

Frequently Asked Questions  
State Water Resources Control Board (State Water Board)  
Environmental Review Requirements for the Clean Water State Revolving Fund

The State Water Board, Division of Financial Assistance (Division) administers the Clean Water State Revolving Fund (CWSRF) Program. The following frequently asked questions (FAQs) and responses have been prepared by staff in the Environmental Review Unit (ERU) to provide information about the environmental review process that is required for all projects pursuing funding from the Division.

The following topics will be covered:

- A. California Environmental Quality Act (CEQA)
- B. State Water Board Roles and Responsibilities under CEQA
- C. CWSRF Program

**\*\*\*Disclosure note: This document and the information contained herein is to be used for information purposes as it applies to the CWSRF Program environmental requirements of the Division, State Water Board and it should not be used as a replacement of, nor represent a full interpretation of all federal and California state environmental laws and regulations.**

## **A. California Environmental Quality Act**

### **1. What is CEQA?**

*See CEQA Guidelines, Section 15002.*

CEQA was enacted in 1970 to ensure that local and state agencies consider the environmental impacts of their actions and disclose to decision makers and the public the significant environmental effects of their decisions when approving or disapproving a project. The main objectives of CEQA are to:

- Disclose to decision makers and the public the significant environmental effects of proposed activities
- Identify ways to avoid or reduce environmental damage by requiring implementation of feasible alternatives or mitigation measures
- Disclose to the public reasons for agency approval of projects with significant environmental effects
- Foster interagency coordination in the review of projects
- Enhance public participation in the planning process

### **2. Where can I find additional CEQA information and resources?**

The California Natural Resources Agency website (<http://resources.ca.gov/ceqa/>) for the California Environmental Resource Evaluation System (CERES) contains information and links to the latest CEQA statutes and guidelines, proposed changes to these statutes and guidelines, summary and overview, frequently asked questions, and a case law search engine.

### **3. What is considered a project under CEQA?**

A project under CEQA is any activity for which an agency funds, builds or issues a permit (*CEQA Guidelines, Section 15060*).

### **4. What is a Lead Agency and what is its role under CEQA requirements?**

A lead agency is the agency with the principal responsibility for carrying out or approving a project, and is principally responsible for preparing CEQA documents (*CEQA Guidelines, Sections 15050 and 15367*).

**5. When an applicant is pursuing funding from the State Water Board, who is the lead agency for projects that must address CEQA?**

In almost all cases, the lead agency is the public agency pursuing or receiving funding from the State Water Board. If the funding recipient is a private entity, the lead agency is the public agency with the principal responsibility for supervising or approving the project as a whole (*CEQA Guidelines, Section 15051*).

**6. Can a non-governmental agency (e.g. non-profit organization) be a lead agency?**

No, the lead agency must be a public agency. However, the State Water Board may act as lead agency in special circumstances such as when the applicant or grantee is a non-profit organization and no other agency approvals are required (*CEQA Guidelines, Section 15051*). All funding recipients are responsible for meeting funding program terms and conditions, including completing required environmental documents (*CEQA Guidelines, Section 15051*). Note the following:

- a. The lead agency is the public agency with the principal responsibility for supervising or approving the project as a whole.
- b. The funding agency could become the lead agency if no project approvals or discretionary actions are needed by other local or state agencies.
- c. The funding recipient or consultant needs permission from the lead agency to file the required environmental documentation with the State Clearinghouse.

**7. What is a Responsible Agency and what is its role under CEQA requirements?**

A responsible agency is an agency other than the lead agency with a legal responsibility for carrying out or approving a project. A responsible agency must be involved during the project scoping, planning and CEQA document preparation stages (*CEQA Guidelines, Sections 15096 and 15381*).

The State Water Board acts as a responsible agency under CEQA due to its funding action for a project.

**8. Why is my project subject to CEQA and how do I know if CEQA applies to my project?**

CEQA applies to any project requiring discretionary approval by a local or state agency (permitting, funding). Any activity that meets the conditions of a project under CEQA is subject to CEQA, except in instances where a project is considered an exempt activity under CEQA (*CEQA Guidelines, Sections 15060, 15061 and 15300.2*).

**9. What is an exemption?**

Some types of projects that do not result in any adverse significant environmental effects can be exempt from CEQA requirements under specified exemptions (*CEQA Guidelines, Section 15062*).

**10. How can a public agency determine whether a project is exempt under CEQA?**

A public agency will need to assess the extent of the environmental impacts of a project. If the public agency determines that the project will not result in any significant adverse environmental effects and may fall within one or more of the types of exemption classifications, the project may be considered an exempt project. The lead agency must ensure that there is sufficient evidence in the record to support such a finding. However, there are exceptions that may exclude a project from meeting the exemption requirements, such as the sensitivity of a project site (*CEQA Guidelines, Sections 15061, 15062 and 15300.2*). Please consult with ERU staff for more information.

*There are two main types of exemptions:*

- a. Categorical Exemptions: Categorical exemptions are descriptions of types of projects that the Secretary of the Resources Agency has determined do not have a significant effect on the environment. These exemptions are found in Article 19 of the CEQA Guidelines, and include certain classes or categories a

particular project may qualify under as exempt (see *Article 19 - Categorical Exemptions; CEQA Guidelines, Sections 15301 to 15329* for a list of categorical exemptions).

- b. **Statutory Exemptions:** Statutory exemptions are descriptions of the types of projects for which the California State Legislature has provided a blanket exemption from CEQA procedures and policies. These exemptions are found in various places in the California Public Resources Code. A comprehensive list of statutory exemptions is found in Article 18 of the CEQA Guidelines. Examples of statutory exemptions include ministerial projects, emergency projects, rejected or disapproved projects, setting of certain rates, tolls, fares or charges, and feasibility or planning studies for possible future actions (see *Article 18 – Statutory Exemptions; CEQA Guidelines, Sections 15260 to 15285*).

## **11. What is an Initial Study?**

An Initial Study (IS) is a pre-assessment document used by the lead agency to analyze the extent of the significant environmental effects of a project and to determine which CEQA document is required (Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report). Refer to *CEQA Guidelines, Sections 15063 and 15102*.

## **12. What is a Negative Declaration?**

If the lead agency determines that the project will have no significant environmental effects and the exemption requirements do not apply, it may prepare a Negative Declaration and circulate it for public review through the Governor's Office of Planning and Research (State Clearinghouse). If some impacts are identified but can be mitigated to a less than significant level, a Mitigated Negative Declaration may be prepared and circulated for public review through the State Clearinghouse (*CEQA Guidelines, Sections 15063, 15064, 15070, 15073 and 15074*).

## **13. What is the difference between a Negative Declaration and a Mitigated Negative Declaration?**

A Mitigated Negative Declaration is a Negative Declaration. However, a Mitigated Negative Declaration must include the identification of feasible mitigation measures to reduce environmental impacts to a less than significant level. The lead agency must also adopt a Mitigation Monitoring and Reporting Program (MMRP) to ensure compliance with the required mitigation measures (*CEQA Guidelines, Sections 15040, 15041, 15074, 15097, 15126.4(a), 15364, 15369.5, 15370 and 15371*).

## **14. What is an Environmental Impact Report?**

The preparation of an Environmental Impact Report (EIR) is required for all projects subject to CEQA that may have the potential to result in a significant adverse environmental effect. The EIR requires that a lead agency identify and analyze feasible alternatives to reduce environmental damage to the extent possible. However, there are circumstances when a lead agency may determine that a project will still result in unavoidable significant environmental effects following implementation of feasible mitigation measures. Under such scenario, a lead agency will be required to substantiate its specific social, economic, legal, technical, or other benefits for moving forward with the project despite the unavoidable significant environmental effects. The lead agency will be required to adopt a Statement of Overriding Considerations (SOC) that includes such reasoning (*CEQA Guidelines, Sections 15081, 15084, 15091, 15092 and 15093*).

## **15. Who files CEQA documentation with the State Clearinghouse?**

Anyone can file environmental documents with the State Clearinghouse. Typically, the lead agency prepares and files the environmental documentation. If preparation of the environmental documents is contracted out (such as to a consultant), the contractor will file the documents with the State Clearinghouse. See *CEQA Guidelines, Section 15205*.

## **16. Where can I find documents filed with the State Clearinghouse?**

The State Clearinghouse website ([www.ceqanet.ca.gov](http://www.ceqanet.ca.gov)) contains an online database that includes information about all documents that have been submitted for public review, and has a search feature to find documents based on different search criteria.

## **B. State Water Board Roles and Responsibilities under CEQA**

### **1. Why does the ERU under the State Water Board want to comment on draft CEQA documents during the public review period?**

Providing comments during the public review period of a draft CEQA document allows the ERU to provide input and ask for clarification. This helps identify concerns upfront and assists the ERU during the environmental review process for a project pursuing State Water Board funding.

### **2. Why is my project subject to another environmental review when it has already gone through the CEQA review process?**

The CEQA review process is separate from the environmental review process being undertaken by the State Water Board. The State Water Board, as a responsible agency, must also comply with CEQA when deciding on whether to fund a project. Therefore, it must review the lead agency's CEQA documents and any supporting documentation in order to develop its own CEQA findings and make a discretionary decision for a project.

### **3. Why does the State Water Board need to comply with CEQA?**

CEQA applies to all discretionary activities to be carried out or approved by California public agencies, including state, regional, county, and local agencies, unless an exemption applies. CEQA also applies to private activities that require discretionary governmental approvals [*Public Resources Code Sections 21001.1, 21002, 21080; CEQA Guidelines, Section 15002(c)*].

As a state agency, the Division under the State Water Board must consider its actions pursuant to CEQA requirements when funding a project. The State Water Board may act as either a lead agency or responsible agency under CEQA. As a responsible agency under CEQA, the State Water Board has a legal responsibility when approving funds for a project, and must review and consider the lead agency's environmental documents to make an informed decision about the project and develop its own CEQA findings. Under special circumstances, the State Water Board can be the lead agency under CEQA for a project for which the applicant or grantee is a non-profit organization and there are no other agencies having direct involvement (implementation, permitting) with the project. As a lead agency, the State Water Board must make its own CEQA determination and rely on the environmental information provided by the project applicant or grantee.

### **4. Does the CEQA review for a Regional Water Quality Control Board (Regional Water Board) permit satisfy the State Water Board's environmental compliance?**

No. The environmental review done by the ERU of CEQA documents is not related to permits issued by the Regional Water Boards or other agencies. CEQA documents used to meet the CEQA requirements of another agency may be used again with the State Water Board. However, previous review of CEQA documents by another agency for permitting purposes does not eliminate the State Water Board's responsibility to make its own CEQA findings when funding a project.

### **5. What is an environmental review?**

An environmental review is an evaluation process conducted by public agencies prior to taking an action on a project. The State Water Board's own environmental review process differs depending on the type of funding program.

### **6. Why does the ERU of the State Water Board require CEQA documents?**

In accordance with CEQA Guidelines, Section 15096, a responsible agency is required to rely on the lead agency's CEQA document when acting on an aspect of the project that requires its approval. Additionally, the responsible agency must prepare and issue its own CEQA findings regarding the project.

The State Water Board makes project-specific findings, since funding approval is by project and not by program. The State Water Board must make CEQA findings for each action it is taking. This is a separate action from any action to be taken by another agency.

The State Water Board is also subject to the California Public Records Act [Government Code §§ 6250-6276.48]. The Public Records Act is designed to give the public access to information in possession of public agencies. Access to records is immediate and allowed at all times during business hours. The State Water Board is subject to the California Public Records Act whenever an individual from the public makes a request to inspect information possessed by the State Water Board. For this reason, the ERU of the State Water Board requires copies of the applicable information and CEQA documentation to be retained in its project files.

**7. Will the ERU require the Mitigation Monitoring and Reporting Program or Plan (MMRP)?**

Yes. Whenever a lead agency adopts a Mitigated Negative Declaration or an Environmental Impact Report, the lead agency shall also develop and adopt a program for monitoring and reporting on the mitigation measures it has imposed in its MND or EIR [*CEQA Guidelines, Section 15097(a)*]. The ERU will maintain a copy of the MMRP in its files. Note that the MMRP is a CEQA document and does not relate to any water quality monitoring plan or performance assessment and evaluation plan as required by grant agreements associated with the grant programs.

**8. Why does the ERU of the State Water Board require the comment letters and the lead agency's response to comments?**

The ERU reviews the comment letters received by the lead agency during the public comment period as part of the CEQA process. The comment letters help the ERU identify any concerns raised by citizens and the Regional Water Boards or other state agencies, to determine whether these concerns were addressed by the lead agency, and to understand more fully the issues surrounding the project.

**9. Why do I have to file a Notice of Determination with the State Clearinghouse?**

According to the CEQA Guidelines, if a project requires discretionary approval from a state agency (such as the discretionary funding approval by the State Water Board), the Notice of Determination (NOD) shall also be filed with the Governor's Office of Planning and Research [*CEQA Guidelines, Section 15094(c)*]. For this reason, the ERU requires a date-stamped copy of the NOD filed with the State Clearinghouse.

**10. Does a Notice of Exemption need to be filed with the State Clearinghouse?**

Yes, per our internal State Water Board policy. The applicant or grantee files a Notice of Exemption (NOE) with the county clerk of each county in which the project will be located in [*CEQA Guidelines, Section 15062(c)(2)*]. Since the project is being funded by the State Water Board, the ERU requires the applicant or grantee to also file the NOE with the Governor's Office of Planning and Research. This reduces the statute of limitations from 180 days to 35 days, and notifies other state agencies and the public that the lead agency determined that the project is exempt from the CEQA requirements. There is no cost for filing an NOE with the State Clearinghouse.

**11. What if the CEQA document has already been filed with the State Clearinghouse?**

If the CEQA document has already been filed with the State Clearinghouse, submit the CEQA document along with any applicable supporting documentation to your project manager or grant manager at the State Water Board.

**12. Who do I contact in the ERU, State Water Board about environmental requirements for:**

Please see the "Environmental Review Requirements" webpage for additional environmental review information and contact information:

[http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/environmental\\_requirements.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/environmental_requirements.shtml)

## **C. Clean Water State Revolving Fund (CWSRF) Program**

Refer to pages 20 through 22 of *Section IX(3) Publicly Owned Treatment Works Financing*, and *Appendix I Environmental Review Process Guidelines for State Revolving Fund Applicants* of the current *State Water Board Policy for Implementing the Clean Water State Revolving Fund for Construction of Wastewater Treatment Facilities* for more information.

[https://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/cwsrf\\_policy.shtml](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/cwsrf_policy.shtml)

### **1. What is the CWSRF Program?**

The CWSRF Program is a program partially funded by the United States Environmental Protection Agency (USEPA). The CWSRF Program provides low-interest financing and is administered by the Division under the State Water Board. The CWSRF Program purpose is to implement the Clean Water Act and various state laws by providing low-interest financing for construction and improvements of wastewater treatment facilities as necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution programs and provide for estuary enhancement.

### **2. What are federal cross-cutters and why do CWSRF projects need to comply with federal laws and regulations?**

The CWSRF Program is partially funded through a capitalization grant from the USEPA on an annual basis. Due to the federal nexus with USEPA, federal laws and regulations (e.g. federal cross-cutters) apply to all projects pursuing CWSRF financing. Under the CWSRF Program, the Division under the State Water Board uses the CEQA document plus the federal cross-cutting documentation in place of a National Environmental Policy Act (NEPA) document in what is termed “CEQA-Plus” documentation. The State Water Board does not complete a NEPA review process, but rather completes the “NEPA-like” process of CEQA-Plus.

### **3. Why do I need to submit documentation to address the federal cross-cutters of the CWSRF Program?**

The CWSRF Program is associated with specific federal laws and regulations that must be met prior to a funding approval by the State Water Board. The USEPA delegated the State Water Board the authority to consult with relevant federal agencies responsible for overseeing those federal laws and regulations. Any issues raised by those agencies must be resolved prior to funding approval by the State Water Board. The ERU, on behalf of the State Water Board, must review all environmental documentation to fully understand a project’s compliance with the federal laws and regulations.

### **4. What if the CEQA document is older than five years?**

The CWSRF Program requires current environmental information and analyses. Therefore, if the CEQA document is older than five years, the ERU will request that the applicant prepare an updated CEQA document or submit a letter that describes the current status of the environmental conditions for the project location. Examples of additional CEQA documents may include subsequent, supplemental or addendum CEQA documents.

### **5. What environmental documents and information do I need to submit to the State Water Board to comply with the federal cross-cutters under the CWSRF Program if my project is to be financed through this program?**

Documentation required of all CWSRF projects (CEQA plus federal cross-cutters):

For projects exempt under CEQA:

- A copy of the date-stamped NOE filed with the State Clearinghouse and the County Clerk,
- Other supporting document, including substantial evidence to support the exempt CEQA finding

For projects addressed in a Negative Declaration, a Mitigated Negative Declaration or an Environmental Impact Report:

- A copy of the draft and final CEQA documents,
- A copy of a resolution or other type of document adopting/certifying the final CEQA document, adopting a MMRP (if applicable), approving the project, and making CEQA findings,
- Copies of original comment letters received during the public review period of the draft CEQA document (including any verbal comments received during the public scoping meeting), and the lead agency's response to those comments, and
- A copy of the date-stamped NOD filed with the State Clearinghouse and the County Clerk.

If a federal agency is directly involved with a project and jointly prepares a CEQA/NEPA document, the following documents must be submitted along with the applicable documents mentioned-above:

- Record of Decision (ROD), or
- Finding of No Significant Impact, or
- Categorical Exclusion.

Federal Cross-cutter Information (required for all CWSRF projects):

The following information and supporting documentation must be included along with the *Evaluation Form for Environmental Review and Federal Coordination* ([http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/docs/forms/application\\_environmental\\_package.pdf](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_environmental_package.pdf)) to be submitted to the Project Manager at the State Water Board.

- a. What type of information do I need to submit to the State Water Board for my project to meet the Section 7, federal Endangered Species Act requirements of the CWSRF Program?
  - A current (less than one year old) United States Fish and Wildlife Service (USFWS) species list for the project area,
  - Any biological reports completed for the project area that analyze federal special status species and the potential for these species to be in the area, as well as the identification of needed measures to avoid or reduce biological resource impacts,
  - Any Biological Assessment completed for the project, and
  - Copies of applicable Biological Opinions from the USFWS or the National Marine Fisheries Service.
- b. What documentation is necessary to begin cultural resources review under Section 106 of the National Historic Preservation Act (NHPA) clearance from the State Historic Preservation Officer (SHPO)?

CULTURAL RESOURCES REPORT

- The Section 106 compliance reports must be prepared by a qualified researcher that meets the Secretary of the Interior's Professional Qualifications Standards ([www.cr.nps.gov/local-law/arch\\_stnds\\_9.htm](http://www.cr.nps.gov/local-law/arch_stnds_9.htm)).
- A well written report includes a clear project description and documentation that demonstrates a reasonable and a good faith effort of Native American consultation, and identification and evaluation of historic properties.
- Report Terminology needs to be consistent with Section 106 and 36 CFR Part 800.11 of the National Historic Preservation Act.
- The Cultural Resources Officer (CRO) and Environmental Review Unit (ERU) will evaluate the Section 106 Report and provide a summary to the Office of Historic Preservation in a letter seeking concurrence for the appropriate "finding" from the State Historic Preservation Officer.
- Written Description of Field Methods with survey type and survey coverage map.

- A clearly defined Area of Potential Effects (APE) map, specifying the length, width, and depth of excavation. A properly scaled map should clearly illustrate the project APE in relation to any cultural resources that may be present.

#### CURRENT RECORDS SEARCH INFORMATION

- An updated records search extending to ½ mile beyond the project area of potential effects (APE), from the appropriate Information Center is required.
- The records search information should be summarized within the report including maps with labels for all recorded sites and surveys in relation to the APE for the project.
- An appendix including a copy of the records search request and copies of survey maps, site maps, and site records within the search area should be included.
- A records search request that extends to ½ mile beyond the project APE will provide enough information on the types of sites that exist in the vicinity to give an indication of the cultural sensitivity of the APE and surrounding area. Include a discussion of the APE and project vicinity, and the historic sites and cultural sensitivity of the records search area in the Section 106 Report.
- The APE is three-dimensional and includes all areas that may be affected by the project. It includes the staging area, and surface area, and extends below ground to the depth and width of any project excavations.

#### NATIVE AMERICAN AND INTERESTED PARTY CONSULTATION

- Initiate Native American and interested party consultation at the beginning of any cultural resource investigation. The purpose in contacting people with local knowledge is to gather information that may be used to guide research.
- Send a letter including a project description and detailed location map to the Native American Heritage Commission (NAHC) requesting a check of their Sacred Lands Files. The Sacred Lands Files include religious and cultural places that are not recorded at the information centers.
- The NAHC will include in their response a list of Native American groups and individuals to be contacted. Send a project description and map to everyone on the list, to local historical organizations, and to anyone requesting information on the project area.
- Make follow-up contact by phone or email of mailing the consultation letters (within two weeks is suggested) and include a log in the report of attempted contact and all responses.
- All comments, responses, and issues need to be addressed and responded too.
- If consultation efforts and site records indicate high cultural sensitivity the applicant must evaluate the depth and extent of any cultural sites identified within or adjacent to the project APE. If the sites cannot be determined due to development, the applicant shall take the steps necessary to identify historic properties within the area of potential effects in compliance with Section 106, 36 CFR § 800.4 *Identification of historic properties*.

#### DRAFT SHPO CONSULTATION LETTER

- Submit a draft copy of a SHPO consultation letter prepared by a qualified researcher summarizing the Section 106 Report with the Environmental Package Application to the State Water Board for use in consulting with the Office of Historic Preservation.



- c. What information do I need to submit to the State Water Board for my project to address the federal Clean Air Act requirements of the CWSRF Program?
- Estimated air emissions (in ton/year) for construction and operation of the project, including the air data generated through computer software such as URBEMIS, or an explanation on how the estimated air emissions were calculated.
  - Identification of the air basin and the air quality management district for the project area, and
  - A copy of any air quality studies completed for the project.
- d. What other information do I need to submit to the State Water Board for my project to address the federal cross-cutting requirements of the CWSRF Program?

In addition to the above-mentioned federal cross-cutters items, the following federal laws and regulations must be met:

- Coastal Barriers Resources Act: Determine if the project is located in a designated coastal barrier resources system and discuss the impacts to the coastal barrier resource system. Note that currently there are no coastal barrier resource systems in California. The coastal barrier resource systems are located along the Atlantic and Gulf Coasts of the United States and the shore areas of the Great Lakes.
- Coastal Zone Management Act: Determine if the project is located within the coastal zone. If the project is located within the coastal zone, describe the project location with respect to coastal areas and the status of the coastal zone permit (if any).
- Environmental Justice, Executive Order No. 12898: Will the project result in a disproportionately high and adverse human health impact, or result in environmental effects from activities, policies and programs on minority populations and low-income populations? Will the project have a negative environmental consequence on a particular group of people, including a racial, ethnic or a socioeconomic group?
- Farmland Protection Policy Act: Determine if the project will impact farmland or farmland under a Williamson Act contract. If so, include information on the acreage that would be converted from important farmland to other uses. Indicate if any portion of the project site is located within Williamson Act control and the amount of affected acreage.
- Floodplain Management - Executive Order 11988: Determine if the project is located within the 100-year floodplain. If so, describe the floodplain and include a floodplain map and a floodplains/wetlands assessment. Describe any measures and/or project design modifications that would minimize or avoid flood damage by the project.
- Magnuson-Stevens Fishery Conservation and Management Act: Discuss if the project will impact a designated Essential Fish Habitat (EFH). Will the project have an adverse effect to the EFH? Was an EFH Assessment prepared for the project?
- Migratory Bird Treaty Act (MBTA): Determine if the project will impact migratory birds. Discuss the impacts (such as noise and vibration impacts, modification of habitat) to migratory birds that may be directly or indirectly affected by the project and mitigation measures to reduce or eliminate these impacts. Include a list of all migratory birds that could occur where the project is located.
- Protection of Wetlands – Executive Order 11990: Determine if any wetlands or wetlands under the jurisdiction of the United States Army Corps of Engineers occur in the project area, and if the project will impact any of the wetlands. Describe the impacts to wetlands, potential wetland areas, and other surface waters, and the avoidance, minimization, and mitigation measures to reduce such impacts. Provide the status of the permit and information on permit requirements.

- Safe Drinking Water Act, Sole Source Water Protection: Determine if the project is located within a sole source aquifer as designated by the USEPA. If so, identify the aquifer (Santa Margarita Aquifer, Scott's Valley, the Fresno County Aquifer, the Campo/Cottonwood Creek Aquifer or the Ocotillo-Coyote Wells Aquifer), and provide an explanation as to why the project will or will not impact the aquifer.
- Wild and Scenic Rivers Act: Identify the wild and scenic river watershed, and project location relative to any affected wild and scenic river.

## 6. How do I submit a CWSRF application?

There are three ways to submit a CWSRF application:

- **FAAST**: The Financial Assistance Application Submittal Tool (FAAST) was developed to provide an efficient means for project proponents to apply for the loan and grant funding offered by the Division. FAAST can be accessed at <https://faast.waterboards.ca.gov/>.
- **Email**: Send the application and attachments via email to [cleanwatersrf@waterboards.ca.gov](mailto:cleanwatersrf@waterboards.ca.gov).
- **Hard Copy**: Mail a CD and/or hard copy to:

**State Water Resources Control Board  
Division of Financial Assistance  
ATTN: Marketing Unit  
1001 I Street, 17<sup>th</sup> Floor, Sacramento, CA 95814  
P.O. Box 944212  
Sacramento, CA 94244-2120**

## 7. What is the State Water Board's environmental review process for the CWSRF Program?

Following the submittal of a complete CWSRF Program application and prior to financing approval, all environmental requirements (including state and federal laws and regulations) must be met and confirmed by the ERU. The CWSRF project manager will formally initiate an environmental review process with the ERU and will submit the applicable environmental documentation to the ERU. The ERU will then review the documents and analyze the information. The ERU is responsible for reviewing the environmental documentation to ensure adequacy, identifying needed or missing information, project compliance with the applicable state and federal laws and regulations, and preparation of the State Water Board's CEQA findings.

If an issue arises that requires federal consultation, the ERU can either:

- A. Determine if the ERU can use prior federal consultation documents (completed by another agency) to fulfill the State Water Board federal consultation requirements under the CWSRF Program; or
- B. Develop a letter directed towards the relevant federal agency overseeing the federal law or regulation to initiate a federal consultation. The letter along with the supporting documentation will be mailed directly to the contact person at the relevant federal agency.

When all issues have been resolved and the ERU determines that there is adequate environmental documentation and all applicable federal laws and regulations have been satisfactorily met, the ERU will develop a project summary document and the environmental language to identify any necessary special environmental conditions for inclusion in the CWSRF financing agreement. The CWSRF Program Project Manager will be provided copies of the above documents for completion of his/her required documentation.

**Note:** If the project is non-routine and/or controversial, it must go before the State Water Board for consideration, including adoption of Statements of Overriding Consideration if applicable. Following the

State Water Board's or Division Deputy Director's decision on the project, ERU staff will file an NOD with the State Clearinghouse.