



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Office of Chief Counsel

1001 I Street, 22nd Floor, Sacramento, California 95814
P.O. Box 100, Sacramento, California 95812-0100
(916) 341-5161 ♦ FAX (916) 341-5199 ♦ <http://www.waterboards.ca.gov>

Received
November 30, 2010
Commissioner
Arnold Schwarzenegger
State Mandates



November 30, 2010

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-TC02, 10-TC-03**

Request for Extensions 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 extensions of the 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) and County of Santa Clara (10-TC-03).

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 deadlines for filing comments on all the test claims be extended until March 18, 2011. Due to the State's budget shortfall all staff within the San Francisco Bay Regional Board and the State Water Resources Control

Ms. Nancy Patton

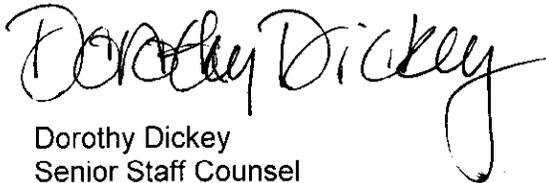
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Board ("State Water Board"), including the Office of Chief Counsel, are required to take one or more unpaid days off per month. Additionally, the State of California has a hiring freeze that applies to both the San Francisco Bay Regional Board and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

The Test Claims are each hundreds of pages in length. The issues raised are numerous, complex, and novel. Responding to the test claims 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 are limited by a reduced work schedule. The Office of Chief Counsel has lost a number of its most senior attorneys to retirement within the last year and has been unable to fill these positions. I will be working on the responses to the test claims in addition to all my other assignments while on a reduced work schedule due to the State's budget situation. Furthermore, I am experiencing a personal emergency due to the time that I must devote to settling the estate of a family member who recently died. Accordingly, I have limited time to devote to this matter.

For the reasons set forth above, the San Francisco Bay Regional Water Board requests that the due date for written comments on the Test Claims be extended until March 18, 2011. The Board believes that good cause exists to allow the Executive Director to grant the requested extensions and appreciates your consideration of this request.

Sincerely,



Dorothy Dickey
Senior Staff Counsel

Commission on State Mandates

Original List Date: 11/15/2010
Last Updated:
List Print Date: 12/01/2010
Claim Number: 10-TC-03
Issue: Municipal Regional Stormwater Permit - Santa Clara 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.)

Ms. Carla Shelton Department of Finance 915 L Street, 7th Floor Sacramento, CA 95814	Tel: carla.shelton@dof.ca.gov Email carla.shelton@dof.ca.gov Fax:
Mr. Jim Spano State Controller's Office (B-08) Division of Audits 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916)323-5849 Email jspano@sco.ca.gov Fax: (916)327-0832
Ms. Annette Chinn Cost Recovery Systems, Inc. 705-2 East Bidwell Street, #294 Folsom, CA 95630	Tel: (916)939-7901 Email achinnrcs@aol.com Fax: (916)939-7801
Mr. Wayne Shimabukuro County of San Bernardino Auditor/Controller-Recorder-Treasurer-Tax Collector 222 West Hospitality Lane, 4th Floor San Bernardino, California 92415-0018	Tel: (909)386-8850 Email wayne.shimabukuro@atc.sbcounty.gov Fax: (909)386-8830
Mr. Randy L. Breault City of Brisbane 50 Park Place Brisbane, CA 94005	Tel: (415)508-2131 Email rbreault@ci.brisbane.ca.us Fax: (415)467-5547
Mr. Michael Lauffer State Water Resources Control Board 1001 I Street, 22nd Floor Sacramento, CA 95814-2828	Tel: (916)341-5183 Email mlauffer@waterboards.ca.gov Fax: (916)641-5199
Mr. Allan Burdick CSAC-SB 90 Service 2001 P Street, Suite 200	Tel: (916)443-9136 Email allan_burdick@mgtamer.com Fax: (916)443-1766

Sacramento, CA 95811

Mr. Edward Jewik Los Angeles County Auditor-Controller's Office 500 W. Temple Street, Room 603 Los Angeles, CA 90012	Tel: (213)974-8564 Email ejewik@auditor.lacounty.gov Fax: (213)617-8106
Mr. Jeff Carosone Department of Finance (A-15) 915 L Street, 8th Floor Sacramento, CA 95814	Tel: (916)445-8913 Email jeff.carosone@dof.ca.gov Fax:
Ms. Lorena Romero Department of Finance 915 L Street, 7th Floor Sacramento, CA 95814	Tel: lorena.romero@dof.ca.gov Email lorena.romero@dof.ca.gov Fax:
Ms. Evelyn Tseng City of Newport Beach 3300 Newport Blvd. P. O. Box 1768 Newport Beach, CA 92659-1768	Tel: (949)644-3127 Email tseng@city.newport-beach.ca.us Fax: (949)644-3339
Mr. Bruce Wolfe San Francisco Bay Regional Water Quality Control 1515 Clay Street, Suite 1400 Oakland, CA 94612	Tel: (510)622-2314 Email bwolfe@waterboards.ca.gov Fax: (510)622-2460
Mr. David Wellhouse David Wellhouse & Associates, Inc. 9175 Kiefer Blvd, Suite 121 Sacramento, CA 95826	Tel: (916)368-9244 Email dwa-david@surewest.net Fax: (916)368-5723
Mr. Jim Barse City of Alameda 950 West Mall Square, Room 110 Alameda, CA 94501	Tel: (510)749-5857 Email jbarse@ci.alameda.ca.us Fax: (510)749-5867
Ms. Donna Ferebee Department of Finance (A-15) 915 L Street, 11th Floor Sacramento, CA 95814	Tel: (916)445-3274 Email donna.ferebee@dof.ca.gov Fax: (916)323-9584
Ms. Elizabeth G. Pianca County of Santa Clara 70 West Hedding Street, 9th Floor, East Wing San Jose, CA 95110-1770	Tel: (408)299-5920 Email elizabeth.pianca@cco.sccgov.org Fax: (408)292-7240
Mr. Leonard Kaye Los Angeles County Auditor-Controller's Office 500 W. Temple Street, Room 603 Los Angeles, CA 90012	Tel: (213)974-9791 Email lkaye@auditor.lacounty.gov Fax: (213)617-8106

Mr. Jay Lal State Controller's Office (B-08) Division of Accounting & Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916)324-0256 Email JLal@sco.ca.gov Fax: (916)323-6527
Mr. Andy Nichols Nichols Consulting 1857 44th Street Sacramento, CA 95819	Tel: (916)455-3939 Email andy@nichols-consulting.com Fax: (916)739-8712
Mr. Gregory J. Newmark Meyers, Nave, Riback, Silver & Wilson 555 12th Street, Suite 1500 Oakland, CA 94607	Tel: (510)808-2000 Email gnewmark@meyersnave.com Fax: (510)444-1108
Ms. Angie Teng State Controller's Office (B-08) Division of Accounting and Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916)323-0706 Email a.teng@sco.ca.gov Fax:
Ms. Hasmik Yaghobyan County of Los Angeles Auditor-Controller's Office 500 W. Temple Street, Room 603 Los Angeles, CA 90012	Tel: (213)893-0792 Email hyaghobyan@auditor.lacounty.gov Fax: (213)617-8106
Mr. J. Bradley Burgess Public Resource Management Group 895 La Sierra Drive Sacramento, CA 95864	Tel: (916)595-2646 Email Bburgess@mgtamer.com Fax:
Ms. Susan Geanacou Department of Finance (A-15) 915 L Street, Suite 1280 Sacramento, CA 95814	Tel: (916)445-3274 Email susan.geanacou@dof.ca.gov Fax: (916)449-5252
Ms. Dorothy Dickey San Francisco Bay Regional Water Quality Control 1515 Clay Street, Suite 1400 Oakland, CA 94612	Tel: (510)622-2490 Email DDickey@waterboards.ca.gov Fax:
Mr. Ram Venkatesan County of Santa Clara Controller - Treasurer Department 70 West Hedding Street, East Wing San Jose, CA 95110	Tel: (408)299-5210 Email ram.venkatesan@fin.sccgov.org Fax: (408)299-8629
Ms. Jill Kanemasu State Controller's Office (B-08) Division of Accounting and Reporting 3301 C Street, Suite 700	Tel: (916)322-9891 Email jkanemasu@sco.ca.gov Fax:

Sacramento, CA 95816

Ms. Jolene Tollenaar MGT of America 2001 P Street, Suite 200 Sacramento, CA 95811	Tel: (916)443-9136 Email jolene_tollenaar@mgtamer.com Fax: (916)443-1766
Mr. Matt Fabry City of Brisbane 50 Park Place Brisbane, CA 94005	Tel: mfabry@ci.brisbane.ca.us Email mfabry@ci.brisbane.ca.us Fax:
Ms. Catherine Freeman Legislative Analyst's Office (B-29) 925 L Street, Suite 1000 Sacramento, CA 95814	Tel: (916)319-8325 Email catherine.freeman@lao.ca.gov Fax: (916)324-4281
Ms. Harmeet Barkschat Mandate Resource Services, LLC 5325 Elkhorn Blvd. #307 Sacramento, CA 95842	Tel: (916)727-1350 Email harmeet@calsdrc.com Fax: (916)727-1734
Ms. Juliana F. Gmur MAXIMUS 2380 Houston Ave Clovis, CA 93611	Tel: (916)471-5513 Email julianagmur@msn.com Fax: (916)366-4838
