

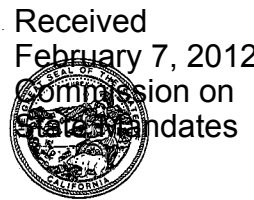


California Regional Water Quality Control Board Los Angeles Region

320 West Fourth Street, Suite 200, Los Angeles, California 90013
(213) 576-6600 • FAX (213) 576-6640
<http://www.waterboards.ca.gov/losangeles>

Matthew Rodriguez
Secretary for
Environmental Protection

Reply To: Jennifer L. Fordyce, Staff Counsel
Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812-0100
Direct: (916) 324-6682 ♦ jfordyce@waterboards.ca.gov
Office: (916) 341-5161 ♦ Fax (916) 341-5199



Edmund G. Brown Jr.
Governor

February 7, 2012

VIA E-FILE

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

Dear Ms. Patton:

LOS ANGELES REGION WATER PERMIT – VENTURA COUNTY, 11-TC-01: REQUEST FOR ADDITIONAL 30-DAY EXTENSION OF TIME TO SUBMIT WRITTEN COMMENTS

This is a request for an additional 30-day extension of time in which to submit comments in the above-noted matter. The September 8, 2011 Notice of Complete Test Claim Filing and Schedule for Comments provides that requests for extensions of time may be filed in accordance with California Code of Regulations, title 2, sections 1183.01, subdivision (c), and 1181.1, subdivision (g). The Commission has granted the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) previous extensions of time for comments. Currently, the Los Angeles Water Board's comments are due on February 16, 2012. As explained herein, the Los Angeles Water Board believes that good cause exists for granting an additional 30-day extension of time, which would extend the deadline for submitting comments to **March 19, 2012**.

California Code of Regulations, title 2, section 1183.01, subdivision (c), provides that a party may request an extension of time before the date set for the filing of comments. (Cal. Code Regs., tit. 2, § 1183.01, subd. (c)(1).) The Executive Director may approve a request filed by a state agency for good cause. (*Id.*, at § 1183.01, subd. (c)(1)(B).) The applicable regulations define "good cause" to include, but not be limited to, the following factors:

(1) the number and complexity of the issues raised; (2) a party is new to the case, or other counsel is needed; (3) the individual responsible for preparing the document has other time-limited commitments during the affected period; (4) the individual responsible for appearing at the hearing has other time-limited commitments; (5) illness of a party; (6) a personal emergency; (7) a planned vacation that cannot reasonably be rearranged; (8) a pending public records act request; and (9) any other factor, which in the context of a particular claim constitutes good cause. Good cause may be established by a specific showing of other obligations involving deadlines that as a practical matter preclude filing the document by the due date without impairing quality.

Ms. Nancy Patton

- 2 -

February 7, 2012

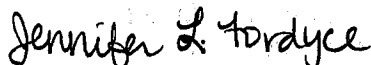
(Cal. Code Regs., tit. 2, § 1181.1, subd. (h).)

The Test Claim filed by the Claimants concerns permit requirements established in Los Angeles Water Board Order No. R4-2010-0108 adopted on July 8, 2010. The Test Claim raises numerous and complex issues specific to Order No. R4-2010-0108. The Claimants contend that Order No. R4-2010-0108 includes requirements that are "more stringent and exceed the requirements of federal law," and that were not included in earlier versions of the challenged national pollutant discharge elimination system permit. They seek a determination that these requirements are unfunded state mandates for which they should receive reimbursement pursuant to Article XIII B, section 6, of the California Constitution.

The Los Angeles Water Board wishes to closely evaluate the Test Claim and the provisions alleged to be unfunded state mandates and anticipates that it will not be possible to complete its review and submit comments by February 16, 2012. Analyzing the merits of the Test Claim will require considerable staff and attorney time to research and provide comments on these issues. I am the attorney assigned to this matter and will be preparing comments on behalf of the Los Angeles Water Board. Although I had fully intended to submit the Los Angeles Water Board's comments by February 16, 2012, other work obligations have limited my ability to effectively respond to the Test Claim. The majority of my time in the past few months has been devoted to assisting Los Angeles Water Board staff in preparing priority orders for consideration by both the Los Angeles Water Board and State Water Board at their monthly meetings. In February and March, I will be advising the Los Angeles Water Board and its staff on multiple priority items, most of which are controversial, and will need time to, *inter alia*, prepare responses to public comments and make other preparations beforehand. Preparation for these monthly board meetings takes a substantial amount of attorney time leading up to the meeting, especially when controversial items appear on the agenda. In addition, key staff in the Los Angeles Water Board's Municipal Stormwater Permitting Unit, the unit responsible for the subject of this Test Claim, has also been constrained by other priority work obligations. Accordingly, I will not have sufficient time to prepare comments on the Test Claim by February 16, 2012. Extending the deadline for comments on the Test Claim will provide me with the necessary time to consult with Los Angeles Water Board staff and prepare the Board's response on this Test Claim, as well as tend to my other legal responsibilities.

Therefore, for the reasons set forth above, the Los Angeles Water Board respectfully requests an additional 30-day extension of time, which would extend the deadline for submitting comments analyzing the merits of the Test Claim to **March 19, 2012**. The Los Angeles Water Board believes that good cause exists to allow the Executive Director to grant this requested extension and appreciates your consideration of this request.

Sincerely,



Jennifer L. Fordyce
Staff Counsel

COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300
SACRAMENTO, CA 95814
PHONE: (916) 323-3562
FAX: (916) 445-0278
E-mail: csminfo@csm.ca.gov

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Solano 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 February 8, 2012, I served the:

California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) Request for Extension of Time

Los Angeles Region Water Permit – Ventura County, 11-TC-01

California Regional Water Quality Control Board, Los Angeles Region,

Order No. R4-2010-0108, NPDES Permit No. CAS00-4002, Adopted July 8, 2010.

County of Ventura and Ventura County Watershed Protection District, 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 February 8, 2012 at Sacramento, California.



Heidi J. Palchik

Commission on State Mandates

Original List Date: 8/26/2011
Last Updated: 2/1/2012
List Print Date: 02/07/2012
Claim Number: 11-TC-01
Issue: Los Angeles Region Water Permit - Ventura 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.)

Ms. Jennifer L. Fordyce	Tel:	(916)324-6682
State Water Resources Control Board	Email	jfordyce@waterboards.ca.gov
1001 I Street, 22nd floor	Fax:	(916)341-5199
Sacramento, CA 95814		

Mr. J. Bradley Burgess	Tel:	(916)595-2646
MGT of America	Email	Bburgess@mgtamer.com
895 La Sierra Drive	Fax:	
Sacramento, CA 95864		

Ms. Jill Kanemasu	Tel:	(916)322-9891
State Controller's Office (B-08)	Email	jkanemasu@sco.ca.gov
Division of Accounting and Reporting	Fax:	
3301 C Street, Suite 700		
Sacramento, CA 95816		

Mr. Brian Annis	Tel:	(916)651-4103
Senate Budget & Fiscal Review Committee (E-22)	Email	brian.annis@sen.ca.gov
California State Senate	Fax:	(916)323-8386
State Capitol, Room 5019		
Sacramento, CA 95814		

Mr. Edward Jewik	Tel:	(213)974-8564
Los Angeles County Auditor-Controller's Office	Email	ejewik@auditor.lacounty.gov
500 W. Temple Street, Room 603	Fax:	(213)617-8106
Los Angeles, CA 90012		

Ms. Frances McChesney	Tel:	(916)341-5174
State Water Resources Control Board	Email	fmcchesney@waterboards.ca.gov
1001 I Street, 22nd floor	Fax:	(916)341-5199
Sacramento, CA 95814		

Ms. Marianne O'Malley Legislative Analyst's Office (B-29) 925 L Street, Suite 1000 Sacramento, CA 95814	Tel: (916)319-8315 Email marianne.O'malley@lao.ca.gov Fax: (916)324-4281
Mr. Jeff Carosone Department of Finance (A-15) 915 L Street, 8th Floor Sacramento, CA 95814	Tel: (916)445-8913 Email jeff.carosone@dof.ca.gov Fax:
Ms. Sarah Olinger State Water Resources Control Board 1001 I Street, 22nd floor Sacramento, CA 95814	Tel: (916)322-4142 Email solinger@waterboards.ca.gov Fax: (916)341-5199
Ms. Susan Geanacou Department of Finance (A-15) 915 L Street, Suite 1280 Sacramento, CA 95814	Tel: (916)445-3274 Email susan.geanacou@dof.ca.gov Fax: (916)449-5252
Ms. Renee Purdy Los Angeles Regional Water Quality Control Board 320 West 4th Street, Suite 200 Los Angeles, CA 90013-2343	Tel: (213)576-6686 Email rpurdy@waterboards.ca.gov Fax: (213)576-6622
Ms. Theresa A. Dunham Somach Simmons & Dunn 500 Capitol Mall, Suite 1000 Sacramento, CA 95814	Tel: (916)446-7979 Email tdunham@somachlaw.com Fax: (916)446-8199
Mr. Frank Murphy MAXIMUS 17310 Red Hill Avenue, Suite 340 Irvine, CA 92614	Tel: (949)440-0845 Email frankmurphy@maximus.com Fax: (949)440-0855
Mr. Ivar Ridgeway Los Angeles Regional Water Quality Control Board 320 West 4th Street, Suite 200 Los Angeles, CA 90013-2343	Tel: (213)576-6686 Email iridgeway@waterboards.ca.gov Fax: (213)620-2150
Ms. Melissa Mendonca State Controller's Office (B-08) Division of Accounting & Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916)322-7369 Email mmendonca@sco.ca.gov Fax:
Ms. Jolene Tollenaar MGT of America 2001 P Street, Suite 200 Sacramento, CA 95811	Tel: (916)443-9136 Email jolene_tollenaar@mgtamer.com Fax: (916)443-1766

Ms. Anita Worlow AK & Company 3531 Kersey Lane Sacramento, CA 95864	Tel: (916)972-1666 Email akcompany@um.att.com Fax:
Mr. Andy Nichols Nichols Consulting 1857 44th Street Sacramento, CA 95819	Tel: (916)455-3939 Email andy@nichols-consulting.com Fax: (916)739-8712
Ms. Donna Ferebee Department of Finance (A-15) 915 L Street, 11th Floor Sacramento, CA 95814	Tel: (916)445-3274 Email donna.ferebee@dof.ca.gov Fax: (916)323-9584
Ms. Socorro Aquino State Controller's Office Division of Audits 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916)322-7522 Email SAquino@sco.ca.gov Fax:
Ms. Lori Okun State Water Resources Control Board 1001 I Street, 22nd floor Sacramento, CA 95814	Tel: (916)341-5165 Email lokun@waterboards.ca.gov Fax: (916)341-5199
Mr. David R. Rice State Water Resources Control Board 1001 I Street, 22nd Floor Sacramento, CA 95814	Tel: (916)341-5161 Email davidrice@waterboards.ca.gov Fax: (916)341-5199
Ms. Harmeet Barkschat Mandate Resource Services, LLC 5325 Elkhorn Blvd. #307 Sacramento, CA 95842	Tel: (916)727-1350 Email harmeet@calsdrc.com Fax: (916)727-1734
Mr. Mark Rewolinski MAXIMUS 625 Coolidge Drive, Suite 100 Folsom, CA 95630	Tel: (916)471-5516 Email markrewolinski@maximus.com Fax: (916)366-4838
Mr. Allan Burdick CSAC-SB 90 Service 2001 P Street, Suite 200 Sacramento, CA 95811	Tel: (916)443-9236 Email allan_burdick@mgtamer.com Fax: (916)443-1766
Mr. Jai Prasad County of San Bernardino Office of Auditor-Controller 222 West Hospitality Lane, 4th Floor	Tel: (909)386-8854 Email jai.prasad@atc.sbcounty.gov Fax: (909)386-8830

Ms. Hasmik Yaghobyan County of Los Angeles Auditor-Controller's Office 500 W. Temple Street, Room 603 Los Angeles, CA 90012	Tel: (213)893-0792 Email hyaghobyan@auditor.lacounty.gov Fax: (213)617-8106
Mr. Jay Lal State Controller's Office (B-08) Division of Accounting & Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916)324-0256 Email JLal@sco.ca.gov Fax: (916)323-6527
Mr. Dennis Speciale State Controller's Office (B-08) Division of Accounting and Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916)324-0254 Email DSpeciale@sco.ca.gov Fax:
Ms. Evelyn Tseng City of Newport Beach 3300 Newport Blvd. P. O. Box 1768 Newport Beach, CA 92659-1768	Tel: (949)644-3127 Email etseng@newportbeachca.gov Fax: (949)644-3339
Mr. Jim Spano State Controller's Office (B-08) Division of Audits 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916)323-5849 Email jspano@sco.ca.gov Fax: (916)327-0832
Mr. Leonard Kaye Los Angeles County Auditor-Controller's Office 500 W. Temple Street, Room 603 Los Angeles, CA 90012	Tel: (213)974-9791 Email lkaye@auditor.lacounty.gov Fax: (213)617-8106
Ms. Juliana F. Gmur MAXIMUS 2380 Houston Ave Clovis, CA 93611	Tel: (916)471-5513 Email julianagmur@msn.com Fax: (916)366-4838
Ms. Annette Chinn Cost Recovery Systems, Inc. 705-2 East Bidwell Street, #294 Folsom, CA 95630	Tel: (916)939-7901 Email achinn@cs.com Fax: (916)939-7801
Mr. Christien Brunette MAXIMUS 625 Coolidge Drive, Suite 100 Folsom, CA 95630	Tel: (916)471-5510 Email christienbrunette@maximus.com Fax: (916)366-4838

Ms. Carla Shelton Department of Finance 915 L Street, 8th Floor Sacramento, CA 95814	Tel: (916)445-8913 Email carla.shelton@dof.ca.gov Fax:
Mr. Samuel Unger Los Angeles Regional Water Quality Control Board 320 West 4th Street, Suite 200 Los Angeles, CA 90013-2343	Tel: (213)576-6605 Email sunger@waterboards.ca.gov Fax: (213)576-6686
Ms. Ferlyn Junio Nimbus Consulting Group, LLC 2386 Fair Oaks Boulevard, Suite 104 Sacramento, CA 95825	Tel: (916)480-9444 Email fjunio@nimbusconsultinggroup.com Fax: (800)518-1385
Mr. David Wellhouse David Wellhouse & Associates, Inc. 9175 Kiefer Blvd, Suite 121 Sacramento, CA 95826	Tel: (916)368-9244 Email dwa-david@surewest.net Fax: (916)368-5723
Mr. Randy Ward Department of Finance 915 L Street, 8th Floor Sacramento, CA 95814	Tel: (916)445-8913 Email Randy.Ward@dof.ca.gov. Fax:
Mr. Jeff Pratt County of Ventura 800 S. Victoria Avenue Ventura, CA 93009-1600	Tel: (805)654-3952 Email jeff.pratt@ventura.org Fax: (805)654-3952
Mr. Michael Lauffer State Water Resources Control Board 1001 I Street, 22nd Floor Sacramento, CA 95814-2828	Tel: (916)341-5183 Email mlauffer@waterboards.ca.gov Fax: (916)641-5199
Ms. Norma Camacho Ventura County Watershed Protection District 800 S. Victoria Avenue Ventura, CA 93009-1600	Tel: (805)654-2001 Email norma.camacho@ventura.org Fax: (805)654-3350