

San Francisco Bay Regional Water Quality Control Board

**RECEIVED**  
July 29, 2016  
**Commission on  
State Mandates**

July 29, 2016

Heidi Palchik  
Assistant Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

**Subject: Request for Extension of Time to Respond to Request for Additional Information Relating to Test Claims 10-TC-01, 10-TC-02, 10-TC-03, 10-TC-05**

Dear Ms. Palchik:

The California Regional Water Quality Control Board, San Francisco Bay Region (Regional Water Board) would like to request an extension of time to respond to the Commission's June 15, 2016, request for additional information, to wit, the administrative record for Municipal Regional Stormwater NPDES Permit, Order No. R2-2009-0074 (Order).

California Code of Regulations, title 2, section 1187.9, subdivision (a) allows any party to request an extension of time before a comment or rebuttal deadline has passed, provided the party fully explains the reasons for the extension and proposes a new date for filing. The request shall be granted "[s]o long as postponement of a hearing would not be required, there is no prejudice to any party or interested party, and there is no other good reason for denial." (Cal. Code Regs., tit. 2, § 1187.9, subd. (a).)

Here, the Commission requested that the Regional Water Board file the administrative record for the Order by July 15, 2016. The Regional Water Board staff and supervisors responsible for preparing the record did not receive the request when it was made, and did not become aware that the request *had* been made until after the July 15, 2016, deadline had passed.

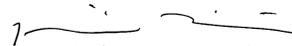
Because of this lapse in internal communication, staff have only now begun to prepare the record. Although the agency submitted a basic record for the Order to the Commission in 2011, assembling a complete record will take significant additional staff time. Meanwhile, several supervisors and line staff in the Watershed Management Division responsible for creating the record will be out of the office for much of August. Accordingly, the Regional Water Board requests an extension until September 30, 2016.

Due to the miscommunication described above, the Regional Water Board was unable to file this request for an extension of time before the comment/rebuttal deadline passed, as anticipated by the Commission's regulations. In other respects, however, the request meets the criteria outlined in section 1187.9 and therefore should be approved. The hearings on these test claims are not scheduled until 2017, and the delay in filing the record will not prejudice other

parties or the Commission. To the contrary, the Regional Water Board believes that the information in the record will help the Commission in its decisionmaking, and that the Commission would benefit more from receiving the information late, rather than not at all. Accordingly, the Regional Water Board does not believe there is a good reason to deny its request for an extension.

Please accept our apologies for any inconvenience our delay has caused the Commission and thank you for your consideration of our request. If you have questions, please our attorney Tamarin Austin, via email to [Tamarin.Austin@waterboards.ca.gov](mailto:Tamarin.Austin@waterboards.ca.gov) or at (916) 341-5171, or Keith Lichten, Chief of our Watershed Management Division, via email to [klichten@waterboards.ca.gov](mailto:klichten@waterboards.ca.gov) or at (510) 622-2380.

Sincerely,



for Bruce H. Wolfe  
Executive Officer

Digitally signed by  
Keith H. Lichten,  
Division Chief  
Date: 2016.07.29  
16:26:33 -07'00'

cc:

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bc:

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**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 August 2, 2016, I served the:

**Notice of Extension of Time to File Administrative Record Request Approval; and Request for Extension of Time to Respond to 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

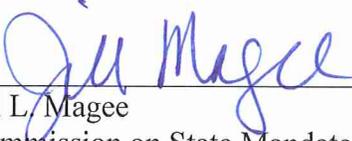
*Municipal Regional Stormwater Permit – County of Alameda, 10-TC-02*  
California Regional Water Quality Control Board, San Francisco Bay Region,  
Order No. R2-2009-0074  
City of Alameda, Claimant

*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

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 August 2, 2016 at Sacramento, California.

  
\_\_\_\_\_  
Jill L. Magee  
Commission on State Mandates  
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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 8/2/16

**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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