

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – OFFICE OF INFORMATION MANAGEMENT AND ANALYSIS
MAY 20, 2014**

ITEM 3

SUBJECT

CONSIDERATION OF A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO ENTER INTO AN INTERAGENCY AGREEMENT WITH THE DEPARTMENT OF PUBLIC HEALTH DRINKING WATER AND RADIATION LABORATORY TO PROVIDE ANALYTICAL AND CONSULTING SERVICES

DISCUSSION

The Department of Public Health's Drinking Water and Radiation Laboratory is the State's primary drinking water quality testing laboratory. Its primary mission is to provide analytical services, reference measurements and technical support to the State's Drinking Water Program.

The Governor's Budget proposes the transfer of the Drinking Water Program from the Department of Public Health to the State Water Resources Control Board (State Water Board). For the State to maintain primary enforcement authority (primacy) for its Drinking Water Program, the Drinking Water Program must both have access to laboratory facilities certified by the United States Environmental Protection Agency that are capable of performing analytical measurements of all contaminants specified in the State primary drinking water regulations and also operate a program for certifying laboratories throughout the State. This Interagency Agreement is necessary for the State Water Board to maintain primacy for the Drinking Water Program once the program is transferred from the Department of Public Health to the State Water Board. The Interagency Agreement's effectiveness would be conditioned on the actual transfer of the program.

POLICY ISSUE

This authorization is necessary to ensure that the State Water Board maintains primacy for implementing the Drinking Water Program once it is transferred to the State Water Board.

FISCAL IMPACT

This Interagency Agreement will be for an amount not to exceed \$9.3 million (\$3.1 million per year, for three years), which will be transferred to the State Water Board's budget upon transfer of the Drinking Water Program.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

State Water Board action on this item will allow the State Water Board to maintain primacy for implementing the Drinking Water Program once the Program is transferred to the State Water Board as set forth in the Governor's fiscal year 14/15 budget.

State Water Board action on this item will allow the State Water Board to maintain primacy for implementing the Drinking Water Program once the Program is transferred to the State Water Board as set forth in the Governor's fiscal year 14/15 budget.
--

D R A F T

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2014-

**AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO ENTER INTO AN
INTERAGENCY AGREEMENT WITH THE DEPARTMENT OF PUBLIC HEALTH
DRINKING WATER AND RADIATION LABORATORY TO PROVIDE
ANALYTICAL AND CONSULTING SERVICES**

WHEREAS:

1. The Governor's fiscal year 14/15 budget proposes to transfer the State's Drinking Water Program from the Department of Public Health to the State Water Resources Control Board (State Water Board).
2. Should the transfer occur, the State Water Board must have access to laboratory facilities certified by the U.S. EPA Administrator that are capable of performing analytical measurements of all contaminants specified in the State primary drinking water regulations in order to maintain primary enforcement authority (primacy) for the Drinking Water Program (40 CFR , § 142.10).
3. The Governor's fiscal year 14/15 budget provides up to \$3,100,000 in the State Water Board's budget to maintain access to the Department of Public Health's Drinking Water and Radiation Laboratory services to support the Drinking Water Program.

THEREFORE BE IT RESOLVED THAT:

The State Water Board authorizes the Executive Director or a designee to negotiate and enter into an interagency agreement and any amendments thereto, not to exceed \$9,300,000 over a three year period with the Department of Public Health for Drinking Water laboratory services to maintain primacy for the Drinking Water Program, provided however that the effectiveness of this agreement will be conditioned on the actual transfer of the Drinking Water Program from the Department of Public Health to the State Water Board.

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 May 20, 2014.

Jeanine Townsend
Clerk to the Board