



State Water Resources Control Board

March 10, 2025



VIA DROP BOX

Juliana Gmur
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. Gmur:

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 December 5, 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 Commission approved three subsequent extension requests extending the deadline to November 15, 2024, January 14, 2025, and March 17, 2025. The Water Boards respectfully ask the Commission to approve a fifth 60-day extension to allow the Water Boards to submit comments by no later than **May 16, 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

¹ See Commission on State Mandates Pending Test Claims, available at https://csm.ca.gov/docs_pending/tc.pdf, p. 7; fn 2.

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. The Water Boards will also need time to review the comments internally and to coordinate with the Department of Finance. 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, pending litigation, 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 December 5, 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 **May 16, 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 March 11, 2025, I served the:

- **Current Mailing List dated February 28, 2025**
- **Notice of Extension Request Approval issued March 11, 2025**
- **Water Boards' Request for Extension of Time filed March 10, 2025**

*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 March 11, 2025 at Sacramento, California.

Jill Magee

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 2/28/25

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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