

November 8, 2024

Ms. Teresita Sablan
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

*California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2022-0018, 22-TC-07, as modified by Order No. R2-2023-0019; NPDES Permit No. CAS612008; Provisions C.3.b.ii(4), C.3.b.ii(5), C.3.j.ii(1)(a)-(g), C.3.j.ii(4), C.3.j.ii(2)(a)-(j), C.5.f, C.8.d, C.8.e, C.8.f, C.10.a.i, C.10.a.ii, C.10.e, C.11.c, C.12.a, C.12.c, C.15.b.iii, C.17.a, C.20.b, C.21.b, issued May 11, 2022, effective July 1, 2022
Union City, Claimant*

Dear Ms. Sablan:

On November 6, 2024, the Commission on State Mandates (Commission) received the State Water Resources Control Board's and the San Francisco Bay Regional Water Quality Control Board's (collectively, "the Water Boards") request for a 60-day extension of time to file written comments on the above-captioned Test Claim, currently due on November 15, 2024.

Specifically, the Water Boards' request states that a 60-day extension of time to January 14, 2025, is necessary because: the Test Claim raises many complex issues and is over 2,000 pages long, including attachments; since the attorney assigned to this matter did not work on San Francisco Bay Water Board Order No. R2-2-2022-0018, the permit at issue in the Test Claim, or the preceding permit, and given the unfamiliarity with the Order and the complexity and length of this matter, analyzing the merits of the Test Claim will require considerable staff and attorney time to review, research and analyze the issues (including comparing the challenged requirements to previous requirements under then-existing law), and draft comments.

Further, the request states that on July 9, 2024, after the Water Boards submitted its first extension request for this matter, the Commission issued the Draft Proposed Decision for *California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2009-0074, 10-TC-02, 10-TC-03, and 10-TC-05* with comments due on October 28, 2024, and because the Water Boards did not have the resources to simultaneously work on both comments and prioritized the comments on the Draft Proposed Decision, now that the Water Boards have submitted comments, they can focus on comments on the Test Claim while balancing other work priorities.

The request also states that Water Boards' staff are responsible for other priority duties that limit their ability to work exclusively on Commission matters, including preparation for monthly board meetings, significant permitting and cleanup matters, and other pressing water quality matters that impact public health and the environment.

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Finally, the request states that extending the deadline for comments on the Test Claim will provide the Water Boards with the necessary time to prepare comments and will not require postponement of the tentatively scheduled July 25, 2025 hearing, and the Water Boards are not aware of any prejudice to any party or interested person or any other good reason that the request for more time should not be granted.

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 request that would necessitate rescheduling a hearing shall also include a request for postponement of the hearing, pursuant to subdivision (b) of this section.

Therefore, a 60-day extension from the original due date is approved and the Water Boards' comments on the Test Claim are now due **by 5:00 p.m. on January 14, 2025**. This matter remains tentatively scheduled for hearing on **Friday, July 25, 2025**.

Sincerely,

A handwritten signature in black ink, appearing to read "D Supachana", with a stylized flourish at the end.

Dennis Supachana
Acting 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 November 8, 2024, I served the:

- **Current Mailing List dated September 26, 2024**
- **Notice of Extension Request Approval issued November 8, 2024**
- **Water Boards' Request for Extension of Time filed November 6, 2024**

*California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2022-0018, 22-TC-07*

California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2022-018, as modified by Order No. R2-2023-0019; NPDES
Permit No. CAS612008; Provisions C.3.b.ii(4), C.3.b.ii(5), C.3.j.ii(1)(a)-(g),
C.3.j.ii(4), C.3.j.ii(2)(a)-(j), C.5.f, C.8.d, C.8.e, C.8.f, C.10.a.i, C.10.a.ii, C.10.e,
C.11.c, C.12.a, C.12.c, C.15.b.iii, C.17.a, C.20.b, C.21.b, issued May 11, 2022,
effective July 1, 2022

Union City, Claimant

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 November 8, 2024 at Sacramento, California.



David Chavez
Commission on State Mandates
980 Ninth Street, Suite 300
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 9/26/24

**Claim
Number:** 22-TC-07

Matter: California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2022-0018

Claimant: Union City

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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