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February 20, 2020
**Commission on
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February 19, 2020

VIA CSM DROP BOX

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

RE: Chino Hills' Test Claim No. 17-TC-14: Request for Extension to File
Rebuttal Comments

Dear Ms. Halsey:

I am writing to request a three-month extension for the City of Chino Hills ("Claimant") to file rebuttal comments responding to the January 29, 2019 comments filed late by the Department of Finance ("Department") and the comments filed by the State Water Resources Control Board ("SWRCB") and the Santa Ana Regional Water Quality Control Board recently filed on January 27, 2020 concerning the above-referenced test claim. The reasons for granting this request are set forth below.

Procedural Background

In correspondence dated November 21, 2018, Commission staff approved requests by the Department, the State Board and the Santa Ana Board, for an extension of time to file comments and submit the administrative record on Claimant's test claim. This approval established a due date of January 28, 2019 for comments on the test claim for all three entities.

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In correspondence dated January 23, 2019, Commission staff approved, in a single letter, a second request made by the State Board, the Santa Ana Board, and the San Diego Board (collectively, "Water Boards"), for a further extension of time to file comments and submit the administrative records on Test Claims 17-TC-05 and 17-TC-07 through 17-TC-28. This approval established a new due date of March 29, 2019, for the Water Boards' comments on these twenty-two test claims; it did not extend the January 28, 2019, due date for Department's comments as to any test claim. On or about January 29, 2019, the Department submitted comments on test claim 17-TC-14, which Commission staff correctly designated as a "Late Filing." On February 21, 2019, as requested by the Claimant, the Claimant's deadline to respond to the Department's comments was extended until 30 days from the submittal of the Water Boards' comments and administrative record on the order.

After a number of extension requests were requested and granted, the Water Boards' administrative record was accepted for filing on May 29, 2019 and the Water Board's comments were filed on January 27, 2020. The Claimant's rebuttal comments are due on February 26, 2020.

Basis for Request for Extension

Section 1183.2 of the Commission's regulations provides that written comments concerning a test claim "shall be certified, filed and served within 30 days from the date the test claim . . . is issued for comment."¹ Section 1187.9 of regulations also provides that any party or interested party may request an extension of time by filing a request with the executive director before the date set for filing of comments.²

Request for Extension

Claimant requests an extension of time to submit rebuttal comments to the Department and the Water Boards, pursuant to section 1187.9. The Water Boards' have had 15 months, from October 25, 2018 when the test claim was found to be

¹ 2 C.C.R. 1183.2 (b). All references to the Commission's regulations shall be to chapter 2.5 of Division 2 of the California Code of Regulations.

² 2 C.C.R. 1187.9.

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complete, until January 27, 2020, to prepare and file their rebuttal comments, and the Claimant needs more than a month to review and respond.

Granting Claimant the requested extension of time is consistent with section 1187.9. The hearing on Claimant's test claim is currently tentatively scheduled for March 26, 2021, so this extension will not require postponement of the hearing date. Additionally, this extension would not result in prejudice to any party or interested party, and there is otherwise no good cause for denying this request.

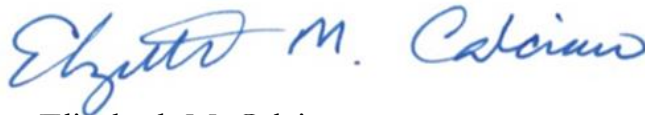
Conclusion

For the above reasons, Claimant requests an extension of time to file a rebuttal to Department's comments, until May 27, 2020.

Your consideration and determination as to this request is greatly appreciated.

I declare under penalty of perjury that the foregoing, signed on February 19, 2020, is true and correct to the best of my personal knowledge, information or belief.

Very truly yours,



Elizabeth M. Calciano
Assistant City Attorney
CITY OF CHINO HILLS

cc: Ben Montgomery, City Manager
Daniel Bobadilla, Public Works Dir./City Engineer
Joe Dyer, Asst. City Engineer
Nisha Wells, Environmental Program Coordinator
Mark Hensley, City Attorney
And Per Commission Mailing List

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 February 21, 2020, I served the:

- **Notice of Extension Request Approval issued February 21, 2020**
- **Claimant's Request for Extension of Time filed February 20, 2020**

*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*

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 February 21, 2020 at Sacramento, California.



Jill L. Magee
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 2/4/20

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

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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