



State Water Resources Control Board

July 26, 2024

VIA DROP BOX



Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Test Claims 10-TC-02, 10-TC-03, and 10-TC-05
California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2009-0074, Sections C.2.b, C.2.c, C.2.e, C.2.f, C.8.b., C.8.c., C.8.d.i, C.8.d.ii., C.8.d.iii., C.8.e.i., C.8.e.ii., C.8.e.iii., C.8.e.iv., C.8.e.v., C.8.e.vi., C.8.f., C.8.g.i. (first sentence only), C.8.g.ii., C.8.g.iii., C.8.g.v., C.8.g.vi., C.8.g.vii., C.8.h, C.10.a.i., C.10.a.ii., C.10.a.iii., C.10.b.i., C.10.b.ii., C.10.b.iii., C.10.c., C.10.d.i., C.10.d.ii., C.11.f., and C.12.f., Adopted October 14, 2009, and Effective December 1, 2009
Cities of Dublin and San Jose, and County of Santa Clara, Claimants

STIPULATION TO EXTEND TIME TO SUBMIT COMMENTS ON DRAFT PROPOSED DECISION AND TO POSTPONE HEARING

Dear Ms. Halsey:

In a letter to the Commission on State Mandates (Commission), dated July 16, 2024, the State Water Resources Control Board and the San Francisco Bay Regional Water Quality Control Board (together, Water Boards) requested a 62-day extension of time to file written comments on the Commission’s Draft Proposed Decision and a postponement of the hearing to November 22, 2024.

In a letter to the Water Boards, dated July 18, 2024, the Commission partially approved the Water Boards’ request extending the deadline to submit comments to August 29, 2024, and postponing the hearing to November 22, 2024. The Commission stated that the authorities cited in the letter “generally restrict extensions to not more than 60 days and postponements to the next regular hearing date. However, Government Code section 17554 permits, with the agreement of all parties to the claim, the Commission to waive the application of any procedural requirement imposed by this chapter or

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

pursuant to Section 17553.” The Commission further stated that “a 62-day extension from the original due date (to September 30, 2024) will be granted and the matter will be set for hearing on Friday, January 24, 2025, if the Water Boards submit a written stipulation of the parties to the Commission on or before the current comment deadline of 5:00 p.m. on July 30, 2024. The parties to this matter are the claimants, Finance, the Controller, and the Water Boards [(collectively, Parties)].”

The Parties have stipulated to a 90-day extension of the deadline for all Parties to submit comments on the Draft Proposed Decision by October 28, 2024, and to postpone the hearing to January 24, 2025. (See attachment.) The Water Boards respectfully ask that you approve the stipulation.

The Water Boards appreciate your consideration of this stipulation. Please contact me if you have any questions at (916) 341-5174 or teresita.sablan@waterboards.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'TS', followed by a long horizontal line.

Teresita J. Sablan
Attorney IV

cc: Service List **[via Commission Drop Box]**

Attachment: Stipulation to Extend Time to Submit Comments on Draft Proposed Decision and to Postpone Hearing

**COMMISSION ON STATE MANDATES
TEST CLAIMS 10-TC-02, 10-TC-03, and 10-TC-05**

California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2009-0074, Sections C.2.b, C.2.c, C.2.e, C.2.f, C.8.b., C.8.c., C.8.d.i, C.8.d.ii., C.8.d.iii., C.8.e.i., C.8.e.ii., C.8.e.iii., C.8.e.iv., C.8.e.v., C.8.e.vi., C.8.f., C.8.g.i. (first sentence only), C.8.g.ii., C.8.g.iii., C.8.g.v., C.8.g.vi., C.8.g.vii., C.8.h, C.10.a.i., C.10.a.ii., C.10.a.iii., C.10.b.i., C.10.b.ii., C.10.b.iii., C.10.c., C.10.d.i., C.10.d.ii., C.11.f., and C.12.f., Adopted October 14, 2009, and Effective December 1, 2009
Cities of Dublin and San Jose, and County of Santa Clara, Claimants

**STIPULATION TO EXTEND TIME TO SUBMIT COMMENTS ON DRAFT PROPOSED
DECISION AND TO POSTPONE HEARING**

1. By letter dated July 9, 2024, the Commission on State Mandates (Commission) issued a Draft Proposed Decision, Schedule for Comments, and Notice of Hearing for Test Claims 10-TC-02, 10-TC-03, and 10-TC-05. The Commission set the deadline to submit comments on the Draft Proposed Decision on July 30, 2024, and scheduled the hearing for September 27, 2024.
2. In a letter to the Commission on State Mandates (Commission), dated July 16, 2024, the State Water Resources Control Board and the San Francisco Bay Regional Water Quality Control Board (together, Water Boards) requested a 62-day extension of time to file written comments on the Commission's Draft Proposed Decision and a postponement of the hearing to November 22, 2024.
3. In a letter to the Water Boards, dated July 18, 2024, the Commission partially approved the Water Boards' request extending the deadline to submit comments to August 29, 2024, and postponing the hearing to November 22, 2024. The Commission stated that the authorities cited in the letter "generally restrict extensions to not more than 60 days and postponements to the next regular hearing date. However, Government Code section 17554 permits, with the agreement of all parties to the claim, the Commission to waive the application of any procedural requirement imposed by this chapter or pursuant to Section 17553." The Commission further stated that a 62-day extension from the original due date (to September 30, 2024) will be granted and the matter will be set for hearing on Friday, January 24, 2025, if the Water Boards submit a written stipulation of the parties to the Commission on or before the current comment deadline of 5:00 p.m. on July 30, 2024. The parties to this matter are the claimants, Finance, the Controller, and the Water Boards [(collectively, Parties)]."
4. The Water Boards asked the claimants, the Department of Finance, and the State Controller's Office to stipulate to extend the deadline to submit comments for 90 days

and for the hearing on this matter to be continued to January 24, 2025, based on the circumstances that affect the Water Boards' ability to work on this matter set forth in the Water Boards' July 16, 2024, letter. While the claimants continue to be concerned this matter has not been resolved within statutorily required deadlines, they are nonetheless willing to stipulate as requested out of professional courtesy and as a showing of good faith and cooperation to the Water Boards. The claimants asked that the comment deadline be extended for all Parties out of fairness and in light of summer work demands on claimants, and the Water Boards are amenable to that request. The claimants are therefore willing to waive procedural requirements pursuant to Government Code section 17553, but only to the extent those requirements are affected by the additional 30-day extension in excess of the 60 days addressed by the procedural requirements.

5. By signing where indicated below, the Parties, and each of them, stipulate to extend the deadline for all Parties to submit written comments on the Draft Proposed Decision to **October 28, 2024** (a 90-day extension from the original deadline) and to postpone the hearing to **January 24, 2025**. The Parties also waive procedural requirements pursuant to Government Code section 17553 to the extent necessary to accommodate the 90-day extension and postponement of the hearing to January 24, 2025.

COUNTY OF SANTA CLARA

By: 

Date: 7/26/2024

CITY OF DUBLIN

By: _____

Date: _____

CITY OF SAN JOSE

By: _____

Date: _____

CALIFORNIA DEPARTMENT OF FINANCE

By: _____

Date: _____

CALIFORNIA STATE CONTROLLER'S OFFICE

By: _____

Date: _____

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

By: _____

Date: _____

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION

By: _____

Date: _____

and for the hearing on this matter to be continued to January 24, 2025, based on the circumstances that affect the Water Boards' ability to work on this matter set forth in the Water Boards' July 16, 2024, letter. While the claimants continue to be concerned this matter has not been resolved within statutorily required deadlines, they are nonetheless willing to stipulate as requested out of professional courtesy and as a showing of good faith and cooperation to the Water Boards. The claimants asked that the comment deadline be extended for all Parties out of fairness and in light of summer work demands on claimants, and the Water Boards are amenable to that request. The claimants are therefore willing to waive procedural requirements pursuant to Government Code section 17553, but only to the extent those requirements are affected by the additional 30-day extension in excess of the 60 days addressed by the procedural requirements.

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COUNTY OF SANTA CLARA

By: _____

Date: _____

CITY OF DUBLIN

By: Gregory J. Newmark

Date: July 25, 2024

CITY OF SAN JOSE

By: _____

Date: _____

and for the hearing on this matter to be continued to January 24, 2025, based on the circumstances that affect the Water Boards' ability to work on this matter set forth in the Water Boards' July 16, 2024, letter. While the claimants continue to be concerned this matter has not been resolved within statutorily required deadlines, they are nonetheless willing to stipulate as requested out of professional courtesy and as a showing of good faith and cooperation to the Water Boards. The claimants asked that the comment deadline be extended for all Parties out of fairness and in light of summer work demands on claimants, and the Water Boards are amenable to that request. The claimants are therefore willing to waive procedural requirements pursuant to Government Code section 17553, but only to the extent those requirements are affected by the additional 30-day extension in excess of the 60 days addressed by the procedural requirements.

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COUNTY OF SANTA CLARA

By: _____

Date: _____

CITY OF DUBLIN

By: _____


Date: _____

CITY OF SAN JOSE

By:  _____

Date: 7/25/2024 Sr. Deputy City Attorney


CALIFORNIA DEPARTMENT OF FINANCE

By: 
Date: 7/26/24


CALIFORNIA STATE CONTROLLER'S OFFICE

By: _____
Date: _____

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

By:  Attorney IV
Date: July 26, 2024

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION

By:  Attorney IV
Date: July 26, 2024

CALIFORNIA DEPARTMENT OF FINANCE

By: _____

Date: _____

CALIFORNIA STATE CONTROLLER'S OFFICE

By: Harriet K. Nalimoff Staff Counsel

Date: July 25, 2024

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

By: _____

Date: _____

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION

By: _____

Date: _____

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 July 30, 2024, I served the:

- **Current Mailing List dated July 23, 2024**
- **Notice of Waiver of Procedural Requirements, Extension Request Approval, and Postponement of Hearing issued July 30, 2024**
- **Stipulation of the Parties to Waive Procedural Requirements filed July 26, 2024**

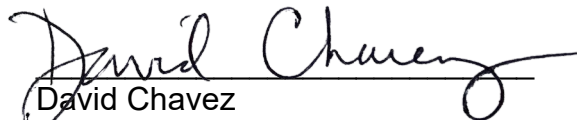
California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2009-0074, 10-TC-02, 10-TC-03, and 10-TC-05

California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2009-0074, Sections C.2.b, C.2.c, C.2.e, C.2.f, C.8.b., C.8.c., C.8.d.i, C.8.d.ii., C.8.d.iii., C.8.e.i., C.8.e.ii., C.8.e.iii., C.8.e.iv., C.8.e.v., C.8.e.vi., C.8.f., C.8.g.i. (first sentence only), C.8.g.ii., C.8.g.iii., C.8.g.v., C.8.g.vi., C.8.g.vii., C.8.h, C.10.a.i., C.10.a.ii., C.10.a.iii., C.10.b.i., C.10.b.ii., C.10.b.iii., C.10.c., C.10.d.i., C.10.d.ii., C.11.f., and C.12.f., Adopted October 14, 2009 and Effective December 1, 2009

Cities of Dublin and San Jose, and County of Santa Clara, 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 July 30, 2024 at Sacramento, California.



David Chavez
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 7/23/24

Claim Number: 10-TC-02, 10-TC-03, and 10-TC-05

Matter: California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2009-0074, Provisions C.2.b, C.2.c, C.2.e, C.2.f, C.8.b, C.8.c, C.8.d, C.8.e.i, ii, and vi, C.8.f, C.8.g, C.8.h, C.10.a, C.10.b, C.10.c, C.10.d, C.11.f, and C.12.f

Claimants: City of Dublin
City of San Jose
County of Santa Clara

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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Heather Halsey, Executive Director, *Commission on State Mandates*
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Michelle Kenyon, City Attorney, *City of Pacifica*
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