



October 25, 2022

Ms. Catherine George Hagan
State Water Resources Control Board
c/o San Diego Regional Water
Quality Control Board
2375 Northside Drive, Suite 100
San Diego, CA 92108

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 Ms. Hagan:

On October 24, 2022, the Commission on State Mandates (Commission) received the San Diego Regional Water Quality Control Board's and the State Water Resources Control Board's (collectively, "the Water Boards") request for a seven-day extension of time to file written comments on the Draft Proposed Decision on the above-captioned Test Claim, currently due on October 28, 2022.

Specifically, the Water Boards' request states that an extension of time to November 4, 2022 is necessary due to the recent issue of the Court of Appeal (Third Appellate District) opinion in *Department of Finance, et al., v. Commission on State Mandates* (No. C092139), arising from challenges to the Commission's 2010 Decision in *Discharges of Stormwater Runoff, 07-TC-09*. The Water Boards further state that many of the issues in the Court's opinion are complex and overlap with issues addressed in the Draft Proposed Decision and the Water Boards need additional time to analyze and evaluate the issues in the opinion before finalizing written comments in this test claim proceeding. Finally, the Water Boards state that if, upon further evaluation of the opinion that the Water Boards conclude that additional time 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 Request Approval.

Section 1187.9(a) of the Commission's regulations provide that any party or interested party to a matter may request an extension of time by filing a request with the executive director before the date set for filing of comments or rebuttals with Commission staff on that matter. The request shall fully explain the reasons for the extension, propose a new date for filing, and be certified, filed, and served in accordance with section 1181.3 of these regulations. A request that would necessitate rescheduling a hearing shall also include a request for postponement of the hearing, pursuant to subdivision (b) of this section.

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Therefore, a seven-day extension from the original due date is approved for the Water Boards, the claimants, the cities of Union City and Dublin, the Alameda Countywide Clean Water Program, and the Department of Finance and comments from these parties, interested parties and interested persons on the Draft Proposed Decision are now due **by 5:00 p.m. on November 4, 2022.**

This matter remains set for hearing on Friday, **January 27, 2023.** Any further requests for extension of time will require a request for postponement of hearing to allow Commission staff sufficient time to address the comments in the Proposed Decision.

Sincerely,

A handwritten signature in cursive script, appearing to read "Heather Halsey".

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 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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COMMISSION ON STATE MANDATES

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Last Updated: 10/20/22

Claim Number: 09-TC-03

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

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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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