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JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

RECEIVED
November 20, 2019
**Commission on
State Mandates**

November 20, 2019

Via Drop Box

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

RE: Water Boards' Request for 45-Day Extension to Submit Written Comments

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to the Cities of Brea, Cypress, Huntington Beach, Newport Beach, Orange, Seal Beach, Anaheim, Chino Hills, Costa Mesa, Garden Grove, Laguna Woods, Lake Forest, San Jacinto, Santa Ana, Tustin, Villa Park, and Yorba Linda, the County of Orange, and the Cities of Grand Terrace, Irvine, Placentia, and Rialto, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017 [17-TC-07 to 17-TC-28]

Dear Ms. Halsey:

The Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) and the State Water Resources Control Board (State Water Board) (collectively, Water Boards) request a 45-day extension pursuant to section 1187.9 of the Commission's regulations to submit written comments in the above-captioned test claims. If granted, the Water Boards would be required to submit written comments for the twenty-two test claims concerning the Water Code Section 13383 Orders to Submit Method to Comply with Statewide Trash Provisions; Requirements for Phase I Municipal Separate Storm Sewer System (MS4) Co-Permittees within the Jurisdiction of the Santa Ana Regional Water Quality Control Board (Trash Orders) by **January 10, 2020**. The reasons for granting the extension are set forth below.

Procedural Background

The Santa Ana Water Board issued the Trash Orders to MS4 permittees within its jurisdiction to implement statewide trash requirements adopted in 2015 by the State Water Board (Trash Amendments). Other regional water quality control boards also issued orders to implement the statewide Trash Amendments at or around the same time the Santa Ana Water Board Trash Orders were issued.

On September 27, 2018, the Commission notified the Water Boards and other interested parties that Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Brea, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-07 submitted by the City of Brea was deemed complete. Then, on October 25 and 26, 2018, the Commission notified the Water Boards and other interested parties that seventeen similar test claims filed by the Cities of Cypress, Huntington Beach, Newport Beach, Orange, Seal Beach, Anaheim, Chino Hills,

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

Costa Mesa, Garden Grove, Laguna Woods, Lake Forest, San Jacinto, Santa Ana, Tustin, Villa Park, and Yorba Linda, and the County of Orange (17-TC-08 to 17-TC-24) were deemed complete. Finally, on November 29, 2018, the Commission notified the Water Boards and other interested parties that four other test claims related to the Santa Ana Water Board Trash Orders filed by the Cities of Grand Terrace, Irvine, Placentia, and Rialto (17-TC-25 to 17-TC-28) were deemed complete. In addition to these twenty-two test claims, a similar test claim was filed by the City of San Juan Capistrano and the County of San Diego challenging a similar order issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) and deemed complete.

In the Commission's Notices of Complete Test Claim, the Water Boards were required to submit administrative records and written comments by a specified deadline. The Commission approved several requests to extend the deadline for the Water Boards to submit the administrative records and written comments.

The Water Boards submitted the administrative records for the test claims on March 29, 2019. On April 3, 2019, the Commission notified the Water Boards that administrative records were not in a searchable format and required the Water Boards to resubmit the administrative records in a searchable format by April 4, 2019. The Water Boards tried to address the searchability issues and resubmitted the administrative records by the deadline. On April 29, 2019, the Commission again notified the Water Boards that the records were not in a searchable format and required the Water Boards to resubmit the administrative records by April 30, 2019. The Water Boards asked for a 28-day extension to resubmit the administrative records, and the Commission granted the request. The Water Boards worked to address the searchability issues and resubmitted the administrative records on May 28, 2019. 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 July 22, 2019 and again on August 6, 2019. On November 18, 2019, the Commission notified the Water Boards that certain pages in the Trash Amendments record remain unsearchable and require remediation. The November 18 notification provides the Water Boards until December 18, 2019 to resubmit the Trash Amendments record in a legible and searchable format. The Water Boards have initiated efforts to resolve the searchability deficiencies in the approximately 100 pages identified by the Commission.

The current deadline to submit written comments for the pending test claims is November 26, 2019.

Basis for Extension Request

The Water Boards are continuing to coordinate with the San Diego Water Board to finalize the written comments for the Commission. As the only attorney for the Santa Ana Water Board, I've had to continue to attend to other competing work duties (including priority permitting matters involving complex issues, preparation for board meetings, litigation assignments, and site cleanup issues) and have not been able to work exclusively on the test claims. One complex permitting matter, in particular, has required an extensive amount of time and is expected to be released for public review shortly, which will free up more time to work on the comments. Notwithstanding these other obligations, the Water Boards have made significant progress on the comments. In addition to the comments, in light of the Commission's November 18 notification, we are also diverting resources to resolve the searchability deficiencies with the

Trash Amendments record for re-filing on or before December 18, 2019. Thus, while the Water Boards have made significant progress on the written comments, additional time is needed to complete the comments and to allow for management review. The upcoming holidays will pose scheduling challenges for management to complete their review of the comments prior to filing them with the Commission. For these reasons, the Water Boards seek additional time to submit written comments.

Section 1187.9, subdivision (a) of the Commission's regulations provides that any party or interested party may request an extension of time by filing a request with the executive director before the deadline for filing comments. If the 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 shall be approved. Granting the Water Boards' request for a 45-day extension would be consistent with section 1187.9. The hearings on the twenty-two test claims are tentatively scheduled between September 25, 2020 and December 2, 2022 and would not require postponement if the request is granted. Additionally, the Water Boards do not believe the extension would prejudice any other party or interested party and are not aware of any other good cause for denial. For these reasons and those discussed above, the Water Boards ask that you approve this request and extend the deadline to submit written comments for the test claims in 17-TC-07 through 17-TC-28 to **January 10, 2020**.

Thank you for your consideration of this request. If you have any questions, I can be reached at (916) 341-5174 or by email at Teresita.Sablan@waterboards.ca.gov.

Sincerely,



Teresita J. Sablan
Attorney III

cc: Service List [via Commission 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 November 22, 2019, I served the:

- **Notice of Extension Request Approval issued November 22, 2019**
- **SWRCB's and SARWQCB's Request for Extension of Time filed November 20, 2019**

*Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Brea, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-07
City of Brea, Claimant*

*Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Cypress, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-08
City of Cypress, Claimant*

*Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Huntington Beach, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-09
City of Huntington Beach, Claimant*

*Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Newport Beach, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-10
City of Newport Beach, Claimant*

*Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Orange, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-11
City of Orange, Claimant*

*Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Seal Beach, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-12
City of Seal Beach, Claimant*

*Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Anaheim, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-13
City of Anaheim, Claimant*

*Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Chino Hills, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-14
City of Chino Hills, Claimant*

*Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Costa Mesa, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-15
City of Costa Mesa, Claimant*

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Garden Grove, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-16
City of Garden Grove, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Laguna Woods, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-17
City of Laguna Woods, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Lake Forest, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-18
City of Lake Forest, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of San Jacinto, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-19
City of San Jacinto, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Santa Ana, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-20
City of Santa Ana, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Tustin, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-21
City of Tustin, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Villa Park, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-22
City of Villa Park, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Yorba Linda, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-23
City of Yorba Linda, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to County of Orange, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-24
County of Orange, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Grand Terrace, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-25
City of Grand Terrace, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Irvine, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-26
City of Irvine, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Placentia, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-27
City of Placentia, Claimant

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Rialto, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-28
City of Rialto, 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 22, 2019 at Sacramento, California.



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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/7/19

Claim Number: 17-TC-07

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Brea, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Brea

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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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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/7/19

Claim Number: 17-TC-08

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Cypress, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Cypress

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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COMMISSION ON STATE MANDATES

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Last Updated: 11/7/19

Claim Number: 17-TC-09

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of
Huntington Beach, Santa Ana Regional Water Quality Control Board, Effective
June 2, 2017

Claimant: City of Huntington Beach

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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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Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Newport Beach, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Newport Beach

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COMMISSION ON STATE MANDATES

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Last Updated: 11/7/19

Claim Number: 17-TC-11

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Orange,
Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Orange

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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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Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Seal Beach, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Seal Beach

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/7/19

Claim Number: 17-TC-13

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Anaheim, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Anaheim

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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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Claim Number: 17-TC-14

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Chino Hills, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Chino Hills

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/7/19

Claim Number: 17-TC-15

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Costa Mesa, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Costa Mesa

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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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COMMISSION ON STATE MANDATES

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Last Updated: 11/7/19

Claim Number: 17-TC-16

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Garden Grove, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Garden Grove

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/7/19

Claim Number: 17-TC-17

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Laguna Woods, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Laguna Woods

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/7/19

Claim Number: 17-TC-18

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Lake Forest, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Lake Forest

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/7/19

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Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of San Jacinto, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of San Jacinto

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COMMISSION ON STATE MANDATES

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Last Updated: 11/7/19

Claim Number: 17-TC-20

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Santa Ana, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Santa Ana

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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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Claimant: City of Tustin

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/7/19

Claim Number: 17-TC-22

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Villa Park, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Villa Park

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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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COMMISSION ON STATE MANDATES

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Last Updated: 11/7/19

Claim Number: 17-TC-23

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Yorba Linda, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Yorba Linda

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Last Updated: 10/3/19

Claim Number: 17-TC-24

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to County of Orange, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: County of Orange

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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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Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Grand Terrace, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Grand Terrace

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/7/19

Claim Number: 17-TC-26

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Irvine, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Irvine

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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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Last Updated: 11/7/19

Claim Number: 17-TC-27

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Placentia, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Placentia

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/7/19

Claim Number: 17-TC-28

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Rialto, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Rialto

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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