

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
FEBRUARY 4, 2014**

ITEM 3

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 1 percent of their annual Title II Clean Water Construction Grant allocation for water quality management planning activities. Beginning in federal Fiscal Year (FY) 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 \$1,021,000 will be available in FY 2014/2015 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. However, the state may request a waiver of the pass through requirements if the Governor determines and U.S. EPA approves, a finding that the allocation will neither result in significant participation by planning organizations nor significantly assist in development of the state's water quality management program. The Governor has delegated the authority to request a waiver of the pass through requirements to the Executive Director of the State Water Board. Due, in part, to the limited funding available and the need to fully fund staff authorized to work under this grant; the state will request a waiver of the pass through. The remaining 60 percent of the grant will be used to support the overall water quality planning program in FY 2014/2015 for the State Water Board and Regional Water Quality Control Boards (Regional Water Boards). These include refinement of designated beneficial uses of the State's waters, and establishment and implementation of sound water quality objectives to protect those uses. 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 FY 2014/2015, Phase 27 205(j) grant?

FISCAL IMPACT

None. Existing Basin Planning Program budget authority is adequate to accommodate the anticipated grant

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

Staff recommends that the Board adopt the proposed resolution authorizing the Executive Director or Designee to apply for, accept, and/or amend a federal Clean Water Act section 205(j) grant.

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.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2014-

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 1 percent of their annual Title II Clean Water Construction Grant allocation for water quality management planning activities. Beginning in federal Fiscal Year (FY) 1989, CWA section 604(b) supplemented CWA section 205(j)(2) to maintain such funding.
2. A total grant not to exceed \$1,200,000 will be available in FY 2014/2015 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 pass through requirements can be waived if the Governor determines, and the United States Environmental Protection Agency (U.S. EPA) approves a finding that the allocation will neither result in significant participation by planning organizations nor significantly assist in development and implementation of the state's water quality management program. The Governor has delegated the authority to request a waiver of the pass through requirements to the Executive Director. The State Water Board will apply for a waiver of the pass through requirements.
4. The State Water Resources Control Board (State Water Board) will work with U.S. EPA and other stakeholders to identify the types of projects that will be eligible for funding to assist in the development and implementation of the state's water quality management program.
5. Staff and contract resources from the 205(j) grant will contribute significantly to meeting the State's water quality planning needs.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Authorizes the Executive Director or designee to apply for and accept the FY 2014/2015, Phase 27 205(j) water quality management planning grant in an amount not to exceed \$1,200,000.
2. Authorizes the Executive Director to apply for a waiver of the pass through requirements.
3. Authorizes the Executive Director or designee to approve the final Phase 27 water quality management planning workplans.

D R A F T

4. 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.
5. 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 February 4, 2014.

Jeanine Townsend
Clerk to the Board