



Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board



Arnold Schwarzenegger  
Governor

## Office of Chief Counsel

1001 I Street, 22<sup>nd</sup> Floor, Sacramento, California 95814  
P.O. Box 100, Sacramento, California 95812-0100  
(916) 341-5161 ♦ FAX (916) 341-5199 ♦ <http://www.waterboards.ca.gov>

**TO:** Dorothy Rice, Executive Director  
Regional Water Board Executive Officers

**FROM:** Michael A.M. Lauffer  
Chief Counsel  
**OFFICE OF CHIEF COUNSEL**

**DATE:** February 4, 2009

**SUBJECT:** Effect of Furlough Days on Filing Deadlines

### ISSUE

In what way will the furlough program instituted by the Governor affect filing deadlines for various State Water Resources Control Board, (State Water Board) and Regional Water Quality Control Board (Regional Water Board) programs?

### ANSWER

For all purposes, a designated "furlough day," during which the relevant State or Regional Water Board office is closed, will be treated precisely the same as if the day were an official state holiday for purposes of filing and compliance deadlines.

### DISCUSSION

California Code of Civil Procedure, section 12a, provides:

If the last day for the performance of any act provided or required by law to be performed within a specified period of time is a holiday, then that period is hereby extended to and including the next day that is not a holiday.

California Code of Civil Procedure, section 12b, defines "holiday" for purposes of the statute:

If any city, county, state, or public office, other than a branch office, is closed for the whole of any day, insofar as the business of that office is concerned, that day shall be considered as a holiday for the purposes of computing time under sections 12 and 12a.

As the State and Regional Water Board offices will be closed on the furlough days (the first and third Fridays of each month, until further notice), those days are holidays for purposes of the statute. Thus, for example, if a petition is due at the State Water Board or a monitoring report is due at a Regional Water Board office on the first or third Friday of a month, such a document

Dorothy Rice, Executive Director  
Regional Water Board Executive Officers

February 9, 2009

- 2 -

cannot be considered to have been filed late if it is received by close of business on the following Monday. If, in a given situation, the following Monday happens also to be a holiday, receipt by close of business on Tuesday would comply with the requirement. It should be noted that the existence of a furlough day, or any other holiday, during a prescribed time period for compliance (e.g., 30 days to file a petition) does not in any way extend the deadline for compliance unless the furlough or other holiday is the last day to comply.

cc: Chief Deputies  
Deputy Directors  
Assistant Executive Officers