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ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

**RECEIVED**  
May 08, 2018  
**Commission on  
State Mandates**

May 8, 2018

VIA CSM DROPBOX

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

*CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION,  
ORDER NO. R4-2012-0175, 13-TC-01 AND 13-TC-02: REQUEST FOR ADDITIONAL TWO-  
WEEK EXTENSION OF TIME TO SUBMIT COMMENTS*

Dear Ms. Halsey:

On April 11, 2018, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) and State Water Resources Control Board (collectively, Water Boards) requested an extension of time to submit written comments in the above-referenced matter. The Commission granted that request and written comments are currently due by May 18, 2018. For the reasons described below, the Water Boards respectfully request an additional two-week extension of time to submit written comments on the Test Claims relating to the 2012 Los Angeles County Municipal Separate Storm Sewer System (MS4) Permit, Los Angeles Water Board Order No. R4-2012-0175. If granted, the Water Boards will submit its comments no later than **June 1, 2018**.

The Water Boards request this additional extension of time to submit written comments analyzing the merits of the Test Claims for the reasons that follow. First, since April 11, 2018, when the Water Boards requested an extension to submit comments on the Test Claims, the Water Boards have experienced additional unforeseen circumstances that have limited our ability to work on this matter. Board staff and myself spent significant more time than originally anticipated on supplemental briefing due to the court last week. In addition, the Water Boards have an additional court submission due next week that will require input and support to the Attorney General's Office by myself and Board staff. Second, in addition to a new Executive Officer of the Los Angeles Water Board, the State Water Board's Assistant Chief Counsel for the Regional Board Legal Services Unit recently retired, and a new Assistant Chief Counsel has since been selected. These transitions have required, and will continue to require, myself and key Board staff to assume additional responsibilities to ensure a smooth transition. For example, one of the key MS4 staff working on this matter will be Acting Assistant Executive Officer for the next several weeks. Additional review time will also be required. Third, as I noted in my prior requests, I am the attorney assigned to Los Angeles Water Board test claim matters and am preparing comments on behalf of the Water Boards. In addition to working on test claims matters, Board staff and I are also responsible for other priority duties that limit our ability to exclusively work on this matter, including preparing orders for consideration by the Board at its monthly meetings and working with the Attorney General's Office on other existing litigation matters. As I mentioned in our prior request,


FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

the Los Angeles Water Board agendas for meetings scheduled this week and next month are especially full. Since our last request, I have spent significantly more time than originally anticipated assisting Board staff in preparing for these meetings. Accordingly, despite our best efforts, the Water Boards are unable to prepare combined written comments on the Test Claims by May 18, 2018 as we had originally anticipated. Extending the deadline as requested will provide the Water Boards with the necessary time to submit combined comments on the Test Claims, as well as tend to our other work and litigation responsibilities. The Water Boards fully intend to make every effort to submit our comments as soon as possible, but not later than **June 1, 2018**.

The hearing on the Test Claims is tentatively scheduled for January 25, 2019. The Water Boards understand that granting this request for a two-week extension may necessitate rescheduling the hearing. Based on consideration of the above reasons, the Water Boards therefore also request a postponement to the next regularly scheduled hearing pursuant to section 1187.9, subdivision (b), of the Commission's regulations. The Water Boards do not believe that granting this extension or request for postponement of the hearing will cause any prejudice to any party or interested party.

Therefore, for the reasons set forth above, the Water Boards respectfully request that the deadline for submission of written comments on the Test Claims be extended an additional two weeks to **June 1, 2018** and that the hearing on this matter be postponed to the next regularly scheduled hearing. The Water Boards believe that good cause exists to allow the Executive Director to grant this requested extension and postponement of the hearing and appreciates your consideration of this request. Please let me know if you have any questions. I can be reached at (916) 324-6682 or at [Jennifer.Fordyce@waterboards.ca.gov](mailto:Jennifer.Fordyce@waterboards.ca.gov).

Sincerely,



Jennifer L. Fordyce  
Attorney IV

cc: Service List via CSM Dropbox

**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 May 10, 2018, I served the:

- **Notice of Extension Request Approval issued May 10, 2018**
- **SWRCB's and LARWQCB'S Request for Extension of Time and Postponement of Hearing filed May 8, 2018**

*California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2012-0175, 13-TC-01 and 13-TC-02*

Cities of Agoura Hills, Bellflower, Beverly Hills, Carson, Cerritos, Commerce, Downey, Huntington Park, Lakewood, Manhattan Beach, Norwalk, Pico Rivera, Rancho Palos Verdes, Redondo Beach, San Marino, Santa Clarita, Santa Fe Springs, Signal Hill, South El Monte, Vernon, Westlake Village, and Whittier, County of Los Angeles, and Los Angeles County Flood Control District, 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 May 10, 2018 at Sacramento, California.



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**Last Updated:** 4/18/18

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**Matter:** California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2012-0175

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City of Bellflower  
City of Beverly Hills  
City of Carson  
City of Cerritos  
City of Commerce  
City of Downey  
City of Huntington Park  
City of Lakewood  
City of Manhattan Beach  
City of Norwalk  
City of Pico Rivera  
City of Rancho Palos Verdes  
City of Redondo Beach  
City of San Marino  
City of Santa Clarita  
City of Santa Fe Springs  
City of Signal Hill  
City of South El Monte  
City of Vernon  
City of Westlake Village  
City of Whittier  
County of Los Angeles  
Los Angeles County Flood Control 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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