



California Regional Water Quality Control Board
Los Angeles Region

Received
June 23, 2011
Commission on
State Mandates

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Acting Secretary for
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Edmund G. Brown Jr.
Governor

June 23, 2011

VIA E-FILE

Drew Bohan, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Dear Mr. Bohan:

UPPER SANTA CLARA RIVER CHLORIDE REQUIREMENTS, 10-TC-09:
REQUEST FOR 14-DAY EXTENSION OF TIME TO SUBMIT COMMENTS OF THE
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION

This is a request for an additional 14-day extension of time in which to submit comments in the above-noted matter. Currently, the California Regional Water Quality Control Board, Los Angeles Region's (Los Angeles Water Board) comments are due on July 15, 2011, as a result of a 60-day extension request dated May 3, 2011, that you approved on May 4, 2011.

The April 14, 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, sections 1183.01, subdivision (c), and 1181.1, subdivision (g). As explained herein, the Los Angeles Water Board believes that good cause exists for granting an additional 14-day extension of time, which would extend the deadline to **July 29, 2011**.

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 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

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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).)

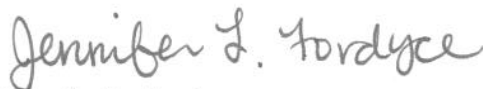
The Claimant contends that Los Angeles Water Board Resolution No. R4-2008-012, which amended the Water Quality Control Plan for the Los Angeles Region to adopt site-specific objectives for chloride and revised the Upper Santa Clara River Chloride Total Maximum Daily Load (TMDL), requires the Claimant to establish and implement several new programs and activities that are not required by federal law. More specifically, the TMDL establishes final waste load allocations for chloride and related implementation provisions. The Claimant seeks a determination that these waste load allocations and implementation "tasks" are unfunded state mandates for which it should receive reimbursement in the hundreds of millions of dollars pursuant to Article XIII B, section 6, of the California Constitution.

The Los Angeles Water Board requests a further extension of time of 14 days in which to submit comments analyzing the merits of the Test Claim for the reasons that follow. When I submitted my first request for a 60-day extension, I failed to account for the Los Angeles Water Board's monthly meeting that is occurring on July 14, 2011, the day before comments on the Test Claim are due. Preparation for these monthly board meetings takes a substantial amount of attorney time leading up to the meeting, especially when controversial items appear on the agenda. On July 14, 2011, I will be advising the Los Angeles Water Board on multiple controversial items, and will need time to, *inter alia*, prepare responses to public comments and make other preparations beforehand. Accordingly, I will not have sufficient time to work on and submit comments on the Test Claim by July 15.

Furthermore, as explained in the prior request for extension, the Test Claim comprises well over 600 pages including exhibits, and the issues raised—many of which are issues of first impression—are numerous, complex, and novel, and will require considerable staff and attorney effort when both the Los Angeles Water Board and the State Water Resources Control Board's Office of Chief Counsel are still short-staffed and limited by a reduced work schedule due to the state's budget shortfall and hiring freeze.

Therefore, for the reasons set forth above, the Los Angeles Water Board respectfully requests that the due date for written comments on the Test Claim be extended 14 days to **July 29, 2011**. The Los Angeles Water Board believes that good cause exists to allow the Executive Director to grant this requested extension and appreciates your consideration of this request.

Sincerely,



Jennifer L. Fordyce
Staff Counsel

