

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

TENTATIVE RESOLUTION NO. R9-2017-0107

**AUTHORIZES THE EXECUTIVE OFFICER TO REQUEST THE STATE WATER
RESOURCES CONTROL BOARD TO PROCEED WITH CONTRACT DEVELOPMENT
FOR THE CITY OF SAN DIEGO TO PROVIDE RESOURCES TO ASSIST WITH
GENERAL CLEAN WATER ACTION SECTION 401 DREDGE AND FILL PROGRAM
ACTIVITIES FOR CITY OF SAN DIEGO PROJECTS**

WHEREAS:

1. Clean Water Act (CWA) section 401 requires that any person applying for a federal license or permit for a project, which may result in a discharge of dredged or fill material into waters of the United States, obtain a water quality certification (Certification) that the specific activity complies with all applicable state water quality standards, limitations, requirements, and restrictions. Certification conditions become conditions of any federal license or permit for the project. The most common federal permit that requires a Certification is a CWA section 404 permit, most often issued by the US Army Corps of Engineers (USACE). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is the State agency responsible for issuing these Certifications for projects in the San Diego Region.
2. The City of San Diego (City) requires Certifications for water, wastewater, and storm water infrastructure projects that involve work, including construction and dredging, within waters of United States and/or State. Some of these projects are emergency projects to protect public health and safety and require expedited review by the San Diego Water Board staff. The City is working on a Waterways Maintenance Plan that will implement a comprehensive program for managing their entire drainage system. Implementation of the plan will require San Diego Water Board staff development of a Programmatic CWA section 401 Certification.
3. The time available for San Diego Water Board staff to review and process project applications, prepare Certifications and oversee compliance with compensatory mitigation requirements is limited by available budgeted resources in the CWA section 401 Dredge and Fill program. A backlog of work currently exists in processing project applications resulting in delays in issuing Certifications for City projects.

4. By letter dated March 30, 2016, the City has offered to fund one additional San Diego Water Board staff position for a period of up to 5 years dedicated to expediting the processing of Certification applications submitted by the City for water, wastewater, and storm water projects including those associated with the Waterways Maintenance Plan.
5. California relies heavily on the federal regulatory program under CWA section 404 and the related State water quality certification program in advancing efforts to ensure no overall net loss and a long-term net gain in the quantity, quality and sustainability of the State's aquatic resources. Augmenting existing San Diego Water Board staff resources dedicated to the protection of aquatic resources while balancing the reasonably foreseeable benefits and detriments of proposed City projects will benefit the people of the State of California in general, and the water users and residents within the San Diego Region in particular.

THEREFORE, BE IT RESOLVED THAT:

1. The San Diego Water Board hereby authorizes the Executive Officer to request that the State Water Resources Control Board execute, for and on behalf of the San Diego Water Board, a Contract Standard Agreement with the City of San Diego to fund one additional staff position for a period of up to 5 years to perform CWA section 401 Dredge and Fill Program work on City projects.
2. The San Diego Water Board directs that the staff position funded by the City be totally under the direction of the San Diego Water Board.

I, David W. Gibson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Diego Region, on August 9, 2017.

David W. Gibson
Executive Officer