

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF DRINKING WATER
JUNE 7, 2016**

ITEM 3

SUBJECT

CONSIDERATION OF A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO AMEND THE NATIONAL WATER RESEARCH INSTITUTE (NWRI) CONTRACT ADMINISTERING THE EXPERT PANEL ON THE FEASIBILITY OF DEVELOPING UNIFORM WATER RECYCLING CRITERIA FOR DIRECT POTABLE REUSE: INCREASE CONTRACT TO \$811,831 (AN INCREASE OF \$458,424) TO FUND THE FULL SCOPE OF THE INVESTIGATION REQUIRED BY SB 916 AND SB 322.

DISCUSSION

Senate Bills 918 and 322, requires the State Water Resources Control Board (State Water Board) Division of Drinking Water to convene and administer an expert panel. This panel will advise the department on public health issues and scientific and technical matters regarding the development of uniform water recycling criteria for indirect potable reuse through surface water augmentation, and the investigation of the feasibility of developing uniform water recycling criteria for direct potable reuse (DPR).

In March 2014, the State Water Board entered into contract with the National Water Research Institute (NWRI) to administer an expert panel required by Water Code section 13565 (SB 918 and SB 322). The scope of the contract covered work required to determine whether proposed regulations for surface water augmentation are adequately protective of public health. The contract was for \$353,407.

Water Code section 13565 requires that the same expert panel advise the State Water Board on the investigation of the feasibility of developing uniform water recycling criteria for DPR and requires that an advisory group advise the expert panel and the State Water Board on the investigation as well.

Staff has determined that an amendment to the NWRI contract is needed to extend the scope of the contract to include the tasks required to complete the investigation of the feasibility of developing uniform water recycling criteria for DPR by the legislated December 31, 2016, deadline. This addition to the scope of work will increase the NWRI contract to \$811,831, an increase of \$458,424 to fund the full scope of the DPR investigation required by SB 918 and SB 322.

The Division of Administrative Services will ensure the contracting activities are in compliance with State contracting laws, regulations, policies, and procedures

POLICY ISSUE

Should the State Water Board authorize the Executive Director or designee to negotiate, execute, and amend the NWRI contract, associated tasks, contract terms, and increase the funding for an amount up to \$811,831 (an increase of \$458,424) for support of the Drinking Water Program.

FISCAL IMPACT

None.

REGIONAL BOARD IMPACT

None.

HUMAN RIGHT TO WATER ANALYSIS

Staff has considered Water Code section 106.3 (added by Assembly Bill 685 [Stats. 2012. Ch. 524]). This proposed action supports the Human Rights to Water because it will assist Water Board staff in determining whether uniform criteria can be developed for direct potable reuse that will be protective of public health, which could help inform the State Water Board whether DPR can be considered as a potential new source of drinking water.

STAFF RECOMMENDATION

The State Water Board should authorize the Executive Director or designee to amend the NWRI contract administering the Expert Panel on the Feasibility of Developing Criteria for DPR by increasing contract to \$811,831 an increase of \$458,424, to fund the full scope of the investigation required by the SB 918 and SB 322.

State Water Board action on this item will assist the Water Board’s Strategic Plan in completing the investigation on the feasibility of developing uniform water recycling criteria for DPR as required by Senate Bills 918 and 322. This contract will complete this goal.
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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2016-

AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO AMEND THE NATIONAL WATER RESEARCH INSTITUTE (NWRI) CONTRACT ADMINISTERING THE EXPERT PANEL ON THE FEASIBILITY OF DEVELOPING CRITERIA FOR DIRECT POTABLE REUSE: INCREASE CONTRACT TO \$811,831 (AN INCREASE OF \$458,424) TO FUND THE FULL SCOPE OF THE INVESTIGATION REQUIRED BY SB 918 AND SB 322

WHEREAS:

1. Senate Bill 918 and 322 requires the State Water Resources Control Board (State Water Board) Division of Drinking Water to convene and administer an expert panel for the purposes of advising the department on public health issues and scientific and technical matters regarding the investigation of the feasibility of developing uniform water recycling criteria for direct potable reuse (DPR).
2. In March 2014, the State Water Board entered into contract with the National Water Research Institute (NWRI) to administer an expert panel required by Water Code section 13565 (SB 918 and SB 322). The scope of the contract covered work required to determine whether the proposed regulations for surface water augmentation are adequately protective of public health. The contract was for \$353,407.
3. Water Code section 13565 requires that the same expert panel advise the State Water Board on the investigation of the feasibility of developing uniform water recycling criteria for DPR. Water Code section 13565 also requires that an advisory group advise the expert panel and the State Water Board on their investigation.
4. An amendment to the NWRI contract is needed, to extend the scope of work described in item 3 to complete the tasks required by SB 918 and SB 322 by the legislated December 31, 2016, deadline. This amendment will fund the full scope of the DPR investigation required.
5. The NWRI contract will need to be amended to \$811,831, an increase of \$458,424, to fund the full scope of the DPR investigation required by SB 918 and SB 322.
6. The Division of Administrative Services will ensure that the contracting activities comply with State contracting laws, regulations, policies, and procedures.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board hereby authorizes the Executive Director or designee to negotiate, execute, and amend the NWRI contract, associated tasks, contract terms, and increase the funding for an amount up to \$811,831 (an increase of \$458,424) for support of the Division of Drinking Water.

D R A F T

2. Except as otherwise specifically provided by the State Water Board, the Executive Director, or the Executive Director's designee, shall be the duly authorized representative of the State Water Board for the purpose of making a final determination of any dispute arising under or relating to the performance of any contracts to which the State Water Board is a party.
3. This authorization shall remain in full force and effect until modified or revoked by the State Water Board.

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 7, 2016.

Jeanine Townsend
Clerk to the Board