



## State Water Resources Control Board

October 24, 2022

**RECEIVED**  
October 24, 2022  
**Commission on  
State Mandates**

### VIA DROP BOX

Heather Halsey  
Executive Director  
Commission on State Mandates  
980 9<sup>th</sup> Street, Suite 300  
Sacramento, CA 95814

### REQUEST FOR LIMITED ONE-WEEK EXTENSION OF TIME TO FILE WRITTEN COMMENTS

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 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 Ms. Halsey:

By letter dated August 17, 2022, the Commission on State Mandates (Commission) issued a Draft Proposed Decision, Schedule for Comments, and Notice of Hearing in the above test claim matter. The letter established a September 7, 2022, deadline for filing written comments on the Draft Proposed Decision. After granting requests for extension to file comments by various parties, on September 21, 2022, the Commission established a simultaneous comment period deadline of October 28, 2022, for all parties and interested parties. The matter is set for hearing on Friday, January 27, 2023.

Earlier today, the Court of Appeal (Third Appellate District), issued its opinion in *Department of Finance, et al., v. Commission on State Mandates*, (No. C092139). The opinion decides an appeal by the State Water Resources Control Board (State Water Board) and California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) (collectively Water Boards) and the Department of Finance and a cross-appeal by Real Parties In Interest, San Diego County and several cities within the county. The appeal and cross-appeal arose from challenges to the Commission's 2010 decision in test claim 07-TC-09 (*Discharges of Stormwater Runoff*) which decided

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

mandates challenges to the San Diego Water Board's 2007 permit issued to San Diego County and cities within the County.

Many of the issues in the Court's opinion are complex and overlap with issues addressed in the Draft Proposed Decision. The Water Boards need additional time to analyze and evaluate the issues in the opinion before finalizing written comments in this test claim proceeding and request a limited, one-week extension of time to November 4, 2022. The Water Boards request that all parties and interested parties receive the same extension of time so that comments are due at the same time.

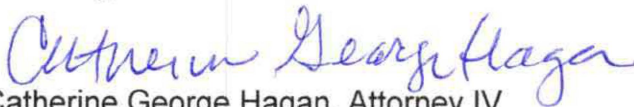
If, upon further evaluation of the Court of Appeal's opinion, the Water Boards conclude that additional time *beyond* November 4, 2022, is warranted, the Water Boards will work with the other parties and interested parties to seek a stipulation for additional time as the Commission directed in its September 21, 2022, notice of extension of time to comment.<sup>1</sup>

This is a timely request as it is being made before the date set for filing comments or rebuttals. (Cal. Code Regs., tit. 2, § 1187.9(a).) Moreover, section 1187.9(a) of the Commission's regulations provides that as 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.

The Water Boards do not believe a one-week extension to November 4 necessitates a postponement of the hearing set for January 27, 2023. If the Commission grants the same extension of time to all parties, no party or interested party prejudiced. The Water Boards are not aware of any other good reason for denial of this request. For all these reasons, the Water Boards request that the Commission grant a one-week extension of time to November 4, 2022, for all parties and interested parties to file comments on the Draft Proposed Decision in the above test claim.

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

Sincerely,



Catherine George Hagan, Attorney IV  
Office of Chief Counsel  
State Water Resources Control Board

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<sup>1</sup> The Commission's September 21, 2022, notice stated "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." (Notice of Extension, September 21, 2022, p. 1.) As of the time of this filing, I am authorized to represent that Claimants do not object to the requested extension of time. But given the imminent comment due date and need to expeditiously request a limited extension, we have been unable to confirm with all parties and interested parties who have previously submitted requests for extension of time in this matter that they likewise do not object.

**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 October 25, 2022, I served the:

- **Notice of Extension Request Approval issued October 25, 2022**
- **Water Boards' Request for Extension of Time filed October 24, 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 October 25, 2022 at Sacramento, California.



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 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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