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File No. 93939.30001

April 3, 2025

RECEIVED
April 03, 2025
**Commission on
State Mandates**

VIA DROP BOX

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

Re: Test Claim No. 07-TC-09
Request for Extension of Time to Submit Comments on Draft Proposed
Decision and Proposed Parameters and Guidelines and Request for
Hearing Postponement

Dear Ms. Halsey:

I write in response to your letter, dated March 20, 2025, which provided the Revised Draft Proposed Decision and Parameters and Guidelines (“Revised Draft Proposed Decision”), the Schedule for Comments on the Revised Draft Proposed Decision (“Schedule for Comments”), and a Notice of Hearing. For the reasons explained below, Claimants request that the Commission grant an extension of time for Claimants to submit written comments on the Revised Draft Proposed Decision so that Claimants’ comments are due May 29, 2025. *See*, 2 CCR § 1187.9(a).

Claimants also request that the hearing on the Revised Draft Proposed Decision in this matter, currently scheduled for May 23, 2025, be postponed to the Commission’s next regularly scheduled meeting thereafter, which the Commission’s website lists as July 25, 2025. *See*, 2 CCR § 1187.9(a)-(b).

Pursuant to Section 1187.9, subdivision (b), a party to a matter may request a postponement of a hearing on that matter until the Commission’s next regularly scheduled hearing and, although postponements of hearings are disfavored, each request for a postponement must be considered on its own merits and the executive director may postpone the matter on an affirmative showing of good cause. Circumstances that may indicate good cause to postpone a hearing include a significant, unanticipated change in the status of the matter as a result of which the matter is not ready for hearing; or the number and complexity of the issues. *See*, 2 CCR § 1187.9(b)(1).

Here, Claimants must coordinate their rebuttal comments with their technical consultant and with each other - Claimants consist of 19 local agencies, each with their own records of expenditures required to comply with the mandates identified in the Commission’s Revised Draft Proposed Decision and Parameters and Guidelines. The comment to the Revised Draft Proposed

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Decision and Parameters and Guidelines requires re-examination of the RRM. Neither Claimants nor their technical consultant believe they can adequately provide a comment in the allotted three weeks. Claimants thus believe the requested extension of the comment deadline and postponement of the hearing date are essential to provide a thorough comment.

Other factors that the executive director should be considered when determining to grant a postponement include whether there was any previous postponement, extension of time, or delay of hearing due to any party; the length of the postponement requested; whether the claimant or requester representative is engaged in a trial or other hearing that conflicts with the Commission hearing; whether, pursuant to Government Code section 17554, all parties have stipulated to a postponement; and whether the interests of justice are best served by a postponement, by moving forward with the hearing on the matter, or by imposing conditions on the postponement. *See*, 2 CCR § 1187.9(b)(2).

Since the Commission served the Draft Proposed Decision on July 27, 2023, the Claimants received a 6-month extension of time to submit comments and a proposed RRM, the Water Boards, the State Controller's Office, and the Department of Finance all received a 6-month extension of time to submit comments in response, and the Water Boards received an additional 2-week extension of time to submit comments in response. The Claimants then received an additional extension to file the rebuttal. As a result of those extensions, the hearing date on this matter was initially postponed from October 27, 2023, to December 1, 2023, then to March 28, 2025, and lastly to the current hearing date of May 25, 2025.

I have attempted to confer with the Water Boards, Department of Finance, and State Controller's Office. I have been told that the State Controller's Office does not object to the proposed extension, but have not been successful in contacting the Department of Finance. I have been told that Water Board will not agree to an extension that would move the hearing date. However, the Claimants believe that the requested extension will result in a need to move the hearing.

Claimants respectfully submit that the reasons set forth herein constitute good cause for the requested extension and postponement. The Claimants appreciate your consideration of these extension and postponement requests. Please let me know if you have any questions. I can be reached at (626) 696-9319 or by email at Anya.Kwan@bbklaw.com.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my personal knowledge, information, or belief, that this declaration is executed on this 3rd day of April 2025

Sincerely,



Anya Kwan

for BEST BEST & KRIEGER LLP

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 April 8, 2025, I served the:

- **Current Mailing List dated April 4, 2025**
- **Notice of Limited Extension Request Approval and Notice of Postponement of Hearing issued April 8, 2025**
- **Claimants' Request for Extension of Time and Postponement of Hearing filed April 3, 2025**

San Diego Regional Water Quality Control Board Order No. R9-2007-0001, Permit CAS0108758, Parts D.3.a.(3)(b)(iii), D.5.a.(1), D.5.a.(2), D.5.b.(1)(a), D.5.b.(1)(b)(iii-vi), D.5.b.(1)(c), D.5.b.(1)(d), D.5.b.(2), D.5.b.(3), E.2.f., E.2.g., F.1., F.2., F.3., I.1., I.2., I.5., J.3.a.(3)(c)(iv)-(viii), (x)-(xv), the first sentence of L.1. as it applies to the newly mandated activities, and L.1.a.(3)-(6), 07-TC-09-R County of San Diego, Cites of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach, and Vista, 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 April 8, 2025 at Sacramento, California.



David Chavez
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/4/25

**Claim
Number:** 07-TC-09-R

Matter: San Diego Regional Water Quality Control Board Order No. R9-2007-0001 Permit CAS0108758 Parts D.1.d.(7)-(8), D.1.g., D.3.a.(3), D.3.a.(5), D.5, E.2.f, E.2.g, F.1, F.2, F.3, I.1, I.2, I.5, J.3.a.(3)(c)iv-viii & x-xv, and L.

Claimants: City of Carlsbad
City of Chula Vista
City of Del Mar
City of Encinitas
City of Escondido
City of Imperial Beach
City of La Mesa
City of Lemon Grove
City of National City
City of Oceanside
City of Poway
City of San Diego
City of San Marcos
City of Santee
City of Solana Beach
City of Vista

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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