



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

**RECEIVED**  
September 23, 2016  
**Commission on  
State Mandates**

September 23, 2016

### VIA DROP BOX

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

*San Diego Region Order No. R9-2015-0100 and Order No. R9-2015-0001, 15-TC-02*  
California Regional Water Quality Control Board, San Diego Region, Order No. R9-2015-0100, an Order Amending Order No. R9-2013-0001, NPDES No. CAS0109266, as Amended by Order No. R9-2015-0001, Adopted on November 18, 2015, County of Orange, Orange County Flood Control District, and the Cities of Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, Rancho Santa Margarita, San Clemente, and San Juan Capistrano, Claimants

### **REQUEST FOR EXTENSION OF TIME TO SUBMIT COMMENTS OF THE STATE WATER RESOURCES CONTROL BOARD AND THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION**

Dear Ms. Halsey:

By letter dated September 9, 2016, the Commission on State Mandates (Commission) issued a Notice of Complete Joint Test Claim filing in the above Test Claim. The Notice requests parties to submit written comments on the Test Claim on or before October 10, 2016. The notice also tentatively sets the Test Claim for hearing before the Commission on September 28, 2018. The State Water Resources Control Board (State Water Board) and the San Diego Regional Water Quality Control Board (San Diego Water Board) intend to submit written comments on the Test Claim but request an extension of time in which to do so.

Section 1187.9, subdivision (a), of the Commission's regulations provides that as 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 of time to file comments on a test claim shall be approved.

The Water Boards are presently focusing resources on evaluating the merits of the Test Claim in 10-TC-11. That matter is tentatively set for hearing on March 24, 2017, and written comments are due on or before October 10, 2016.

The Water Boards request an extension of approximately 90 days to submit comments in the recent Test Claim, 15-TC-02. An extension of time will not require postponement of the September 2018 hearing and the Water Boards are not aware of any prejudice to any party or interested person or any other good reason that the request for more time should not be granted. Moreover, good reason exists to extend the time for approximately 90 days. Because a petition for rehearing has been filed in the matter of *State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Control Board, Los Angeles Region v. Commission on State Mandates and County of Los Angeles, et al.*, Case No. S214855, the decision is not yet final. The Supreme Court has extended the time in which it may consider the petition for rehearing until November 27, 2016. Should the California Supreme Court decide to rehear the matter or to modify its decision in any way, we expect that may affect how the comments on the Test Claim are framed. Accordingly, on behalf of the Water Boards, I request that the Commission extend the deadline to submit comments on this matter until January 9, 2017.

The Water Boards appreciate your consideration of this request for extension. Please let me know if you have any questions. I can be reached at (619) 521-3012 or by e-mail at [Catherine.Hagan@waterboards.ca.gov](mailto:Catherine.Hagan@waterboards.ca.gov).

Sincerely,



Catherine George Hagan  
Senior Staff Counsel

cc: Service List **[via Commission Drop Box]**  
**[via e-mail only]**

Adriana Nunez, Attorney, State Water Resources Control Board  
David W. Gibson, Executive Officer, San Diego Water Board  
James G. Smith, Assistant Executive Officer, San Diego Water Board  
David T. Barker, Supervising Water Resource Control Engineer, San Diego Water Board  
Laurie A. Walsh, Senior Water Resource Control Engineer, San Diego Water Board  
Tom Howard, Executive Director, State Water Resources Control Board  
Michael A.M. Lauffer, Chief Counsel, State Water Resources Control Board

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

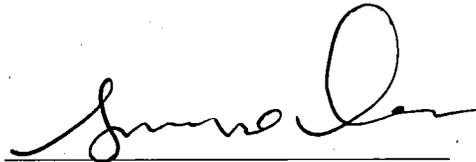
I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On September 26, 2016, I served the:

**SWRCB Request for Extension and Notice of Extension Request Approval**  
*San Diego Region Order No. R9-2015-0100 and Order No. R9-2015-0001, 15-TC-02*  
California Regional Water Quality Control Board, San Diego Region,  
Order No. R9-2015-0100, an Order Amending Order No. R9-2013-0001,  
NPDES No. CAS0109266, as Amended by Order No. R9-2015-0001,  
Adopted on November 18, 2015  
County of Orange, Orange County Flood Control District, and the Cities of  
Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Lake Forest,  
Mission Viejo, Rancho Santa Margarita, San Clemente, and San Juan Capistrano,  
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 September 26, 2016 at Sacramento, California.



Lorenzo Duran Jr.  
Commission on State Mandates  
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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 9/14/16

**Claim Number:** 15-TC-02

**Matter:** San Diego Region Order No. R9-2015-0100 and Order No. R9-2015-0001

**Claimants:** City of Aliso Viejo  
City of Dana Point  
City of Laguna Beach  
City of Laguna Hills  
City of Laguna Niguel  
City of Lake Forest  
City of Mission Viejo  
City of Rancho Santa Margarita  
City of San Clemente  
City of San Juan Capistrano  
County of Orange  
Orange 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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