



State Water Resources Control Board

SENT VIA E-FILE

October 31, 2011

Nancy Patton, Assistant Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814
Nancy.Patton@csm.ca.gov

Dear Ms. Patton:

SANTA ANA REGIONAL WATER PERMIT – SAN BERNADINO COUNTY, 10-TC-10
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SANTA ANA REGION,
ORDER NO. R8-2010-0036, EFFECTIVE JANUARY 29, 2010
SAN BERNADINO COUNTY FLOOD CONTROL DISTRICT, COUNTY OF SAN BERNADINO,
CITIES OF BIG BEAR LAKE, CHINO, CHINO HILLS, COLTON, FONTANA, HIGHLAND,
MONTCLAIR, ONTARIO AND RANCHO CUCAMONGA, CO-CLAIMANTS
REQUEST FOR 90 DAY EXTENSION FOR WRITTEN COMMENTS

This is a request for a 90 day extension of time in which to submit comments in the above-noted matter. Currently, the Santa Ana Regional Water Quality Control Board's (Santa Ana Water Board's) comments are due on November 9, 2011. The July 12, 2011 Notice of Complete Test Claim Filing and Schedule For Comments provides that requests for extensions of time may be filed in accordance with California Code of Regulations, title 2, chapter 2.5, sections 1183.01, subdivision (c) and 1181.1, subdivision (h). As explained herein, the Santa Ana Water Board believes that good cause exists for granting an additional 90 day extension of time, which would extend the deadline for submitting comments to February 7, 2012.

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 Test Claim filed by the Co-Claimants concerns permit requirements established in Santa Ana Water Board Order No. R8-2010-036. The Co-Claimants contend that Order No. R8-2010-036 requires them to establish and implement many new programs and activities that are not required by federal law and that were not required in earlier versions of the challenged order. They seek a determination that these programs and activities are state mandates for which they should receive reimbursement. This Test Claim raises numerous and complex issues specific to Order No. R8-2010-0036.

I am the sole attorney responsible for preparing the Santa Ana Water Board's response in the instant Test Claim, and am responsible for managing Test Claims 10-TC-07 and 09-TC-03. The majority of my time in the past few months has been devoted to assisting staff in preparing priority orders for consideration by the Santa Ana Water Board and the North Coast Regional Water Quality Control Board. Extending the due date for comments on the Test Claim will provide me with the necessary time to consult with staff engineers and scientists and prepare the Santa Ana Water Board's response.

For the reasons set forth above, the Santa Ana Water Board requests that the due date for written comments on the Test Claim be extended 90 days to February 7, 2012. The Santa Ana Water Board believes that good cause exists to allow the Commission to grant the requested extension and appreciates your consideration of this request.

Sincerely,

/s/

David R. Rice
Staff Counsel, Office of the Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento, CA 95814-2828
Phone: (916)341-5182
Facsimile: (916)341-5199
Email Address: DavidRice@waterboards.ca.gov

COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300
SACRAMENTO, CA 95814
PHONE: (916) 323-3562
FAX: (916) 445-0278
E-mail: csminfo@csm.ca.gov

**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 November 2, 2011, I served the:

SWRCB Extension Request

Santa Ana Region Water Permit – San Bernardino County, 10-TC-10

California Regional Water Quality Control Board, Santa Ana Region, Order No.

R8-2010-0036, effective January 29, 2010

San Bernardino County Flood Control District, County of San Bernardino, Cities of Big Bear Lake, Chino, Chino Hills, Colton, Fontana, Highland, Montclair, Ontario and Rancho Cucamonga, Co-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 November 2, 2011 at Sacramento, California.



Heidi J. Palchik

Commission on State Mandates

Original List Date: 7/6/2011
Last Updated: 11/2/2011
List Print Date: 11/02/2011
Claim Number: 10-TC-10
Issue: Santa Ana Region Water Permit - San Bernardino 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.)

Mr. David W. Burhenn Burhenn & Gest, LLP 624 S. Grand Ave., Suite 2200 Los Angeles, California 90017	Tel: (213)629-8788 Email: dburhenn@burhenngest.com Fax: (213)688-7716
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. 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. Jai Prasad County of San Bernardino Office of Auditor-Controller 222 West Hospitality Lane, 4th Floor San Bernardino, CA 92415-0018	Tel: (909)386-8854 Email: jai.prasad@atc.sbcounty.gov Fax: (909)386-8830
Mr. Kenneth R. Hunt City of Fontana 8353 Sierra Avenue Fontana, CA 92335	Tel: (909)350-7653 Email: khunt@fontana.org Fax: (909)350-6613
Mr. Andy Nichols Nichols Consulting 1857 44th Street Sacramento, CA 95819	Tel: (916)455-3939 Email: andy@nichols-consulting.com Fax: (916)739-8712
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. Jill Kanemasu State Controller's Office (B-08) Division of Accounting and Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916)322-9891 Email jkanemasu@sco.ca.gov Fax:
Mr. David R. Rice State Water Resources Control Board 1001 I Street, 22nd Floor Sacramento, CA 95814	Tel: (916)341-5161 Email davidrice@waterboards.ca.gov Fax: (916)341-5199
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. David Lawrence City of Big Bear Lake P.O. Box 10000 39707 Big Bear Blvd. Big Bear Lake, CA 92315-8900	Tel: (909)866-5831 Email dlawrence@citybigbearlake.com Fax: (909)866-7511
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. J. Bradley Burgess MGT of America 895 La Sierra Drive Sacramento, CA 95864	Tel: (916)595-2646 Email Bburgess@mgtamer.com Fax:
Ms. Miranda Jackson Department of Finance 915 L Street, 8th Floor Sacramento, CA 95814	Tel: (916)445-8913 Email Miranda.Jackson@dof.ca.gov 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
Mr. Jack Lam City of Rancho Cucamonga 10500 Civic Center Drive Rancho Cucamonga, CA 91730	Tel: (909)477-2700 Email jack.lam@cityofrc.us 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

Ms. Anita Worlow AK & Company 3531 Kersey Lane Sacramento, CA 95864	Tel: (916)972-1666 Email akcompany@um.att.com Fax:
Mr. Joseph A. Hughes City of Highland 27215 Base Line Highland, CA 92346	Tel: (909)864-6861 Email jhughes@cityofhighland.org Fax: (909)862-3180
Mr. Michael C. Hudson City of Montclair 5111 Benito Street Montclair, CA 91763	Tel: (909)625-9441 Email mhudson@cityofmontclair.org Fax:
Mr. Michael Fleager City of Chino Hills 14000 City Center Drive Chino Hills, CA 91709	Tel: (909)364-2600 Email mfleager@chinohills.org Fax: (909)364-2695
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 achinn@cs@aol.com Fax: (916)939-7801
Ms. Marianne O'Malley Legislative Analyst's Office (B-29) 925 L Street, Suite 1000 Sacramento, CA 95814	Tel: (916)319-8315 Email marianne.O'malley@lao.ca.gov Fax: (916)324-4281
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:
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
Ms. Melissa Mendonca State Controller's Office (B-08) Division of Accounting & Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916)322-7369 Email mmendonca@sco.ca.gov Fax:

Mr. Allan Burdick CSAC-SB 90 Service 2001 P Street, Suite 200 Sacramento, CA 95811	Tel: (916)443-9236 Email allan_burdick@mgtamer.com Fax: (916)443-1766
Mr. Dennis Speciale State Controller's Office (B-08) Division of Accounting and Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916)324-0254 Email DSpeciale@sco.ca.gov Fax:
Ms. Carla Shelton Department of Finance 915 L Street, 8th Floor Sacramento, CA 95814	Tel: (916)445-8913 Email carla.shelton@dof.ca.gov Fax:
Mr. Chris Hughes City of Ontario 393 E. B Street Ontario, CA 91764	Tel: (909)395-2555 Email chughes@ci.ontario.ca.us Fax:
Mr. Mark Rewolinski MAXIMUS 625 Coolidge Drive, Suite 100 Folsom, CA 95630	Tel: (916)471-5516 Email markrewolinski@maximus.com Fax: (916)366-4838
Ms. Socorro Aquino State Controller's Office Division of Audits 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916)322-7522 Email SAquino@sco.ca.gov Fax:
Mr. Patrick J. Glover City of Chino 13220 Central Avenue Chino, CA 91710	Tel: (909)591-9806 Email pglover@cityofchino.org Fax: (909)591-6829
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
Mr. Christien Brunette MAXIMUS 625 Coolidge Drive, Suite 100 Folsom, CA 95630	Tel: (916)471-5510 Email christienbrunette@maximus.com Fax: (916)366-4838
Ms. Evelyn Tseng City of Newport Beach 3300 Newport Blvd.	Tel: (949)644-3127 Email etseng@newportbeachca.gov Fax: (949)644-3339

P. O. Box 1768
Newport Beach, CA 92659-1768

Mr. Amer Jakher
City of Colton
650 N. La Cadena Drive
Colton, CA 92324

Tel: (909)370-5065
Email: Ajakher@ci.colton.ca.us
Fax: (909)370-5072

Ms. Juliana F. Gmur
MAXIMUS
2380 Houston Ave
Clovis, CA 93611

Tel: (916)471-5513
Email: julianagmur@msn.com
Fax: (916)366-4838

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. Gregory C. Devereaux
County of San Bernardino
County Flood Control District
385 North Arrowhead Avenue, Fifth Floor
San Bernardino, CA 92415-0120

Tel: (909)387-5417
Email: gdevereaux@cao.sbcounty.gov
Fax: (909)387-5430