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March 31, 2026

Via Drop Box

Juliana F. Gmur
Executive Director
Commission on State Mandates
980 9th Street, Ste. 300
Sacramento, CA 95814



Re: Request for Extension of April 14, 2026 Deadline to Respond to December 23, 2025 Proposed Draft Decision regarding San Francisco Bay Regional Water Quality Control Board Order No. R2-2015-0049 Pending Test Claim No. 16-TC-03; Request for Postponement of August 14, 2026 Hearing

Dear Ms. Gmur:

Our office represents the Alameda Countywide Clean Water Program and its members as well as claimant Union City, who have incurred costs related to the San Francisco Bay Regional Water Quality Control Board's municipal regional stormwater permit, Order No. R2-2015-0049, which is the second municipal regional permit ("MRP 2") that regulates the discharge of stormwater runoff from the municipal separate storm sewer systems ("MS4s") within the jurisdiction of Bay Area regional stormwater programs. The Program and Claimant request a 60-day extension of the April 14, 2026 deadline through June 12, 2026 to submit comments to Draft Proposed Decision ("DPD") on the above-referenced test claim ("2016 Test Claim"). We also request a 60-day postponement of the August 14, 2026 hearing on the 2016 Test Claim through October 9, 2026. Normally, an extension of time of up to 60 days is permissible. (*See* Cal. Code Regs., tit. 2 § 1183.18(b)(1) and Commission's Jan. 13, 2026 letter.)

Section 1187.9(a) of the Commission's regulations provides that any party or interested party to a matter may request an extension of time by filing a request with the executive director before the date set for filing of comments with Commission staff on that matter. The request

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shall fully explain the reasons for the extension, propose a new date for filing, and be certified, filed, and served in accordance with section 1181.3 of these regulations.

Section 1187.9(b) of the Commission's regulations provides that while postponements are disfavored and, pursuant to Government Code section 17530, the executive director has a duty to expedite all matters before the Commission, a request for postponement filed by an interested party may be approved by the executive director for good cause. (2 C.C.R. § 1187.9(b)(1)-(2) and (b)(3).)

This request is supported by good cause because of the number and complexity of the issues and our inability to obtain essential testimony, documents, or other material evidence. The Draft Proposed Decision raises a number of complex issues that the Program and the Claimant have been reviewing since the DPD's issuance during the holiday season. Additionally, Test Claim No. 16-TC-03 has not been active since May 2018 and the legal landscape has changed since that time, requiring additional legal analysis. The legal analysis related to the 2016 Test Claim overlaps, in parts, with the issues Claimant and the Program raised related to the first MRP (Order No. R2-2009-0074), which is the subject of Consolidated Test Claims, Nos. 10-TC-02, 10-TC-03, and 10-TC-05. The 2016 Test Claim also is related to Test Claim No. 22-TC-07 associated with MRP 3 (Order No. R2-2022-0018). Claimant and the Program are handling competing deadlines and high levels of activities for MRPs 1, 2, and 3 and require time to narrow the issues related to 2016 Test Claim. Lead trial counsel on this matter is scheduled for vacation in the month of April 2026, which further prevents the timely submission of comments by April 14, 2026.

Our request seeks postponement of the August 14, 2026 hearing through October 9, 2026. Government Code section 17553(a)(3) permits the hearing of a claim to be postponed at the request of the claimant, without prejudice, until the next scheduled hearing. (*See also* 2 C.C.R. § 1187.9(b).) The Commission's next scheduled hearing is October 9, 2026; therefore, this should not cause prejudice to the Regional Board, which should benefit from additional time. Due to the complexity of the 2016 Test Claim, considerable attorney time and ACCWP time is needed to analyze the Proposed Draft Decision related to the 2016 Test Claim. ACCWP, its members, and counsel must conduct legal and factual research and provide comments.

We submit this document, under penalty of perjury, and hereby declare that the information in this correspondence is true and correct to the best of our personal knowledge, information, or belief of the undersigned. The undersigned's title, address, telephone number, and email address are reflected on page one.

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March 31, 2026
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Sincerely,

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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 April 3, 2026, I served the:

- **Current Mailing List dated March 25, 2026**
- **Notice of Approval of Extension Request and Postponement of Hearing issued April 3, 2026**
- **Claimant's Request for Request for Extension of April 14, 2026 Deadline to Respond to December 23, 2025 Proposed Draft Decision regarding San Francisco Bay Regional Water Quality Control Board Order No. R2-2015-0049 Pending Test Claim No. 16-TC-03; Request for Postponement of August 14, 2026 Hearing filed April 1, 2026**

California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2015-0049, 16-TC-03

California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2015-0049, Provisions C.3.j, C.8., C.10.a., C.10.b., C.11.a., C.11.b., C.11.c., C.12.a., C.12.c., C.12.d., and C.12.e, Adopted on November 19, 2015 and Effective on January 1, 2016
City of Union City, 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 April 3, 2026 at Sacramento, California.



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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/25/26

Claim Number: 16-TC-03

Matter: California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2015-0049

Claimant: City of Union City

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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