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Los Angeles Regional Water Quality Control Board

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October 9, 2013

VIA E-FILE

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

Received
October 09, 2013
Commission on
State Mandates

Dear Ms. Halsey:

UPPER SANTA CLARA RIVER CHLORIDE REQUIREMENTS, 10-TC-09: REQUEST FOR EXTENSION OF TIME TO SUBMIT COMMENTS ON DRAFT STAFF ANALYSIS AND REQUEST FOR POSTPONEMENT OF HEARING

On September 20, 2013, the Commission on State Mandates released its draft staff analysis for the above-referenced matter and invited any party or interested person to file written comments on the analysis by October 11, 2013. The Commission also scheduled a hearing on this matter for December 6, 2013. The Commission provided notice of its draft staff analysis, schedule for comments, and hearing date via an email sent to the Santa Clarita Valley Sanitation District of Los Angeles County (hereafter, Claimant), as well as interested persons and affected state agencies, on September 20, 2013 via an email. As the primary attorney for the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) responsible for this matter, I unfortunately did not receive that email. The first I learned of the Commission's draft staff analysis, the comment deadline, and the scheduled hearing was yesterday when I received the Commission's email granting the Claimant's request for an extension. I have since obtained a copy of the Commission's September 20, 2013 email. Although my name and email address appears on the Commission's Proof of Service dated September 20, 2013, I was not actually included as a recipient of the email. I have attached a copy of the Commission's email, which does not include my email address.

The Los Angeles Water Board respectfully requests a three-week extension of time to submit comments on the draft staff analysis. The Commission's September 20, 2013 notice provides that requests for extensions of time to file comments may be filed in accordance with California Code of Regulations, title 2, section 1183.01, subdivision (c). As explained in this letter, the Los Angeles Water Board believes that good cause exists for granting the Board a three-week extension of time to submit comments on the draft staff analysis. If granted, the Los Angeles Water Board will submit its comments by **November 1, 2013**. The Los Angeles Water Board also respectfully requests postponement of the hearing currently scheduled for December 6, 2013 to **January 2014**.

California Code of Regulations, title 2, 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

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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Regs., tit. 2, § 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 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).)

I am the primary attorney for the Los Angeles Water Board responsible for this matter and will be reviewing the draft staff analysis and preparing comments on behalf of the Los Angeles Water Board. Since I just received actual notice of the Commission's draft staff analysis, the comment deadline, and the hearing yesterday, I require additional time to closely evaluate the Commission's draft staff analysis and to draft comments. Due to other work obligations, it is not possible for me to complete this review and submit comments by the current comment deadline of October 11, 2013. I am currently working on a litigation matter that has a deadline of October 15, 2013. In addition, I will be on a planned vacation the week of October 21-25, 2013. Extending the Board's comment deadline to November 1, 2013 will provide me with the necessary time to consult with Los Angeles Water Board staff and prepare the Board's comments on the draft staff analysis.

The Los Angeles Water Board also respectfully requests postponement of the hearing on this matter currently scheduled for December 6, 2013. The Los Angeles Water Board will be holding its regularly scheduled Board meeting in Los Angeles on December 5, 2013. I will be attending that meeting to advise the Board and its staff on multiple items. Los Angeles Water Board meetings routinely adjourn in the evening and I will be flying back to Sacramento late that night. In addition, many of the items on the Board's meeting agenda are controversial, and I will need time to, *inter alia*, prepare responses to public comments and make other preparations beforehand. Accordingly, I will not have sufficient time to prepare for the hearing beforehand. The Los Angeles Water Board requests that the hearing be postponed until January 2014.

Therefore, for the reasons set forth above, the Los Angeles Water Board respectfully requests a three-week extension of time to submit comments on the draft staff analysis, which would extend the deadline to **November 1, 2013**. The Board also requests postponement of the hearing to **January 2014**. The Los Angeles Water Board believes that good cause exists to allow the Executive Director to grant these requests and appreciates your consideration.

Sincerely,



Jennifer L. Fordyce
Senior Staff Counsel

Fordyce, Jennifer@Waterboards

From: Jason Hone <jason.hone@csm.ca.gov>
Sent: Friday, September 20, 2013 4:55 PM
To: Allan Burdick; Andy Nichols; Anita Worlow; Annette Chinn; Brian Uhler; Christien Brunette; Daniel V. Hyde; David Wellhouse; Dean Wallraff; Dennis Speciale; Edward Jewik; Evelyn Tseng ; Ferlyn Junio; Frank Murphy; Geoffrey Neill; Gwendolyn Carlos; Harmeet Barkschat; Hasmik Yaghobyan; Hortencia Mato; J. Bradley Burgess; Jai Prasad; Lal, Jay@SCO; Jeff Goldstein; Jill Kanemasu; Spano, Jim@SCO; Jolene Tollenaar; Kathy Rios; Kimberly Huangfu; Lacey Baysinger; Leonard Kaye; Marieta Delfin; Mark Ibele; Mark Rewolinski; Matt Jones; Michael Byrne; Lauffer, Michael@Waterboards; Michelle Mendoza; Sarah Olinger; Socorro Aquino; Stephen R. Maguin; Geanacou, Susan@DOF; Tom Dyer
Subject: New Documents to Website: Upper Santa Clara River Chloride Requirements (10-TC-09)

Good Afternoon:

The Commission on State Mandates (Commission) has issued the draft staff analysis and proposed statement of decision for the **Upper Santa Clara River Chloride Requirements** program, **10-TC-09**.

You may access these documents under the **December 6, 2013 Hearing** on the **For Public Comment** tab on the Commission's website at http://csm.ca.gov/pub_comment.shtml.

The direct link to these documents is <http://csm.ca.gov/pendingclaims/usrcr.shtml>.

Section 1181.2 (c)(A) of the Commission's regulations states that "by providing an electronic mail (e-mail) address for the mailing list for a matter, a person consents to e-mail service of documents for that matter." Therefore, because you have provided your e-mail address to the Commission for a mailing list you are deemed to have consented to service by e-mail. However, please note that e-filing and service by e-mail is voluntary. If you do not wish to be served by e-mail please notify the Commission and your e-mail address will be removed from the mailing list and you will be served by hard copy.

Please contact me if you have questions or are unable to access these documents.

Jason Hone

Assistant Executive Director

Commission on State Mandates

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