



September 21, 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,
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 20, 2022, the Commission on State Mandates (Commission) received the claimants' request for an extension of time to file written comments on the Draft Proposed Decision on the above-captioned Test Claim, currently due on October 21, 2022.

Specifically, the request states that on September 15, 2022, the claimants requested an extension to October 28, 2022, but on September 16, 2022, Commission staff granted "a blanket extension" for all commenters to October 21, 2022. In addition, the request states that this was not the extension requested; submits that pursuant to section 1187.9, are entitled to the requested extension to October 28, 2022; and states that the claimants have no objection to the Commission providing a similar extension for all commenters to October 28, 2022.

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.

As a point of clarification, the extension for the other parties and interested parties to October 21, 2022 was granted to stop what might appear as attempts to make an end-run around the Commission's simultaneous comment period and in recognition that the matter is large and complex and will require significant time and human resources for all who have requested extensions to respond to.

Therefore, a 7-day extension for the claimants, Water Boards, the cities of Union City and Dublin, the Alameda Countywide Clean Water Program, and Finance are now due **by 5:00 p.m. on October 28, 2022.**

Please note that this is a *simultaneous* comment period and that if the parties or interested parties require further extensions to comment on the Draft Proposed Decision, they should work to get a stipulation to request a later *simultaneous* comment date.

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

Mr. Burhenn
September 21, 2022
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Sincerely,

A handwritten signature in cursive script, appearing to read "Heather Halsey". The signature is written in black ink and is positioned above the printed name.

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 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
Commission on State Mandates
980 Ninth Street, Suite 300
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(916) 323-3562

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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