

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION — DIVISION OF FINANCIAL ASSISTANCE  
APRIL 21, 2009**

**ITEM 4**

**SUBJECT**

CONSIDERATION OF A RESOLUTION APPROVING PROJECTS, AND AUTHORIZING ISSUANCE OF GRANTS FOR THE 2008-2009 319(h) NONPOINT SOURCE (NPS) GRANT PROGRAM

**DISCUSSION**

The Federal Clean Water Act (Federal CWA) Section 319(h) provides grants to states to implement NPS Management Programs. A portion of the funds may be used for grants to implement watershed-based plans to restore impaired water bodies. The State Water Resources Control Board (State Water Board) is authorized to administer approximately \$4.5 million from Federal Fiscal Year (FFY) 2009 funds pursuant to Section 319(h) of the Federal CWA. If additional funds become available through the Proposition 13 Watershed Protection program, they will be used to augment the 319(h) funds to implement projects on the recommended funding list.

Projects for the 2008-2009 319(h) NPS Grant Program were solicited using the procedures and criteria established by the State Water Board in the 2005-06 Consolidated Grants Guidelines (Guidelines). On August 11, 2008, a solicitation notice for the 2008-2009 319(h) NPS Grant Program was released to initiate the solicitation process.

The 2008-2009 319(h) NPS Grant Program solicitation consisted of a two-step process. In the first step, applicants submitted brief Concept Proposals (CPs) using the State Water Board's on-line Financial Assistance Application Submittal Tool. Applicants with the highest-ranking CPs were invited to submit a Full Proposal by February 17, 2009.

Technical reviewers and a final selection panel consisting of staff from the State Water Board, the nine Regional Water Quality Control Boards (Regional Water Boards), and the U.S. Environmental Protection Agency reviewed and ranked proposals received in response to the solicitation notice. The Selection Panel convened and developed the Recommended Funding List, which is presented as Exhibit 1.

The projects in [Exhibit 1](#) are listed in order of their funding preference and projects above the funding line, are recommended for funding at this time. The projects recommended for funding represent the most competitive proposals that address the criteria adopted in the Guidelines, including providing significant pollutant load reductions that contribute to the restoration of a NPS impaired 303(d) listed water bodies, and providing adequate information for grant agreement preparation. Non-responsiveness to executing grant agreements has been an issue with a handful of past grant recipients. In several cases, non-responsiveness has resulted in grant funds being left unused for a substantial and unwarranted amount of time and has caused the termination of grant agreements. For this reason, the Guidelines state that lack of responsiveness prior to finalizing and executing a grant agreement may result in withdrawal of the grant award. If grant awards are withdrawn, the funds will be made available to other eligible proposals presented on the Recommended Funding List, which are below the funding line.

## **POLICY ISSUE**

Should the State Water Board:

1. Approve the funding for projects on the Recommended Funding List above the funding line for 2008-2009 319(h) NPS Grant Program?
2. Authorize the issuance of grant agreements and amendments to implement the projects?
3. Authorize the Deputy Director of the Division of Financial Assistance (Division) to withdraw grant agreements if applicants are non-responsive?
4. Authorize the Deputy Director of the Division to award grants to projects below the funding line, ranked in order, in the event that funds are withdrawn for non-responsiveness, or for projects that are terminated or are completed under budget?

## **FISCAL IMPACT**

Local assistance appropriations authorized for federal funding are sufficient to fund the recommended projects.

## **REGIONAL WATER BOARD IMPACT**

Yes. All Regional Water Boards.

## **STAFF RECOMMENDATION**

The State Water Board should:

1. Approve the funding for projects on the Recommended Funding List above the funding line for 2008-2009 319(h) NPS Grant Program;
2. Authorize the issuance of grant agreements and amendments to implement the projects;
3. Authorize the Deputy Director of the Division to withdraw grant agreements if applicants are non-responsive; and
4. Authorize the Deputy Director of the Division to award grants to projects below the funding line, ranked in order, in the event that funds are withdrawn for non-responsiveness, or for projects that are terminated or are completed under budget.

State Water Board action on this item will assist the Water Boards in reaching Goal 1 of the Strategic Plan Update: 2008-2012 to "Implement strategies to fully support the beneficial uses for all 2006-listed water bodies by 2030." In particular, approval of this item will assist in fulfilling "Objective 1.1. Implement a statewide strategy to efficiently prepare, adopt, and implement TMDLs, which result in water bodies meeting water quality standards, and adopt and begin implementation of TMDLs for all 2006-listed water bodies by 2019."

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2009-

### APPROVING PROJECTS, AND AUTHORIZING ISSUANCE OF GRANTS FOR THE 2008-2009 319(h) NONPOINT SOURCE (NPS) GRANT PROGRAM

#### WHEREAS:

1. The Federal Clean Water Act (Federal CWA) Section 319(h) provides grants to states to implement NPS Management Programs. A portion of the funds may be used for grants to implement watershed-based plans to restore impaired water bodies;
2. The State Water Resources Control Board (State Water Board) is authorized to administer approximately \$4.5 million in federal funds pursuant to Section 319(h) of the Federal CWA and, if they become available, Proposition 13 Watershed Protection funds for implementing local watershed plans;
3. The 2008-2009 319(h) NPS Grant Program used the procedures and criteria established by the State Water Board in the 2005-06 Consolidated Grants Guidelines (Guidelines) to solicit applications, evaluate proposals, and award grants; and
4. The Guidelines allow withdrawal of the grant awards from non-responsive applicants and issuance of grant awards to other competitive proposals that are below the funding line.

#### THEREFORE BE IT RESOLVED THAT:

##### The State Water Board:

1. Approves the funding for projects on the Recommended Funding List above the funding line for the 2008-2009 319(h) NPS Grant Program;
2. Authorizes the issuance of grant agreements and amendments to implement the projects;
3. Authorizes the Deputy Director of the Division of Financial Assistance (Division) to withdraw grant awards if applicants are non-responsive; and
4. Authorizes the Deputy Director of the Division to award grants to projects below the funding line, ranked in order, in the event that funds are withdrawn for non-responsiveness, or for projects that are terminated or are completed under budget.

#### 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 April 21, 2009.

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Jeanine Townsend  
Clerk to the Board