



April 3, 2026

Ms. Viviana L. Heger  
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*And Parties, Interested Parties, and Interested Persons (See Mailing List)*

**Re: Notice of Approval of Extension Request and Postponement of Hearing**  
*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

Dear Ms. Heger:

On April 1, 2026, the City of Union City (claimant) requested a 60-day extension of time to file written comments on the Draft Proposed Decision in the above-stated matter, currently due on April 14, 2026, and to postpone the August 14, 2026 hearing to the next regularly scheduled hearing on October 9, 2026. The basis of the request is because:

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.

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." Additionally, section 1187.9(a)(1) of the Commission's regulations provides "a party to a matter may request an extension of time that would necessitate rescheduling a hearing, but shall also include a request for postponement of the hearing" and section 1187.9(b)(3)(A) provides a request for postponement until the next regularly scheduled hearing filed by the claimant at least 15 days before the hearing "shall be approved by the executive director for good cause." (Cal. Code. Regs., tit. 2 § 1187.9(a)(1) and (b)(3)(A).)

The Commission's regulations identify as factors of good cause: In section 1187.9(b)(1)(A), the unavailability of a party, party representative, or witness because of death, illness, or other excusable circumstances; in section 1187.9(b)(1)(D), the inability to obtain essential testimony, documents, or other material evidence despite diligent efforts; and in section 1187.9(b)(1)(F), the number and complexity of the issues.

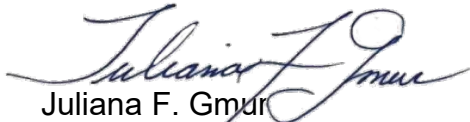
The unavailability of lead counsel because of vacation as a reason to postpone the hearing in this case is not good cause. The due date of April 14, 2026, for filing comments on the Draft Proposed Decision and an August 14, 2026, hearing date was chosen and stipulated by all parties to this matter as set forth in claimant's January 9, 2026, request to extend time to file comments and to postpone the April 10, 2026 hearing. Accordingly, the vacation of lead counsel should have been taken into account at the time of the stipulation and is not good cause for further extension of time to file comments on the Draft Proposed Decision and to postpone the hearing. The inability to obtain essential testimony, documents, or other evidence is also not good cause. The claimant did not provide any facts to demonstrate its diligent efforts to obtain that evidence and why those efforts have failed.

Therefore, the number and complexity of the issues is the only basis upon which a postponement of the hearing can be granted, but its viability as good cause is tenuous. The complexity of issues was the sole ground for good cause for the extension of time to file comments and the postponement of the hearing granted on January 13, 2026, and, again, should have been taken into account at the time of the stipulation. However, since the requested extension is just 60 days and the postponement is only to the next hearing date, I will grant the request for an extension of time to file written comments on the Draft Proposed Decision and to postpone the hearing on this matter. (Cal. Code. Regs., tit. 2 § 1187.9(b)(2)(C).)

Ms. Heger  
April 3, 2026  
Page 3

Therefore, the claimant's comments on the Draft Proposed Decision are now due by **midnight on June 12, 2026**, and this matter is now tentatively scheduled for hearing on **Friday, October 9, 2026**. All comments by the other parties on the Draft Proposed Decision remain due before midnight on April 14, 2026.

Very truly yours,



Juliana F. Gmur  
Executive Director

## 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:

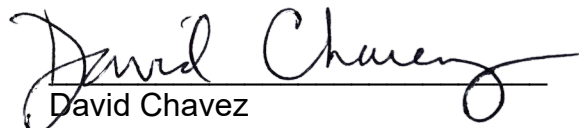
- **Current Mailing List dated March 25, 2026**
- **Notice of Approval of Extension Request and Postponement of Hearing issued April 3, 2026**
- **Claimant's Request for Request for Extension of April 14, 2026 Deadline to Respond to December 23, 2025 Proposed Draft Decision regarding San Francisco Bay 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.



David Chavez  
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# COMMISSION ON STATE MANDATES

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**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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