



March 9, 2017

Mr. David Burhenn
Burhenn & Gest, LLP
624 S. Grand Ave., Suite 2200
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And Parties, Interested Parties, and Interested Persons (See Mailing List)

RE: Notice of Limited Approval of Extension Request

San Diego Region Order No. R9-2015-0100 and Order No. R9-2015-0001, 15-TC-02
California Regional Water Quality Control Board, San Diego Region,
Order No. R9-2015-0100, an Order Amending Order No. R9-2013-0001,
NPDES No. CAS0109266, as Amended by Order No. R9-2015-0001,
Adopted on November 18, 2015
County of Orange, Orange County Flood Control District, and the Cities of
Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Lake Forest,
Mission Viejo, Rancho Santa Margarita, San Clemente, and San Juan Capistrano,
Claimants

Dear Mr. Burhenn:

On March 7, 2017, the Commission on State Mandates (Commission) received Claimants' request for an extension of time to file written rebuttal to comments filed on February 7, 2017 and February 16, 2017 on the above-captioned Test Claim. Specifically, you request extensions of 92 days and 85 days, respectively, until June 9, 2017 to file a single set of rebuttal comments responding to both sets of State comments but citing no other reason for requiring so much additional time.

As you may be aware, delay is not favored by the Commission. Moreover, requests for lengthy extensions which were routinely granted in the past, when the Commission had a backlog and the Los Angeles stormwater case was pending litigation, will no longer be granted as a matter of course and without good cause, since generally 30 days is the time allowed for comments and rebuttals and it is the duty of the executive director to expedite all matters before the Commission.

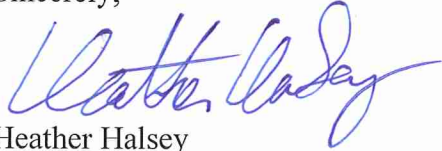
Nonetheless, section 1187.9(a) of the Commission's regulations provide that so long as a postponement of a hearing would not be required, there is no prejudice to any party or interested party, and there is no other good reason for denial, the request *shall* be approved.

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Accordingly and pursuant to the duty imposed under Government Code section 17530 for the executive director to expedite all matters within the jurisdiction of the Commission, the request for extension of time is approved, but only for **60 days** from the later of the two original due dates of Claimants' written rebuttal to comments concerning the Test Claim.

Therefore, Claimants' rebuttal comments are now due **May 19, 2017**.

Sincerely,



Heather Halsey
Executive Director

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 March 9, 2017, I served the:

**Claimants' Request for Extension to File Rebuttal Comments and
Notice of Limited Approval of Extension Request**

*San Diego Region Order No. R9-2015-0100 and Order No. R9-2015-0001, 15-TC-02
California Regional Water Quality Control Board, San Diego Region,
Order No. R9-2015-0100, an Order Amending Order No. R9-2013-0001,
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Mission Viejo, Rancho Santa Margarita, San Clemente, and San Juan Capistrano,
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 March 9, 2017 at Sacramento, California.



Jill L. Magee
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 2/28/17

Claim Number: 15-TC-02

Matter: San Diego Region Order No. R9-2015-0100 and Order No. R9-2015-0001

Claimants: City of Aliso Viejo
City of Dana Point
City of Laguna Beach
City of Laguna Hills
City of Laguna Niguel
City of Lake Forest
City of Mission Viejo
City of Rancho Santa Margarita
City of San Clemente
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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