



October 5, 2023

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3301 C Street, Suite 740
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And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: Notice of Waiver of Procedural Requirements, Extension Request Approval, and Postponement of Hearing

San Diego Regional Water Quality Control Board Order No. R9-2007-0001, Permit CAS0108758, Parts D.3.a.(3)(b)(iii), D.5.a.(1), D.5.a.(2), D.5.b.(1)(a), D.5.b.(1)(b)(iii-vi), D.5.b.(1)(c), D.5.b.(1)(d), D.5.b.(2), D.5.b.(3), E.2.f., E.2.g., F.1., F.2., F.3., I.1., I.2., I.5., J.3.a.(3)(c)(iv)-(viii), (x)-(xv), the first sentence of L.1. as it applies to the newly mandated activities, and L.1.a.(3)-(6), 07-TC-09-R County of San Diego, Cities of Carlsbad, Del Mar, Imperial Beach, Lemon Grove, Poway, San Marcos, Santee, Solana Beach, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, San Diego, and Vista, Claimants

Dear Mr. Deak, Ms. Hagan, Ms. Krogseng, and Ms. Sidarous:

On October 2, 2023, the Commission on State Mandates (Commission) received the claimants' request for a Waiver of Procedural Requirements, a four-month and three day extension of time to file written comments on the above-captioned Draft Proposed Decision and Proposed Parameters and Guidelines, currently due on October 16, 2023 and for postponement of the hearing, currently set for December 1, 2023.

Specifically, the request states that it includes a stipulation of the parties wherein all have agreed to a six-month extension of the time to submit comments on the Draft Proposed Decision. And, the request states that the parties also stipulated that the Department of Finance, the State Controller's Office, and the Water Boards may also have six months to respond to comments on the Draft Proposed Decision and that the hearing date may be postponed accordingly.

Finally, the request includes a stipulation, signed by each of the parties, that CSM may grant a six-month extension of time to submit written comments on the Draft Proposed Decision from the original due date (to February 19, 2024) and may grant the

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Department of Finance, the Water Boards, and the State Controller's Office six months from the date the County submits its written comments and proposed RRM, up to and including August 19, 2024, to review, file comments on, and make any objections to the County's written comments and proposed RRM, and that the matter will be set for hearing at CSM's next regularly scheduled meeting after November 24, 2024.

Government Code section 17553(a)(3) permits "the hearing of a claim to be postponed at the request of the claimant, without prejudice, until the next scheduled hearing." Similarly, section 1183.18(a)(4) of the Commission's regulations provides that "If a party or interested party to a test claim notifies Commission staff that a reasonable reimbursement methodology may be developed for inclusion in pending parameters and guidelines, the days following the date of the notification up to the date on which a reasonable reimbursement methodology is developed, shall be tolled and may not be counted toward the date on which a statewide cost estimate must be adopted by the Commission. The days tolled shall not exceed 60 days from the date of the notification." Additionally, Section 1183.18(b)(1) of the Commission's regulations (Timelines), arguably limits the extension approval to 60 days since days beyond the 60 are not counted towards tolling the time to adopt an a statewide cost estimate. Taken together, these authorities generally restrict extensions to not more than 60 days and postponements to the next regular hearing date.

Government Code section 17554 permits with the agreement of all parties to the claim, the commission may waive the application of any procedural requirement imposed by this chapter or pursuant to Section 17553.

Section 1187.9(a) of the Commission's regulations provide that any party or interested party to a matter may request an extension of time by filing a request with the executive director before the date set for filing of comments or rebuttals with Commission staff on that matter. The request shall fully explain the reasons for the extension, propose a new date for filing, and be certified, filed, and served in accordance with section 1181.3 of these regulations. A request that would necessitate rescheduling a hearing shall also include a request for postponement of the hearing, pursuant to subdivision (b) of this section. (Cal. Code. Regs., tit. 2 § 1187.9(a).)

Section 1187.9(b) of the Commission's regulations provide that while postponements are disfavored and pursuant to Government Code section 17530, the executive director has a duty to expedite all matters before the Commission, a request for postponement until the next regularly scheduled hearing, filed by the claimant at least 15 days before the hearing, shall be approved by the executive director for good cause. (Cal. Code. Regs., tit. 2 § 1187.9(b)(3)(A).) Circumstances that indicate good cause in this case include: the number and complexity of the issues. (Cal. Code. Regs., tit. 2 § 1187.9(b)(1)(F).)

Therefore, a six-month extension from the original due date is approved and the claimants' comments on the Draft Proposed Decision and Parameters and Guidelines are now due by **5:00 p.m. on February 19, 2024** and a six-month comment period extending to **5:00 p.m. on August 19, 2024** will be provided to the Department of Finance, the State Controller, and the Water Boards.

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In addition, this matter is now tentatively set for hearing on Friday, **January 24, 2025**.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Halsey". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Heather Halsey
Executive Director

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.

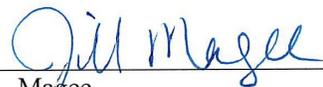
On October 5, 2023, I served the:

- **Current Mailing List dated October 3, 2023**
- **Notice of Waiver of Procedural Requirements, Extension Request Approval, and Postponement of Hearing issued October 5, 2023**

San Diego Regional Water Quality Control Board Order No. R9-2007-0001, Permit CAS0108758, Parts D.3.a.(3)(b)(iii), D.5.a.(1), D.5.a.(2), D.5.b.(1)(a), D.5.b.(1)(b)(iii-vi), D.5.b.(1)(c), D.5.b.(1)(d), D.5.b.(2), D.5.b.(3), E.2.f., E.2.g., F.1., F.2., F.3., I.1., I.2., I.5., J.3.a.(3)(c)(iv)-(viii), (x)-(xv), the first sentence of L.1. as it applies to the newly mandated activities, and L.1.a.(3)-(6), 07-TC-09-R County of San Diego, Cites of Carlsbad, Del Mar, Imperial Beach, Lemon Grove, Poway, San Marcos, Santee, Solana Beach, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, San Diego, and Vista, 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 5, 2023 at Sacramento, California.



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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 10/3/23

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Matter: San Diego Regional Water Quality Control Board Order No. R9-2007-0001
Permit CAS0108758 Parts D.1.d.(7)-(8), D.1.g., D.3.a.(3), D.3.a.(5), D.5, E.2.f,
E.2.g, F.1, F.2, F.3, I.1, I.2, I.5, J.3.a.(3)(c)iv-viii & x-xv, and L.

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City of Chula Vista
City of Del Mar
City of Encinitas
City of Escondido
City of Imperial Beach
City of La Mesa
City of Lemon Grove
City of National City
City of Oceanside
City of Poway
City of San Diego
City of San Marcos
City of Santee
City of Solana Beach
City of Vista

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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