

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE  
MARCH 16, 2010**

**ITEM 6**

**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 Project. Assembly Bill 1079 recognizes that a coordinated and comprehensive state strategy is needed to deal with the residual and projected pollution from 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). These funds are not currently available for the water quality aspects of the Project; therefore, the CAA funds will provide funding to begin work on a water quality action plan until the Prop 84 or Federal funds are available, at which point, the CAA funds will terminate and the remaining CAA funds will be disencumbered.

The primary water quality goals of the Project are:

- Identifying appropriate federal, state, and local agencies with a role to implement the New River 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 New River; and
- Developing a water quality action 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 to the Project?

**FISCAL IMPACT**

As of September 3, 2009, 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 oversight.

**STAFF RECOMMENDATION**

The State Water Board should approve funding \$400,000 from the CAA for the water quality aspects of the Project until the Project receives bond funding, at which point, the CAA funds will terminate and the remaining CAA funds will be disencumbered.

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 (CalEPA) are requesting \$400,000 from the CAA to fund the water quality aspects of the Project;
2. Assembly Bill 1079 recognizes that a coordinated and comprehensive state strategy is needed to deal with the residual and projected pollution from the New River and associated river channel;
3. The Project should receive \$800,000 from Proposition 84 (Prop 84) and \$4 million from the Federal Transportation Equity Act (Federal funds);
4. These funds are not currently available for the water quality aspects of the Project; therefore, the CAA funds will provide funding until the Prop 84 or Federal funds are available, at which point, the CAA funds will terminate and the remaining CAA funds will be disencumbered; 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 CalEPA for the water quality aspects of the Project until the Prop 84 or Federal funds are available, at which time, the CAA funds will terminate and the remaining CAA funds will be disencumbered;
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\

## **D R A F T**

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 March 16, 2010.

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Jeanine Townsend  
Clerk to the Board