



Edmund G. Brown Jr.  
Governor



Linda S. Adams  
Acting Secretary for  
Environmental Protection

# State Water Resources Control Board

## Office of Chief Counsel

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February 2, 2011

Nancy Patton, Assistant Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

Dear Ms. Patton:

Re: **Test Claims Nos. 10-TC-01, 10-TC-02, 10-TC-03, 10-TC-05**

### **Request for Extension of Time to Submit Comments of the California Regional Water Quality Control Board, San Francisco Bay Region**

The Regional Water Quality Control Board, San Francisco Bay Region (San Francisco Bay Regional Water Board) would like an extension time in which to submit responsive comments to the Test Claims filed by the City of Brisbane (10-TC-01), City of Alameda (10-TC-02), County of Santa Clara (10-TC-03) and City of San Jose (10-TC-05).

California Code of Regulations, title 2, chapter 2.5, section 1183.01, subdivision (c), provides that a party may request an extension of time before the date set for the filing of comments. (Cal. Code Regs., tit. 2, ch. 2.5, § 1183.01, subd. (c)(1).) The Executive Director may approve a request filed by a state agency for good cause. (*Id.*, at § 1183.01, subd. (c)(1)(B).) The applicable regulations define "good cause" to include, but not be limited to, the following factors:

(1) the number and complexity of the issues raised; (2) a party is new to the case, or other counsel is needed; (3) the individual responsible for preparing the document has other time-limited commitments during the affected period; (4) the individual responsible for appearing at the hearing has other time-limited commitments; (5) illness of a party; (6) a personal emergency; (7) a planned vacation that cannot reasonably be rearranged; (8) a pending public records act request; and (9) any other factor, which in the context of a particular claim constitutes good cause. Good cause may be established by a specific showing of other obligations involving deadlines that as a practical matter preclude filing the document by the due date without impairing quality.

(Cal. Code Regs., tit. 2 § 1181.1, subd. (h).)

The San Francisco Bay Regional Water Board requests that the deadline for filing comments on all the Test Claims be extended until **May 17, 2011**. Due to the State's budget shortfall all staff within the San Francisco Bay Regional Water Board and the State Water Resources

*California Environmental Protection Agency*

Ms. Nancy Patton

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Control Board ("State Water Board"), including the Office of Chief Counsel, are required to take one or more unpaid days off per month. Additionally, the State of California has a hiring freeze applicable to both the San Francisco Bay Regional Water Board and State Water Board. Together, these actions have significantly constrained staffs' ability to respond to the Test Claims in a timely and thorough manner.

The Test Claims are lengthy. The issues raised are numerous, complex, and novel, and will require considerable staff effort at a time when both the Office of Chief Counsel and the San Francisco Bay Regional Water Board are particularly short-staffed and limited by a reduced work schedule. In particular, the Office of Chief Counsel has lost six of its most senior attorneys to retirement within the last year, and has been unable to fill these positions. As the primary attorney responsible for this matter, I have reduced work hours and expanded responsibilities. Furthermore, I am experiencing a personal emergency due to the time that I must devote to settling the estate of a family member who has recently died. Accordingly, I have limited time to devote to this matter.

For the reasons set forth above, the San Francisco Bay Water Board requests that the due date for written comments on the Test Claims be extended until **May 17, 2011**. The San Francisco Bay Regional Water Board believes that good cause exists to grant the requested extension and appreciates your consideration of this request.

Sincerely,



Dorothy Dickey  
Senior Staff Counsel  
Office of Chief Counsel  
State Water Resources Control Board  
c/o San Francisco Bay Regional Water Board  
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## Commission on State Mandates

Original List Date: 11/14/2010  
Last Updated: 12/15/2010  
List Print Date: 02/04/2011  
Claim Number: 10-TC-02  
Issue: Municipal Regional Stormwater Permit - Alameda County

### Mailing List

#### TO ALL PARTIES AND INTERESTED PARTIES:

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, § 1181.2.)

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## COMMISSION ON STATE MANDATES

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**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Solano 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 February 4, 2011, I served the:

Request for Extension of Time

Municipal Regional Stormwater Permit – San Mateo County, 10-TC-01

City of Brisbane, Claimant

Municipal Regional Stormwater Permit – Alameda County, 10-TC-02

City of Alameda, Claimant

Municipal Regional Stormwater Permit – Santa Clara County, 10-TC-03

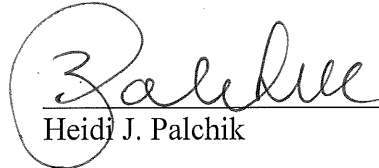
County of Santa Clara, Claimant

Municipal Regional Stormwater Permit –Municipal Operations (C.2), 10-TC-05

City of San Jose, 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 February 4, 2011 at Sacramento, California.

  
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Heidi J. Palchik