

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION -- DIVISION OF FINANCIAL ASSISTANCE
JUNE 21, 2006**

ITEM 4

SUBJECT

CONSIDERATION OF A RESOLUTION COMMITTING CLEAN BEACHES INITIATIVE GRANT FUNDS TO THE COUNTY OF ORANGE (COUNTY) FOR THE POCHE BEACH ULTRAVIOLET LIGHT BACTERIA DISINFECTION SYSTEM (PROJECT) AT POCHE BEACH; CLEAN BEACHES INITIATIVE (CBI) GRANT PROGRAM; CBI PROJECT NO. 304

DISCUSSION

In accordance with the authority established in the Clean Beaches Program of the *Watershed, Clean Beaches, and Water Quality Act* (Act) (Public Resources Code, §30901, Chapter 3), the State Water Resources Control Board (State Water Board) can award grants up to \$5 million per project to local agencies and non-profit organizations to implement projects that restore and protect the water quality and environment of coastal waters, estuaries, bays, and near shore waters. In addition to meeting the objective of the Act, all projects receiving grants from the Clean Beaches Program are required to meet the following criteria:

- (a) projects shall be consistent with California's nonpoint source control program;
- (b) projects shall demonstrate the capability of contributing to sustained, long-term water quality or environmental restoration or protection benefits for a period of 20 years;
- (c) projects shall address the causes of degradation, rather than the symptoms;
- (d) projects shall be consistent with water quality and resource protection plans prepared implemented, or adopted by the State Water Board, the applicable Regional Water Quality Control Board (Regional Water Board), and the State Coastal Conservancy (SCC);
- (e) projects shall be reviewed by the State Water Board in consultation with the SCC and the Clean Beaches Task Force (CBTF) appointed by the State Water Board to review projects and make recommendations for grant funding;
- (f) applicants shall inform the State Water Board of any necessary public agency approvals, entitlements, and permits that may be necessary to implement the Project, and applicants shall certify to the State Water Board at the appropriate time that such approvals, entitlements, and permits have been granted;
- (g) projects shall be consistent with recovery plans for coho salmon, steelhead trout, or other threatened or endangered aquatic species;
- (h) applicants shall be required to submit to the State Water Board a monitoring and reporting plan;
- (i) upon completion of the project, the recipient of the funds shall submit a report to the State Water Board that summarizes the completed activities and indicates whether the purpose of the project has been met;
- (j) the State Water Board must provide opportunity for public review and comment in awarding the funds; and
- (k) grant funds can only be used for the costs of construction or acquisition of capital assets as specified in Section 16727 of the Government Code.

For ease of implementation, the State Water Board divided the funding solicitation into two phases. In the second funding phase, the CBTF recommended, and the State Water Board

adopted, a Competitive Location List (CLL) on April 21, 2005 (Resolution No. 2005-0028). The CLL was designed to target specific beaches that are known to have persistent bacterial water quality problems such as a beach that is frequently or permanently posted with signs warning beachgoers of the risks associated with exposure to beach waters. To date, the CBTF has recommended \$16.9 million of the \$22.2 million available for Phase Two projects. The recipients are in the process of completing environmental review, and will receive funding commitments upon environmental approval.

The Project consists of constructing an above ground ultraviolet light bacteria disinfection treatment system in a railroad right of way just upstream of the sand on Poche Beach. The treated water will be discharged directly into the surf zone beyond the existing scour pond. Poche Beach is on the State Water Board's approved CLL.

The objective of this Project is to eliminate postings due to indicator bacteria exceedences due to dry weather urban runoff. The effectiveness of the Project will be measured according to an approved monitoring plan, and the results will be reported in a final project report. The infrastructure will be designed to have a minimum useful life of 20 years, and will be incorporated into the County's maintenance management program.

The CBTF reviewed the County's proposal and recommended the Project for funding at the October 12, 2005, meeting. The County will adopt a Resolution designating an authorized representative for the Project.

The County adopted a Mitigated Negative Declaration (State Clearinghouse No. 2002091129) prepared for the Project. Adequate public participation was provided through the California Environmental Quality Act process through a public comment period. State Water Board staff have reviewed and considered the County's Mitigated Negative Declaration and has determined that the document provides an adequate disclosure of the water quality aspects of the project, and will not result in any significant water quality impacts.

FISCAL IMPACT

The *Watershed, Clean Beaches, and Water Quality Act* (Public Resources Code, §30901) appropriated \$43.7 million to the CBI Program for grants up to \$5 million per project to restore and protect the water quality and environment of coastal waters, estuaries, bays, and near shore waters. This project will be funded by the CBI Program, and will have the following fiscal impact.

Proposition 40 Funding	\$43,700,000
Total Previous Commitments	\$25,859,400
Funds Available for Current Commitments	\$17,840,600

Funding Commitment before the State Water Board June 21, 2006:

County of Orange, CBI Grant #304	\$1,500,000
Funds Remaining for Future Commitments	\$16,340,600

REGIONAL WATER BOARD IMPACT

The San Diego Regional Water Board has reviewed the Project and determined that it is consistent with existing water quality control plans.

POLICY ISSUE

Should the State Water Board approve CBI grant funding for the County's Proposed Project?

STAFF RECOMMENDATION

That the State Water Board approve a CBI grant commitment of \$1,500,000 for the County's Project.

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2006 -**

CONSIDERATION OF A RESOLUTION COMMITTING CLEAN BEACHES INITIATIVE
GRANT FUNDS TO THE COUNTY OF ORANGE (COUNTY) FOR THE POCHE BEACH
ULTRAVIOLET LIGHT BACTERIA DISINFECTION SYSTEM (PROJECT) AT POCHE BEACH;
CLEAN BEACHES INITIATIVE (CBI) GRANT PROGRAM; CBI PROJECT NO. 304

WHEREAS:

1. The *Watershed, Clean Beaches, and Water Quality Act* (Act) (Public Resources Code §30901) was signed into law on September 20, 2002. The Act appropriated \$46 million from Proposition 40 for additional CBI grants to help local agencies, non-profit organizations, and public agencies implement projects that protect and restore California's coastal water;
2. The CBI funds appropriated in the Act are available for encumbrance up to December 31, 2006;
3. The State Water Resources Control Board (State Water Board), on April 21, 2005, adopted the CBI Competitive Location List which included Poche Beach;
4. The Clean Beaches Task Force reviewed the County's proposed Project at Poche Beach, and recommended it for funding at the October 12, 2005 meeting; and
5. The County has prepared a Mitigated Negative Declaration, which has been reviewed and considered, and State Water Board staff has determined that the project qualifies for a Class 1 Categorical Exemption from CEQA requirements, and will not result in any significant water

THEREFORE BE IT RESOLVED THAT:

The State Water Board approves a grant for the County's Project not to exceed \$1,500,000 from the *Act*.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the forgoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on June 21, 2006.

Song Her
Clerk of the Board