

PROSECUTION TEAM
REBUTTAL TO MORITZ ARGUMENT

Attachment No. 1



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Executive Office

Tam M. Doduc, Board Chair
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Arnold Schwarzenegger
Governor

OCT 3 2008

CERTIFIED MAIL & EMAIL

Douglas J. Simpson, Esq.
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Dear Mr. Simpson:

PETITION OF DR. BILL AND LORI MORITZ (CLEANUP AND ABATEMENT ORDER
NO. R9-2008-0074 FOR MORITZ RESIDENCE, 14272 JEROME DRIVE, CITY OF POWAY,
SAN DIEGO COUNTY), SAN DIEGO WATER BOARD: DISMISSAL
SWRCB/OCC FILE A-1942

After careful consideration, it is concluded that the petition in this matter fails to raise substantial issues that are appropriate for review by the State Water Resources Control Board (State Water Board). Accordingly, the petition is dismissed as of this date. (See Cal. Code Regs., tit. 23, § 2052, subd. (a)(1); *People v. Barry* (1987) 194 Cal.App.3d 158; *Johnson v. State Water Resources Control Board* (2004) 123 Cal.App.4th 1107.) Consequently because this petition is dismissed, your request for a stay is denied.

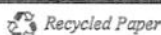
If you have any questions about this matter, please contact James Herink, Staff Counsel, in the State Water Board's Office of Chief Counsel, at (916) 341-5150.

Sincerely,

Dorothy Rice
Executive Director

cc: See next page

California Environmental Protection Agency



OCT 3 2008

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Interested Persons List