

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2009-0012**

**TO DIRECT CHANGES IN THE ADMINISTRATION OF THE CLEANUP AND ABATEMENT
ACCOUNT (CAA) TO IMPROVE PROGRAM EFFICIENCY AND TRANSPARENCY**

WHEREAS:

1. The CAA was established by Water Code §§ 13440-13443 and is administered through the State Water Resources Control Board's (State Water Board) Division of Financial Assistance (Division). The CAA provides funding for the clean up and abatement of wastes or unexpected conditions of pollution during emergencies and when there are no identified viable responsible parties available to undertake the work;
2. Revenue is generally from court judgments and administrative civil liabilities assessed by the State Water Board and the Regional Water Quality Control Boards (Regional Water Boards). The State and Regional Water Boards and public agencies with authority to clean up or abate a waste are eligible to receive CAA funding. The CAA is an accessible tool for the Regional Water Boards to use when addressing local or regional problems, and for the State Water Board to use for problems of a statewide scope;
3. The Regional Water Boards issue civil liability penalties against private and public waste dischargers who violate water quality laws or permit conditions, or do not comply with enforcement and penalty orders. These Administrative Civil Liabilities (ACLs) and court ordered fines are deposited in the CAA. The amount of revenue for the CAA has increased recently as a result of Mandatory Minimum Penalty legislation and enhanced enforcement efforts;
4. In Fiscal Year 2006-07 and 2007-08, there were 23 projects totaling \$10.9 million dollars for these two fiscal years. The approved projects include emergency response, site cleanups and statewide projects;
5. The program is administered in accordance with statute, State Water Board Policy and delegations and procedures described in the Board's Administrative Procedures Manual (APM). The APM procedures are outdated and not readily available to outside agencies. Also, outside parties are unable to easily obtain information on CAA balances, approved uses, and procedures; and
6. There is a general lack of understanding on how use of the CAA is determined and how the account will work in concert with the Enforcement Policy Update.

In response, The Division proposes to take the following actions to update, improve, and make transparent, the administration of the CAA program:

1. Review and update the APM by April 30, 2009, to reflect current policy and procedures. Solicit Regional Water Boards and public input on areas of inconsistency and lack of clarity;
2. Meet with and train Regional Water Boards and local agency staff periodically as appropriate on authorized CAA uses and administrative procedures;

3. Conduct an annual status review for each active project to ensure projects are not languishing and are progressing consistent with approvals;
4. Provide Regional Water Boards training throughout the year. Update board members and management on program changes and answer any questions they may have;
5. Provide the State Water Board's Executive Director and Regional Water Board Executive Officers quarterly project and CAA balance status reports;
6. Provide to the State Water Board and the public an annual report each March, which will list and summarize all CAA projects that have been committed during the past fiscal year and provide a status of other Regional action projects.
7. Coordinate with the Office of Public Affairs to issue news releases on project approvals; and
8. Post procedures and reports on the Regional Water Boards and State Water Board Internet websites.

THEREFORE BE IT RESOLVED THAT:

The State Water Board approves the above listed actions in the administration of the CAA to improve program efficiency and transparency.

CERTIFICATION

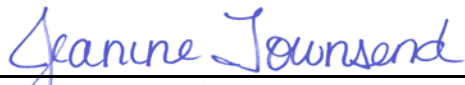
The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on February 3, 2009.

AYE: Chair Tam M. Doduc
Arthur G. Baggett, Jr.
Charles R. Hoppin
Frances Spivy-Weber

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board