



December 14, 2017

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Mr. Justyn Howard
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Mr. Michael Lauffer
State Water Resources
Control Board
1001 I Street, 22nd Floor
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And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: **Notice of Complete Test Claim, Renaming of Matter, Request for Administrative Record, and Tentative Hearing Date**

San Diego Region Order No. R9-2015-0100 and Order No. R9-2015-0001, 15-TC-02
County of Orange, Orange County Flood Control District, and the Cities of
Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Lake Forest,
Mission Viejo, Rancho Santa Margarita, San Clemente, and San Juan Capistrano,
Claimants

Dear Messrs. Burhenn, Gibson, Howard, and Lauffer:

On June 30, 2016, the Commission on State Mandates (Commission) received the Test Claim filed by the County of Orange, the Orange County Flood Control District, and the Cities of Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, Rancho Santa Margarita, San Clemente, and San Juan Capistrano (claimants) on the above-captioned matter. Upon review, Commission staff found the Test Claim to be incomplete. On July 29, 2016 Commission staff notified the claimants of the problems with the filing.

On August 25, 2016, the claimants filed revised documents to cure the Test Claim and on September 6, 2016, the claimants corrected the signature on one of the certifications. Upon review, Commission staff found the Test Claim complete and that it retained the original filing date of June 30, 2016 in accordance with section 1183.1(e) of the Commission's regulations (California Code of Regulations, Title 2).

On September 12, 2016, Commission staff issued the Notice of Complete Joint Test Claim Filing on the above-named matter based on the effective date of Order No. R9-2015-0100, on January 7, 2016. Upon later review, Commission staff found that the filing lacked clarity on whether the pleading included Order No. R9-2013-0001 as amended by Order No. R9-2015-0001, effective on April 1, 2015, which was not within 12 months of the filing date of this Test Claim on June 30, 2016. On July 28, 2017, Commission staff issued the Request for Clarification of the Pleading and Evidence of the Date of First Incurring Costs under the above-

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named permit(s), since evidence of the date of first incurring costs under the earlier order is required for the Commission to exercise jurisdiction over that Order.¹

On September 18, 2017, the Claimants' Response to the Request for Clarification of Pleading and Evidence of the Date of First Incurring Costs was filed.² Upon review, Commission staff found the Test Claim to be incomplete since it lacked evidence of the date of first incurring costs under Order No. R9-2015-0001, effective on April 1, 2015, as required. On October 3, 2017 and October 5, 2017, Commission staff notified the claimants of the problems with the filing.

On November 20, 2017, the claimants filed documents to cure the Test Claim, providing evidence of the date of first incurring costs under the above-named permit and a signed copy of the *Final Amended Order No. R9-2013-0001* and the *Final Fact Sheet to Amended Order No. R9-2013-0001*. Upon review, Commission staff finds this Test Claim complete and that it retains the original filing date of June 30, 2016 in accordance with section 1183.1(e) of the Commission's regulations (California Code of Regulations, Title 2).

Renaming of Matter

Currently, this matter is known as "*San Diego Region Order No. R9-2015-0001 and Order No. R9-2015-0100*." However, Commission staff is renaming this matter, consistent with the provisions pled therein, for purposes of providing notice and clarity. This matter will now be designated *California Regional Water Quality Control Board, San Diego Region, Order No. R9-2015-0001, Provisions A.2, A.3.b, A.4, B, E.3.c(2), E.3.d, E.5, E.5.e, E.6., F, and Attachment E; and Order No. R9-2015-0100, Provision B.3.c., 15-TC-02*. Please use this designation in all future correspondence in reference to this matter.

Request for Administrative Record

In addition, this letter is a request that the San Diego Regional Water Quality Control Board and the State Water Resources Control Board (as applicable) to provide copies of:

- a) The official administrative record(s) of permit order no. R9-2015-0001, National Pollutant Discharge Elimination System (NPDES) no. CAS0109266; and
- b) The official administrative record(s) of permit order no. R9-2015-0100, National Pollutant Discharge Elimination System (NPDES) no. CAS0109266.

Specifically, the Commission requests the record that was before the board(s) when permit order no. R9-2015-0001/NPDES no. CAS0109266 and R9-2015-0100/NPDES no. CAS0109266 were adopted, approved, or otherwise acted upon, and on which they based their decisions with regard to the permit requirements.

Please provide these documents as soon as possible but not later than **January 15, 2017**.

Tentative Hearing Date

This Test Claim is tentatively set for hearing on **May 25, 2019**.

¹ Request for Clarification of Pleading and Evidence of the Date of First Incurring Costs, page 2.

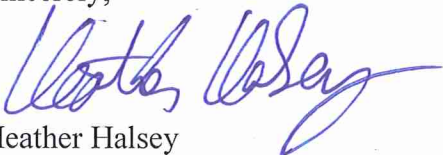
² Claimants' Response to the Request for Clarification of Pleading and Evidence of the Date of First Incurring Costs filed September 18, 2017.

Process for Filing Comments

The Commission has prepared a mailing list of parties, interested parties, and interested persons for this test claim. The mailing list will be uploaded to the Commission's website and an e-mail notification of its availability will be sent to everyone on the list who has provided an e-mail address. A hard copy will be provided to persons who have not provided an e-mail address and to any person who requests a hard copy. (Cal. Code. Regs., tit. 2 § 1181.4)

You are advised that if written materials are filed in hard copy, the filing must simultaneously be served on everyone on the mailing list, and be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing your documents on the Commission's website. For instructions on electronic filing, please see the Commission's website at http://www.csm.ca.gov/dropbox_procedures.php. The comments will be posted on the Commission's website and the mailing list will be notified by electronic mail of the posting and the comment period. This procedure will satisfy all the service requirements under California Code of Regulations, title 2, section 1181.3.

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, 2017, I served the:

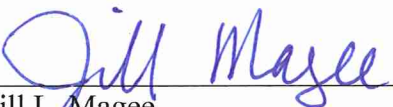
- **Notice of Complete Test Claim, Renaming of Matter, Request for Administrative Record, and Tentative Hearing Date issued December 14, 2017**
- **Claimants' Second Response to the Second Notice of Incomplete Test Claim filed November 20, 2017**
- **Claimants' First Response to the Second Notice of Incomplete Test Claim filed November 20, 2017**
- **Test Claim filed by County of Orange, Orange County Flood Control District, and the Cities of Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, Rancho Santa Margarita, San Clemente, and San Juan Capistrano, (Claimants) on June 30, 2016 revised September 18, 2017 and November 20, 2017**

California Regional Water Quality Control Board, San Diego Region, Order No. R9-2015-0001, Provisions A.2, A.3.b, A.4, B, E.3.c(2), E.3.d, E.5, E.5.e, E.6., F, and Attachment E; and Order No. R9-2015-0100, Provision B.3.c., 15-TC-02

County of Orange, Orange County Flood Control District, and the Cities of Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, Rancho Santa Margarita, San Clemente, and San Juan Capistrano, Claimants

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, 2017 at Sacramento, California.



Jill L. Magee
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/30/17

Claim Number: 15-TC-02

Matter: California Regional Water Quality Control Board, San Diego Region, Order No. R9-2015-0001, Provisions A.2, A.3.b, A.4, B, E.3.c(2), E.3.d, E.5, E.5.e, E.6., F, and Attachment E; and Order No. R9-2015-0100, Provision B.3.c.

Claimants: City of Aliso Viejo
City of Dana Point
City of Laguna Beach
City of Laguna Hills
City of Laguna Niguel
City of Lake Forest
City of Mission Viejo
City of Rancho Santa Margarita
City of San Clemente
City of San Juan Capistrano
County of Orange
Orange County Flood Control District

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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