



CITY OF HUNTINGTON BEACH

Public Works Department

Tom Herbel, PE
Acting Director of Public Works

RECEIVED
March 02, 2020
*Commission on
State Mandates*

February 25, 2020

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

Re: Request for Consolidation of Test Claims 17-TC-07 through 17-TC-24 and 17-TC-26, on Water Code Section 13383 Phase I MS4 Trash Orders Issued by the Santa Ana Regional Water Quality Control Board (Effective June 2, 2017), and Request for Extension of Time to File Rebuttal to Comments

Dear Ms. Halsey,

I am the Claim Representative for the City of Huntington Beach (“the City”) on Test Claim 17-TC-09. The City requests that you consolidate the above-referenced Test Claims, for all the same reasons stated in the County of Orange’s letter dated February 21, 2020 (attached hereto and incorporated by reference). The City joins in the County’s requests and urges you to consolidate these nineteen test claims, which all concern substantively identical orders issued by the Regional Water Quality Control Board, Santa Ana Region.

In addition to consolidation, the City also joins with the County and requests an extension of the deadline to submit rebuttal to the comments of the State Water Quality Control Board and the Regional Water Quality Control Board, Santa Ana Region (collectively, “the Water Boards”).¹ Since your decision on consolidation would potentially impact the preparation of rebuttal comments, the City requests an extension until 60 days after service of your decision on consolidation. This is the first such request on the part of the City, and is in line with the series of extensions granted to the Water Boards. In light of these factors and the tentative hearing date of July 23, 2021, such an extension would not require a postponement of a hearing, there would be no prejudice to any party or interested party, and there is no other good reason for denial.²

Given its time sensitive nature, I kindly ask that you provide notice of your determination of the request for consolidation and request for extension as soon as possible, but no later than February 28, 2020.

¹ City was served with the Water Boards’ comments on February 4, 2020. Rebuttal comments are currently due March 5, 2020.

² Cal. Code Reg. 1187.9(a). See also matrix of tentative hearing dates entitled “Commission on State Mandates 41 Pending Test Claims” dated January 24, 2020.

I declare under penalty of perjury that the foregoing, signed on February 25, 2020 is true and correct to the best of my personal knowledge, information, or belief.



Tom Herbel, P.E.
Acting Director of Public Works

cc: Teresita Sablan – Teresita.Sablan@Waterboards.ca.gov
Susan Geanacou – Susan.Geanacou@dof.ca.gov
Michael Vigliotta, Chief Assistant City Attorney – mvigliotta@surfcity-hb.org

Attachment: County of Orange’s “Second Request for Consolidation of Test Claims 17-TC-07 through 17-TC-24 and 17-TC-26, on Water Code Section 13383 Phase I MS4 Trash Orders Issued by the Santa Ana Regional Water Quality Control Board (Effective June 2, 2017), and Request for Extension of Time to File Rebuttal to Comments”

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 2, 2020, I served the:

- **Notice of Extension Request Approval issued March 2, 2020**
- **Claimant's Request for Consolidation of Test Claims and Extension of Time filed March 2, 2020**

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Huntington Beach, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-09

City of Huntington Beach, 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 2, 2020 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/2/20

Claim Number: 17-TC-09

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Huntington Beach, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Huntington Beach

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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