

Hearing Date: June 12, 2026

## STATEWIDE COST ESTIMATE

**\$6,840,647 – \$17,082,345**  
**Initial Claim Period<sup>1</sup>**

(December 1, 2009, through December 31, 2017)

*California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2009-0074, Sections C.8.d.iii., C.8.e.vi., C.8.f., C.8.g.ii., C.8.g.vii., C.10.a.i., C.10.a.ii., C.10.a.iii., C.10.b.ii., C.10.b.iii., C.10.c., C.10.d.i., C.10.d.ii., C.11.f., and C.12.f.*

10-TC-02, 10-TC-03, and 10-TC-05

The Commission on State Mandates (Commission) adopted this Statewide Cost Estimate by a vote of 6-0 during a regularly scheduled hearing on June 12, 2026<sup>2</sup> as follows:

<b>Member</b>	<b>Vote</b>
Lee Adams, County Supervisor	Yes
Deborah Gallegos, Representative of the State Controller	Yes
Karen Greene Ross, Public Member	Yes
William Pahland, Representative of the State Treasurer, Vice Chairperson	Yes
Michele Perrault, Representative of the Director of the Department of Finance, Chairperson	Yes
Alexander Powell, Representative of the Director of the Governor's Office of Land Use and Climate Innovation	Yes

### STAFF ANALYSIS

#### **Summary of the Mandate, Eligible Claimants, and Period of Reimbursement**

This Statewide Cost Estimate addresses state-mandated activities arising from National Pollutant Discharge Elimination System (NPDES) Order No. R2-2009-0074, adopted by

<sup>1</sup> The entire reimbursement period is within the initial claim period because the Commission found the mandate is not reimbursable beginning January 1, 2018 since the claimants have fee authority, sufficient as a matter of law, to pay for the reimbursable activities pursuant to Government Code section 17556(d).

<sup>2</sup> The Proposed Statewide Cost Estimate was issued and set for the April 10, 2026 Commission meeting. However, that meeting was rescheduled to May 15, 2026 and then to June 12, 2026 due to a burst pipe and resulting fire making the Commission office inaccessible.

the San Francisco Bay Regional Water Quality Control Board on October 14, 2009, and effective on December 1, 2009.

The Commission adopted the Test Claim Decision on January 24, 2025, partially approving reimbursement for permittees that incur increased costs to perform the reimbursable activities under the mandate, and adopted the Decision and Parameters and Guidelines on March 28, 2025, approving reimbursement for the following eligible claimants:

- Alameda permittees include the Cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City, Alameda County (Unincorporated area), the Alameda County Flood Control and Water Conservation District, and Zone 7 of the Alameda County Flood Control and Water Conservation District.
- Santa Clara permittees include the Cities of Campbell, Cupertino, Los Altos, Milpitas, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, and Sunnyvale, the towns of Los Altos Hills and Los Gatos, the Santa Clara Valley Water District, and Santa Clara County.
- Fairfield-Suisun permittees include the Cities of Fairfield and Suisun City, and Fairfield-Suisun Sewer District.
- Contra Costa permittees include the Cities of Clayton, Concord, El Cerrito, Hercules, Lafayette, Martinez, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek, the towns of Danville and Moraga, Contra Costa County, and the Contra Costa County Flood Control and Water Conservation District.
- San Mateo permittees include the Cities of Belmont, Brisbane, Burlingame, Daly City, East Palo Alto, Foster City, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Redwood City, San Bruno, San Carlos, San Mateo, and South San Francisco, the towns of Atherton, Colma, Hillsborough, Portola Valley, and Woodside, the San Mateo County Flood Control District, and San Mateo County.
- Vallejo permittees include the City of Vallejo and the Vallejo Sanitary District.<sup>3</sup>

The initial reimbursement period, which includes the entire reimbursement period, is December 1, 2009, through December 31, 2017 (seven months of fiscal year 2009-2010 through the first half of fiscal year 2017-2018).<sup>4</sup> Eligible claimants were required to file initial claims with the State Controller's Office (Controller) on or before October 30, 2025. Late initial reimbursement claims may be filed until October 30, 2026, but will incur a 10 percent late filing penalty of the total amount of the initial claim without limitation.<sup>5</sup>

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<sup>3</sup> Exhibit B, Decision and Parameters and Guidelines, page 14.

<sup>4</sup> Exhibit B, Decision and Parameters and Guidelines, pages 14-15.

<sup>5</sup> Government Code section 17561(d)(3).

## **Reimbursable Activities**

The Commission approved the following reimbursable activities for this program:

### **A. Geomorphic Study (Section C.8.d.iii)**

1. Permittees shall select a waterbody/reach, preferably one that contains significant fish and wildlife resources, and conduct one of the following projects within each county, except that only one such project must be completed within the collective Fairfield-Suisun and Vallejo Permittees' jurisdictions:
  - a. Gather geomorphic data to support the efforts of a local watershed partnership [fn. omitted] to improve creek conditions; or
  - b. Inventory locations for potential retrofit projects in which decentralized, landscape-based stormwater retention units can be installed; or
  - c. Conduct a geomorphic study which will help in development of regional curves which help estimate equilibrium channel conditions for different-sized drainages. Select a waterbody/reach that is not undergoing changing land use. Collect and report the following data:
    - Formally surveyed channel dimensions (profile), planform, and cross-sections. Cross-sections shall include the topmost floodplain terrace and be marked by a permanent, protruding (not flush with ground) monument.
    - Contributing drainage area.
    - Best available information on bankfull discharges and width and depth of channel formed by bankfull discharges.
    - Best available information on average annual rainfall in the study area.
2. Report selected geomorphic project results in the Integrated Monitoring Report.<sup>6</sup>

### **B. Sediment Delivery Estimate/Budget (Section C.8.e.vi.)**

1. Permittees shall develop a design for a robust sediment delivery estimate/sediment budget in local tributaries and urban drainages by July 1, 2011, and implement the study by July 1, 2012.<sup>7</sup>

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<sup>6</sup> Exhibit A, Test Claim Decision, pages 370-371 citing to Test Claim, 10-TC-02, pages 221-222, 227 (Test claim permit, Section C.8.d.iii.).

<sup>7</sup> Exhibit A, Test Claim Decision, page 371 citing to Test Claim, 10-TC-02, page 225 (Test claim permit, Section C.8.e.vi.).

C. Citizen Monitoring and Participation (Section C.8.f.), **which Is Reimbursable for the City of Vallejo and Vallejo Sanitary District only:**

1. Encourage Citizen Monitoring.
2. In developing Monitoring Projects and evaluating Status & Trends data, make reasonable efforts to seek out citizen and stakeholder information and comment regarding waterbody function and quality.
3. Demonstrate annually the permittee has encouraged citizen and stakeholder observations and reporting of waterbody conditions. Report on these outreach efforts in the annual Urban Creeks Monitoring Report.<sup>8</sup>

D. Monitoring Reporting and Notice (Sections C.8.g.ii., C.8.g.vii.)

1. Permittees shall maintain an information management system to support electronic transfer of data to the Regional Data Center of the California Environmental Data Exchange Network (CEDEN), located within the San Francisco Estuary Institute.<sup>9</sup>
2. Permittees shall submit an Electronic Status Monitoring Data Report, compatible with the SWAMP database, no later than January 15 of each year, reporting on all data collected during the previous October 1-September 30 period. Water quality objective exceedances are required to be highlighted in the report.<sup>10</sup>
3. Permittees shall notify stakeholders and members of the general public about the availability of electronic and paper monitoring reports through notices distributed through appropriate means, such as an electronic mailing list.<sup>11</sup>

E. Trash

1. Short-Term Trash Load Reduction Plan (Section C.10.a.i.). All permittees, except for flood management agencies, shall submit a Short-Term Trash Load Reduction Plan, including an implementation schedule, to the Regional Board by February 1, 2012. The Plan shall describe the following:
  - a. Control measures and best management practices, including any trash reduction ordinances, currently being implemented and the current level of implementation.

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<sup>8</sup> Exhibit A, Test Claim Decision, page 371 citing to Test Claim, 10-TC-02, page 225 (Test claim permit, Section C.8.f.).

<sup>9</sup> Exhibit A, Test Claim Decision, page 372 citing to Test Claim, 10-TC-02, page 226, footnote 46 (Test claim permit, Section C.8.g.ii.).

<sup>10</sup> Exhibit A, Test Claim Decision, page 372 citing to Test Claim, 10-TC-02, page 226 (Test claim permit, Section C.8.g.ii.).

<sup>11</sup> Exhibit A, Test Claim Decision, page 372 citing to Test Claim, 10-TC-02, page 228 (Test claim permit, Section C.8.g.vii.).

- b. Additional control measures and best management practices that will be implemented, and/or an increased level of implementation designed to attain a 40 percent trash load reduction from its MS4 by July 1, 2014.
  - c. The Plan shall also “account for required mandatory minimum Full Trash Capture devices called for in Provision C.10.a.iii and Trash Hot Spot Cleanup called for in Provision C.10.b.”<sup>12</sup>
2. Baseline Trash Load and Trash Load Reduction Tracking Method (Section C.10.a.ii.). All permittees, except for flood management agencies, shall comply with the following new requirements:
    - a. Determine the baseline trash load from its MS4.
    - b. Submit the load level to the Regional Board by February 1, 2012. The February 1, 2012, report shall include the following:
      - Documentation of the methodology used to determine the load level.
      - A description of the trash load reduction tracking method that will be used to account for trash load reduction actions and to demonstrate progress and attainment of trash load reduction levels.
      - The submittal shall account for the drainage areas of a Permittee’s jurisdiction that are associated with the baseline trash load from its MS4, and the baseline trash load level per unit area by land use type and drainage area characteristics used to derive the total baseline trash load level for each Permittee.
    - c. Submit a progress report by February 1, 2011, indicating whether the permittee is determining its baseline trash load and trash load reduction method individually or collaboratively with other Permittees and a summary of the approach being used.<sup>13</sup>
  3. Minimum Full Trash Capture (Section C.10.a.iii.). Except as provided below, all permittees shall comply with the following requirements:
 

Install and maintain a mandatory minimum number of full trash capture devices by July 1, 2014, to treat runoff from an area equivalent to 30 percent of Retail/Wholesale Land draining to MS4s within their jurisdictions. The scope of this requirement is as follows:

    - A full capture system or device is “any single device or series of devices that traps all particles retained by a 5 mm mesh screen and has a design

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<sup>12</sup> Exhibit A, Test Claim Decision, page 372 citing to Test Claim, 10-TC-02, page 233 (Test claim permit, Section C.10.a.i).

<sup>13</sup> Exhibit A, Test Claim Decision, page 373 citing to Test Claim, 10-TC-02, pages 233-234 (Test claim permit, Section C.10.a.ii.).

treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour, storm in the subdrainage area”.

- The mandatory minimum number of full trash capture devices for each permittee is identified in Attachment J to the test claim permit, Tables 10-1 and 10-2. However, if the sum of the areas generating trash loads determined pursuant to Section C.10.a.ii is a smaller acreage than the required trash capture acreage, the minimum full trash capture requirement is reduced to the smaller acreage for the population-based permittee.<sup>14</sup>

The requirements to install and maintain full trash capture devices **does not apply:**

- To a population-based permittee with a population less than 12,000 and retail/wholesale land less than 40 acres, or a population less than 2000.<sup>15</sup>
- To full trash capture devices installed by a permittee *before* the effective date of the test claim permit, which may be counted towards the minimum number of full trash capture devices identified in Attachment J, provided the device meets the permit’s definition of a full trash capture device.<sup>16</sup>

4. Trash Hot Spots (C.10.b.ii. and iii.)

- a. The permittees shall each submit selected Trash Hot Spots to the Regional Board by July 1, 2010. (Section C.10.b.ii.)<sup>17</sup>
- b. Hot Spot Assessments. (Section C.10.b.iii.)
  - i. The San Mateo and Fairfield-Suisun permittees shall comply with the following new requirements:
    - Identify the dominant types of trash (e.g., glass, plastics, paper) removed.

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<sup>14</sup> Exhibit A, Test Claim Decision, page 373 citing to Test Claim, 10-TC-02, pages 234, 411 et seq., and 415 et seq. (Test claim permit, Section C.10.a.iii., Attachment J, Tables 10-1, 10-2).

<sup>15</sup> Exhibit A, Test Claim Decision, page 374 citing to Test Claim, 10-TC-02, page 234 (Test claim permit, Section C.10.a.iii.).

<sup>16</sup> Exhibit A, Test Claim Decision, page 374 citing to Test Claim, 10-TC-02, page 234 (Test claim permit, Section C.10.a.iii.); Code of Federal Regulations, title 40, section 122.41(e).

<sup>17</sup> Exhibit A, Test Claim Decision, page 374 citing to Test Claim, 10-TC-02, page 235 (Test claim permit, Section C.10.b.ii.).

- Document the trash conditions before and after clean-up of the entire hot spot using photo documentation with a minimum of one photo per 50 feet of hot spot length.
- ii. The Contra Costa permittees shall comply with the following new requirement:
- Document the trash conditions before and after clean-up of the entire hot spot using photo documentation with a minimum of one photo per 50 feet of hot spot length.
- iii. The Vallejo permittees shall comply with the following new requirements:
- Quantify the volume of material removed from each trash hot spot cleanup.
  - Identify the dominant types of trash removed (e.g., glass, plastics, paper).
  - Document the trash condition before and after cleanup using photo documentation, with a minimum of one photo per 50 feet of hot spot length.<sup>18</sup>
5. Long-Term Trash Load Reduction Plan (Section C.10.c.). All permittees, except for flood management agencies, shall submit a Long-Term Trash Load Reduction Plan, including an implementation schedule, to the Water Board by February 1, 2014. The Plan shall describe the control measures and best management practices, including any trash reduction ordinances, that are being implemented and the level of implementation and additional control measures and best management practices that will be implemented, and/or an increased level of implementation designed to attain a 70 percent trash load reduction from its MS4 by July 1, 2017, and 100 percent by July 1, 2022.<sup>19</sup>
6. Reporting and Document Retention (Sections C.10.d.i. and C.10.d.ii.)
- a. The Fairfield-Suisun, San Mateo, and Vallejo permittees shall comply with the following new requirement:
- In each annual report, report on the dominant types of trash removed and retain these records.<sup>20</sup>
- b. All permittees shall comply with the following new requirements:

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<sup>18</sup> Exhibit A, Test Claim Decision, pages 374-375 citing to Test Claim, 10-TC-02, page 235 (Test claim permit, Section C.10.b.iii.).

<sup>19</sup> Exhibit A, Test Claim Decision, page 375 citing to Test Claim, 10-TC-02, page 235 (Test claim permit, Section C.10.c.).

<sup>20</sup> Exhibit A, Test Claim Decision, page 375 citing to Test Claim, 10-TC-02, pages 235-236 (Test claim permit, Sections C.10.d.i. and C.10.d.ii.).

- In each Annual Report, provide total trash loads and dominant types of trash *for each type of action, including each trash hot spot selected* pursuant to Section C.10.b. and retain these records.<sup>21</sup>
- Beginning with the 2012 annual report, report the percent annual trash load reduction relative to the permittee's baseline trash load.<sup>22</sup>

F. Mercury and PCB Diversion Studies (Sections C.11.f., C.12.f.)

1. Permittees shall conduct feasibility evaluations for mercury and PCBs by selecting five stormwater pump stations and five alternates for each pollutant and evaluate drainage characteristics and the feasibility of diverting flows of each to the sanitary sewer. The feasibility evaluations shall include, but not be limited to, costs, benefits, and impacts on the stormwater and wastewater agencies and the receiving waters relevant to the diversion and treatment of the dry weather and first flush flows.
2. From these feasibility evaluations, select five pump stations and five alternates for the pilot diversion studies for each pollutant. At least one urban runoff diversion pilot project shall be implemented in each of the five counties (San Mateo, Contra Costa, Alameda, Santa Clara, and Solano). The pilot and alternate locations should be located in industrially-dominated catchments where elevated PCB concentrations are documented.
3. Implement flow diversion of mercury and PCBs to the sanitary sewer at five pilot pump stations.
4. As part of the pilot studies, the permittees shall monitor, measure, and report mercury and PCBs load reduction.
5. Report the following information to the Regional Board:
  - a. Summarize the results of the feasibility evaluations in the 2010 Annual Report. The reports shall include the selection criteria leading to the identification of the five candidate and five alternate pump stations for pilot studies; time schedules for conducting the pilot studies; and a proposed method for distributing mercury load reductions to participating wastewater and stormwater agencies.
  - b. Report annually on the status of the pilot studies in each subsequent annual report.
  - c. Include in the March 15, 2014 Integrated Monitoring Report, the following information for each study: evaluation of pilot programs effectiveness,

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<sup>21</sup> Exhibit A, Test Claim Decision, page 375 citing to Test Claim, 10-TC-02, pages 235-236 (Test claim permit, Sections C.10.d.i. and C.10.d.ii.).

<sup>22</sup> Exhibit A, Test Claim Decision, page 375 citing to Test Claim, 10-TC-02, pages 235-236 (Test claim permit, Section C.10.d.i.).

mercury and PCBs loads reduced, and updated feasibility evaluation procedures to guide future diversion project selection.<sup>23</sup>

**Offsetting Revenues and Reimbursements**

The Parameters and Guidelines specify any offsetting revenue the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, state and federal funds (including, but not limited to grant funds), any service charge, fee, or assessment authority to offset all or part of the costs of this program, and any other funds that are not the claimant’s proceeds of taxes shall be identified and deducted from any claim submitted for reimbursement.<sup>24</sup>

Offsetting revenues identified in the reimbursement claims totaled \$19,473 for fiscal year 2011-2012, which were identified by the Town of Danville. The source of the offsetting revenue was not identified in the claim.

**Statewide Cost Estimate**

Staff reviewed 153 unaudited reimbursement claims submitted by 23 cities and towns, four counties, and one special district, as compiled by the Controller. Staff developed the Statewide Cost Estimate based on the assumptions and methodology discussed herein.

**Table 1. Reimbursement Period Cost Estimate**

<b>A. Geomorphic Study (Section C.8.d.iii)</b>	
1. Permittees shall select a waterbody/reach, preferably one that contains significant fish and wildlife resources, and conduct one of the following projects within each county, except that only one such project must be completed within the collective Fairfield-Suisun and Vallejo Permittees’ jurisdictions: <ul style="list-style-type: none"> <li>a. Gather geomorphic data to support the efforts of a local watershed partnership [fn. omitted] to improve creek conditions; or</li> <li>b. Inventory locations for potential retrofit projects in which decentralized, landscape-based stormwater retention units can be installed; or</li> <li>c. Conduct a geomorphic study which will help in development of regional curves which</li> </ul>	\$531,203 - \$1,460,831

<sup>23</sup> Exhibit A, Test Claim Decision, pages 375-376 citing to Test Claim, 10-TC-02, pages 240-241, 248-249 (Test claim permit, Sections C.11.f., C.12.f.).

<sup>24</sup> Exhibit B, Decision and Parameters and Guidelines, page 24.

<p>help estimate equilibrium channel conditions for different-sized drainages. Select a waterbody/reach that is not undergoing changing land use. Collect and report the following data:</p> <ul style="list-style-type: none"> <li>• Formally surveyed channel dimensions (profile), planform, and cross-sections. Cross-sections shall include the topmost floodplain terrace and be marked by a permanent, protruding (not flush with ground) monument.</li> <li>• Contributing drainage area.</li> <li>• Best available information on bankfull discharges and width and depth of channel formed by bankfull discharges.</li> <li>• Best available information on average annual rainfall in the study area.</li> </ul>	
2. Report selected geomorphic project results in the Integrated Monitoring Report.	\$12,481 - \$34,335
<b>B. Sediment Delivery Estimate/Budget (Section C.8.e.vi.)</b>	
Permittees shall develop a design for a robust sediment delivery estimate/sediment budget in local tributaries and urban drainages by July 1, 2011, and implement the study by July 1, 2012.	\$184,602 - \$507,659
<b>C. Citizen Monitoring and Participation (Section C.8.f.), which Is Reimbursable for the City of Vallejo and Vallejo Sanitary District only:</b>	
1. Encourage Citizen Monitoring.	\$262,995
2. In developing Monitoring Projects and evaluating Status & Trends data, make reasonable efforts to seek out citizen and stakeholder information and comment regarding waterbody function and quality.	\$0
3. Demonstrate annually the permittee has encouraged citizen and stakeholder observations and reporting of waterbody conditions. Report on these outreach efforts in the annual Urban Creeks Monitoring Report.	\$17,996
<b>D. Monitoring Reporting and Notice (Sections C.8.g.ii., C.8.g.vii.)</b>	
1. Permittees shall maintain an information management system to support electronic transfer of data to the Regional Data Center of the California Environmental Data Exchange Network (CEDEN), located within the San Francisco Estuary Institute.	\$25,878 - \$71,154

<p>2. Permittees shall submit an Electronic Status Monitoring Data Report, compatible with the SWAMP database, no later than January 15 of each year, reporting on all data collected during the previous October 1-September 30 period. Water quality objective exceedances are required to be highlighted in the report.</p>	<p>\$416,753 - \$1,146,069</p>
<p>3. Permittees shall notify stakeholders and members of the general public about the availability of electronic and paper monitoring reports through notices distributed through appropriate means, such as an electronic mailing list.</p>	<p>\$3,777</p>
<p><b>E. Trash</b></p>	
<p>1. Short-Term Trash Load Reduction Plan (Section C.10.a.i.). All permittees, except for flood management agencies, shall submit a Short-Term Trash Load Reduction Plan, including an implementation schedule, to the Regional Board by February 1, 2012. The Plan shall describe the following:</p> <ol style="list-style-type: none"> <li>a. Control measures and best management practices, including any trash reduction ordinances, currently being implemented and the current level of implementation.</li> <li>b. Additional control measures and best management practices that will be implemented, and/or an increased level of implementation designed to attain a 40 percent trash load reduction from its MS4 by July 1, 2014.</li> <li>c. The Plan shall also “account for required mandatory minimum Full Trash Capture devices called for in Provision C.10.a.iii and Trash Hot Spot Cleanup called for in Provision C.10.b.”</li> </ol>	<p>\$489,985 - \$1,306,645</p>
<p>2. Baseline Trash Load and Trash Load Reduction Tracking Method (Section C.10.a.ii.). All permittees, except for flood management agencies, shall comply with the following new requirements:</p> <ol style="list-style-type: none"> <li>a. Determine the baseline trash load from its MS4.</li> <li>b. Submit the load level to the Regional Board by February 1, 2012. The February 1, 2012, report shall include the following: <ul style="list-style-type: none"> <li>• Documentation of the methodology used to determine the load level.</li> <li>• A description of the trash load reduction tracking method that will be used to account for trash load reduction actions and to demonstrate</li> </ul> </li> </ol>	<p>\$197,078 - \$525,533</p>

<p>progress and attainment of trash load reduction levels.</p> <ul style="list-style-type: none"> <li>The submittal shall account for the drainage areas of a Permittee's jurisdiction that are associated with the baseline trash load from its MS4, and the baseline trash load level per unit area by land use type and drainage area characteristics used to derive the total baseline trash load level for each Permittee.</li> </ul> <p>c. Submit a progress report by February 1, 2011, indicating whether the permittee is determining its baseline trash load and trash load reduction method individually or collaboratively with other Permittees and a summary of the approach being used.</p>	
<p>3. Minimum Full Trash Capture (Section C.10.a.iii.). Except as provided below, all permittees shall comply with the following requirements:</p> <p>Install and maintain a mandatory minimum number of full trash capture devices by July 1, 2014, to treat runoff from an area equivalent to 30 percent of Retail/Wholesale Land draining to MS4s within their jurisdictions. The scope of this requirement is as follows:</p> <ul style="list-style-type: none"> <li>A full capture system or device is "any single device or series of devices that traps all particles retained by a 5 mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour, storm in the subdrainage area".</li> <li>The mandatory minimum number of full trash capture devices for each permittee is identified in Attachment J to the test claim permit, Tables 10-1 and 10-2. However, if the sum of the areas generating trash loads determined pursuant to Section C.10.a.ii is a smaller acreage than the required trash capture acreage, the minimum full trash capture requirement is reduced to the smaller acreage for the population-based permittee.</li> </ul> <p>The requirements to install and maintain full trash capture devices <i>does not apply</i>:</p> <ul style="list-style-type: none"> <li>To a population-based permittee with a population less than 12,000 and</li> </ul>	<p>\$2,979,562 - \$8,193,799</p>

<p>retail/wholesale land less than 40 acres, or a population less than 2000.</p> <ul style="list-style-type: none"> <li>• To full trash capture devices installed by a permittee <i>before</i> the effective date of the test claim permit, which may be counted towards the minimum number of full trash capture devices identified in Attachment J, provided the device meets the permit’s definition of a full trash capture device.</li> </ul>	
<p>4. Trash Hot Spots (C.10.b.ii. and iii.)</p>	<p>\$157,275 - \$432,508</p>
<p>a. The permittees shall each submit selected Trash Hot Spots to the Regional Board by July 1, 2010. (Section C.10.b.ii.)</p> <p>b. Hot Spot Assessments. (Section C.10.b.iii.)</p> <p>i. The San Mateo and Fairfield-Suisun permittees shall comply with the following new requirements:</p> <ul style="list-style-type: none"> <li>• Identify the dominant types of trash (e.g., glass, plastics, paper) removed.</li> <li>• Document the trash conditions before and after clean-up of the entire hot spot using photo documentation with a minimum of one photo per 50 feet of hot spot length.</li> </ul> <p>ii. The Contra Costa permittees shall comply with the following new requirement:</p> <ul style="list-style-type: none"> <li>• Document the trash conditions before and after clean-up of the entire hot spot using photo documentation with a minimum of one photo per 50 feet of hot spot length.</li> </ul> <p>iii. The Vallejo permittees shall comply with the following new requirements:</p> <ul style="list-style-type: none"> <li>• Quantify the volume of material removed from each trash hot spot cleanup.</li> <li>• Identify the dominant types of trash removed (e.g., glass, plastics, paper).</li> <li>• Document the trash condition before and after cleanup using photo documentation, with a minimum of one photo per 50 feet of hot spot length.</li> </ul>	
<p>5. Long-Term Trash Load Reduction Plan (Section C.10.c.). All permittees, except for flood management agencies, shall submit a Long-Term Trash Load Reduction Plan, including an implementation schedule, to the Water Board by February 1, 2014. The Plan</p>	<p>\$519,930 - \$1,386,495</p>

shall describe the control measures and best management practices, including any trash reduction ordinances, that are being implemented and the level of implementation and additional control measures and best management practices that will be implemented, and/or an increased level of implementation designed to attain a 70 percent trash load reduction from its MS4 by July 1, 2017, and 100 percent by July 1, 2022.	
<p>6. Reporting and Document Retention (Sections C.10.d.i. and C.10.d.ii.)</p> <p>a. The Fairfield-Suisun, San Mateo, and Vallejo permittees shall comply with the following new requirement:</p> <ul style="list-style-type: none"> <li>• In each annual report, report on the dominant types of trash removed and retain these records.<sup>25</sup></li> </ul> <p>b. All permittees shall comply with the following new requirements:</p> <ul style="list-style-type: none"> <li>• In each Annual Report, provide total trash loads and dominant types of trash <i>for each type of action, including each trash hot spot selected</i> pursuant to Section C.10.b. and retain these records.</li> <li>• Beginning with the 2012 annual report, report the percent annual trash load reduction relative to the permittee’s baseline trash load.</li> </ul>	\$119,236 - \$327,878
<b>F. Mercury and Polychlorinated Biphenyls (PCBs) Diversion Studies (Sections C.11.f., C.12.f.)</b>	
1. Permittees shall conduct feasibility evaluations for mercury and PCBs by selecting five stormwater pump stations and five alternates for each pollutant and evaluate drainage characteristics and the feasibility of diverting flows of each to the sanitary sewer. The feasibility evaluations shall include, but not be limited to, costs, benefits, and impacts on the stormwater and wastewater agencies and the receiving waters relevant to the diversion and treatment of the dry weather and first flush flows.	\$109,918 - \$302,292
2. From these feasibility evaluations, select five pump stations and five alternates for the pilot diversion studies for each pollutant. At least one urban runoff	\$59,249 - \$162,933

<sup>25</sup> Exhibit A, Test Claim Decision, page 375 citing to Test Claim, 10-TC-02, pages 235-236 (Test claim permit, Sections C.10.d.i. and C.10.d.ii.).

diversion pilot project shall be implemented in each of the five counties (San Mateo, Contra Costa, Alameda, Santa Clara, and Solano). The pilot and alternate locations should be located in industrially-dominated catchments where elevated PCB concentrations are documented	
3. Implement flow diversion of mercury and PCBs to the sanitary sewer at five pilot pump stations.	\$51,178 - \$140,750
4. As part of the pilot studies, the permittees shall monitor, measure, and report mercury and PCBs load reduction.	\$240,356 - \$660,972
5. Report the following information to the Regional Board: a. Summarize the results of the feasibility evaluations in the 2010 Annual Report. The reports shall include the selection criteria leading to the identification of the five candidate and five alternate pump stations for pilot studies; time schedules for conducting the pilot studies; and a proposed method for distributing mercury load reductions to participating wastewater and stormwater agencies. b. Report annually on the status of the pilot studies in each subsequent annual report. c. Include in the March 15, 2014 Integrated Monitoring Report, the following information for each study: evaluation of pilot programs effectiveness, mercury and PCBs loads reduced, and updated feasibility evaluation procedures to guide future diversion project selection.	\$358,537 - \$985,982
<b>Subtotal Direct Costs</b>	<b>\$6,737,989 - \$17,930,603</b>
Indirect Costs identified	\$122,131 - \$322,751
Offsetting Revenues or Other Reimbursements	(\$19,473)
10 Percent Late Filing Penalty	(\$0 - \$1,151,536)
<b>Total Costs</b>	<b>\$6,840,647 - \$17,082,345</b>

### **Draft Proposed Statewide Cost Estimate and Comments**

On March 4, 2026, Commission staff issued the Draft Proposed Statewide Cost Estimate.<sup>26</sup> On March 16, 2026, the City of San Jose filed its comments on the Draft

<sup>26</sup> Exhibit C, Draft Proposed Statewide Cost Estimate.

Proposed Statewide Cost Estimate objecting to Assumption No. 5.<sup>27</sup> These comments are summarized and addressed below under Assumption No. 5.

### **Assumptions**

1. The amount claimed for the period of reimbursement may be higher if late or amended claims are filed. Of the 77 eligible claimants, only 28 filed claims. As noted above, no costs may be claimed after December 31, 2017. For purposes of calculating the high-end projection of this Statewide Cost Estimate, it is presumed that no late or amended claims will be filed by the 28 claimants. This Statewide Cost Estimate is based on the claims filed and the claims which the 49 eligible non-filer claimants could file late.
2. The costs for Activities C.1, C.2, and C.3. regarding citizen monitoring and participation can only be claimed by City of Vallejo and Vallejo Sanitary District. Only the District filed costs for these activities. For purposes of calculating the high-end projection of this Statewide Cost Estimate, it is presumed that no additional costs will be claimed through late claiming.
3. Activity D.3. regarding notification of stakeholders and members of the general public about the availability of electronic and paper monitoring reports was only claimed by City of Santa Clara from 2010-2011 to 2014-2015. For purposes of calculating the high-end projection of this Statewide Cost Estimate, it is presumed that no other costs will be claimed by any other claimant.
4. Activities E.1., E.2., and E.5. regarding submitting a Short-Term Trash Load Reduction Plan, Baseline Trash Load and Trash Load Reduction Tracking reports, and a Long-Term Trash Load Reduction Plan, may not be claimed by flood management agencies. For purposes of calculating the high-end projection of this Statewide Cost Estimate, no ineligible claimants will be included in calculating projected claims costs.
5. Activity E.4. includes two activities: A) a one-time activity of submitting selected Trash Hot Spots to the Regional Board by July 1, 2010 for all claimants and B) Hot Spot assessments to be performed by only the San Mateo, Fairfield-Suisun, Contra Costa, and Vallejo permittees. Thus, there should be no claimed costs for the Alameda and Santa Clara permittees after the one-time activity is completed in 2010. However, the City of San Jose, a Santa Clara permittee, claimed \$163,530 plus indirect costs of \$12,654 for Activity E.4. in fiscal year 2017-2018. For purposes of calculating the high-end projection of this Statewide Cost Estimate, this delayed claimed cost will not be included.

On March 16, 2026, the City of San Jose filed comments on the Draft Proposed Statewide Cost Estimate objecting to Assumption No. 5, as follows:

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<sup>27</sup> Exhibit D, Claimant's (City of San Jose's) Comments on the Draft Proposed Statewide Cost Estimate.

The City of San Jose disagrees that it presented a delayed claimed cost. The City of San Jose should not have been excluded from the Hot Spot Assessments in Section C.10.b.iii and should be allowed to claim costs related thereto. The City of San Jose respectfully requests that its claimed costs be included in the Statewide Cost Estimate.<sup>28</sup>

No changes to this assumption are made. First, the costs claimed by the City of San Jose, as well as all costs claimed as filed with the Controller, are included in the low-end statewide cost estimate and, thus, all of the City's claimed costs are included in the Statewide Cost Estimate.<sup>29</sup>

However, the City's costs are not included in the cost projections for possible late claims by non-filers. The Test Claim Decision concluded that the activity to assess hot spots did not mandate a new program or higher level of service for the Santa Clara permittees, which includes the City of San Jose. Hot spot assessments were only approved as new state-mandated activities for the San Mateo, Fairfield-Suisun, Contra Costa, and Vallejo permittees.<sup>30</sup> Cost projections are used to establish the amount of possible late claims by non-filers, that is, not the amount for the City of San Jose and the other 27 claimants who filed claims. Thus, for purposes of cost projections, the City of San Jose's costs claimed under Section C.10.b.iii were properly excluded as they represent statistical outliers that are not likely to be representative of costs by non-filers. In tailoring the high-end statewide cost estimate to be as reliable as possible, one-time costs and costs claimed in unexpected amounts or outside expected timelines are routinely removed from the calculation as detailed in the Assumptions. Finally, any exclusion from the cost projection calculation has no direct effect on the City of San Jose or any claimant because this Statewide Cost Estimate is created for state budgeting purposes.

6. Projected indirect costs are low because overhead was only claimed in 27 claims or 17.6% of claims filed.
7. Costs may be lower than projected if either no reimbursable costs were incurred or if costs of less than \$1,000 were incurred by non-filers, in which case a late reimbursement claim cannot be filed.<sup>31</sup>
8. Costs may be lower if the Controller audits the claims and determines that costs were improperly claimed or were not supported.

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<sup>28</sup> Exhibit D, Claimant's (City of San Jose's) Comments on the Draft Proposed Statewide Cost Estimate, page 1.

<sup>29</sup> See Methodology section, below.

<sup>30</sup> Exhibit A, Test Claim Decision, page 305.

<sup>31</sup> Government Code section 17564.

9. Costs may be lower if the Controller audits the claims and determines that other offsetting revenues (i.e., funds that are not the claimant's proceeds of taxes) were used by a claimant to pay for the reimbursement activities.

### **Methodology**

As explained below, the low-end statewide cost estimate represents the costs actually claimed. The high-end statewide cost estimate represents the costs actually claimed plus the costs that could be claimed in late claims.

Activity A.1. consists of gathering geomorphic data, inventorying locations for potential retrofit projects, or conducting a geomorphic study. Activity A.1. claims are calculated by using the average costs claimed multiplied by the number of eligible claimants that have not yet filed claims.

Activity A.1. actual costs claimed [\$531,203] / the number of filers [28] = average activity A.1. cost per filer [\$18,972]

Average activity A.1. cost per claim [\$18,972] x number of non-filers [49] = total estimated non-filed activity A.1. costs [\$929,628]

Activity A.1. actual costs claimed [\$531,203] + estimated non-filed activity A.1. costs that could be claimed in late claims [\$929,628] = Total potential activity A.1. costs [\$1,460,831]

Activity A.2. consists of reporting on gathered geomorphic data, inventoried locations for potential retrofit projects, or a geomorphic study. Activity A.2. claims are calculated by using the average costs claimed multiplied by the number of eligible claimants that have not yet filed claims.

Activity A.2. actual costs claimed [\$12,481] / the number of filers [28] = average Activity A.2. cost per filer [\$446]

Average activity A.2. cost per filer [\$446] x number of non-filers [49] = total estimated non-filer Activity A.2. costs [\$21,854]

Activity A.2. actual costs claimed [\$12,481] + estimated non-filer Activity A.2. costs that could be claimed in late claims [\$21,854] = Total potential Activity A.2. costs [\$34,335]

Activity B. consists of developing a design for a sediment delivery estimate/sediment budget in local tributaries and urban drainages. Activity B. claims are calculated by using the average costs claimed multiplied by the number of eligible claimants that have not yet filed claims.

Activity B. actual costs claimed [\$184,602] / the number of filers [28] = average Activity B. cost per filer [\$6,593]

Average activity B. cost per filer [\$6,593] x number of non-filers [49] = total estimated non-filer Activity B. costs [\$323,057]

Activity B. actual costs claimed [\$184,602] + estimated non-filer Activity B. costs that could be claimed in late claims [\$323,057] = Total potential Activity B. costs [\$507,659]

Activity C.1. consists of encouraging citizen monitoring. Activity C.1. actual costs are \$262,995. This activity only has two eligible claimants, both of which filed claims and thus, there is no projection for non-filer claimants.

Activity C.2. consists of seeking out citizen and stakeholder information and comment regarding waterbody function and quality. Activity C.2. only has two eligible claimants and neither filed claims. Thus, there is no projection for non-filer claimants.

Activity C.3. consists of demonstrating and reporting on encouraging citizen monitoring. Activity C.3. actual costs are \$17,996. This activity only has two eligible claimants, both of which filed claims and thus, there is no projection for non-filer claimants.

Activity D.1. consists of maintaining an information management system. Activity D.1. claims are calculated by using the average costs claimed multiplied by the number of eligible claimants that have not yet filed claims.

Activity D.1. actual costs claimed [\$25,878] / the number of filers [28] = average Activity D.1. cost per filer [\$924]

Average activity D.1. cost per filer [\$924] x number of non-filers [49] = total estimated non-filer Activity D.1. costs [\$45,276]

Activity D.1. actual costs claimed [\$25,878] + estimated non-filer Activity D.1. costs that could be claimed in late claims [\$45,276] = Total potential Activity D.1. costs [\$71,154]

Activity D.2. consists of annually submitting an Electronic Status Monitoring Data Report. Activity D.2. claims are calculated by using the average costs claimed multiplied by the number of eligible claimants that have not yet filed claims.

Activity D.2. actual costs claimed [\$416,753] / the number of filers [28] = average Activity D.2. cost per filer [\$14,884]

Average activity D.2. cost per filer [\$14,884] x number of non-filers [49] = total estimated non-filer Activity D.2. costs [\$729,316]

Activity D.2. actual costs claimed [\$416,753] + estimated non-filer Activity D.2. costs that could be claimed in late claims [\$729,316] = Total potential Activity D.2. costs [\$1,146,069]

Activity D.3. consists of notifying stakeholders and members of the general public about the availability of electronic and paper monitoring reports. Activity D.3. was only claimed by a single claimant with actual costs of \$3,777 and thus, there is no projection for eligible claimants that have not yet filed claims.

Activity E.1. consists of submitting a Short-Term Trash Load Reduction Plan. Activity E.1. claims are calculated by using the average costs claimed multiplied by the number

of eligible claimants that have not yet filed claims. Flood control agencies are ineligible to claim costs for this activity.

Activity E.1. actual costs claimed [\$489,985] / the number of filers [27] = average Activity E.1. cost per filer [\$18,148]

Average activity E.1. cost per filer [\$18,148] x number of non-filers [45] = total estimated non-filer Activity E.1. costs [\$816,660]

Activity E.1. actual costs claimed [\$489,985] + estimated non-filer Activity E.1. costs that could be claimed in late claims [\$816,660] = Total potential Activity E.1. costs [\$1,306,645]

Activity E.2. consists of submitting Baseline Trash Load and Trash Load Reduction Tracking reports. Activity E.2. claims are calculated by using the average costs claimed multiplied by the number of eligible claimants that have not yet filed claims. Flood control agencies are ineligible to claim costs for this activity.

Activity E.2. actual costs claimed [\$197,078] / the number of filers [27] = average Activity E.2. cost per filer [\$7,299]

Average activity E.2. cost per filer [\$7,299] x number of non-filers [45] = total estimated non-filer Activity E.2. costs [\$328,455]

Activity E.2. actual costs claimed [\$197,078] + estimated non-filer Activity E.2. costs that could be claimed in late claims [\$328,455] = Total potential Activity E.2. costs [\$525,533]

Activity E.3. consists of installing and maintaining a mandatory minimum number of full trash capture devices. Activity E.3. claims are calculated by using the average costs claimed multiplied by the number of eligible claimants that have not yet filed claims.

Activity E.3. actual costs claimed [\$2,979,562] / the number of filers [28] = average Activity E.3. cost per filer [\$106,413]

Average activity E.3. cost per filer [\$106,413] x number of non-filers [49] = total estimated non-filer Activity E.3. costs [\$5,214,237]

Activity E.3. actual costs claimed [\$2,979,562] + estimated non-filer Activity E.3. costs that could be claimed in late claims [\$5,214,237] = Total potential Activity E.3. costs [\$8,193,799]

Activity E.4. consists of submitting selected Trash Hot Spots to the Regional Board or, for certain claimants, performing Hot Spot assessments. Activity E.4. claims are calculated by using the average costs claimed multiplied by the number of eligible claimants that have not yet filed claims.

Activity E.4. actual costs claimed [\$157,275] / the number of filers [28] = average Activity E.4. cost per filer [\$5,617]

Average activity E.4. cost per filer [\$5,617] x number of non-filers [49] = total estimated non-filer Activity E.4. costs [\$275,233]

Activity E.4. actual costs claimed [\$157,275] + estimated non-filer Activity E.4. costs that could be claimed in late claims [\$275,233] = Total potential Activity E.4. costs [\$432,508]

Activity E.5. consists of submitting a Long-Term Trash Load Reduction Plan. Activity E.5. claims are calculated by using the average costs claimed multiplied by the number of eligible claimants that have not yet filed claims. Flood control agencies are ineligible to claim costs for this activity.

Activity E.5. actual costs claimed [\$519,930] / the number of filers [27] = average Activity E.5. cost per filer [\$19,257]

Average activity E.5. cost per filer [\$19,257] x number of non-filers [45] = total estimated non-filer Activity E.5. costs [\$866,565]

Activity E.5. actual costs claimed [\$519,930] + estimated non-filer Activity E.5. costs that could be claimed in late claims [\$866,565] = Total potential Activity E.5. costs [\$1,386,495]

Activity E.6. consists of annually providing total trash loads and dominant types of trash. Activity E.6. claims are calculated by using the average costs claimed multiplied by the number of eligible claimants that have not yet filed claims.

Activity E.6. actual costs claimed [\$119,236] / the number of filers [28] = average Activity E.6. cost per filer [\$4,258]

Average activity E.6. cost per filer [\$4,258] x number of non-filers [49] = total estimated non-filer Activity E.6. costs [\$208,642]

Activity E.6. actual costs claimed [\$119,236] + estimated non-filer Activity E.6. costs that could be claimed in late claims [\$208,642] = Total potential Activity E.6. costs [\$327,878]

Activity F.1. consists of conducting feasibility evaluations for mercury and PCBs. Activity F.1. claims are calculated by using the average costs claimed multiplied by the number of eligible claimants that have not yet filed claims.

Activity F.1. actual costs claimed [\$109,918] / the number of filers [28] = average Activity F.1. cost per filer [\$3,926]

Average activity F.1. cost per filer [\$3,926] x number of non-filers [49] = total estimated non-filer Activity F.1. costs [\$192,374]

Activity F.1. actual costs claimed [\$109,918] + estimated non-filer Activity F.1. costs that could be claimed in late claims [\$192,374] = Total potential Activity F.1. costs [\$302,292]

Activity F.2. consists of selecting pilot pump stations for the feasibility evaluations for mercury and PCBs. Activity F.2. claims are calculated by using the average costs claimed multiplied by the number of eligible claimants that have not yet filed claims.

Activity F.2. actual costs claimed [\$59,249] / the number of filers [28] = average Activity F.2. cost per filer [\$2,116]

Average activity F.2. cost per filer [\$2,116] x number of non-filers [49] = total estimated non-filer Activity F.2. costs [\$103,684]

Activity F.2. actual costs claimed [\$59,249] + estimated non-filer Activity F.2. costs that could be claimed in late claims [\$103,684] = Total potential Activity F.2. costs [\$162,933]

Activity F.3. consists of implementing flow diversion of mercury and PCBs to the sanitary sewer at five pilot pump stations. Activity F.3. claims are calculated by using the average costs claimed multiplied by the number of eligible claimants that have not yet filed claims.

Activity F.3. actual costs claimed [\$51,178] / the number of filers [28] = average Activity F.3. cost per filer [\$1,828]

Average activity F.3. cost per filer [\$1,828] x number of non-filers [49] = total estimated non-filer Activity F.3. costs [\$89,572]

Activity F.3. actual costs claimed [\$51,178] + estimated non-filer Activity F.3. costs that could be claimed in late claims [\$89,572] = Total potential Activity F.3. costs [\$140,750]

Activity F.4. consists of monitoring, measuring, and reporting mercury and PCBs load reduction. Activity F.4. claims are calculated by using the average costs claimed multiplied by the number of eligible claimants that have not yet filed claims.

Activity F.4. actual costs claimed [\$240,356] / the number of filers [28] = average Activity F.4. cost per filer [\$8,584]

Average activity F.4. cost per filer [\$8,584] x number of non-filers [49] = total estimated non-filer Activity F.4. costs [\$420,616]

Activity F.4. actual costs claimed [\$240,356] + estimated non-filer Activity F.4. costs that could be claimed in late claims [\$420,616] = Total potential Activity F.4. costs [\$660,972]

Activity F.5. consists of annual reporting on the feasibility evaluations and status of pilot studies. Activity F.5. claims are calculated by using the average costs claimed multiplied by the number of eligible claimants that have not yet filed claims.

Activity F.5. actual costs claimed [\$358,537] / the number of filers [28] = average Activity F.5. cost per filer [\$12,805]

Average activity F.5. cost per filer [\$12,805] x number of non-filers [49] = total estimated non-filer Activity F.5. costs [\$627,445]

Activity F.5. actual costs claimed [\$358,537] + estimated non-filer Activity F.5. costs that could be claimed in late claims [\$627,445] = Total potential Activity F.5. costs [\$985,982]

**Indirect Costs:** The low end of the range for indirect costs is those indirect costs actually claimed. The high end, in addition to indirect costs actually claimed, assumes that all eligible claimants who have not yet filed claims will file claims for indirect costs at

the same average rate actually claimed, which is calculated by dividing indirect costs claimed by direct costs claimed equals average indirect cost rate (as a percentage). Then multiply the average indirect cost rate by the estimated direct costs.

Indirect Costs Actually Claimed [\$122,131] / Direct Costs Actually Claimed [\$6,737,989] = Average Indirect Cost Rate [1.8%].

Indirect Cost Rate [1.8%] x Estimated Direct Costs (sum of all claimed and estimated activity costs for the initial claim period) [\$17,930,603] = High End of the Estimated Indirect Costs [\$322,751].

**Offsetting Revenues:** The low end of the range for offsetting revenues is the total amount of offsetting revenues actually claimed. Offsetting revenue was only claimed by one claimant for a single fiscal year and thus, there is no projection for eligible claimants that have not yet filed claims.

**Late Filing Penalties:** The low end is \$0 because none of the claims compiled by the Controller were assessed a late filing penalty. The high end assumes all eligible claimants, who have not yet filed, will file claims for reimbursement, which will be subject to a late filing penalty. The costs for potential late claims are estimated by adding estimated non-filed direct and indirect costs and subtracting offsets to get net costs. Finally, the net costs are multiplied by a ten percent late filing penalty to estimate the high-end late filing penalties.

Estimated Non-filer Direct Costs [\$11,192,614] + Estimated Non-filer Indirect Costs [\$322,751] – Estimated Non-filer Offsets [\$0] = Estimated Non-filer Net Costs [\$11,515,365].

Estimated Non-filer Net Costs [\$11,515,365] x (10% late filing penalty) = Estimated Non-filer Late Filing Penalties [\$1,151,536].

Actual Late Filing Penalties [\$0] + Estimated Non-filer Late Filing Penalties [\$1,151,536] = High End of Estimated Late Filing Penalties [\$1,151,536].

### **Draft Proposed Statewide Cost Estimate**

On March 23, 2026, Commission staff issued the Draft Proposed Statewide Cost Estimate.<sup>32</sup> On March 16, 2026, the claimant (City of San Jose) filed comments on the Draft Proposed Statewide Cost Estimate.<sup>33</sup>

### **Conclusion**

On June 12, 2026, the Commission adopted this Statewide Cost Estimate of \$6,840,647 – \$17,082,345 for the Initial Claim Period that began on December 1, 2009 and ends on December 31, 2017.

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<sup>32</sup> Exhibit C, Draft Proposed Statewide Cost Estimate.

<sup>33</sup> Exhibit D, Claimant's (City of San Jose) Comments on the Draft Proposed Statewide Cost Estimate.

## 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 June 17, 2026, I served the:

- **Current Mailing List dated June 9, 2026**
- **Statewide Cost Estimate adopted June 12, 2026**

*California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2009-0074, 10-TC-02, 10-TC-03, and 10-TC-05*  
California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2009-0074, Sections C.8.d.iii., C.8.e.vi., C.8.f., C.8.g.ii., C.8.g.vii., C.10.a.i., C.10.a.ii., C.10.a.iii., C.10.b.ii., C.10.b.iii., C.10.c., C.10.d.i., C.10.d.ii., C.11.f., and C.12.f.; Adopted October 14, 2009, and Effective December 1, 2009

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 June 17, 2026 at Sacramento, California.



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Jill Magee  
Commission on State Mandates  
980 Ninth Street, Suite 300  
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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 6/9/26

**Claim Number:** 10-TC-02, 10-TC-03, and 10-TC-05

**Matter:** California Regional Water Quality Control Board, San Francisco Bay Region,  
Order No. R2-2009-0074

**Claimants:** City of Dublin  
City of San Jose  
County of Santa Clara

### 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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