

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION - DIVISION OF WATER QUALITY
JUNE 15, 2010**

ITEM 6

SUBJECT

CONSIDERATION OF A PROPOSED 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 U.S. Environmental Protection Agency (U.S. EPA) has indicated that a preliminary grant total of \$1,472,000 will be available in FFY 2010 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 State Water Resources Control Board (State Water Board) is expecting to be granted a waiver from the pass-through requirement from U.S. EPA, the federal granting agency, and will use the entire 205(j) grant to support its overall water quality planning program in FFY 2010. 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, contracting activities and other important activities related to the Division of Water Quality's workload associated with developing and processing Total Maximum Daily Loads. Staff and contract 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 2010 Phase 24 205(j) grant?

FISCAL IMPACT

Existing Basin Planning Program budget authority is \$491,593. Additional budget authority will be necessary to accommodate the anticipated grant.

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 2010 Phase 24 205(j) water quality management planning grant in an amount not to exceed \$1.5 million.
2. Authorizes the Executive Director or designee to approve the final Phase 24 water quality management planning workplans.
3. Authorizes the Executive Director or designee to negotiate agreements or contracts to support the state's water quality planning activities and to perform all acts and to do all things necessary and convenient to implement such agreements or contracts.
4. 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.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2010-

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. A total grant not to exceed \$1,500,000 will be available in FFY 2010 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.
3. The State Water Resources Control Board (State Water Board) is expecting to be granted a waiver from the pass-through requirement from the U.S. Environmental Protection Agency (U.S. EPA), the federal granting agency, and will use the entire 205(j) grant to support its overall water quality planning program in FFY 2010. Should U.S. EPA not approve the waiver, staff will develop a list of priority projects for funding and present that list to the State Water Board.
4. 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, contract activities, and other important activities related to the Division of Water Quality's workload associated with developing and processing Total Maximum Daily Loads.
5. Staff and contract 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 2010 Phase 24 205(j) water quality management planning grant in an amount not to exceed \$1.5 million.
2. Authorizes the Executive Director or designee to approve the final Phase 24 water quality management planning workplans.
3. Authorizes the Executive Director or designee to negotiate agreements or contracts to support the state's water quality planning activities and to perform all acts and to do all things necessary and convenient to implement such agreements or contracts.

D R A F T

4. 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 June 15, 2010.

Jeanine Townsend
Clerk to the Board