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March 16, 2026

Commission on State Mandates
980 9th Street, Suite 300
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Via e-Filing through CSM Dropbox

Re: Unfunded Mandate - Cal. Regional Water Quality Control Board – City of San Jose Response to Draft Proposed Statewide Cost Estimate – California Regional Water Quality Control Board, San Francisco Region, Order No. R2-2009-0074, 10-TC-02, 10-TC-03, 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

Dear State of California Commission on State Mandates:

The City of San Jose provides this response to the March 4, 2026 Draft Proposed Statewide Cost Estimate regarding California Regional Water Quality Control Board, San Francisco Region, Order No. R2-2009-0074, 10-TC-02, 10-TC-03, 10-TC-05.

The City of San Jose disagrees with Assumption No.5 on page 16 of the Draft Proposed Statewide Cost Estimate. This assumption reads: “[t]he 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 this Statewide Cost Estimate, this delayed claimed cost will not be included.”

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.

Very truly yours,

SUSANA ALCALA WOOD, City Attorney



By: _____
WESLEY KLIMCZAK
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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 17, 2026, I served the:

- **Current Mailing List dated March 5, 2026**
- **Claimant's (City of San Jose) Comments on the Draft Proposed Statewide Cost Estimate filed March 16, 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 March 17, 2026 at Sacramento, California.



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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/5/26

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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