

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
JUNE 18, 2013**

ITEM 3

SUBJECT

CONSIDERATION OF A RESOLUTION AUTHORIZATING PROGRAM AUGMENTATION TO ADD NAVY FACILITIES TO THE COST REIMBURSEMENT PROGRAM FOR REGULATORY OVERSIGHT OF CLEANUP ACTIVITIES AT DEPARTMENT OF DEFENSE FACILITIES

DISCUSSION

Biannually, the State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards (Regional Water Boards) enter into a cost reimbursement Interagency Agreement (IA) with Department of Toxic Substances Control (DTSC) for regulatory oversight at Department of Defense (DoD) facilities. Currently, the Regional Water Boards and DTSC oversee cleanup at approximately 82 non-Navy DoD facilities in California. The Navy recently decided to place their facilities in the DoD Program in lieu of the Cooperative Agreement that has been maintained over the past several years. On April 17, 2013, the State Water Board allotted \$11 million dollars for the period of July 2012 to June 2014. This resolution will add and additional \$4.4 million to the allotment to accommodate the transfer of Navy facilities into the DoD Program.

POLICY ISSUE

Should the State Water Board authorize the Executive Director or designee to augment the allotment in the amount not to exceed \$4.4 million dollars for the IA with DTSC for reimbursement of regulatory oversight activities at military facilities so that the IA includes Navy facilities?

FISCAL IMPACT

This will require a Fiscal Year (FY) 2013-14 Budget Revision for \$1 to \$2 million dollars to augment the Reimbursement Account allotment and similar Budget Change Proposal for permanent augmentation for FY 2014-15 and thereafter.

REGIONAL BOARD IMPACT

Yes, all Regional Water Boards, with the exception of the Central Coast and the North Coast Regional Water Boards.

STAFF RECOMMENDATION

State Water Board authorizes the Executive Director or designee to augment allotment for the IA with DTSC for an amount not to exceed \$4.4 million for reimbursement of regulatory oversight activities at Navy facilities.

State Water Board action on this item will assist the Water Boards in reaching Goal(s) 2, 4, and 6 of the Strategic Plan Update: 2008-2012 to narrative of goal(s). In particular, approval of this item will assist in fulfilling Objective 2.3.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2013-

AUTHORIZING PROGRAM AUGMENTATION TO ADD NAVY FACILITIES TO THE COST REIMBURSEMENT PROGRAM FOR REGULATORY OVERSIGHT OF CLEANUP ACTIVITIES AT DEPARTMENT OF DEFENSE FACILITIES

WHEREAS:

1. For the past several years, the Department of Navy (Navy) provided reimbursement to the State Water Resources Control Board (State Water Board) through a Cooperative Agreement for regulatory oversight of cleanup activities at Navy facilities in California.
2. During next fiscal year, reimbursement to the State Water Board for regulatory oversight of cleanup activities at Navy facilities will occur through a process used by the non-Navy Department of Defense (DoD) programs in lieu of the Cooperative Agreement.
3. The DoD, through its Cooperative Agreement with the Department of Toxic Substances Control (DTSC), provides reimbursement funds to the State Water Board for regulatory oversight of cleanup activities at non-Navy DoD facilities.
4. On April 17, 2012, the State Water Board adopted [Resolution No. 2012-0015](#) that authorized the Executive Director or designee to execute a two-year agreement with DTSC for reimbursement of regulatory oversight of cleanup activities at DoD facilities, excluding Navy facilities, for an amount not to exceed \$11 million.
5. On April 9, 2013, the State Water Board adopted [Resolution No. 2013-0009](#) that authorized the Executive Director or designee to sign a Cooperative Agreement for state fiscal year 2013-14 for the oversight of cleanup for reimbursement of regulatory oversight of cleanup activities at Navy facilities for an amount not to exceed \$4,427,784.
6. On April 15, 2013, staff transmitted a letter to the Navy that estimated the cost of regulatory oversight of cleanup activities at Navy facilities in the amount of \$4,359,144.
7. The change in the reimbursement mechanism for regulatory oversight of cleanup activities at Navy facilities requires the Executive Director or designee to add Navy facilities to the agreement with DTSC and augment the agreement to cover the added activities to the reimbursement program.

D R A F T

THEREFORE BE IT RESOLVED THAT:

The State Water Board authorizes the Executive Director or designee to modify the agreement with DTSC to include the Navy facilities in the program and to augment that agreement in an amount not to exceed \$4.4 million to account for the addition activities associated with the regulatory oversight of cleanup at Navy facilities.

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 18, 2013.

Jeanine Townsend
Clerk to the Board