

Los Angeles Regional Water Quality Control Board

REPLY TO: JENNIFER L. FORDYCE
STATE WATER RESOURCES CONTROL BOARD
OFFICE OF CHIEF COUNSEL
1001 I STREET, 22ND FLOOR [95814]
P.O. BOX 100
SACRAMENTO, CA 95812-0100
PHONE: (916) 324-6682
FAX: (916) 341-5199
JENNIFER.FORDYCE@WATERBOARDS.CA.GOV

August 16, 2017

RECEIVED
August 17, 2017
**Commission on
State Mandates**

VIA CSM DROPBOX

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

*CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION,
ORDER NO. R4-2010-0108, 11-TC-01: REQUEST FOR FURTHER EXTENSION OF TIME TO
SUBMIT COMMENTS AND CERTAIN ADMINISTRATIVE RECORDS*

Dear Ms. Halsey:

On June 8, 2017, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) requested an extension of time to submit written comments and the administrative records in the above-referenced matter. That request was granted by the Commission and these submittals are currently due by August 25, 2017. For the reasons described below, the Los Angeles Water Board respectfully requests an additional 50-day extension of time to submit written comments and two of the four administrative records relating to the 2010 Ventura County Municipal Separate Storm Sewer System (MS4) Permit, Los Angeles Water Board Order No. R4-2010-0108. If granted, the Los Angeles Water Board will submit its comments and those two administrative records by **October 13, 2017**.

In explaining the reasons for this request, some context is required. In its Notice of Complete Joint Test Claim Filing, dated May 26, 2017, the Commission requested copies of the official Los Angeles Water Board and State Water Board's administrative records for the 2010 Ventura County MS4 Permit. What the Commission likely did not know is that the administrative record for the 2010 Ventura County MS4 Permit actually consists of 4 separate records, as explained below.

On May 7, 2009, the Los Angeles Water Board issued Order No. 09-0057 (the "2009 Ventura County MS4 Permit"). On June 8, 2009, several building association entities petitioned the State Water Board for review of the 2009 Ventura County MS4 Permit. At the State Water Board's direction, the Los Angeles Water Board submitted the record for the 2009 Ventura County MS4 Permit in hard-copy format in 35 binders. That hard-copy record also included several discs containing, among other documents, the record for the 2001 Los Angeles County MS4 Permit, which had been incorporated by reference into the record for the 2009 Ventura County MS4 Permit. On May 11, 2010, the Los Angeles Water Board agreed to a voluntary remand of the 2009 Ventura County MS4 Permit and on July 8, 2010, the Los Angeles Water Board issued

Order No. R4-2010-0108, the 2010 Ventura County MS4 Permit, which is the permit at issue in this test claim. The record for 2010 Ventura County MS4 Permit includes the 2009 Ventura County MS4 Permit. As the 2010 Ventura County MS4 Permit was not subject to any challenges, the Los Angeles Water Board was not required to prepare the records until they were requested by the Commission on May 26, 2017. In sum, the 4 records, which total over 120,000 pages, are as follows:

- 1) 2009 Ventura County MS4 Permit
- 2) 2001 Los Angeles County MS4 Permit
- 3) State Water Board record for the petition on 2009 Ventura County MS4 Permit
- 4) 2010 Ventura County MS4 Permit

The Los Angeles Water Board requests this additional extension of time to submit written comments analyzing the merits of the Test Claim and the administrative records for the 2009 Ventura County MS4 Permit and the 2010 Ventura County MS4 Permit for the reasons that follow.

The Los Angeles Water Board has experienced unanticipated technical difficulties in preparing the records for the 2009 and 2010 Ventura County MS4 Permits in an electronic and searchable format. As mentioned above, the record for the 2009 Ventura County MS4 Permit was originally prepared in hard-copy only. Soon after, that record was scanned in electronic PDF format. However, given that record was scanned several years ago, the scan quality is extremely poor and it was not prepared in a searchable format. We have made multiple attempts to improve the scan quality of that prior scan and to convert it to searchable and readable text. Those attempts have all failed. Realizing that the prior scanned copy was not usable, the Board came to the conclusion that the original hard-copy record needed to be completely rescanned using today's better scanning capabilities and then processed through software that would recognize text such that it is searchable. In addition, many of the documents that make up the record for the 2010 Ventura County MS4 Permit are also only available in hard-copy format and have posed the same problems.

After discussing this with the Los Angeles Water Board's IT program, we learned that the Board has a limited number of scanners that can process the records as needed. Further, processing the number of pages necessary through the OCR software will overwhelm the Board's server. In addition, we have contacted both the Department of General Services and the CalEPA Electronic Imaging Unit and they face similar hurdles in being able to complete the required work by the current deadline. As a result of these unsuccessful efforts and limited resources, the Board has no other choice but to out-source the complete rescan of the original hard-copy records to a third-party vender. As I believe the Commission will understand, our ability to contract with outside vendors is limited and must undergo an extensive approval process. As of this past Monday, however, we have a contract in place and a chosen outside vendor. We are in the process of arranging for the vendor to complete the needed tasks, which are expected to be completed by the end of September. Once we receive the electronic documents from the vendor, those documents will need to be joined, bates-stamped, and included in the index.

Further, given the significant amount of time Los Angeles Water Board staff and I have spent on the four records to date, the Board also requires an extension of time to work on its response to the test claim. Importantly, in order to include citations to record evidence in its response, the complete record must be prepared and bates-stamped. Also, as I noted in my prior request, 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, some of which have deadlines at the end of this month. In my earlier request, I noted that I had a pre-planned vacation scheduled in the summer. However, I had to postpone that vacation due to work obligations; I will now be on vacation from August 28th through September 11th. Further, key staff in the Board's Municipal Stormwater Permitting Unit (the unit responsible for the subject of this Test Claim) are assisting me on this matter have been constrained by other priority work obligations, including spending significant time preparing the records.

Accordingly, given the above, it is not possible for the Los Angeles Water Board to prepare the records for the 2009 and 2010 Ventura County MS4 Permits and submit comments on the Test Claim by August 25, 2017 as we had originally anticipated. Extending the deadline as requested will provide the Board with the necessary time to prepare these records and submit comments on this Test Claim. Unless there are unforeseen circumstances, the Board expects this to be its last extension request for submittal of the two records and its response.

Please note we are not requesting an extension of time to submit the record for the 2001 Los Angeles County MS4 Permit or State Water Board's record for the petition on 2009 Ventura County MS4 Permit. We have prepared those two records in an electronic and searchable PDF format and will be able to upload them to the Commission's website by August 25, 2017.

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 records for the 2009 Ventura County MS4 Permit and the 2010 Ventura County MS4 Permit be extended an additional 50 days to **October 13, 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 August 18, 2017, I served the:

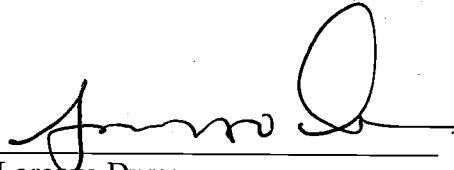
- **Notice of Extension Request Approval issued August 18, 2017**
- **LARWQCB Request for Extension of Time filed August 17, 2017**

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 August 18, 2017 at Sacramento, California.



Lorenzo Duran
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 8/9/17

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.)

Arne Anselm, *Ventura County Watershed Protection District*
800 S Victoria Ave, Ventura, CA 93009
Phone: (805) 662-6882
arne.anselm@ventura.org

Socorro Aquino, *State Controller's Office*
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-7522
SAquino@sco.ca.gov

Harmeet Barkschat, *Mandate Resource Services, LLC*
5325 Elkhorn Blvd. #307, Sacramento, CA 95842
Phone: (916) 727-1350
harmeet@calsdrc.com

Lacey Baysinger, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0254
lbaysinger@sco.ca.gov

Shanda Beltran, *General Counsel, Building Industry Legal Defense Foundation*
Building Association of Southern California, 17744 Sky Park Circle, Suite 170, Irvine, CA 92614
Phone: (949) 553-9500
sbeltran@biasec.org

Cindy Black, *City Clerk, City of St. Helena*
1480 Main Street, St. Helena, CA 94574
Phone: (707) 968-2742
cityclerk@cityofstheleena.org

Allan Burdick,

7525 Myrtle Vista Avenue, Sacramento, CA 95831

Phone: (916) 203-3608

allanburdick@gmail.com

J. Bradley Burgess, *MGT of America*

895 La Sierra Drive, Sacramento, CA 95864

Phone: (916) 595-2646

Bburgess@mgtamer.com

Jeffrey Burgh, Auditor Controller, *County of Ventura*

Ventura County Watershet Protection District, 800 S. Victoria Avenue, 800 S. Victoria Avenue,
Ventura, CA 93009-1540

Phone: (805) 654-3151

jeff.burgh@ventura.org

Gwendolyn Carlos, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 323-0706

gcarlos@sco.ca.gov

Daniel Carrigg, Deputy Executive Director/Legislative Director, *League of California Cities*

1400 K Street, Suite 400, Sacramento, CA 95814

Phone: (916) 658-8222

Dcarrigg@cacities.org

Annette Chinn, *Cost Recovery Systems, Inc.*

705-2 East Bidwell Street, #294, Folsom, CA 95630

Phone: (916) 939-7901

achinnrcs@aol.com

Carolyn Chu, Senior Fiscal and Policy Analyst, *Legal Analyst's Office*

925 L Street, Sacramento, CA 95814

Phone: (916) 319-8326

Carolyn.Chu@lao.ca.gov

Michael Coleman, *Coleman Advisory Services*

2217 Isle Royale Lane, Davis, CA 95616

Phone: (530) 758-3952

coleman@muni1.com

Anita Dagan, Manager, Local Reimbursement Section, *State Controller's Office*

Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,
Sacramento, CA 95816

Phone: (916) 324-4112

Adagan@sco.ca.gov

Marieta Delfin, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-4320

mdelfin@sco.ca.gov

Theresa Dunham, *Somach Simmons & Dunn***Claimant Representative**

500 Capitol Mall, Suite 1000, Sacramento, CA 95814

Phone: (916) 446-7979

tdunham@somachlaw.com

Donna Ferebee, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
donna.ferebee@dof.ca.gov

Jennifer Fordyce, *State Water Resources Control Board*
1001 I Street, 22nd floor, Sacramento, CA 95814
Phone: (916) 324-6682
jfordyce@waterboards.ca.gov

Susan Geanacou, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
susan.geanacou@dof.ca.gov

Dillon Gibbons, *Legislative Representative, California Special Districts Association*
1112 I Street Bridge, Suite 200, Sacramento, CA 95814
Phone: (916) 442-7887
dillong@cdda.net

Catherine George Hagan, Senior Staff Counsel, *State Water Resources Control Board*
c/o San Diego Regional Water Quality Control Board, 2375 Northside Drive, Suite 100, San Diego, CA 92108
Phone: (619) 521-3012
catherine.hagan@waterboards.ca.gov

Heather Halsey, Executive Director, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
heather.halsey@csm.ca.gov

Sunny Han, Project Manager, *City of Huntington Beach*
2000 Main Street, Huntington Beach, CA 92648
Phone: (714) 536-5907
Sunny.han@surfcity-hb.org

Chris Hill, Principal Program Budget Analyst, *Department of Finance*
Local Government Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-3274
Chris.Hill@dof.ca.gov

Justyn Howard, Program Budget Manager, *Department of Finance*
915 L Street, Sacramento, CA 95814
Phone: (916) 445-1546
justyn.howard@dof.ca.gov

Mark Ibele, *Senate Budget & Fiscal Review Committee*
California State Senate, State Capitol Room 5019, Sacramento, CA 95814
Phone: (916) 651-4103
Mark.Ibele@sen.ca.gov

Edward Jewik, *County of Los Angeles*
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012
Phone: (213) 974-8564
ejewik@auditor.lacounty.gov

Dorothy Johnson, *Legislative Representative, California State Association of Counties*
1100 K Street, Suite 101, Sacramento, CA 95814

Phone: (916) 327-7500
djohnson@counties.org

Jill Kanemasu, State Controller's Office

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-9891
jkanemasu@sco.ca.gov

Anne Kato, State Controller's Office

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-5919
akato@sco.ca.gov

Anita Kerezsi, AK & Company

3531 Kersey Lane, Sacramento, CA 95864

Phone: (916) 972-1666
akcompany@um.att.com

Michael Lauffer, Acting Executive Director and Chief Counsel, State Water Resources Control Board

1001 I Street, 22nd Floor, Sacramento, CA 95814-2828

Phone: (916) 341-5183
mlauffer@waterboards.ca.gov

Hortensia Mato, City of Newport Beach

100 Civic Center Drive, Newport Beach, CA 92660

Phone: (949) 644-3000
hmato@newportbeachca.gov

Frances McChesney, State Water Resources Control Board

1001 I Street, 22nd floor, Sacramento, CA 95814

Phone: (916) 341-5174
fmcchesney@waterboards.ca.gov

Michelle Mendoza, MAXIMUS

17310 Red Hill Avenue, Suite 340, Irvine, CA 95403

Phone: (949) 440-0845
michellemendoza@maximus.com

Meredith Miller, Director of SB90 Services, MAXIMUS

3130 Kilgore Road, Suite 400, Rancho Cordova, CA 95670

Phone: (972) 490-9990
meredithcmiller@maximus.com

Geoffrey Neill, Senior Legislative Analyst, Revenue & Taxation, California State Association of Counties (CSAC)

1100 K Street, Suite 101, Sacramento, CA 95814

Phone: (916) 327-7500
gneill@counties.org

Andy Nichols, Nichols Consulting

1857 44th Street, Sacramento, CA 95819

Phone: (916) 455-3939
andy@nichols-consulting.com

Adriana Nunez, Staff Counsel, State Water Resources Control Board

P.O. Box 100, Sacramento, CA 95812

Phone: (916) 322-3313

Adriana.nunez@waterboards.ca.gov

Lori Okun, Assistant Chief Counsel, *State Water Resources Control Board*
Regional Water Board Legal Services, 1001 I Street, Sacramento, CA 95814

Phone: (916) 341-5165

Lori.Okun@waterboards.ca.gov

Arthur Palkowitz, *Artiano Shinoff*

2488 Historic Decatur Road, Suite 200, San Diego, CA 92106

Phone: (619) 232-3122

apalkowitz@as7law.com

Steven Pavlov, Budget Analyst, *Department of Finance*

Local Government Unit, 915 L Street, Sacramento, CA 95814

Phone: (916) 445-3274

Steven.Pavlov@dof.ca.gov

Jai Prasad, *County of San Bernardino*

Office of Auditor-Controller, 222 West Hospitality Lane, 4th Floor, San Bernardino, CA 92415-0018

Phone: (909) 386-8854

jai.prasad@atc.sbcounty.gov

Jeff Pratt, *County of Ventura*

800 S. Victoria Avenue, Ventura, CA 93009-1600

Phone: (805) 654-3952

jeff.pratt@ventura.org

Renee Purdy, *Los Angeles Regional Water Quality Control Board*

320 West 4th Street, Suite 200, Los Angeles, CA 90013-2343

Phone: (213) 576-6686

rpurdy@waterboards.ca.gov

Mark Rewolinski, *MAXIMUS*

808 Moorefield Park Drive, Suite 205, Richmond, VA 23236

Phone: (949) 440-0845

markrewolinski@maximus.com

David Rice, *State Water Resources Control Board*

1001 I Street, 22nd Floor, Sacramento, CA 95814

Phone: (916) 341-5161

davidrice@waterboards.ca.gov

Ivar Ridgeway, *Los Angeles Regional Water Quality Control Board*

320 West 4th Street, Suite 200, Los Angeles, CA 90013-2343

Phone: (213) 576-6686

iridgeway@waterboards.ca.gov

Nick Romo, Policy Analyst, *League of California Cities*

1400 K Street, Suite 400, Sacramento, CA 95814

Phone: (916) 658-8254

nromo@cacities.org

Camille Shelton, Chief Legal Counsel, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

camille.shelton@csm.ca.gov

Carla Shelton, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 327-6490
carla.shelton@csm.ca.gov

Glenn Shephard, Director, *Ventura County Watershed Protection District*
800 S Victoria Ave, Ventura, CA 93009
Phone: (805) 662-6882
glenn.shephard@ventura.org

Jim Spano, Chief, Mandated Cost Audits Bureau, *State Controller's Office*
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-5849
jspano@sco.ca.gov

Dennis Speciale, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0254
DSpeciale@sco.ca.gov

Tracy Sullivan, Legislative Analyst, *California State Association of Counties (CSAC)*
Government Finance and Administration, 1100 K Street, Suite 101, Sacramento, CA 95814
Phone: (916) 650-8124
tsullivan@counties.org

Jolene Tollenaar, *MGT of America*
2251 Harvard Street, Suite 134, Sacramento, CA 95815
Phone: (916) 243-8913
jolenetollenaar@gmail.com

Evelyn Tseng, *City of Newport Beach*
100 Civic Center Drive, Newport Beach, CA 92660
Phone: (949) 644-3127
etseng@newportbeachca.gov

Samuel Unger, *Los Angeles Regional Water Quality Control Board*
320 West 4th Street, Suite 200, Los Angeles, CA 90013-2343
Phone: (213) 576-6605
sunger@waterboards.ca.gov

Renee Wellhouse, *David Wellhouse & Associates, Inc.*
3609 Bradshaw Road, H-382, Sacramento, CA 95927
Phone: (916) 797-4883
dwa-renee@surewest.net

Jennifer Whiting, Assistant Legislative Director, *League of California Cities*
1400 K Street, Suite 400, Sacramento, CA 95814
Phone: (916) 658-8249
jwhiting@cacities.org

Patrick Whitnell, General Counsel, *League of California Cities*
1400 K Street, Suite 400, Sacramento, CA 95814
Phone: (916) 658-8281
pwhitnell@cacities.org

Hasmik Yaghobyan, *County of Los Angeles*
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012
Phone: (213) 974-9653
hyaghobyan@auditor.lacounty.gov