



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

RECEIVED
August 18, 2017
*Commission on
State Mandates*

State Water Resources Control Board

August 16, 2017

VIA DROP BOX

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

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 COMMENTS AND TO SUBMIT THE ADMINISTRATIVE RECORD FOR ORDER NO. R9-2013-0001

Dear Ms. Halsey:

By letter dated May 25, 2017, the Commission on State Mandates (Commission) issued a Notice of Complete Joint Test Claim Filing, Removal from Inactive Status, Schedule for Comments, Renaming of Matter, Request for Administrative Record, and Notice of Tentative Hearing Date (Notice) in the above matter. The Notice requests that parties analyze the merits of the Test Claim and submit written comments on or before June 26, 2017. The Notice also requests that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) and State Water Resources Control Board (State Water Board) (collectively Water Boards) submit the official administrative record(s) of the underlying Municipal Separate Storm Sewer System (MS4) permit and tentatively sets a hearing date in May 2018. The Water Boards intend to submit written comments analyzing and responding to the merits of the Test Claim and the administrative record for the underlying MS4 permit but, for the reasons described below, request a 45-day extension of time until **October 9, 2017**, in which to do so.

The Water Boards want to closely evaluate the Test Claim and the numerous provisions alleged to be unfunded state mandates, as well as the specific issues identified by the Commission in its original and June 20, 2017 notices, and require more time to do so. First, inclusive of attachments, the revised Test Claim exceeds 1000 pages and identifies at least eight separate permit provisions as unfunded mandates. I anticipate it will require extensive attorney and staff time to research and prepare a thorough response and finalize preparation of the record for the underlying permit.¹ Second, I am the attorney assigned to test claim matters arising from San Diego Water Board MS4

¹ The administrative record for the underlying permit is largely prepared but will need to be reviewed and modified as necessary as it was prepared for subsequent amendments to the underlying permit.

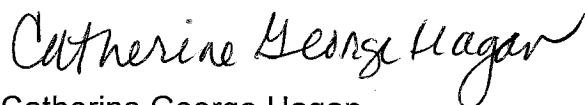
FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

permits. In addition to my work on this Test Claim, I am responsible for preparing comments and the record for the test claim in *California Regional Water Quality Control Board, San Diego Region, Order No. R9-2010-0016*, 11-TC-03 (currently with a deadline of August 22, 2017),² and *10-TC-11* (Order No. R9-2009-0002), tentatively set for hearing in December 2017. I am also working concurrently on several significant permitting and cleanup matters, other routine but essential matters, and assisting the Attorney General's Office with several active litigation matters involving the San Diego Water Board, two of which have hearings in superior court in the first two weeks of September. These competing priorities have limited and continue to limit my ability to devote the time necessary to analyze and respond to the Test Claim by August 25, 2017.

Section 1187.9, subdivision (a), of the Commission's regulations 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 extension of time to file comments on a test claim shall be approved. The hearing on this Test Claim is tentatively scheduled for July 27, 2018. The Water Boards do not believe that postponement of the hearing will be required if the extension is granted and are 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, the Water Boards respectfully request that the deadline for submission of written comments on the Test Claim and the administrative record for the underlying permit be extended 45 days, to **October 9, 2017**. The Water Boards appreciate your consideration of this request. I can be reached at (619) 521-3012 or by e-mail at Catherine.Hagan@waterboards.ca.gov if you have questions.

Sincerely,



Catherine George Hagan
Senior Staff Counsel

cc: Service List [via Commission Drop Box]

² The Water Boards are requesting an additional thirty day extension of time to file comments and the administrative record(s) in 11-TC-03 (*California Regional Water Quality Control Board, San Diego Region, Order No. R9-2010-0016, County of Riverside et al.*), on substantially the same grounds. Staggering the deadlines for responding to this and the Test Claim in 11-TC-03 will assist the completion of comments on both matters.

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.

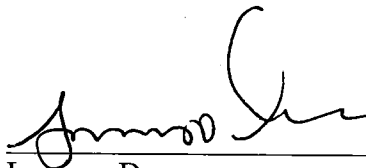
On August 21, 2017, I served the:

- **Notice of Extension Request Approval issued August 21, 2017**
- **SWRCB and SDRWQCB Request for Extension of Time filed August 18, 2017**

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 August 21, 2017 at Sacramento, California.



Lorenzo Duran
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 8/9/17

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.)

Rebecca Andrews, *Best Best & Krieger, LLP*

655 West Broadway, 15th Floor, San Diego, CA 92101

Phone: (619) 525-1300

Rebecca.Andrews@bbklaw.com

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

Harmeet Barkschat, *Mandate Resource Services, LLC*

5325 Elkhorn Blvd. #307, Sacramento, CA 95842

Phone: (916) 727-1350

harmeet@calsdrc.com

Ryan Baron, *Best Best & Krieger LLP*

18101 Von Karman Avenue, Suite 1000, Irvine, CA 92612

Phone: (949) 263-6568

ryan.baron@bbklaw.com

Timothy Barry, *County of San Diego*

Claimant Representative

Office of County Counsel, 1600 Pacific Highway, Room 355, San Diego, CA 92101-2469

Phone: (619) 531-6259

timothy.barry@sdcounty.ca.gov

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

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

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

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

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

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

David Gibson, Executive Officer, *San Diego Regional Water Quality Control Board*

9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340
Phone: (858) 467-2952
dgibson@waterboards.ca.gov

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

Shawn Hagerty, *Best Best & Krieger, LLP*
San Diego Office, 655 West Broadway, 15th Floor, San Diego, CA 92101
Phone: (619) 525-1300
Shawn.Hagerty@bbklaw.com

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

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

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

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

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

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

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, Acting Executive Director and 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

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

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

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

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

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

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

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

Jolene Tollenaar, *MGT of America*
2251 Harvard Street, Suite 134, Sacramento, CA 95815
Phone: (916) 243-8913
jolenetollenaar@gmail.com

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

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

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