



January 9, 2023

Ms. Adriana Nuñez
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento, CA 95814

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: Notice of Extension Request Approval and Postponement of Hearing
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

Dear Ms. Nuñez:

On January 6, 2023, the Commission on State Mandates (Commission) received the State Water Resources Control Board's and the Los Angeles Regional Water Quality Control Board's (collectively, "the Water Boards") request for a 60-day extension of time to file written comments and for postponement of the tentatively scheduled hearing on the above-captioned Test Claim. The Water Boards' comments are currently due on January 13, 2023 and the Test Claim is tentatively scheduled for September 22, 2023.

Specifically, the Water Boards' request states that an extension of time to March 14, 2023 is necessary because the Test Claim raises numerous and complex issues and is over 2,000 pages long, including attachments. In addition, the request states that given the complexity and length of the Test Claim, analyzing the merits will require considerable staff and attorney time to research and provide comments. Further, the request states that staff are responsible for other priority duties that limit their ability to work exclusively 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. Also, the request states that due to the winter holidays, staff and attorneys involved in the preparation of comments had pre-planned vacations. Also, 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 January. Finally, Ms. Nuñez's father is recovering from major surgery and returned home this week and requires assistance as he recovers.

Additionally, the Water Boards' request postponement of the hearing on this matter until the next tentatively scheduled Commission hearing on October 27, 2023. Specifically, the Water Board's request states that there is good cause to postpone the hearing given the complexity and number

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of issues in this matter and that extending the hearing schedule would provide all parties with additional time to prepare for the hearing.

Section 1187.9(a) of the Commission's regulations provide that any party or interested party to a matter may request an extension of time by filing a request with the executive director before the date set for filing of comments or rebuttals with Commission staff on that matter. The request shall fully explain the reasons for the extension, propose a new date for filing, and be certified, filed, and served in accordance with section 1181.3 of these regulations. A party to a matter may request an extension of time that would necessitate rescheduling the hearing, but shall also include a request for postponement of the hearing, pursuant to subdivision (b) of this section. (Cal. Code. Regs., tit. 2 § 1187.9(a).)

Section 1187.9(b) of the Commission's regulations provide that while postponements are disfavored and pursuant to Government Code section 17530, the executive director has a duty to expedite all matters before the Commission, a request for postponement filed by the claimant at least 15 days before the hearing shall be approved for good cause. Circumstances that may indicate good cause include the unavailability of a party, party representative, or witness because of death, illness, or other excusable circumstances and the number and complexity of the issues. (Cal. Code. Regs., tit. 2 § 1187.9(b)(1)(A), § 1187.9 (b)(1)(F), and § 1187.9 (b)(3)(A).)

Therefore, a 60-day extension from the original due date is approved for the Water Boards and their comments on the Test Claim are now due **by 5:00 p.m. on March 14, 2023.**

In addition, the request for postponement of the tentatively scheduled hearing to the next regularly scheduled hearing for good cause shown is approved. This matter is now tentatively scheduled for hearing on **Friday, December 1, 2023.**

Sincerely,



Heather Halsey
Executive Director

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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