



State Water Resources Control Board

April 7, 2023

RECEIVED
April 07, 2023
**Commission on
State Mandates**

VIA DROP BOX

Heather Halsey
Executive Director
Commission on State Mandates
980 9th Street, Suite 300
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REQUEST FOR THREE-WEEK EXTENSION OF TIME TO FILE WRITTEN COMMENTS AND POSTPONEMENT OF HEARING DATE, IF NECESSARY

Draft Proposed Decision *Lead Sampling in Schools: Public Water System No. 3710020, 17-TC-03-R*

On Remand from *City of San Diego v. Commission on State Mandates*, Court of Appeal, Third Appellate District, Case No. C092800; Judgement and Writ of Mandate issued by the Sacramento County Superior Court, Case No. 34-2019-90003169-CU-WM-GDS; Permit Amendment No. 2017PA-SCHOOLS, City of San Diego Public Water System No. 3710020, effective January 18, 2017
City of San Diego, Claimant

Dear Ms. Halsey:

By letter dated March 23, 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 established an April 13, 2023, deadline for filing written comments on the Draft Proposed Decision and a hearing date of May 26, 2023. Due to circumstances discussed below, the State Water Resources Control Board (State Water Board) submits this request for a three-week extension of the comment deadline, to May 4, 2023, and, if the Commission deems necessary, a postponement of the hearing date until the next regularly scheduled meeting, currently scheduled for July 28, 2023.

I am the sole attorney assigned to this matter and have continuously represented the State Water Board in this matter from the time that this test claim was originally filed on January 18, 2018. Sadly, there was a sudden and unexpected death in my family on March 22, 2023. Understandably, I have taken some time away from the office and have only returned this week. Given these circumstances, it would be extremely difficult, if not impossible, to carefully consider the Draft Proposed Decision and provide adequate comments by the current April 13, 2023, deadline. The Draft Proposed

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

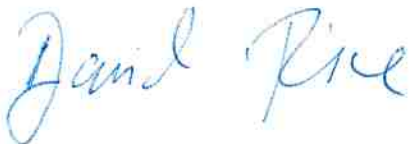
Decision raises some complex and novel legal issues regarding the Division of Drinking Water's regulatory authority that will take some time to appropriately address. Accordingly, the State Water Board requests a limited three-week extension to the comment deadline, to May 4, 2023.

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).) Moreover, section 1187.9(a) of the Commission's regulations provides that as 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 State Water Board does not believe that a limited three-week extension to May 4, 2023, necessitates a postponement of the hearing set for May 26, 2023. If the Commission grants the same extension of time to all parties, no party or interested party shall be prejudiced. The State Water Board is not aware of any other good reason for denial of this request.

However, should the Commission determine that granting the requested three-week extension to the comment deadline necessitates postponement of the hearing, the State Water Board requests, for the reasons stated above, that the hearing be postponed until the next regularly scheduled hearing, currently scheduled for July 28, 2023. Although the State Water Board understands that postponements of hearings are disfavored, the State Water Board believes that my unavailability due to bereavement leave and the number and complexity of the issues constitute good cause to grant a postponement in this matter. (Cal. Code Regs, tit. 2, § 1187.9(b)(1)(A), (F)).

Sincerely,



David Rice
Attorney IV
Office of Chief Counsel
State Water Resources Control Board

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 April 11, 2023, I served the:

- **Notice of Extension Request Approval and Postponement of Hearing issued April 11, 2023**
- **State Water Board's Request for Extension of Time and Postponement of Hearing filed April 7, 2023**

Lead Sampling in Schools: Public Water System No. 3710020, 17-TC-03-R
On Remand from *City of San Diego v. Commission on State Mandates*, Court of Appeal, Third Appellate District, Case No. C092800; Judgment and Writ of Mandate issued by the Sacramento County Superior Court, Case No. 34-2019-80003169-CU-WM-GDS; Permit Amendment No. 2017PA-SCHOOLS, City of San Diego Public Water System No. 3710020, effective January 18, 2017
City of San Diego, 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 April 11, 2023 at Sacramento, California.



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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/6/23

Claim Number: 17-TC-03-R

Matter: Lead Sampling in Schools: Public Water System No. 3710020

Claimant: City of San Diego

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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