



Linda S. Adams
Acting Secretary for
Environmental Protection

State Water Resources Control Board

Office of Chief Counsel

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Edmund G. Brown Jr.
Governor

VIA EMAIL AND CERTIFIED MAIL

March 17, 2011

Nancy Patton, Assistant Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814
Nancy.Patton@csm.ca.gov

Dear Ms. Patton:

Re: **Test Claim 10-TC-07**

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

Request for 90 Day Extension of Time to Submit Comments of the California Regional Water Quality Control Board, Santa Ana Region

This is a request for a 90 day extension of time in which to submit comments in the above-noted matter. Currently, the Santa Ana Regional Water Quality Control Board's (Santa Ana Water Board's) comments are due on March 28, 2011. The February 16, 2011 Notice of Complete Test Claim Filing and Schedule For Comments provides that requests for extensions of time may be filed in accordance with California Code of Regulations, title 2, chapter 2.5, sections 1183.01, subdivision (c) and 1181.1, subdivision (g). As explained herein, the Santa Ana Water Board believes that good cause exists for granting a 90 day extension of time, which would extend the deadline to June 27, 2011. (June 26, 2011, which is 90 days from the current deadline, is a Sunday.)

California Code of Regulations, title 2, chapter 2.5, section 1183.01, subdivision (c), provides that a party may request an extension of time before the date set for the filing of comments. (Cal. Code Regs., tit. 2, ch. 2.5, § 1183.01, subd. (c)(1).) The Executive Director may approve a request filed by a state agency for good cause. (*Id.*, at § 1183.01, subd. (c)(1)(B).) The applicable regulations define "good cause" to include, but not be limited to, the following factors:

- (1) the number and complexity of the issues raised;
- (2) a party is new to the case, or other counsel is needed;
- (3) the individual responsible for preparing the document has other time-limited commitments during the affected period;
- (4) the individual responsible for appearing at the hearing has other time-limited commitments;
- (5) illness of a party;
- (6) a personal emergency;
- (7) a planned vacation that cannot reasonably be rearranged;
- (8) a pending public records act request; and
- (9) any other

California Environmental Protection Agency

Ms. Nancy Patton

-2-

March 17, 2011

factor, which in the context of a particular claim constitutes good cause. Good cause may be established by a specific showing of other obligations involving deadlines that as a practical matter preclude filing the document by the due date without impairing quality.

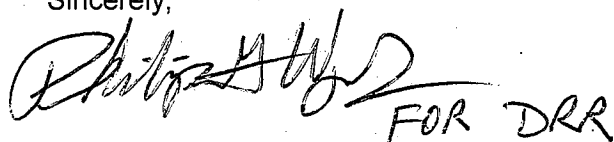
(Cal. Code Regs., tit. 2 § 1181.1, subd. (h).)

The Test Claim filed by the County of Riverside on behalf of itself and other municipalities concerns permit requirements established in Santa Ana Water Board Order No. R8-2010-033. The Claimants contend that Order No. R8-2010-033 requires them to establish and implement many new programs and activities that are not required by federal law and that were not required in earlier versions of the challenged order. They seek a determination that these programs and activities are state mandates for which they should receive reimbursement. This Test Claim raises numerous and complex issues specific to Order No. R8-2010-0033.

Last week, the Santa Ana Water Board submitted its comments on Test Claim 09-TC-03. I was the sole attorney working on that Test Claim, and am the sole attorney assigned to the Riverside County Test Claim. Responding to Test Claim 09-TC-03 required a substantial amount of time and effort and constituted a significant increase over my typical workload. I have several other matters that must be addressed before I can give my full attention to the Riverside County Test Claim. Additionally, as my workload has prevented me from taking my furlough days over the last few months, I have been ordered to do so in the next few weeks. Accordingly, it would be virtually impossible to respond appropriately to the Riverside County Test Claim by the current deadline.

I have consulted with Riverside County and they support this request for extension. Therefore, for the reasons set forth above, the Santa Ana Water Board requests that the due date for written comments on the Test Claim be extended 90 days to June 27, 2011. The Santa Ana Water Board believes that good cause exists to allow the Commission to grant the requested extension and appreciates your consideration of this request.

Sincerely,



FOR DRR

David R. Rice
Staff Counsel

cc: Proof of Service
Service List

PROOF OF SERVICE

I, Joanne Griffin, declare that I am over 18 years of age and not a party to the within action. I am employed in Sacramento County at 1001 I Street, 22nd Floor, Sacramento, California 95814. My mailing address is P.O. Box 100, Sacramento, CA 95812-0100. On March 17, 2011, I served the within documents:

TEST CLAIM 10-TC-07 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SANTA ANA REGION, ORDER NO. R8-2010-0033

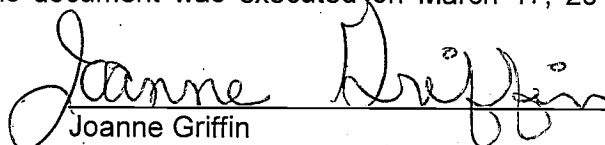
REQUEST FOR 90 DAY EXTENSION OF TIME TO SUBMIT COMMENTS OF THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SANTA ANA REGION

	BY FACSIMILE: I caused a true and correct copy of the document to be transmitted by a facsimile machine compliant with rule 2003 of the California Rules of Court to the offices of the addresses at the telephone numbers shown on the service list.
X	BY ELECTRONIC MAIL: I caused a true and correct copy of the document(s) to be transmitted by electronic mail compliant with section 1010.6 of the California Code of Civil Procedure to the person(s) as shown.
	BY HAND DELIVERY: I caused a true and correct copy of the document(s) to be hand-delivered to the person(s) as shown.
	BY OVERNIGHT MAIL TO ALL PARTIES LISTED: I am readily familiar with my employer's practice for the collection and processing of overnight mail packages. Under that practice, packages would be deposited with an overnight mail carrier that same day, with overnight delivery charges thereon fully prepaid, in the ordinary course of business.
X	BY FIRST CLASS MAIL TO ALL PARTIES LISTED: I am readily familiar with my employer's practice for the collection and processing of mail. Under that practice, envelopes would be deposited with the U.S. Postal Service that same day, with first class postage thereon fully prepaid, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing shown in this proof of service.

By placing a true copy thereof in separate, sealed envelopes addressed to:

PLEASE SEE ATTACHED SERVICE LIST

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this document was executed on March 17, 2011 at Sacramento, California.


Joanne Griffin
Legal Support Supervisor I

Commission on State Mandates

Original List Date: 2/14/2011
Last Updated: 2/23/2011
List Print Date: 02/24/2011
Claim Number: 10-TC-07
Issue: Santa Ana Region Water Permit - Riverside County

Mailing List

TO ALL PARTIES AND INTERESTED PARTIES:

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, § 1181.2.)

Ms. Evelyn Tseng City of Newport Beach 3300 Newport Blvd. P. O. Box 1768 Newport Beach, CA 92659-1768	Tel: (949)644-3127 Email etseng@city.newport-beach.ca.gov Fax: (949)644-3339
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Ms. Harmeet Barkschat Mandate Resource Services, LLC 5325 Elkhorn Blvd. #307 Sacramento, CA 95842	Tel: (916)727-1350 Email harmeet@calsdrc.com Fax: (916)727-1734
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Mr. Wayne Shimabukuro County of San Bernardino Auditor/Controller-Recorder-Treasurer-Tax Collector 222 West Hospitality Lane, 4th Floor San Bernardino, California 92415-0018	Tel: (909)386-8850 Email wayne.shimabukuro@atc.sbcounty.gov Fax: (909)386-8830
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Commission on State Mandates

Original List Date: 2/14/2011
Last Updated: 3/18/2011
List Print Date: 03/18/2011
Claim Number: 10-TC-07
Issue: Santa Ana Region Water Permit - Riverside County

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COMMISSION ON STATE MANDATES

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**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Solano 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 March 18, 2011, I served the:

SWRCB Request for Extension of Time to File Comments

Santa Ana Region Water Permit – Riverside County, 10-TC-07


California Regional Water Quality Control Board, Santa Ana Region, Order No.

R8-2010-0033, effective January 29, 2010

Riverside County Flood Control & Water Conservation District, County of Riverside, Cities of Beaumont, Corona, Hemet, Lake Elsinore, Moreno Valley, Perris and San Jacinto, Co-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 March 18, 2011 at Sacramento, California.


Heidi J. Palchik