

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
MAY 5, 2009**

ITEM 3

SUBJECT

CONSIDERATION OF A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO APPLY FOR, ACCEPT, AND/OR AMEND A FEDERAL CLEAN WATER ACT SECTION 319(h) GRANT AND AUTHORIZING EXECUTION AND AMENDMENT OF CONTRACTS FOR SUPPORT OF THE NONPOINT SOURCE PROGRAM

DISCUSSION

Federal Clean Water Act section 319(h) (CWA 319[h]) provides grants to states to implement Nonpoint Source (NPS) Management Programs. Approximately \$11,038,000 will be available to California under CWA 319(h) for federal Fiscal Year (FFY) 2009. Of these funds, approximately \$10,302,000 is from the State's FFY 2009 CWA 319(h) allotment and \$735,000 is from recertification of unused funds from previous CWA 319(h) grants. FFY 2009 CWA 319(h) funds will be used to implement NPS projects and to support NPS contracts and activities managed and performed by staff of the Regional Water Quality Control Boards (Regional Water Boards), State Water Resources Control Board (State Water Board), and the California Coastal Commission.

The CWA 319(h) grants proposal process has been coordinated with the Watershed Management Initiative (WMI). Approximately half of the State's CWA 319(h) grant funds are directed towards NPS projects through the competitive grants process. Projects for the 2009 CWA 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 2009 CWA 319(h) NPS Grant Program was released to initiate the solicitation process for CWA 319(h) for projects totaling approximately \$5,253,000. Of these funds, approximately \$450,000 was from the 2008 CWA 319(h) grant and \$4,803,000 was from the 2009 CWA 319(h) grant.

The 2009 CWA 319(h) NPS Grant Program solicitation consisted of a two-step process. In the first step, applicants submitted brief Concept Proposals (CP) 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 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 was presented to and approved by the State Water Board on April 21, 2009.

POLICY ISSUE

Should the State Water Board adopt a resolution:

1. Authorizing the Executive Director to apply for, accept, and amend, as necessary, an FFY 2009 CWA 319(h) grant for approximately \$11,038,000 for support of the NPS Program;

2. Authorizing the Executive Director to negotiate and approve program workplans;
3. Authorizing the issuance of grants, contracts, and amendments that support the NPS Program; and
4. Authorizing the issuance of grants, contracts, and amendments to implement the NPS proposals presented to and approved by the State Water Board on April 21, 2009, once the grant is received.

FISCAL IMPACT

Existing NPS Program budget authority is currently adequate to accommodate the anticipated grant.

REGIONAL WATER BOARD IMPACT

Yes. All Regional Water Boards.

STAFF RECOMMENDATION

That the State Water Board adopt a resolution that:

1. Authorizes the Executive Director to apply for, accept, and amend, as necessary, an FFY 2009 CWA 319(h) grant for approximately \$11,038,000 for support of the NPS Program;
2. Authorizes the Executive Director to negotiate and approve program workplans;
3. Authorizes the issuance of grants, contracts, and amendments that support the NPS Program; and
4. Authorizes the issuance of grants, contracts, and amendments to implement the NPS proposals presented to and approved by the State Water Board on April 21, 2009, once the grant is received.

State Water Board action on this item will assist the Water Boards in implementing Priority 1 of the Strategic Plan Update: 2008-2012 to protect and restore surface water quality. In particular, approval of this item will assist in fulfilling Objective 1.1 by supporting implementation of total maximum daily loads for water bodies contained on the 2006 CWA 303(d) list and Objective 1.3 by supporting appropriate enforcement actions and innovative approaches as needed to protect and restore surface waters.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2009-

AUTHORIZING THE EXECUTIVE DIRECTOR TO APPLY FOR, ACCEPT, AND/OR AMEND A FEDERAL CLEAN WATER ACT SECTION 319(H) GRANT AND AUTHORIZING EXECUTION AND AMENDMENT OF CONTRACTS FOR SUPPORT OF THE NONPOINT SOURCE PROGRAM

WHEREAS:

1. The federal Clean Water Act section 319(h) (CWA 319[h]) provides grant funds for states to implement nonpoint source (NPS) management programs;
2. The State Water Resources Control Board (State Water Board) is the designated State agency in California to administer the NPS Program;
3. In November 2001, the State Water Board adopted its Strategic Plan, which identifies the implementation of a Watershed Management Initiative (WMI) as an ongoing high priority initiative which coordinates many State Water Board and Regional Water Quality Control Board activities under the WMI;
4. On December 14, 1999 and January 11, 2000, the State Water Board and the California Coastal Commission, respectively, approved the Plan for California's Nonpoint Source Pollution Control Program (NPS Program Plan), which includes activities the State will undertake to control NPS pollution;
5. On July 11, 2000, the U.S. Environmental Protection Agency (U.S. EPA) and National Oceanic Atmospheric Administration approved California's NPS Program Plan;
6. The U.S. EPA has notified the State Water Board that the federal Fiscal Year (FFY) 2009 CWA 319(h) grant allocation of approximately \$11,038,000 will be available to the State;
7. On August 11, 2008, a solicitation notice for the 2009 319(h) NPS Grant Program was released to initiate the solicitation process for CWA 319(h) for projects totaling approximately \$5,253,000; and
8. On April 21, 2009, the State Water Board approved projects to be funded with the 2009 CWA 319(h) grant funds, including approximately \$450,000 from the 2008 CWA 319(h) grant funds.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Authorizes the Executive Director to apply for, accept, and amend, as necessary, an FFY 2009 CWA section 319(h) grant for approximately \$11,038,000 for support of the NPS Program;

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2. Authorizes the Executive Director to negotiate and approve program workplans;
3. Authorizes the issuance of grants, contracts, and amendments that support the NPS Program; and
4. Authorizes the issuance of grants, contracts, and amendments to implement the NPS proposals presented to and approved by the State Water Board on April 21, 2009, once the grant is received.

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 May 5, 2009.

Jeanine Townsend
Clerk to the Board