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State Mandates

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May 3, 2018

Via Drop Box

Ms. Heather Halsey  
Executive Director  
Commission on State Mandates  
980 9<sup>th</sup> Street, Suite 300  
Sacramento, CA 95814

Re: No. 09-TC-03, California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2009-0030 and No. 10-TC-11, California Regional Water Quality Control Board, San Diego Region, Order No. R9-2009-0002

Dear Ms. Halsey:

Thank you for your response to our letter of April 16, 2018, outlining the concerns of claimants in the above-referenced Joint Test Claims, Nos. 09-TC-03 and 10-TC-11 ("Claimants"), regarding the series of delays in bringing the test claims to hearing.

We appreciate that the letter describes your office's process for the setting of hearing dates. While your letter indicated that the pending caseload documents on the Commission's website "are to be used for informational purposes only," test claimants must rely upon such information to anticipate, prepare for and arrange to participate in those hearings, which are of course administrative "trials" on the test claims. As I am sure you can imagine, this effort includes significant coordination amongst Claimants to plan workflow and staffing in anticipation of receipt of a draft proposed decision, and well as planning travel to Sacramento for several individuals. Thus, some certainty in the setting of hearing dates is essential. Along those lines, Claimants were disappointed to learn that the projected hearing date for Test Claim 09-TC-03 has been pushed out again, and now is tentatively set for November 30, 2018.

As our April 16 letter stated, Claimants remain hopeful that there will be no further extensions in the hearing dates for these test claims and appreciate your statement on Page 4 of the letter that staff is working to have those test claims and the other pending

BURHENN & GEST LLP

Ms. Heather Halsey

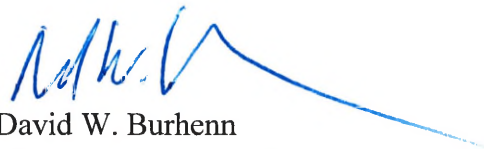
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stormwater claims issued for hearing as soon as possible. In light of your and staff's workload, we are not expecting or requesting any further response.

Thank you again for your response to our letter. If you have any questions, please contact me at the e-mail or phone number noted above.

I declare under penalty of perjury that the foregoing, signed on May 3, 2018, is true and correct to the best of my personal knowledge, information, or belief.



David W. Burhenn

Claimant Representative

Address, phone and e-mail set forth above

cc: Claimants

**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 May 5, 2018, I served the:

- **Claimants' Comments on the Response to Claimants' Inquiry Regarding Hearing Date and Notice of Tentative Hearing Date filed May 3, 2018**

*California Regional Water Quality Control Board, Santa Ana Region,  
Order No. R8-2009-0030, 09-TC-03*

County of Orange, Orange County Flood Control District, Cities of Anaheim, Brea, Buena Park, Costa Mesa, Cypress, Fountain Valley, Fullerton, Huntington Beach, Irvine, Lake Forest, Newport Beach, Placentia, Seal Beach, and Villa Park, Claimants

AND

*California Regional Water Quality Control Board, San Diego Region,  
Order No. R9-2009-0002, 10-TC-11*

County of Orange, Orange County Flood Control District, Cities of Dana Point, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, and San Juan Capistrano, Claimants

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 May 5, 2018 at Sacramento, California.

  
\_\_\_\_\_  
Jill L. Magee  
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**Last Updated:** 4/25/18

**Claim Number:** 09-TC-03

**Matter:** California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2009-0030

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City of Buena Park  
City of Costa Mesa  
City of Cypress  
City of Fountain Valley  
City of Fullerton  
City of Huntington Beach  
City of Irvine  
City of Lake Forest  
City of Newport Beach  
City of Placentia  
City of Seal Beach  
City of Villa Park  
County of Orange  
Orange County Flood Control District

### 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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# COMMISSION ON STATE MANDATES

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**Last Updated:** 4/25/18

**Claim Number:** 10-TC-11

**Matter:** California Regional Water Quality Control Board, San Diego Region, Order No. R9-2009-0002

**Claimants:** City of Dana Point  
 City of Laguna Hills  
 City of Laguna Niguel  
 City of Lake Forest  
 City of Mission Viejo  
 City of San Juan Capistrano  
 County of Orange  
 Orange County Flood Control District

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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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