



City of Rialto California

RECEIVED
February 28, 2020
Commission on
State Mandates

February 27, 2020

Heather Halsey, Esq.
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Test Claim No. 17-TC-28 Claimant City of Rialto's Request for Consolidation of Test Claims 17-TC-07 through 17-TC-28, on Water Code Section 13383 Phase I MS4 Trash Orders Issued by Santa Ana Regional Water Quality Board (Effective June 2, 2017), and Request for 60 Day Extension to File Rebuttal to Water Boards' Comments.

Dear Ms. Halsey:

This correspondence is in connection with the January 27, 2020 comments filed by the State Water Resources Control Board (State Water Board) and the Santa Ana Water Quality Control Board (Santa Ana Water Board) (collectively referred to as "Water Boards"). The City of Rialto ("Claimant") requests a 60 day extension of time to file a rebuttal to the Water Boards' comments. The reasons for granting this request are set forth below.

Furthermore, the City of Rialto (17-TC-28) requests that, pursuant to section 1183.5 of the California Code of Regulations (Commission Regulations), you exercise your authority as Executive Director to consolidate Test Claims 17-TC-07 through 17-TC-28 ("the Test Claims"), for the same reasons stated in the County of Orange's letter dated February 21, 2020 (incorporated by reference).

Procedural Background

On a November 21, 2018, the Commission staff approved requests by the Water Boards for an extension of time to file comments and submit the administrative record on Claimant's test claim. This approval established a due date of January 28, 2019.

On January 22, 2019, the Water Boards requested a second extension of time to file comments and submit the administrative record on Claimant's test claim. The Water Boards were granted an extension up to March 29, 2019.

The Water Boards requested a third extension of time to file comments on Claimant's test claim, stating that the administrative record would be filed by the current deadline. The time to file comments was extended to May 28, 2019. The Water Boards subsequently requested a third extension of time to file the administrative record, which was granted up to May 28, 2019.

On May 16, 2019, the Water Boards requested an additional extension of time to file comments. The due date was extended to July 29, 2019.

On July 9, 2019, the Water Boards requested an additional 45 day extension to submit comments. The Commission approved a 60 day extension up to September 27, 2019. On September 25, 2019, the Water Boards requested a 60 day extension to submit comments. An extension was granted up to November 26, 2019.

On November 20, 2019, the Water Boards requested an additional 45 day extension of time to submit comments. The Commission approved a 60 day extension up to January 27, 2020. The Commission noted that Claimant's rebuttal comments were to be due 30 days from the date of service of the Water Boards' comments.

The Water Boards filed their comments to Claimant's test claim on January 27, 2020. Claimant's rebuttal is currently due to be filed on March 5, 2020.

Basis for Request

California Code of Regulations §1187.9(a) allows any party to request an extension of time by filing a request with the executive director before the date set for filing of a rebuttal with Commission staff on that matter. 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.

After receiving several months of extensions, the Water Boards submitted voluminous records with its comments, which require additional time to respond to.

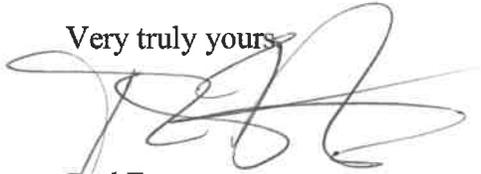
In addition, the decision on consolidation would potentially impact the preparation of Test Claimants' rebuttals. Therefore, an extension until 60 days after service of your decision on consolidation is requested.

The hearing on Claimant's test claim is currently scheduled for March 22, 2024. The extension of time to file a rebuttal will not require a postponement of the hearing. Additionally this extension would not result in prejudice to any party or interested party, and there is otherwise no good cause for denying this request. Good cause exists to grant the extension as Claimant requires additional time to analyze the Water Boards' comments and supporting documents, as well as to prepare the rebuttal. This is Claimant's first request for an extension of time to file its rebuttal.

Given its time-sensitive nature, I respectfully ask that you provide notice of your determination of the request for consolidation and request for extension as soon as possible, but no later than February 28, 2020.

I declare under penalty of perjury that the foregoing, signed on February 27, 2020, is true and correct to the best of my personal knowledge, information, or belief.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Rod Foster', written over the text 'Very truly yours,'.

Rod Foster
City Manager

MV: CMC

cc: Per Commission Mailing List

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.

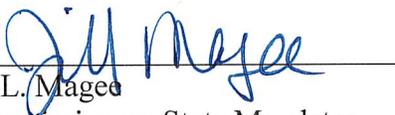
On March 2, 2020, I served the:

- **Notice of Extension Request Approval issued March 2, 2020**
- **Claimant's Request for Consolidation of Test Claims and Extension of Time filed February 28, 2020**

*Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Rialto,
Santa Ana Regional Water Quality Control Board, Effective June 2, 2017,
17-TC-28
City of Rialto, 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 March 2, 2020 at Sacramento, California.



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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 2/28/20

Claim Number: 17-TC-28

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

Claimant: City of Rialto

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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