

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 75-24

ADOPTING SPECIAL CONDITIONS FOR
INCLUSION IN ALL GRANT CONTRACTS FOR
PROJECTS IN AIR QUALITY MAINTENANCE
AREAS TO BE EXECUTED PRIOR TO JUNE 30, 1975

WHEREAS:

1. The Environmental Protection Agency is bound by the provisions of Section 1857h-4(c), Title 42 of the United States Code and Office of Management and Budget Circular A-102 and Attachment O to said circular which applies to "Administrative Requirements for Grants-in-Aid to State and Local Governments". (Federal Register, Vol. 38, No. 151, August 7, 1973.)
2. Paragraph 4k of the above referenced Attachment O reads, in pertinent part, as follows:

"Contracts and subgrants of amounts in excess of \$100,000 shall contain a provision which requires the recipient to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970...."
3. The State Water Resources Control Board has agreed to comply with the requirements of federal law in administration of the Clean Water Grants Program.
4. Section 2720 of the Board's Regulations for Implementation of the California Environmental Quality Act (California Administrative Code, Title 23, Chapter 3, Subchapter 17) reads as follows:

"The state board may deny, postpone or condition discretionary financial assistance for any project which is to be undertaken by any person where the state board determines that such action is necessary to protect against environmental damage, to minimize adverse environmental impacts, or to ensure long term protection of the environment."
5. Pursuant to provisions of the Clean Air Act of 1970 and to 40 CFR 51.12, the California Air Resources Board has designated eight Air Quality Maintenance Areas throughout the State which have the potential to exceed adopted ambient air quality standards during the period 1975 through 1985.

6. State grant contracts will be executed for a number of projects in Air Quality Maintenance Areas prior to June 30, 1975.
7. The Regional Administrator, Region IX, Environmental Protection Agency, has stated that a special condition such as Appendix A, attached, is necessary to permit EPA to approve grants for projects in Air Quality Maintenance Areas which it otherwise might not have been able to approve.

THEREFORE BE IT RESOLVED:

1. That the State Water Resources Control Board, in order to permit approval of grant funding for projects for water pollution control, finds it necessary to establish a procedure for resolving air quality impacts of such projects.
2. That the Executive Officer prepare a proposed regulation which will subject all grant contracts to be executed on or before June 30, 1975, for projects located in Air Quality Maintenance Areas to a condition similar in form and effect to the draft condition set forth in Appendix A to this resolution.
3. That the Executive Officer schedule and notice a hearing to consider comments on said proposed regulation.
4. That the Executive Officer immediately begin preparation for consideration of a regulation which will subject projects located in Air Quality Maintenance Areas which receive grants after June 30, 1975, to similar conditions with regard to air quality impacts.

CERTIFICATION

The undersigned, Executive Officer of the State Water Resources Control 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
APR 2 1975

Bill B. Dendy
Bill B. Dendy
Executive Officer

APPENDIX A

GRANT CONDITION

- (a) In order to limit detrimental air quality impacts associated with new sewer connections and in order to prevent significant economic hardship or social dislocation that might result from a moratorium on all new sewer connections before grantee and other public agencies have an opportunity to develop a program to mitigate the air pollution emissions associated with new sewer connections, grantee agrees that prior to December 1, 1976, grantee will authorize no new sewer connections outside the boundaries of the area to be served by the project as defined in the grantee's approved project report as amended and as shown on the attached map. Grantee further agrees that the aggregate average daily hydraulic flow from new sewer connections made or authorized within said area prior to December 1, 1976, shall not exceed _____ percent of the average daily hydraulic flow as of the date of execution of this contract. The SWRCB will determine the average daily hydraulic flow.
- (b) In order to limit detrimental air quality impacts, grantee agrees that no new sewer connections shall be authorized after December 1, 1976, except pursuant to sections (c), (d), and (e) below.

- (c) Grantee agrees that not less than one year prior to the date grantee proposes to authorize new sewer connections in excess of those permitted under section (a) above, grantee shall petition the ARB to hold a hearing to determine the air quality related conditions under which grantee may authorize new sewer connections. Petition shall include such information as required by guidelines adopted by the ARB by July 1, 1975.
- (d) Grantee understands that within one year after petition, or by December 1, 1976, whichever is later, the ARB will hold hearings and make findings regarding required air quality related conditions under which grantee may authorize new sewer connections in excess of those permitted under section (a) above. Grantee agrees to abide by any such conditions specified by the ARB. Grantee understands further that grantee may authorize new sewer connections under this section if the ARB's findings are that:
- (1) Public agencies within grantee's service area have participated in and agreed to implement a state approved air quality maintenance plan; or
 - (2) Public agencies within grantee's service area have adopted and are implementing mitigation measures in accordance with Air Resources Board Guidelines; or

- (3) Emissions growth associated with new sewer connections in the air quality maintenance area or sub-maintenance area will not interfere with the attainment or maintenance of national primary or secondary ambient air quality standards or state ambient air quality standards.

Grantee further understands that guidelines for mitigation measures to be adopted and implemented under (2) above will be adopted by the ARB by December 1, 1975.

- (e) Grantee further understands that in the event the ARB fails to make its findings within one year of grantee's petition under (c) above or prior to December 1, 1976, whichever is later, as to the air quality related conditions under which grantee may authorize new sewer connections, grantee may authorize new sewer connections without regard to air quality impacts until such time as the findings are made.
- (f) Grantee further understands that the ARB will adopt petition guidelines by July 1, 1975, and will give grantee and affected local government leadership, guidance, and assistance for the development of air quality maintenance plans.

- (g) This condition does not affect grantee's authority
- (1) to connect existing unsewered discharges, or
 - (2) to make new connections for which all necessary governmental sewer connection approvals have been obtained as of the date of execution of this agreement.