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## State Water Resources Control Board

**RECEIVED**  
April 30, 2019  
**Commission on  
State Mandates**

April 30, 2019

### VIA COMMISSON DROP BOX

Heather Halsey  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
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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 28-DAY EXTENSION TO REFILE ADMINISTRATIVE RECORDS

Dear Ms. Halsey:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) and the State Water Resources Control Board (State Water Board) (collectively Water Boards) request a 28-day extension of time pursuant to section 1187.9 of the Commission on State Mandates' (Commission) regulations to refile the administrative records for the above test claim. If granted, the Water Boards would be required to refile the administrative records on or before **May 28, 2019**. The reasons for the request are set forth below.

On March 29, 2019, the Water Boards filed the administrative records through the Commission's Drop Box. On April 3, 2019, the Commission notified the Water Boards that the administrative records were not in a searchable format and required the Water Boards to refile the records by 5 p.m. on April 4, 2019. The Water Boards took steps to resolve the searchability difficulties and refiled the administrative records by the deadline. On April 29, 2019, the Commission again informed the Water Boards that the documents were legible but not searchable and required the Water Boards to refile the records in legible and searchable format by 5 p.m. on April 30, 2019.


The Water Boards request an extension of time of 28 days, or until May 28, 2019, the same day that comments are due, in which to refile the administrative records. The Water Boards' IT staff have made considerable efforts to resolve the difficulties with numerous pages in the several administrative records. While they have had some success, the records are still not searchable in their entirety. Because the records are so voluminous, the Water Boards seek additional time in which to find a solution that will enable the records to be electronically filed in legible and searchable format prior to initiating hardcopy filing and service. We anticipate that filing and serving hardcopy records will be extremely costly and time consuming as well as less efficient for parties and the Commission.

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

Section 1187.9, subdivision (a)<sup>1</sup> 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 their request. The hearing, tentatively set for January 22, 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 deadline to refile the administrative records for this Test Claim be extended until **May 28, 2019**. The Water Boards appreciate your consideration of this request. I can be reached at (619) 521-3012 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]

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<sup>1</sup> Although not directly applicable to the refiling of an administrative record, the Water Boards apply this regulation here as guidance since there is no regulation that directly governs the refiling of documents.

**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 May 1, 2019, I served the:

- **Notice of Extension Request Approval issued May 1, 2019**
- **SWRCB's and SDRWQCB's Request for Extension of Time to File Administrative Records filed April 30, 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 May 1, 2019 at Sacramento, California.



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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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