



April 3, 2025

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Ms. Colleen Tribby
City of Dublin
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Dublin, CA 94568

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: Decision and Parameters and Guidelines

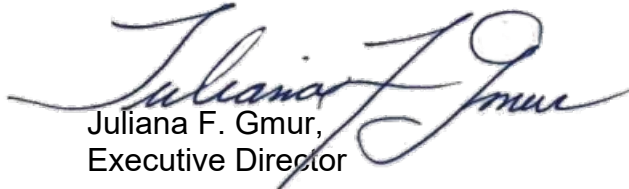
*California Regional Water Quality Control Board, San Francisco Region,
Order No. R2-2009-0074, 10-TC-02, 10-TC-03, and 10-TC-05*

*California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2009-0074, Sections C.8.d.iii., C.8.e.vi., C.8.f., C.8.g.ii., C.8.g.vii.,
C.10.a.i., C.10.a.ii., C.10.a.iii., 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*

Dear Ms. Frimann, Ms. Kato, Ms. Maguire, Mr. Newmark, Ms. Olaiya, Ms. Pianca, and Ms. Tribby:

On March 28, 2025, the Commission on State Mandates adopted the Decision and Parameters and Guidelines on the above-captioned matter.

Very truly yours,


Juliana F. Gmur,
Executive Director

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE PARAMETERS AND GUIDELINES

California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2009-0074, Sections C.8.d.iii., C.8.e.vi., C.8.f., C.8.g.ii., C.8.g.vii., C.10.a.i., C.10.a.ii., C.10.a.iii., 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.

Period of reimbursement from December 1, 2009 through December 31, 2017

Case Nos.: 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

DECISION PURSUANT TO

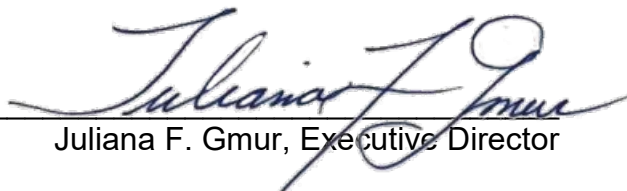
GOVERNMENT CODE SECTION 17500 ET SEQ.; CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5, ARTICLE 7.

(Adopted March 28, 2025)

(Served April 3, 2025)

PARAMETERS AND GUIDELINES

The Commission on State Mandates adopted the attached Decision and Parameters and Guidelines on March 28, 2025



Juliana F. Gmur, Executive Director

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

<p>IN RE PARAMETERS AND GUIDELINES</p> <p>California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2009-0074, Sections C.8.d.iii., C.8.e.vi., C.8.f., C.8.g.ii., C.8.g.vii., C.10.a.i., C.10.a.ii., C.10.a.iii., 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.</p> <p>Period of reimbursement from December 1, 2009 through December 31, 2017</p>	<p>Case Nos.: 10-TC-02, 10-TC-03, and 10-TC-05</p> <p><i>California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2009-0074</i></p> <p>DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5, ARTICLE 7.</p> <p><i>(Adopted March 28, 2025)</i></p> <p><i>(Served April 3, 2025)</i></p>
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DECISION

The Commission on State Mandates (Commission) heard and decided this Decision and Parameters and Guidelines during a regularly scheduled hearing on March 28, 2025. Gregory Newmark appeared on behalf of the City of Dublin. Donna Ferebee appeared on behalf of the Department of Finance.

The law applicable to the Commission’s determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code sections 17500 et seq., and related case law.

The Commission adopted the Decision and Parameters and Guidelines by a vote of 7-0, as follows:

Member	Vote
Lee Adams, County Supervisor	Yes
Deborah Gallegos, Representative of the State Controller, Vice Chairperson	Yes
Karen Greene Ross, Public Member	Yes
Renee Nash, School District Board Member	Yes
William Pahland, Representative of the State Treasurer	Yes
Michele Perrault, Representative of the Director of the Department of Finance, Chairperson	Yes
Matt Read, Representative of the Director of the Governor’s Office of Land Use and Climate Innovation	Yes

I. Summary of the Mandate

These Parameters and Guidelines address state-mandated activities arising from National Pollutant Discharge Elimination System Program (NPDES) permit, Order No. R2-2009-0074 (test claim permit), adopted by the San Francisco Bay Regional Water Quality Control Board on October 14, 2009, and effective on December 1, 2009.

On January 24, 2025, the Commission adopted its Decision finding that the test claim permit imposes a reimbursable state-mandated program upon local agencies within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 from December 1, 2009, through December 31, 2017. The Commission partially approved the Test Claim for the following reimbursable activities only:

1. Geomorphic Study (Section C.8.d.iii)

- a. Permittees shall select a waterbody/reach, preferably one that contains significant fish and wildlife resources, and conduct one of the following projects within each county, except that only one such project must be completed within the collective Fairfield-Suisun and Vallejo Permittees' jurisdictions:
 - 1) Gather geomorphic data to support the efforts of a local watershed partnership [fn. omitted] to improve creek conditions; or
 - 2) Inventory locations for potential retrofit projects in which decentralized, landscape-based stormwater retention units can be installed; or
 - 3) Conduct a geomorphic study which will help in development of regional curves which help estimate equilibrium channel conditions for different-sized drainages. Select a waterbody/reach that is not undergoing changing land use. Collect and report the following data:
 - Formally surveyed channel dimensions (profile), planform, and cross-sections. Cross-sections shall include the topmost floodplain terrace and be marked by a permanent, protruding (not flush with ground) monument.
 - Contributing drainage area.
 - Best available information on bankfull discharges and width and depth of channel formed by bankfull discharges.
 - Best available information on average annual rainfall in the study area.
- b. Report selected geomorphic project results in the Integrated Monitoring Report.¹

¹ Exhibit A, Test Claim Decision, pages 370-371 citing to Test Claim, 10-TC-02, pages 221-222, 227 (Test claim permit, Section C.8.d.iii.). All references are to PDF page numbers.

2. Sediment Delivery Estimate/Budget (Section C.8.e.vi.)
Permittees shall develop a design for a robust sediment delivery estimate/sediment budget in local tributaries and urban drainages by July 1, 2011, and implement the study by July 1, 2012.²
3. Citizen Monitoring and Participation (Section C.8.f.), *which Is Reimbursable for the City of Vallejo and Vallejo Sanitary District only*:
 - a. Encourage Citizen Monitoring.
 - b. In developing Monitoring Projects and evaluating Status & Trends data, make reasonable efforts to seek out citizen and stakeholder information and comment regarding waterbody function and quality.
 - c. Demonstrate annually the permittee has encouraged citizen and stakeholder observations and reporting of waterbody conditions. Report on these outreach efforts in the annual Urban Creeks Monitoring Report.³
4. Monitoring Reporting and Notice (Sections C.8.g.ii., C.8.g.vii.)
 - a. Permittees shall maintain an information management system to support electronic transfer of data to the Regional Data Center of the California Environmental Data Exchange Network (CEDEN), located within the San Francisco Estuary Institute.⁴
 - b. Permittees shall submit an Electronic Status Monitoring Data Report, compatible with the SWAMP database, no later than January 15 of each year, reporting on all data collected during the previous October 1-September 30 period. Water quality objective exceedances are required to be highlighted in the report.⁵
 - c. Permittees shall notify stakeholders and members of the general public about the availability of electronic and paper monitoring reports through notices distributed through appropriate means, such as an electronic mailing list.⁶

² Exhibit A, Test Claim Decision, page 371 citing to Test Claim, 10-TC-02, page 225 (Test claim permit, Section C.8.e.vi.).

³ Exhibit A, Test Claim Decision, page 371 citing to Test Claim, 10-TC-02, page 225 (Test claim permit, Section C.8.f.).

⁴ Exhibit A, Test Claim Decision, page 372 citing to Test Claim, 10-TC-02, page 226, footnote 46 (Test claim permit, Section C.8.g.ii.).

⁵ Exhibit A, Test Claim Decision, page 372 citing to Test Claim, 10-TC-02, page 226 (Test claim permit, Section C.8.g.ii.).

⁶ Exhibit A, Test Claim Decision, page 372 citing to Test Claim, 10-TC-02, page 228 (Test claim permit, Section C.8.g.vii.).

5. Trash

- a. Short-Term Trash Load Reduction Plan (Section C.10.a.i.). All permittees, except for flood management agencies, shall submit a Short-Term Trash Load Reduction Plan, including an implementation schedule, to the Regional Board by February 1, 2012. The Plan shall describe the following:
 - 1) Control measures and best management practices, including any trash reduction ordinances, currently being implemented and the current level of implementation.
 - 2) Additional control measures and best management practices that will be implemented, and/or an increased level of implementation designed to attain a 40 percent trash load reduction from its MS4 by July 1, 2014.
 - 3) The Plan shall also “account for required mandatory minimum Full Trash Capture devices called for in Provision C.10.a.iii and Trash Hot Spot Cleanup called for in Provision C.10.b.”⁷
- b. Baseline Trash Load and Trash Load Reduction Tracking Method (Section C.10.a.ii.). All permittees, except for flood management agencies, shall comply with the following new requirements:
 - 1) Determine the baseline trash load from its MS4.
 - 2) Submit the load level to the Regional Board by February 1, 2012. The February 1, 2012, report shall include the following:
 - Documentation of the methodology used to determine the load level.
 - A description of the trash load reduction tracking method that will be used to account for trash load reduction actions and to demonstrate progress and attainment of trash load reduction levels.
 - The submittal shall account for the drainage areas of a Permittee’s jurisdiction that are associated with the baseline trash load from its MS4, and the baseline trash load level per unit area by land use type and drainage area characteristics used to derive the total baseline trash load level for each Permittee.
 - 3) Submit a progress report by February 1, 2011, indicating whether the permittee is determining its baseline trash load and trash load reduction method individually or collaboratively with other Permittees and a summary of the approach being used.⁸

⁷ Exhibit A, Test Claim Decision, page 372 citing to Test Claim, 10-TC-02, page 233 (Test claim permit, Section C.10.a.i).

⁸ Exhibit A, Test Claim Decision, page 373 citing to Test Claim, 10-TC-02, pages 233-234 (Test claim permit, Section C.10.a.ii.).

- c. Minimum Full Trash Capture (Section C.10.a.iii.). Except as provided below, all permittees shall comply with the following requirements:

Install and maintain a mandatory minimum number of full trash capture devices by July 1, 2014, to treat runoff from an area equivalent to 30 percent of Retail/Wholesale Land draining to MS4s within their jurisdictions. The scope of this requirement is as follows:

- A full capture system or device is “any single device or series of devices that traps all particles retained by a 5 mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour, storm in the subdrainage area”.
- The mandatory minimum number of full trash capture devices for each permittee is identified in Attachment J to the test claim permit, Tables 10-1 and 10-2. However, if the sum of the areas generating trash loads determined pursuant to Section C.10.a.ii is a smaller acreage than the required trash capture acreage, the minimum full trash capture requirement is reduced to the smaller acreage for the population-based permittee.⁹

The requirements to install and maintain full trash capture devices **does not apply:**

- To a population-based permittee with a population less than 12,000 and retail/wholesale land less than 40 acres, or a population less than 2000.¹⁰
- To full trash capture devices installed by a permittee *before* the effective date of the test claim permit, which may be counted towards the minimum number of full trash capture devices identified in Attachment J, provided the device meets the permit’s definition of a full trash capture device.¹¹

- d. Trash Hot Spots (C.10.b.ii. and iii.)

- 1) The permittees shall each submit selected Trash Hot Spots to the Regional Board by July 1, 2010. (Section C.10.b.ii.)¹²

⁹ Exhibit A, Test Claim Decision, page 373 citing to Test Claim, 10-TC-02, pages 234, 411 et seq., and 415 et seq. (Test claim permit, Section C.10.a.iii., Attachment J, Tables 10-1, 10-2).

¹⁰ Exhibit A, Test Claim Decision, page 374 citing to Test Claim, 10-TC-02, page 234 (Test claim permit, Section C.10.a.iii.).

¹¹ Exhibit A, Test Claim Decision, page 374 citing to Test Claim, 10-TC-02, page 234 (Test claim permit, Section C.10.a.iii.); Code of Federal Regulations, title 40, section 122.41(e).

¹² Exhibit A, Test Claim Decision, page 374 citing to Test Claim, 10-TC-02, page 235 (Test claim permit, Section C.10.b.ii.).

2) Hot Spot Assessments. (Section C.10.b.iii.)

- a) The San Mateo and Fairfield-Suisun permittees shall comply with the following new requirements:
 - Identify the dominant types of trash (e.g., glass, plastics, paper) removed.
 - Document the trash conditions before and after clean-up of the entire hot spot using photo documentation with a minimum of one photo per 50 feet of hot spot length.
- b) The Contra Costa permittees shall comply with the following new requirement:
 - Document the trash conditions before and after clean-up of the entire hot spot using photo documentation with a minimum of one photo per 50 feet of hot spot length.
- c) The Vallejo permittees shall comply with the following new requirements:
 - Quantify the volume of material removed from each trash hot spot cleanup.
 - Identify the dominant types of trash removed (e.g., glass, plastics, paper).
 - Document the trash condition before and after cleanup using photo documentation, with a minimum of one photo per 50 feet of hot spot length.¹³
- e. Long-Term Trash Load Reduction Plan (Section C.10.c.). All permittees, except for flood management agencies, shall submit a Long-Term Trash Load Reduction Plan, including an implementation schedule, to the Water Board by February 1, 2014. The Plan shall describe the control measures and best management practices, including any trash reduction ordinances, that are being implemented and the level of implementation and additional control measures and best management practices that will be implemented, and/or an increased level of implementation designed to attain a 70 percent trash load reduction from its MS4 by July 1, 2017, and 100 percent by July 1, 2022.¹⁴
- f. Reporting and Document Retention (Sections C.10.d.i. and C.10.d.ii.)
 - 1) The Fairfield-Suisun, San Mateo, and Vallejo permittees shall comply with the following new requirement:

¹³ Exhibit A, Test Claim Decision, pages 374-375 citing to Test Claim, 10-TC-02, page 235 (Test claim permit, Section C.10.b.iii.).

¹⁴ Exhibit A, Test Claim Decision, page 375 citing to Test Claim, 10-TC-02, page 235 (Test claim permit, Section C.10.c.).

- In each annual report, report on the dominant types of trash removed and retain these records.¹⁵
- 2) All permittees shall comply with the following new requirements:
- In each Annual Report, provide total trash loads and dominant types of trash *for each type of action, including each trash hot spot selected* pursuant to Section C.10.b. and retain these records.¹⁶
 - Beginning with the 2012 annual report, report the percent annual trash load reduction relative to the permittee's baseline trash load.¹⁷
6. Mercury and PCB Diversion Studies (Sections C.11.f., C.12.f.)
- a. Permittees shall conduct feasibility evaluations for mercury and PCBs by selecting five stormwater pump stations and five alternates for each pollutant and evaluate drainage characteristics and the feasibility of diverting flows of each to the sanitary sewer. The feasibility evaluations shall include, but not be limited to, costs, benefits, and impacts on the stormwater and wastewater agencies and the receiving waters relevant to the diversion and treatment of the dry weather and first flush flows.
 - b. From these feasibility evaluations, select five pump stations and five alternates for the pilot diversion studies for each pollutant. At least one urban runoff diversion pilot project shall be implemented in each of the five counties (San Mateo, Contra Costa, Alameda, Santa Clara, and Solano). The pilot and alternate locations should be located in industrially-dominated catchments where elevated PCB concentrations are documented.
 - c. Implement flow diversion of mercury and PCBs to the sanitary sewer at five pilot pump stations.
 - d. As part of the pilot studies, the permittees shall monitor, measure, and report mercury and PCBs load reduction.
 - e. Report the following information to the Regional Board:
 - 1) Summarize the results of the feasibility evaluations in the 2010 Annual Report. The reports shall include the selection criteria leading to the identification of the five candidate and five alternate pump stations for pilot studies; time schedules for conducting the pilot studies; and a proposed

¹⁵ Exhibit A, Test Claim Decision, page 375 citing to Test Claim, 10-TC-02, pages 235-236 (Test claim permit, Sections C.10.d.i. and C.10.d.ii.).

¹⁶ Exhibit A, Test Claim Decision, page 375 citing to Test Claim, 10-TC-02, pages 235-236 (Test claim permit, Sections C.10.d.i. and C.10.d.ii.).

¹⁷ Exhibit A, Test Claim Decision, page 375 citing to Test Claim, 10-TC-02, pages 235-236 (Test claim permit, Section C.10.d.i.).

method for distributing mercury load reductions to participating wastewater and stormwater agencies.

- 2) Report annually on the status of the pilot studies in each subsequent annual report.
- 3) Include in the March 15, 2014 Integrated Monitoring Report, the following information for each study: evaluation of pilot programs effectiveness, mercury and PCBs loads reduced, and updated feasibility evaluation procedures to guide future diversion project selection.¹⁸

Reimbursement for these activities is denied beginning January 1, 2018, because the claimants have fee authority sufficient as a matter of law to cover the costs of these activities pursuant to Government Code section 17556(d) and, thus, there are no costs mandated by the state.

In addition, reimbursement for the mandated activities from any source, including but not limited to, state and federal funds, any service charge, fees, or assessments to offset all or part of the costs of this program, and any other funds that are not the claimant's proceeds of taxes, shall be identified and deducted from any claim submitted for reimbursement.

All other sections, activities, and costs pled in the Test Claim were denied.¹⁹

II. Procedural History

On January 24, 2025, the Commission adopted the Test Claim Decision.²⁰ On January 28, 2025, Commission staff issued the Draft Expedited Parameters and Guidelines.²¹ On February 14, 2025, the State Controller (Controller) filed comments on the Draft Expedited Parameters and Guidelines, stating that no changes are recommended.²² Neither the claimants, the Department of Finance (Finance), nor the State Water Boards filed comments on the Draft Expedited Parameters and Guidelines. Pursuant to section 1183.9(d) of the Commission's regulations, Commission staff did not issue a Draft Proposed Decision and Parameters and Guidelines for comment because no substantive comments were filed on the Draft Expedited Parameters and Guidelines.²³

¹⁸ Exhibit A, Test Claim Decision, pages 375-376 citing to Test Claim, 10-TC-02, pages 240-241, 248-249 (Test claim permit, Sections C.11.f., C.12.f.).

¹⁹ Exhibit A, Test Claim Decision, pages 370-377.

²⁰ Exhibit A, Test Claim Decision.

²¹ Exhibit B, Draft Expedited Parameters and Guidelines.

²² Exhibit C, Controllers' Comments on the Draft Expedited Parameters and Guidelines.

²³ California Code of Regulations, title 2, section 1183.9(d) provides: "If no comments are filed on the draft expedited parameters and guidelines that raise substantive issues regarding any of the elements described in section 1183.7, a draft proposed decision in

III. Positions of the Parties

A. State Controller

The Controller filed comments on the Draft Expedited Parameters and Guidelines stating that no changes are recommended.²⁴

IV. Discussion

The Parameters and Guidelines contain the following information:

A. Eligible Claimants (Section II. of the Parameters and Guidelines)

The following permittees are required to comply with Order No. R2-2009-0074 and are eligible to claim reimbursement, provided they are subject to the taxing restrictions of articles XIII A and XIII C of the California Constitution, and the spending limits of article XIII B of the California Constitution, and incur increased costs as a result of this mandate that are paid from their local proceeds of taxes:

- Alameda permittees include the Cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City, Alameda County (Unincorporated area), the Alameda County Flood Control and Water Conservation District, and Zone 7 of the Alameda County Flood Control and Water Conservation District.
- Santa Clara permittees include the Cities of Campbell, Cupertino, Los Altos, Milpitas, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, and Sunnyvale, the towns of Los Altos Hills and Los Gatos, the Santa Clara Valley Water District, and Santa Clara County.
- Fairfield-Suisun permittees include the Cities of Fairfield and Suisun City, and Fairfield-Suisun Sewer District.
- Contra Costa permittees include the Cities of Clayton, Concord, El Cerrito, Hercules, Lafayette, Martinez, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek, the towns of Danville and Moraga, Contra Costa County, and the Contra Costa County Flood Control and Water Conservation District.
- San Mateo permittees include the Cities of Belmont, Brisbane, Burlingame, Daly City, East Palo Alto, Foster City, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Redwood City, San Bruno, San Carlos, San Mateo, and South San Francisco,

accordance with section 1183.13(a) of these regulations need not be prepared and the executive director may schedule the proposed decision and parameters and guidelines for adoption at the next regularly scheduled hearing in accordance with section 1183.13(d) of these regulations.”

²⁴ Exhibit C, Controllers’ Comments on the Draft Expedited Parameters and Guidelines, page 1.

the towns of Atherton, Colma, Hillsborough, Portola Valley, and Woodside, the San Mateo County Flood Control District, and San Mateo County.

- Vallejo permittees include the City of Vallejo and the Vallejo Sanitary District.²⁵

B. Period of Reimbursement (Section III. of the Parameters and Guidelines)

Government Code section 17557(e) states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The claimants filed Test Claims 10-TC-02, 10-TC-03, and 10-TC-05 on October 13, 2010, October 14, 2010, and November 30, 2010, respectively, establishing eligibility for reimbursement for the 2009-2010 fiscal year. However, the test claim permit has a later effective date and therefore, the period of reimbursement for this program begins on the permit's effective date, December 1, 2009. Beginning January 1, 2018, there are no costs mandated by the state because the claimants have fee authority sufficient as a matter of law to cover the costs of these activities pursuant to Government Code section 17556(d). Therefore, for all eligible claimants, increased costs incurred from December 1, 2009, through December 31, 2017 are reimbursable.²⁶

C. Reimbursable Activities (Section IV. of the Parameters and Guidelines)

Section IV. of the Parameters and Guidelines identifies the mandated activities approved by the Commission from December 1, 2009, through December 31, 2017.

D. Claim Preparation and Submission (Section V. of the Parameters and Guidelines)

Section V. of the Parameters and Guidelines (Claim Preparation and Submission) identifies the direct costs that are eligible for reimbursement.

E. Offsetting Revenues and Reimbursements (Section VII. of the Parameters and Guidelines)

Section VII. of the Parameters and Guidelines governs offsetting revenues (i.e., funds that are not a claimant's proceeds of taxes), which are required to be identified and deducted from the costs claimed, including but not limited to, state and federal funds, any service charge, fee, or assessment authority to offset all or part of the costs of this program, and any other funds that are not the claimant's proceeds of taxes shall be identified and deducted from any claim submitted for reimbursement.

F. Remaining Sections of the Parameters and Guidelines

The remaining sections of the Parameters and Guidelines contain standard boilerplate language.

²⁵ Exhibit A, Test Claim Decision, page 44 citing to Test Claim, 10-TC-02, page 150 (Test claim permit).

²⁶ Exhibit A, Test Claim Decision, page 370.

V. Conclusion

Based on the foregoing analysis, the Commission hereby adopts the Proposed Decision and Parameters and Guidelines.

PARAMETERS AND GUIDELINES²⁷

California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2009-0074, Sections C.8.d.iii., C.8.e.vi., C.8.f., C.8.g.ii., C.8.g.vii., C.10.a.i., C.10.a.ii., C.10.a.iii., 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

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

Period of reimbursement from December 1, 2009, through December 31, 2017

I. SUMMARY OF THE MANDATE

These Parameters and Guidelines address state-mandated activities arising from National Pollutant Discharge Elimination System Program (NPDES) permit, Order No. R2-2009-0074 (test claim permit), adopted by the San Francisco Bay Regional Water Quality Control Board on October 14, 2009, and effective on December 1, 2009.

On January 24, 2025, the Commission on State Mandates (Commission) adopted a Decision finding that the test claim permit imposes a reimbursable state-mandated program upon local agencies within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. The Commission partially approved the Test Claim for the state-mandated activities identified in Section IV. of the Parameters and Guidelines (“Reimbursable Activities”).

Reimbursement for the state-mandated activities is denied beginning January 1, 2018, because the claimants have fee authority sufficient as a matter of law to cover the costs of these activities pursuant to Government Code section 17556(d) and, thus, there are no costs mandated by the state.

Any fee revenues received must be identified as offsetting revenue. In addition, reimbursement for this mandate from any source, including but not limited to, service fees collected, federal funds, other state funds, and other funds that are not the claimant’s proceeds of taxes shall be identified and deducted from this claim.

²⁷ Please note that the Decision and Parameters and Guidelines is a single document and must be read as a whole. It is not intended to be separated and should be posted in its entirety.

All other activities and sections of the test claim permit and costs pled by the claimants were denied.

II. ELIGIBLE CLAIMANTS

The following permittees are required to comply with Order No. R2-2009-0074 and are eligible to claim reimbursement, provided they are subject to the taxing restrictions of articles XIII A and XIII C of the California Constitution, and the spending limits of article XIII B of the California Constitution, and incur increased costs as a result of this mandate that are paid from their local proceeds of taxes:

- Alameda permittees include the Cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City, Alameda County (Unincorporated area), the Alameda County Flood Control and Water Conservation District, and Zone 7 of the Alameda County Flood Control and Water Conservation District.
- Santa Clara permittees include the Cities of Campbell, Cupertino, Los Altos, Milpitas, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, and Sunnyvale, the towns of Los Altos Hills and Los Gatos, the Santa Clara Valley Water District, and Santa Clara County.
- Fairfield-Suisun permittees include the Cities of Fairfield and Suisun City, and Fairfield-Suisun Sewer District.
- Contra Costa permittees include the Cities of Clayton, Concord, El Cerrito, Hercules, Lafayette, Martinez, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek, the towns of Danville and Moraga, Contra Costa County, and the Contra Costa County Flood Control and Water Conservation District.
- San Mateo permittees include the Cities of Belmont, Brisbane, Burlingame, Daly City, East Palo Alto, Foster City, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Redwood City, San Bruno, San Carlos, San Mateo, and South San Francisco, the towns of Atherton, Colma, Hillsborough, Portola Valley, and Woodside, the San Mateo County Flood Control District, and San Mateo County.
- Vallejo permittees include the City of Vallejo and the Vallejo Sanitary District.²⁸

III. PERIOD OF REIMBURSEMENT

Government Code section 17557(e) states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The claimants filed Test Claims 10-TC-02, 10-TC-03, and 10-TC-05 on October 13, 2010, October 14, 2010, and November 30, 2010, respectively, establishing eligibility for reimbursement for the 2009-2010 fiscal year. However, the test claim permit has a later effective date and therefore, the period of reimbursement for this program begins on the

²⁸ Exhibit A, Test Claim Decision, page 44 citing to Test Claim, 10-TC-02, page 150 (Test claim permit).

permit's effective date, December 1, 2009. Beginning January 1, 2018, there are no costs mandated by the state because the claimants have fee authority sufficient as a matter of law to cover the costs of these activities pursuant to Government Code section 17556(d). Therefore, for all eligible claimants, increased costs incurred from December 1, 2009, through December 31, 2017 are reimbursable.

Reimbursement for state-mandated costs may be claimed as follows:

1. Actual costs for one fiscal year shall be included in each claim.
2. Pursuant to Government Code section 17561(d)(1)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller (Controller) within 120 days of the issuance date for the claiming instructions.
3. Pursuant to Government Code section 17560(a), a local agency may, by February 15 following the fiscal year in which costs were incurred, file an annual reimbursement claim that details the costs actually incurred for that fiscal year.
4. If revised claiming instructions are issued by the Controller pursuant to Government Code section 17558(c), between November 15 and February 15, a local agency filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim. (Gov. Code §17560(b).)
5. If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564(a).
6. There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event, or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating, "I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities

otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

For each eligible claimant that incurs increased costs, the following activities are reimbursable:

1. Geomorphic Study (Section C.8.d.iii)

- a. Permittees shall select a waterbody/reach, preferably one that contains significant fish and wildlife resources, and conduct one of the following projects within each county, except that only one such project must be completed within the collective Fairfield-Suisun and Vallejo Permittees' jurisdictions:
 - 1) Gather geomorphic data to support the efforts of a local watershed partnership [fn. omitted] to improve creek conditions; or
 - 2) Inventory locations for potential retrofit projects in which decentralized, landscape-based stormwater retention units can be installed; or
 - 3) Conduct a geomorphic study which will help in development of regional curves which help estimate equilibrium channel conditions for different-sized drainages. Select a waterbody/reach that is not undergoing changing land use. Collect and report the following data:
 - Formally surveyed channel dimensions (profile), planform, and cross-sections. Cross-sections shall include the topmost floodplain terrace and be marked by a permanent, protruding (not flush with ground) monument.
 - Contributing drainage area.
 - Best available information on bankfull discharges and width and depth of channel formed by bankfull discharges.
 - Best available information on average annual rainfall in the study area.
- b. Report selected geomorphic project results in the Integrated Monitoring Report.²⁹

2. Sediment Delivery Estimate/Budget (Section C.8.e.vi.)

²⁹ Exhibit A, Test Claim Decision, pages 370-371 citing to Test Claim, 10-TC-02, pages 221-222, 227 (Test claim permit, Section C.8.d.iii.). All references are to PDF page numbers.

Permittees shall develop a design for a robust sediment delivery estimate/sediment budget in local tributaries and urban drainages by July 1, 2011, and implement the study by July 1, 2012.³⁰

3. Citizen Monitoring and Participation (Section C.8.f.), ***which Is Reimbursable for the City of Vallejo and Vallejo Sanitary District only:***
 - a. Encourage Citizen Monitoring.
 - b. In developing Monitoring Projects and evaluating Status & Trends data, make reasonable efforts to seek out citizen and stakeholder information and comment regarding waterbody function and quality.
 - c. Demonstrate annually the permittee has encouraged citizen and stakeholder observations and reporting of waterbody conditions. Report on these outreach efforts in the annual Urban Creeks Monitoring Report.³¹
4. Monitoring Reporting and Notice (Sections C.8.g.ii., C.8.g.vii.)
 - a. Permittees shall maintain an information management system to support electronic transfer of data to the Regional Data Center of the California Environmental Data Exchange Network (CEDEN), located within the San Francisco Estuary Institute.³²
 - b. Permittees shall submit an Electronic Status Monitoring Data Report, compatible with the SWAMP database, no later than January 15 of each year, reporting on all data collected during the previous October 1-September 30 period. Water quality objective exceedances are required to be highlighted in the report.³³
 - c. Permittees shall notify stakeholders and members of the general public about the availability of electronic and paper monitoring reports through notices distributed through appropriate means, such as an electronic mailing list.³⁴
5. Trash
 - a. Short-Term Trash Load Reduction Plan (Section C.10.a.i.). All permittees, except for flood management agencies, shall submit a Short-Term Trash Load

³⁰ Exhibit A, Test Claim Decision, page 371 citing to Test Claim, 10-TC-02, page 225 (Test claim permit, Section C.8.e.vi.).

³¹ Exhibit A, Test Claim Decision, page 371 citing to Test Claim, 10-TC-02, page 225 (Test claim permit, Section C.8.f.).

³² Exhibit A, Test Claim Decision, page 372 citing to Test Claim, 10-TC-02, page 226, footnote 46 (Test claim permit, Section C.8.g.ii.).

³³ Exhibit A, Test Claim Decision, page 372 citing to Test Claim, 10-TC-02, page 226 (Test claim permit, Section C.8.g.ii.).

³⁴ Exhibit A, Test Claim Decision, page 372 citing to Test Claim, 10-TC-02, page 228 (Test claim permit, Section C.8.g.vii.).

Reduction Plan, including an implementation schedule, to the Regional Board by February 1, 2012. The Plan shall describe the following:

- 1) Control measures and best management practices, including any trash reduction ordinances, currently being implemented and the current level of implementation.
 - 2) Additional control measures and best management practices that will be implemented, and/or an increased level of implementation designed to attain a 40 percent trash load reduction from its MS4 by July 1, 2014.
 - 3) The Plan shall also “account for required mandatory minimum Full Trash Capture devices called for in Provision C.10.a.iii and Trash Hot Spot Cleanup called for in Provision C.10.b.”³⁵
- b. Baseline Trash Load and Trash Load Reduction Tracking Method (Section C.10.a.ii.). All permittees, except for flood management agencies, shall comply with the following new requirements:
- 1) Determine the baseline trash load from its MS4.
 - 2) Submit the load level to the Regional Board by February 1, 2012. The February 1, 2012, report shall include the following:
 - Documentation of the methodology used to determine the load level.
 - A description of the trash load reduction tracking method that will be used to account for trash load reduction actions and to demonstrate progress and attainment of trash load reduction levels.
 - The submittal shall account for the drainage areas of a Permittee’s jurisdiction that are associated with the baseline trash load from its MS4, and the baseline trash load level per unit area by land use type and drainage area characteristics used to derive the total baseline trash load level for each Permittee.
 - 3) Submit a progress report by February 1, 2011, indicating whether the permittee is determining its baseline trash load and trash load reduction method individually or collaboratively with other Permittees and a summary of the approach being used.³⁶
- c. Minimum Full Trash Capture (Section C.10.a.iii.). Except as provided below, all permittees shall comply with the following requirements:
- Install and maintain a mandatory minimum number of full trash capture devices by July 1, 2014, to treat runoff from an area equivalent to 30 percent of

³⁵ Exhibit A, Test Claim Decision, page 372 citing to Test Claim, 10-TC-02, page 233 (Test claim permit, Section C.10.a.i).

³⁶ Exhibit A, Test Claim Decision, page 373 citing to Test Claim, 10-TC-02, pages 233-234 (Test claim permit, Section C.10.a.ii.).

Retail/Wholesale Land draining to MS4s within their jurisdictions. The scope of this requirement is as follows:

- A full capture system or device is “any single device or series of devices that traps all particles retained by a 5 mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour, storm in the subdrainage area”.
- The mandatory minimum number of full trash capture devices for each permittee is identified in Attachment J to the test claim permit, Tables 10-1 and 10-2. However, if the sum of the areas generating trash loads determined pursuant to Section C.10.a.ii is a smaller acreage than the required trash capture acreage, the minimum full trash capture requirement is reduced to the smaller acreage for the population-based permittee.³⁷

The requirements to install and maintain full trash capture devices **does not apply**:

- To a population-based permittee with a population less than 12,000 and retail/wholesale land less than 40 acres, or a population less than 2000.³⁸
- To full trash capture devices installed by a permittee *before* the effective date of the test claim permit, which may be counted towards the minimum number of full trash capture devices identified in Attachment J, provided the device meets the permit’s definition of a full trash capture device.³⁹

d. Trash Hot Spots (C.10.b.ii. and iii.)

- 1) The permittees shall each submit selected Trash Hot Spots to the Regional Board by July 1, 2010. (Section C.10.b.ii.)⁴⁰
- 2) Hot Spot Assessments. (Section C.10.b.iii.)
 - a) The San Mateo and Fairfield-Suisun permittees shall comply with the following new requirements:

³⁷ Exhibit A, Test Claim Decision, page 373 citing to Test Claim, 10-TC-02, pages 234, 411 et seq., and 415 et seq. (Test claim permit, Section C.10.a.iii., Attachment J, Tables 10-1, 10-2).

³⁸ Exhibit A, Test Claim Decision, page 374 citing to Test Claim, 10-TC-02, page 234 (Test claim permit, Section C.10.a.iii.).

³⁹ Exhibit A, Test Claim Decision, page 374 citing to Test Claim, 10-TC-02, page 234 (Test claim permit, Section C.10.a.iii.); Code of Federal Regulations, title 40, section 122.41(e).

⁴⁰ Exhibit A, Test Claim Decision, page 374 citing to Test Claim, 10-TC-02, page 235 (Test claim permit, Section C.10.b.ii.).

- Identify the dominant types of trash (e.g., glass, plastics, paper) removed.
 - Document the trash conditions before and after clean-up of the entire hot spot using photo documentation with a minimum of one photo per 50 feet of hot spot length.
- b) The Contra Costa permittees shall comply with the following new requirement:
- Document the trash conditions before and after clean-up of the entire hot spot using photo documentation with a minimum of one photo per 50 feet of hot spot length.
- c) The Vallejo permittees shall comply with the following new requirements:
- Quantify the volume of material removed from each trash hot spot cleanup.
 - Identify the dominant types of trash removed (e.g., glass, plastics, paper).
 - Document the trash condition before and after cleanup using photo documentation, with a minimum of one photo per 50 feet of hot spot length.⁴¹
- e. Long-Term Trash Load Reduction Plan (Section C.10.c.). All permittees, except for flood management agencies, shall submit a Long-Term Trash Load Reduction Plan, including an implementation schedule, to the Water Board by February 1, 2014. The Plan shall describe the control measures and best management practices, including any trash reduction ordinances, that are being implemented and the level of implementation and additional control measures and best management practices that will be implemented, and/or an increased level of implementation designed to attain a 70 percent trash load reduction from its MS4 by July 1, 2017, and 100 percent by July 1, 2022.⁴²
- f. Reporting and Document Retention (Sections C.10.d.i. and C.10.d.ii.)
- 1) The Fairfield-Suisun, San Mateo, and Vallejo permittees shall comply with the following new requirement:

⁴¹ Exhibit A, Test Claim Decision, pages 374-375 citing to Test Claim, 10-TC-02, page 235 (Test claim permit, Section C.10.b.iii.).

⁴² Exhibit A, Test Claim Decision, page 375 citing to Test Claim, 10-TC-02, page 235 (Test claim permit, Section C.10.c.).

- In each annual report, report on the dominant types of trash removed and retain these records.⁴³
- 2) All permittees shall comply with the following new requirements:
- In each Annual Report, provide total trash loads and dominant types of trash *for each type of action, including each trash hot spot selected* pursuant to Section C.10.b. and retain these records.⁴⁴
 - Beginning with the 2012 annual report, report the percent annual trash load reduction relative to the permittee's baseline trash load.⁴⁵
6. Mercury and PCB Diversion Studies (Sections C.11.f., C.12.f.)
- a. Permittees shall conduct feasibility evaluations for mercury and PCBs by selecting five stormwater pump stations and five alternates for each pollutant and evaluate drainage characteristics and the feasibility of diverting flows of each to the sanitary sewer. The feasibility evaluations shall include, but not be limited to, costs, benefits, and impacts on the stormwater and wastewater agencies and the receiving waters relevant to the diversion and treatment of the dry weather and first flush flows.
 - b. From these feasibility evaluations, select five pump stations and five alternates for the pilot diversion studies for each pollutant. At least one urban runoff diversion pilot project shall be implemented in each of the five counties (San Mateo, Contra Costa, Alameda, Santa Clara, and Solano). The pilot and alternate locations should be located in industrially-dominated catchments where elevated PCB concentrations are documented.
 - c. Implement flow diversion of mercury and PCBs to the sanitary sewer at five pilot pump stations.
 - d. As part of the pilot studies, the permittees shall monitor, measure, and report mercury and PCBs load reduction.
 - e. Report the following information to the Regional Board:
 - 1) Summarize the results of the feasibility evaluations in the 2010 Annual Report. The reports shall include the selection criteria leading to the identification of the five candidate and five alternate pump stations for pilot studies; time schedules for conducting the pilot studies; and a proposed

⁴³ Exhibit A, Test Claim Decision, page 375 citing to Test Claim, 10-TC-02, pages 235-236 (Test claim permit, Sections C.10.d.i. and C.10.d.ii.).

⁴⁴ Exhibit A, Test Claim Decision, page 375 citing to Test Claim, 10-TC-02, pages 235-236 (Test claim permit, Sections C.10.d.i. and C.10.d.ii.).

⁴⁵ Exhibit A, Test Claim Decision, page 375 citing to Test Claim, 10-TC-02, pages 235-236 (Test claim permit, Section C.10.d.i.).

method for distributing mercury load reductions to participating wastewater and stormwater agencies.

- 2) Report annually on the status of the pilot studies in each subsequent annual report.
- 3) Include in the March 15, 2014 Integrated Monitoring Report, the following information for each study: evaluation of pilot programs effectiveness, mercury and PCBs loads reduced, and updated feasibility evaluation procedures to guide future diversion project selection.⁴⁶

V. CLAIM PREPARATION AND SUBMISSION

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV., Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the services that were performed during the period covered by the reimbursement claim. If the contract services are also used for purposes other than the reimbursable activities, only the pro-rata portion of the services used to implement the reimbursable activities can be claimed. Submit contract

⁴⁶ Exhibit A, Test Claim Decision, pages 375-376 citing to Test Claim, 10-TC-02, pages 240-241, 248-249 (Test claim permit, Sections C.11.f., C.12.f.).

consultant and attorney invoices with the claim and a description of the contract scope of services.

4. Fixed Assets

Report the purchase price paid for fixed assets (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

B. Indirect Cost Rates

Indirect costs are costs that are incurred for a common or joint purpose, benefiting more than one program, and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include both: (1) overhead costs of the unit performing the mandate; and (2) the costs of the central government services distributed to the other departments based on a systematic and rational basis through a cost allocation plan.

Compensation for indirect costs is eligible for reimbursement in accordance with the Office of Management and Budget Circular 2 CFR, Chapter I and Chapter II, Part 200 et al. Claimants have the option of using 10 percent of direct labor, excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) if the indirect cost rate claimed exceeds 10 percent.

If the claimant chooses to prepare an ICRP, both the direct costs (as defined and described in 2 CFR, Chapter I and Chapter II, Part 200 et al.) and the indirect costs shall exclude capital expenditures and unallowable costs (as defined and described in 2 CFR, Chapter I and Chapter II, Part 200 et al.). However, unallowable costs must be included in the direct costs if they represent activities to which indirect costs are properly allocable.

The distribution base may be: (1) total direct costs (excluding capital expenditures and other distorting items, such as pass-through funds, major subcontracts, etc.); (2) direct salaries and wages; or (3) another base which results in an equitable distribution.

In calculating an ICRP, the claimant shall have the choice of one of the following methodologies:

1. The allocation of allowable indirect costs (as defined and described in 2 CFR, Chapter I and Chapter II, Part 200 et al.) shall be accomplished by: (1) classifying a department's total costs for the base period as either direct or indirect; and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate which is used to distribute indirect costs to mandates. The rate should be expressed as a percentage that the total amount of allowable indirect costs bears to the base selected; or
2. The allocation of allowable indirect costs (as defined and described in 2 CFR, Chapter I and Chapter II, Part 200 et al.) shall be accomplished by: (1)

separating a department into groups, such as divisions or sections, and then classifying the division's or section's total costs for the base period as either direct or indirect; and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate that is used to distribute indirect costs to mandates. The rate should be expressed as a percentage which the total amount of allowable indirect costs bears to the base selected.

VI. RECORD RETENTION

Pursuant to Government Code section 17558.5(a), a reimbursement claim for actual costs filed pursuant to this chapter⁴⁷ is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section IV., must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

VII. OFFSETTING REVENUES AND REIMBURSEMENTS

Any offsetting revenue the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, state and federal funds (including, but not limited to grant funds), any service charge, fee, or assessment authority to offset all or part of the costs of this program, and any other funds that are not the claimant's proceeds of taxes shall be identified and deducted from any claim submitted for reimbursement.

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558(b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 90 days after receiving the adopted parameters and guidelines from the Commission, to assist local governments in claiming costs to be reimbursed. The claiming instructions shall be derived from these parameters and guidelines and the decisions on the test claim and parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561(d)(1), issuance of the claiming instructions shall constitute a notice of the right of the eligible claimants to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

⁴⁷ This refers to title 2, division 4, part 7, chapter 4 of the Government Code.

IX. REMEDIES BEFORE THE COMMISSION

Upon request of an eligible claimant, the Commission shall review the claiming instructions issued by the Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557(d), and California Code of Regulations, title 2, section 1183.17.

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The decisions adopted for the test claim and parameters and guidelines are legally binding on all parties and interested parties and provide the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record. The administrative record is on file with the Commission.

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 April 3, 2025, I served the:

- **Current Mailing List dated March 27, 2025**
- **Decision and Parameters and Guidelines adopted March 28, 2025**

*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.8.d.iii., C.8.e.vi., C.8.f., C.8.g.ii., C.8.g.vii.,
C.10.a.i., C.10.a.ii., C.10.a.iii., 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 April 3, 2025 at Sacramento, California.



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

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/27/25

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

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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