

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE
JUNE 16, 2009**

ITEM 5

SUBJECT

CONSIDERATION OF A RESOLUTION TO ALLOCATE \$120,000 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) TO THE STATE WATER RESOURCES CONTROL BOARD'S (STATE WATER BOARD) DIVISION OF WATER QUALITY (DWQ) FOR ASSISTANCE IN ADDRESSING STATEWIDE WATER QUALITY IMPACTS ASSOCIATED WITH HYDROMODIFICATION

DISCUSSION

The DWQ requests funding of \$120,000 to address the statewide water quality impacts associated with hydromodification. This effort will include the creation of a technical advisory committee (TAC) to establish a common scientific framework for addressing hydromodification impacts.

U.S. EPA defines hydromodification as:

"Alteration of the hydrologic characteristics of coastal and noncoastal waters, which in turn could cause degradation of water resources. In the case of a stream channel this is the process whereby a stream bank is eroded by flowing water. This typically results in the suspension of sediments in the water course."

The DWQ oversees many regulatory programs that are aimed at addressing hydromodification impacts statewide. The Storm Water Program is actively engaged in this topic, along with the Non-Point Source and Wetlands Programs. Hydromodification regulation in California has been challenging; the climatic and landscape conditions are diverse, ranging from the southeast Mojave Desert to the coastal rainforest in the northwest. These regionally unique conditions create unique hydromodification responses. Adverse effects of urbanization and hydromodification are well documented. The Clean Water Act, Porter Cologne Water Quality Control Act, Water Quality Control Plans and Policies, the California Coastal Act, and various permits, mandate regulatory controls to protect resources for future generations. There are many different efforts underway currently to regulate hydromodification impacts. These efforts range from development of narrative criteria to numeric standards for specific parameters. The scientific and technical foundation for this work is rather new and evolving, resulting in some uncertainty for decision makers, policy/permit writers and those responsible for implementing the requirements. This uncertainty can lead to inefficient, inconsistent regulation, statewide. It is critical to establish a solid scientific foundation immediately so that the State's complex water resource management system has the best chance possible to address critical issues in the years ahead.

This proposal is to establish a solid scientific foundation for hydromodification by first exploring the state-of-the-art on the topic of hydromodification impacts, techniques to control or mitigate these impacts, and all available measures or metrics to evaluate our regulatory performance (i.e., "is what we are doing actually helping?"). The primary product will be a report that identifies all related scientific principles and technical standards, and creates a common framework upon which future policy, permitting, and implementation efforts can be measured.

The DWQ plans to use funds to execute an interest-based stakeholder process led by a TAC, made up of national experts on the subject. The TAC for this Project will provide the best possible technical and scientific expertise. The requested funding will also help produce a report, authored by the TAC that will make recommendations to the State Water Board.

Ultimately the State and Regional Water Quality Control Boards (Regional Water Boards) Storm Water Program will use this report to develop a clear, science-based methodology to inform the municipal separate storm sewer system (MS4) permit program, including permit writers and the municipalities responsible for implementing and complying with the requirements. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) will pilot this effort with their Phase II MS4 permittees.

The report and its framework will also help other programs and Regional Water Boards permit writers establish appropriate requirements to avoid, minimize, and mitigate hydromodification impacts.

The requested allocation is consistent with the purposes of Water Code §13442. Section 13442 provides that the State Water Board may order moneys to be paid from the CAA to a public agency with authority to cleanup or abate the effects of a waste in order “to assist it in cleaning up the waste or abating its effects on the waters of the state.”

POLICY ISSUE

Should the State Water Board adopt the proposed resolution?

FISCAL IMPACT

As of May 14, 2009, the uncommitted CAA balance is estimated to be no less than \$2.5 million according to the most current data.

REGIONAL WATER BOARD IMPACT

All Regional Water Boards will benefit from this effort. The Central Coast Water Board will assist in the development and implementation of the report's recommendations.

STAFF RECOMMENDATION

The State Water Board should:

Approve funding of \$120,000 from the CAA to the DWQ to address the statewide water quality impacts associated with hydromodification.

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 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.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2009-

TO ALLOCATE \$120,000 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) TO THE STATE WATER RESOURCES CONTROL BOARD'S (STATE WATER BOARD) DIVISION OF WATER QUALITY (DWQ) FOR ASSISTANCE IN ADDRESSING STATEWIDE WATER QUALITY IMPACTS ASSOCIATED WITH HYDROMODIFICATION

WHEREAS:

1. The DWQ requests funding of \$120,000 to address the statewide water quality impacts associated with hydromodification. This effort will include the creation of a technical advisory committee (TAC) to establish a common scientific framework for addressing hydromodification impacts;
2. The DWQ oversees many regulatory programs that are aimed at addressing hydromodification impacts statewide. The Storm Water Program is actively engaged in this topic along with the Non-Point Source and Wetlands Programs. Hydromodification regulation in California has been challenging; the climatic and landscape conditions are diverse, ranging from the southeast Mojave Desert to the coastal rainforest in the northwest. There are many different efforts underway that need a solid foundational base to reduce uncertainty for decision makers;
3. This proposal is to establish a solid scientific foundation for hydromodification by first exploring the state-of-the-art on the topic of hydromodification impacts, techniques to control or mitigate these impacts, and all available measures or metrics to evaluate our regulatory performance. The primary product will be a report that identifies all related scientific principles and technical standards and creates a common framework upon which future policy, permitting and implementation efforts can be measured. The DWQ plans to use this assistance to execute an interest-based stakeholder process led by a TAC made up of national experts on the subject. The TAC for this Project will provide the best possible technical and scientific expertise. The assistance requested will also help produce a report authored by the TAC that will make recommendations to the State Water Board;
4. Ultimately the Storm Water Program will use this report to develop a clear, science-based methodology to inform the municipal separate storm sewer system (MS4) permit program, including permit writers and the municipalities responsible for implementing and complying with the requirements. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) will pilot this effort with their Phase II MS4 permittees;
5. The report and its framework will also help other programs and Regional Water Quality Control Boards' (Regional Water Boards) permit writers establish appropriate requirements to avoid, minimize, and mitigate hydromodification impacts; and

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6. The requested allocation is consistent with the purposes of Water Code §13442. Section 13442 provides that the State Water Board may order moneys to be paid from the CAA to a public agency with authority to cleanup or abate the effects of a waste in order “to assist it in cleaning up the waste or abating its effects on the waters of the state.”

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves \$120,000 from the CAA to the DWQ to address statewide water quality impacts associated with hydromodification; and
2. The funds will be available until June 30, 2012. Any unexpended funds as of June 30, 2012 shall revert to the CAA, unless the Deputy Director or Assistant Deputy Director of the Division of Financial Assistance authorizes an extension.

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 June 16, 2009.

Jeanine Townsend
Clerk to the Board