



State Water Resources Control Board

March 8, 2024



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

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

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, 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. On September 6, 2023, the Water Boards sought a sixth 60-day extension to submit its comments by no later than November 13, 2023 as well as a postponement of hearing. The Commission approved both requests. On November 5, 2023, the Water Boards sought a seventh 60-day extension to submit its comments by no later than January 12, 2024. The Commission approved this request. On January 10, 2024, the Water Boards sought an eighth 60-day extension to submit its comments by no later than March 12, 2024 as well as a postponement of hearing. The Commission approved both requests. As of January 26, 2024, the hearing for this matter has been tentatively scheduled for November 22, 2024. The Water Boards are preparing its comments and respectfully request approval of a ninth 60-day extension to submit its comments by no later than **June 4, 2024** as well as the postponement of the tentatively scheduled hearing on this matter to the next regularly scheduled commission 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. Section 1187.9, subdivision (a), of the Commission's regulations further provides that, so long as certain conditions are met, a "A party to an article 7 matter may request a postponement of a hearing on that matter, until the next regularly scheduled hearing." (Cal. Code Regs., tit. 2, § 1187.9(b).)

The Water Boards request until **June 4, 2024** 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, including several very complex permitting and enforcement matters as well as a large volume Public Records Act requests. The Los Angeles Water Board has also had to comply with litigation related deadlines. Finally,

the Office of Chief Counsel is still experiencing ongoing and significant staffing shortages due to the holidays and attorney vacations as well as attorney rotations and departures. 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 (November 22, 2024) until the next regularly scheduled Commission hearing (on or about January 24, 2025). 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 as well as the close nexus to outstanding Test Claims 13-TC-01 and 13-TC-02 relating to Los Angeles Water Board Order No. R4-2012-0175. The hearings on Test Claims 13-TC-01 and 13-TC-02 are tentatively scheduled to be heard on July 26, 2024. 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 as well as the request for postponement of 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 March 12, 2024, I served the:

- **Current Mailing List dated January 19, 2024**
- **Notice of Partial Extension Request Approval and Postponement of Hearing issued March 12, 2024**
- **Finance's Comments on the Test Claim filed March 12, 2024**
- **Water Boards' Request for Extension of Time and Postponement of Hearing filed March 8, 2024**

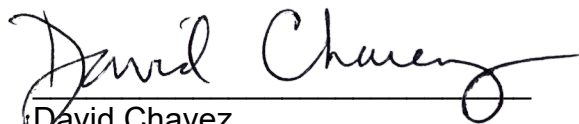
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County of Los Angeles and Los Angeles County Flood Control District, Claimants

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 March 12, 2024 at Sacramento, California.



David Chavez
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/19/24

**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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