



April 7, 2017

Mr. Kurt Berchtold
Santa Ana Regional Water Quality
Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348

Mr. David Burhenn
Burhenn and Gest, LLP
624 S. Grand Ave.,
Suite 2200
Los Angeles, CA 90017

Mr. Justyn Howard
Department of Finance
915 L Street
Sacramento, CA 95814

Mr. Thomas Howard
State Water Resources
Control Board
P.O. Box 2815
Sacramento, CA 95812-2815

And Parties, Interested Parties, and Interested Persons (See Mailing List)

RE: Notice of Complete Joint Test Claim Filing, Removal From Inactive Status and Claimants' Rebuttal, Renaming of Matter, Request for Briefing, Request for Administrative Record, and Notice of Tentative Hearing Date

Santa Ana Region Water Permit – County of Riverside, 10-TC-07

County of Riverside, Riverside County Flood Control and Water Conservation District, Cities of Beaumont, Corona, Hemet, Lake Elsinore, Moreno Valley, Perris, and San Jacinto, Co-Claimants

Dear Messrs. Berchtold, Burhenn, Howard, and Howard:

On January 31, 2011, the Commission on State Mandates (Commission) received the above-named joint test claim filing. The Test Claim alleges reimbursable mandated activities arising from the NPDES permit No. CAS618033, Order R8-2010-0033 (Order), adopted by the Santa Ana Regional Water Quality Control Board (regional board).

Although the filing was deemed complete on February 16, 2011, a review of the filing by legal staff revealed that the filing was incomplete because it: (1) was filed beyond the statute of limitation because it was filed more than 12 months beyond the effective date of the Order; (2) did not meet the requirements in Title 2, California Code of Regulations, section 1183.1(a) specifying personnel authorized to file a test claim on behalf of a local agency; and (3) was missing a detailed description of increased costs and a statewide estimate of costs as required by Government Code section 17553.¹ On February 8, 2017, Commission staff notified the claimants of the incomplete filing.

On February 10, 2017, the claimants filed comments on the Notice of Incomplete Joint Test Claim Filing notifying Commission staff that since 12 months beyond the effective date of the Order, January 29, 2011 was a Saturday, the January 31, 2011 filing was timely. Therefore, a showing of the date costs were first incurred is not required since the Test Claim was not filed beyond the statute of limitation.

¹ A completeness review of a test claim is not intended as a legal review, and in fact, does not go through legal review.

On March 28, 2017, as requested, the claimants filed revised test claim forms, the narrative statement, and declarations to replace the original test claim forms, narrative statement, and declarations filed with the Commission. Commission staff has replaced the revised pages of the Test Claim and upon review, finds this joint test claim filing to be complete and it retains the original filing date of January 31, 2011 in accordance with section 1183.1(f) of the Commission's regulations.

Removal from Inactive Status and Claimant's Rebuttal

On April 19, 2012, claimant filed a request to place this matter on inactive status, which was granted. However, now that the Supreme Court has filed its decision and the test claim filing has been completed, this matter is removed from inactive status. Therefore, the time for claimant to file rebuttal comments will begin to run.

Written rebuttals to the written comments filed concerning this Test Claim may be filed and served in accordance with section 1181.3 of the Commission's regulations and are due by **Monday, May 8, 2017**. Oral or written representations of fact offered by any person shall be under oath or affirmation and signed under penalty of perjury by persons who are authorized and competent to do so and must be based on the declarant's personal knowledge, information or belief. (Cal. Code. Regs., tit. 2 §§ 1183.3 and 1187.5.) If new representations of fact are made, they must be supported with documentary evidence submitted with the rebuttal. (Cal. Code. Regs., tit. 2 §§ 1183.3 and 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.²

Renaming of Matter

Currently, this matter is known as "*Santa Ana Region Water Permit – County of Riverside*." However, Commission staff is renaming this matter for ease of tracking and consistent with other stormwater NPDES permit test claims. This matter will now be designated *California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2010-0033, 10-TC-07*. Please use this designation in all future correspondence and in reference to this matter.

Request for Briefing on the *Department of Finance v. Commission on State Mandates* (County of Los Angeles) Decision.

On August 29, 2016, the California Supreme Court filed its modified opinion in *Department of Finance v. Commission on State Mandates* (County of Los Angeles) (2016) 1 Cal.5th 749. The Commission is now requesting briefing regarding how that decision should apply to the above-entitled Test Claim with regard to activities that the boards assert are required to meet the maximum extent practicable (MEP) requirement of the federal Clean Water Act. Please include a discussion of how the decision applies with regard to the specific activities alleged to impose a state mandate in this case. Written comments from all parties, interested parties, and interested persons for that purpose are due by **Monday, May 8, 2017**.

² Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

Request for Administrative Record

In addition, this letter is a request that the Santa Ana Regional Water Quality Control Board and the State Water Resources Control Board (as applicable) to provide copies of:

- a) The official administrative record of the California State Water Quality Control Board, Santa Ana Region permit order no. R8-2010-0033, National Pollutant Discharge Elimination System (NPDES) no. CAS618033; and
- b) The official administrative record of the California State Water Resources Control Board permit order no. R8-2010-0033 (NPDES no. CAS618033).

Specifically, the Commission requests the record that was before the boards when they adopted permit order no. R8-2010-0033 and NPDES no. CAS618033 and on which they based their decision with regard to the permit requirements.

Please provide these documents as soon as possible but not later than **May 8, 2017**.

Filing Written Materials

All written representations of fact made to the Commission are required to be supported by documentary or testimonial evidence submitted under penalty of perjury. (Cal. Code Regs., tit. 2, 1187.5.)

The Commission's regulations require that written materials filed with the Commission be simultaneously served on all parties, interested parties, and interested persons on the mailing list, and accompanied by a proof of service. (Cal. Code Regs., tit. 2, 1181.3.) However, this requirement may be satisfied by electronically filing your documents via the Commission's e-filing system. Please see http://www.csm.ca.gov/dropbox_procedures.php on the Commission's website. The written material will be posted on the Commission's website and the mailing list will be notified by electronic mail of the posting. This procedure will satisfy all the service requirements pursuant to section 1181.3 of the Commission's regulations.

If you would like to request an extension of time, please refer to section 1187.9(a) of the Commission's regulations.

Tentative Hearing Date

This Test Claim is tentatively set for hearing on **December 1, 2017**.

Sincerely,



Heather Halsey
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 April 7, 2017, I served the:

Claimants' Response to the Notice of Incomplete Joint Test Claim Filing; Notice of Complete Joint Test Claim Filing, Removal From Inactive Status and Claimants' Rebuttal, Renaming of Matter, Request for Briefing, Request for Administrative Record, and Notice of Tentative Hearing Date; and Joint Test Claim

California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2010-0033, 10-TC-07

County of Riverside, Riverside County Flood Control and Water Conservation District, Cities of Beaumont, Corona, Hemet, Lake Elsinore, Moreno Valley, Perris, and San Jacinto, Co-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 April 7, 2017 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/7/17

Claim Number: 10-TC-07

Matter: California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2010-0033

Claimants: City of Beaumont
City of Corona
City of Hemet
City of Lake Elsinore
City of Moreno Valley
City of Perris
City of San Jacinto
County of Riverside
Riverside County Flood Control and Water Conservation District

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.)

Nino Abad, Principal Engineer, *City of Hemet*
510 E. Florida Avenue, Hemet, CA 92543
Phone: (951) 765-2360
nabad@cityofhemet.org

Paul Angulo, Auditor-Controller, *County of Riverside*
4080 Lemon Street, 11th Floor, Riverside, CA 92501
Phone: (951) 955-3800
pangulo@rivco.org

Ahmad Ansari, Public Works Director/City Engineer, *City of Moreno Valley*
14177 Frederick Street, Moreno Valley, CA 92553
Phone: (951) 413-3105
ahmada@moval.org

Socorro Aquino, *State Controller's Office*
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-7522
SAquino@sco.ca.gov

Raul Arevalo, Operations Analyst, *City of Corona*

Department of Water and Power, 755 Public Safety Way, Corona, CA 92880
Phone: (951) 739-4915
Raul.Arevalo@ci.corona.ca.us

Harmeet Barkschat, *Mandate Resource Services, LLC*
5325 Elkhorn Blvd. #307, Sacramento, CA 95842
Phone: (916) 727-1350
harmeet@calsdrc.com

Lacey Baysinger, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0254
lbaysinger@sco.ca.gov

Richard Belmudez, *City Manager, City of Perris*
101 N. D Street, Perris, CA 92570
Phone: (951) 943-6100
rbelmudez@cityofperris.org

Shanda Beltran, *General Counsel, Building Industry Legal Defense Foundation*
Building Association of Southern California, 17744 Sky Park Circle, Suite 170, Irvine, CA 92614
Phone: (949) 553-9500
sbeltran@biasc.org

Kurt Berchtold, *Executive Officer, Santa Ana Regional Water Quality Control Board*
3737 Main Street, Suite 500, Riverside, CA 92501-3348
Phone: (951) 782-3286
kberchtold@waterboards.ca.gov

Cindy Black, *City Clerk, City of St. Helena*
1480 Main Street, St. Helena, CA 94574
Phone: (707) 968-2742
cityclerk@cityofstheleena.org

Allan Burdick,
7525 Myrtle Vista Avenue, Sacramento, CA 95831
Phone: (916) 203-3608
allanburdick@gmail.com

J. Bradley Burgess, *MGT of America*
895 La Sierra Drive, Sacramento, CA 95864
Phone: (916) 595-2646
Bburgess@mgtamer.com

David Burhenn, *Burhenn & Gest, LLP*
Claimant Representative
624 S. Grand Ave., Suite 2200, Los Angeles, CA 90017
Phone: (213) 629-8788
dburhenn@burhenngest.com

Gwendolyn Carlos, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-0706
gcarlos@sco.ca.gov

Ron Carr, *Assistant City Manager, City of Perris*
101 North D Street, Perris, CA 92570

Phone: (951) 943-6100
rcarr@cityofperris.org

Daniel Carrigg, Deputy Executive Director/Legislative Director, *League of California Cities*
1400 K Street, Suite 400, Sacramento, CA 95814
Phone: (916) 658-8222
Dcarrigg@cacities.org

Annette Chinn, *Cost Recovery Systems, Inc.*
705-2 East Bidwell Street, #294, Folsom, CA 95630
Phone: (916) 939-7901
achinnrcs@aol.com

Carolyn Chu, Senior Fiscal and Policy Analyst, *Legal Analyst's Office*
925 L Street, Sacramento, CA 95814
Phone: (916) 319-8326
Carolyn.Chu@lao.ca.gov

Michael Coleman, *Coleman Advisory Services*
2217 Isle Royale Lane, Davis, CA 95616
Phone: (530) 758-3952
coleman@muni1.com

Anita Dagan, Manager, Local Reimbursement Section, *State Controller's Office*
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,
Sacramento, CA 95816
Phone: (916) 324-4112
Adagan@sco.ca.gov

Michelle Dawson, City Manager, *City of Moreno Valley*
14177 Frederick Street, Moreno Valley, CA 92552-0805
Phone: (951) 413-3020
michelled@moval.org

Marieta Delfin, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-4320
mdelfin@sco.ca.gov

Donna Ferebee, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
donna.ferebee@dof.ca.gov

Susan Geanacou, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
susan.geanacou@dof.ca.gov

Dillon Gibbons, Legislative Representative, *California Special Districts Association*
1112 I Street Bridge, Suite 200, Sacramento, CA 95814
Phone: (916) 442-7887
dillong@csda.net

Catherine George Hagan, Senior Staff Counsel, *State Water Resources Control Board*
c/o San Diego Regional Water Quality Control Board, 2375 Northside Drive, Suite 100, San
Diego, CA 92108

Phone: (619) 521-3012
catherine.hagan@waterboards.ca.gov

Heather Halsey, Executive Director, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
heather.halsey@csm.ca.gov

Sunny Han, Project Manager, *City of Huntington Beach*
2000 Main Street, Huntington Beach, CA 92648
Phone: (714) 536-5907
Sunny.han@surfcity-hb.org

Aaron Harp, *City of Newport Beach*
Office of the City Attorney, 100 Civic Center Drive, Newport Beach, CA 92660
Phone: (949) 644-3131
aharp@newportbeachca.gov

Chris Hill, Principal Program Budget Analyst, *Department of Finance*
Local Government Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-3274
Chris.Hill@dof.ca.gov

Katie Hockett, Operations Manager, *City of Corona*
Department of Water and Power, 755 Public Safety Way, Corona, CA 92880
Phone: (951) 279-3601
Katie.Hockett@ci.corona.ca.us

Dorothy Holzem, Legislative Representative, *California State Association of Counties*
1100 K Street, Suite 101, Sacramento, CA 95814
Phone: (916) 327-7500
dholzem@counties.org

Justyn Howard, Program Budget Manager, *Department of Finance*
915 L Street, Sacramento, CA 95814
Phone: (916) 445-1546
justyn.howard@dof.ca.gov

Thomas Howard, Executive Director, *State Water Resources Control Board*
P.O. Box 2815, Sacramento, CA 95812-2815
Phone: (916) 341-5599
thoward@waterboards.ca.gov

Aftab Hussain, Public Works Utility Manager, *City of Beaumont*
550 E. Sixth Street, Beaumont, CA 92223
Phone: (951) 769-8520
ahussain@ci.beaumont.ca.us

Mark Ibele, *Senate Budget & Fiscal Review Committee*
California State Senate, State Capitol Room 5019, Sacramento, CA 95814
Phone: (916) 651-4103
Mark.Ibele@sen.ca.gov

Amer Jakher, Director of Public Works, *City of Beaumont*
550 E. Sixth Street, Beaumont, CA 92223
Phone: (951) 769-8520
Ajakher@ci.beaumont.ca.us

Kris Jensen, Public Works Director, *City of Hemet*

3777 Industrial Ave, Hemet, CA 92545
Phone: (951) 765-3823
kjensen@cityofhemet.org

Edward Jewik, *County of Los Angeles*
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012
Phone: (213) 974-8564
ejewik@auditor.lacounty.gov

Rob Johnson, City Manager, *City of San Jacinto*
595 S. San Jacinto Ave., Bldg. A, San Jacinto, CA 92583
Phone: (951) 487-7330
rjohnson@sanjacintoca.us

Jill Kanemasu, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-9891
jkanemasu@sco.ca.gov

Anne Kato, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-5919
akato@sco.ca.gov

Anita Kerezi, *AK & Company*
3531 Kersey Lane, Sacramento, CA 95864
Phone: (916) 972-1666
akcompany@um.att.com

Michael Lauffer, Chief Counsel, *State Water Resources Control Board*
1001 I Street, 22nd Floor, Sacramento, CA 95814-2828
Phone: (916) 341-5183
mlauffer@waterboards.ca.gov

Hortensia Mato, *City of Newport Beach*
100 Civic Center Drive, Newport Beach, CA 92660
Phone: (949) 644-3000
hmato@newportbeachca.gov

Michelle Mendoza, *MAXIMUS*
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403
Phone: (949) 440-0845
michellemendoza@maximus.com

Alexander Meyerhoff, City Manager, *City of Hemet*
445 E. Florida Avenue, Hemet, CA 92543
Phone: (951) 765-2301
ameyerhoff@cityofhemet.org

Meredith Miller, Director of SB90 Services, *MAXIMUS*
3130 Kilgore Road, Suite 400, Rancho Cordova, CA 95670
Phone: (972) 490-9990
meredithcmiller@maximus.com

Tom Moody, Assistant General Manager, *City of Corona*
Department of Water and Power, 755 Public Safety Way, Corona, CA 92880
Phone: (951) 279-3660
Tom.Moody@ci.corona.ca.us

Dan Mudrovich, Water Superintendent, *City of San Jacinto*
270 Bissell Place, San Jacinto, CA 92582
Phone: (951) 654-4041
dmudrovich@sanjacintoca.us

Geoffrey Neill, Senior Legislative Analyst, Revenue & Taxation, *California State Association of Counties (CSAC)*
1100 K Street, Suite 101, Sacramento, CA 95814
Phone: (916) 327-7500
gneill@counties.org

Nelson Nelson, Principal Engineer, *City of Corona*
400 S. Vicentia Ave, Corona, CA 92882
Phone: (951) 736-2266
nelson.nelson@ci.corona.ca.us

Andy Nichols, *Nichols Consulting*
1857 44th Street, Sacramento, CA 95819
Phone: (916) 455-3939
andy@nichols-consulting.com

Adriana Nunez, Staff Counsel, *State Water Resources Control Board*
P.O. Box 100, Sacramento, CA 95812
Phone: (916) 322-3313
Adriana.nunez@waterboards.ca.gov

Lori Okun, Assistant Chief Counsel, *State Water Resources Control Board*
Regional Water Board Legal Services, 1001 I Street, Sacramento, CA 95814
Phone: (916) 341-5165
Lori.Okun@waterboards.ca.gov

Jay Orr, Chief Executive Officer, *County of Riverside*
4080 Lemon Street, 4th Floor, Riverside, CA 92501
Phone: (951) 955-1100
jorr@rivco.org

Arthur Palkowitz, *Artiano Shinoff*
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106
Phone: (619) 232-3122
apalkowitz@as7law.com

Todd Parton, City Manager, *City of Beaumont*
550 E. 6th Street, Beaumont, CA 92223
Phone: (951) 769-8520
TParton@ci.beaumont.ca.us

Steven Pavlov, Budget Analyst, *Department of Finance*
Local Government Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-3274
Steven.Pavlov@dof.ca.gov

Jeff Potts, Environmental Compliance Coordinator, *City of Corona*
Department of Water and Power, 755 Public Safety Way, Corona, CA 92880
Phone: (951) 736-2442
Jeff.Potts@ci.corona.ca.us

Jai Prasad, *County of San Bernardino*
Office of Auditor-Controller, 222 West Hospitality Lane, 4th Floor, San Bernardino, CA 92415-

0018

Phone: (909) 386-8854

jai.prasad@atc.sbcounty.gov

Mark Rewolinski, *MAXIMUS*

808 Moorefield Park Drive, Suite 205, Richmond, VA 23236

Phone: (949) 440-0845

markrewolinski@maximus.com

David Rice, *State Water Resources Control Board*

1001 I Street, 22nd Floor, Sacramento, CA 95814

Phone: (916) 341-5161

davidrice@waterboards.ca.gov

Nick Romo, Policy Analyst, *League of California Cities*

1400 K Street, Suite 400, Sacramento, CA 95814

Phone: (916) 658-8254

nromo@cacities.org

Camille Shelton, Chief Legal Counsel, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

camille.shelton@csm.ca.gov

Carla Shelton, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 327-6490

carla.shelton@csm.ca.gov

Jim Spano, Chief, Mandated Cost Audits Bureau, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 323-5849

jspano@sco.ca.gov

Dennis Speciale, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254

DSpeciale@sco.ca.gov

Tracy Sullivan, Legislative Analyst, *California State Association of Counties (CSAC)*

Government Finance and Administration, 1100 K Street, Suite 101, Sacramento, CA 95814

Phone: (916) 650-8124

tsullivan@counties.org

Darrell Talbert, City Manager, *City of Corona*

400 South Vicentia Avenue, Corona, CA 92882

Phone: (951) 279-3670

darrell.talbert@ci.corona.ca.us

Rita Thompson, NPDES Coordinator, *City of Lake Elsinore*

130 South Main Street, Lake Elsinore, CA 92530

Phone: (951) 674-3124

rthompson@lake-elsinore.org

Jolene Tollenaar, *MGT of America*

2251 Harvard Street, Suite 134, Sacramento, CA 95815

Phone: (916) 443-411

jolene_tollenaar@mgtamer.com

Evelyn Tseng, *City of Newport Beach*
100 Civic Center Drive, Newport Beach, CA 92660
Phone: (949) 644-3127
etseng@newportbeachca.gov

Jason Uhley, General Manager - Chief Engineer, *Riverside County Flood Control and Water Conservation District*, 1995 Market Street, Riverside, CA 95201
Phone: (951) 955-1201
juhley@rivco.org

Renee Wellhouse, *David Wellhouse & Associates, Inc.*
3609 Bradshaw Road, H-382, Sacramento, CA 95927
Phone: (916) 797-4883
dwa-renee@surewest.net

Jennifer Whiting, Assistant Legislative Director, *League of California Cities*
1400 K Street, Suite 400, Sacramento, CA 95814
Phone: (916) 658-8249
jwhiting@cacities.org

Patrick Whitnell, General Counsel, *League of California Cities*
1400 K Street, Suite 400, Sacramento, CA 95814
Phone: (916) 658-8281
pwhitnell@cacities.org

Hasmik Yaghobyan, *County of Los Angeles*
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012
Phone: (213) 974-9653
hyaghobyan@auditor.lacounty.gov

Grant Yates, City Manager, *City of Lake Elsinore*
130 South Main Street, Lake Elsinore, CA 92530
Phone: (951) 674-3124
gyates@lake-elsinore.org