



State Water Resources Control Board

July 18, 2023

VIA DROP BOX

Heather Halsey Executive Director Commission on State Mandates 980 9th Street, Suite 300 Sacramento, CA 95814

REQUEST FOR EXTENSION OF TIME TO FILE WRITTEN COMMENTS

Draft Proposed Decision, Schedule for Comments, and Notice of Hearing *California Regional Water Quality Control Board, San Diego Region, Order No. R9-2009-0002, Sections B.2.; C.; D.; F.1.d.; F.1.d.7.i.; F.1.f.; F.1.h.; F.3.a.4.c.; F.3.d.; F.4.b.; F.4.d.; F.4.e.; G.6.; I.; J.; K.1.b.4.n.; and Only as They Relate to the Reporting Checklist, Section K.3.a. and Attachment D, Adopted December 16, 2009,* 10-TC-11 Cities of Dana Point, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, San Juan Capistrano, the County of Orange, and the Orange County Flood Control District, *Claimants*

Dear Ms. Halsey:

By letter dated June 30, 2023, the Commission on State Mandates (Commission) issued a Draft Proposed Decision, Schedule for Comments, and Notice of Hearing in the above test claim matter. The letter established a July 21, 2023, deadline for filing written comments on the Draft Proposed Decision. On July 13, 2023, the Commission granted claimants' request for a 35-day extension to file written comments and their request to postpone the hearing. Claimants' comments are now due August 25, 2023, at 5 p.m. and the hearing is scheduled for October 27, 2023.

For the reasons set forth below, the State Water Resources Control Board (State Water Board) and the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) (collectively Water Boards) also request a 35 (thirty-five) day extension of time to file written comments on the Draft Proposed Decision until **August 25, 2023**, at **5 p.m.** This is a timely request as it is being made before the date set for filing comments or rebuttals. (Cal. Code Regs., tit. 2, § 1187.9(a).)

The Draft Proposed Decision is almost 400 pages in length and proposes to resolve claimants' numerous challenges to at least fourteen categories of issues in the

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underlying San Diego Water Board permit. Due to its complexity and length, evaluation of Draft Proposed Decision will require considerable staff and attorney time. The test claim involves a permit issued over 13 years ago. San Diego Water Board staff and the assigned attorneys will need to familiarize or refamiliarize themselves with the underlying permit and comments on the 2010 test claim, as well as consider prior written comments on similar or identical issues in other pending or recently decided test claims. Based on these considerations, additional time is necessary for the Water Boards to carefully evaluate the Draft Proposed Decision and develop thoughtful written comments for submittal to the Commission.

As recognized in the Commission's Notice of Extension Request Approval for claimants' comments, claimants do not object to the Water Boards' request and support an extension to the same date for all parties. Additionally, because the hearing has already been postponed to October 27, 2023, granting the Water Boards' requested extension to file written comments does not necessitate further postponement of the hearing. We are aware of no good reason for denial of this request.

Based on consideration of the standards set forth in section 1187.9, subdivisions (a) and (b), of the Commission's regulations, the Water Boards respectfully request that the Commission grant the Water Boards' request for extension of time to submit comments on the Draft Proposed Decision until **5:00 p.m**. on **August 25, 2023.**

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Sincerely,

Catherine George Hagan

Catherine George Hagan Attorney IV Office of Chief Counsel State Water Resources Control Board Tel. 619.521.3012

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 July 20, 2023, I served the:

- Current Mailing List dated July 20, 2023
- Notice of Extension Request Approval issued July 20, 2023
- Finance's Request for Extension of Time filed July 20, 2023
- Water Boards' Request for Extension of Time filed July 18, 2023

California Regional Water Quality Control Board, San Diego Region, Order No. R9-2009-0002, Sections B.2.; C.; D.; F.1.d.; F.1.d.7.i.; F.1.f.; F.1.h.; F.3.a.4.c.; F.3.d.; F.4.b.; F.4.d.; F.4.e.; G.6.; I.; J.; K.1.b.4.n.; and, Only as They Relate to the Reporting Checklist, Section K.3.a. and Attachment D,¹ Adopted December 16, 2009, 10-TC-11

Cities of Dana Point, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, San Juan Capistrano, the County of Orange, and the Orange County Flood Control District, 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 July 20, 2023 at Sacramento, California.

YYLAQ

Jill L. Magee Commission on State Mandates 980 Ninth Street, Suite 300 Sacramento, CA 95814 (916) 323-3562

¹ Government Code section 17553(b)(1) requires test claims to identify the specific sections of the executive order alleged to contain a mandate and a detailed description of the new activities mandated by the state. Only the sections indicated in this caption, and Section K.3.a. and Attachment D only as they relate to the reporting checklist, have been properly pled.

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 7/20/23

Claim Number: 10-TC-11

Matter:	California Regional Water Quality Control Board, San Diego Region, Order No. R9-2009-0002, Sections B.2.; C.; D.; F.1.d.; F.1.d.; F.1.f.; F.1.h.; F.3.a.4.c.; F.3.d.; F.4.b.; F.4.d.; F.4.e.; G.6.; I.; J.; K.1.b.4.n.; and, Only as They Relate to the Reporting Checklist, Section K.3.a. and Attachment D, Adopted December 16, 2009
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

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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