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January 30, 2012
Commission on
State Mandates



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SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

January 30, 2011

Ms. Nancy Patton
Assistant Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Dear Ms. Patton:

REVISED SCHEDULE FOR COMMENTS

SAN DIEGO REGION WATER PERMIT – ORANGE COUNTY, 10-TC-11

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION,
ORDER NO. R9-2009-0002, EFFECTIVE DECEMBER 16, 2009

COUNTY OF ORANGE, ORANGE COUNTY FLOOD CONTROL DISTRICT, CITIES OF
DANA POINT, LAGUNA HILLS, LAGUNA NIGUEL, LAKE FOREST, MISSION VIEJO, AND
SAN JUAN CAPISTRANO, CO-CLAIMANTS

REQUEST FOR EXTENSION OF TIME TO SUBMIT COMMENTS OF THE STATE WATER RESOURCES CONTROL BOARD AND THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION

By letter dated July 13, 2011, the Commission on State Mandates (Commission) notified the Co-Claimants that the Commission issued the notice of complete test claim filing and schedule for comments in the above-referenced manner, with all comments due on or before August 12, 2011. The Commission granted previous extensions of time for comments and extended the comment period until February 13, 2012. I am the attorney at the State Water Resources Control Board (State Water Board) assigned to this matter and will be preparing comments on behalf of the State Water Board and the San Diego Regional Water Quality Control Board (San Diego Water Board).

The test claim filed by the Co-Claimants is very broad and covers almost every aspect of the challenged permit. The State and San Diego Water Boards wish to closely evaluate the test claim and the provisions alleged to be unfunded state mandates and anticipate that it will not be possible to complete their review and submit comments before February 13, 2012. Other work obligations, including being the sole legal counsel for other permits and board orders that have very short deadlines, have limited my ability to effectively respond to the test claim. As well, the

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

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Ms. Nancy Patton

- 2 -

January 30, 2011

recent trial court decisions involving other test claims has impacted my response and requires further review. For these reasons, the State Water Board and the San Diego Water Board believe that good cause exists under California Code of Regulations, title 2, section 1181.1, subdivision (h), for granting an extension of time and request that the Commission extend the time for state agencies to submit comments until **March 2, 2012**.

We appreciate your consideration of this request. Please contact me at (916) 341-5168 or by e-mail at jmnewman@waterboards.ca.gov if you have any questions.

Sincerely,



Jessica Newman
Staff Counsel

cc: Proof of Service
Service List

Commission on State Mandates

Original List Date: 7/11/2011
Last Updated: 11/17/2011
List Print Date: 12/22/2011
Claim Number: 10-TC-11
Issue: San Diego Region Water Permit - Orange 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.)

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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 January 30, 2012, I served the:

SWRCB Extension Request

San Diego Region Water Permit – Orange County, 10-TC-11
California Regional Water Quality Control Board, San Diego Region, Order No.
R9-2009-0002, effective December 16, 2009
County of Orange, Orange County Flood Control District, Cities of Dana Point,
Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, and San Juan Capistrano,
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 January 30, 2012 at Sacramento, California.



Heidi J. Palchik

Commission on State Mandates

Original List Date: 7/11/2011
Last Updated: 1/30/2012
List Print Date: 01/30/2012
Claim Number: 10-TC-11
Issue: San Diego Region Water Permit - Orange County

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