



State Water Resources Control Board

April 29, 2019

Via Drop Box

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

RECEIVED
April 30, 2019
Commission on
State Mandates

RE: Water Boards' Request for a Four-Week Extension to Refile Administrative Records Water Code Section 13383(a) Phase I MS4 Trash Order Issued to the Cities of Brea, Cypress, Huntington Beach, Newport Beach, Orange, Seal Beach, Anaheim, Chino Hills, Costa Mesa, Garden Grove, Laguna Woods, Lake Forest, San Jacinto, Santa Ana, Tustin, Villa Park, and Yorba Linda, the County of Orange, and the Cities of Grand Terrace, Irvine, Placentia, and Rialto, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017 [17-TC-07 to 17-TC-28]

Dear Ms. Halsey:

The Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) and the State Water Resources Control Board (State Water Board) (collectively, Water Boards) request a four-week extension pursuant to section 1187.9 of the Commission's regulations to refile the administrative records for the above-captioned test claims. If granted, the Water Boards would be required to refile the administrative records for the test claims concerning the Water Code Section 13383 Orders to Submit Method to Comply with Statewide Trash Provisions; Requirements for Phase I Municipal Separate Storm Sewer System (MS4) Co-Permittees within the Jurisdiction of the Santa Ana Regional Water Quality Control Board (Trash Orders) by May 28, 2019. The reasons for granting the extension are set forth below.

On March 29, 2019, the Water Boards filed the administrative records for the test claims in 17-TC-07 through 17-TC-28. 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 documents in a legible and searchable format by 5:00 p.m. on April 4, 2019. The Water Boards refiled the administrative records by the deadline. On April 29, 2019, the Commission again notified the Water Boards that the documents were not searchable and required the Water Boards to refile the documents in a legible and searchable format by 5:00 p.m. on April 30, 2019.

The Water Boards have been working with their IT personnel to fix the deficiencies in the documents and have run into difficulties in making all pages of the administrative records searchable. The Water Boards seek additional time to try and address these technical difficulties and, if unable to do so, work on the logistics of filing hardcopy records with the Commission and serving hardcopy records on all parties on the service list. Allowing the Water Boards additional time to fully address the searchability issues will also allow for a more efficient review by the Commission and could avoid the need for hardcopy service.

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

Section 1187.9, subdivision (a) of the Commission's regulations provides that any party or interested party may request an extension of time by filing a request with the executive director before the deadline for filing comments. If the 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 shall be approved. Granting the Water Boards a four-week extension would be consistent with the spirit of section 1187.9. The hearings on the twenty-two test claims are tentatively scheduled between July 24, 2020 and March 22, 2024 and would not require postponement if the request is granted. Additionally, the Water Boards do not believe the extension would prejudice any other party or interested party and are not aware of any other good cause for denial. For these reasons and those discussed above, the Water Boards ask that you approve this request and extend the deadline to refile the administrative records for the test claims in 17-TC-07 through 17-TC-28 to May 28, 2019.

Thank you for your consideration of this request. If you have any questions, I can be reached at (916) 341-5174 or by email at Teresita.Sablan@waterboards.ca.gov.

Sincerely,

Teresita J. Sablan

Attorney III

cc: Service List [via Commission Drop Box]

¹ 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 2, 2019, I served the:

- Notice of Extension Request Approval issued May 2, 2019
- SWRCB's and SARWQCB's Request for Extension of Time to File Administrative Records filed April 30, 2019

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Brea, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-07 City of Brea, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Cypress, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-08 City of Cypress, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Huntington Beach, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-09

City of Huntington Beach, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Newport Beach, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-10

City of Newport Beach, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Orange, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-11 City of Orange, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Seal Beach, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-12 City of Seal Beach, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Anaheim, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-13 City of Anaheim, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Chino Hills, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-14 City of Chino Hills, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Costa Mesa, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017,

17-TC-15

City of Costa Mesa, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Garden Grove, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-16

City of Garden Grove, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Laguna Woods, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-17

City of Laguna Woods, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Lake Forest, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-18

City of Lake Forest, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of San Jacinto, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-19 City of San Jacinto, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Santa Ana, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-20 City of Santa Ana, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Tustin, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-21 City of Tustin, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Villa Park, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-22 City of Villa Park, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Yorba Linda, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-23

City of Yorba Linda, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to County of Orange, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-24 County of Orange, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Grand Terrace, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-25

City of Grand Terrace, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Irvine, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-26 City of Irvine, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Placentia, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-27 City of Placentia, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Rialto, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-28 City of Rialto, 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 May 2, 2019 at Sacramento, California.

Lorenzo Duran

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COMMISSION ON STATE MANDATES

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Last Updated: 3/22/19 Claim Number: 17-TC-07

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Brea,

Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Brea

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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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/22/19 Claim Number: 17-TC-08

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of

Matter: Cypress, Santa Ana Regional Water Quality Control Board, Effective June 2,

2017

Claimant: City of Cypress

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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Last Updated: 3/22/19 Claim Number: 17-TC-09

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of **Matter:** Huntington Beach, Santa Ana Regional Water Quality Control Board, Effective

June 2, 2017

Claimant: City of Huntington Beach

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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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Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of

Matter: Newport Beach, Santa Ana Regional Water Quality Control Board, Effective June

2, 2017

Claimant: City of Newport Beach

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COMMISSION ON STATE MANDATES

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Last Updated: 3/22/19 Claim Number: 17-TC-11

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Orange,

Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Orange

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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Last Updated: 3/22/19 Claim Number: 17-TC-12

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Seal Beach, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Seal Beach

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Last Updated: 3/22/19 Claim Number: 17-TC-13

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Matter: Anaheim, Santa Ana Regional Water Quality Control Board, Effective June 2,

2017

Claimant: City of Anaheim

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COMMISSION ON STATE MANDATES

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Last Updated: 3/22/19 Claim Number: 17-TC-14

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Chino Hills, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Chino Hills

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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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Last Updated: 3/22/19 Claim Number: 17-TC-15

> Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Costa Matter:

Mesa, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Costa Mesa

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Last Updated: 3/22/19 Claim Number: 17-TC-16

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Garden Grove, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Garden Grove

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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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Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Laguna Woods, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Laguna Woods

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Last Updated: 3/22/19 Claim Number: 17-TC-18

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Lake Forest, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Lake Forest

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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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Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of San Jacinto, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of San Jacinto

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Last Updated: 3/22/19 Claim Number: 17-TC-20

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Santa

Ana, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Santa Ana

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COMMISSION ON STATE MANDATES

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Last Updated: 3/22/19 Claim Number: 17-TC-21

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Tustin,

Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Tustin

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Last Updated: 3/22/19 Claim Number: 17-TC-22

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Claimant: City of Villa Park

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Last Updated: 3/22/19 Claim Number: 17-TC-23

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Yorba Linda, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Yorba Linda

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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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Claimant: County of Orange

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Last Updated: 3/22/19 Claim Number: 17-TC-25

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Grand Terrace, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Grand Terrrace

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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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Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Irvine

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Last Updated: 3/22/19 Claim Number: 17-TC-27

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of

Matter: Placentia, Santa Ana Regional Water Quality Control Board, Effective June 2,

2017

Claimant: City of Placentia

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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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Last Updated: 3/22/19 Claim Number: 17-TC-28

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Rialto,

Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Rialto

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