



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

September 19, 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, San Diego Region, Order No. R9-2013-0001, 14-TC-03, County of San Diego, Claimant

### REQUEST FOR EXTENSION OF TIME TO SUBMIT COMMENTS AND TO SUBMIT THE ADMINISTRATIVE RECORD FOR ORDER NO. R9-2013-0001 ("Test Claim 14-TC-03")

Dear Ms. Halsey:

I write to request a third extension of time to respond to Test Claim 14-TC-03. I have recently been asked to draft the California Regional Water Quality Control Board, San Diego Region's ("San Diego Water Board") and the State Water Resources Control Board's ("State Water Board") (together, the "Water Boards") Response to Test Claim 14-TC-03. Currently, the Water Boards' response to Test Claim 14-TC-03 is due October 9, 2017. The response time has twice been extended by the Commission on State Mandates ("Commission"), most recently by the Notice of Extension Request Approval Letter dated August 21, 2017. (See <https://www.csm.ca.gov/matters/documents/SWRCBandSDRWQCBExtok082117.pdf>.) For the reasons set forth below, the Water Boards request an additional 30 days, until **November 8, 2017**, to respond to Test Claim 14-TC-03.

I recently joined the Water Board staff as an attorney, and I have been asked to respond to Test Claim 14-TC-03. The Water Boards want to closely evaluate Test Claim 14-TC-03 and the numerous provisions alleged to be unfunded state mandates, as well as the funding source and authority issues identified by the Commission in its Notice. The Water Boards do not believe they will be able to do so and submit the administrative record for the underlying permit by October 9, 2017. Inclusive of attachments, the revised Test Claim exceeds 1000 pages and identifies at least eight separate permit provisions as unfunded mandates. As a new member of the Water Board staff, I need additional time to get up to speed, review the record, consult with San Diego Water Board's staff, and adequately respond to Test Claim 14-TC-03. I anticipate it will require extensive attorney and staff time to research and prepare a thorough response and finalize the preparation of the record for the underlying permit.<sup>1</sup>

<sup>1</sup> Although the administrative record is largely prepared, it will need to be reviewed, tailored and modified for this particular Test Claim, because it was originally prepared for a different matter.

Section 1187.9(a) of the Commission's regulations provides that, as long as a postponement of the hearing would not be required, there is no prejudice to any party or interested party, and there is no other good reason for a denial, a request for extension of time to file comments shall be approved. In this case, the Water Boards do not believe that postponement of the actual hearing (tentatively scheduled for next year, on September 28, 2018) will be required if the extension is granted. Similarly, the Water Boards are not aware of any prejudice to any party or interested party, or any other good reason, to deny the request for more time to respond. Accordingly, and for the reasons set forth above, the Water Boards respectfully request that the deadline for submission of written comments on the Test Claim and the administrative record for the underlying permit be extended for 30 days, to November 8, 2017.

In closing, I would request, too, that I be added to the mailing and service list for this particular Test Claim. My email is [Sophie.Froelich@waterboards.ca.gov](mailto:Sophie.Froelich@waterboards.ca.gov).

The Water Boards appreciate your consideration of this request. Please let me know if you have any questions or concerns. I can be reached at (916) 319-8557 or by email, above.

Sincerely,



Sophie N. Froelich  
Attorney III  
Office of Chief Counsel

cc: Service 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.

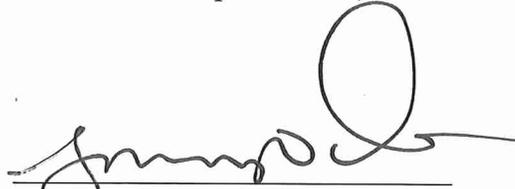
On September 21, 2017, I served the:

- **Notice of Extension Request Approval issued September 21, 2017**
- **SWRCB and SDRWQCB Request for Extension of Time filed September 19, 2017**

*San Diego Region Water Permit – County of San Diego, 14-TC-03*  
California Regional Water Quality Control Board San Diego Region  
Order No. R9-2013-0001  
County of San Diego, Claimant

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 September 21, 2017 at Sacramento, California.



Lorenzo Duran  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 9/19/17

**Claim Number:** 14-TC-03

**Matter:** California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001

**Claimant:** County of San Diego

### 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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