



September 16, 2022

Mr. David Burhenn
Burhenn & Gest, LLP
624 South Grand Avenue, Suite 2200
Los Angeles, CA 90017

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: Notice of Extension Request Approval

*California Regional Water Quality Control Board, Santa Ana Region,
Order No. R8-2009-0030, Sections IX, X, XI, XII, XIII, and, XVIII, 09-TC-03
Santa Ana Regional Water Quality Control Board, Resolution No. R8-2009-0030,
adopted May 22, 2009
County of Orange, Orange County Flood Control District; 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, Claimants*

Dear Mr. Burhenn:

On September 15, 2022, the Commission on State Mandates (Commission) received the claimants' request for a 14-day extension of time to file written comments and supporting documentation on the above-captioned Test Claim, currently due on October 14, 2022.

Specifically, the request states that the claimants, the State Water Resources Control Board and Santa Ana Regional Water Quality Control Board (Water Boards), and an interested party received an extension of the comment period to October 14, 2022, and the Department of Finance (Finance) received an extension to October 21, 2022, therefore the claimants require an extension of time to October 28, 2022.

In addition, the request explains that due to the Draft Proposed Decision being voluminous and raising numerous and complex issues, the review of records from a period of more than 10 years as well as conducting follow-up inquiries regarding the records given that individuals with pertinent information and/or evidence may have retired and/or are no longer employed by the claimants, complicates the rapid investigation of factual issues. Further, the request states that the extension of the deadline would not require a postponement of hearing and would give Commission staff more than two months to review the comments and prepare a final proposed decision for the Commission's consideration, which is far longer than the minimum five weeks required under Section 1183.6(c). Finally, the request states that the requested extension would not prejudice any party.

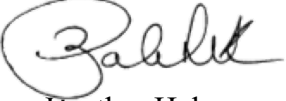
Section 1187.9(a) of the Commission's regulations provide that so long as a postponement of a hearing would not be required, there is no prejudice to any party or interested party, and there is no other good reason for denial, the request shall be approved.

Mr. Burhenn
September 16, 2022
Page 2

Therefore, a 7-day extension for the claimants, Water Boards, the cities of Union City and Dublin, the Alameda Countywide Clean Water Program, and comments filed by Finance, and all other parties, interested parties, and the public are now due **by 5:00 p.m. on October 21, 2022.**

This matter remains set for hearing on Friday, **January 27, 2023.**

Sincerely,

 for

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 September 16, 2022, I served the:

- **Notice of Extension Request Approval issued September 16, 2022**
- **Claimants' Request for Extension of Time filed September 15, 2022**

*California Regional Water Quality Control Board, Santa Ana Region,
Order No. R8-2009-0030, Sections IX, X, XI, XII, XIII, and, XVIII, 09-TC-03
Santa Ana Regional Water Quality Control Board, Resolution No. R8-2009-0030,
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County of Orange, Orange County Flood Control District; 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, 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 September 16, 2022 at Sacramento, California.



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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 9/8/22

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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