



State Water Resources Control Board

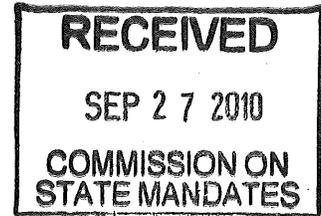


Linda S. Adams
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Arnold Schwarzenegger
Governor

September 27, 2010



HAND DELIVERED

Nancy Patton, Acting Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Dear Ms. Patton:

**TEST CLAIMS NOS. 9-TC-03 THROUGH 09-TC-17
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SANTA ANA REGION,
ORDER NO. R9-2009-030, (NPDES NO. CAS618030)**

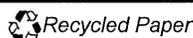
REQUEST FOR 60 DAY EXTENSION OF TIME TO SUBMIT COMMENTS OF THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SANTA ANA REGION

This is a request for an additional 60 day extension of time in which to submit comments in the above-noted matter. The July 9, 2010 Notice of Complete Test Claim Filing and Schedule For Comments provides that requests for extensions of time may be filed in accordance with California Code of Regulations, title 2, chapter 2.5, sections 1183.01, subdivision (c) and 1181.1, subdivision (g). By letter dated July 27, 2010, the Commission on State Mandates approved a request for an extension of time to file comments to October 8, 2010. Despite best efforts to meet the October 8, 2010 deadline, the Regional Water Quality Control Board, Santa Ana Region ("Santa Ana Regional Board"), requests a further extension of time of 60 days, or not later than December 7, 2010, in which to submit responsive comments.

California Code of Regulations, title 2, chapter 2.5, section 1183.01, subdivision (c), provides that a party may request an extension of time before the date set for the filing of comments. (Cal. Code Regs., tit. 2, ch. 2.5, § 1183.01, subd. (c)(1).) The Executive Director may approve a request filed by a state agency for good cause. (*Id.*, at § 1183.01, subd. (c)(1)(B).) The applicable regulations define "good cause" to include, but not be limited to, the following factors:

- (1) the number and complexity of the issues raised;
- (2) a party is new to the case; or other counsel is needed;
- (3) the individual responsible for preparing the document has other time-limited commitments during the affected period;
- (4) the individual responsible for appearing at the hearing has other time-limited commitments;
- (5) illness of a party;
- (6) a personal emergency;
- (7) a planned vacation that cannot reasonably be rearranged;
- (8) a pending public records act request; and
- (9) any other factor, which in the context of a particular claim constitutes good cause. Good cause may be established by a specific showing of other obligations involving

California Environmental Protection Agency



deadlines that as a practical matter preclude filing the document by the due date without impairing quality.

(Cal. Code Regs., tit. 2 § 1181.1, subd. (h).)

The Test Claim filed by the County of Orange on behalf of Orange County Flood Control District and 14 municipal entities (collectively, "Claimants") concerns permit requirements established in Santa Ana Regional Board Order No. R8-2009-030, (NPDES No. CAS618030) (Waste Discharge Requirements for the County of Orange, Orange County Flood Control District, and the Incorporated Cities of Orange County within the Santa Ana Region Urban Storm Water Runoff Orange County), adopted on May 22, 2009 ("Order No. R8-2009-030"). The Claimants contend that Order No. R8-2009-030 requires them to establish and implement many new programs and activities that are not required by federal law and that were not required in earlier versions of Order No. R8-2009-030. They seek a determination that these programs and activities are state mandates for which they should receive reimbursement.

The Santa Ana Regional Board requests a further extension of time of 60 days in which to submit comments analyzing the merits of the Test Claim for the following reasons. Since the last request for extension, the Governor has declared a fiscal state of emergency and ordered all staff within the Santa Ana Regional Board and the State Water Resources Control Board ("State Water Board"), including the Office of Chief Counsel, to take three unpaid days off per month. Additionally, the State of California has recently instituted a hard hiring freeze applicable to both the Santa Ana Regional Board and State Water Board. Together, these actions have significantly constrained staffs' ability to respond to the Test Claim in a timely and thorough manner.

Furthermore, as explained in the prior request for extension, the Test Claim comprises well over a thousand pages, with the narrative section alone over 50 pages, excluding exhibits. The issues raised are numerous, complex, and novel, and will require considerable staff effort at a time when both the Office of Chief Counsel and the Santa Ana Regional Board are particularly short-staffed and limited by a reduced work schedule. In particular, the Office of Chief Counsel has lost six of its most senior attorneys to retirement within the last year, and has been unable to fill these positions. As the primary attorney responsible for this matter, I have undertaken substantial new responsibilities within the office at a time when my work hours have been reduced. Accordingly, I have had limited time to devote to this matter.

For the reasons set forth above, the Santa Ana Water Board requests that the due date for written comments on the Test Claim be extended 60 days to December 7, 2010. The Santa Ana Regional Board believes that good cause exists to allow the Executive Director to grant the requested extension and appreciates your consideration of this request.

Sincerely,


David R. Rice
Staff Counsel

Service list attached

PROOF OF SERVICE

I, Wanda J. Warriner, declare that I am over 18 years of age and not a party to the within action. I am employed in Sacramento County at 1001 I Street, 22nd Floor, Sacramento, California 95814. My mailing address is P.O. Box 100, Sacramento, CA 95812-0100. On September 27, 2010, I served the within documents:

TEST CLAIMS NOS. 9-TC-03 THROUGH 09-TC-17 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SANTA ANA REGION, ORDER NO. R9-2009-030, (NPDES NO. CAS618030)

REQUEST FOR 60 DAY EXTENSION OF TIME TO SUBMIT COMMENTS OF THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SANTA ANA REGION

	BY FACSIMILE: I caused a true and correct copy of the document to be transmitted by a facsimile machine compliant with rule 2003 of the California Rules of Court to the offices of the addresses at the telephone numbers shown on the service list.
	BY ELECTRONIC MAIL: I caused a true and correct copy of the document(s) to be transmitted by electronic mail compliant with section 1010.6 of the California Code of Civil Procedure to the person(s) as shown.
	BY HAND DELIVERY: I caused a true and correct copy of the document(s) to be hand-delivered to the person(s) as shown.
	BY OVERNIGHT MAIL TO ALL PARTIES LISTED: I am readily familiar with my employer's practice for the collection and processing of overnight mail packages. Under that practice, packages would be deposited with an overnight mail carrier that same day, with overnight delivery charges thereon fully prepaid, in the ordinary course of business.
X	BY FIRST CLASS MAIL TO ALL PARTIES LISTED: I am readily familiar with my employer's practice for the collection and processing of mail. Under that practice, envelopes would be deposited with the U.S. Postal Service that same day, with first class postage thereon fully prepaid, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing shown in this proof of service.

By placing a true copy thereof in separate, sealed envelopes addressed to:

PLEASE SEE ATTACHED SERVICE LIST

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this document was executed on September 27, 2010 at Sacramento, California.



Wanda J. Warriner.
Legal Secretary

Commission on State Mandates

Original List Date:

Mailing Information: Completeness Determination

Last Updated:

List Print Date: 07/09/2010

Mailing List

Claim Number: 09-TC-03 - 09-TC-17

Issue: Santa Ana Regional Water Permit

TO ALL PARTIES AND INTERESTED PARTIES:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

Ms. Lori Sassoon City of Villa Park 17855 Santiago Boulevard Villa Park, CA 92861	Claimant Representative Tel: (714) 998-1500 Fax: (714) 998-1508
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