

COMMISSION ON STATE MANDATES – TEST CLAIM NO. 22-TC-07

Commission on
State Mandates
Filed Date
10/16/2025

California Regional Water Quality Control Board, San Francisco Bay Region, 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
City of Union City, Claimant

STIPULATION TO EXTEND TIME FOR CLAIMANT TO SUBMIT RESPONSES TO COMMENTS SUBMITTED BY WATER BOARDS AND TO POSTPONE HEARING

1. 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 No. 22-TC-07 (“2022 Test Claim”) for the San Francisco Bay Regional Water Quality Control Board (“San Francisco Bay Water Board”) Order No. R2-2022-0018, as modified by Order No. R2-2023-0019, NPDES Permit No. CAS612008. Order No. R2-2022-0018 is commonly known as the third municipal regional permit (“MRP 3”).
2. The parties to the 2022 Test Claim are the City of Union City (“Claimant”), the San Francisco Bay Water Board, the State Water Resources Control Board (“State Board”) (together with the San Francisco Bay Water Board, “Water Boards”), the Department of Finance, and the Office of the State Controller (collectively “Parties”).
3. On August 15, 2025, the Commission granted a 60-day extension through October 20, 2025, to respond to the Water Boards’ July 15, 2025, comments on Order No. R2-2022-0018 and the July 21, 2025, comments filed by the Department of Finance filed on the Test Claim.
4. At this time, the Claimant is seeking (i) a 90-day extension to file written responses to the Water Boards’ and Department of Finance comments (through March 23, 2026); and (ii) a postponement of the tentatively scheduled February 13, 2026 hearing on the 2022 Test Claim until the Commission’s regularly scheduled meeting on October 9, 2026.
5. The Claimant asked the Water Boards, the Department of Finance, and the State Controller’s Office (collectively, “Agencies”) to stipulate to a 90-day extension for Claimant to submit responses to the Water Boards’ and the Department of Finance’s comments and to postpone the tentatively scheduled hearing based on Claimant’s reasons as follows:
 - a. Currently, MRP 1 (Order No. R2-2009-0074) is subject to three consolidated Test Claims, Nos. 10-TC-02, 10-TC-03, and 10-TC-05, which are in the claim

submission stage. These consolidated claims for MRP 1 are scheduled to be heard to determine a statewide cost estimate during the Commission's February 13, 2026, hearing, the same date currently on schedule for the 2022 Test Claim decision.

- b. Claimant's, as well as other MRP permittees', and the Alameda Countywide Clean Water Program's ("Program") resources are currently devoted almost exclusively to submitting timely claims for MRP 1, which are due on October 30, 2025, just 10 days after Claimant is currently scheduled to submit response to comments on the 2022 Test Claim for MRP 3.
- c. The claim submission process for MRP 1 is complex and resource intensive. MRP 1 expressly reflects that Claimant and other permittees joined together to form the Program, which assisted in the majority of the MRP 1 compliance duties. The MRP 1 claim process involves all fiscal years between December 1, 2009, through December 31, 2017. For MRP 1, the Program incurred the majority of MRP 1 compliance costs jointly and is currently compiling costs in a way that segregates costs associated with each reimbursable item by each fiscal year. Then, the Program must apply a cost allocation formula to calculate the cost for each permittee Program member, including Claimant. While this provides proportional tallies for each permittee Program member, each permittee must then determine its own individual costs and enter all individual and Program-related costs into the Claiming Instructions.
- d. The complex claim submission process as well as the complexity of the issues in the Regional Board orders provide good cause to postpone the tentatively scheduled February 13, 2026, hearing date and Claimant's October 20, 2025, deadline to respond to Water Board and Department of Finance comments. Good cause exists due to the competing October 20, 2025, comment deadline in this matter and October 30, 2025, claim submission deadline for MRP 1. Finally, good cause exists because there are overlapping hearing dates for the 2022 Test Claim and the MRP 1 Test Claim (Nos. 10-TC-02, 10-TC-03, and 10-TC-05).

The Agencies do not join in or otherwise take a position on Claimant's assertions in paragraphs a through d.

- 6. Pursuant to Commission requirements, an extension of time normally can be no more than 60 days, but parties may stipulate to longer time frames. (Gov. Code, § 17554.)
- 7. In light of the Claimant's reasons stated above, the Parties stipulate to extend the deadline for Claimant to respond to Water Board and Department of Finance comments on the 2022 Test Claim to March 23, 2026, and to postpone the

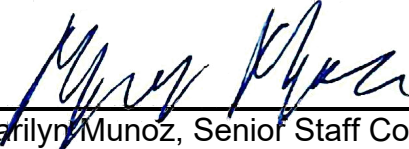
tentatively scheduled hearing date from February 13, 2026, to the Commission's regularly scheduled October 9, 2026, hearing.

8. By signing where indicated below, the Parties, and each of them, stipulate to extend the deadline for Claimant to submit its response to the Water Boards' and the Department of Finance's comments on the Test Claim to March 23, 2026, and to postpone the tentatively scheduled hearing to October 9, 2026. The Parties also waive procedural requirements pursuant to Government Code section 17553 to the extent necessary to accommodate the 90-day extension and postponement of the hearing.

Dated: Oct. 16, 2025

By:

CALIFORNIA DEPARTMENT OF FINANCE


Marilyn Munoz, Senior Staff Counsel

Dated: Oct. 16, 2025

By:

**CALIFORNIA STATE WATER RESOURCES
CONTROL BOARD**


Name and Title: Teresita J. Sablan, Attorney IV

Dated: Oct. 16, 2025

By:

**SAN FRANCISCO BAY REGIONAL WATER
QUALITY CONTROL BOARD**


Name and Title: Teresita J. Sablan, Attorney IV

Dated: Oct. , 2025

By:

**CALIFORNIA STATE CONTROLLER'S
OFFICE**

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-07'00'
Name and Title: Darryl Mar, Manager of Local Reimbursements Section, Local Government Programs and Services Division

Dated: Oct. 16, 2025

By:

CITY OF UNION CITY


Kristopher Kokotaylo, Esq., City Attorney

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 October 21, 2025, I served the:

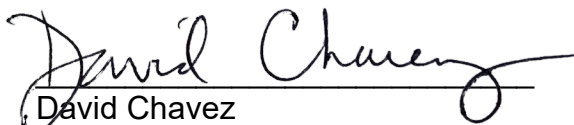
- **Current Mailing List dated October 16, 2025**
- **Corrected Notice of Waiver of Procedural Requirements, Extension Request Approval, and Postponement of Hearing issued October 21, 2025**
- **Claimant's Request for Extension of Time filed October 16, 2025**
- **Stipulation of the Parties to Waive Procedural Requirements filed October 16, 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 October 21, 2025 at Sacramento, California.



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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 10/16/25

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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