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## State Water Resources Control Board

March 20, 2019

**RECEIVED**  
March 20, 2019  
**Commission on  
State Mandates**

### VIA COMMISSON DROP BOX

Heather Halsey  
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*California Regional Water Quality Control Board, San Diego Region, Order No. R9-2017-0077, Sections A.1, A.3, and A.5, 17-TC-05, City of San Juan Capistrano and County of San Diego, Claimants*

### REQUEST FOR 60-DAY EXTENSION OF TIME TO SUBMIT COMMENTS

Dear Ms. Halsey:

By letter dated September 21, 2018, the Commission on State Mandates (Commission) issued a Notice of Complete Test Claim, Schedule for Comments, Request for Administrative Record(s) and Notice of Tentative Hearing Date (Notice) for the above Test Claim. This Test Claim is tentatively set for hearing before the Commission on March 26, 2021.

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) issued Order No. R9-2017-0077 to implement statewide requirements known as the "Trash Amendments," adopted by the State Water Resources Control Board (State Water Board) in 2015. Pursuant to the Notice, comments in this matter were initially due on or before October 22, 2018. In addition, through the Notice, the Commission requested that the San Diego Water Board and State Water Board (collectively Water Boards) provide official administrative records for Order No. R9-2017-0077. The Commission approved the Water Boards' previous requests for extensions of time to file comments and submit the administrative records. In the last Notice of Approval of Extension Request, the Commission established a filing deadline of March 29, 2019 for both the comments and the records in this matter. This deadline coincides with the comment and record deadlines established in the numerous test claim matters challenging the California Regional Water Quality Control Board, Santa Ana Region's (Santa Ana Water Board) similar Orders implementing the statewide Trash Amendments.

The Water Boards are in the process of completing the administrative records in response to the Commission's Notice and plan to submit the records to the Commission on or before the March 29, 2019, deadline. However, the Water Boards request an additional extension of 60 days, until May 28, 2019, in which to complete and file their comments in this matter.

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

As indicated in prior extension requests, the Water Boards continue to coordinate with the Santa Ana Water Board to evaluate the merits of the test claims on the orders implementing the Trash Amendments. This coordination remains beneficial since both the San Diego and Santa Ana Water Boards' underlying orders implement the same Trash Amendments and the State Water Board is a party in both regional water board test claim matters. However, additional time is necessary to complete a thorough evaluation of the test claim merits for development of comments in this matter. I am the attorney from the Office of Chief Counsel assigned to assist with this Test Claim. I currently handle numerous additional administrative matters and assist the Office of the Attorney General in several pending litigation matters. To date, these competing priorities have hindered my ability to focus the necessary time on development of both comments and the administrative records for Order No. R9-2017-0077. Since the records will be filed by March 29, the additional time requested will allow me to focus my resources on preparation of the comments.

Section 1187.9, subdivision (a) of the Commission's regulations provides that as long as 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, a request for extension of time to file comments on a test claim shall be approved. The Water Boards believe the circumstances described above warrant approval of the requested extension. The extension also complies with the considerations set forth in California Code of Regulations, title 2, section 1187.9, subdivision (a). The hearing, tentatively set for March 26, 2021, will not be affected if the request is granted. Under the circumstances described above, the Water Boards do not believe that any party will be prejudiced if the requested extension is granted and are aware of no other good cause for denial of this request.

For all of these reasons, the Water Boards request that the comment deadline for this Test Claim be extended 60 days until **May 28, 2019**. The Water Boards appreciate your consideration of this request. I can be reached at (619) 521-3021 or by email at [Catherine.Hagan@waterboards.ca.gov](mailto:Catherine.Hagan@waterboards.ca.gov) if you have any questions.

Sincerely,



Catherine George Hagan  
Attorney IV

cc: Service List [Via Commission Drop Box]

**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.

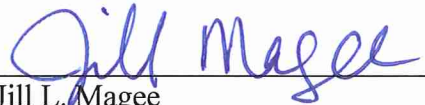
On March 26, 2019, I served the:

- **Notice of Extension Request Approval issued March 26, 2019**
- **SWRCB's and SDRWQCB's Request for Extension of Time filed March 20, 2019**

*California Regional Water Quality Control Board, San Diego Region,  
Order No. R9-2017-0077, Sections A.1, A.3, and A.5, 17-TC-05  
City of San Juan Capistrano and County of San Diego, 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 26, 2019 at Sacramento, California.



Jill L. Magee  
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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 3/22/19

**Claim Number:** 17-TC-05

**Matter:** California Regional Water Quality Control Board, San Diego Region, Order No. R9-2017-0077, Sections A.1, A.3, and A.5

**Claimants:** City of San Juan Capistrano  
County 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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