

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE
APRIL 20, 2010**

ITEM 12

SUBJECT

CONSIDERATION OF A RESOLUTION TO ALLOCATE \$400,000 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) TO FUND THE NEW RIVER IMPROVEMENT PROJECT (PROJECT)

DISCUSSION

The City of Calexico and the California Environmental Protection Agency are requesting \$400,000 from the CAA to fund the development of a New River Improvement Strategic Plan called for in Assembly Bill 1079 (the Project). Assembly Bill 1079 recognized that a coordinated and comprehensive state strategy is needed to deal with pollution from the New River. The bill called for a strategic plan to address water quality in and parkway needs adjacent to the New River. The Project should receive \$800,000 from Proposition 84 (Prop 84) and \$4 million from the Federal Transportation Equity Act (Federal funds). The Proposition 84 bond funds are not currently available for the Project due to the state's financial condition. The federal funds are not available for water quality purposes. Consequently, CAA funds are being requested to begin urgently needed work. The \$400,000 in CAA will augment the Prop 84 funds when they become available. The enclosed [Attachment A](#) is a draft budget.

The primary water quality goals of the Project are:

- Identifying appropriate federal, state, and local agencies with a role to implement the Project;
- Quantification of current and projected New River water quality impairments and their threat to public health;
- Prioritization of actions necessary to protect public health and to meet New River water quality objectives and other environmental goals;
- Identification of potential funds for the implementation of the Project, and potential lead agencies that would be responsible for environmental review of activities related to the cleanup and restoration of the New River; and
- Developing a strategic plan to guide implementation of the Project.

The requested allocation is consistent with the purposes of Water Code Section 13442. Section 13442 provides that the State Water Resources Control Board (State Water Board) may order moneys to be paid from the CAA to a public agency with the 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 approve funding \$400,000 from the CAA for the water quality aspects of the Project?

FISCAL IMPACT

As of January 31, 2010, the uncommitted CAA balance is estimated to be no less than \$7 million according to the most current data.

REGIONAL BOARD IMPACT

Yes. Colorado River Regional Water Quality Control Board (Colorado River Water Board) oversight. The proposed Project budget includes \$30,000 for the Colorado River Water Board oversight costs.

STAFF RECOMMENDATION

The State Water Board should approve funding \$400,000 from the CAA for the water quality aspects of the Project. The State Water Board should specify that \$30,000 of the \$400,000 be used for the Colorado River Water Board oversight costs.

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.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2010-

TO ALLOCATE \$400,000 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) TO FUND THE NEW RIVER IMPROVEMENT PROJECT (PROJECT)

WHEREAS:

1. The City of Calexico (City) and California Environmental Protection Agency (Cal/EPA) are requesting \$400,000 from the CAA to fund the Project;
2. Assembly Bill 1079 recognizes that a coordinated and comprehensive state strategy is needed to deal with the pollution from the New River;
3. The Project should receive \$800,000 from Proposition 84 (Prop 84) and \$4 million from the Federal Transportation Equity Act (Federal funds);
4. The Prop 84 bond funds are not currently available for the Project; and
5. The requested allocation is consistent with the purposes of Water Code Section 13442. Section 13442 provides that the State Water Resources Control Board (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 "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 funding \$400,000 from the CAA to the City and Cal/EPA for the water quality aspects of the Project;
2. Shall direct that \$30,000 of the \$400,000 funding amount is authorized for Project oversight by the Colorado River Regional Water Quality Control Board; and
3. Shall revert any unexpended funds to the CAA as of June 20, 2012, unless the Deputy Director or Assistant Deputy Director of the Division of Financial Assistance authorizes an extension. The funds will be available until June 30, 2012.

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 20, 2010.

Jeanine Townsend
Clerk to the Board