

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION - DIVISION OF WATER QUALITY
FEBRUARY 17, 2009**

ITEM 6

SUBJECT

CONSIDERATION OF A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO APPLY FOR, ACCEPT, AND/OR AMEND A FEDERAL CLEAN WATER ACT SECTION 205(j) GRANT

DISCUSSION

Section 205(j) of the federal Clean Water Act (CWA) authorizes states to reserve up to one percent of their annual Title II Clean Water Construction Grant allocation for water quality management planning activities. Beginning in Federal Fiscal Year (FFY) 1989, CWA section 604(b) supplemented CWA section 205(j)(2) to maintain such funding. The Economic Stimulus package currently being considered by the U.S. Congress contains a significant increase in funding under CWA section 604(b). The U.S. Environmental Protection Agency (U.S. EPA) will conduct an accelerated application process in order to make the funds available to States as soon as possible.

U.S. EPA has indicated that a preliminary grant total of \$4,269,555 will be available for California in FFY 2009 for funding the water quality management planning programs from CWA section 604(b), of which 40 percent is typically passed through to local agencies for projects. The remaining 60 percent of the grant will be used to support the overall water quality planning program in FFY 2009 for the State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards (Regional Water Boards) (collectively, Water Boards). Many water quality planning activities administered by the State Water Board have been severely under-supported. These include refinement of designated beneficial uses of the State's waters, establishment of sound water quality objectives to protect those uses, and other important activities related to the Division of Water Quality's workload associated with developing and processing Total Maximum Daily Loads. Staff resources from the 205(j) grant will contribute significantly to meeting these needs.

POLICY ISSUE

Should the State Water Board apply for, accept and/or amend a FFY 2009 Phase 23 205(j) grant?

FISCAL IMPACT

Existing Basin Planning Program budget authority is not currently adequate to accommodate the anticipated grant. Additional federal budget authority would be required.

REGIONAL WATER BOARD IMPACT

None

STAFF RECOMMENDATION

That the State Water Board:

1. Authorizes the Executive Director or designee to apply for and accept the FFY 2009 Phase 23 205(j) water quality management planning grant in an amount not to exceed \$10,000,000.
2. Authorizes the Executive Director or designee to approve the final Phase 23 water quality management planning workplans.
3. Authorizes the issuance of in-kind services with U.S. EPA and amendments in accordance with the workplans to implement projects subject to the availability of federal funding.

State Water Board action on this item will assist the Water Boards in reaching Goal 4 of the Strategic Plan Update: 2008-2012 to comprehensively address water quality protection and restoration, and the relationship between water supply and water quality, and describe the connections between water quality, water quantity, and climate change, throughout California's water planning processes. In particular, approval of this item will assist in fulfilling Objective 4.2. that Basin Plans are consistently organized by 2012, and updated by 2015, to provide a clear structure that readily conveys key elements (e.g., beneficial uses, potential impacts of climate change, water quality objectives, goals for watersheds, plans for achieving those goals, and monitoring to inform and adjust the plans) and that fully integrates other statewide plans and policies such as the California Ocean Plan.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2009-

AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO
APPLY FOR, ACCEPT, AND/OR AMEND
A FEDERAL CLEAN WATER ACT SECTION 205(j) GRANT

WHEREAS:

1. Section 205(j) of the federal Clean Water Act (CWA) authorizes states to reserve up to one percent of their annual Title II Clean Water Construction Grant allocation for water quality management planning activities. Beginning in Federal Fiscal Year (FFY) 1989, CWA section 604(b) supplemented CWA section 205(j)(2) to maintain such funding.
2. The Economic Stimulus package currently being considered by the U.S. Congress contains a significant increase in funding under CWA section 604(b). The U.S. Environmental Protection Agency (U.S. EPA) will conduct an accelerated application process in order to make the funds available to the states as soon as possible.
3. A total grant not to exceed \$10,000,000 will be available in FFY 2009 for funding the water quality management planning program from CWA section 604(b), of which 40 percent is typically passed through to local agencies for projects.
4. The State Water Resources Control Board (State Water Board) will work with U.S. EPA and other stakeholders to identify the types of projects that will be eligible for funding under the pass through requirements.
5. Many water quality planning activities administered by the State Water Board have been severely under-supported. These include refinement of designated beneficial uses of the State's waters, establishment of sound water quality objectives to protect those uses, and other important activities related to the Division of Water Quality's workload associated with developing and processing Total Maximum Daily Loads.
6. Staff resources from the 205(j) grant will contribute significantly to meeting these needs.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Authorizes the Executive Director or designee to apply for and accept the FFY 2009 Phase 23 205(j) water quality management planning grant in an amount not to exceed \$10,000,000.
2. Authorizes the Executive Director or designee to approve the final Phase 23 water quality management planning workplans.

D R A F T

3. Authorizes the issuance of in-kind services with U.S. EPA and amendments in accordance with the workplans to implement projects subject to the availability of federal funding.

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 Resources Control Board held on February 17, 2009.

Jeanine Townsend
Clerk to the Board