Received
July 27, 2011
Commission on
State Mandates

# State Water Resources Control Board

**Office of Chief Counsel**

**Charles R. Hoppin, Chairman**
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**Linda S. Adams**
*Acting Secretary for Environmental Protection*

**Edmund G. Brown Jr.**
*Governor*

July 27, 2011

**VIA E-FILE**

Nancy Patton, Assistant Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814
Nancy.Patton@csm.ca.gov

Dear Ms. Patton:

SANTA ANA REGIONAL WATER PERMIT – SAN BERNADINO COUNTY, 10-TC-10
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SANTA ANA REGION, ORDER NO. R8-2010-0036, EFFECTIVE JANUARY 29, 2010
SAN BERNADINO COUNTY FLOOD CONTROL DISTRICT, COUNTY OF SAN BERNADINO, CITIES OF BIG BEAR LAKE, CHINO, CHINO HILLS, COLTON, FONTANA, HIGHLAND, MONTCLAIR, ONTARIO AND RANCHO CUCAMONGA, CO-CLAIMANTS
**REQUEST FOR 90 DAY EXTENSION FOR WRITTEN COMMENTS**

This is a request for a 90 day extension of time in which to submit comments in the above-noted matter. Currently, the Santa Ana Regional Water Quality Control Board's (Santa Ana Water Board's) comments are due on August 11, 2011. The July 12, 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, chapter 2.5, sections 1183.01, subdivision (c) and 1181.1, subdivision (h). As explained herein, the Santa Ana Water Board believes that good cause exists for granting a 90 day extension of time, which would extend the deadline for submitting comments to November 9, 2011.

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.

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

The Test Claim filed by the Co-Claimants concerns permit requirements established in Santa Ana Water Board Order No. R8-2010-036. The Co-Claimants contend that Order No. R8-2010-036 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 the challenged order. They seek a determination that these programs and activities are state mandates for which they should receive reimbursement. This Test Claim raises numerous and complex issues specific to Order No. R8-2010-0036.

Currently, I am working on the Santa Ana Water Board's response in Test Claim 10-TC-07, which is due on August 26, 2011. I am the sole attorney responsible for the Board's response in both the instant Test Claim and Test Claim 10-TC-07. Additionally, due to furloughs, retirements in the office, and position reassignments, my workload has significantly increased in the past year. Extending the due date for comments on the Test Claim will allow me the necessary time to prepare responses in both the instant Test Claim and Test Claim 10-TC-07, as well as tend to my other legal responsibilities in an appropriate manner.

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 90 days to November 9, 2011. The Santa Ana Water Board believes that good cause exists to allow the Commission to grant the requested extension and appreciates your consideration of this request.

Sincerely,

David R. Rice
Staff Counsel