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January 12, 2018
*Commission on
State Mandates*

County of San Diego

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January 12, 2018

Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

VIA CSM DROPBOX

Re: *California Regional Water Quality Control Board, San Diego region,
Order No. R9-2013-0001, 14-TC-03, County of San Diego, Claimant*

REQUEST FOR EXTENSION OF TIME TO SUBMIT REBUTTAL COMMENTS TO COMMENTS FROM INTERESTED PARTIES

Dear Ms. Halsey:

Comments filed by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) and the State Water Resources Control Board (State Water Board) (collectively Water Boards) were served on interested parties on December 22, 2017. Rebuttal comments from the Claimant are currently due Monday, January 23, 2018. The comments filed by the Water Boards consist of 58 pages with an appendix that consists of an additional 4,029 pages. In addition, pursuant to the directions of the Commission, the Water Boards simultaneously lodged the Administrative Record on Order No. R9-2013-0001 consisting of thousands of additional pages.

Claimant's Test Claim raises numerous complex issues for consideration by the Commission. The comments filed by the Water Boards address many of these complex issues and raise a number of novel and complex defenses to the Test Claim which will require many scores of hours of attorney and staff time to address. While I am working with outside counsel in the preparation of the Claimant's rebuttal comments, I am the attorney for the County that is primarily responsible for filing rebuttal comments with the Commission. I was on vacation out of the Country during the Christmas holidays and I was not able to review the comments filed by the Water Boards until after the 1st of the year. I am currently working on the drafting of a respondents'/cross-appellants' brief due to be filed in the Fourth District Court of Appeal, Division One, on February 12, 2018. I

am also preparing for an arbitration of a labor dispute that is scheduled to commence on January 26, 2018. In addition, I am working on gathering information relating to several other potential test claims that may be filed with the Commission. This is in addition to my management duties as the Chief Deputy of the Finance and General Government Group for our office.

2 California Code of Regulations, section 1187.9, subdivision (a), 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 an extension of time to file comments on a test claim shall be approved. The hearing on this Test Claim is tentatively scheduled for September 28, 2018. Claimant does not believe that postponement of the hearing will be required if the extension is granted and is 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,

For all of the reasons described above, Claimant respectfully requests that the deadline for submission of written rebuttal comments be extended by 60 days to and including March 23, 2018. Thank you in advance, for the consideration of this request.

Very truly yours,

THOMAS E. MONTGOMERY, County Counsel

By 

TIMOTHY M. BARRY, Chief Deputy

TMB: oo

cc: Service List [via Commission Drop Box]

15-90313

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.

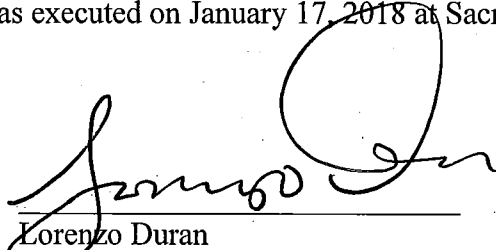
On January 17, 2018, I served the:

- **Notice of Extension Request Approval issued January 17, 2018**
- **Claimant's Request for Extension of Time filed January 12, 2018**

*California Regional Water Quality Control Board, San Diego Region,
Order No. R9-2013-0001, 14-TC-03
County of San Diego, 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 January 17, 2018 at Sacramento, California.



Lorenzo Duran
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 12/21/17

Claim Number: 14-TC-03

Matter: California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001

Claimant: County of San Diego

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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