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December 02, 2016
Commission on
State Mandates

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VIA DROP BOX

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Notice of Incomplete Joint Test Claim Filing
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, Co-Claimants

Dear Ms. Halsey:

This office represents Co-Claimants County of Orange and Orange County Flood Control District with respect to the above-referenced test claim 10-TC-11 ("Test Claim"). On behalf my clients and all other Test Claim Co-Claimants, I am writing in response to the Notice of Incomplete Joint Test Claim Filing ("Notice"), dated November 18. Specifically, this letter addresses two alleged Test Claim deficiencies identified in the Notice: (1) that the test claim may not be timely due to an alleged lack of assertion or evidence of when costs were first incurred under the stormwater permit ("Permit") which is the subject of the Test Claim; and (2) that the test claim lacks detailed costs incurred by the Co-Claimants. In addition, the Co-Claimants respectfully request that their response to the Notice, including elements curing the alleged defects identified in the Notice, be due on or after **January 5, 2017**.

Co-Claimants respectfully reserve their right to object to the Notice on the ground that the Test Claim was deemed complete by the Commission on July 13, 2011,

and potentially on a number of other grounds.¹ Without affecting this reservation, Co-Claimants hereby seek to resolve what we believe are some inaccurate assertions in the Notice, by directing staff's attention to evidence already submitted in support of the Test Claim which, we believe, addresses the timeliness point set forth above. Should evidence already existing in the record be deemed insufficient by Commission staff to consider the Test Claim timely, Co-Claimants propose, below, a possible solution to the timeliness issue involving modification to the Narrative Statement. As to the issue of costs, Co-Claimants seek clarification on the form of additional declarations that Commission staff believes are required to "cure" alleged costs-related deficiencies in the Test Claim. Finally, in recognition of the fact that this Test Claim was previously deemed complete,² and in acknowledgement that it has now been pending before the Commission for more than five years – during which time key personnel have retired and relevant documents have in some cases been placed into storage or become not readily accessible, Co-Claimants request until January 5, 2017, to address all unresolved issues alleged in the Notice and preserve the original Test Claim filing date.

If you and your staff do not concur with these requests, Co-Claimants respectfully request an immediate conference with staff, the parties to the Test Claim, and any other interested parties to determine what further steps must be taken to address the issues raised in the Notice. Time is of the essence, as the Notice provides a deadline of December 19, 2016 for the cure for the alleged deficiencies.

1. Alleged Untimeliness of Test Claim: As the Notice points out, Government Code section 17551, subdivision (c), provides that a test claim is timely if it is either filed "not later than 12 months following the effective date of a statute or executive order, or within 12 months of incurring increased costs as a result of a statute or executive order, whichever is later." The Commission's promulgated regulations, previously approved by the California Office of Administrative Law (OAL), define "within 12 months of incurring increased costs" to mean "by June 30 of the fiscal year following the fiscal year in which increased costs were first incurred by the test claimant." Cal. Code Regs., tit 2, § 1183.1 (c).

As the Notice acknowledges, the Test Claim was filed on June 30, 2011. While this filing may have occurred more than 12 months after the Permit effective date of December 6, 2009 (December 6, 2010), the evidence submitted with the Test Claim demonstrates that the Test Claim was timely filed "within 12 months of incurring increased costs," and by "June 30 of the

¹ We have some concern that the Notice can be read to require Co-Claimants to comply with regulatory requirements of the Commission that did not exist at the time that the Co-Claimants claims were filed in 2011. It appears that at least some of the issues listed by the Commission in the Notice were not formal requirements of the Commission at the time the Co-Claims were filed in 2011.

² Additionally, we note with concern that none of the issues raised in the Notice appear to have been raised by the State or Regional Boards or the Department of Finance in opposition to the Test Claim.

fiscal year following the fiscal year in which increased costs were first incurred by the test claimant.”

We direct your attention to cost sharing summary documents attached to declarations filed in support of the Test Claim which set forth Fiscal Year 2010-11 as the fiscal year in which costs were first incurred for certain mandates set forth in the Test Claim. (Please see pages 124-133 of the Test Claim, a copy of which is attached for your convenience.) Since the end of FY 2010-11 is June 30, 2011 (the date on which the Test Claim was filed), the Test Claim appears to have been filed fully a year before the latest date in which it could have been filed.

In light of these facts, we are unclear as to why staff has preliminarily determined that the Test Claim may be untimely. Even had costs to comply with the mandates first been incurred in FY 2009-10, the Test Claim would still be timely pursuant to the Commission’s regulations, because the Test Claim was filed by June 30 of FY 2010-11, i.e. by June 30 of the fiscal year following the first fiscal year in which costs were incurred. Thus, the Co-Claimants, who relied in good faith upon the Commission’s regulations, request that Commission staff further clarify why additional evidence of timely submission is legally required.³

Additionally, the Notice requests “evidence of the date and amount of costs first incurred as a result of the alleged new activities required under the order.” With respect, the Commission’s regulations on the issue of timeliness do not require evidence of the amount of first costs, only that a test claim be filed within 12 months following the effective date, or within 12 months of first incurring increased costs, whichever is later. Cal. Code Regs., tit 2, § 1183.1 (c). We submit that there is already evidence in the record that such increased costs were first incurred within the regulatory period to establish a timely claim.

Notwithstanding these points, and in an effort to promptly address staff’s concerns, we understand that the issue of timeliness of the test claim also arose in test claim 14-TC-03, San Diego Water Permit, County of San Diego. We further understand that after consultation with staff, the test claimants there were allowed to resolve the timeliness issues raised by Commission staff by including language in their Narrative Statement specifically setting forth the fiscal year

³ While the Notice is not clear on this point, to the extent Commission staff may be taking the position that it can disclaim the validity of its own regulation interpreting the Government Code section 17551 provision “within 12 months of incurring increased costs,” Cal. Code Regs., tit 2, § 1183.1 (c), Co-Claimants assert that principles of equitable estoppel should prevent the Commission from finding Joint Claimants’ Test Claim untimely. *See Lantzy v. Centex Homes* (2003) 31 Cal.4th 363, 367 (“A defendant whose conduct induced plaintiffs to refrain from filing suit within the 10-year period might be equitably estopped to assert that the statute of limitations had expired”). Moreover, any action by the Commission to deny the Co-Claimants petitions as untimely would send the message that the Commission’s regulations do not have the force of law, as potential claimants would never know what other portions of the Commission’s regulations might unilaterally be disclaimed by the Commission in the future.

during which costs were first incurred to comply with the mandates in that executive order. (Please see Section IV of the San Diego County Narrative Statement at 5-9, a copy of which is attached.) While the Co-Claimants do not believe that another averment is required to establish the timeliness of their Test Claim, we are able and willing to amend the Narrative Statement to add language similar to that in the San Diego County test claim if doing so will allow Commission staff to deem the Test Claim timely.

We therefore respectfully request that staff either withdraw its preliminary determination of incompleteness with respect to the timeliness of the test claim or indicate that it would accept a modification of the Narrative Statement along the lines of that set forth in Section IV of the Narrative Statement for test claim 14-TC-03. If neither of these resolutions is acceptable, we respectfully request a conference to be held no later than December 5, 2016 to discuss what additional information is required of the Co-Claimants on this point. We understand and agree that such a conference be open to the parties and all interested parties.

2. Detailed Cost Estimates: With regard to the provision of detailed cost estimates, we have reviewed the Declarations filed in Section 6 of the Test Claim as well as the aforementioned cost sharing summaries on pages 124-133 of the Test Claim, which provide various cost estimates for Fiscal Years 2010-11 and 2011-12, the year in which costs were first incurred and for the next fiscal year. Our review indicates that the Test Claim indeed provides estimates for certain of the items.

The Notice appears to ask that Co-Claimants revise the Test Claim form Section 5 Narrative Statement to include actual and/or estimated costs for each alleged mandate. However, the Notice does not identify the manner in which the Test Claim was deficient. To reduce the burden on both the Co-Claimants and Commission staff, and in light of the fact that specific cost numbers have already been provided for multiple items in the Test Claim, we propose that the Co-Claimants file new declarations focusing only on items where no cost estimate was previously provided, so as to supplement the existing declarations. The Narrative Statement would also be modified to include cost estimates.

The Co-Claimants request your concurrence with this proposed resolution. If this is not acceptable, we would again request a formal staff conference to be held no later than December 5, 2016 so that the Co-Claimants can obtain a clear understanding of what cost data will be required to address the alleged deficiencies in the Test Claim.

3. Timing of Response: The Notice requires the Co-Claimants to provide certain "required elements" to cure the filing of the Test Claim by December 19, 2016. This deadline, which is within 30 calendar days of the Notice, is based on Cal. Code Reg., tit.2, § 1183.1(f). That regulation, however, is specifically applicable only to the initial filing of a test claim or an amendment thereto. "Within 10 days of receipt of a test claim, or amendment thereto, Commission staff shall notify the claimant if the test claim is complete or incomplete." *Id.*

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December 2, 2016
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Here, the Notice was served more than five years after the Test Claim originally was deemed complete.

We note further that the Executive Director has discretion to grant a longer than 30-day cure period while still allowing Co-Claimants to maintain the original test claim filing date: “If a complete test claim is not received within 30 calendar days from the date the incomplete test claim was returned, the executive director *may* disallow the original test claim filing date.” *Id.*, emphasis supplied.

In light of these facts, and also in light of the burden placed on the Co-Claimants by the simultaneous issuance of Notices on both test claim 09-TC-03 and this Test Claim (as to which the County and the District are both Co-Claimants, and which involve legal counsel who represent cities involved in both test claims), we respectfully request that the deadline by which the Co-Claimants are required to respond to the Notice be extended from December 19 to January 5, 2017.

Since the hearing on this Test Claim has been continued to May 27, 2017, we do not believe that such an extension would prejudice any party or interested party or require further extension of the hearing date.

We look forward to your response to this letter. Thank you very much.

Very truly yours,

LEON J. PAGE
COUNTY COUNSEL

By



Julia Woo, Deputy

JCW:po

Attachment

cc: Service List (via Drop Box)

UNFUNDED MANDATES TEST CLAIM
Cost Sharing Summary For Countywide Program/Region Specific Elements
NPDES San Diego Permittees
Fiscal Year 2011-12

Received
 June 30, 2011
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 State Mandates

Permittee	NALs	SALs	LID/WQMP	HYDROMOD	TOTAL
Aliso Viejo	\$2,224	\$3,486	\$2,099	\$8,488	\$16,297
Dana Point	\$1,682	\$2,637	\$1,588	\$6,420	\$12,327
Laguna Beach	\$1,535	\$2,406	\$1,449	\$5,860	\$11,251
Laguna Hills (82.23% in SDR)	\$1,315	\$2,061	\$1,241	\$5,019	\$9,637
Laguna Niguel	\$3,411	\$5,347	\$3,220	\$13,020	\$24,998
Laguna Woods (48.03% in SDR)	\$400	\$627	\$378	\$1,527	\$2,932
Lake Forest (31.32% in SDR)	\$1,273	\$1,995	\$1,201	\$4,857	\$9,325
Mission Viejo	\$4,699	\$7,366	\$4,436	\$17,936	\$34,438
Rancho Santa Margarita	\$2,737	\$4,291	\$2,584	\$10,448	\$20,060
San Clemente	\$3,701	\$5,801	\$3,494	\$14,126	\$27,122
San Juan Capistrano	\$2,343	\$3,672	\$2,212	\$8,941	\$17,168
County of Orange (51.85% in SDR)	\$10,050	\$15,752	\$9,487	\$38,357	\$73,646
OCFCD	\$3,930	\$6,160	\$3,710	\$15,000	\$28,800
TOTALS	\$39,300	\$61,600	\$37,100	\$150,000	\$288,000

**Cost Sharing For Countywide Program/Region Specific Elements
NPDES Permittee Shares of Revenue
Fiscal Year 2011-12**

Received
June 30, 2011
Commission on
State Mandates

*******NON-STORMWATER DRY WEATHER ACTION LEVELS*******

Permittee	Population *	Area (sq. mi.) **	Weighted Average Share of Revenue (%)	Budget Share FY 2010-2011
Aliso Viejo	48,320	6.92	5.658764	\$2,224
Dana Point	33,429	6.43	4.280068	\$1,682
Laguna Beach	22,792	8.83	3.906643	\$1,535
Laguna Hills (82.23% in SDR)	25,006	5.46	3.346208	\$1,315
Laguna Niguel	63,228	14.79	8.679703	\$3,411
Laguna Woods (48.03% in SDR)	7,792	1.59	1.017914	\$400
Lake Forest (31.32% in SDR)	24,270	5.26	3.237942	\$1,273
Mission Viejo	93,483	17.93	11.957659	\$4,699
Rancho Santa Margarita	47,947	12.94	6.965383	\$2,737
San Clemente	63,743	17.91	9.417285	\$3,701
San Juan Capistrano	34,734	13.49	5.960993	\$2,343
County of Orange (51.85% in SDR)	62,992	90.86	25.571437	\$10,050
OCFCD	0	0.00	10.000000	\$3,930
TOTALS	527,736	202.402	100.00000	\$39,300

* Source: State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2010 and 2011. Sacramento, California, May 2011.
Available at: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>

** Source: Orange County Public Works - Geomatics. Area was calculated in miles using the dry land area figures and subtracting areas in each jurisdiction for national forests, state parks, airports, landfills and military installations as determined in the NPDES Implementation Agreement.

**Cost Sharing For Countywide Program/Region Specific Elements
NPDES Permittee Shares of Revenue
Fiscal Year 2011-12**

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*******STORMWATER ACTION LEVELS*******

Permittee	Population *	Area (sq. mi.) **	Weighted Average Share of Revenue (%)	Budget Share FY 2010-2011
Aliso Viejo	48,320	6.92	5.658764	\$3,486
Dana Point	33,429	6.43	4.280068	\$2,637
Laguna Beach	22,792	8.83	3.906643	\$2,406
Laguna Hills (82.23% in SDR)	25,006	5.46	3.346208	\$2,061
Laguna Niguel	63,228	14.79	8.679703	\$5,347
Laguna Woods (48.03% in SDR)	7,792	1.59	1.017914	\$627
Lake Forest (31.32% in SDR)	24,270	5.26	3.237942	\$1,995
Mission Viejo	93,483	17.93	11.957659	\$7,366
Rancho Santa Margarita	47,947	12.94	6.965383	\$4,291
San Clemente	63,743	17.91	9.417285	\$5,801
San Juan Capistrano	34,734	13.49	5.960993	\$3,672
County of Orange (51.85% in SDR)	62,992	90.86	25.571437	\$15,752
OCFCD	0	0.00	10.000000	\$6,160
TOTALS	527,736	202.402	100.00000	\$61,600

* Source: State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2010 and 2011. Sacramento, California, May 2011.
Available at: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>

** Source: Orange County Public Works - Geomatics. Area was calculated in miles using the dry land area figures and subtracting areas in each jurisdiction for national forests, state parks, airports, landfills and military installations as determined in the NPDES Implementation Agreement.

**Cost Sharing For Countywide Program/Region Specific Elements
NPDES Permittee Shares of Revenue
Fiscal Year 2011-12**

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State Mandates

*****LID/WQMP*****

Permittee	Population *	Area (sq. mi.) **	Weighted Average Share of Revenue (%)	Budget Share FY 2010-2011
Aliso Viejo	48,320	6.92	5.658764	\$2,099
Dana Point	33,429	6.43	4.280068	\$1,588
Laguna Beach	22,792	8.83	3.906643	\$1,449
Laguna Hills (82.23% in SDR)	25,006	5.46	3.346208	\$1,241
Laguna Niguel	63,228	14.79	8.679703	\$3,220
Laguna Woods (48.03% in SDR)	7,792	1.59	1.017914	\$378
Lake Forest (31.32% in SDR)	24,270	5.26	3.237942	\$1,201
Mission Viejo	93,483	17.93	11.957659	\$4,436
Rancho Santa Margarita	47,947	12.94	6.965383	\$2,584
San Clemente	63,743	17.91	9.417285	\$3,494
San Juan Capistrano	34,734	13.49	5.960993	\$2,212
County of Orange (51.85% in SDR)	62,992	90.86	25.571437	\$9,487
OCFCD	0	0.00	10.000000	\$3,710
TOTALS	527,736	202.402	100.00000	\$37,100

* Source: State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2010 and 2011. Sacramento, California, May 2011.
Available at: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>

** Source: Orange County Public Works - Geomatics. Area was calculated in miles using the dry land area figures and subtracting areas in each jurisdiction for national forests, state parks, airports, landfills and military installations as determined in the NPDES Implementation Agreement.

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NPDES Permittee Shares of Revenue
Fiscal Year 2011-12**

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*****HYDROMOD*****

Permittee	Population *	Area (sq. mi.) **	Weighted Average Share of Revenue (%)	Budget Share FY 2010-2011
Aliso Viejo	48,320	6.92	5.658764	\$8,488
Dana Point	33,429	6.43	4.280068	\$6,420
Laguna Beach	22,792	8.83	3.906643	\$5,860
Laguna Hills (82.23% in SDR)	25,006	5.46	3.346208	\$5,019
Laguna Niguel	63,228	14.79	8.679703	\$13,020
Laguna Woods (48.03% in SDR)	7,792	1.59	1.017914	\$1,527
Lake Forest (31.32% in SDR)	24,270	5.26	3.237942	\$4,857
Mission Viejo	93,483	17.93	11.957659	\$17,936
Rancho Santa Margarita	47,947	12.94	6.965383	\$10,448
San Clemente	63,743	17.91	9.417285	\$14,126
San Juan Capistrano	34,734	13.49	5.960993	\$8,941
County of Orange (51.85% in SDR)	62,992	90.86	25.571437	\$38,357
OCFCD	0	0.00	10.000000	\$15,000
TOTALS	527,736	202.402	100.00000	\$150,000

* Source: State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2010 and 2011. Sacramento, California, May 2011.
Available at: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>

** Source: Orange County Public Works - Geomatics. Area was calculated in miles using the dry land area figures and subtracting areas in each jurisdiction for national forests, state parks, airports, landfills and military installations as determined in the NPDES Implementation Agreement.

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Permittee	NALs	SALs	LID/WQMP	HYDROMOD	TOTAL
Aliso Viejo	\$492	\$3,486	\$1,887	\$3,090	\$8,955
Dana Point	\$372	\$2,637	\$1,427	\$2,337	\$6,773
Laguna Beach	\$340	\$2,406	\$1,303	\$2,133	\$6,182
Laguna Hills (82.23% in SDR)	\$291	\$2,061	\$1,116	\$1,827	\$5,295
Laguna Niguel	\$755	\$5,347	\$2,895	\$4,739	\$13,736
Laguna Woods (48.03% in SDR)	\$89	\$627	\$339	\$556	\$1,611
Lake Forest (31.32% in SDR)	\$282	\$1,995	\$1,080	\$1,768	\$5,124
Mission Viejo	\$1,040	\$7,366	\$3,988	\$6,529	\$18,923
Rancho Santa Margarita	\$606	\$4,291	\$2,323	\$3,803	\$11,023
San Clemente	\$819	\$5,801	\$3,141	\$5,142	\$14,903
San Juan Capistrano	\$519	\$3,672	\$1,988	\$3,255	\$9,433
County of Orange (51.85% in SDR)	\$2,225	\$15,752	\$8,528	\$13,962	\$40,467
OCFCD	\$870	\$6,160	\$3,335	\$5,460	\$15,825
TOTALS	\$8,700	\$61,600	\$33,350	\$54,600	\$158,250

**Cost Sharing For Countywide Program/Region Specific Elements
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*******NON-STORMWATER DRY WEATHER ACTION LEVELS*******

Permittee	Population *	Area (sq. mi.) **	Weighted Average Share of Revenue (%)	Budget Share FY 2010-2011
Aliso Viejo	48,320	6.92	5.658764	\$492
Dana Point	33,429	6.43	4.280068	\$372
Laguna Beach	22,792	8.83	3.906643	\$340
Laguna Hills (82.23% in SDR)	25,006	5.46	3.346208	\$291
Laguna Niguel	63,228	14.79	8.679703	\$755
Laguna Woods (48.03% in SDR)	7,792	1.59	1.017914	\$89
Lake Forest (31.32% in SDR)	24,270	5.26	3.237942	\$282
Mission Viejo	93,483	17.93	11.957659	\$1,040
Rancho Santa Margarita	47,947	12.94	6.965383	\$606
San Clemente	63,743	17.91	9.417285	\$819
San Juan Capistrano	34,734	13.49	5.960993	\$519
County of Orange (51.85% in SDR)	62,992	90.86	25.571437	\$2,225
OCFCD	0	0.00	10.000000	\$870
TOTALS	527,736	202.402	100.00000	\$8,700

* Source: State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2010 and 2011. Sacramento, California, May 2011.
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** Source: Orange County Public Works - Geomatics. Area was calculated in miles using the dry land area figures and subtracting areas in each jurisdiction for national forests, state parks, airports, landfills and military installations as determined in the NPDES Implementation Agreement.

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*******STORMWATER ACTION LEVELS*******

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Dana Point	33,429	6.43	4.280068	\$2,637
Laguna Beach	22,792	8.83	3.906643	\$2,406
Laguna Hills (82.23% in SDR)	25,006	5.46	3.346208	\$2,061
Laguna Niguel	63,228	14.79	8.679703	\$5,347
Laguna Woods (48.03% in SDR)	7,792	1.59	1.017914	\$627
Lake Forest (31.32% in SDR)	24,270	5.26	3.237942	\$1,995
Mission Viejo	93,483	17.93	11.957659	\$7,366
Rancho Santa Margarita	47,947	12.94	6.965383	\$4,291
San Clemente	63,743	17.91	9.417285	\$5,801
San Juan Capistrano	34,734	13.49	5.960993	\$3,672
County of Orange (51.85% in SDR)	62,992	90.86	25.571437	\$15,752
OCFCD	0	0.00	10.000000	\$6,160
TOTALS	527,736	202.402	100.00000	\$61,600

* Source: State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2010 and 2011. Sacramento, California, May 2011.
Available at: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>

** Source: Orange County Public Works - Geomatics. Area was calculated in miles using the dry land area figures and subtracting areas in each jurisdiction for national forests, state parks, airports, landfills and military installations as determined in the NPDES Implementation Agreement.

**Cost Sharing For Countywide Program/Region Specific Elements
NPDES Permittee Shares of Revenue
Fiscal Year 2010-11**

Received
June 30, 2011
Commission on
State Mandates

*****LID/WQMP*****

Permittee	Population *	Area (sq. mi.) **	Weighted Average Share of Revenue (%)	Budget Share FY 2010-2011
Aliso Viejo	48,320	6.92	5.658764	\$1,887
Dana Point	33,429	6.43	4.280068	\$1,427
Laguna Beach	22,792	8.83	3.906643	\$1,303
Laguna Hills (82.23% in SDR)	25,006	5.46	3.346208	\$1,116
Laguna Niguel	63,228	14.79	8.679703	\$2,895
Laguna Woods (48.03% in SDR)	7,792	1.59	1.017914	\$339
Lake Forest (31.32% in SDR)	24,270	5.26	3.237942	\$1,080
Mission Viejo	93,483	17.93	11.957659	\$3,988
Rancho Santa Margarita	47,947	12.94	6.965383	\$2,323
San Clemente	63,743	17.91	9.417285	\$3,141
San Juan Capistrano	34,734	13.49	5.960993	\$1,988
County of Orange (51.85% in SDR)	62,992	90.86	25.571437	\$8,528
OCFCD	0	0.00	10.000000	\$3,335
TOTALS	527,736	202.402	100.00000	\$33,350

* Source: State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2010 and 2011. Sacramento, California, May 2011.
Available at: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>

** Source: Orange County Public Works - Geomatics. Area was calculated in miles using the dry land area figures and subtracting areas in each jurisdiction for national forests, state parks, airports, landfills and military installations as determined in the NPDES Implementation Agreement.

**Cost Sharing For Countywide Program/Region Specific Elements
NPDES Permittee Shares of Revenue
Fiscal Year 2010-11**

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*****HYDROMOD*****

Permittee	Population *	Area (sq. mi.) **	Weighted Average Share of Revenue (%)	Budget Share FY 2010-2011
Aliso Viejo	48,320	6.92	5.658764	\$3,090
Dana Point	33,429	6.43	4.280068	\$2,337
Laguna Beach	22,792	8.83	3.906643	\$2,133
Laguna Hills (82.23% in SDR)	25,006	5.46	3.346208	\$1,827
Laguna Niguel	63,228	14.79	8.679703	\$4,739
Laguna Woods (48.03% in SDR)	7,792	1.59	1.017914	\$556
Lake Forest (31.32% in SDR)	24,270	5.26	3.237942	\$1,768
Mission Viejo	93,483	17.93	11.957659	\$6,529
Rancho Santa Margarita	47,947	12.94	6.965383	\$3,803
San Clemente	63,743	17.91	9.417285	\$5,142
San Juan Capistrano	34,734	13.49	5.960993	\$3,255
County of Orange (51.85% in SDR)	62,992	90.86	25.571437	\$13,962
OCFCD	0	0.00	10.000000	\$5,460
TOTALS	527,736	202.402	100.00000	\$54,600

* Source: State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2010 and 2011. Sacramento, California, May 2011.
Available at: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>

** Source: Orange County Public Works - Geomatics. Area was calculated in miles using the dry land area figures and subtracting areas in each jurisdiction for national forests, state parks, airports, landfills and military installations as determined in the NPDES Implementation Agreement.

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 December 6, 2016, I served the:

Claimant Comments and Notice of Incomplete Joint Test Claim Filing and Request for Extension of Time

California Regional Water Quality Control Board, San Diego Region,

Order No. R9-2009-0002, 10-TC-11

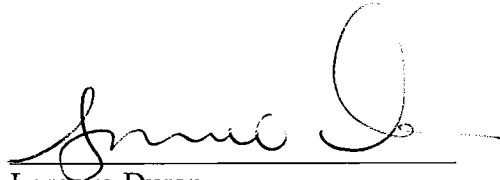
County of Orange, Orange County Flood Control District,

Cities of Dana Point, Laguna Hills, Laguna Niguel,

Lake Forest, Mission Viejo, and San Juan Capistrano, 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 December 6, 2016 at Sacramento, California.



Lorenzo Duran

Commission on State Mandates

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/21/16

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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