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COUNTY OF ORANGE

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File No.

June 29, 2010

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Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Joint Unfunded Mandate Test Claim by the County of Orange and various cities in Orange County concerning California Water Quality Control Board Santa Ana Region Order No. R8-2009-0030

Enclosed you will find test claims asserting that certain provisions of the Order R8-2009-0030 issued by the California Water Quality Control Board Santa Ana Region (Santa Ana RWQCB) on May 22, 2009 (2009 Permit) are unfunded State mandates (Test Claims). The 2009 Permit regulates discharges from the municipal separate storm sewer system (MS4) in north Orange County. The County of Orange, Orange County Flood Control District (OCFCD) and the incorporated cities of Orange County within Santa Ana RWQCB's jurisdiction are permittees under the 2009 Permit (Permittees). These Test Claims are being filed jointly by a number of the Permittees, namely the County of Orange, OCFCD and the cities of Anaheim, Brea, Buena Park, Costa Mesa, Cypress, Fountain Valley, Fullerton, Huntington Beach, Irvine, Lake Forest, Newport Beach, Placentia, Seal Beach and Villa Park. (Test Claimants)

Enclosed you will find the separate Test Claims of each of the Test Claimants. Because most provisions of the 2009 Permit apply to all of the Permittees and the issues raised in these Test Claims are largely common to all of the Test Claimants, a single Narrative Statement in support of the Test Claims has been prepared and enclosed. Enclosed also are the required declarations of each of the Test Claimants which are intended to be in support of the respective Test Claims.

You will also find enclosed copies of the documentation required to be submitted along with Test Claims, including copies of the 2009 Permit, along with its supporting fact sheet, the previous 2002 Permit, which was renewed and superseded by the 2009 Permit and the statutes, regulations, cases and other authorities cited in the Narrative Statement.

One hard copy of all of the enclosed documents is being provided as well as a scanned CD of the entire package.

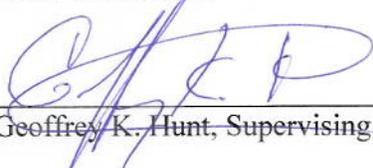
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Thank you for your consideration of this matter.

Very truly yours,

NICHOLAS S. CHRISOS
COUNTY COUNSEL

By



Geoffrey K. Hunt, Supervising Deputy

GKH:azs

Enclosures and cc list on following pages.

Enclosures:

TEST CLAIMS:

County of Orange and Orange County Flood Control District
City of Anaheim
City of Brea
City of Buena Park
City of Costa Mesa
City of Cypress
City of Fountain Valley
City of Fullerton
City of Huntington Beach
City of Irvine
City of Lake Forest
City of Newport Beach
City of Placentia
City of Seal Beach
City of Villa Park

WRITTEN NARRATIVE

DECLARATIONS:

County of Orange and Orange County Flood Control District
City of Anaheim
City of Brea
City of Buena Park
City of Costa Mesa
City of Cypress
City of Fountain Valley
City of Fullerton
City of Huntington Beach
City of Irvine
City of Lake Forest
City of Newport Beach
City of Placentia
City of Seal Beach
City of Villa Park

DOCUMENTATION

Executive Order and Related Documentation

California Regional Water Quality Control Board, Santa Ana Region Order No. R8-2009-0030 (NPDES No. CAS618030)

California Regional Water Quality Control Board, Santa Ana Region Fact sheet dated April 24, 2009 in support of Order No. R8-2009-0030 (NPDES No. CAS618030)

California Regional Water Quality Control Board, Santa Ana Region Order No. R8-2002-0010 (NPDES No. CAS618030)

Federal and State Cases, Statutes and Constitutional References (44 documents)

Miscellaneous Authorities (18 documents)

cc: Cristina L. Talley, City Attorney for City of Anaheim
Candice K. Lee, Deputy City Attorney for Cities of Brea, Buean Park and Seal Beach
Kimberly Hall-Barlow, City Attorney for Cities of Costa Mesa and Fullerton
Gonzalo M. Vazquez, Water Quality Manager for City of Cypress
Steven M. Hauerwaas, Environmental Services Administrator, City of Fountain Valley
Michael Vigliotta, Deputy City Attorney for City of Huntington Beach
Richard Montevideo, Attorney at Law representing City of Irvine
Andre Monette, esq., Special Counsel for City of Lake Forest
Leonie Mulvihill, Assistant City Attorney for City of Newport Beach
Robert Makowski, Environmental Compliance Officer for City of Placentia
Lori Sassoon, City Manager for City of Villa Park