



March 15, 2021

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State Controller's Office
Local Government Programs and Services
Division
3301 C Street, Suite 740
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And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: Notice of Complete Notice of Intent to Join a Consolidated Incorrect Reduction Claim, Consolidation of Claims, Schedule for Comments, and Tentative Hearing Date

Municipal Storm Water and Urban Runoff Discharges, 19-0304-I-04, 20-0304-I-06, 20-0304-I-08, 20-0304-I-09, 20-0304-I-10, 20-0304-I-11, and 20-0304-I-13

Los Angeles Regional Quality Control Board Order No. 01-182,
Permit CAS004001, Part 4F5c3

Fiscal Years: 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012

City of Claremont, Claimant

Fiscal Years: 2002-2003, 2003-2004, 2004-2005, 2005-2006

City of Downey, Claimant

Fiscal Years: 2008-2009, 2009-2010, 2010-2011, 2011-2012

City of Glendora, Claimant

Fiscal Years: 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012

City of Pomona, Claimant

Fiscal Years: 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009

City of Santa Clarita, Claimant

Fiscal Years: 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013

City of Signal Hill, Claimant

Fiscal Years: 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013

County of Los Angeles, Claimant

J:\MANDATES\IRC\2020\0304 (Municipal Storm Water and Urban Runoff Discharges)\20-0304-I-08 consolidated with 19-0304-I-04, 20-0304-I-06, 09, 10, 11, 13\Correspondence\Complete Letter Consolidated IRC 20-0304-I-13 20-0304-I-08.docx

Mr. Burdick, Mr. Gest, Mr. Mowbray, and Ms. Sidarous

March 15, 2021

Page 2

Dear Mr. Burdick, Mr. Gest, Mr. Mowbray, and Ms. Sidarous:

On February 10, 2021, the City of Pomona filed a Notice of Intent to Join a Consolidated IRC (*Municipal Storm Water and Urban Runoff Discharges*, 20-0304-I-08) based on the Controller's reductions to the City of Pomona's reimbursement claims for costs incurred under the *Municipal Storm Water and Urban Runoff Discharges*, 03-TC-04, 03-TC-20, 03-TC-21 program, for fiscal years 2002-2003 through 2011-2012. Upon review, Commission staff found this Notice of Intent to Join a Consolidated IRC incomplete and notified the claimant on February 18, 2021. On March 10, 2021, the claimant filed documents to cure the Notice of Intent to Join a Consolidated IRC. Upon review, Commission staff finds this Notice of Intent to Join a Consolidated IRC complete and retains the original filing date of February 10, 2021, in accordance with section 1185.2(a) of the Commission's regulations (California Code of Regulations, Title 2), and has assigned it the IRC number 20-0304-I-13 for tracking purposes. Mr. Gest will serve as the sole representative for the consolidated claim going forward.

Controller's Review and Response. Pursuant to the Government Code and the Commission's regulations, the Controller may file written comments and supporting documentation regarding claim 20-0304-I-13 no later than 5:00 p.m. on June 14, 2021 in accordance with Government Code section 11020 and sections 11851.2(f), 1185.2, and 1187.5 of the Commission's regulations. However, in order for the Commission to hear the consolidated claims at the May 28, 2021 hearing, the Commission requests that the Controller consolidate its comments on the consolidated claims with its comments on *Municipal Storm Water and Urban Runoff Discharges*, 20-0304-I-08, which addresses the same legal issues regarding offsetting revenues, which were due not later than **5:00 p.m. on March 10, 2021**. The Controller may also choose to instead wait, and comment on the Draft Proposed Decision after it has been issued.

Oral or written representations of fact offered by any person shall be under oath or affirmation and signed under penalty of perjury by persons who are authorized and competent to do so and must be based on the declarant's personal knowledge, information or belief. (Cal. Code. Regs., tit. 2 §§ 1185.2 and 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.¹ Hearsay evidence (such as declarations not based on personal knowledge but information and belief alone) may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.² Please include an explanation of the reasons for the reductions and the computation of reimbursements.

The failure of the Controller to respond within the 90-day timeline shall not cause the Commission to delay consideration of this IRC. (Gov. Code §17553(d).)

Claimant's Rebuttal. Upon receipt of the Controller's comments, the claimant and interested parties may file rebuttals. The rebuttals are due not later than 5:00 p.m., 30 days from the service date of the comments (Gov. Code § 11020 and Cal. Code. Regs., tit. 2 §§ 1181.2(f) and

¹ Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

² Title 2, California Code of Regulations, section 1187.5.

Mr. Burdick, Mr. Gest, Mr. Mowbray, and Ms. Sidarous

March 15, 2021

Page 3

1185.2(e).) Oral or written representations of fact offered by any person shall be under oath or affirmation and signed under penalty of perjury by persons who are authorized and competent to do so and must be based on the declarant's personal knowledge, information or belief. (Cal. Code. Regs., tit. 2 §§ 1185.2(e) and 1187.5.) If new written representations of fact are made, they must be supported with documentary evidence filed with the rebuttal. (Cal. Code. Regs., tit. 2 §§ 1181.3, 1185.2, and 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.³ Hearsay evidence (such as declarations not based on personal knowledge but information and belief alone) may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.⁴

Filing Written Materials. All written representations of fact made to the Commission are required to be supported by documentary or testimonial evidence submitted under penalty of perjury. (Cal. Code Regs., tit. 2, 1187.5.)

The Commission's regulations require that written materials filed with the Commission be electronically filed (e-filed) in an unlocked legible and searchable PDF file, using the Commission's Dropbox. (Cal. Code Regs., tit. 2, 1181.3(c)(1).) Refer to <https://www.csm.ca.gov/dropbox.php> on the Commission's website for electronic filing instructions. If e-filing would cause the filer undue hardship or significant prejudice, filing may occur by first class mail, overnight delivery or personal service only upon approval of a written request to the executive director. (Cal. Code Regs., tit. 2, 1181.3(c)(2).)

If you would like to request an extension of time, please refer to section 1187.9(a) of the Commission's regulations.

Informal Conference. An informal conference may be scheduled if requested. Refer to section 1187.4 of the Commission's regulations.

Public Hearing and Draft Proposed Decision. The public hearing on this claim has been tentatively scheduled for **May 28, 2021**. The Draft Proposed Decision will be issued for comment at least eight weeks prior to the public hearing.

Sincerely,



Heather Halsey
Executive Director

³ Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

⁴ Title 2, California Code of Regulations, section 1187.5.

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 March 15, 2021, I served the:

- **Notice of Complete Notice of Intent to Join a Consolidated Incorrect Reduction Claim, Consolidation of Claims, Schedule for Comments, and Tentative Hearing Date (City of Pomona) issued March 15, 2021**
- **Notice of Intent to Join a Consolidated Incorrect Reduction Claim filed by the City of Pomona on February 10, 2021**

Municipal Storm Water and Urban Runoff Discharges, 19-0304-I-04, 20-0304-I-06, 20-0304-I-08, 20-0304-I-09, 20-0304-I-10, 20-0304-I-11, and 20-0304-I-13

Los Angeles Regional Quality Control Board Order No. 01-182,
Permit CAS004001, Part 4F5c3

Fiscal Years: 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012

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City of Santa Clarita, Claimant

Fiscal Years: 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013

City of Signal Hill, Claimant

Fiscal Years: 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013

County of Los Angeles, Claimant

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 March 15, 2021 at Sacramento, California.



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

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/12/21

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Matter: Municipal Storm Water and Urban Runoff Discharges

Claimants: City of Claremont
 City of Downey
 City of Glendora
 City of Pomona
 City of Santa Clarita
 City of Signal Hill
 County of Los Angeles

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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