



U.S. Department of Justice
Environment and Natural Resources Division
Environmental Defense Section

LJG:LNC
DJ# 90-5-1-4-17911

Environmental Defense Section
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April 5, 2007

Via Overnight Mail

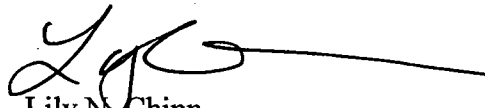
Clerk
U.S. District Court
Central District of California
United States Courthouse
312 North Spring Street, Room G-8
Los Angeles, California 90012

Re: NRDC v. Johnson, CV06-4843 PSG (JTLx)

Dear Clerk of the Court:

Please find enclosed for filing on behalf of Defendants in the above-referenced matter an original and one copy of the *Answer*. An extra copy of this document has been provided to be file stamped and returned in the pre-paid postage envelope enclosed. If you have any questions, please call me at (202) 514-0135.

Sincerely,


Lily N. Chinn
Environmental Defense Section

Enclosures

1 DEBRA W. YANG
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3 MATTHEW MCKEOWN
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9 ATTORNEYS FOR DEFENDANTS

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

NATURAL RESOURCES DEFENSE)
COUNCIL,)
Plaintiff,)
COUNTY OF LOS ANGELES, and,)
LOS ANGELES COUNTY FLOOD)
CONTROL DISTRICT,)
Plaintiffs-Intervenors)
v.)
STEPHEN L. JOHNSON,)
Administrator, United States)
Environmental Protection)
Agency, and UNITED STATES)
ENVIRONMENTAL PROTECTION)
AGENCY,)
Defendants.)

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

DEFENDANTS' ANSWER TO
COMPLAINT OF PLAINTIFFS-
INTERVENORS COUNTY OF LOS
ANGELES, AND, LOS ANGELES
COUNTY FLOOD CONTROL DISTRICT

1 Defendants U.S. Environmental Protection Agency and Stephen
2 L. Johnson, Administrator (collectively "EPA"), by and through
3 counsel, hereby answer Plaintiffs-Intervenors County of Los
4 Angeles and Los Angeles Flood Control District's Complaint in
5 Intervention ("Complaint").

6 **GENERAL DENIAL**

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

9 **SPECIFIC RESPONSES**

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

12 **JURISDICTION AND VENUE**

13 1. This paragraph is a characterization of Plaintiffs-
14 Intervenors' claim to which no response is required.

15 2. This paragraph consists of legal conclusions to which
16 no response is required.

17 3. This paragraph consists of legal conclusions to which
18 no response is required.

19 **PARTIES**

20 4. EPA is without sufficient knowledge or belief to either
21 admit or deny the allegations contained in this paragraph and
22 therefore the allegations are denied.

23 5. This paragraph is a characterization of portions of
24 Plaintiff NRDC's complaint to which no response is required. See
25 also EPA's answer to paragraph 9 of NRDC's complaint.

26 6. Admit.

27 7. Admit.

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INTERVENOR'S INTEREST

8. EPA is without sufficient knowledge or belief to either admit or deny the allegations contained in this paragraph, including the subparagraphs, and therefore the allegations are denied.

FIRST CLAIM FOR RELIEF

9. EPA incorporates the previous admissions and denials as set forth in all preceding paragraphs.

10. This paragraph characterizes portions of the Clean Water Act. This statute speaks for itself, and therefore no response is required.

11. This paragraph is a legal conclusion to which no response is required.

12. This paragraph is a legal conclusion to which no response is required.

13. This paragraph is a legal conclusion to which no response is required.

SECOND CLAIM FOR RELIEF

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

15. This paragraph characterizes portions of the Clean Water Act. This statute speaks for itself, and therefore no response is required.

16. This paragraph is a legal conclusion to which no response is required.

17. This paragraph is a legal conclusion to which no response is required.

18. This paragraph is a legal conclusion to which no

1 response is required.

2 REQUEST FOR RELIEF

3 The remaining paragraphs of the Complaint contain
4 Plaintiffs-Intervenors' request for relief to which no response
5 is required, but insofar as an answer may be required: denied.

6 AFFIRMATIVE DEFENSES

7 A. The Court lacks jurisdiction over the Complaint.

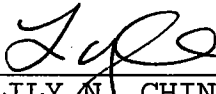
8 B. Plaintiffs-Intervenors fail to state a claim under
9 which relief can be granted.

10 C. The United States has not waived sovereign
11 immunity to some portion of the claims alleged.

12 Respectfully Submitted,

13 MATTHEW MCKEOWN
14 Acting Assistant Attorney General
15 Environment & Natural Resources
16 Division

17 Date: April 5, 2007

18 
19 _____
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CERTIFICATE OF SERVICE

On April 5, 2007, I caused a true and correct copy of the DEFENDANTS' ANSWER TO COMPLAINT OF PLAINTIFFS-INTERVENORS COUNTY OF LOS ANGELES, AND, LOS ANGELES COUNTY FLOOD CONTROL DISTRICT to be served on counsel of record by email and first class mail at the following address:

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