



December 14, 2018

Ms. Teresita Sablan
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento, CA 95814

And Parties, Interested Parties, and Interested Persons (See Mailing List)

RE: Notice of Extension Request Approval

*Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Irvine,
Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-26
City of Irvine, Claimant*

Dear Ms. Sablan:

On December 11, 2018, the Commission on State Mandates (Commission) received the State Water Resources Control Board's and the Santa Ana Regional Water Quality Control Board's (Water Boards') request for an extension of time to file comments and submit the official administrative record(s) on four Test Claims (17-TC-25 to 17-TC-28) in order to coordinate them and align their due dates with the comments and administrative record(s) on pending test claims 17-TC-07 to 17-TC-24 which also address Water Code Section 13383(a) Phase I MS4 trash orders issued by the Santa Ana Regional Water Quality Control Board, effective June 2, 2017.

Comments and administrative record(s) for 17-TC-25 to 17-TC-28 are currently due December 31, 2018 and comments and administrative record(s) for 17-TC-07 to 17-TC-24 are currently due January 28, 2019.

The Water Boards' request for an extension of time to January 28, 2019 for Test Claims 17-TC-25 to 17-TC-28 is based on the following reasons:

- The Water Boards intend to coordinate efforts to analyze the merits of the Test Claims and develop written comments. In developing comments on the Test Claims, the Water Boards also wish to consider the merits of the City of San Juan Capistrano and County of San Diego's challenge to the San Diego Board's Order implementing the Trash Amendments in 17-TC-05 and other test claims challenging similar Regional Board orders. Additional time to evaluate the merits of the Test Claims in a coordinated manner will result in more complete and thorough written comments.
- Compilation of the administrative records is time and resource intensive, since the Water Boards have not previously prepared a record for the development and adoption of the Order.
- Analyzing the merits of the 23 Test Claims will require substantial attorney and staff time and there are competing work priorities associated with permitting and cleanup matters, basin plan amendments, preparation for board meetings, as well as previously planned vacations during the holiday season, which limit staff availability to work on test claim matters.

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Section 1187.9(a) of the Commission's regulations provide that so 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, the request shall be approved.

As noted in the notices of complete filing on matters 17-TC-07 to 17-TC-28, the executive director will consider whether to consolidate all or some of these matters for hearing after the comment period is closed. Please include in your comments a discussion of why they should or should not be consolidated, and consider whether there are any differences with regard to the prior law applicable to any of the claimants (including the prior permits) or to any funding sources which could be off-setting or result in a finding under Government Code 17556 and which is not common to all of the claimants in these matters. If such differences do exist between the claimants and their prior permits or revenue sources or authority, that may indicate a need for individual analyses. On the other hand, if all of the issues are shared in common and all claimants stand in the same shoes, consolidation would likely be most efficient.

Therefore, Water Boards' comments and the official administrative record(s) for 17-TC-25 to 17-TC-28 are now due **January 28, 2019**. The claimant's rebuttal comments are now due 30 days from the service of the Water Boards' comments.

This matter remains tentatively set for hearing on **December 1, 2023**.

Sincerely,



Heather Halsey
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.

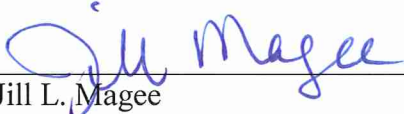
On December 14, 2018, I served the:

- **Notice of Extension Request Approval issued December 14, 2018**
- **SWRCB's and SARWQCB's Request for Extension of Time filed December 11, 2018**

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Irvine, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-26
City of Irvine, 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 December 14, 2018 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 12/12/18

Claim Number: 17-TC-26

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Irvine,
Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Irvine

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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