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July 5, 2022
Commission on
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July 4, 2022

Via Drop Box

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

Re: Concerns of Orange County Test Claimants Regarding Hearings on No. 09-TC-03, California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2009-0030 and No. 10-TC-11, California Regional Water Quality Control Board, San Diego Region, Order No. R9-2009-0002

Dear Ms. Halsey:

I am writing as Claimant Representative for claimants in the two above-referenced Joint Test Claims, Nos. 09-TC-03 and 10-TC-11 ("Claimants"), over the continued, years-long delay in the issuance of Draft Proposed Decisions. The test claims were filed in 2009 and 2010, respectively, and the record in No. 09-TC-03 closed on December 19, 2016, and the record in No. 10-TC-11 closed on January 6, 2017.

As you may recall, I wrote you on the Claimants' behalf on April 16, 2018, expressing similar concern about this delay. You replied on April 19, 2018, and in that letter set forth various reasons why the test claims had not yet been set for hearing. You closed that letter by stating: "Please note that Commission staff is cognizant of the fact that these filings have been cured and complete for over a year and is working to have them and the other pending stormwater claims issued for hearing as soon as possible."

More than four years have now passed since that letter and, unfortunately, Claimants are still waiting for Draft Proposed Decisions to be issued.

As the years continue to pass, the interests of the Claimants are potentially being prejudiced. For example, Claimant personnel who might be familiar with the background

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Ms. Heather Halsey

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of the events giving rise to the test claim may have retired or have otherwise left the Claimants' employment.

Claimants again respectfully request that Commission staff release a Draft Proposed Decision on these Joint Test Claims as soon as possible. We specifically request that a Draft Proposed Decision on No. 09-TC-03 be released prior to July 29, 2022, so that the test claim may be heard as part of the September 23, 2022 Commission hearing calendar, and that a Draft Proposed Decision on No. 10-TC-11 be released sufficiently early to ensure a hearing before the Commission in 2022. Claimants also respectfully request that the Draft Proposed Decisions be issued reasonably far in advance of the deadline so that if any interested party requests an extension to the comment deadline, the extension will not affect staff's ability to finish a Proposed Decision in time for the scheduled Commission hearing.

Thank you very much for your consideration of these issues. If you have any questions regarding these matters, please do not hesitate to contact me at the number and e-mail address set forth above.

I declare under penalty of perjury that the foregoing, signed on July 4, 2022, is true and correct to the best of my personal knowledge, information, or belief.



David W. Burhenn
Claimant Representative
Address, phone and e-mail set forth above

cc: Claimants

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 July 7, 2022, I served the:

- **Claimants' Inquiry Regarding Hearing Date filed July 5, 2022**

*California Regional Water Quality Control Board, Santa Ana Region,
Order No. R8-2009-0030, 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, Claimants

AND

*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, 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 July 7, 2022 at Sacramento, California.



Jill L. Magee
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 5/13/22

Claim Number: 09-TC-03

Matter: California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2009-0030

Claimants: City of Anaheim
City of Brea
City of Buena Park
City of Costa Mesa
City of Cypress
City of Fountain Valley
City of Fullerton
City of Huntington Beach
City of Irvine
City of Lake Forest
City of Newport Beach
City of Placentia
City of Seal Beach
City of Villa Park
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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Last Updated: 5/13/22

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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