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December 30, 2016



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VIA DROP BOX

Ms. Heather Halsey  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento CA 95814

Re: California Regional Water Quality Control Board, San Diego Region,  
Order No. R9-2009-0002, Test Claim 10-TC-11 – Request for Extension

Dear Ms. Halsey:

This letter is being written on behalf of our clients, the County of Orange and the Orange County Flood Control District, as well as the Cities of Dana Point, Laguna Hills, Laguna Niguel, Mission Viejo and San Juan Capistrano (collectively, "Test Claimants"),<sup>1</sup> to seek a short one-week extension of time, from **January 5, 2017 to January 12, 2017**, to file with the Commission two documents. These are the Rebuttal Comments to comments filed by the State, and a response to the Notice of Incomplete Joint Test Claim Filing issued by the Commission on November 18, 2016, both concerning the above-referenced test claim.

The Test Claimants are very aware of the Commission's desire not to delay unduly the filing of pleadings. However, due to the convergence of several factors, which are discussed below, we believe that the short one-week extension sought in this letter should be granted, and will be without prejudice either to the interested parties or to the Commission's staff.

<sup>1</sup> I have been designated as the contact representative for these cities. The City of Lake Forest, also a test claimant, has not yet designated this office as a contact representative, but in the interests of efficiency, the Commission may consider including the City of Lake Forest in any extension granted as a result of this request.

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As you know, the Commission issued two Notices of Incomplete Joint Test Claim Filing on November 18, one regarding this test claim and the other regarding California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2009-0030, Test Claim 09-TC-03. The latter test claim originally had a March 24, 2017 hearing date (since extended to May 26, 2017), and the joint test claimants in that test claim therefore did not seek any extension and filed the response to the Notice when requested, on December 19, 2016.

Due to the fact that response to the Notices involves two separate permits with different permit requirements and largely two separate groups of cities, much effort is required to pull and review historical data to obtain needed cost information and dates. As principal permittee in the permits at issue in these test claims, the County of Orange is required to perform much of the initial work researching the requested cost information in order to address the issues in the Commission's Notice, with much follow-up work needed on the part of the city claimants. The Test Claimants were working until December 19 to provide the required information for the response to Test Claim 09-TC-03, which involved more than a dozen separate jurisdictions. While attention was turned immediately to work on Test Claim 10-TC-11 once the 09-TC-03 response was complete, intervening factors, including meeting day-to-day responsibilities and the availability of key personnel during the holiday season, has resulted in the Test Claimants needing a brief extension of time to assemble the required cost and other information and coordinate responses in order to fully respond to the Notice.

With regard to the Rebuttal Comments, these too are being prepared but must be circulated to representatives of the other Test Claimants for review, a process which requires some time. Also, we believe that it would be preferable as an administrative matter for the Rebuttal Comments and the response to the Notice to be filed contemporaneously, as the Rebuttal Comments reference pages in the Narrative Statement, references which will differ from those in the existing Narrative Statement due to the inclusion of additional information requested by the Commission.

As you know, Section 1187.9, subdivision (a) of the Commission's regulations provides that as long as a postponement of a hearing would not be required, there is no prejudice to any party or interested party, and there is no other good reason for denial, a request for extension shall be approved. We respectfully suggest that these factors are present here. Even if filed on January 12 instead of January 5, Commission staff still would have approximately 60 days (based on the estimated date of March 10, 2017 contained in your letter of November 29, 2016) to review the record and prepare a draft proposed decision. In light of that fact, we respectfully suggest that a postponement of the hearing would not be required.

Again, the Test Claimants are fully cognizant of the Commission's statutory obligations and appreciate the extensions previously given to the Test Claimants for the filing of these documents. Because of those previously granted extensions, the Test Claimants seek only one final one-week extension, from **January 5, 2017 to January 12, 2017**.

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The Test Claimants appreciate your consideration of this extension request. Please let me know if you or your staff have any questions. Thank you.

Very truly yours,

LEON J. PAGE  
COUNTY COUNSEL

By   
\_\_\_\_\_  
Julia C. Woo, Deputy

JCW:po

**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 January 4, 2017, I served the:

**Claimant Request for Extension to File Rebuttal Comments and the Response to the Notice of Incomplete Joint Test Claim Filing; and Notice of Limited Approval of Extension Request**

*California Regional Water Quality Control Board, San Diego Region,  
Order No. R9-2009-0002, 10-TC-11*

County of Orange, Orange County Flood Control District, Cities of Dana Point, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, 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 January 4, 2017 at Sacramento, California.



Jill L. Magee  
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# COMMISSION ON STATE MANDATES

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**Claim Number:** 10-TC-11

**Matter:** California Regional Water Quality Control Board, San Diego Region, Order No. R9-2009-0002

**Claimants:** City of Dana Point  
City of Laguna Hills  
City of Laguna Niguel  
City of Lake Forest  
City of Mission Viejo  
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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