



State Water Resources Control Board

January 6, 2023

RECEIVED
January 06, 2023
**Commission on
State Mandates**

VIA DROP BOX

Heather Halsey
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Commission on State Mandates
980 Ninth Street, Suite 300
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California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2021-0105, 22-TC-01

Los Angeles Regional Water Quality Control Board Order No. R4-2021-0105: Parts III.A.1, A.3.a, A.3.b, A.5.a, A.5.b, A.5.c, A.6; Parts IV.A.2 and B and Attachments J through S (except Attachments K, L and N); Part VII and Attachment E; Parts VIII.D.1, D.3, D.4; Parts VIII.F.3.c.i, F.3.c.ii, F.3.c.iii; Parts VIII.G.4.a, G.5.a, G.5.b.i, G.5.b.ii; Parts VIII.H.2 and H.5.b; and Parts VIII.I.5, I.6, I.8., effective September 11, 2021 County of Los Angeles and Los Angeles County Flood Control District, Claimants

REQUEST FOR 60-DAY EXTENSION OF TIME TO SUBMIT COMMENTS; REQUEST FOR POSTPONEMENT OF HEARING

Dear Ms. Halsey:

By letter dated October 14, 2022, the Commission on State Mandates (Commission) issued a Notice of Complete Joint Test Claim, Schedule for Comments, and Notice of Tentative Hearing Date for the above Test Claim (Notice). The Notice requested parties, interested parties, and interested persons to analyze the merits of the Test Claim and submit written comments by November 14, 2022. The Notice also indicated that the public hearing on the Test Claim is tentatively scheduled for September 22, 2023. In response to the Notice, the State Water Resources Control Board (State Water Board) and Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) (collectively Water Boards) sought a 91-day extension of time to submit written comments, which would have extended the deadline to Monday February 13, 2023. In a letter dated October 31, 2022, the Commission approved a 60-day extension that extended the deadline from November 14, 2022 to January 13, 2023. The Water Boards respectfully request a second 60-day extension to submit its comments as well as postponement of the tentatively scheduled hearing for this matter as explained below. This is a timely request as it is being made before the date set for filing comments or rebuttals. (Cal. Code Regs., tit. 2, § 1187.9(a).)

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


The Water Boards request until **March 14, 2023** to submit comments because the Test Claim raises numerous and complex issues and is over 2,000 pages long including attachments. As stated in my previous extension request, due to the complexity and length of the Test Claim, considerable staff and attorney time is needed to analyze the merits of the Test Claim, research and provide comments. The staff responsible for responding to the Test Claim have a number of other priority duties that limit our ability to exclusively work on this matter, including preparing orders for consideration by the Water Boards at their monthly meetings and working with the Attorney General's office on existing litigation matters. The Water Boards also required additional time due to the winter holidays as Staff and attorneys involved in the preparation of comments had pre-planned vacations. The Water Boards request additional time to respond to the Test Claim due to staff workload, which currently includes at least one administrative hearing subject to statutory deadlines, as well as significant staffing changes at the Water Boards, including the pending retirement of the Los Angeles Water Board's Executive Officer at the end of this month. On a personal note, my father is recovering from major surgery and returned home this week. I would greatly appreciate the flexibility to assist my parents on an as needed basis as my father recovers. Extending the deadline for comments on the Test Claim will allow the Water Boards and myself the necessary time to prepare responses on this Test Claim.

The Water Boards understand that a 60-day extension could impact the hearing schedule for this matter. Pursuant to section 1187.9(b) of the Commission's regulations, the Water Boards also respectfully request postponement of the hearing on this matter tentatively scheduled for Friday, September 22, 2023 until the next tentatively scheduled Commission hearing on October 27, 2023. The Water Boards intend to oppose the test claim in whole. There is good cause to postpone the hearing given the complexity and number of issues in this matter. Extending the hearing schedule would provide all parties with additional time to prepare for the hearing and the Water Boards is not aware of any prejudice to the Claimants or any other interested party in granting the postponement of the hearing.

The Water Boards appreciate your consideration of this request for extension of the comment deadline and postponement of the hearing. Please let me know if you have any questions. I can be reached at (916) 322-3313 or by e-mail at Adriana.Nunez@waterboards.ca.gov.

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

Sincerely,



Adriana Nuñez
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 9, 2023, I served the:

- **Notice of Extension Request Approval and Postponement of Hearing issued January 9, 2023**
- **Water Boards' Request for Extension of Time and Postponement of Hearing filed January 6, 2023**

California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2021-0105, 22-TC-01

Los Angeles Regional Water Quality Control Board Order No. R4-2021-0105: Parts III.A.1, A.3.a, A.3.b, A.5.a, A.5.b, A.5.c, A.6; Parts IV.A.2 and B and Attachments J through S (except Attachments K, L and N); Part VII and Attachment E; Parts VIII.D.1, D.3, D.4; Parts VIII.F.3.c.i, F.3.c.ii, F.3.c.iii; Parts VIII.G.4.a, G.5.a, G.5.b.i, G.5.b.ii; Parts VIII.H.2 and H.5.b; and Parts VIII.I.5, I.6, I.8., effective September 11, 2021
County of Los Angeles and Los Angeles County Flood Control District, 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 January 9, 2023 at Sacramento, California.



Jill L. Magee
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/6/23

Claim Number: 22-TC-01

Matter: California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2021-0105

Claimants: County of Los Angeles
Los Angeles County Flood Control District

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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