

State Water Resources Control Board

RECEIVED
April 17, 2017
*Commission on
State Mandates*

April 17, 2017

VIA DROP BOX

Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: *California Regional Water Quality Control Board, Santa Ana Region
Order No. R8-2010-0033, 10-TC-07, Request for Extension*

Dear Ms. Halsey:

By letter dated April 7, 2017, the Commission on State Mandates (Commission) requested the following additional information from the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) and the State Water Resources Control Board (State Water Board) (collectively, Water Boards):

- (a) copy of the full administrative record of the California [Regional] Water Quality Control Board, Santa Ana Region Permit Order No. R8-2009-0030, National Pollutant Discharge Elimination System (NPDES) No. CAS618030; and
- (b) copy of the full administrative record of the California State Water Resources Control Board Permit Order No. R8-2009-0030 (NPDES no. CAS618030).
- (c) additional briefing regarding how the California Supreme Court opinion in *Department of Finance v. Commission on State Mandates* (County of Los Angeles) (2016) 1 Cal.5th 749 applies with regard to the specific activities alleged to impose a state mandate in this test claim.

This letter also requested that the Joint Test Claimants provide rebuttal comments and additional briefing on the recent Supreme Court decision. The April 7, 2017 letter set a deadline of May 8, 2017 for all submissions from all parties.

By letter dated April 11, 2017, the Joint Test Claimants requested that the deadline for submission of rebuttal comments be extended to May 31, 2017. The Joint Test Claimants did not request extension of the deadline for submission of their additional briefing. By letter dated April 13, 2017, the Commission granted this request. Thus, aside from the Joint Test Claimant's rebuttal comments, all remaining submissions requested in the April 7, 2017 letter are due no later than May 8, 2017.

For the reasons set forth below, the Water Boards respectfully request that the Commission extend the deadline for all remaining submissions from all parties to May 31, 2017. I am the Santa Ana Water Board's sole legal counsel, and the only legal counsel assigned to this test claim. Competing work priorities, including preparing for an upcoming April 28, 2017 Santa Ana Water Board meeting and several court hearings during the following week, leaves limited time for me to prepare the requested submissions by the May 8, 2017 deadline. Additionally, Water Boards' staffs, who will be assisting in the preparation of the voluminous administrative record and additional briefing, are similarly time constrained. Several key staff are scheduled for upcoming vacations or otherwise unavailable during the next few weeks.

Pursuant to section 2 Cal. Code Reg. § 1187.9(a), 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, a request for extension shall be approved. The Commission is scheduled to hear this test claim on December 1, 2017. The Water Boards appreciate the Commission's desire to maintain its schedule for this test claim, and respectfully submit that the requested extension will not cause the postponement of the December 1, 2017 hearing date or otherwise delay the work of Commission staff in consideration of this test claim. Additionally, by establishing the same May 31, 2017 deadline for all submissions from all parties, all parties will be placed on equal footing and there will be no prejudice to any party or interested party from the requested extension.

Therefore, the State Water Board and Santa Ana Water Board respectfully request that the Commission set a deadline of May 31, 2017 for all submissions requested in the April 7, 2017 letter.

Please do not hesitate to contact me with any questions at (916) 341-5182 or David.Rice@waterboards.ca.gov.

Very Truly Yours,



David Rice
Senior Staff Counsel

cc: Mailing List [via Commission Drop Box]

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

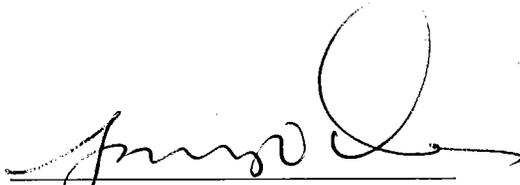
I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On April 19, 2017, I served the:

SWRCB Extension Request and Notice of Extension Request Approval
California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2010-0033, 10-TC-07
County of Riverside, Riverside County Flood Control and Water Conservation District,
Cities of Beaumont, Corona, Hemet, Lake Elsinore, Moreno Valley, Perris, and San Jacinto, 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 April 19, 2017 at Sacramento, California.



Lorenzo Duran
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/12/17

Claim Number: 10-TC-07

Matter: California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2010-0033

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City of Corona
City of Hemet
City of Lake Elsinore
City of Moreno Valley
City of Perris
City of San Jacinto
County of Riverside
Riverside County Flood Control and Water Conservation 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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