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Los Angeles Regional Water Quality Control Board

RECEIVED
October 9, 2017
Commission on
State Mandates

October 9, 2017

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VIA CSM DROPBOX

Heather Halsey, Executive Director
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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION,
ORDER NO. R4-2010-0108, 11-TC-01: REQUEST FOR ADDITIONAL TWO-WEEK
EXTENSION OF TIME TO SUBMIT COMMENTS

Dear Ms. Halsey:

On August 16, 2017, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) requested an extension of time to submit written comments and the administrative records for the 2009 and 2010 Ventura County Municipal Separate Storm Sewer System (MS4) Permits in the above-referenced matter. That request was granted by the Commission and these submittals are currently due by October 13, 2017. For the reasons described below, the Los Angeles Water Board respectfully requests an additional two-week extension of time to submit written comments on the Test Claim relating to the 2010 Ventura County MS4 Permit, Los Angeles Water Board Order No. R4-2010-0108. If granted, the Los Angeles Water Board will submit its comments by **October 27, 2017**.

The Los Angeles Water Board requests this additional extension of time to submit written comments analyzing the merits of the Test Claim for the reasons that follow. Completion of the administrative records for the 2009 and 2010 Ventura County MS4 Permits has taken longer than originally anticipated due to the large size of the records and need to format the records in searchable format. The Regional Board is currently in the process of completing these records and will be uploading a combined record to the Commission's website by this Friday, October 13, 2017. However, given the unanticipated delay and time spent in completing these records, the Regional Board requires a short two-week extension of time to complete its response to the Test Claim. Importantly, in order to include citations to record evidence in its response, the complete record must first be prepared and bates-stamped. As I noted in my prior requests, I am the attorney assigned to Los Angeles Water Board test claim matters and am preparing comments on behalf of the Board. In addition to working on test claim matters, I am also responsible for other priority duties that limit my ability to exclusively work on this matter, including assisting staff in preparing orders for consideration by the Board at its monthly meetings (most recent occurred last week) and working with the Attorney General's Office on existing litigation matters, some of which had deadlines at the end of September and this month as well. Further, key staff in the

Board's Municipal Stormwater Permitting Unit (the unit responsible for the subject of this Test Claim) are assisting me on this matter have been constrained by other priority work obligations, including spending significant time preparing the records. Lastly, over the last few weeks, some key staff in the Board's Municipal Stormwater Permitting Unit, as well as myself, were unexpectedly out of the office due to being ill. Accordingly, given the above, it is not possible for the Los Angeles Water Board to both submit the records for the 2009 and 2010 Ventura County MS4 Permits and submit comments on the Test Claim by October 13, 2017 as we had originally anticipated. Extending the deadline as requested will provide the Board with the necessary time to submit comments on this Test Claim.

As noted above, we are not requesting an extension of time to submit the records for the 2009 and 2010 Ventura County MS4 Permits. The Regional Board will be uploading a combined record to the Commission's website by this Friday, October 13, 2017 as originally scheduled.

Section 1187.9, subdivision (a), of the Commission's regulations provides that so 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, the request shall be approved. Pursuant to the Commission's letter dated August 18, 2017, the hearing on this Test Claim is tentatively scheduled for July 27, 2018. The Los Angeles Water Board does not believe that postponement of the hearing will be required if this short extension is granted. If, however, the Commission believes that granting this extension would constrain the time the Commission requires to prepare for hearing, the Los Angeles Water Board also requests a corresponding postponement of the hearing date pursuant to section 1187.9, subdivision (b), of the Commission's regulations based on consideration of the above reasons.

Therefore, for the reasons set forth above, the Los Angeles Water Board respectfully requests that the deadline for submission of written comments on the Test Claim be extended an additional two weeks to **October 27, 2017**. Unless there are unforeseen circumstances, the Board expects this to be its last extension request for its response. 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. Please let me know if you have any questions. I can be reached at (916) 324-6682 or at Jennifer.Fordyce@waterboards.ca.gov.

Sincerely,



Jennifer L. Fordyce
Attorney III

cc: Service List via CSM Dropbox

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 October 11, 2017, I served the:

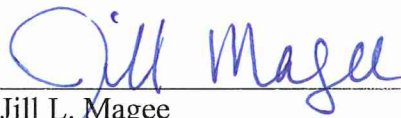
- **Notice of Extension Request Approval issued October 11, 2017**
- **LARWQCB Request for Extension of Time filed October 9, 2017**

California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2010-0108, 11-TC-01

County of Ventura and Ventura County Watershed Protection District, 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 October 11, 2017 at Sacramento, California.



Jill L. Magee

Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 9/21/17

Claim Number: 11-TC-01

Matter: California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2010-0108

Claimants: County of Ventura
Ventura County Watershed Protection 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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