

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 94-72

APPROVAL OF A WAIVER FROM THE STATE REVOLVING FUND  
LOAN POLICY FOR THE SANTA ANA WATERSHED AUTHORITY SANTA ANA  
REGIONAL INTERCEPTOR REACH IV-E, PROJECT NO. C-06-4118-150  
AND REGIONAL TERTIARY TREATMENT RAPID  
INFILTRATION/EXTRACTION SYSTEM, PROJECT NO. C-06-4122-110

WHEREAS:

1. The State Water Resources Control Board (SWRCB) approved State Revolving Fund (SRF) loans for the Santa Ana Watershed Project Authority (SAWPA) for the subject projects in November 1990 for the Santa Ana Regional Interceptor (SARI), and in June and October 1994 for the Regional Tertiary Treatment System for the City's of San Bernardino and Colton;
2. SAWPA, acting on behalf of itself, and the cities of San Bernardino and Colton, is the SRF loan administrator for both projects, and prepared plans and specifications and contract documents and advertised for bids for both projects;
3. Certain costs for permitting fees, environmental mitigation, and a potable waterline extension were not included in the bid package advertised by SAWPA;
4. The SWRCB's "Policy for Implementing the State Revolving Fund for the Construction of Wastewater Treatment Facilities" (SRF Policy) pursuant to Section VIII (September 20, 1990 SRF Policy) and Section XIV.B. (September 23, 1993 SRF Policy), states that "The loan contract amount will be based on the sum of the lowest acceptable bid cost of the eligible construction project, and the appropriate allowances for planning, design, construction, and prime engineering, and administration.";
5. SAWPA has requested eligibility of these costs through the appeals process allowed by the California Code of Regulations and noted in the Division of Clean Water Programs (Division) Final Staff Decision letters;
6. The Division staff notes that these costs are reasonable and that the subject projects could not be built and could not be operational without these items;
7. Approval of these costs requires SWRCB waiver of Section VIII (September 20, 1990 SRF Policy), and Section XIV.B. (September 23, 1993 SRF Policy); and
8. Section XIV.C. of the September 23, 1993, SRF Policy states that "The final loan amount may be subsequently adjusted to account for any later resolution of funding disputes

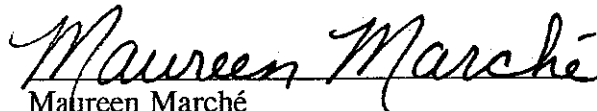
decided in favor of the loan recipient". No such provision exists in the September 20, 1990 SRF Policy.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Resources Control Board waives the requirements contained pursuant to Section VIII and Section XIV.B. of the SRF Policies dated September 20, 1990, and September 23, 1993, respectively, and approves an SRF loan amendment for a total increase of \$217,585 to the Santa Ana Watershed Project Authority;
2. The amendment for the SARI Reach IV-E project (C-06-4118-150) is \$21,954;
3. The amendment for the RIX project (C-06-4122-110) is \$195,631; and
4. The amendments shall be incorporated into the current payment schedules and shall be subject to the same loan repayment terms as the primary loan contracts.

CERTIFICATION

The undersigned, Administrative Assistant 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 August 18, 1994.

  
Maureen Marché  
Administrative Assistant to the Board