

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – DIVISION OF WATER QUALITY  
JUNE 17, 2014**

**ITEM 3**

**SUBJECT**

CONSIDERATION OF A PROPOSED RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO APPLY FOR, ACCEPT, AND/OR AMEND FEDERAL CLEAN WATER ACT SECTION 205(J) GRANTS AND AUTHORIZING EXECUTION AND AMENDMENT OF AGREEMENTS FOR SUPPORT OF THE 205(j) PROGRAM

**DISCUSSION**

Section 205(j) of the federal Clean Water Act (CWA) authorizes states to reserve up to one percent of their annual Title II Clean Water Construction Grant allocation for water quality management planning activities. Beginning in federal Fiscal Year (FY) 1989, CWA section 604(b) supplemented CWA section 205(j)(2) to maintain such funding. This resolution will authorize the Executive Director or designee to apply for and accept the CWA section 205(j) grant each year without a separate authorizing resolution. This will allow the State Water Board to apply for the grant as soon as congress appropriates the funds. Staff will update the State Water Board when the grant is received each year in the Executive Director's Report.

This year the U.S. Environmental Protection Agency (U.S. EPA) has indicated that a preliminary grant total of \$1,067,000 will be available in federal FY 2014/2015 for funding the water quality management planning programs, of which 40 percent is typically passed through to local agencies for projects unless the state requests a waiver from the requirement. Due to the relatively small amount available for projects, a waiver of the pass through requirements will be requested. The grant will be used to support the overall water quality planning program in federal FY 2014/2015 for the State Water Board and Regional Water Quality Control Boards (Regional Water Boards). In recent years approximately half of the grant has been used to support staff in the Division of Water Quality. Funds will be used for activities including refinement of designated beneficial uses of the state's waters, establishment of water quality objectives to protect those uses, contracting activities, and other important activities related to the State Water Boards' workload associated with developing and processing water quality standards revisions. Staff and contract resources from the 205(j) grant will contribute significantly to meeting these needs.

**POLICY ISSUE**

Should the State Water Board delegate the authority to apply for, and accept Clean Water Act Section 205(j) grants?

**FISCAL IMPACT**

None. Existing Basin Planning Program budget authority is adequate to accommodate the anticipated grant.

## **REGIONAL BOARD IMPACT**

None.

## **STAFF RECOMMENDATION**

The State Water Board should adopt the proposed resolution.

State Water Board action on this item will assist the Water Boards in reaching Goal 4 of the Strategic Plan Update: 2008-2012 to comprehensively address water quality protection and restoration, and the relationship between water supply and water quality, and describe the connections between water quality, water quantity, and climate change, throughout California's water planning processes. In particular, approval of this item will assist in fulfilling Objective 4.2. that Basin Plans are consistently organized by 2012, and updated by 2015, to provide a clear structure that readily conveys key elements (e.g., beneficial uses, potential impacts of climate change, water quality objectives, goals for watersheds, plans for achieving those goals, and monitoring to inform and adjust the plans) and that fully integrates other statewide plans and policies such as the California Ocean Plan.

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2014-

AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO APPLY FOR,  
ACCEPT, AND/OR AMEND A FEDERAL CLEAN WATER ACT  
SECTION 205(j) GRANT AND AUTHORIZING EXECUTION AND AMENDMENT OF  
AGREEMENTS FOR SUPPORT OF THE 205(j) PROGRAM

### WHEREAS:

1. Section 205(j) of the federal Clean Water Act (CWA) requires states to reserve one percent of their annual Title II Clean Water Construction Grant allocation for water quality management planning activities. Beginning in federal Fiscal Year 1989, CWA section 604(b) supplemented CWA section 205(j)(2) to maintain such funding.
2. The State Water Resources Control Board (State Water Board) is the state agency designated to administer the 205(j) Program. Typically 40 percent of these funds are passed through to local agencies for projects.
3. State Water Board staff works with the United States Environmental Protection Agency (U.S. EPA) and other stakeholders to identify projects eligible for funding pursuant to the pass through requirements.
4. These pass through requirements can be waived if the Governor determines, and the U.S. EPA approves, a finding that the allocation will neither result in significant participation by planning organizations, nor significantly assist in development and implementation of the state's water quality management program. The Governor has delegated the authority to request a waiver of the pass through requirements to the Executive Director of the State Water Board.
5. Many water quality planning activities administered by the State Water Board have been under-supported. These include refinement of designated beneficial uses of the state's waters, establishment of water quality objectives to protect those uses, contract activities, and other important activities related to the Division of Water Quality's workload associated with developing and processing Total Maximum Daily Loads.
6. Staff and administrative support resources from the 205(j) grant will contribute significantly to meeting these needs.

### THEREFORE BE IT RESOLVED THAT:

#### The State Water Board:

1. Authorizes the Executive Director or designee to apply for, accept, and amend as necessary the annual 205(j) water quality management planning grant.
2. Authorizes the Executive Director or designee to negotiate, approve, and amend 205(j) water quality management planning workplans.

# **D R A F T**

3. Authorizes the Executive Director to apply for a waiver of the pass through requirements when deemed necessary.
4. Authorizes the Executive Director or designee to negotiate agreements or contracts to support the state's water quality planning activities and to perform all acts, and to do all things necessary and convenient to implement such agreements or contracts.
5. Authorizes the issuance of in-kind services with U.S. EPA and amendments in accordance with approved workplans to implement projects subject to the availability of federal funding.

## **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 June 17, 2014.

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Jeanine Townsend  
Clerk to the Board