

COMMISSION ON STATE MANDATES

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September 21, 2010

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And Interested Parties and Affected State Agencies (See Enclosed Mailing List)

Re: **Notice of Change in Test Claim Case Number and Waiver of Section 1183, Subdivision (h)(3) of the Commission's Regulations**
Santa Ana Region Water Permit (California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2009-0030), Test Claim Number 09-TC-03
 County of Orange, Orange County Flood Control District; Cities of Anaheim, Brea, Buena Park, Costa Mesa, Cypress, Fountain Valley, Fullerton, Huntington Beach, Irvine, Lake Forest, Newport Beach, Placentia, Seal Beach, and Villa Park, Co-Claimants

This notice corrects the July 9, 2010 "Notice of Complete Test Claim Filing and Schedule for Comments and Notice of Consolidation of Test Claims."

On June 30, 2010, a test claim was filed on the California Regional Water Quality Control Board, Santa Ana Region Order No. R8-2009-0030 by the County of Orange, Orange County Flood Control District (OCFCD) and the cities of Anaheim, Brea, Buena Park, Costa Mesa, Cypress, Fountain Valley, Fullerton, Huntington Beach, Irvine, Lake Forest, Newport Beach, Placentia, Seal Beach and Villa Park. The Commission originally treated this filing as several

test claims filed on the same executive order and individual case numbers were assigned to each local agency filing a face sheet.

Government Code section 17521 defines "test claim" as the first claim filed with the commission alleging that a particular statute or executive order imposes costs mandated by the state. Thus, there can be only one test claim on the same statute or executive order.

Further, section 1183, subdivision (h) of the Commission's regulations provide that a test claim may be prepared as a joint effort between two or more claimants if the claimants attest to all of the following in the test claim filing:

- (1) The claimants allege state-mandated costs result from the same statute or executive order;
- (2) The claimants agree on all issues of the test claim; and,
- (3) The claimants have designated one contact person to act as the resource for information regarding the test claim.

Although the test claim includes evidence of paragraphs (1) and (2), there is no evidence in the filings that the claimants have designated one contact person to act as the resource for information regarding the test claim. Each local agency has filed an individual face sheet with contact information and designated a different representative for the test claim filing. Thus, in order to allow all local agencies to participate as co-claimants on this test claim, it is necessary to waive section 1183, subdivision (h)(3), pursuant to Government Code section 17554 which allows the commission to waive the application of any procedural requirements imposed by this chapter or pursuant to Government Code section 17553 with the agreement of all parties to the claim.

Therefore, all future correspondence and filings on the test claim shall be identified as "*Santa Ana Region Water Permit, 09-TC-03*," and the local agencies identified above will be described as co-claimants.

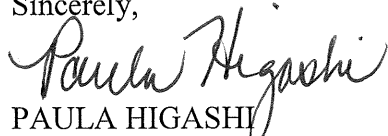
E-Mail List, Future Correspondence and Filings, and CSM Website

Commission staff has created an email list for this test claim. For any correspondence or filing, an original and one copy, or an original and an Adobe Acrobat PDF file, shall be submitted to the Commission. PDF files should be e-mailed to: csminfo@csm.ca.gov. All comments will be posted on the Commission's website and the email list will be notified of any filings or Commission documents posted on the website. This will satisfy all the service requirements under California Code of Regulations, title 2, section 1181.2, subdivision (d).

If you disagree with this action, you may appeal the decision pursuant to title 2, section 1181 (c) of the Commission's regulations.

Please contact me (916) 323-8210 if you have questions.

Sincerely,


PAULA HIGASHI
Executive Director

Commission on State Mandates

Original List Date: 7/9/2010
Last Updated: 8/9/2010
List Print Date: 09/21/2010
Claim Number: 09-TC-03
Issue: Santa Ana Region Water Permit

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.)

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