

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2011-0062**

AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE, ON BEHALF OF CAL/EPA AND ALL OTHER AGENCY DEPARTMENTS, BOARDS AND OFFICES, TO ENTER INTO A CONTRACT WITH THE REGENTS OF UC BERKELEY FOR MANDATED SCIENTIFIC PEER REVIEW AND OTHER EXPERT REVIEW AND CURRICULUM REVIEW SERVICES.

WHEREAS:

1. State law (Health and Safety Code Section 57004, 115365, et al.) sets minimum requirements for external scientific peer review. Notably, Health and Safety Code Section 57004 requires all Cal/EPA boards, departments, or offices to submit for external scientific peer review the “scientific basis” and “scientific portions” of proposed rules, consistent with the statutory definition of these two terms. For rules subject to this requirement, the scientific findings, conclusions, and assumptions on which the scientific portions of the proposed rule are based and the supporting scientific data, studies, and other appropriate materials, must be submitted for peer review. The law further specifies that the agency, or a board, department, or office within the agency, must enter into an agreement with the National Academy of Sciences, the University of California, the California State University, or any similar scientific institution of higher learning to conduct external scientific peer review of the scientific basis for any rule proposed.
2. In addition to the work products for which external scientific peer review is statutorily required (as noted above), Cal/EPA may seek expert review of the scientific/economic basis and scientific/economic portions of other work products—for example, major and/or controversial new initiatives that are not otherwise subject to statutory peer review requirements—as it deems prudent;
3. State law (Public Resources Code Section 71300, et seq.) required the development of a model environmental curriculum. Cal/EPA developed a curriculum that was approved by the State Board of Education; however, review services may be needed from time to time to address questions regarding the accuracy of discrete facts contained within that curriculum;
4. The State Water Board previously contracted mandated external expert peer review services with the Regents of the UC Berkeley and have determined that UC Berkeley remains the best resource for these services;
5. The proposed FY 2011-16 Interagency Agreement with the University of California, and future amendments will continue to ensure that mandated scientific peer review and other types of reviews will be performed by qualified reviewers in manner consistent with State law.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

Authorizes the Executive Director or designee to enter into new and amended interagency agreements and contracts with the Regents of the University of CA, Berkeley using up to \$700,000 in Water Board funds. In addition to the \$700,000 authorized above, the Executive Director or designee is authorized to include California Environmental Protection Agency, California Department of Toxic Substances Control, California Air Resources Board, Department of Pesticide Regulation, and Office of Environmental Health Hazard Assessment funding in the amount of up to \$1,300,000 for a total contract amount not to exceed \$2,000,000 for peer review services. This authorization is for a 5-year period beginning on or after the date of this resolution.

**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 Resources Control Board held on December 6, 2011.

AYE: Chairman Charles R. Hoppin  
Vice Chair Frances Spivy-Weber  
Board Member Tam M. Doduc

NAY: None

ABSENT: None

ABSTAIN: None



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Jeanine Townsend  
Clerk to the Board