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State Water Resources Control Board

RECEIVED
September 26, 2019
**Commission on
State Mandates**

September 26, 2019

VIA DROP BOX

Heather Halsey
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Commission on State Mandates
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California Regional Water Quality Control Board, San Diego Region, Order No. R9-2017-0077, Sections A.1, A.3, and A.5, 17-TC-05, City of San Juan Capistrano and County of San Diego, Claimants **REQUEST FOR 60-DAY EXTENSION TO SUBMIT WRITTEN COMMENTS**

Dear Ms. Halsey:

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) request a 30-day extension of time pursuant to section 1187.9 of the Commission on State Mandates' (Commission) regulations to submit written comments in the above test claim. If granted, the Water Boards would be required to submit written comments on or before **November 26, 2019**. The reasons for this additional extension request are set forth below.

The San Diego Water Board issued Order No. R9-2017-0077 to implement statewide requirements known as the "Trash Amendments," adopted by the State Water Board in 2015. Pursuant to the Notice of Complete Test Claim (Notice) issued for this test claim, comments and the administrative records were initially due on or before October 22, 2018. The Commission has approved several requests for extension of time to submit comments and the records. On March 29, 2019, the Water Boards submitted the administrative records through the Commission's Drop Box. On April 3, 2019, the Commission notified the Water Boards that the administrative records were not in a searchable format and required the Water Boards to refile the records by 5 p.m. on April 4, 2019. The Water Boards took steps to resolve the searchability difficulties and refiled the administrative records by the deadline. On April 29, 2019, the Commission again informed the Water Boards that the documents were legible but not searchable and required the Water Boards to refile the records in legible and searchable format by 5 p.m. on April 30, 2019. The Commission granted the Water Boards' request for a 28-day extension of time to refile the administrative records, such that the records and the written comments were due on or before May 28, 2019. The Water Boards worked to address the searchability issues and resubmitted the administrative records on May 28, 2019.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

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On July 17, 2019, the Commission notified the Water Boards that the administrative records for the Trash Orders and the State Water Board section 13383 investigative orders were in a searchable format, but that the record for the State Water Board Trash Amendments was corrupted and not legible. The Water Boards expended a substantial amount of time and resources to address the issues with the Trash Amendments record and resubmitted it on August 6, 2019. The current deadline to submit written comments for the pending test claim is September 27, 2019.

The Water Boards, in coordination with the Santa Ana Water Board, devoted a significant amount of time and resources to remediate the corruption and legibility issues with the Trash Amendments administrative record. The Water Boards did not anticipate the ongoing work to resolve the record issues and it affected the amount of time available to work on the written comments. As the only attorney currently assigned to represent the San Diego Water Board in this matter, I continue to address other competing priority matters such as significant permitting, basin planning and litigation proceedings while also working on preparation of written comments in this matter. In addition, I was on vacation for a significant portion of the month of August. Other attorneys with whom the San Diego Water Board is coordinating on this test claim, as well as assigned technical staff, have had scheduled vacations and other commitments that limited our internal coordination efforts during the summer months. For these reasons, the Water Boards seek an additional 60 days to complete our evaluation of the test claims and to coordinate with the Santa Ana Water Board in developing and submitting our written comments.

Section 1187.9, subdivision (a) of the Commission's regulations provides that as long as 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 Water Boards believe the circumstances described above warrant approval of their request. The hearing in the above test claim, tentatively set for May 28, 2021, will not be affected if the request is granted. Under the circumstances described above, the Water Boards do not believe that any party will be prejudiced if the requested extension is granted and are aware of no other good cause for denial of this request.

For all of these reasons, the Water Boards request that the deadline to submit written comments responding to this Test Claim be extended until **November 26, 2019**. The Water Boards appreciate your consideration of this request. I can be reached at (619) 521-3012 or by email at Catherine.Hagan@waterboards.ca.gov if you have any questions.

Sincerely,


Catherine George Hagan
Attorney IV

cc: Service List [Via Drop Box]

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.

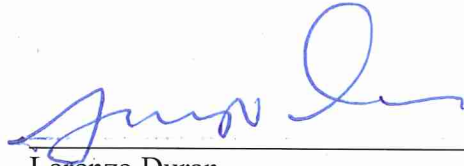
On September 30, 2019, I served the:

- **Notice of Extension Request Approval issued September 30, 2019**
- **SWRCB's and SDRWQCB's Request for Extension of Time filed September 26, 2019**

*California Regional Water Quality Control Board, San Diego Region,
Order No. R9-2017-0077, Sections A.1, A.3, and A.5, 17-TC-05
City of San Juan Capistrano and County of San Diego, 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 September 30, 2019 at Sacramento, California.



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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 9/17/19

Claim Number: 17-TC-05

Matter: California Regional Water Quality Control Board, San Diego Region, Order No. R9-2017-0077, Sections A.1, A.3, and A.5

Claimants: City of San Juan Capistrano
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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