



November 15, 2017

Ms. Tamarin Austin
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento, CA 95814-2828

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

RE: Response to State Water Resources Control Board Notice of Intent to File
California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2015-0049, 16-TC-03
City of Union City, Claimant

Dear Ms. Austin:

As you are aware, Commission on State Mandates (Commission) staff issued the Notice of Complete Test Claim Filing, Schedule for Comments, Request for Administrative Record, and Notice of Tentative Hearing Date for the above-captioned Test Claim on September 11, 2017, indicating the due date for comments from parties, interested parties, and interested persons as well as for the administrative records of the above-named permit from the State Water Resources Control Board (State Board) and the San Francisco Bay Regional Water Quality Control Board (Regional Board; Collectively Water Boards). On October 10, 2017, the Department of Finance filed comments on this matter.

On November 1, 2017, Commission staff was informed that certain members of the Water Boards' staff, who will be tasked with the work on this Test Claim, wished to be added to the mailing list and would be submitting a request for extension of time to comment since they were not made aware of the filing until that date, though the September 11, 2017 notice was served on the acting executive director and chief counsel of the State Board and the executive officer of the Regional Board.

On November 7, 2017, the Commission received the claimant's request for extension of the 30-day rebuttal period provided in section 1183.3 of the Commission's regulations which requested that the extension run from the service of the Water Boards' yet-to-be-filed comments on the Test Claim. On November 9, 2017, Commission staff issued the Notice of Extension of Time to Comment and Provide the Administrative Records Requested and Approval of Claimant's Request for Extension of Time to File Rebuttal Comments, extending the due date for comments from parties, interested parties, and interested persons as well as for the administrative records of the above-named permit from the Water Boards to December 11, 2017, and extended claimant's rebuttal period to 30 days from the date of service of these items.

Also on November 9, 2017, immediately following issuance of the extension approval, the Commission received the State Board's Notice of Intent to File. Specifically, this notice explains that State Board staff will prepare the administrative record and a response sometime in mid-to-late January due to the upcoming holidays and numerous vacations and unavailability of staff. In addition, the notice indicates that the State Board does not have an administrative record for the adoption of the Order, that several parties have filed administrative petitions for review of

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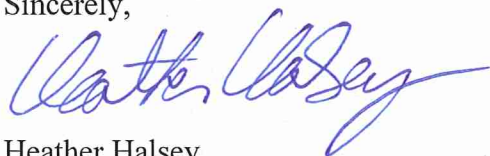
various aspects of the Order with the State Board, and that there is nothing in the claim that relates to actions of the State Board. This statement is confusing. Although it is understood that the Regional Board adopted the test claim permit in the first instance, and would have the majority of the documents relevant to the permit's findings and requirements, it is our understanding that the permit has also been approved by the State Board, which presumably had some sort of document and supporting documentation in the record before it to approve. In any event, please submit the record or records relied upon by the Water Boards to support their respective approvals of the test claim permit.

If the State Board would like to request an extension of time to file comments on the Test Claim as well as the administrative record beyond the current December 11, 2107 deadline extension already granted, please do so pursuant to section 1187.9(a) and 1187.9(b) of the Commission's regulations and specifically explain the good cause for extension (the regulations provide guidance on what constitutes good cause) and propose a specific new date for filing.

You are advised that comments filed with the Commission are required to be simultaneously served on the other interested parties on the mailing list, and to be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing your documents. Refer to http://www.csm.ca.gov/dropbox_procedures.php on the Commission's website for electronic filing instructions. (Cal. Code Regs., tit. 2, § 1181.3.)

This matter remains tentatively set for hearing on September 28, 2018.

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 November 15, 2017, I served the:

- **Response to State Water Resources Control Board Notice of Intent to File issued November 15, 2017**
- **State Water Resources Control Board Notice of Intent to File filed November 9, 2017**

*California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2015-0049, 16-TC-03
City of 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 November 15, 2017 at Sacramento, California.



Jill L. Magee
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/6/17

Claim Number: 16-TC-03

Matter: California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2015-0049

Claimant: City of 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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