



State Water Resources Control Board

September 6, 2023

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

VIA DROP BOX

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

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 was 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. On October 31, 2022, the Commission approved a 60-day extension, extending the comment deadline to January 13, 2023. On January 6, 2023, the Water Boards requested a second 60-day extension of time to submit written comments and a postponement of the tentative September 22, 2023 hearing date for good cause. On January 9, 2023, the Commission approved the 60-day extension to submit comments and the request to postpone the hearing. The new deadline to submit comments was March 14, 2023 and the hearing was tentatively scheduled for Friday, December 1,

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

2023. On March 6, 2023, the Water Boards submitted a request for a third 60-day extension of time to submit written comments. On March 6, 2023, the Commission approved the third extension request, extending the comment deadline to May 15, 2023. On May 10th, the Water Boards sought a fourth extension request to extend the comment deadline to July 14, 2023. On May 12th, the Commission approved the fourth extension request. On July 7th, the Water Boards sought a fifth extension request to extend the comment deadline to August 28, 2023. On July 11th, the Commission approved the fifth extension request, extending the deadline to September 12, 2023. As of July 20, 2023, the hearing for this matter has been tentatively scheduled for March 22, 2024. The Water Boards are preparing its comments and respectfully request approval of a sixth 60-day extension to submit its comments by no later than **November 13, 2023** as well as the postponement of the tentatively scheduled hearing on 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).)

Section 1187.9, subdivision (a), of the Commission's regulations provides that as long as a 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 on a test claim shall be approved.

The Water Boards request until **November 13, 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 requests, 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. Over the summer, the Los Angeles Water Board had to comply with a number of unanticipated litigation related deadlines and subpoenas. Additionally, 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 from state service. These changes have resulted in staffing shortages and reassignments that have affected the Office of Chief Counsel's ability to work on this matter. Extending the deadline for comments on the Test Claim will allow the Water Boards the necessary time to prepare responses on this Test Claim.

Pursuant to section 1187.9(b) of the Commission's regulations, the Water Boards also ask that this matter be postponed from the tentatively scheduled hearing date (March 22, 2024) until the next regularly scheduled Commission hearing (on or about May 24, 2024). 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. 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,

A handwritten signature in black ink, appearing to read 'Adriana Nuñez', with a stylized flourish at the end.

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 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
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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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