STATE *of* CALIFORNIA
COMMISSION ON STATE MANDATES

September 21, 2016

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Mr. Justyn Howard
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915 L Street
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And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: **Request for Additional Briefing, Notice of Consolidation of 10-TC-01, 10-TC-02, 10-TC-03, and 10-TC-05, and Notice of Tentative Hearing Date**
Municipal Regional Stormwater Permit – County of San Mateo, 10-TC-01
California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2009-0074
City of Brisbane, Claimant

Municipal Regional Stormwater Permit – County of Alameda, 10-TC-02
California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2009-0074
City of Alameda, Claimant

Municipal Regional Stormwater Permit –County of Santa Clara 10-TC-03
California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2009-0074
County of Santa Clara, Claimant

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And

Municipal Regional Stormwater Permit – Municipal Operations (C.2), 10-TC-05
California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2009-0074
City of San Jose, Claimant

Dear Mr. Breault, Ms. Hawkins, Mr. Newmark, Ms. Gallegos, Ms. Pianca, Mr. Duenas, Ms. Hagan, Mr. Howard, Mr. Wolfe, and Mr. Howard,

On August 29, 2016, the California Supreme Court issued its opinion in *Department of Finance v. Commission on State Mandates* (County of Los Angeles), which can be found on the Supreme Court's website at http://www.courts.ca.gov/opinions.htm. The Commission on State Mandates (Commission) is now requesting additional briefing regarding how that decision should apply to the above-entitled test claims. Written comments from all parties, interested parties, and interested persons for that purpose are due by **Friday, October 21, 2016**.

Notice of Consolidation of 10-TC-01, 10-TC-02, 10-TC-03, and 10-TC-05

Municipal Regional Stormwater Permit – County of San Mateo, 10-TC-01, *Municipal Regional Stormwater Permit* – County of Alameda, 10-TC-02, *Municipal Regional Stormwater Permit – County of Santa Clara*, 10-TC-03, and *Municipal Regional Stormwater Permit – Municipal Operations (C.2)*, 10-TC-05 are based on the same permit/executive order, share many of the same alleged mandated activities and costs, and contain numerous common issues and allegations. In light of these similarities and to ensure complete, fair, and timely consideration, these claims are now being consolidated for analysis and hearing pursuant to the executive director's authority under section 1183.5 of the Commission's regulations. Unless an objection is filed, this action will be effective 10 days from the service of this notice.

For future correspondence, these consolidated test claims are now designated:

California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2009-0074, Provisions C.2.b, C.2.c, C.2.e, C.2.f, C.8.b, C.8.c, C.8.d, C.8.e.i, ii and iv, C.8.f, C.8.g, C.10.a.i, ii, and iii, C.10.b, C.10.c, C.10.d, C.11.f, and C.12.f,
10-TC-01, 10-TC-02, 10-TC-03, and 10-TC-05
Cities of Alameda, Brisbane, and San Jose, and County of Santa Clara, Claimants

Notice of Tentative Hearing Date

These consolidated Test Claims are now tentatively set for hearing on **May 26, 2017**.

Process for Filing Comments

The Commission's regulations require that written materials filed with the Commission be simultaneously served on all parties, interested parties, and interested persons on the mailing list, and accompanied by a proof of service. (Cal. Code Regs., tit. 2, 1181.3) However, this requirement may be satisfied by electronically filing your documents via the Commission's e-filing system. Please see http://www.csm.ca.gov/dropbox_procedures.php on the Commission's website. The written material will be posted on the Commission's website and the mailing list will be notified by electronic mail of the posting. This procedure will satisfy all the service requirements pursuant to section 1181.3 of the Commission's regulations.

Sincerely,

Heather Halsey
Executive Director

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

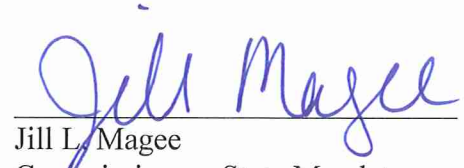
I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On September 21, 2016, I served the:

> **Request for Additional Briefing, Notice of Consolidation of 10-TC-01, 10-TC-02, 10-TC-03, and 10-TC-05, and Notice of Tentative Hearing Date**
> *Municipal Regional Stormwater Permit – County of San Mateo*, 10-TC-01
> California Regional Water Quality Control Board, San Francisco Bay Region,
> Order No. R2-2009-0074
> City of Brisbane, Claimant
>
> *Municipal Regional Stormwater Permit – County of Alameda*, 10-TC-02
> California Regional Water Quality Control Board, San Francisco Bay Region,
> Order No. R2-2009-0074
> City of Alameda, Claimant
>
> *Municipal Regional Stormwater Permit –County of Santa Clara* 10-TC-03
> California Regional Water Quality Control Board, San Francisco Bay Region,
> Order No. R2-2009-0074
> County of Santa Clara, Claimant
>
> And
>
> *Municipal Regional Stormwater Permit – Municipal Operations (C.2)*, 10-TC-05
> California Regional Water Quality Control Board, San Francisco Bay Region,
> Order No. R2-2009-0074
> 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 September 21, 2016 at Sacramento, California.



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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 9/14/16

Claim Number: 10-TC-01

Matter: Municipal Regional Stormwater Permit - County of San Mateo

Claimant: City of Brisbane

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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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 9/14/16

Claim Number: 10-TC-02

Matter: Municipal Regional Stormwater Permit - County of Alameda

Claimant: City of Alameda

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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Last Updated: 9/14/16

Claim Number: 10-TC-03

Matter: Municipal Regional Stormwater Permit - County of Santa Clara

Claimant: County of Santa Clara

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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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Matter: Municipal Regional Stormwater Permit - Municipal Operations (C.2)

Claimant: City of San Jose

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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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