



## State Water Resources Control Board

**RECEIVED**  
May 06, 2025  
**Commission on  
State Mandates**

May 6, 2025

### VIA DROP BOX

Juliana Gmur  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

*California Regional Water Quality Control Board, San Francisco Bay Region, 22-TC-07*  
Order No. R2-2022-0018, as modified by Order No. R2-2023-0019; NPDES Permit No. CAS612008; Provisions C.3.b.ii(4), C.3.b.ii(5), C.3.j.ii(1)(a)-(g), C.3.j.ii(4), C.3.j.ii(2)(a)-(j), C.5.f, C.8.d, C.8.e, C.8.f, C.10.a.i, C.10.a.ii, C.10.e, C.11.c, C.12.a, C.12.c, C.15.b.iii, C.17.a, C.20.b, C.21.b, issued May 11, 2022, effective July 1, 2022, Union City, Claimant

### REQUEST FOR 60-DAY EXTENSION OF TIME TO SUBMIT COMMENTS

Dear Ms. Gmur:

By letter dated June 18, 2024, the Commission on State Mandates (Commission) issued a Notice of Complete Test Claim, Schedule for Comments, and Notice of Tentative Hearing Date for Test Claim 22-TC-07 (Notice). The Notice asked parties, interested parties, and interested persons to analyze the merits of the Test Claim and submit written comments by July 18, 2024. The Notice also stated that the public hearing on the Test Claim was tentatively scheduled for May 23, 2025. The current tentative hearing date is July 25, 2025, and it is subject to change.<sup>1</sup> On July 8, 2024, the State Water Resources Control Board (State Water Board) and San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board) (together, Water Boards) submitted a request for a 60-day extension of the deadline to submit comments. The Commission approved the request and extended the deadline to submit comments to September 16, 2024. The Commission approved four subsequent extension requests extending the deadline to November 15, 2024, January 14, 2025,

<sup>1</sup> See Commission on State Mandates Pending Test Claims, available at <https://csm.ca.gov/docs/pending/tc.pdf>, p. 8; n 2.

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

March 17, 2025, and May 16, 2025. The Water Boards respectfully ask the Commission to approve a fifth 60-day extension to allow the Water Boards to submit comments by no later than **July 15, 2025**.

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 first learned of the Test Claim when the Commission issued its Notice on June 18, 2024. The Test Claim raises many complex issues and is over 2,000 pages long with its attachments. I did not work on San Francisco Bay Water Board Order No. R2-2022-0018 (Order), the permit at issue in the Test Claim, or the preceding permit. Given my unfamiliarity with the Order and the complexity and length of the Test Claim, analyzing the merits of the Test Claim will require considerable staff and attorney time to review the Test Claim, research and analyze the issues (including comparing the challenged requirements to previous requirements under then-existing law), and draft comments. The Water Boards will also need time to review the comments internally and to coordinate with the Department of Finance. As mentioned in previous requests, staff and I are responsible for other priority duties that limit our ability to work exclusively on Commission matters, including preparation for monthly board meetings, significant permitting and cleanup matters, pending litigation, and other pressing water quality matters that impact public health and the environment.

The Water Boards have been working diligently to review and analyze the issues raised in the Test Claim and draft comments, while also balancing competing work priorities. Despite our diligence, the Water Boards need additional time to submit comments. Barring any unexpected issues, the Water Boards anticipate that this will be the last extension request. Extending the deadline for comments on the Test Claim will provide the Water Boards with the necessary time to prepare comments on this Test Claim. An extension of time will not require postponement of the hearing for this matter. Although the matter is tentatively scheduled for July 25, 2025, "[a] matter is only actually set for hearing when the draft proposed decision issues. Tentative hearing dates are subject to change and often do."<sup>2</sup> The draft proposed decision for this matter has not been issued and no hearing has been set, so an extension would not require postponement of the hearing. 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. Accordingly, the Water Boards respectfully ask that you approve this request and extend the deadline to submit written comments to **July 15, 2025**.

The Water Boards appreciate your consideration of this request for an extension. Please let me know if you have any questions. I can be reached at (916) 341-5174 or by e-mail at [teresita.sablan@waterboards.ca.gov](mailto:teresita.sablan@waterboards.ca.gov).

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<sup>2</sup> See Commission on State Mandates Pending Test Claims, available at [https://csm.ca.gov/docs\\_pending/tc.pdf](https://csm.ca.gov/docs_pending/tc.pdf), p. 8; n 2.

I declare under penalty of perjury that the facts asserted in the foregoing are true and correct to the best of my personal knowledge, information, or belief.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Sablan', with a long horizontal flourish extending to the right.

Teresita J. Sablan  
Attorney IV

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 May 8, 2025, I served the:

- **Current Mailing List dated April 10, 2025**
- **Notice of Extension Request Approval issued May 8, 2025**
- **Water Boards' Request for Extension of Time filed May 6, 2025**

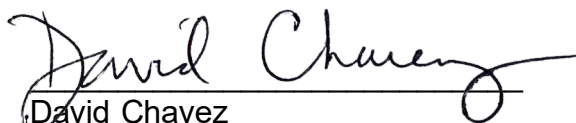
*California Regional Water Quality Control Board, San Francisco Bay Region,  
Order No. R2-2022-0018, 22-TC-07*

California Regional Water Quality Control Board, San Francisco Bay Region,  
Order No. R2-2022-018, as modified by Order No. R2-2023-0019; NPDES  
Permit No. CAS612008; Provisions C.3.b.ii(4), C.3.b.ii(5), C.3.j.ii(1)(a)-(g),  
C.3.j.ii(4), C.3.j.ii(2)(a)-(j), C.5.f, C.8.d, C.8.e, C.8.f, C.10.a.i, C.10.a.ii, C.10.e,  
C.11.c, C.12.a, C.12.c, C.15.b.iii, C.17.a, C.20.b, C.21.b, issued May 11, 2022,  
effective July 1, 2022

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 May 8, 2025 at Sacramento, California.



David Chavez  
Commission on State Mandates  
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## COMMISSION ON STATE MANDATES

### Mailing List

**Last Updated:** 4/10/25

**Claim  
Number:** 22-TC-07

**Matter:** California Regional Water Quality Control Board, San  
Francisco Bay Region, Order No. R2-2022-0018

**Claimant:** 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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