



## State Water Resources Control Board

July 8, 2024

**RECEIVED**  
July 08, 2024  
**Commission on  
State Mandates**

### VIA DROP BOX

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Commission on State Mandates  
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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 states that the public hearing on the Test Claim is tentatively scheduled for May 23, 2025. 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) intend to submit comments. The Water Boards respectfully ask for a 60-day extension to submit its comments by no later than **September 16, 2024**, for the reasons explained below.

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.

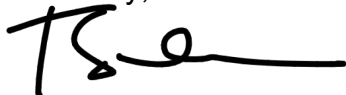
E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

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. Given 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 the issues, and draft comments. Staff and I are responsible for other priority duties that limit our ability to work exclusively on this matter, including preparation for monthly board meetings, significant permitting and cleanup matters, and other pressing water quality matters that impact public health and the environment. I did not work on San Francisco Bay Water Board Order No. R2-2022-0018 (Order) on which the Test Claim is based, or its previous iterations, so it will take additional time for me to become familiar with the requirements. Additionally, my supervising Assistant Chief Counsel is currently on a temporary reassignment covering a leave of absence for the General Counsel of the California Environmental Protection Agency until September 1, 2024. My colleague who normally advises the San Francisco Bay Water Board with me (and who worked on the Order) is the acting Assistant Chief Counsel during our supervisor's reassignment and is not available to work on this matter at this time. These circumstances affect the Water Boards' ability to work on this matter. Staff and attorney time is further limited by previously planned vacations in July, August, and September.

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 May 23, 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 **September 16, 2024**.

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](mailto:teresita.sablan@waterboards.ca.gov).

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 July 9, 2024, I served the:

- **Current Mailing List dated June 20, 2024**
- **Notice of Extension Request Approval issued July 9, 2024**
- **Water Boards' Request for Extension of Time filed July 8, 2024**

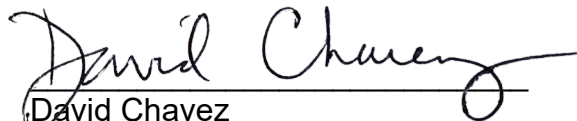
*California Regional Water Quality Control Board, San Francisco Bay Region,  
Order No. R2-2022-0018, 22-TC-07*

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 July 9, 2024 at Sacramento, California.



David Chavez  
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## COMMISSION ON STATE MANDATES

### Mailing List

**Last Updated:** 6/20/24

**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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