



# State Water Resources Control Board



Linda S. Adams  
Secretary for  
Environmental Protection

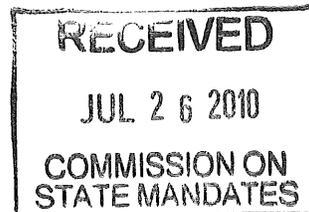
**Office of Chief Counsel**  
1001 I Street, 22<sup>nd</sup> Floor, Sacramento, California 95814  
P.O. Box 100, Sacramento, California 95812-0100  
(916) 341-5161 ♦ FAX (916) 341-5199 ♦ <http://www.waterboards.ca.gov>

Arnold Schwarzenegger  
Governor

July 22, 2010

**CERTIFIED MAIL**

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 a 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). For the reasons set forth below, the Regional Water Quality Control Board, Santa Ana Region ("Santa Ana Regional Board"), requests an extension of time of 60 days, or not later than October 8, 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 deadlines that as a practical matter preclude filing the document by the due date without impairing quality.

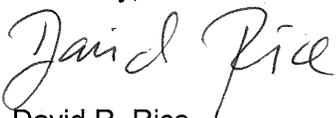
(Cal. Code Regs., tit. 2 § 1181.1, subd. (h).)

The Test Claim filed by the County of Orange on behalf of itself, the 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 an extension of time of 60 days in which to submit comments analyzing the merits of the Test Claim for the following reasons. 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 key staff members are taking planned summer vacations. Moreover, the Santa Ana Regional Board is particularly short staffed at this moment and staff assigned to respond to this Test Claim have other time-limited commitments, including matters scheduled for upcoming Santa Ana Regional Board meetings.

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 October 8, 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, Joanne Griffin, 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, 22<sup>nd</sup> Floor, Sacramento, California 95814. My mailing address is P.O. Box 100, Sacramento, CA 95812-0100. On July 23, 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)**

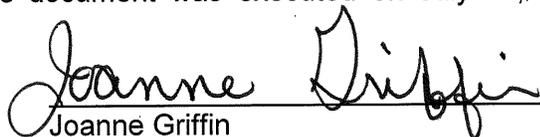
**REQUEST FOR 60 DAY EXTENSION OF TIME TO SUBMIT COMMENTS OF THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SANTA ANA REGION**

	<b>BY FACSIMILE:</b> 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.
	<b>BY ELECTRONIC MAIL:</b> 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.
	<b>BY HAND DELIVERY:</b> I caused a true and correct copy of the document(s) to be hand-delivered to the person(s) as shown.
	<b>BY OVERNIGHT MAIL TO ALL PARTIES LISTED:</b> 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	<b>BY FIRST CLASS MAIL TO ALL PARTIES LISTED:</b> 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 July 23, 2010 at Sacramento, California.

  
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Joanne Griffin  
Legal Support Supervisor I

# 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	<b>Claimant Representative</b> Tel: (714) 998-1500 Fax: (714) 998-1508
Mr. Gonzalo M. Vazquez City of Cypress Department of Public Works 5275 Orange Avenue Cypress, CA 90630	<b>Claimant Representative</b> Tel: (714) 229-6752 Fax:
Ms. Annette Chinn Cost Recovery Systems, Inc. 705-2 East Bidwell Street, #294 Folsom, CA 95630	Tel: (916) 939-7901 Fax: (916) 939-7801
Mr. Geoffrey K. Hunt County of Orange 10 Civic Center Plaza P.O. Box 1379 Santa Ana, CA 92702-1379	<b>Claimant Representative</b> Tel: (714) 834-3306 Fax: (714) 834-2359
Mr. Jeff Carosone Department of Finance (A-15) 915 L Street, 8th Floor Sacramento, CA 95814	Tel: (916) 445-8913 Fax:
Ms. Kimberly Hall-Barlow Jones and Mayer 3777 N. Harbor Blvd. Fullerton, CA 92835-1366	<b>Claimant Representative</b> Tel: (714) 754-5399 Fax: (714) 446-1448
Mr. David Webb City of Newport Beach 3300 Newport Blvd., Bldg. C Newport Beach, CA 92663	<b>Claimant Representative</b> Tel: (949) 644-3328 Fax: (949) 644-3318

Mr. Allan Burdick MAXIMUS 3130 Kilgore Road, Suite 400 Rancho Cordova, CA 95670	Tel: (916) 471-5538 Fax: (916) 366-4838
Mr. Adam Fischer Santa Ana Regional Water Quality Control Board 3737 Main Street, Suite 500 Riverside, CA 92501-3339	Tel: (951) 320-6363 Fax: (951) 781-6288
Ms. Jolene Tollenaar MGT of America 2001 P Street, Suite 200 Sacramento, CA 95811	Tel: (916) 443-9136 Fax: (916) 443-1766
Mr. Robert Makowski City of Placentia 401 E. Chapman Avenue Placentia, CA 92870	<b>Claimant Representative</b> Tel: (714) 993-8131 Fax: (714) 961-0283
Ms. Jill Kanemasu State Controller's Office (B-08) Division of Accounting and Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916) 322-9891 Fax:
Mr. Michael Lauffer State Water Resources Control Board 1001 I Street, 22nd Floor Sacramento, CA 95814-2828	Tel: (916) 341-5183 Fax: (916) 641-5199
Mr. Steven M. Hauerwaas City of Fountain Valley 10200 Siater Avenue Fountain Valley, CA 92708-4736	<b>Claimant Representative</b> Tel: (714) 593-4441 Fax: (714) 593-4554
Ms. Candice K. Lee Richards, Watson & Gershon, LLP 355 South Grand Avenue, 40th Floor Los Angeles, CA 90071	<b>Claimant Representative</b> Tel: (213) 626-8484 Fax: (213) 626-0078
Mr. Richard Montevideo Rutan & Tucker, LLP 611 Anton Blvd., Suite 1400 Costa Mesa, CA 92626	<b>Claimant Representative</b> Tel: (714) 641-5100 Fax: (714) 546-9035
Mr. Michael Vigliotta City of Huntington Beach 2000 Main Street Huntington Beach, CA 92648	<b>Claimant Representative</b> Tel: (714) 536-5555 Fax: (714) 374-1590
Ms. Hasmik Yaghobyan County of Los Angeles Auditor-Controller's Office 500 W. Temple Street, Room 603 Los Angeles, CA 90012	Tel: (213) 893-0792 Fax: (213) 617-8106

Mr. Keith Linker City of Anaheim Public Works 200 S. Anaheim Boulevard Anaheim, CA 92805	<b>Claimant Representative</b> Tel: (714) 765-5148 Fax:
Ms. Angie Teng State Controller's Office (B-08) Division of Accounting and Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916) 323-0706 Fax:
Mr. Jim Spano State Controller's Office (B-08) Division of Audits 300 Capitol Mall, Suite 518 Sacramento, CA 95814	Tel: (916) 323-5849 Fax: (916) 327-0832
Mr. David Wellhouse David Wellhouse & Associates, Inc. 9175 Kiefer Blvd, Suite 121 Sacramento, CA 95826	Tel: (916) 368-9244 Fax: (916) 368-5723
Ms. Harmeet Barkschat Mandate Resource Services, LLC 5325 Elkhorn Blvd. #307 Sacramento, CA 95842	Tel: (916) 727-1350 Fax: (916) 727-1734
Mr. Andre Monette Best Best & Krieger, LLP 655 West Broadway San Diego, CA 92101	<b>Claimant Representative</b> Tel: (619) 525-1300 Fax: (619) 233-6118
Mr. J. Bradley Burgess Public Resource Management Group 895 La Sierra Drive Sacramento, CA 95864	Tel: (916) 595-2646 Fax:
Ms. Susan Geanacou Department of Finance (A-15) 915 L Street, Suite 1280 Sacramento, CA 95814	Tel: (916) 445-3274 Fax: (916) 449-5252
Mr. Glen Everroad City of Newport Beach 3300 Newport Blvd. P. O. Box 1768 Newport Beach, CA 92659-1768	Tel: (949) 644-3127 Fax: (949) 644-3339
Ms. Bonnie Ter Keurst County of San Bernardino Office of the Auditor/Controller-Recorder 222 West Hospitality Lane San Bernardino, CA 92415-0018	Tel: (909) 386-8850 Fax: (909) 386-8830
Mr. Andy Nichols Nichols Consulting 1857 44th Street Sacramento, CA 95819	Tel: (916) 455-3939 Fax: (916) 739-8712

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Ms. Juliana F. Gmur  
MAXIMUS  
2380 Houston Ave  
Clovis, CA 93611

Tel: (916) 485-8102

Fax: (916) 485-0111

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Ms. Marianne O'Malley  
Legislative Analyst's Office (B-29)  
925 L Street, Suite 1000  
Sacramento, CA 95814

Tel: (916) 319-8315

Fax: (916) 324-4281