

**RECEIVED**  
February 25, 2020  
*Commission on  
State Mandates*



**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

Indian Wells  
(760) 568-2611

Los Angeles  
(213) 617-8100

Manhattan Beach  
(310) 643-8448

Ontario  
(909) 989-8584

18101 Von Karman Avenue, Suite 1000, Irvine, CA 92612  
Phone: (949) 263-2600 | Fax: (949) 260-0972 | www.bbklaw.com

Riverside  
(951) 686-1450

Sacramento  
(916) 325-4000

San Diego  
(619) 525-1300

Walnut Creek  
(925) 977-3300

Washington, DC  
(202) 785-0600

**Ryan M. F. Baron**  
(949) 263-6568  
Ryan.Baron@bbklaw.com  
File No. 24438.40004

February 25, 2020

**VIA COMMISSION DROPBOX**

Ms. Heather Halsey  
Executive Director  
Commission on State Mandates  
980 9th Street, Suite 300  
Sacramento, CA 95814

Re: Request for Consolidation of Test Claims 17-TC-07 through 17-TC-24 and 17-TC-26, on Water Code Section 13383 Phase I MS4 Trash Orders Issued by the Santa Ana Regional Water Quality Control Board (Effective June 2, 2017), and Request for Extension of Time to File Rebuttal to Comments

Dear Ms. Halsey:

I am the Claim Representative for the City of San Jacinto (“City”) on Test Claim 17-TC-19. The City requests that you consolidate the above-referenced Test Claims, for all the same reasons stated in the County of Orange’s letter dated February 21, 2020 (attached hereto and incorporated by reference). The City joins in the County’s requests and urges you to consolidate these nineteen test claims, which all concern substantively identical orders issued by the Regional Water Quality Control Board, Santa Ana Region.

In addition to consolidation, the City also joins with the County and requests an extension of the deadline to submit rebuttal to the comments of the State Water Quality Control Board and the Regional Water Quality Control Board, Santa Ana Region (collectively, “the Water Boards”).<sup>1</sup> Since your decision on consolidation would potentially impact the preparation of rebuttal comments, the City requests an extension until 60 days after service of your decision on consolidation. This is the first such request on the part of the City, and is in line with the series of extensions granted to the Water Boards. In light of these factors and the tentative hearing date of May 27, 2022, such an extension would not require a postponement of a hearing, there would be no prejudice to any party or interested party, and there is no other good reason for denial.<sup>2</sup>

<sup>1</sup> City was served with the Water Boards’ comments on February 4, 2020. Rebuttal comments are currently due March 5, 2020.

<sup>2</sup> Cal. Code Reg. 1187.9(a). See also matrix of tentative hearing dates entitled “Commission on State Mandates 41 Pending Test Claims” dated January 24, 2020.  
24438.40004\32747681.1



**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

Ms. Heather Halsey  
February 25, 2020  
Page 2

Given its time sensitive nature, I kindly ask that you provide notice of your determination of the request for consolidation and request for extension as soon as possible, but no later than February 28, 2020.

I declare under penalty of perjury that the foregoing, signed on February 24, 2020, is true and correct to the best of my personal knowledge, information, or belief.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ryan Baron'.

Ryan M. F. Baron  
for BEST BEST & KRIEGER LLP

RB:eg



OFFICE OF THE COUNTY COUNSEL  
COUNTY OF ORANGE

333 W. SANTA ANA BLVD., SUITE 407  
SANTA ANA, CA 92701  
MAILING ADDRESS: P.O. BOX 1379  
SANTA ANA, CA 92702-1379  
(714) 834-3300  
FAX: (714) 834-2359

Julia C. Woo  
Senior Deputy County Counsel  
(714) 834-6046

E-Mail:  
Julia.woo@coco.ocgov.com

February 21, 2020

Ms. Heather Halsey  
Executive Director  
Commission on State Mandates  
980 9th Street, Suite 300  
Sacramento, CA 95814

Re: Second Request for Consolidation of Test Claims 17-TC-07 through 17-TC-24 and 17-TC-26, on Water Code Section 13383 Phase I MS4 Trash Orders Issued by the Santa Ana Regional Water Quality Control Board (Effective June 2, 2017), and Request for Extension of Time to File Rebuttal to Comments

Dear Ms. Halsey:

I am the Claim Representative for the County of Orange on Test Claim 17-TC-24. I write to again request that, pursuant to section 1183.5 of the California Code of Regulations (Commission Regulations), you exercise your authority as Executive Director to consolidate Test Claims 17-TC 07 through 17-TC-24 and 17-TC-26 (“the Test Claims”), which concern virtually identical orders issued by the Santa Ana Regional Water Quality Control Board. Consolidation of the Test Claims, especially in light of the substantively identical comments filed by the State Water Quality Control Board and the Regional Water Quality Control Board, Santa Ana Region (collectively, “the Water Boards”), is not only appropriate but necessary in order to ensure complete, fair and timely resolution.<sup>1</sup>

The request to consolidate the Test Claims was previously made in correspondence dated November 16, 2018. There, the County explained that, given the substantively identical nature of the orders issued, common questions of law and fact predominated the Test Claims and that consolidation was, therefore, warranted under Commission Regulation, section 1183.5(a).<sup>2</sup> In addition to the legal basis for consolidation, the County also explained that the resource savings and claims management efficiencies that would be realized from consolidation further justified such action, and that counsel for the Water Boards and for the Department of Finance supported consolidation.

These same reasons still apply. Moreover, the Water Boards’ comments, which were served on February 4, 2020, and which are substantively identical across all claims, further demonstrate that there is no reason why the Test Claims should not go forward and be managed as a

---

<sup>1</sup> See Cal. Code Reg. 1183.5.

<sup>2</sup> *Id.*

February 21, 2020

Page 2

consolidated proceeding before the Commission.<sup>3</sup> Based on both the Water Boards and Commission staff's practice of issuing extension requests and notices for all the Test Claims in a single submission/filing, it appears that the Test Claims are already being treated as consolidated for claims management purposes. Your action to consolidate the Test Claims now would formalize this practice and allow all parties, and particularly the Test Claimants, to take advantage of the same efficiencies.

In addition to consolidation, Test Claimants also request an extension of the deadline to file rebuttal comments. Since your decision on consolidation would potentially impact the preparation of Test Claimants' rebuttal(s), we request an extension until 60 days after service of your decision on consolidation.<sup>4</sup> Since the earliest tentative hearing date for any Test Claim is not until May of 2021, an extension would not require a postponement of a hearing, there would be no prejudice to any party or interested party, and there is no other good reason for denial.<sup>5</sup>

Given its time sensitive nature, I kindly ask that you provide notice of your determination of the request for consolidation and request for extension as soon as possible, but no later than February 28, 2020.

Thank you for your consideration of the foregoing. Should you have any questions or wish to discuss anything further, please contact me directly at (714) 834-6046.

I declare under penalty of perjury that the foregoing, signed on February 21, 2020, is true and correct to the best of my personal knowledge, information, or belief.

Very truly yours,

LEON J. PAGE  
COUNTY COUNSEL

By   
Julia C. Woo, Deputy

---

<sup>3</sup> While awaiting response to the November 16 consolidation request, on or about March 22, 2019, during a telephone discussion, you indicated that you would not make a determination on the issue of consolidation until after the Water Boards' comments were filed.

<sup>4</sup> Rebuttal to the comments of the Water Boards and the late-filed comments of the Department of Finance are currently due on March 5, 2020. Test Claimants request extension of this deadline until sixty days after service of your determination of the consolidation request. The Department of Finance filed comments on 17-TC-24 after its January 28, 2019 deadline. In correspondence dated February 15, 2019, the County requested that these comments not be considered given their untimeliness, or that, in the alternative, if the comments were to be considered, that the County be granted an extension to respond. Without addressing the first portion of this request, by notice dated February 20, 2019, Commission staff granted an extension to file a rebuttal to the Department of Finance comments, co-terminus with the deadline to file a rebuttal to the Water Boards' comments, which is currently March 5, 2020.

<sup>5</sup> Cal. Code Reg. 1187.9(a). *See also* matrix of tentative hearing dates entitled "Commission on State Mandates 41 Pending Test Claims" dated January 24, 2020.

February 21, 2020  
Page 3

JCW:vl

cc: Teresita Sablan – [Teresita.Sablan@Waterboards.ca.gov](mailto:Teresita.Sablan@Waterboards.ca.gov)  
Susan Geanacou – [Susan.Geanacou@dof.ca.gov](mailto:Susan.Geanacou@dof.ca.gov)

**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 28, 2020, I served the:

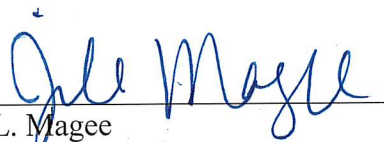
- **Notice of Extension Request Approval issued February 28, 2020**
- **Claimant's Request for Consolidation of Test Claims and Extension of Time filed February 25, 2020**

*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

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 28, 2020 at Sacramento, California.



Jill L. Magee  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 2/24/20

**Claim Number:** 17-TC-19

**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

### 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.)

**Rebecca Andrews**, *Best Best & Krieger, LLP*  
655 West Broadway, 15th Floor, San Diego, CA 92101  
Phone: (619) 525-1300  
Rebecca.Andrews@bbkllaw.com

**Socorro Aquino**, *State Controller's Office*  
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 322-7522  
SAquino@sco.ca.gov

**Ryan Baron**, *Best Best & Krieger LLP*  
**Claimant Representative**  
18101 Von Karman Avenue, Suite 1000, Irvine, CA 92612  
Phone: (949) 263-2600  
ryan.baron@bbkllaw.com

**Cindy Black**, *City Clerk, City of St. Helena*  
1480 Main Street, St. Helena, CA 94574  
Phone: (707) 968-2742  
ctzafoopoulos@cityofsthenela.org

**Allan Burdick**,  
7525 Myrtle Vista Avenue, Sacramento, CA 95831  
Phone: (916) 203-3608  
allanburdick@gmail.com

**J. Bradley Burgess**, *MGT of America*  
895 La Sierra Drive, Sacramento, CA 95864  
Phone: (916)595-2646  
Bburgess@mgtamer.com

**Evelyn Calderon-Yee**, Bureau Chief, *State Controller's Office*

Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816

Phone: (916) 324-5919

ECalderonYee@sco.ca.gov

**Gwendolyn Carlos**, *State Controller's Office*

Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816

Phone: (916) 323-0706

gcarlos@sco.ca.gov

**Annette Chinn**, *Cost Recovery Systems, Inc.*

705-2 East Bidwell Street, #294, Folsom, CA 95630

Phone: (916) 939-7901

achinnrcs@aol.com

**Carolyn Chu**, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8326

Carolyn.Chu@lao.ca.gov

**Michael Coleman**, *Coleman Advisory Services*

2217 Isle Royale Lane, Davis, CA 95616

Phone: (530) 758-3952

coleman@muni1.com

**Johanna Dombo**, City Manager, *City of Huntington Beach*

2000 Main Street, Huntington Beach, CA 92648

Phone: (714) 375-8465

Johanna.Dombo@surfcity-hb.org

**Donna Ferebee**, *Department of Finance*

915 L Street, Suite 1280, Sacramento, CA 95814

Phone: (916) 445-3274

donna.ferebee@dof.ca.gov

**Adam Fischer**, *Santa Ana Regional Water Quality Control Board*

3737 Main Street, Suite 500, Riverside, CA 92501

Phone: (951) 320-6363

afischer@waterboards.ca.gov

**Jennifer Fordyce**, Assistant Chief Counsel, *State Water Resources Control Board*

Office of Chief Counsel, 1001 I Street, 22nd floor, Sacramento, CA 95814

Phone: (916) 324-6682

Jennifer.Fordyce@waterboards.ca.gov

**Susan Geanacou**, *Department of Finance*

915 L Street, Suite 1280, Sacramento, CA 95814

Phone: (916) 445-3274

susan.geanacou@dof.ca.gov

**Dillon Gibbons**, Legislative Representative, *California Special Districts Association*

1112 I Street Bridge, Suite 200, Sacramento, CA 95814

Phone: (916) 442-7887

dillong@cgsda.net

**Catherine George Hagan**, Senior Staff Counsel, *State Water Resources Control Board*



c/o San Diego Regional Water Quality Control Board, 2375 Northside Drive, Suite 100, San Diego, CA 92108

Phone: (619) 521-3012

catherine.hagan@waterboards.ca.gov

**Heather Halsey**, Executive Director, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

heather.halsey@csm.ca.gov

**Sunny Han**, Project Manager, *City of Huntington Beach*

2000 Main Street, Huntington Beach, CA 92648

Phone: (714) 536-5907

Sunny.han@surfcity-hb.org

**Chris Hill**, Principal Program Budget Analyst, *Department of Finance*

Local Government Unit, 915 L Street, Sacramento, CA 95814

Phone: (916) 445-3274

Chris.Hill@dof.ca.gov

**Jason Jennings**, Director, *Maximus Consulting*

Financial Services, 808 Moorefield Park Drive, Suite 205, Richmond, VA 23236

Phone: (804) 323-3535

SB90@maximus.com

**Edward Jewik**, *County of Los Angeles*

Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012

Phone: (213) 974-8564

ejewik@auditor.lacounty.gov

**Rob Johnson**, City Manager, *City of San Jacinto*

**Claimant Contact**

595 S. San Jacinto Ave., Bldg. A, San Jacinto, CA 92583

Phone: (951) 487-7330

rjohnson@sanjacintoca.gov

**Anita Kerezsi**, *AK & Company*

2425 Golden Hill Road, Suite 106, Paso Robles, CA 93446

Phone: (805) 239-7994

akcompanysb90@gmail.com

**Lisa Kurokawa**, Bureau Chief for Audits, *State Controller's Office*

Compliance Audits Bureau, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 327-3138

lkurokawa@sco.ca.gov

**Michael Lauffer**, Chief Counsel, *State Water Resources Control Board*

1001 I Street, 22nd Floor, Sacramento, CA 95814-2828

Phone: (916) 341-5183

michael.lauffer@waterboards.ca.gov

**Alison Leary**, Deputy General Counsel, *League of California Cities*

1400 K Street, Suite 400, Sacramento, CA 95814

Phone: (916) 658-8200

aleary@cacities.org

**Erika Li**, Program Budget Manager, *Department of Finance*

915 L Street, 10th Floor, Sacramento, CA 95814

Phone: (916) 445-3274  
erika.li@dof.ca.gov

**Jill Magee**, Program Analyst, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
Jill.Magee@csm.ca.gov

**Corrie Manning**, Assistant General Counsel, *League of California Cities*  
1400 K Street, Suite 400, Sacramento, CA 95814  
Phone: (916) 658-8200  
cmanning@cacities.org

**Jane McPherson**, Financial Services Director, *City of Oceanside*  
300 North Coast Highway, Oceanside, CA 92054  
Phone: (760) 435-3055  
JmcPherson@oceansideca.org

**Michelle Mendoza**, *MAXIMUS*  
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403  
Phone: (949) 440-0845  
michellemendoza@maximus.com

**Lourdes Morales**, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8320  
Lourdes.Morales@LAO.CA.GOV

**Debra Morton**, Manager, Local Reimbursements Section, *State Controller's Office*  
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816  
Phone: (916) 324-0256  
DMorton@sco.ca.gov

**Andy Nichols**, *Nichols Consulting*  
1857 44th Street, Sacramento, CA 95819  
Phone: (916) 455-3939  
andy@nichols-consulting.com

**Arthur Palkowitz**, *Artiano Shinoff*  
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106  
Phone: (619) 232-3122  
apalkowitz@as7law.com

**Johnnie Pina**, Legislative Policy Analyst, *League of Cities*  
1400 K Street, Suite 400, Sacramento, CA 95814  
Phone: (916) 658-8214  
jpina@cacities.org

**Jai Prasad**, *County of San Bernardino*  
Office of Auditor-Controller, 222 West Hospitality Lane, 4th Floor, San Bernardino, CA 92415-0018  
Phone: (909) 386-8854  
jai.prasad@atc.sbcounty.gov

**Andres Ramirez**, Streets, Parks, and Storm Water Supervisor, *City of San Jacinto*  
270 Bissell Place, San Jacinto, CA 92583  
Phone: (951) 654-4041  
aramirez@sanjacintoca.gov

**Mark Rewolinski, MAXIMUS**

808 Moorefield Park Drive, Suite 205, Richmond, VA 23236

Phone: (949) 440-0845

markrewolinski@maximus.com

**David Rice, State Water Resources Control Board**

1001 I Street, 22nd Floor, Sacramento, CA 95814

Phone: (916) 341-5161

davidrice@waterboards.ca.gov

**Teresita Sablan, State Water Resources Control Board**

1001 I Street, 22nd Floor, Sacramento, CA 95814

Phone: (916) 341-5174

Teresita.Sablan@waterboards.ca.gov

**Theresa Schweitzer, City of Newport Beach**

100 Civic Center Drive, Newport Beach, CA 92660

Phone: (949) 644-3140

tschweitzer@newportbeachca.gov

**Camille Shelton, Chief Legal Counsel, Commission on State Mandates**

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

camille.shelton@csm.ca.gov

**Carla Shelton, Commission on State Mandates**

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

carla.shelton@csm.ca.gov

**Natalie Sidarous, Chief, State Controller's Office**

Local Government Programs and Services Division, 3301 C Street, Suite 740, Sacramento, CA 95816

Phone: 916-445-8717

NSidarous@sco.ca.gov

**Michelle Skaggs Lawrence, City Manager, City of Oceanside**

300 North Coast Highway, Oceanside, CA 92054

Phone: (760) 435-3055

citymanager@oceansideca.org

**Hope Smythe, Executive Officer, Santa Ana Regional Water Quality Control Board**

3737 Main Street, Suite 500, Riverside, CA 92501-3348

Phone: (951) 782-4493

Hope.Smythe@waterboards.ca.gov

**Eileen Sobeck, Executive Director, State Water Resources Control Board**

1001 I Street, 22nd Floor, Sacramento, CA 95814-2828

Phone: (916) 341-5183

Eileen.Sobeck@waterboards.ca.gov

**Jim Spano, Chief, Mandated Cost Audits Bureau, State Controller's Office**

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 323-5849

jspano@sco.ca.gov

**Dennis Speciale, State Controller's Office**

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254  
DSpeciale@sco.ca.gov

**Joe Stephenshaw**, Director, *Senate Budget & Fiscal Review Committee*  
California State Senate, State Capitol Room 5019, Sacramento, CA 95814  
Phone: (916) 651-4103  
Joe.Stephenshaw@sen.ca.gov

**Brittany Thompson**, Budget Analyst, *Department of Finance*  
Local Government Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-3274  
Brittany.Thompson@dof.ca.gov

**Jolene Tollenaar**, *MGT of America*  
2251 Harvard Street, Suite 134, Sacramento, CA 95815  
Phone: (916) 243-8913  
jolenetollenaar@gmail.com

**Evelyn Tseng**, *City of Newport Beach*  
100 Civic Center Drive, Newport Beach, CA 92660  
Phone: (949) 644-3127  
etseng@newportbeachca.gov

**Brian Uhler**, Principal Fiscal & Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8328  
Brian.Uhler@LAO.CA.GOV

**Emel Wadhvani**, Senior Staff Counsel, *State Water Resources Control Board*  
Office of Chief Counsel, 1001 I Street, Sacramento, CA 95814  
Phone: (916) 322-3622  
emel.wadhvani@waterboards.ca.gov

**Renee Wellhouse**, *David Wellhouse & Associates, Inc.*  
3609 Bradshaw Road, H-382, Sacramento, CA 95927  
Phone: (916) 797-4883  
dwa-renee@surewest.net

**Hasmik Yaghobyan**, *County of Los Angeles*  
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012  
Phone: (213) 974-9653  
hyaghobyan@auditor.lacounty.gov