



## State Water Resources Control Board

July 10, 2024



### VIA DROP BOX

Heather Halsey  
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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 30-DAY EXTENSION OF TIME TO SUBMIT COMMENTS

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

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

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. On March 9, 2024, the Water Boards sought a ninth extension to submit its comments by no later than June 4, 2024 as well as a postponement of hearing. The Commission partially granted this request, authorizing the Water Boards an extension until May 13, 2024 and agreeing to postpone the hearing until January 24, 2025. On May 10, 2024 the Water Boards sought and obtained a tenth extension to submit comments as well as a postponement of the hearing. The Commission granted both requests, extending the comments deadline to July 12, 2024 and tentatively scheduling the hearing for March 28, 2025.

The Water Boards have sought the above described extension requests for myriad reasons, including but not limited to: the numerous and complex issues raised in Test Claim 22-TC-01, personal medical matters affecting relevant staff, and ongoing and significant staffing shortages in the State Water Board Office of Chief Counsel. The Water Boards continue to experience resource constraints and need additional time to complete their comments.

Additionally, Test Claim 22-TC-01 raises many of the same issues as test claims 13-TC-01 and 13-TC-02 on the Los Angeles Water Board's Order No. R4-2012-0175, which are currently scheduled for hearing on November 22, 2024. The resolution of 13-TC-01 and 13-TC-02 is expected to greatly reduce the number of issues in Test Claim 22-TC-01, thereby facilitating comments on the 22-TC-01 and the draft proposed decision.

Under Commission regulations extension requests may be no longer than 60 days. As such, the Water Boards have reached out to the other parties in this matter to stipulate to a longer deadline extension. The Water Boards and the Test Claimants (the County of Los Angeles and the Los Angeles County Flood Control District) have reached an agreement in concept and are currently finalizing a stipulation which would extend the

deadline for the Water Board comments to a date no later 45 days from the November 22, 2024 hearing on 13-TC-01 and 13-TC-02 (January 6, 2025). The proposed stipulation may not be fully executed prior to the Water Board's July 12, 2024 deadline to submit comments. As such, the Water Boards are seeking an additional 30-day extension on its comments deadline (**August 12, 2024**) so that it has sufficient time to finalize and submit a fully executed stipulation with the Test Claimants as well as the Department of Finance.

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).)

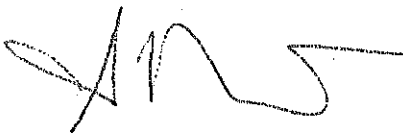
Section 1187.9, subdivision (a), of the Commission's regulations provides that as long as a postponement of a hearing would not be required, there is no prejudice to any party or interested party, and there is no other good reason for denial, a request for extension of time to file comments on a test claim shall be approved.

The Water Boards are not aware of any prejudice to the Test Claimants or any other interested party in granting this extension. The hearing on Test Claims 13-TC-01 and 13-TC-02 is tentatively scheduled for November 22, 2024. Aligning the Water Boards' comment deadline for 22-TC-01 with the hearing schedule for 13-TC-01 and 13-TC-02 would afford all parties and interested persons, as well as the Commission, with an efficient comment and hearing process.

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](mailto: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 IV

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 July 15, 2024, I served the:

- **Current Mailing List dated June 17, 2024**
- **Notice of Waiver of Procedural Requirements, Extension Request Approval, and Postponement of Hearing issued July 15, 2024**
- **Stipulation of the Parties to Waive Procedural Requirements filed July 12, 2024**
- **Water Boards' Request for Extension of Time filed July 10, 2024**

*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 July 15, 2024 at Sacramento, California.



\_\_\_\_\_  
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**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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