

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2009-0008**

APPROVE UP TO \$2,000,000 IN GRANT FUNDING FROM THE CLEANUP AND
ABATEMENT ACCOUNT (CAA) TO THE CITY OF SHAFTER (CITY) FOR THE NORTH
SHAFTER WASTEWATER PROJECT (PROJECT)

WHEREAS:

1. The proposed Project will serve the small, disadvantaged community of North Park/North Shafter;
2. Nearly three-quarters of the properties in the proposed service area have reported problems with their existing septic systems, such as frequent pumping and/or disposal of greywater into their yards;
3. In the 1980's, 75-percent of the community's drinking water systems had nitrate concentrations in violation of Maximum Contaminant Levels. The city annexed the area in the early 1990's and installed new water lines to bring in clean drinking water; however, the existing septic systems continue to impact groundwater;
4. In a letter to the Central Valley Regional Water Quality Control Board (Regional Water Board), the City declared that the failing septic systems, above-ground greywater disposal, and contamination of groundwater supplies pose a public health and safety hazard and a potential pollution problem;
5. On September 16, 2005, the Regional Water Board issued [Resolution No. R5-2005-0124](#) approving and accepting the County's declaration of a potential pollution problem and time schedule for Project completion;
6. The proposed Project consists of installing a wastewater collection system. The new collection system will be connected to the City's existing wastewater collection system, which conveys wastewater to a regional wastewater treatment plant (WWTP);
7. The requested allocation is consistent with the purposes of Water Code §13442, which provides that the State Water Resources Control Board (State Water Board) may order moneys to be paid from the CAA to a public agency with authority to cleanup or abate the effects of a waste in order "to assist in cleaning up the waste or abating its effects on waters of the State";
8. The estimated Project cost is \$2.5 million. The City intends to seek Clean Water State Revolving Fund (CWSRF) financing to supplement funding for the Project;
9. The City's Project is listed in fundable Class B of the Small Community Wastewater Grant (SCWG) Program's Competitive Project List (CPL), adopted September 4, 2007; however, funds are not available at this time;
10. The Preliminary Engineering Report, dated January 2007, and supporting documentation have been submitted and comply with the SCWG Program Guidelines (Guidelines), amended May 22, 2007;

11. A draft revenue program was approved by the Division of Financial Assistance (Division) on January 22, 2008;
12. On December 4, 2007, pursuant to the requirements of the California Environmental Quality Act (CEQA), the City as lead agency adopted a Negative Declaration for the project after determining that the project will not have a significant effect on the environment; and
13. The State Water Board, acting as a responsible agency under CEQA, has reviewed and considered the Negative Declaration as prepared by the City.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves up to \$2,000,000 in funding from the CAA for the City's Project;
2. Requires that funding approvals, contracting, and disbursement of CAA funds to the City be conducted in accordance with the Guidelines;
3. Requires that the City demonstrate financial capability to fund the remainder of Project costs, through CWSRF financing or other means, before Final Plans and Specifications Approval;
4. Will withdraw any unexpended funds if the City does not issue the Notice-to-Proceed with construction of the Project to the contractor within 18-months of the adoption of the Resolution; and
5. Will revert any funds that have not been expended to the CAA, as of January 6, 2013, unless the Deputy Director of the Division authorizes an extension.

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 February 3, 2009.

AYE: Chair Tam M. Doduc
Charles R. Hoppin
Frances Spivy-Weber

NAY: None

ABSENT: Arthur G. Baggett, Jr.

ABSTAIN: None



Jeanine Townsend
Clerk to the Board