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November 23, 2016

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VIA DROP BOX

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: California Regional Water Quality Control Board, San Diego Region,
Order No. R2-2009-0002, Test Claim 10-TC-11 – Request for Extension
to File Rebuttal

Dear Ms. Halsey:

This letter is being written on behalf of our clients, the County of Orange and the Orange County Flood Control District, and on behalf of joint test claimants Cities of Dana Point, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo and San Juan Capistrano (collectively, "Joint Test Claimants"), to request an extension to **February 7, 2017**, for the filing of the Joint Test Claimants' rebuttal to the Comments of State Water Resources Control Board, California Regional Water Quality Control Board, San Diego Region, and Department of Finance on Test Claim 10-TC-11 ("Water Boards' Comments"), which was served on the Joint Test Claimants on October 24, 2016.

Commission staff previously granted Joint Test Claimants a similar extension until December 6, 2016, when the hearing date for the test claim was scheduled for March 24, 2017. Since that time, however, pursuant to a request by the State Water Resources Control Board and the San Diego Regional Water Quality Control Board (collectively, "Water Boards"), on November 18, 2016, Commission staff extended the deadline for the Water Boards to file the administrative record, and, consequently, granted a postponement of the test claim hearing date. The administrative record is now due to be filed on **December 19, 2016**, and the hearing date on the test claim has been rescheduled to take place on **May 26, 2017**.

In light of the hearing postponement, the Joint Test Claimants request an extension to **February 7, 2017**, applicable to all parties, interested parties and interested persons, for the filing of a rebuttal to the Water Boards' Comments.

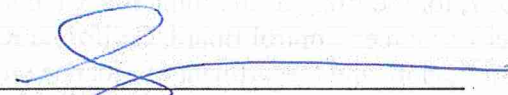
Ms. Heather Halsey
Executive Director
November 23, 2016
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Section 1187.9, subdivision (a), of the Commission Regulations provides that as long as a postponement of a hearing would not be required, there is no prejudice to any party or interested party, and there is no other good reason for denial, a request for extension of time to file a rebuttal shall be approved. 2 Cal. Code Reg. §1187.9(a). With the hearing on this test claim over six months away, an extension until February 7 to file a rebuttal would not require a postponement of the hearing date, and would not result in prejudice to any party or interested party, as Joint Test Claimants' rebuttal would be filed more than three-and-a-half months prior to the hearing date. As indicated above, Commission staff previously granted an extension under similar circumstances. Further, granting the requested extension would allow Joint Test Claimants opportunity to prepare a rebuttal in light of the administrative record (due to be filed on December 19, 2016), which in turn may assist in a more efficient, orderly review by both the Water Boards and Commission staff. In light of this consideration and the new hearing date, there appears to be no good reason for denial of an extension of time to file a rebuttal to February 7, 2017.

The Joint Test Claimants appreciate your consideration of this extension request. Please let me know if you or your staff have any questions. Thank you.

Very truly yours,

LEON J. PAGE
COUNTY COUNSEL

By 
Julia Woo, Deputy

JW:ac

cc: Service List (Via Drop Box)

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 November 29, 2016, I served the:

Request for Extension and Notice of Limited Approval of Extension Request

California Regional Water Quality Control Board, San Diego Region,

Order No. R9-2009-0002, 10-TC-11

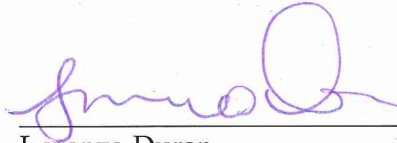
County of Orange, Orange County Flood Control District,

Cities of Dana Point, Laguna Hills, Laguna Niguel,

Lake Forest, Mission Viejo, and San Juan Capistrano, Co-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 November 29, 2016 at Sacramento, California.



Lorenzo Duran

Commission on State Mandates

980 Ninth Street, Suite 300

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(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/21/16

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

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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