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RECEIVED
September 26, 2017
**Commission on
State Mandates**

September 25, 2017

VIA CSM DROPBOX

Heather Halsey, Esq.
Executive Director
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Withdrawal of Claims/City of Dublin Lead Claimant for Alameda and San Mateo Counties
*California Regional Water Quality Control Board,
San Francisco Bay Region, Order No. R2-2009-0074*
Consolidated 10-TC-01, 10-TC-02, 10-TC-03 and 10-TC-05

Dear Ms. Halsey:

This letter is submitted on behalf of the Alameda¹ and San Mateo² County Claimants to withdraw, subject to the reservation of rights set forth below, all of their test claims and co-claims except for the City of Dublin's test claim, which will now be the lead and sole test claimant for storm water permittees in both counties.

The Alameda and San Mateo County Claimants take this action in reliance on, and in response to, your May 11, 2017, letter (and other similar communications) stating that "there is absolutely no need as a practical matter and no requirement in law for the other co-permittees to file individual test claims on Order No. R2-2009-0074 (which would only have been returned as duplicative) or to act as co-claimants in the pending claims." Importantly, your letter also stated that "if activities are approved for reimbursement in these consolidated test claims, all of the co-permittees subject to the approved activities will be eligible to claim reimbursement for their increased costs mandated by the state without regard to their participation in the Test Claim as co-claimants." Further, your letter provided that "any

¹ The "Alameda County Claimants" are the following entities, which submitted Test Claim No. 10-TC-02: the City of Alameda and the County of Alameda, the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Pleasanton, San Leandro and Union City, the Alameda County Flood Control and Water Conservation District, and the Alameda County Flood Control and Water Conservation District, Zone 7.

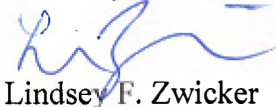
² The "San Mateo County Claimants" are the following entities, which submitted Test Claim No. 10-TC-01: the City of Brisbane and the County of San Mateo, the San Mateo County Flood Control District, the Cities of Belmont, Burlingame, Daly City, East Palo Alto, Foster City, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Redwood City, San Bruno, San Carlos, San Mateo and South San Francisco, and the Towns of Atherton, Colma, Hillsborough, Portola Valley and Woodside.

interested party (which includes all co-permittees who are not co-claimants) is welcome to (but need not) participate in the test claim process and may submit any comments or evidence that they wish to have considered during the comment periods.”

The 37 claimants have considered the Commission’s guidance and accordingly wish to streamline these proceedings by eliminating duplicative test claims. The claimants proposing to withdraw their test claims do so upon the condition that such withdrawal be expressly without prejudice, and these claimants explicitly reserve their rights to: claim reimbursement for state mandated costs imposed by Order No. R2-2009-0074 following approval of City of Dublin’s test claim; to participate in such proceedings by submitting comments and evidence; and, to have the Commission accept the City of Dublin’s test claim as complete. The withdrawal of test claims proposed in this letter is expressly conditioned on the Commission’s acceptance of this reservation of rights. We therefore respectfully request that the Commission not accept the proposed withdrawal of claims if this reservation of rights will not be honored.

We look forward to your written confirmation that the withdrawal proposed in this letter is acceptable to the Commission and that the City of Dublin will now be the lead and sole test claimant for Alameda and San Mateo Counties. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



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Attorney at Law

for

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Counsel for Claimants

Encl.

GJN:GJN
2783565.2

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

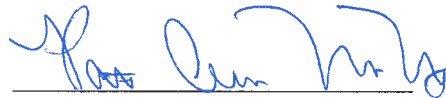
I am a resident of the County of Los Angeles and I am over the age of 18 years, and not a party to the within action. My place of employment is 707 Wilshire Boulevard, 24th Floor, Los Angeles, California 90017.

On September 25, 2017, I served the:

1. Withdrawal of Claims/City of Dublin Lead Claimant for Alameda and San Mateo Counties

by electronically filing it on the Commission's website, which provides notice of how to locate it to the email addresses provided on the test claim 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 September 25, 2017, at Los Angeles, California.


Patricia Anne McNulty

2867237.1

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 22, 2017, I served the:

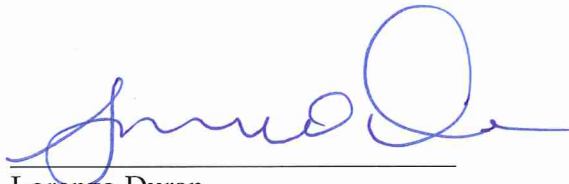
- **Notice of Withdrawal of Test Claim 10-TC-01, Withdrawal of Co-Claimants and Replacement of Lead Claimant for Test Claim 10-TC-02, Complete Filing of Consolidated Test Claims (10-TC-02, 10-TC-03, and 10-TC-05), Renaming of Matter, and Tentative Hearing Date issued November 22, 2017**
- **Claimant's (City of Dublin) Response to the Notice of Incomplete Joint Test Claim Filing filed September 26, 2017**
- **Claimants' (City of Brisbane and City of Alameda) Request to Withdraw the Test Claim 10-TC-01 and Replace the Claimant filed September 26, 2017**
- **Test Claim filed by City of San Jose (Claimant) filed November 30, 2010 revised September 26, 2017**
- **Test Claim filed by County of Santa Clara (Claimant) filed October 14, 2010 revised July 18, 2017**
- **Test Claim filed by City of Dublin (Claimant) filed October 13, 2010 revised September 26, 2017**

*California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2009-0074, Provisions C.2.b, C.2.c, C.2.e, C.2.f, C.8.b, C.8.c, C.8.d,
C.8.e.i, ii and iv, C.8.f, C.8.g, C.10.a.i, ii, and iii, C.10.b, C.10.c, C.10.d, C.11.f, and
C.12.f, 10-TC-02, 10-TC-03, and 10-TC-05*

Cities of Dublin and San Jose, and County of Santa Clara, Claimants

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 22, 2017 at Sacramento, California.



Lorenzo Duran
Commission on State Mandates
980 Ninth Street, Suite 300
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/21/17

Claim Number: 10-TC-02, 10-TC-03, and 10-TC-05

Matter: California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2009-0074, Provisions C.2.b, C.2.c, C.2.e, C.2.f, C.8.b, C.8.c, C.8.d, C.8.e.i, ii, and vi, C.8.f, C.8.g, C.8.h, C.10.a, C.10.b, C.10.c, C.10.d, C.11.f, and C.12.f

Claimants: City of Dublin
City of San Jose
County of Santa Clara

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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