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Los Angeles Regional Water Quality Control Board

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June 8, 2017

VIA CSM DROPBOX

Heather Halsey, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION,
ORDER NO. R4-2010-0108, 11-TC-01: REQUEST FOR EXTENSION OF TIME TO SUBMIT
COMMENTS AND ADMINISTRATIVE RECORD

Dear Ms. Halsey:

On August 26, 2011, the Ventura County Watershed Protection District and the County of Ventura (collectively, Claimants) filed the above-referenced Test Claim No. 11-TC-01. The Test Claim alleges reimbursable mandated activities arising from issuance of the Ventura County Municipal Separate Storm Sewer System (MS4) Permit, Order No. R4-2010-0108, by the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board). On June 7, 2012, the Test Claim was placed in inactive status due to the pendency of appeals regarding test claims filed with respect to the Los Angeles County and San Diego County MS4 permits. On March 3, 2017, the Commission notified the Claimants that the Test Claim filing was incomplete and allowed the Claimants to cure the filing by submitting revised documentation to the Commission by April 3, 2017. The Claimants submitted the revised documentation to the Commission on May 17, 2017, after receiving two extensions from the Commission. On May 26, 2017, the Commission uploaded the Claimants' revised Test Claim filing to its website. At that time, the Commission also determined that the Claimants' revised Test Claim filing was complete, removed the Test Claim from inactive status, and requested written comments analyzing the merits of the Test Claim and submittal of the administrative record for the underlying MS4 permit by the Los Angeles Water Board on or before June 26, 2017.

For the reasons described below, the Los Angeles Water Board respectfully requests an additional 60-day extension of time to submit written comments and the administrative record. If granted, the Los Angeles Water Board will submit its comments and the administrative record by **August 25, 2017**.

The Los Angeles Water Board requests a 60-day extension of time to submit written comments analyzing the merits of the Test Claim and the administrative record for the reasons that follow. First, the Los Angeles Water Board wishes to closely evaluate the Test Claim, as revised, and the provisions alleged to be unfunded state mandates and anticipates that it will not be possible

to complete the administrative record and submit comments by June 26, 2017. Analyzing the merits of the Test Claim, which is over 1,000 pages long with attachments, will require considerable attorney and staff time to research and provide comments on these issues. Second, I am the attorney assigned to Los Angeles Water Board test claim matters and will be preparing comments on behalf of the Board. In addition to working on test claim matters, I am also responsible for other priority duties that limit my ability to exclusively work on this matter, including assisting staff in preparing orders for consideration by the Board at its monthly meetings and working with the Attorney General's Office on existing litigation matters. I also have pre-scheduled vacation plans this summer pursuant to a required leave reduction plan. Third, key staff in the Board's Municipal Stormwater Permitting Unit (the unit responsible for the subject of this Test Claim) that will be assisting me on this matter are also constrained by other priority work obligations. In addition, some key staff have pre-planned vacations scheduled for later this month and in July. Accordingly, the Board will not have sufficient time to prepare the administrative record and submit comments on the Test Claim by June 26, 2017. Extending the deadline as requested will provide the Board with the necessary time to prepare the administrative record and submit comments on this Test Claim, as well as tend to our other work responsibilities. Lastly, the Board believes that a 60-day extension is also reasonable in light of the fact that the Claimants were provided with a total of 75 days to respond to the Commission's notice of incomplete test claim filing.

Section 1187.9, subdivision (a), of the Commission's regulations provides that so long as a postponement of a hearing would not be required, there is no prejudice to any party or interested party, and there is no other good reason for denial, the request shall be approved. The hearing on this test claim is tentatively scheduled for March 23, 2018. The Los Angeles Water Board does not believe that postponement of the hearing will be required if this extension is granted. If, however, the Commission believes that granting this extension would constrain the time the Commission requires to prepare for hearing, the Los Angeles Water Board also requests a corresponding postponement of the hearing date pursuant to section 1187.9, subdivision (b), of the Commission's regulations based on consideration of the above reasons.

Therefore, for the reasons set forth above, the Los Angeles Water Board respectfully requests that the deadline for submission of written comments on the Test Claim and submittal of the administrative record be extended 60 days to **August 25, 2017**. 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. Please let me know if you have any questions. I can be reached at (916) 324-6682 or at Jennifer.Fordyce@waterboards.ca.gov.

Sincerely,



Jennifer L. Fordyce
Attorney III

cc: Service List via CSM Dropbox

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 June 9, 2017, I served the:

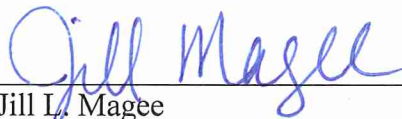
- **Notice of Extension Request to File Administrative Record and Comments on the Test Claim Approval issued June 9, 2017**
- **CRWQCB Request for Extension to File Administrative Record and Comments on the Test Claim filed June 8, 2017**

California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2010-0108, 11-TC-01.

County of Ventura and Ventura County Watershed Protection District, 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 June 9, 2017 at Sacramento, California.



Jill L. Magee
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 6/5/17

Claim Number: 11-TC-01

Matter: California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2010-0108

Claimants: County of Ventura
Ventura County Watershed Protection 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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