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SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board



January 18, 2019

Via Drop Box

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

RE: Water Boards' Second Request for Extension to File Comments and the Administrative Record(s)

*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
Test Claim Nos. 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 60-day extension pursuant to section 1187.9 of the Commission's regulations to file written comments and to submit the administrative records in the above-captioned Test Claims. If granted, the Water Boards would be required to file written comments and submit the administrative records for the twenty-two 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 March 29, 2019. The reasons for granting the extension are set forth below.

Procedural Background

The Santa Ana Water Board issued the Trash Orders to MS4 permittees within its jurisdiction to implement statewide trash requirements adopted in 2015 by the State Water Board known as the "Trash Amendments." Other Regional Water Boards likewise issued orders to implement the statewide Trash Amendments at or around the same time the Santa Ana Water Board Trash Orders were issued.

On September 27, 2018, the Commission notified the Water Boards and other interested parties that 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 submitted by the City of Brea was deemed complete. Then on October 25 and 26, 2018, the Commission notified the Water Boards and other interested parties that seventeen similar Test Claims filed by the Cities

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

of 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, and the County of Orange (17-TC-08 to 17-TC-24) were deemed complete.

On November 19, 2018, the Water Boards filed a request for a 90-day extension to file written comments and submit the administrative records in 17-TC-07 through 17-TC-24. The Commission granted a limited extension of 60 days and moved the deadline to file comments and submit the administrative records for the Test Claims to January 28, 2019.

On November 29, 2018, the Commission notified the Water Boards and other interested parties that four additional Test Claims related to the Santa Ana Water Board Trash Orders filed by the Cities of Grand Terrace, Irvine, Placentia, and Rialto (17-TC-25 to 17-TC-28) were deemed complete. The Water Boards filed a request for a 28-day extension to align the deadlines for these four Test Claims with the deadlines of the other similar Test Claims. The Commission granted the request.

On December 5, 2019, the deadline to submit comments and the administrative record for the pending Test Claim in 17-TC-05 filed by the City of San Juan Capistrano and County of San Diego challenging a similar order issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) was also extended to January 28, 2019.

There are now twenty-two Test Claims related to the Santa Ana Water Board Trash Orders¹ and one Test Claim related to the San Diego Water Board Trash Order. The current deadline to submit comments and the administrative records for the twenty-three Test Claims is January 28, 2019.

Basis for Request for Extension

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.²

The Water Boards request a 60-day extension to file comments and submit the administrative record(s) for the twenty-two Test Claims (17-TC-07 to 17-TC-28) related to the Santa Ana Water Board Trash Orders. Additional time is needed to allow the Water Boards to complete their comments and compile the administrative records. As previously stated, analyzing the merits of the twenty-two Test Claims requires substantial attorney and staff time to review the documents,

¹ On November 16, 2018, the County of Orange submitted a request to consolidate Test Claims 17-TC-07 through 17-TC-24. The Water Boards stated that they supported the consolidation of the Test Claims in their November 19, 2018 submittal. The Cities of San Jacinto, Rialto, and Grand Terrace later filed similar requests to consolidate Test Claims related to the Santa Ana Water Board Trash Orders. On November 29, 2018, in the Notices of Complete Test Claims in 17-TC-25 to 17-TC-28, the Commission stated that the Executive Director will determine whether to consolidate the Test Claims for hearings after the files are closed and reviewed by legal staff.

² The Commission's regulations do not specifically address extensions of time for submitting administrative records. Thus, the Water Boards apply section 1187.9, subdivision (a) to both their request for an extension of time to file comments and their request for an extension to submit the administrative record(s).

research the issues, and draft comments for the Test Claims. The compilation of the administrative records also requires substantial time and resources. As the single attorney for the Santa Ana Water Board, I have had to attend to other priority duties that continue to limit my ability to work exclusively on test claim matters, including significant permitting and cleanup matters, basin plan amendments affecting water quality, and preparation for board meetings. Staff and management assisting with and reviewing comments also face similar time constraints due to competing work responsibilities. The Santa Ana Water Board, the San Diego Water Board, and the State Water Board are also continuing to coordinate efforts to analyze the merits of the related Test Claims and develop more complete and thorough written comments for the Commission. Due to the intervening holidays, however, it was especially challenging to coordinate efforts.

The Water Boards believe that granting the extension would be consistent with section 1187.9, subdivision (a). The hearings on the twenty-two Test Claims are tentatively scheduled between May 22, 2020 and March 22, 2024. Granting a 60-day extension would not require postponement of the hearings. 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. Accordingly, the Water Boards ask that you approve this request and extend the deadline to file comments and submit the administrative records for the Test Claims in 17-TC-07 through 17-TC-28 to March 29, 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,

A handwritten signature in black ink, appearing to read 'T. Sablan', with a long horizontal line extending to the right.

Teresita J. Sablan
Attorney III

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 January 24, 2019, I served the:

- **Notice of Extension Request Approval for the Following Matters issued January 24, 2019**
- **SWRCB's and SARWQCB's Request for Extension of Time filed January 22, 2019**
- **SWRCB's and SDRWQCB's Request for Extension of Time filed January 18, 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

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

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

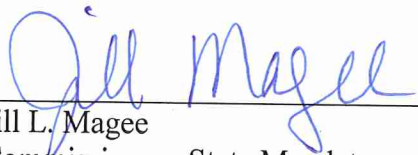
City of Irvine, Claimant

*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 January 24, 2019 at Sacramento, California.



Jill L. Magee
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/22/19

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: 1/9/19

Claim Number: 17-TC-08

Matter: 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

Claimant: City of Cypress

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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COMMISSION ON STATE MANDATES

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Last Updated: 1/9/19

Claim Number: 17-TC-09

Matter: 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

Claimant: City of Huntington Beach

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Matter: 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

Claimant: City of Newport Beach

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Last Updated: 1/9/19

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

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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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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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COMMISSION ON STATE MANDATES

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Last Updated: 1/9/19

Claim Number: 17-TC-13

Matter: 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

Claimant: City of Anaheim

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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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COMMISSION ON STATE MANDATES

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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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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/9/19

Claim Number: 17-TC-15

Matter: 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

Claimant: City of Costa Mesa

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/9/19

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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COMMISSION ON STATE MANDATES

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Last Updated: 1/9/19

Claim Number: 17-TC-17

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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COMMISSION ON STATE MANDATES

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Last Updated: 1/9/19

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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COMMISSION ON STATE MANDATES

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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

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/9/19

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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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

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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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COMMISSION ON STATE MANDATES

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Last Updated: 1/9/19

Claim Number: 17-TC-22

Matter: 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

Claimant: City of Villa Park

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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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COMMISSION ON STATE MANDATES

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Last Updated: 1/9/19

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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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/9/19

Claim Number: 17-TC-24

Matter: 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

Claimant: County of Orange

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/9/19

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 Terrace

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/9/19

Claim Number: 17-TC-26

Matter: 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

Claimant: City of Irvine

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COMMISSION ON STATE MANDATES

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Last Updated: 1/9/19

Claim Number: 17-TC-27

Matter: 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

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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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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