



April 11, 2023

Mr. David Rice
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento, CA 95814

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: Notice of Extension Request Approval and Postponement of Hearing
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

Dear Mr. Rice:

On April 7, 2023, the Commission on State Mandates (Commission) received the State Water Resources Control Board's (State Water Board's) request for a three-week extension of time to file comments on the Draft Proposed Decision, currently due by **5:00 pm on April 13, 2023** and for postponement of the hearing on the above-captioned Test Claim, currently set for **Friday, May 26, 2023**.

Specifically, the request states that a three-week extension of time to submit comments on the Draft Proposed Decision to May 4, 2023 is required due to a sudden and unexpected death in your family. In addition, the request states that the Draft Proposed 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.

Section 1187.9(a) of the Commission's regulations provide 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 or rebuttals 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 a hearing, but shall also include a request for postponement of the hearing, pursuant to Section 1187.9(b).

Section 1187.9(b) of the Commission's regulations provide 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 a party to an article 7 matter until the next regularly scheduled hearing may be approved for good cause. (Cal. Code. Regs., tit. 2 § 1187.9(b)(3)(D).) Circumstances that may indicate good cause include the unavailability of a party, party representative,

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or witness because of death, illness, or other excusable circumstances and the number and complexity of the issues. (Cal. Code. Regs., tit. 2 § 1187.9 (b)(1)(A), (b)(1)(F).)

Commission staff offers their deepest condolences to you and your family. Additionally, due to your recent loss and the complexities of the issues, a three-week extension from the original due date is approved and the State Water Board's comments on the Draft Proposed Decision are now due by **5:00 pm on May 4, 2023**. Further, to allow for time to address your comments in the Proposed Decision, a postponement of the hearing to the next regularly scheduled hearing is also approved. This matter is now set for hearing on **Friday, July 28, 2023**.

Sincerely,

A handwritten signature in blue ink, appearing to read "Heather Halsey", written in a cursive style.

Heather Halsey
Executive Director

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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