



July 20, 2023

Ms. Teresa Calvert
Department of Finance
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Ms. Catherine George Hagan
State Water Resources Control Board
c/o San Diego Regional Water
Quality Control Board
2375 Northside Drive, Suite 100
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And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: Notice of Extension Request Approval

*California Regional Water Quality Control Board, San Diego Region,
Order No. R9-2009-0002, Sections B.2.; C.; D.; F.1.d.; F.1.d.7.i.; F.1.f.; F.1.h.;
F.3.a.4.c.; F.3.d.; F.4.b.; F.4.d.; F.4.e.; G.6.; I.; J.; K.1.b.4.n.; and,
Only as They Relate to the Reporting Checklist, Section K.3.a. and
Attachment D, Adopted December 16, 2009, 10-TC-11
Cities of Dana Point, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo,
San Juan Capistrano, the County of Orange, and the Orange County Flood
Control District, Claimants*

Dear Ms. Calvert and Ms. Hagan:

On July 18, 2023, the Commission on State Mandates (Commission) received the State Water Resources Control Board's and the San Diego Regional Water Quality Control Board's (collectively, "the Water Boards") request, and on July 20, 2023, received the Department of Finance's (Finance's) request, for a 35-day extension of time to file written comments on the Draft Proposed Decision on the above-captioned Test Claim, currently due on July 21, 2023.

Specifically, the Water Boards state that an extension of time to August 25, 2023 is necessary because: the Draft Proposed Decision is almost 400 pages in length and proposes to resolve claimants' numerous challenges to at least fourteen categories of issues in the underlying San Diego Water Board permit; due to the complexity and length, evaluation of Draft Proposed Decision will require considerable staff and attorney time; the Test Claim involves a permit issued over 13 years ago such that staff and assigned attorneys will need to re-familiarize themselves with the underlying permit and comments on the 2010 Test Claim; as well as consider prior written comments on similar or identical issues in other pending or recently decided test claims. Finally, the request states that the Water Boards respectfully request that the Commission grant the extension of time to submit comments on the Draft Proposed Decision until 5 p.m. on August 25, 2023.

In addition, Finance states that a 35-day extension is necessary due to the length of the Test Claim, which raises numerous complex issues, as well as staff work associated with state budget enactment and legislative bill analyses, staff will be unable to review and respond to the Test Claim by July 21, 2023.

J:\MANDATES\2010\TC\10-TC-11 SDRWQCB Order No. R9-2009-0002\Correspondence\Finance and Water Boards Extok 072023.docx

Ms. Calvert and Ms. Hagan

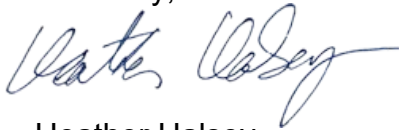
July 20, 2023

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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 party to a matter may request an extension of time that would necessitate rescheduling the hearing, but shall also include a request for postponement of the hearing, pursuant to subdivision (b) of this section. (Cal. Code. Regs., tit. 2 § 1187.9(a).)

Therefore, a 35-day extension from the original due date is approved and the Water Boards' and Finance's comments on the Draft Proposed Decision are now due **by 5:00 p.m. on August 25, 2023**. This matter remains tentatively scheduled for hearing on **Friday, October 27, 2023**.

Sincerely,

A handwritten signature in cursive script, appearing to read "Heather Halsey".

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 July 20, 2023, I served the:

- **Current Mailing List dated July 20, 2023**
- **Notice of Extension Request Approval issued July 20, 2023**
- **Finance's Request for Extension of Time filed July 20, 2023**
- **Water Boards' Request for Extension of Time filed July 18, 2023**

California Regional Water Quality Control Board, San Diego Region, Order No. R9-2009-0002, Sections B.2.; C.; D.; F.1.d.; F.1.d.7.i.; F.1.f.; F.1.h.; F.3.a.4.c.; F.3.d.; F.4.b.; F.4.d.; F.4.e.; G.6.; I.; J.; K.1.b.4.n.; and, Only as They Relate to the Reporting Checklist, Section K.3.a. and Attachment D,¹ Adopted December 16, 2009, 10-TC-11

Cities of Dana Point, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, San Juan Capistrano, the County of Orange, and the Orange County Flood Control District, 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 July 20, 2023 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
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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, and Section K.3.a. and Attachment D only as they relate to the reporting checklist, have been properly pled.

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 7/20/23

Claim Number: 10-TC-11

Matter: California Regional Water Quality Control Board, San Diego Region, Order No. R9-2009-0002, Sections B.2.; C.; D.; F.1.d.; F.1.d.7.i.; F.1.f.; F.1.h.; F.3.a.4.c.; F.3.d.; F.4.b.; F.4.d.; F.4.e.; G.6.; I.; J.; K.1.b.4.n.; and, Only as They Relate to the Reporting Checklist, Section K.3.a. and Attachment D, Adopted December 16, 2009

Claimants: City of Dana Point
City of Laguna Hills
City of Laguna Niguel
City of Lake Forest
City of Mission Viejo
City of San Juan Capistrano
County of Orange
Orange County Flood Control 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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