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ENVIRONMENTAL PROTECTION

State Water Resources Control Board

RECEIVED
October 07, 2016
**Commission on
State Mandates**

October 7, 2016

VIA DROP BOX

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

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 APPROVAL OF EXTENSION OF TIME UNTIL OCTOBER 21 TO
SUBMIT COMMENTS OF THE STATE WATER RESOURCES CONTROL BOARD
AND THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN
DIEGO REGION

Dear Ms. Halsey:

The State Water Resources Control Board's (State Water Board) and the San Diego Regional Water Quality Control Board's (San Diego Water Board) (collectively Water Boards) and other parties' comments on the above test claim are due October 10, 2016. Last week, the Commission on State Mandates (Commission) granted Claimants' request to extend the time for all parties to submit the additional briefing on how the Supreme Court's decision in Case No. S214855¹ should apply to the above-entitled Test Claim. That briefing had previously been due on the same date as comments on the Test Claim. In developing the Water Boards' comments on the Test Claim, it has become apparent that it is neither feasible nor efficient to respond to the Test Claim, without at least, in part, assuming the Supreme Court decision becomes final. As a result, the Water Boards are in the position of providing the additional briefing on the

¹ *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.

effects of the Supreme Court decision, but doing so eleven days earlier than other parties in this Test Claim and in other test claims pending before the Commission.

We request that the Commission allow the Water Boards to submit their comments, inclusive of briefing on the how the Supreme Court decision affects the Test Claim, at the same time as the briefing on the latter issue is due, or on October 21, 2016. We believe it would be appropriate and equitable to allow the Water Boards to express their views on the significant implications of the Supreme Court decision simultaneously with the Claimants as part of the Water Boards' Test Claim comments.

For these reasons, the Water Boards believe that good cause exists for granting the requested extension and that other parties will not be prejudiced. 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 of time to file comments on a test claim shall be approved. The Orange County test claim is set for hearing in March 24, 2017. While we understand that under the Commission's regulations, a delay in filing comments will result in an extension of the due date for Claimants' rebuttal to the Water Boards' comments, the delay of 11 days should not necessitate a postponement of the hearing schedule.

The Water Boards appreciate your consideration of this request. Please let me know if you have any questions. I can be reached at (619) 521-3012 or Catherine.Hagan@waterboards.ca.gov.

Sincerely,



Catherine George Hagan
Senior Staff Counsel

cc: Service List via Commission Drop Box
Adriana Nunez, OCCF [via e-mail only]

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

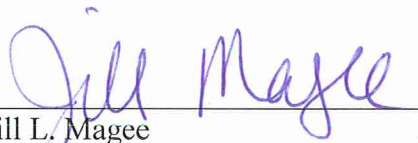
I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On October 12, 2016, I served the:

**SWRCB Request for Extension and
Notice of Extension Request Approval and Renaming of Matter**
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 October 12, 2016 at Sacramento, California.



Jill L. Magee
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 10/11/16

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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