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Commission on  
State Mandates  
Filed Date  
01/09/2026

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January 9, 2026

*Via Drop Box*

Juliana F. Gmur  
Executive Director  
Commission on State Mandates  
980 9th Street, Ste. 300  
Sacramento, CA 95814

**Re: Request for Extension of Time to Respond to December 23, 2025  
Proposed Draft Decision regarding San Francisco Bay Regional  
Water Quality Control Board Order No. R2-2015-0049; Request to  
Postpone the April 10, 2026 Hearing Date**

**Pending Test Claim No. 16-TC-03**

Dear Ms. Gmur:

Our office represents the Alameda Countywide Clean Water Program and its members as well as claimant Union City, who have incurred costs related to the San Francisco Bay Regional Water Quality Control Board's municipal regional stormwater permit, Order No. R2-2015-0049, which is the second municipal regional permit ("MRP 2") that regulates the discharge of stormwater runoff from the municipal separate storm sewer systems ("MS4s") within the jurisdiction of Bay Area regional stormwater programs.

The parties seek a 90-day extension to file written responses to the Draft Proposed Decision on the above-referenced test claim ("2016 Test Claim") and a postponement of the tentatively scheduled April 10, 2026 hearing on the 2016 Test Claim until the Commission's regularly scheduled meeting on August 14, 2026. Normally, an extension of time is no more than 60 days, but parties may stipulate, and

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have stipulated, to longer time frames. (Gov. Code, § 17554.) The stipulation is attached.

The Draft Proposed Decision was issued during the holiday season when many key personnel were unavailable due to vacation schedules. Additionally, the proposed draft decision initiates new activities for Test Claim No. 16-TC-03 (which has not been active since May 2018) while Claimant and the Program are handling competing deadlines and high levels of activities for Consolidated Test Claims, Nos. 10-TC-02, 10-TC-03, and 10-TC-05 involving the prior municipal regional permit are known as MRP 1 (Order No. R2-2009-0074) and Test Claim No. 22-TC-07 associated with MRP 3 (Order No. R2-2022-0018).

Section 1187.9(a) of the Commission's regulations provides 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 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. (2 C.C.R. § 1187.9(a).)

Section 1187.9(b) of the Commission's regulations provides that while postponements are disfavored and, pursuant to Government Code section 17530, the executive director has a duty to expedite all matters before the Commission, a request for postponement filed by an interested party may be approved by the executive director for good cause. (2 C.C.R. § 1187.9(b)(1)(A), (b)(1)(F), and (b)(3)(D).) A 90-day extension from the original due date should be approved for the reasons set forth in the attached stipulation.

This request is supported by good cause because of the number and complexity of the issues, our inability to obtain essential testimony, documents, or other material evidence. Our request does require postponement of the April 10, 2026 hearing but this should not cause prejudice to the Regional Board which should equally benefit from additional time. Due to the complexity of the 2016 Test Claim, considerable attorney time and ACCWP time is needed to analyze the Proposed Draft Decision related to the 2016 Test Claim. ACCWP, its members, and counsel must conduct legal and factual research and provide comments.

The reasons set out in the attached stipulation, including competing obligations and deadlines, provide good cause to postpone the April 10, 2026 hearing in this matter.

# Duane Morris

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We submit this document, under penalty of perjury, and hereby declare that the information in this correspondence is true and correct to the best of the personal knowledge, information, or belief of the undersigned. The undersigned's title, address, telephone number, and email address are reflected on page one.

Sincerely,

DUANE MORRIS LLP



Viviana L. Heger  
Special Counsel

VLH

cc: Service List Dated December 19, 2025 (via Commission Drop Box, [CSM Dropbox](#))

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## **COMMISSION ON STATE MANDATES – TEST CLAIM NO. 16-TC-03**

California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2015-0049; Provisions C.3.j, C.8, C.10.a-b, C.11.a-c, C.12.a, C.12.c-e, adopted on November 19, 2015, effective January 1, 2016  
City of Union City, Claimant

### **STIPULATION TO EXTEND TIME FOR PARTIES TO SUBMIT COMMENTS ON DRAFT PROPOSED DECISION AND TO POSTPONE HEARING**

1. By letter dated December 23, 2025, the Commission on State Mandates (“Commission”) issued a Draft Proposed Decision, Schedule for Comments, and Notice of Hearing for Test Claim No. 16-TC-03 (“2016 Test Claim”) for the San Francisco Bay Regional Water Quality Control Board (“San Francisco Bay Water Board”) Order No. R2-2015-0049. Order No. R2-2015-0049 is commonly known as the second municipal regional stormwater permit (“MRP 2”). Prior and subsequent municipal regional stormwater permits are known as MRP 1 (Order No. R2-2009-0074) and MRP 3 (Order No. R2-2022-0018), respectively, and are also associated with test claims.
2. The parties to the 2016 Test Claim are the City of Union City (“Claimant”), the San Francisco Bay Water Board, the State Water Resources Control Board (“State Board”) (together with the San Francisco Bay Water Board, “Water Boards”), the Department of Finance, and the Office of the State Controller (collectively “Parties”).
3. The Proposed Draft Decision for the 2016 Test Claim was issued during the 2025 holiday season. At this time, the Claimant is seeking (i) a 90-day extension to file comments on the 2016 Test Claim Draft Proposed Decision (through April 14, 2026); and (ii) a postponement of the April 10, 2026, hearing on the 2016 Test Claim until the Commission’s regularly scheduled meeting on August 14, 2026.
4. The Claimant asked the Water Boards, the Department of Finance, and the State Controller’s Office (collectively, “Agencies”) to stipulate to a 90-day extension for Claimant to submit responses to Draft Proposed Decision and to postpone the April 10, 2026, hearing based on Claimant’s reasons as follows:
  - a. The issuance of the Draft Proposed Decision during the holiday season prevents Claimant from providing comments by January 13, 2026 because several key personnel are on vacation through and including January 5, 2026. Even if such personnel were available, the Draft Proposed Decision raises complex issues including environmental mandates for management of polychlorinated biphenyls (“PCBs”) under Clean Water Act provisions and the

implementation activities to address PCBs. The claims associated with MRP 2 and the 2016 Test Claim have not been active since Claimant's May 18, 2018, submittal of rebuttal comments. Given the passage of time, Claimant is not immediately able to obtain essential testimony, documents, or other material evidence in a few short weeks.

- b.** Additionally, MRPs 1, 2, and 3 are at various stages in the test claim process, with high level of activities or deadlines associated with MRP 1 (Order No. R2-2009-0074) and MRP 3 (Order No. R2-2022-0018).
- c.** MRP 1 is subject to three consolidated Test Claims, Nos. 10-TC-02, 10-TC-03, and 10-TC-05, which are in the claim submission stage. These consolidated claims for MRP 1 are scheduled to be heard to determine a statewide cost estimate during the Commission's February 13, 2026, hearing, just 60 days prior to the 2016 Test Claim decision. Claimant's, as well as other MRP permittees', and the Alameda Countywide Clean Water Program's ("Program") resources continue to be devoted to submitting late claims for MRP 1, which were due on October 30, 2025.
- d.** The claim submission process for MRP 1 is complex and resource intensive. MRP 1 expressly reflects that Claimant and other permittees joined together to form the Program, which assisted in the majority of the MRP 1 compliance duties. The MRP 1 claim process involves all fiscal years between December 1, 2009 through December 31, 2017. For MRP 1, the Program incurred the majority of MRP 1 compliance costs jointly and is currently compiling costs in a way that segregates costs associated with each reimbursable item by each fiscal year. Then, the Program must apply a cost allocation formula to calculate the cost for each permittee Program member, including Claimant. While this provides proportional tallies for each permittee Program member, each permittee must then determine its own individual costs and enter all individual and Program-related costs into the Claiming Instructions.
- e.** Concurrently with addressing all the foregoing, Claimant also must prepare rebuttal comments by March 23, 2026 for MRP 3 (Order No. R2-2022-0018), which is scheduled to be heard on October 9, 2026. MRP 3 involves Test Claim No. 22-TC-07 and the permit years 2022 through 2027. MRP involves a total of 79 cities, counties, and flood control districts within the jurisdiction of six Bay Area regional stormwater programs. On October 21, 2025, the Commission granted a 90-day extension to respond to the Regional Board's July 15, 2025 comments on MRP 3 test claim and the July 21, 2025 comments filed by the Department of Finance filed on the MRP 3 test claim.

The Regional Board's comments on MRP 3 consist of approximately 11,926 pages, which continue to require considerable time to digest.

f. The complex claim submission process for MRP 1, the upcoming rebuttal comment deadline for MRP 3, as well as the complexity of the issues involved in MRP 2 provide good cause to postpone the scheduled April 10, 2026 hearing date and Claimant's January 13, 2026, deadline to respond to the Draft Proposed Decision. Good cause exists due to the prolonged length of time needed to complete claim submission process for MRP 1. Finally, good cause exists because resources must be devoted to the preparation of rebuttal comments due on March 23, 2026, on MRP 3.

The Agencies do not join in or otherwise take a position on Claimant's assertions in paragraphs a through f.

5. The Agencies asked that the deadline to submit comments on the Draft Proposed Decision be extended for all parties for parity and in light of holiday vacations and competing work priorities. The Claimant has agreed to the request.
6. Pursuant to Commission requirements, an extension of time normally can be no more than 60 days, but parties may stipulate to longer time frames. (Gov. Code, § 17554.)
7. In light of the statements above, the Parties stipulate to extend the deadline for all Parties to submit comments on the Draft Proposed Decision to April 14, 2026, and to postpone the scheduled hearing from April 10, 2026, to the Commission's regularly scheduled August 14, 2026, hearing.
8. By signing where indicated below, the Parties, and each of them, stipulate to extend the deadline for all Parties to submit comments on the Draft Proposed Decision on the 2016 Test Claim to April 14, 2026, and to postpone the scheduled hearing to August 14, 2026. The Parties also waive procedural requirements pursuant to Government Code section 17553 to the extent necessary to accommodate the 90-day extension and postponement of the hearing.

Dated: January 13, 2026

CALIFORNIA DEPARTMENT OF FINANCE

By:



Name and Title: Marilyn Munoz, Senior Staff Counsel

Dated: January 8, 2026

**CALIFORNIA STATE WATER RESOURCES  
CONTROL BOARD**

By:



---

Name and Title: Teresita J. Sablan, Attorney  
IV

Dated: January 8, 2026

**SAN FRANCISCO BAY REGIONAL WATER  
QUALITY CONTROL BOARD**

By:



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Name and Title: Teresita J. Sablan, Attorney  
IV

Dated: January 8, 2026

**CALIFORNIA STATE CONTROLLER'S  
OFFICE**

By:



Digitally signed by Darryl Mar  
Date: 2026.01.08 15:33:40  
-08'00'

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Name and Title: Darryl Mar, Manager of Local  
Reimbursements Section, Local Government  
Programs and Services Division

Dated: January 6, 2026

**CITY OF UNION CITY**

By:



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Kristopher Kokotaylo, Esq., City Attorney

## **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 January 13 2026, I served the:

- **Current Mailing List dated January 8, 2026**
- **Notice of Extension Request Approval and Postponement of Hearing issued January 13, 2026**
- **Claimant's Request for Extension of Time and Postponement of Hearing filed January 9, 2026**

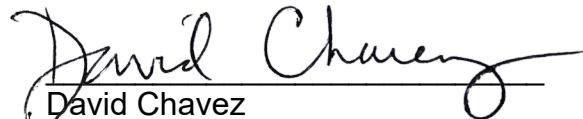
*California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2015-0049, 16-TC-03*

California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2015-0049, Provisions C.3.j, C.8., C.10.a., C.10.b., C.11.a., C.11.b., C.11.c., C.12.a., C.12.c., C.12.d., and C.12.e, Adopted on November 19, 2015 and Effective on January 1, 2016

City of Union City, Claimant

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 13, 2026 at Sacramento, California.



David Chavez  
Commission on State Mandates  
980 Ninth Street, Suite 300  
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**Last Updated:** 1/8/26

**Claim Number:** 16-TC-03

**Matter:** California Regional Water Quality Control Board, San Francisco Bay Region,  
Order No. R2-2015-0049

**Claimant:** City of Union City

### 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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