

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – OFFICE OF RESEARCH, PLANNING AND PERFORMANCE
AUGUST 5, 2014**

ITEM 4

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE, ON BEHALF OF THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY AND ITS DEPARTMENTS, BOARDS AND OFFICE, TO AMEND EXISTING INTERAGENCY AGREEMENT 11-135-240 WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR MANDATED SCIENTIFIC PEER REVIEW AND OTHER EXPERT REVIEW

DISCUSSION

The State Water Resources Control Board (State Water Board), on behalf of the California Environmental Protection Agency (Cal/EPA), has an existing Interagency Agreement 11-135-240 with the Regents of the University of California for scientific peer review services to meet the requirements of State law (Health and Safety Code Section 57004 et.al.). The existing Interagency Agreement also funds economic reviews that Cal/EPA deems prudent, and provides for review services to address questions regarding the accuracy of the model environmental curriculum developed by Cal/EPA in accordance with State law (Public Resources Code Section 71300 et seq.). This section of the Public Resources Code was changed in 2013 to establish the Office of Education and the Environment in the Department of Resources Recycling and Recovery (CalRecycle), and to require this office to facilitate the use of the model environmental curriculum. CalRecycle will need to be added to this agreement to enable scientific peer reviews as necessary for this curriculum.

In addition to CalRecycle, other Cal/EPA agencies have increased needs for scientific peer review. The State Water Board has identified funding needs for review of Basin Plan amendments resulting from Salt and Nutrient Management Plans and the transfer of the Drinking Water Program from the Department of Public Health to the State Water Board. The Department of Pesticide Regulation also has identified additional scientific peer review needs.

POLICY ISSUE

Should the State Water Board authorize the Executive Director or designee to amend Interagency Agreement 11-135-240 with the Regents of the University of California to increase the total not-to-exceed amount from \$2,000,000 to \$2,750,000?

FISCAL IMPACT

The Water Board portion of the agreement will be funded by an annual indirect cost budget allocation. Other agencies within Cal/EPA will contribute funds toward their portions of the agreement.

REGIONAL BOARD IMPACT

Regional Water Boards will need to use the scientific peer review services for Basin Plan amendments resulting from Salt and Nutrient Management Plans.

STAFF RECOMMENDATION

That the State Water Board authorize the Executive Director or designee to amend Interagency Agreement 11-135-240 with the Regents of the University of California to increase the total not-to-exceed amount from \$2,000,000 to \$2,750,000.

State Water Board action on this item will assist the Water Boards in reaching Goal 7 of the Strategic Plan Update: 2008-2012 to ensure that the Water Boards have access to expertise needed to effectively and efficiently carry out the Water Boards' mission. In particular, approval of this item will assist in fulfilling Objective 7.4, to leverage expertise through partnerships with governmental and non-governmental organizations to provide information to help target Water Board efforts.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2014-

AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE, ON BEHALF OF THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY AND ITS DEPARTMENTS, BOARDS AND OFFICE, TO AMEND EXISTING INTERAGENCY AGREEMENT 11-135-240 WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR MANDATED SCIENTIFIC PEER REVIEW AND OTHER EXPERT REVIEW

WHEREAS:

1. The State Water Resources Control Board (State Water Board), on behalf of the California Environmental Protection Agency (Cal/EPA) and its existing departments, boards and office, has an existing Interagency Agreement 11-135-240 with the Regents of the University of California for scientific peer review services to meet the requirements of State law (Health and Safety Code § 57004, et al.). This law sets minimum requirements for external scientific peer review of the scientific portions of proposed rules, including supporting scientific data, studies, and other appropriate materials that are the basis for proposed rules.
2. The existing interagency agreement also funds expert review that Cal/EPA may seek regarding 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. The existing interagency agreement provides for periodic review services to address questions regarding the accuracy of discrete facts contained within a model environmental curriculum developed by Cal/EPA in accordance with State law (Public Resources Code § 71300, et seq.). This section of the Public Resources Code was changed in 2013 to establish the Office of Education and the Environment in the Department of Resources Recycling and Recovery (CalRecycle), and to require this office to facilitate the use of this model environmental curriculum.
4. The State Water Board has determined that UC Berkeley remains the best resource to ensure that mandated scientific peer review and other types of reviews will be performed by qualified reviewers in the manner consistent with State law.
5. The State Water Board has identified increased needs for scientific peer review due to Basin Plan amendments resulting from Salt and Nutrient Management Plans and the transfer of the Drinking Water Program from the Department of Public Health to the State Water Board.
6. Other agencies, including the Department of Pesticide Regulation, have increased needs for peer review, and CalRecycle has rejoined Cal/EPA and does not have funds for peer review services under the existing interagency agreement.

D R A F T

THEREFORE BE IT RESOLVED THAT:

The State Water Board authorizes the Executive Director or designee to amend existing Interagency Agreement 11-135-240 with the Regents of the University of California to add CalRecycle and increase the total amount from not-to-exceed \$2,000,000 to not-to-exceed \$2,750,000 for peer review services. This amount will include an increase from up to \$700,000 to \$1,200,000 in Water Board funds, and an increase in funds from up to \$1,300,000 to \$1,550,000 for use by Cal/EPA, Department of Toxic Substances Control, Air Resources Board, Department of Pesticide Regulation, Office of Environmental Health Hazard Assessment, and CalRecycle. This authorization is for the term of the current agreement, which is in effect through June 30, 2016.

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 August 5, 2014.

Jeanine Townsend
Clerk to the Board