

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION — DIVISION OF FINANCIAL ASSISTANCE  
MAY 18, 2010**

**ITEM 6**

**SUBJECT**

CONSIDERATION OF A RESOLUTION APPROVING PROJECTS, AND AUTHORIZING ISSUANCE OF GRANTS FOR THE 2009-2010 319(h) NONPOINT SOURCE (NPS) GRANT PROGRAM

**DISCUSSION**

The Federal Clean Water Act (CWA) Section 319(h) provides grants to States to implement NPS Management Programs. A portion of the funds may be used for grants to plan and implement watershed-based plans to restore impaired water bodies. The State Water Resources Control Board (State Water Board) is authorized to administer approximately \$4.5 million from Federal Fiscal Year (FFY) 2010 funds pursuant to Section 319(h) of the Federal CWA.

Projects for the 2009-2010 319(h) NPS Grant Program were solicited using the 2010 CWA 319(h) NPS Grant Program Guidelines (Guidelines) established by the State Water Board and Regional Water Quality Control Boards (Regional Water Boards) and the U.S. Environmental Protection Agency (U.S. EPA) staffs ([Exhibit 1](#)). On November 9, 2009, a solicitation notice for the 2009-2010 319(h) NPS Grant Program was released to initiate the solicitation process for 319(h) projects. Requests for proposals were solicited for both Planning and Implementation Projects, and focused on priority Total Maximum Daily Load (TMDL) watersheds.

The 2009-2010 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 March 1, 2010.

Technical reviewers and a final selection panel consisting of staff from the State Water Board, the applicable Regional Water Boards, and the U.S. EPA reviewed and ranked proposals received in response to the solicitation notice. The selection panel convened and developed the Recommended Funding List, which is presented as [Exhibit 2](#).

The projects in Exhibit 2 are listed in order of their funding preference and projects above the funding line are recommended for funding at this time. The projects recommended for funding represent the most competitive proposals that address the criteria presented in the Guidelines, including providing significant pollutant load reductions that contribute to the restoration of a nonpoint source impaired 303(d) listed water body, and providing adequate information for grant agreement preparation.

Non-responsiveness to executing grant awards has been an issue with a handful of past grant recipients. In several cases, non-responsiveness has resulted in grant funds being left unused for a substantial amount of time. For this reason, non-responsiveness may result in withdrawal of the grant award. If grant awards are withdrawn, the funds will be made available to other eligible projects presented on the Recommended Funding List, which are below the funding line at the time of the State Water Board awards.

## **POLICY ISSUE**

Should the State Water Board:

1. Approve the funding for projects on the Recommended Funding List above the funding line for 2009-2010 319(h) NPS Grant Program?
2. Authorize the issuance of grants and amendments to implement the projects?
3. Authorize the Deputy Director of the Division of Financial Assistance (Division) to withdraw grant awards if applicants are non-responsive?
4. Authorize the Deputy Director of the Division to issue grants to projects below the funding line, ranked in order, in the event that funds are withdrawn for non-responsiveness or terminated projects?

## **FISCAL IMPACT**

Local assistance appropriations authorized for federal funding are sufficient to fund the recommended projects.

## **REGIONAL WATER BOARD IMPACT**

Yes. All Regional Water Boards.

## **STAFF RECOMMENDATION**

The State Water Board should:

1. Approve the funding for projects on the Recommended Funding List above the funding line for 2009-2010 319(h) NPS Grant Program;
2. Authorize the issuance of grants and amendments to implement the projects;
3. Authorize the Deputy Director of the Division to withdraw grant awards if applicants are non-responsive; and
4. Authorize the Deputy Director of the Division to issue grants to projects below the funding line, ranked in order, in the event that funds are withdrawn for non-responsiveness or terminated projects.

State Water Board action on this item will assist the Water Boards in reaching Goal 1 of the Strategic Plan Update: 2008-2012 to "Implement strategies to fully support the beneficial uses for all 2006-listed water bodies by 2030." In particular, approval of this item will assist in fulfilling "Objective 1.1. Implement a statewide strategy to efficiently prepare, adopt, and implement TMDLs, which result in water bodies meeting water quality standards, and adopt and begin implementation of TMDLs for all 2006-listed water bodies by 2019."

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2010-

### APPROVING PROJECTS, AND AUTHORIZING ISSUANCE OF GRANTS FOR THE 2009-2010 319(h) NONPOINT SOURCE (NPS) GRANT PROGRAM

#### WHEREAS:

1. The Clean Water Act (CWA) Section 319(h) provides grants to States to implement NPS Management Programs. A portion of the funds may be used for grants to plan and implement watershed-based plans to restore impaired water bodies;
2. The State Water Resources Control Board (State Water Board) is authorized to administer approximately \$4.5 million in federal funds pursuant to Section 319(h) of the Federal CWA for local nonpoint source pollution control activities;
3. The 2009-2010 319(h) NPS Grant Program used the procedures and criteria established by the State Water Board, the Regional Water Quality Control Boards, and the U.S. Environmental Protection Agency staffs ([2010 CWA 319\(h\) NPS Grant Program Guidelines](#)) to solicit applications, evaluate proposals, and award grants.

#### THEREFORE BE IT RESOLVED THAT:

##### The State Water Board:

1. Approves the funding for projects on the [Recommended Funding List](#) from the 2009-2010 319(h) NPS Grant Program;
2. Authorizes the issuance of grants and amendments to implement the projects;
3. Authorizes the Deputy Director of the Division of Financial Assistance (Division) to withdraw grant awards if applicants are non-responsive; and
4. Authorizes the Deputy Director of the Division to issue grants to projects below the funding line, ranked in order, in the event that funds are withdrawn for non-responsiveness or terminated projects.

#### 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 May 18, 2010.

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Jeanine Townsend  
Clerk to the Board