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September 20, 2022
Commission on
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September 20, 2022

Via Drop Box

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

Re: Request for Reconsideration of Request for Second Extension of Time to File Comments on Draft Proposed Decision on California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2009-0030, Sections IX, X, XI, XII XIII and XVII, 09-TC-03

Dear Ms. Halsey:

Pursuant to Cal. Code Regs. tit.2, § 1187.9,¹ I am writing as Claimant Representative for Claimants in the above-referenced Joint Test Claim to request reconsideration of Claimants' request for a second extension of time for Claimants to file comments on the Draft Proposed Decision in that matter.

On September 15, 2022, I requested on Claimants' behalf an extension of the comment period to October 28. On September 16, staff responded to Claimants' request with a blanket extension to October 21 for all commenters. Unfortunately, this was not the extension requested by Claimants, who submit that pursuant to Section 1187.9, are entitled to the requested extension to October 28. Claimants have, however, no objection to the Commission providing a similar extension for all commenters to October 28.

Claimants therefore respectfully renew their request for an extension to file comments on the Draft Proposed Decision to **5:00 p.m. on October 28, 2022**, for all the reasons set forth in our September 15 letter and in this letter, and further request that this extension be provided to all commenters so as to avoid prejudice.

¹ All citations are to Title 2 of the California Code of Regulations.

BURHENN & GEST LLP

Ms. Heather Halsey

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Thank you for your consideration of this request.

I declare under penalty of perjury that the foregoing, signed on September 20, 2022, is true and correct to the best of my personal knowledge, information, or belief.

A handwritten signature in blue ink, appearing to read "D.W. Burhenn", with a long horizontal flourish extending to the right.

David W. Burhenn

Claimant Representative

Address, phone and e-mail set forth above

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 21, 2022, I served the:

- **Notice of Extension Request Approval issued September 21, 2022**
- **Claimants' Request for Extension of Time filed September 20, 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,
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

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 21, 2022 at Sacramento, California.



Lorenzo Duran
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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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