



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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## State Water Resources Control Board

DEC 13 2011

Ms. Alexis Strauss  
Director, Water Division  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Dear Ms. Strauss:

### FEDERAL FISCAL YEAR (FFY) 2012 CAPITALIZATION GRANT CONDITION DOCUMENTING ESTABLISHMENT OF THE STATE REVOLVING FUND (SRF) PROGRAM

Section 35.311(d)(2) of 40 CFR Part 35 of the SRF Program Implementation Regulations requires that with each Capitalization Grant application, the State Attorney General, or someone designated by the Attorney General, sign and concur in a certification that state legislation establishing the SRF and the powers it confers are consistent with state law, and that the state may legally bind itself to the terms of the Capitalization Grant Agreement.

In addition to this, United States Environmental Protection Agency (U.S. EPA) also requires the Attorney General to certify that the State Water Resources Control Board (State Water Board) has the authority to enforce the public review process and any mitigation measures required in SRF loan contracts as a result of the State Environmental Review Process (SERP).

On May 3, 1989, the State Attorney General certified that the State Water Board could legally bind itself to the terms of the Capitalization Grant Agreement. On October 29, 1990, the State Attorney General issued a certification on the SERP. The certifications are included in Appendices 1G, 1H, and 1I of the Operating Agreement.

In compliance with Section 35.311(d)(2), I hereby certify that nothing has changed since issuance of the certification on October 29, 1990, which would affect the certifications cited above. These certifications are appropriate and effective for the remainder of State Fiscal Year 2011/2012 (ending June 30, 2012) and for State Fiscal Year 2012/2013 (July 1, 2012 to June 30, 2013). This certification is to achieve compliance with the FFY 2012 Capitalization Grant application requirements.

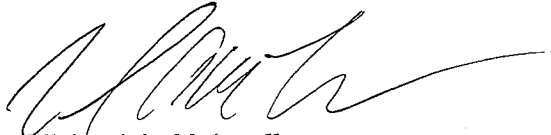
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Ms. Alexis Strauss

- 2 -

If you have any questions, please contact Ms. Anne Hartridge of my staff at (916) 341-5166.

Sincerely,



Michael A. M. Lauffer  
Chief Counsel  
Office of Chief Counsel

cc: **[via email & U.S. Mail]**  
Elizabeth Haven, Deputy Director  
State Water Resources Control Board  
Division of Financial Assistance  
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