



October 21, 2025

Viviana L. Heger
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And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: Corrected Notice of Waiver of Procedural Requirements, Extension Request Approval, and Postponement of Hearing
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. Heger:

On October 16, 2025, claimant Union City requested a 90-day extension of time to file rebuttal comments on the above-stated Test Claim, currently due on October 20, 2025,¹ and to postpone the February 13, 2026 hearing date to October 9, 2026.² The bases of the request are the number and complexity of the issues and:

[Alameda Countywide Clean Water Program] ACCWP, its members, and counsel also must comply with submission deadlines for CSM Test Claim Nos. 10-TC-02, 10-TC-03, and 10-TC-05. Those consolidated Test Claims cover several fiscal years' time and continue to require ACCWP resources to be devoted to timely claim submission by October 30, 2025. This hinders and often prevents ACCWP, its members, and outside counsel from working on the responses to the Regional Board's comments during the same time frame that applies to this case.

The claimant's request is accompanied by a Stipulation of the Parties to Waive Procedural Requirements, which is signed by all parties including the Water Boards, Department of Finance, the Controller's Office, and the claimant. The parties stipulate to extend the deadline for the claimant to submit comments on the above-captioned Test Claim to March 23, 2026, and to postpone the tentatively scheduled hearing to October 9, 2026.

¹ While the claimant requested 90 days, the requested filing date of March 23, 2026, is actually an extension of 154 days.

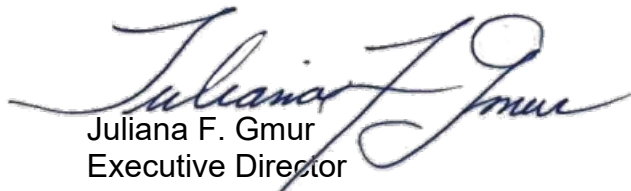
² The claimant's request was joined by interested party Alameda Countywide Clean Water Program (ACCWP) and its members. Only parties to the matter, however, may file for a postponement of the hearing. (Cal. Code. Regs., tit. 2 § 1187.9(b)).

Government Code section 17553(a)(3) permits “the hearing of a claim to be postponed at the request of the claimant, without prejudice, until the next scheduled hearing.” Additionally, section 1183.18(b)(1) of the Commission’s regulations arguably limits an extension approval to 60 days since days beyond the 60 are not counted towards tolling the time to adopt a statewide cost estimate. Taken together, these authorities generally restrict extensions to not more than 60 days and postponements to the next regular hearing date. However, Government Code section 17554 permits, with the agreement of all parties to the claim, the Commission to waive the application of any procedural requirement imposed by this chapter or pursuant to section 17553. Further, a request for postponement filed with a “stipulation of the parties, including the claimant or requester, shall be approved by the executive director for good cause.” (Cal. Code. Regs., tit. 2 § 1187.9(b)(3)(B).)

The claimant has demonstrated good cause to grant the request for an extension of time to file written comments and to postpone the hearing. (Cal. Code. Regs., tit. 2 § 1187.9(b)(1)(D), (b)(1)(F), and (b)(2)(I).) This request is granted. Therefore, the claimant’s rebuttal comments on the Test Claim are now due by **5:00 p.m. on March 23, 2026** and this matter is now tentatively scheduled for hearing on **Friday, October 9, 2026**.

Finally, postponements are disfavored and, pursuant to Government Code section 17530, the executive director has a duty to expedite all matters before the Commission. (Cal. Code. Regs., tit. 2 § 1187.9(b).) The parties to this matter have now been granted 14 extensions for filing comments: Water Boards’ requests of July 8, September 6, and November 6, 2024, January 3, March 10, and May 6, 2025; Finance’s requests of July 11, September 10, and November 8, 2024, January 14, March 12, and May 12, 2025; and Claimant’s requests of August 13 and October 16, 2025. These extensions and their impact on delaying the pending matters on the Commission’s calendar will weigh heavily should any further extensions be requested. (Cal. Code. Regs., tit. 2 § 1187.9(b)(2)(B), (E), (G).)

Very truly yours,



Juliana F. Gmur
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 October 21, 2025, I served the:

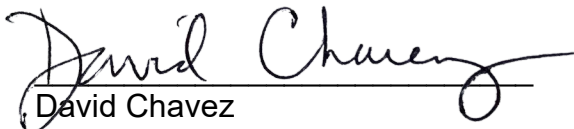
- **Current Mailing List dated October 16, 2025**
- **Corrected Notice of Waiver of Procedural Requirements, Extension Request Approval, and Postponement of Hearing issued October 21, 2025**
- **Claimant's Request for Extension of Time filed October 16, 2025**
- **Stipulation of the Parties to Waive Procedural Requirements filed October 16, 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 October 21, 2025 at Sacramento, California.


David Chavez
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 10/16/25

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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