



## State Water Resources Control Board

November 6, 2024

RECEIVED

November 06, 2024

Commission on
State Mandates

#### VIA DROP BOX

Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
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California Regional Water Quality Control Board, San Francisco Bay Region, 22-TC-07 Order No. R2-2022-0018, 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

### REQUEST FOR 60-DAY EXTENSION OF TIME TO SUBMIT COMMENTS

Dear Ms. Halsey:

By letter dated June 18, 2024, the Commission on State Mandates (Commission) issued a Notice of Complete Test Claim, Schedule for Comments, and Notice of Tentative Hearing Date for Test Claim 22-TC-07 (Notice). The Notice asked parties, interested parties, and interested persons to analyze the merits of the Test Claim and submit written comments by July 18, 2024. The Notice also stated that the public hearing on the Test Claim was tentatively scheduled for May 23, 2025. The current tentative hearing date is July 25, 2025, and it is subject to change.¹ On July 8, 2024, the State Water Resources Control Board (State Water Board) and San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board) (together, Water Boards) submitted a request for a 60-day extension of the deadline to submit comments. The Commission approved the request and extended the deadline to submit comments to September 16, 2024. The Water Boards asked for a second 60-day extension to submit comments by no later than November 15, 2024; the Commission granted the second extension. For the reasons stated below, the Water Boards

E. Joaquin Esquivel, chair | Eric Oppenheimer, executive director

<sup>&</sup>lt;sup>1</sup> See Commission on State Mandates Pending Test Claims, available at <a href="https://csm.ca.gov/docs-pending/tc.pdf">https://csm.ca.gov/docs-pending/tc.pdf</a>, p. 4; p. 4, fn 2.

respectfully ask the Commission to approve a third 60-day extension to allow the Water Boards to submit comments by no later than **January 14**, **2025**.

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 first learned of the Test Claim when the Commission issued its Notice on June 18, 2024. The Test Claim raises many complex issues and is over 2,000 pages long with its attachments. I did not work on San Francisco Bay Water Board Order No. R2-2022-0018 (Order), the permit at issue in the Test Claim, or the preceding permit. Given my unfamiliarity with the Order and the complexity and length of the Test Claim, analyzing the merits of the Test Claim will require considerable staff and attorney time to review the Test Claim, research and analyze the issues (including comparing the challenged requirements to previous requirements under then-existing law), and draft comments.

Additionally, on July 9, 2024—after the Water Boards submitted its first extension request—the Commission issued its Draft Proposed Decision for California Regional Water Quality Control Board, San Francisco Region, Order No. R2-2009-0074, Test Claims 10-TC-02, 10-TC-03, and 10-TC-05. Comments on the Draft Proposed Decision were due on October 28, 2024. 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 on the Draft Proposed Decision for Order No. R2-2009-0074, we can focus on comments on Test Claim 22-TC-07 while also balancing other work priorities. As mentioned in previous requests, staff and I are responsible for other priority duties that limit our 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.

Extending the deadline for comments on the Test Claim will provide the Water Boards with the necessary time to prepare comments on this Test Claim. An extension of time 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. Accordingly, the Water Boards respectfully ask that you approve this request and extend the deadline to submit written comments to **January 14, 2025.** 

The Water Boards appreciate your consideration of this request for an extension. Please let me know if you have any questions. I can be reached at (916) 341-5174 or by e-mail at teresita.sablan@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,

Teresita J. Sablan 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 November 8, 2024, I served the:

Union City, Claimant

- 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

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 Sacramento, CA 95814

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# **COMMISSION ON STATE MANDATES**

# **Mailing List**

Last Updated: 9/26/24

Claim <sub>22-TC-07</sub>

Number:

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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