



December 4, 2023

Mr. David Burhenn
Burhenn & Gest, LLP
12401 Wilshire Blvd, Suite 200
Los Angeles, CA 90025

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

Re: Notice of Approval of Request for Extension and Postponement of Hearing

California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2010-0033, 10-TC-07

California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2010-0033, Sections IV; VI.D.1.a.vii; VI.D.1.c.i(8); VI.D.2.c; VI.D.2.d.ii(d); VI.D.2.i; VII.B; VII.D.2; VII.D.3; VIII.A; VIII.C; VIII.H; IX.C; IX.D; IX.E; IX.H; X.D; XI.D.1; XI.D.6; XI.D.7; XI.E.6; XII.A.1; XII.A.5; XII.B; XII.C.1; XII.D.1; XII.E.1; XII.E.2; XII.E.3; XII.E.4; XII.E.6; XII.E.7; XII.E.8; XII.E.9; XII.F; XII.G.1; XII.K.4; XII.K.5; XII.H; XIV.D; XV.A; XV.C; XV.F.1; XV.F.4; XV.F.5; XVII.A.3; and Appendix 3, Section III.E.3,¹ Adopted January 29, 2010

County of Riverside, Riverside County Flood Control & Water Conservation District, and Cities of Beaumont, Corona; Hemet, Lake Elsinore, Moreno Valley, Perris, and San Jacinto, Claimants

Dear Mr. Burhenn:

On November 30, 2023, claimants filed with the Commission on State Mandates (Commission) a request for a 27-day extension of time to file written comments on the Draft Proposed Decision (DPD) on the above-captioned Test Claim, currently due on December 8, 2023, and for postponement of the hearing, currently set for January 26, 2024.

Specifically, the request states that an extension of time to submit comments to January 4, 2024 is necessary because: the Draft Proposed Decision is 322 pages long and raises numerous complex questions of law and fact; availability of counsel and witnesses to review the DPD and consider potential comments will be adversely affected by end of year holidays; there will be no prejudice to any party or witness if the extension is granted and counsel for the Water Boards has indicated that she has no objection to the requested extension and will be making a similar request; the DPD was released 10 weeks prior to the current hearing date, meaning that even a short extension of the comment deadline would still require a postponement of the hearing

¹ Government Code section 17553(b)(1) requires test claims to identify the specific sections of the executive order alleged to contain a mandate and a detailed description of the new activities mandated by the state. Only the sections indicated in this caption have been properly pled.

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date; no previous postponement has been requested by claimant or any other parties and claimant does not wish to continue the hearing date past March 22, 2024.

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.

Section 1187.9(b) of the Commission's regulations provide that while postponements are disfavored and pursuant to Government Code section 17530, the executive director has a duty to expedite all matters before the Commission, a request for postponement filed by the claimant, at least 15 days before the hearing, shall be approved by the executive director for good cause. (Cal. Code. Regs., tit. 2 § 1187.9(b)(3)(A).) Circumstances that indicate good cause in this case include: the unavailability of a party, party representative, or witness because of death, illness, or other excusable circumstances and the number and complexity of the issues. (Cal. Code. Regs., tit. 2 § 1187.9(b)(1)(A) and § 1187.9 (b)(1)(F).) In addition, I find that the interests of justice are best served by granting the extension and postponement. (Cal. Code. Regs., tit. 2 § 1187.9(b)(2)(J).

Therefore, a 27-day extension from the original due date is approved and the claimants' comments on the Draft Proposed Decision are now due by **5:00 p.m. on January 4, 2024.**

This matter is now set for hearing on **Friday, March 22, 2024.**

Sincerely,



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 December 4, 2023, I served the:

- **Current Mailing List dated November 30, 2023**
- **Notice of Extension Request Approval and Postponement of Hearing issued December 4, 2023**
- **Claimants' Request for Extension of Time and Postponement of Hearing filed November 30, 2023**

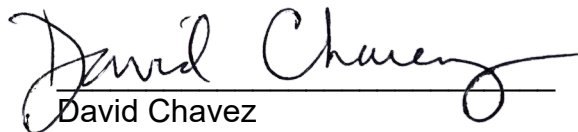
California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2010-0033, 10-TC-07

California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2010-0033, Sections IV; VI.D.1.a.vii; VI.D.1.c.i(8); VI.D.2.c; VI.D.2.d.ii(d); VI.D.2.i; VII.B; VII.D.2; VII.D.3; VIII.A; VIII.C; VIII.H; IX.C; IX.D; IX.E; IX.H; X.D; XI.D.1; XI.D.6; XI.D.7; XI.E.6; XII.A.1; XII.A.5; XII.B; XII.C.1; XII.D.1; XII.E.1; XII.E.2; XII.E.3; XII.E.4; XII.E.6; XII.E.7; XII.E.8; XII.E.9; XII.F; XII.G.1; XII.K.4; XII.K.5; XII.H; XIV.D; XV.A; XV.C; XV.F.1; XV.F.4; XV.F.5; XVII.A.3; and Appendix 3, Section III.E.3, Adopted January 29, 2010

County of Riverside, Riverside County Flood Control & Water Conservation District, and Cities of Beaumont, Corona; Hemet, Lake Elsinore, Moreno Valley, Perris, and San Jacinto, 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 December 4, 2023 at Sacramento, California.



David Chavez
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/30/23

**Claim
Number:** 10-TC-07

Matter: California Regional Water Quality Control Board, Santa Ana
Region, Order No. R8-2010-0033

Claimants: City of Beaumont
City of Corona
City of Hemet
City of Lake Elsinore
City of Moreno Valley
City of Perris
City of San Jacinto
County of Riverside
Riverside County Flood Control and Water Conservation
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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