



June 15, 2016

Ms. Catherine George Hagan  
State Water Resources Control Board  
c/o San Diego Water Board  
2375 Northside Drive, Suite 100  
San Diego, CA 92108

*And Parties, Interested Parties, and Interested Persons (See Mailing List)*

**Re: Notice of Extension Request Approval for 30 Days from Supreme Court Decision**  
*San Diego Region Water Permit – County of Orange, 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

Dear Ms. Hagan:

On June 13, 2016, the Commission on State Mandates (Commission) received your 17th request for an extension of time to submit comments by stipulation on the above-named matter. In your current request, you note that both the claimants and the Department of Finance authorize you to represent to the Commission that the parties stipulate to the request for an extension of time for the filing of comments until 60 days after the decision in the California Supreme Court case *State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Control Board, Los Angeles Region v. Commission on State Mandates and County of Los Angeles, et. al.*, California Supreme Court, Case No. S214855, has been filed or on December 19, 2016 (approximately 180 days from June 15, 2016), whichever comes first.

Section 1187.9(a) of the Commission's regulations provides that so 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, the request for extension shall be approved. However, there is no longer a test claim backlog and this claim and other pending stormwater permit claims have now been tentatively set for hearing. Specifically, this matter is tentatively scheduled for hearing on March 24, 2017.

Additionally, upon the California Supreme Court's release of its opinion in *Department of Finance v. Commission on State Mandates* (County of Los Angeles), expected no later than August 31, 2016, the Commission will issue a request for additional briefing on how that decision should apply to the above-entitled test claim, and will provide a 30-day comment period for all parties, interested parties, and interested persons for that purpose.

As you are aware, Government Code section 17553 requires that the Commission adopt procedures to ensure a statewide cost estimate is adopted within 12 months after receipt of a test claim, which may be extended for up to six months. In the case of the above-entitled test claims,

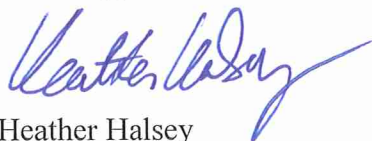
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Orange\Correspondence\SWRCB Extok 061516.docx

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test claim decisions were delayed first due to a historic test claim backlog<sup>1</sup> and then these matters were placed on inactive status based on pending litigation on other stormwater test claims with the same threshold issues. In the interim, Commission staff has eliminated its test claim backlog.<sup>2</sup> If the California Supreme Court determines that in some instances local agency stormwater permits may impose a reimbursable state mandate, then the 13 pending stormwater claims will become active and the Commission will once again have a test claim backlog. Commission staff will work diligently to adopt test claim decisions on these matters as soon as is possible, and will expedite the resolution of these pending matters.

Therefore, your request for extension of time to submit comments on this matter is approved, but only to 30 days from the date of the Supreme Court decision on Case No. S214855, or **approximately October 3, 2016.**

Sincerely,



Heather Halsey  
Executive Director

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<sup>1</sup> This backlog resulted in it taking an average of approximately five years to adopt a statewide cost estimate from the time of filing a test claim during the time period from about 2003 to 2013 and the reasons for this backlog are discussed at length in the Commission's annual Report to Finance and Backlog Reduction Plan, which may be found on the Commission's website.

<sup>2</sup> For test claims filed since 2013, excluding the stormwater claims, the Commission has been adopting test claims within an average of 13 months and statewide cost estimates within an average of 21 months from the time of the test claim filing.

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

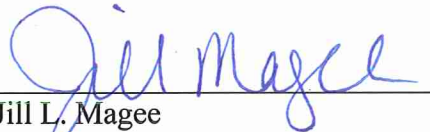
I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On June 15, 2016, I served the:

**SWRCB Request for Extension; and  
Notice of Extension Request Approval for 30 Days from Supreme Court Decision  
*San Diego Region Water Permit – County of Orange, 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 June 15, 2016 at Sacramento, California.



Jill L. Magee  
Commission on State Mandates  
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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 6/13/16

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

**Matter:** San Diego Region Water Permit - Orange County

**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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