



State Water Resources Control Board

March 28, 2023

VIA DROP BOX

Heather Halsey
Executive Director
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814



REQUEST FOR EXTENSION OF TIME TO FILE WRITTEN COMMENTS; REQUEST FOR POSTPONEMENT OF HEARING

Draft Proposed Decision, Schedule for Comments, and Notice of Hearing
California Regional Water Quality Control Board, San Diego Region, Order No. R9-2010-0016, 11-TC-03

California Regional Water Quality Control Board, San Diego Region, Order No. R9-2010-0016, Sections B.2., C., D., F.1.d.1., 2., 4., 7., F.1.f., F.1.h., F.1.i., F.2.d.3., F.2.e.6.e., F.3.a.10., F.3.b.4.a.ii., F.3.d.1.-5., F.4.d., F.4.e., G.1.-5., K.3.a.-c., Attachment E., Sections II.C. and II.E.2.-5., and Sections F., F.1., F.1.d., F.2., F.3.a.-d., and F.6.

Adopted November 10, 2010

County of Riverside, Riverside County Flood Control and Water Conservation District, and Cities of Murrieta, Temecula, and Wildomar, Claimants

Dear Ms. Halsey,

By letter dated March 13, 2023, the Commission on State Mandates (Commission) issued a Draft Proposed Decision, Schedule for Comments, and Notice of Hearing in the above test claim matter.

The letter establishes an April 3, 2023, deadline for filing written comments on the Draft Proposed Decision. For the reasons set forth below, the State Water Resources Control Board (State Water Board) and the California Regional Water Quality Control Board, San Diego Region (collectively Water Boards) request a forty-six (46) day extension of time to file written comments on the Draft Proposed Decision until 5:00 p.m. on May 19, 2023. This is a timely request as it is being made before the date set for filing comments or rebuttals. (Cal. Code Regs., tit. 2, § 1187.9(a).)

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

The Draft Proposed Decision is almost 400 pages in length and proposes to resolve Claimants' numerous challenges to at least thirteen categories of issues in the underlying San Diego Water Board permit. Due to its complexity and length, evaluation of Draft Proposed Decision will require considerable staff and attorney time. The test claim involves a permit issued over 12 years ago. San Diego Water Board staff and the assigned attorneys will need to familiarize or refamiliarize themselves with the underlying permit and comments on the 2011 test claim, as well as consider prior written comments on similar or identical issues in other pending or recently decided test claims. Based on these considerations, additional time is necessary for the Water Boards to carefully evaluate the Draft Proposed Decision and develop thoughtful written comments for submittal to the Commission. The Water Boards have conferred with Claimants and understand Claimants intend to also request an extension of time for filing comments to 5 p.m. on May 19, 2023. We are aware of no good reason for denial of this request.

The Water Boards also understand that the requested extension will impact the hearing schedule for this matter. Pursuant to section 1187.9(b) of the Commission's regulations, the Water Boards also respectfully request postponement of the hearing on this matter currently scheduled for May 26, 2023, to the Commission's next regularly scheduled on July 28, 2023, and believe good cause exists to grant this request. (See, e.g., Cal. Code Regs., tit. 2, § 1187.9(b)(1)(A) and (b)(2)(H).) The Water Boards believe postponement of the hearing is necessary in light of the above-requested extension of time to file comments on the Draft Proposed Decision. Moreover, as the Water Boards have conferred with Claimants regarding this request, we have no information that would indicate that the requested postponement would prejudice Claimants or any other interested party. (See Cal. Code Regs., tit. 2, §1187.9(b)(1)(E).)

Based on consideration of the standards set forth in section 1187.9, subdivisions (a) and (b), of the Commission's regulations, the Water Boards respectfully request that the Commission: (1) grant the Water Boards' request for extension of time to submit comments on the Draft Proposed Decision until 5:00 p.m. on May 19, 2023, and (2) postpone the hearing in this matter to the next regularly scheduled Commission meeting on July 28, 2023.

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge, information, or belief.

Sincerely,



Catherine George Hagan
Attorney IV

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 March 30, 2023, I served the:

- **Notice of Extension Request Approval and Postponement of Hearing issued March 30, 2023**
- **Claimant's Request for Extension of Time and Postponement of Hearing filed March 29, 2023**
- **Water Boards' Request for Extension of Time and Postponement of Hearing filed March 28, 2023**

*California Regional Water Quality Control Board, San Diego Region,
Order No. R9-2010-0016, 11-TC-03*

California Regional Water Quality Control Board, San Diego Region, Order No. R9-2010-0016, Sections B.2., C., D., F.1.d.1., 2., 4., 7., F.1.f., F.1.h., F.1.i., F.2.d.3., F.2.e.6.e., F.3.a.10., F.3.b.4.a.ii., F.3.d.1.-5., F.4.d., F.4.e., G.1.-5., K.3.a.-c., Attachment E., Sections II.C. and II.E.2.-5., and Sections F., F.1., F.1.d., F.2., F.3.a.-d., and F.6.,
Adopted November 10, 2010

County of Riverside, Riverside County Flood Control and Water Conservation District, and Cities of Murrieta, Temecula, and Wildomar, 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 March 30, 2023 at Sacramento, California.



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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/30/23

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Matter: California Regional Water Quality Control Board, San Diego Region, Order No. R9-2010-0016

Claimants: City of Murrieta
City of Temecula
City of Wildomar
County of Riverside
Riverside County Flood Control and Water Conservation 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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