



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

September 10, 2012

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

Dear Ms. Patton:

REVISED SCHEDULE FOR COMMENTS

SAN DIEGO REGION WATER PERMIT – ORANGE COUNTY, 10-TC-11

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION,
ORDER NO. R9-2009-0002, EFFECTIVE DECEMBER 16, 2009

COUNTY OF ORANGE, ORANGE COUNTY FLOOD CONTROL DISTRICT, CITIES OF
DANA POINT, LAGUNA HILLS, LAGUNA NIGUEL, LAKE FOREST, MISSION VIEJO, AND
SAN JUAN CAPISTRANO, CO-CLAIMANTS

**REQUEST FOR EXTENSION OF TIME TO SUBMIT COMMENTS OF THE STATE WATER
RESOURCES CONTROL BOARD AND THE CALIFORNIA REGIONAL WATER QUALITY
CONTROL BOARD, SAN DIEGO REGION**

By letter dated July 13, 2011, the Commission on State Mandates (Commission) notified the Co-Claimants that the Commission issued the notice of complete test claim filing and schedule for comments in the above-referenced manner, with all comments due on or before August 12, 2011. The Commission granted previous extensions of time for comments and extended the comment period until September 14, 2012. I am the attorney at the State Water Resources Control Board (State Water Board) assigned to this matter and will be preparing comments on behalf of the State Water Board and the San Diego Regional Water Quality Control Board (San Diego Water Board).

The test claim filed by the Co-Claimants is very broad and covers almost every aspect of the challenged permit. The State and San Diego Water Boards wish to closely evaluate the test claim and the provisions alleged to be unfunded state mandates and anticipate that it will not be possible to complete their review and submit comments before September 14, 2012. Other work obligations, including being the sole legal counsel for general orders and permits, have limited my ability to effectively respond to the test claim. I am also counsel for the Regional

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

Ms. Nancy Patton

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September 10, 2012

Water Quality Control Board, Central Coast Region (Central Coast Water Board), and must spend a significant amount of my time providing legal counsel and review on permits, enforcement actions, and orders for that region. I am currently involved as the advisory attorney for the Central Coast Water Board on a 1.3 million dollar administrative civil liability complaint that the Central Coast Water Board heard on Friday, September 7, 2012, and will continue in October, and has taken most of my time for the past month. For these reasons, the State Water Board and the San Diego Water Board believe that good cause exists under California Code of Regulations, title 2, section 1181.1, subdivision (h), for granting an extension of time and request that the Commission extend the time for state agencies to submit comments until **December 14, 2012**.

The San Diego Water Board appreciates the Commission's suggestion to work with the claimants to reach agreement on a stipulation for an extension until a particular date. The San Diego Water Board believes that a stipulation would be in the best interests of all parties and will approach the claimants about submitting such a stipulation for the Commission's approval.

We appreciate your consideration of this request. Please contact me at (916) 341-5168 or by e-mail at jjahr@waterboards.ca.gov if you have any questions.

Sincerely,



Jessica Jahr
Staff Counsel

cc: Proof of Service
Service List

Commission on State Mandates

Original List Date: 7/11/2011
Last Updated: 6/14/2012
List Print Date: 06/14/2012
Claim Number: 10-TC-11
Issue: San Diego Region Water Permit - Orange 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 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 12, 2012, I served the:

SWRQCB Extension Request

San Diego Region Water Permit – Orange County, 10-TC-11
California Regional Water Quality Control Board, San Diego Region, Order No.
R9-2009-0002, effective December 16, 2009
County of Orange, Orange County Flood Control District, Cities of Dana Point,
Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, and San Juan Capistrano,
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 September 12, 2012 at Sacramento, California.

A handwritten signature in black ink, appearing to read "Lorenzo Duran", written over a horizontal line.

Lorenzo Duran

Commission on State Mandates

Original List Date: 7/11/2011
Last Updated: 9/12/2012
List Print Date: 09/12/2012
Claim Number: 10-TC-11
Issue: San Diego Region Water Permit - Orange County

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