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Received
November 30, 2010
Commission on
State Mandates
Arnold Schwarzenegger
Governor

November 30, 2010

Nancy Patton, Assistant Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Dear Ms. Patton:

Re: **Test Claims Nos. 10-TC-01, 10-TC02, 10-TC-03**

Request for Extensions of Time to Submit Comments of the California Regional Water Quality Control Board, San Francisco Bay Region

The Regional Water Quality Control Board, San Francisco Bay Region (San Francisco Bay Regional Water Board) would like extensions of the time in which to submit responsive comments to the test claims filed by the City of Brisbane (10-TC-01), City of Alameda (10-TC-02) and County of Santa Clara (10-TC-03).

California Code of Regulations, title 2, chapter 2.5, section 1183.01, subdivision (c), provides that a party may request an extension of time before the date set for the filing of comments. (Cal. Code Regs., tit. 2, ch. 2.5, § 1183.01, subd. (c)(1).) The Executive Director may approve a request filed by a state agency for good cause. (*Id.*, at § 1183.01, subd. (c)(1)(B).) The applicable regulations define "good cause" to include, but not be limited to, the following factors:

(1) the number and complexity of the issues raised; (2) a party is new to the case, or other counsel is needed; (3) the individual responsible for preparing the document has other time-limited commitments during the affected period; (4) the individual responsible for appearing at the hearing has other time-limited commitments; (5) illness of a party; (6) a personal emergency; (7) a planned vacation that cannot reasonably be rearranged; (8) a pending public records act request; and (9) any other factor, which in the context of a particular claim constitutes good cause. Good cause may be established by a specific showing of other obligations involving deadlines that as a practical matter preclude filing the document by the due date without impairing quality.

(Cal. Code Regs., tit. 2 § 1181.1, subd. (h).)

The San Francisco Bay Regional Water Board requests that the deadlines for filing comments on all the test claims be extended until March 18, 2011. Due to the State's budget shortfall all staff within the San Francisco Bay Regional Board and the State Water Resources Control

Ms. Nancy Patton

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Board ("State Water Board"), including the Office of Chief Counsel, are required to take one or more unpaid days off per month. Additionally, the State of California has a hiring freeze that applies to both the San Francisco Bay Regional Board and State Water Board. Together, these actions will significantly constrain staffs' ability to respond to the Test Claims in a timely manner.

The Test Claims are each hundreds of pages in length. The issues raised are numerous, complex, and novel. Responding to the test claims will require considerable staff effort at a time when both the Office of Chief Counsel and the San Francisco Bay Regional Water Board are particularly short-staffed and are limited by a reduced work schedule. The Office of Chief Counsel has lost a number of its most senior attorneys to retirement within the last year and has been unable to fill these positions. I will be working on the responses to the test claims in addition to all my other assignments while on a reduced work schedule due to the State's budget situation. Furthermore, I am experiencing a personal emergency due to the time that I must devote to settling the estate of a family member who recently died. Accordingly, I have limited time to devote to this matter.

For the reasons set forth above, the San Francisco Bay Regional Water Board requests that the due date for written comments on the Test Claims be extended until March 18, 2011. The Board believes that good cause exists to allow the Executive Director to grant the requested extensions and appreciates your consideration of this request.

Sincerely,



Dorothy Dickey
Senior Staff Counsel

Commission on State Mandates

Original List Date: 11/5/2010
Last Updated:
List Print Date: 12/01/2010
Claim Number: 10-TC-01
Issue: Municipal Regional Stormwater Permit - San Mateo County

Mailing List

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Commission on State Mandates

Original List Date: 11/14/2010
Last Updated: 11/24/2010
List Print Date: 12/01/2010
Claim Number: 10-TC-02
Issue: Municipal Regional Stormwater Permit - Alameda County

Mailing List

TO ALL PARTIES AND INTERESTED PARTIES:

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Commission on State Mandates

Original List Date: 11/15/2010

Last Updated:

List Print Date: 12/01/2010

Claim Number: 10-TC-03

Issue: Municipal Regional Stormwater Permit - Santa Clara County

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