

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2009-0021**

AUTHORIZING THE DEPUTY DIRECTOR OF THE DIVISION OF FINANCIAL ASSISTANCE (DIVISION), OR DESIGNEE, AUTHORITY TO GRANT EXTENSIONS OF THE NOTICE-TO-PROCEED (NTP) WITH CONSTRUCTION DATES FOR MULTIPLE SMALL COMMUNITY WASTEWATER GRANT (SCWG) PROGRAM PROJECTS

WHEREAS:

1. The State Water Resources Control Board (State Water Board), on May 22, 2007, adopted the amended *SCWG Program Guidelines (Guidelines)*, which state that the construction grant commitment will expire if the applicant does not award NTP to the contractor for construction of the Project within 18 months from the award date of the SCWG Program Preliminary Funding Commitment (PFC);
2. The State Water Board, on September 4, 2007, adopted the SCWG Program 2007 Statewide Competitive Project List, which included the seven projects listed in [Attachment A](#) in fundable Priority Class B;
3. The State Water Board, on July 1, 2008, adopted [Resolution 2008-0048](#), promoting strategies to assist small disadvantaged communities with wastewater needs, through the *Water Boards' Small Community Wastewater Strategy*;
4. The Guidelines do not allow for extension of the NTP dates established in the PFCs;
5. The Department of Finance (DOF) issued Budget Letter No. 08-33 (DOF Budget Letter) on December 18, 2008, to all state entities having expenditure control and oversight of General Obligation and lease revenue bond programs, and directing agencies to cease disbursements and inform grantees to stop work on their projects;
6. SCWG Program grant funds assist small disadvantaged communities, which depend upon state grant funds to carry out implementation of their wastewater improvement projects;
7. It is likely that, due to the poor economic conditions and the DOF Budget Letter, many SCWG Program projects will need an extension of the NTP with construction dates established in their PFC; and
8. The PFC has already expired for one of these projects, the City of San Joaquin (City).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Reinstates the PFC for the City if the City demonstrates good cause to the Deputy Director of the Division for such an extension within 45 days of the expired NTP with construction date, and resets its expired NTP date by 120 days, upon such a demonstration to the Deputy Director of the Division;

2. Authorizes the Deputy Director of the Division, or designee, to grant extensions of the NTP with construction dates for up to 120 days for good cause, for any of the remaining six projects in the SCWG Program referenced in Attachment A, thereby superseding the NTP dates established in existing PFCs; and
3. Authorizes the Deputy Director of the Division, or designee, to approve extensions beyond 120 days for any of the seven projects for good cause and as economic conditions warrant.

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 March 17, 2009.

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

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board