



September 7, 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 September 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 September 12, 2023 and the Test Claim is tentatively scheduled for March 22, 2024.

Specifically, the Water Boards' request states that an extension of time to November 13, 2023 to submit comments is necessary because: the Test Claim raises numerous and complex issues and is over 2,000 pages long, including attachments; due to the complexity and length, analyzing the merits of the Test Claim will require considerable staff and attorney time to research and provide comments; staff are responsible for other priority duties that limit their ability to work exclusively on this matter; the Los Angeles Water Board had to comply with a number of unanticipated litigation-related deadlines and subpoenas; the Office of Chief Counsel has been experiencing ongoing and significant staffing changes, including attorney rotations within the Regional Board Unit and the impending departure of a Los Angeles Water Board attorney rotations within the Regional Board Unit and the impending departure of a Los Angeles Water Board attorney from state service. Further, the request states that these changes have resulted in staffing shortages and reassignments that have affected the Office of Chief Counsel's ability to work on this matter and extending the deadline for comments on the Test Claim will allow the Water Boards the necessary time to prepare responses to this Test Claim. In addition, the request states that the Water Boards' also request postponement of the hearing on this matter until the next

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tentatively scheduled Commission hearing (on or about May 24, 2024). Finally, the request states that the Water Boards intend to oppose the Test Claim in whole.

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 party to an article 7 matter may request a postponement of a hearing on that matter, until the next regularly scheduled hearing. Circumstances that may indicate good cause include the unavailability of a party, party representative, or witness because of death, illness, or other excusable circumstances; the number and complexity of the issues. In addition, a request filed by an interested party may be approved by the executive director for good cause. If a state agency makes a request before filing comments on the test claim, that request shall be accompanied by a notice of intent to oppose the test claim in whole or in part. (Cal. Code. Regs., tit. 2 § 1187.9(b)(1)(A), § 1187.9(b)(1)(F), and § 1187.9(b)(3)(D).)

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 November 13, 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, May 24, 2024.**

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 September 7, 2023, I served the:

- **Current Mailing List dated August 7, 2023**
- **Notice of Extension Request Approval and Postponement of Hearing issued September 7, 2023**
- **Water Boards' Request for Extension of Time and Postponement of Hearing filed September 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 September 7, 2023 at Sacramento, California.

David Chavez

David Chavez
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 8/7/23

**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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