STATE *of* CALIFORNIA
COMMISSION ON STATE MANDATES

June 15, 2016

Bruce H. Wolfe
Executive Officer
San Francisco Bay Regional
Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Thomas Howard
Executive Director
State Water Resources
Control Board
P.O. Box 2815
Sacramento, CA 95812-0100

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: **Request for Additional Information**
Municipal Regional Stormwater Permit – County of San Mateo, 10-TC-01
California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2009-0074
City of Brisbane, Claimant

Municipal Regional Stormwater Permit – County of Alameda, 10-TC-02
California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2009-0074
City of Alameda, Claimant

Municipal Regional Stormwater Permit –County of Santa Clara, 10-TC-03
California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2009-0074
County of Santa Clara, Claimant

Municipal Regional Stormwater Permit – Municipal Operations (C.2), 10-TC-05
California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2009-0074
City of San Jose, Claimant

Dear Mr. Wolfe and Mr. Howard

This letter is a request that the San Francisco Bay Regional Water Quality Control Board and the State Water Resources Control Board supplement the record of the above-captioned Test Claim by filing with the Commission on State Mandates (Commission) copies of:

a) The official administrative record of the California State Water Quality Control Board, San Francisco Bay Region permit order no. R2-2009-0074, National Pollutant Discharge Elimination System (NPDES) no. CAS612008, prepared in accordance with Code of Federal Regulations, Title 40, Section 124.18; and

b) The official administrative record of the California State Water Resources Control Board permit order no. R2-2009-0074 (NPDES no. CAS612008), prepared in accordance with Code of Federal Regulations, Title 40, Section 124.18.

Please provide these documents as soon as possible but not later than **Friday, July 15, 2016**.

J:\MANDATES\2010\TC\10-tc-01 Municipal Regional Stormwater Permit - County of San Mateo\Correspondence\RequestforInfo 061516.docx

In addition, please note that the above-captioned claims have been tentatively set for hearing as follows: *Municipal Regional Stormwater Permit – County of San Mateo*, 10-TC-01, is tentatively set for hearing on January 27, 2017; *Municipal Regional Stormwater Permit – County of Alameda*, 10-TC-02, is tentatively set for hearing on May 19, 2017; *Municipal Regional Stormwater Permit – County of Santa Clara*, 10-TC-03, is tentatively set for hearing on September 22, 2017; and *Municipal Regional Stormwater Permit – Municipal Operations (C.2)*, 10-TC-05, is tentatively set for hearing on January 26, 2018.

Please also note that upon the California Supreme Court's release of its opinion in *Department of Finance v. Commission on State Mandates* (County of Los Angeles), expected no later than August 31, 2016, the Commission will issue a request for additional briefing regarding how that decision should apply to the above-entitled test claims, and will provide a 30-day comment period for all parties, interested parties, and interested persons for that purpose.

As you are aware, Government Code section 17553 requires that the Commission adopt procedures to ensure a statewide cost estimate is adopted within 12 months after receipt of a test claim, which may be extended for up to six months. In the case of the above-entitled test claims, test claim decisions were delayed first due to a historic test claim backlog[1] and then these matters were placed on inactive status based on pending litigation on other stormwater test claims with the same threshold issues. In the interim, Commission staff has eliminated its test claim backlog.[2] If the California Supreme Court determines that in some instances local agency stormwater permits may impose a reimbursable state mandate, then the 13 pending stormwater claims will become active and the Commission will once again have a test claim backlog. Commission staff will work diligently to adopt test claim decisions on these matters as soon as is possible, and will expedite the resolution of these pending matters.

The Commission's regulations require that written materials filed with the Commission be simultaneously served on all parties, interested parties, and interested persons on the mailing list, and accompanied by a proof of service. (Cal. Code Regs., tit. 2, 1181.3) However, this requirement may be satisfied by electronically filing your documents via the Commission's e-filing system. Please see http://www.csm.ca.gov/dropbox_procedures.php on the Commission's website. The written material will be posted on the Commission's website and the mailing list will be notified by electronic mail of the posting. This procedure will satisfy all the service requirements pursuant to section 1181.3 of the Commission's regulations.

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[1] This backlog resulted in it taking an average of approximately five years to adopt a statewide cost estimate from the time of filing a test claim during the time period from about 2003 to 2013 and the reasons for this backlog are discussed at length in the Commission's annual Report to Finance and Backlog Reduction Plan, which may be found on the Commission's website.

[2] For test claims filed since 2013, excluding the stormwater claims, the Commission has been adopting test claims within an average of 13 months and statewide cost estimates within an average of 21 months from the time of the test claim filing.

Because these records are particularly large, please contact Commission Program Analyst Jill Magee at (916) 323-3562 if you need assistance filing these records electronically.

Sincerely,

Heather Halsey
Executive Director

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On June 15, 2016, I served the:

Request for Additional Information
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by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on June 15, 2016 at Sacramento, California.

Jill Magee

Jill L. Magee
Commission on State Mandates
980 Ninth Street, Suite 300
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(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 6/14/16

Claim Number: 10-TC-05

Matter: Municipal Regional Stormwater Permit - Municipal Operations (C.2)

Claimant: City of San Jose

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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, § 1181.3.)

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