



California Regional Water Quality Control Board Los Angeles Region



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Edmund G. Brown Jr.
Governor

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May 3, 2011

VIA E-FILE

Drew Bohan, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Dear Mr. Bohan:

**UPPER SANTA CLARA RIVER CHLORIDE REQUIREMENTS, 10-TC-09:
REQUEST FOR 60-DAY EXTENSION OF TIME TO SUBMIT COMMENTS OF THE
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION**

On March 30, 2011, the Santa Clarita Valley Sanitation District of Los Angeles County (hereinafter, Claimant) filed Test Claim No. 10-TC-09. The Commission on State Mandates has requested that the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) submit written comments analyzing the merits of Test Claim No. 10-TC-09 by May 16, 2011. The Los Angeles Water Board respectfully requests an additional 60-day extension of time to submit written comments. The April 14, 2011 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, sections 1183.01, subdivision (c), and 1181.1, subdivision (g). If granted, the Los Angeles Water Board will submit its comments by **July 15, 2011**.

California Code of Regulations, title 2, 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, § 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



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

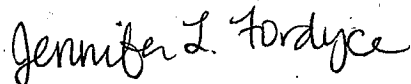
(Cal. Code Regs., tit. 2, § 1181.1, subd. (h).)

The Claimant contends that Los Angeles Water Board Resolution No. R4-2008-012, which amended the Water Quality Control Plan for the Los Angeles Region to adopt site specific objectives for chloride and revised the Upper Santa Clara River Chloride Total Maximum Daily Load (TMDL), requires the Claimant to establish and implement several new programs and activities that are not required by federal law. More specifically, the TMDL establishes final waste load allocations for chloride and related implementation provisions. The Claimant seeks a determination that these waste load allocations and implementation "tasks" are unfunded state mandates for which it should receive reimbursement in the hundreds of millions of dollars pursuant to Article XIII B, section 6, of the California Constitution.

The Los Angeles Water Board requests a 60-day extension of time to submit comments analyzing the merits of the Test Claim for the reasons that follow. First, the Test Claim raises new issues of first impression because this is the first Test Claim in the state that seeks reimbursement for requirements established in a basin plan amendment. Analyzing the merits of this Test Claim will require considerable time to research and provide comments on these novel issues. Second, the Test Claim is well over 600 pages long including attachments. The complexity and length of the Test Claim will require substantial staff and attorney effort at a time when both the Los Angeles Water Board and the State Water Resources Control Board's Office of Chief Counsel are particularly short-staffed and limited by a reduced work schedule due to the state's budget shortfall and hiring freeze. As the primary attorney responsible for this matter, I also have reduced work hours and expanded responsibilities, which have constrained my ability to work on this matter and file comments on the Test Claim by May 16, 2011.

Therefore, for the reasons set forth above, the Los Angeles Water Board respectfully requests that the due date for written comments on the Test Claim be extended 60 days to **July 15, 2011**. The Los Angeles Water Board believes that good cause exists to allow the Executive Director to grant this requested extension and appreciates your consideration of this request.

Sincerely,



Jennifer L. Fordyce
Staff Counsel

