraph consists of legal conclusions to which  
26 no response is required

27 **THE PARTIES**

28 7. EPA is without sufficient knowledge or belief to either

1 admit or deny the allegations contained in this paragraph and  
2 therefore the allegations are denied.

3 8. EPA is without sufficient knowledge or belief to either  
4 admit or deny the allegations contained in this paragraph and  
5 therefore the allegations are denied.

6 9. EPA is without sufficient knowledge or belief to either  
7 admit or deny the allegations contained in this paragraph and  
8 therefore the allegations are denied. To the extent this  
9 paragraph consists of legal conclusions, no response is required.

10 10. EPA is without sufficient knowledge or belief to either  
11 admit or deny the allegations contained in this paragraph and  
12 therefore the allegations are denied. To the extent this  
13 paragraph consists of legal conclusions, no response is required.

14 11. EPA is without sufficient knowledge or belief to either  
15 admit or deny the allegations contained in the first clause of  
16 this paragraph that "[m]ost existing POTWs and combined sewer  
17 treatment facilities have been designed and constructed to  
18 demonstrate disinfection effectiveness using a fecal coliform  
19 standard," and therefore denies those allegations. Further, EPA  
20 denies the remaining allegations of this paragraph.

21 12. EPA denies the first sentence of this paragraph. EPA  
22 avers that it published "Ambient Water Quality Criteria for  
23 Bacteria" in 1986. EPA is without sufficient knowledge or belief  
24 to either admit or deny the allegations contained in the second  
25 sentence of this paragraph and therefore the allegations are  
26 denied.

27 13. EPA is without sufficient knowledge or belief to either  
28 admit or deny the allegations contained in this paragraph and

1 therefore the allegations are denied.

2 14. Admit

3 15. Admit.

4 **RELEVANT STATUTORY PROVISIONS**

5 **A. REQUIRED HEALTH PROTECTION STUDIES**

6 16. This paragraph characterizes portions of the CWA  
7 amended by the BEACH Act. This statute speaks for itself, and  
8 therefore no response is required.

9 17. This paragraph characterizes portions of the CWA  
10 amended by the BEACH Act. This statute speaks for itself, and  
11 therefore no response is required.

12 18. This paragraph characterizes portions of the CWA  
13 amended by the BEACH Act. This statute speaks for itself, and  
14 therefore no response is required.

15 19. This paragraph characterizes portions of the CWA  
16 amended by the BEACH Act. This statute speaks for itself, and  
17 therefore no response is required.

18 20. This paragraph characterizes portions of the CWA  
19 amended by the BEACH Act. This statute speaks for itself, and  
20 therefore no response is required.

21 **B. DEADLINES**

22 21. This paragraph characterizes portions of the CWA  
23 amended by the BEACH Act. This statute speaks for itself, and  
24 therefore no response is required.

25 22. This paragraph characterizes portions of the CWA  
26 amended by the BEACH Act. This statute speaks for itself, and  
27 therefore no response is required.

28 23. This paragraph characterizes portions of the CWA

1 amended by the BEACH Act. This statute speaks for itself, and  
2 therefore no response is required.

3 **THE CHALLENGED AGENCY FAILURE TO ACT**

4 24. This paragraph characterizes portions of the CWA  
5 amended by the BEACH Act. This statute speaks for itself, and  
6 therefore no response is required.

7 25. This paragraph consists of legal conclusions to which  
8 no response is required.

9 26. This paragraph consists of legal conclusions to which  
10 no response is required.

11 **CLAIMS FOR RELIEF**

12 FIRST CLAIM FOR RELIEF

13 27. EPA incorporates the previous admissions and denials as  
14 set forth in all preceding paragraphs.

15 28. This paragraph characterizes portions of the CWA  
16 amended by the BEACH Act. This statute speaks for itself, and  
17 therefore no response is required.

18 29. This paragraph consists of legal conclusions to which  
19 no response is required.

20 30. This paragraph consists of legal conclusions to which  
21 no response is required.

22 SECOND CLAIM FOR RELIEF

23 31. EPA incorporates the previous admissions and denials as  
24 set forth in all preceding paragraphs.

25 32. This paragraph consists of legal conclusions to which  
26 no response is required.

27 33. This paragraph consists of legal conclusions to which  
28 no response is required.



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5 Date: May 17, 2007

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1 CERTIFICATE OF SERVICE

2 On May 17, 2007, I caused a true and correct copy of the  
3 DEFENDANTS' ANSWER TO PLAINTIFF-INTERVENOR NATIONAL ASSOCIATION  
4 OF CLEAN WATER AGENCIES' COMPLAINT to be served on counsel of  
5 record by first class mail at the following address:

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