

STATE WATER BOARD
RESOLUTION NO. 2005 - 0030

WAIVER OF THE SEAWATER INTRUSION CONTROL (SWIC) PROGRAM GUIDELINES
FOR THE ORANGE COUNTY WATER DISTRICT (DISTRICT), GROUNDWATER
REPLENISHMENT SYSTEM (PROJECT), SWIC PROJECT NOS. 3021-110 AND 3021-120

WHEREAS:

1. The State Water Board, on October 23, 1997, adopted Resolution No. 97-097 which included adoption of *Seawater Intrusion Control Loan Program Guidelines* (SWIC Guidelines) which made funds available on a first-come-first-served basis;
2. A loan application was submitted by the District requesting funding for the Project;
3. The District has received a preliminary loan commitment of \$14.83 million from the SWIC Program by State Water Board Resolution No. 2002-0055;
4. The District has received a preliminary loan commitment of \$152.2 million from the State Revolving Fund (SRF) consistent with *SRF Program Policy* (SRF Policy) by Resolution No. 2002-0117;
5. Section VIII of the SWIC Guidelines and Section VI of the SRF Policy have contradictory requirements. Section VIII of the SWIC Guidelines states that construction costs incurred prior to the date of the loan contract are ineligible. Section VI of the SRF Policy, however, allows retroactive funding if applicants have the required approvals prior to initiation of construction, but the Division is unable to issue a loan contract prior to initiation of construction;
6. The Division issued the required approvals for the District's SWIC Projects prior to initiation of construction consistent with the SRF Policy, but was unable to execute SWIC contracts prior to initiation of construction resulting in those construction costs being ineligible for funding under the SWIC Program; and
7. Waiving Section VIII of the SWIC Guidelines would make eligibility determinations for the District's SWIC projects consistent with the eligibility determination requirements in the SRF Policy.

THEREFORE BE IT RESOLVED THAT:

The State Water Board approves a waiver of the SWIC Guidelines (Section VIII) that will allow the District's Project to receive SWIC funding, consistent with the SRF Policy, for construction costs incurred after Division approval of final Plans & Specification but prior to execution of a SWIC loan contract.

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 April 21, 2005.

A handwritten signature in cursive script that reads "Debbie Irvin".

Debbie Irvin
Clerk to the Board