

CORRECTED
STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2014-0039

FOR PROJECT PLACEMENT ON THE WATER RECYCLING FUNDING PROGRAM (WRFP) COMPETITIVE PROJECTS LIST, AND AUTHORITY FOR THE DEPUTY DIRECTOR OF THE DIVISION OF FINANCIAL ASSISTANCE TO EXECUTE A WRFP GRANT AGREEMENT FOR THE VICTOR VALLEY WATER RECLAMATION AUTHORITY, TOWN OF APPLE VALLEY SUBREGIONAL WASTEWATER RECLAMATION PROJECT (PROJECT);
WRFP PROJECT NO. 3604-030

WHEREAS:

1. The State Water Resources Control Board (State Water Board) adopted the “*Water Recycling Funding Program Guidelines*” (Guidelines) and amended them on July 15, 2008;
2. The Project is a Category I project according to the Guidelines, but is not included on the WRFP CPL, adopted January 20, 2005;
3. An independent credit review was completed on May 22, 2014;
4. The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50) was approved by the voters on November 5, 2002 (Water Code (WC), Division 26.5, Sections 79500 et seq.). Section 79550(g) in Chapter 7 of Proposition 50 allocates funding for urban and agricultural water conservation, recycling, and other water use efficiency projects;
5. On March 7, 2000, the voters approved the Costa-Machado Water Act of 2000 (2000 Bond Law), and provided authorization for the State Water Board to issue WRFP construction grants;
6. The Project is a routine and non-controversial project that is consistent with the policies, regulations, and agreements the State Water Board adopted for implementation of the WRFP;
7. The Authority is the lead agency under the California Environmental Quality Act (CEQA). The Authority has complied with CEQA and CEQA Guidelines by preparing an Environmental Impact Report (EIR) and an EIR addendum (Addendum) for the Project;
8. Adequate public participation was provided through the CEQA process. The EIR was distributed to the public and circulated through the State Clearinghouse (SCH) from November 10, 2010 through December 24, 2010 for review;
9. The Agency certified the PEIR, adopted a Mitigation Monitoring and Reporting Program, and approved the Project on June 28, 2002. The Agency filed a Notice of Determination (NOD) for the PEIR with the Governor’s Office of Planning and Research (OPR) and San Bernardino County Clerk on June 28, 2002;
10. The Authority certified the EIR, adopted a Mitigation Monitoring and Reporting Plan and approved the Project on February 22, 2011;

11. The Authority filed Notice of Determinations (NOD) with the San Bernardino County Clerk on February 22, 2011 and the Governor's Office of Planning and Research (OPR) on February 24, 2011 for the EIR;
12. The Authority prepared an Addendum to make minor changes to the Project, including eliminating the proposed recycled water pipeline in Hesperia, reducing the length of recycled water pipeline in Apple Valley, relocating the pipeline alignment and percolation ponds in both Apple Valley and Hesperia, and relocating the Hesperia Raw Sewage lift station;
13. The Authority filed a NOD for Addendum with the San Bernardino County Clerk on November 19, 2012 and OPR on November 21, 2012;
14. The United States Department of the Interior, Bureau of Reclamation (USBR) was the lead for National Environmental Policy Act and completed a "Finding of No Significant Impact" for the Project on September 27, 2011;
15. The USBR acted as the lead federal agency consulting with the State Historic Preservation Officer (SHPO) under the National Historic Preservation Act (NHPA). The State Water Board contacted the SHPO in a December 7, 2012 letter identifying the USBR as the federal lead and the State Water Board as a consulting party, and concurring with the USBR's no effect finding. On March 26, 2013, the USBR sent a letter to SHPO revising the area of potential effect. On October 2, 2013, the SHPO concurred with the USBR's determination that the Project will have "No Adverse Effects to Historic Properties" with the condition that all ground disturbing activities be monitored by a qualified archeologist;
16. The Authority's environmental documents provided an adequate disclosure of the environmental relationships of all water quality aspects of the Project. Mitigation measures have been incorporated to the project design features or implementation to reduce any potentially significant environmental impacts. The Project will not result in any significant adverse water quality impacts;
17. The Authority does not meet the definition of an urban water supplier as defined in Section 10617 of the WC; therefore, the Authority is not required to prepare and submit an Urban Water Management Plan to the Department of Water Resources;
18. WC section 10631.5 does not apply to the Authority. The Authority is eligible to receive water management grant funds;
19. WC section 529.5 requires an urban water supplier that applies for financial assistance from the State for a wastewater treatment project, drinking water treatment project, or water use efficiency project, or a permit for a new or expanded water supply, to compliance with water metering requirements of Division 1, Chapter 8, Article 3.5 of the WC;
20. On May 17, 2012, the Authority certified that it is not an urban water supplier, as that term is understood pursuant to the provisions of section 529.5 of the WC; and
21. Eligibility for State Water Board funding is conditioned on compliance with WC section 5103(e)(1), if applicable. The Authority is not required to file a Statement of Diversion and Use pursuant to WC section 5101.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Adds the Project to the WRFP CPL; and
2. Approve \$4,000,000 WRFP construction grant funding for the proposed Project; and
3. Conditions this approval by withdrawing the Resolution if the Authority does not sign the grant agreement by February 5, 2015. Division staff has the discretion to approve up to a 90-day extension for good cause.

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 August 5, 2014.

AYE: Chair Felicia Marcus
Vice Chair Frances Spivy-Weber
Board Member Steven Moore
Board Member Dorene D'Adamo

NAY: None

ABSENT: Board Member Tam M. Doduc

ABSTAIN: None



Jeanine Townsend
Clerk to the Board