

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2008-0087**

APPROVING A WAIVER FROM THE SMALL COMMUNITY WASTEWATER GRANT (SCWG)  
PROGRAM GUIDELINES FOR VENTURA COUNTY WATERWORKS  
DISTRICT NO. 16 (DISTRICT) TO IMPLEMENT THE PIRU WASTEWATER TREATMENT  
PLANT DESIGN-BUILD UPGRADE/EXPANSION PROJECT (PROJECT);  
CLEAN WATER STATE REVOLVING FUND (CWSRF)  
PROJECT NO. C-06-4946-110 AND SCWG PROGRAM PROJECT NO. SCG-922

WHEREAS:

1. The State Water Resources Control Board (State Water Board), on September 16, 2008, adopted the amended *Policy for Implementing the Clean Water State Revolving Fund (CWSRF) for Construction of Wastewater Treatment Facilities (Policy)*;
2. The State Water Board, on May 22, 2007, adopted the amended *Small Community Wastewater Grant (SCWG) Program Guidelines (Guidelines)*;
3. Sections IX.L and M and Section X of the Policy contain guidance for implementing Design-Build projects;
4. The Guidelines do not contain provisions for Design-Build projects;
5. The Guidelines state that the construction grant commitment will expire if the applicant does not award Notice-to-Proceed (NTP) to the contractor for construction of the Project within 18 months from the date of the combination design/construction Preliminary Funding Commitment (PFC) award;
6. The District's PFC, dated August 3, 2007, states the SCWG construction funds and CWSRF financing will expire if the District does not issue NTP to the contractor for construction of the Project within 18 months of the date of the commitment, which is February 3, 2009;
7. The Guidelines do not allow for an extension on the NTP date established in the PFC;
8. It is likely the District will meet the February 3, 2009, NTP date; however, any unforeseen circumstances or further delays could result in the District missing the NTP date;
9. The State Water Board, on September 2, 2008, adopted the State Fiscal Year 2008/2009 CWSRF Program Project Priority List which included the District's Project in the fundable Class C;
10. The State Water Board, on September 4, 2007, adopted the SCWG 2007 Statewide Competitive Project List, which included the District's Project in fundable Priority Class B; and
11. The Assistant Deputy Director of the Division of Financial Assistance (Division) approved the Amended Facilities Plan Approval (FPA) for the District's Project on October 17, 2008; the District agreed with the Amended FPA on October 20, 2008.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Grants the District a waiver from the Guidelines to implement their Project in accordance with the Design-Build guidance contained in the Policy; and
2. Authorizes the Deputy Director of the Division to approve up to a 120-day extension of the District's NTP date (February 3, 2009), for good cause.

### CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on December 2, 2008.

AYE: Chair Tam M. Doduc  
Vice Chair Gary Wolff, P.E., Ph.D  
Arthur G. Baggett, Jr.  
Charles R. Hoppin  
Frances Spivy-Weber

NAY: None

ABSENT: None

ABSTAIN: None



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Jeanine Townsend  
Clerk to the Board