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SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

RECEIVED
April 23, 2018
**Commission on
State Mandates**

April 20, 2018

VIA CSM DROPBOX

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

Re: *Lead Sampling in Schools, Permit Amendment No. 2017PA-SCHOOLS, City of San Diego Public Water System No. 3710020, 17-TC-03, Request for Extension of Time to Submit Written Comments and Administrative Record*

Dear Ms. Halsey:

By letter dated April 13, 2018, the Commission on State Mandates (Commission) notified the State Water Resources Control Board (State Water Board) of the above-captioned Test Claim, and requested that the State Water Board submit written comments and the official administrative record by May 14, 2018. For the reasons set forth below, the State Water Board respectfully requests that the Commission extend the date for submission of written comments and the official administrative record for 45 days, or until **June 28, 2018**.

First, the nature and complexity of the Test Claim supports the granting of a time extension. The Test Claim, which comprises nearly 3000 pages, raises several novel issues regarding the application of Propositions 218 and 26 to the issuance of drinking water permits. Not only will the Commission's decision serve as important precedent for other possible claimants who might file similar claims¹, the ruling on this Test Claim may impact other aspects of the State Water Board's drinking water program moving forward. Second, I am the sole attorney assigned to this matter, and as a relatively new member of the drinking water unit, I was not involved in the development or issuance of the permit amendments. The attorney who had advised on challenged permit amendments has since retired. The requested time extension will allow me the necessary time to review the Test Claim and discuss the matter with Division of Drinking Water staff and management, compile the official administrative record, and prepare written comments.

Pursuant to section 1187.9, subdivision (a), of the Commission's regulations, so long as a postponement of a hearing would not be required, there is no prejudice to any party or

¹ As the Commission noted in its April 13, 2018 letter, the City of San Diego's Test Claim only applies to the City of San Diego. There are approximately 1,200 public water systems subject to the exact same amendment in their own permits.

interested party, and there is no other good reason for denial, a request for extension shall be approved. The Commission is scheduled to hear this Test Claim on November 30, 2018. The State Water Board appreciates the Commission's desire to maintain its schedule for this Test Claim, and respectfully submits that the requested extension will not cause the postponement of the November 30, 2018 hearing date or otherwise delay the work of Commission staff in consideration of this Test Claim. If, however, the Commission believes that granting this extension would constrain the time the Commission requires to prepare for hearing, the State Water Board also respectfully 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 State Water Board respectfully requests that the deadline for submission of written comments and the administrative record on the Test Claim be extended for 45 days, to **June 28, 2018**. If you have any questions, please do not hesitate to contact me at (916) 341-5182 or David.Rice@waterboards.ca.gov.

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

Very Truly Yours,

A handwritten signature in blue ink that reads "David Rice". The signature is written in a cursive, flowing style.

David Rice
Senior Staff Counsel

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.

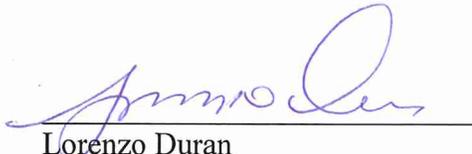
On April 24, 2018, I served the:

- **Notice of Extension Request Approval issued April 24, 2018**
- **State Water Resources Control Board's (SWRCB's) Request for Extension of Time filed April 23, 2018**

*Lead Sampling in Schools, Permit Amendment No. 2017PA-SCHOOLS, City of San Diego Public Water System No. 3710020, effective January 18, 2017, 17-TC-03
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 24, 2018 at Sacramento, California.



Lorenzo Duran
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/24/18

Claim Number: 17-TC-03

Matter: Lead Sampling in Schools, Permit Amendment No. 2017PA-SCHOOLS, City of San Diego Public Water System No. 3710020, effective January 18, 2017

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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