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SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

RECEIVED
January 11, 2019
**Commission on
State Mandates**

January 11, 2019

VIA CSM DROPBOX

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

Re: *Lead Sampling in Schools, Permit Amendment No. 2017PA-SCHOOLS, City of San Diego Public Water System No. 3710020, Comments on Draft Proposed Decision*

Dear Ms. Halsey:

The State Water Resources Control Board (State Water Board or Board) appreciates the careful and thoughtful work of the Commission on State Mandates (Commission) staff and concurs with the conclusion reached in the Draft Proposed Decision for the above-noted test claim. The Draft Proposed Decision correctly concludes that Permit Amendment No. 2017PA-SCHOOLS, issued to the City of San Diego (City) (Permit Amendment), does not constitute a reimbursable state-mandated program and denies the test claim.

The Board agrees with the rationale of the Draft Proposed Decision as to why the Permit Amendment does not impose a new program or higher level of service. The Board also agrees that since the Draft Proposed Decision concludes that the test claim does not mandate a new program or higher level of service, it is unnecessary to address the issue of fees. Should the Commission find that the Permit Amendment constitutes a new program or higher level of service, as the Board argued in its response to the test claim, there are alternative grounds to find that the City has sufficient fee authority to comply with the Permit Amendment.

Your December 21, 2018 letter requests that the State Water Board provide the Commission information in advance regarding the Board's participation in the hearing, which is currently set for March 22, 2019 at 10:00 am. At this time, I anticipate that representatives of the Board consisting of myself and management from the State Water Board's Division of Drinking Water will be present at the hearing to answer any questions the Commission may have. I will provide more specifics as the hearing draws near.

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Heather Halsey
Executive Director

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January 11, 2019

If you have any questions concerning this letter, please contact me by email at David.Rice@waterboards.ca.gov or by phone at (916) 341-5182.

Sincerely,

A handwritten signature in cursive script that reads "David Rice".

David R. Rice
Senior Staff Counsel

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.

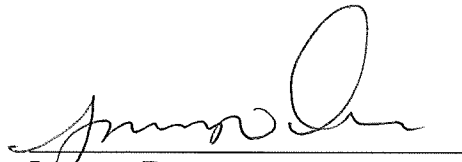
On January 14, 2019, I served the:

- **Claimant's Comments on the Draft Proposed Decision filed January 11, 2019**
- **SWRCB's Comments on the Draft Proposed Decision filed January 11, 2019**

Lead Sampling in Schools: Public Water System No. 3710020, 17-TC-03
Permit Amendment No. 2017PA-SCHOOLS, City of San Diego Public Water System
No. 3710020, effective January 18, 2017
City 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 January 14, 2019 at Sacramento, California.



Lorenzo Duran
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/9/19

Claim Number: 17-TC-03

Matter: Lead Sampling in Schools: Public Water System No. 3710020

Claimant: City 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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