

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE  
FEBRUARY 17, 2009**

**ITEM 9**

**SUBJECT**

CONSIDERATION OF A RESOLUTION ADOPTING THE PROPOSITION 84 STORM WATER GRANT PROGRAM GUIDELINES (GUIDELINES)

**DISCUSSION**

On November 7, 2006, voters approved the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Pub. Resources Code [PRC], §75001 et seq.) (Proposition 84) authorizing the issuance of bonds to fund a variety of water quality improvement projects. Proposition 84 allocated \$90 million to the State Water Resources Control Board (State Water Board) to provide matching grants to local public agencies for the reduction and prevention of storm water contamination of rivers, lakes, and streams. Assembly Bill (AB) 739 (Stats. 2007, Ch. 610) further defines the Proposition 84 SWGP including identifying possible project types, establishing program preferences, and requiring the development of project selection and evaluation guidelines.

AB 739 also requires the State Water Board to appoint a task force that will provide advice to the State Water Board on its Storm Water Management Program that may include program priorities, funding criteria, project selection, and interagency coordination of State Programs that address storm water management. On February 19, 2008, in [Resolution 2008-0012](#), the State Water Board appointed 15 members to the Storm Water Advisory Task Force (SWATF), representing public agencies, nonprofit organizations, industry, and the regulated community. The SWATF was directed to provide input on the development of the project selection and evaluation guidelines, as well as a comprehensive guidance document for evaluating and measuring the effectiveness of Municipal Storm Water Management Programs.

The Guidelines establish the process and criteria that the State Water Board, Division of Financial Assistance (Division) will use to solicit applications, evaluate proposals, and award grants for the Proposition 84 Storm Water Grant Program (SWGP). These Guidelines include the information and documentation applicants will be required to submit when applying for grant funding.

Division staff engaged stakeholders in the development of these Guidelines at several venues. Staff conducted initial scoping meetings in February and March 2008, as well as draft Guidelines workshops throughout the State, in December 2008, to solicit input in areas such as: required match amounts, minimum and maximum grant amounts, project preferences, and the grant solicitation process. Additionally, State Water Board staff worked to develop the Guidelines with Regional Water Quality Control Board (Regional Water Boards) staffs, as well as the SWATF during the five SWATF meetings conducted in 2008. Interested parties were notified of the draft Guidelines via the State Water Board's LYRIS e-mail lists, and the draft Guidelines were posted on the State Water Board website for public review and feedback.

The Guidelines contain an overview of the grant process, eligibility requirements, program priorities, review and selection process, general requirements, evaluation criteria, and the information that will be required for submittal.

Of the seven eligible project types identified in AB 739, the Guidelines establish two eligible project types. Based on the input from the SWATF the two eligible projects types are: (1) implementing Low Impact Development (LID) and other onsite and regional practices, on public and private lands, that seek to maintain predevelopment hydrology for existing and new development and redevelopment projects; and (2) complying with Total Maximum Daily Load (TMDL) requirements established pursuant to section 303(d) of the Clean Water Act (33 U.S.C. Sec. 1313[d]) and Division 43 of the PRC where pollutant loads have been allocated to storm water, including, but not limited to, metals, pathogens, and trash pollutants.

Proposition 84 states, “up to 10 percent of funds allocated for each program...may be used to finance planning and monitoring necessary for the successful design, selection, and implementation of the projects authorized under that program.” (PRC, § 75072). The Guidelines outline the requirements, application, and evaluation criteria for the PRC § 75072 Planning and Monitoring Projects.

The Guidelines establish two rounds of funding for the Proposition 84 SWGP, and a separate solicitation for the PRC section 75072 Planning and Monitoring Projects. Each round will consist of a two-step proposal solicitation process, as outlined in the Guidelines. Applicants will submit Concept Proposals (CPs) through the State Water Board's on-line Financial Assistance Application Submittal Tool. The applicants that submitted the most competitive CPs will be invited to submit Full Proposals (FPs). Technical review teams will review the submitted FPs, develop a preliminary ranked list, which the Selection Panel will review to develop the recommended funding list, which will be presented to the State Water Board for adoption.

## **POLICY ISSUE**

Should the State Water Board adopt the Proposition 84 Storm Water Grant Program Guidelines?

## **FISCAL IMPACT**

Of the \$90 million allocated to the State Water Board, after bond and administrative costs \$82,350,000 is available for grants to eligible entities. The Fiscal Year (FY) 2007-2008 and FY 2008-2009 Budgets contain appropriations to fund the Proposition 84 SWGP. Staff costs will be funded by the five percent administrative set-aside allowed by Proposition 84.

## **REGIONAL WATER QUALITY CONTROL BOARD IMPACT**

Grants from the Proposition 84 SWGP will help fund projects that improve storm water quality within the regions. Regional Water Boards staffs may work with applicants to encourage compliance with regional water quality control plans (Basin Plans), and will provide technical assistance in the review of project applications.

## STAFF RECOMMENDATION

The State Water Board should adopt the [Proposition 84 Storm Water Grant Program Guidelines](#).

State Water Board action on this item will assist the Water Boards in reaching Goal 1 of the Strategic Plan Update: 2008-2012 to implement strategies to fully support the beneficial uses for all 2006-listed water bodies by 2030. In particular, approval of this item will assist in fulfilling Action 1.2.1 to develop and adopt incentives and standard requirements, beginning with the general construction permit by December 2008, and water quality certifications by December 2009, that encourage or require local jurisdictions to implement LID/Green Infrastructure techniques that promote the infiltration, capture, and treatment of stormwater for reuse and Objective 1.1 to implement a statewide strategy to efficiently prepare, adopt, and implement TMDLs, which result in water bodies meeting water quality standards and adopt and begin implementation of TMDLs for all 2006-listed water bodies by 2019.

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2009-

### ADOPTION OF THE PROPOSITION 84 STORM WATER GRANT PROGRAM GUIDELINES (GUIDELINES)

#### WHEREAS:

1. The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Pub. Resources Code, §75001 et seq.) (Proposition 84) authorizes \$90 million to provide matching grants to local public agencies for the reduction and prevention of storm water contamination of rivers, lakes, and streams;
2. Proposition 84 provides that up to ten percent (10%) of the funds allocated for the Proposition 84 Storm Water Grant Program (SWGPP) may be used to finance planning and monitoring necessary for the successful design, selection, and implementation of projects authorized under the Proposition 84 SWGP;
3. Assembly Bill (AB) 739 (Stats. 2007, Ch. 610) further defines the Proposition 84 SWGP including identifying possible project types, establishing program preferences, requiring the development of project selection and evaluation guidelines, and the establishment of a Storm Water Advisory Task Force (SWATF) to provide advice to the State Water Resources Control Board (State Water Board) on its Storm Water Management Program;
4. Division of Financial Assistance (Division) staff engaged stakeholders in the development of the Guidelines through scoping meetings, draft Guidelines workshops, distribution of the draft Guidelines through State Water Board's LYRIS e-mail lists, and posting of the draft Guidelines on the State Water Board's website for public review and feedback; and comments received on the draft Guidelines have been taken into consideration in the final Guidelines;
5. The SWATF, appointed by the State Water Board in [Resolution 2008-0012](#), has provided advice to State Water Board staff on the development of the draft Guidelines, including, but not limited to, the program priorities (eligible project types), and the project selection and funding criteria;
6. Implementation of Low Impact Development techniques and Total Maximum Daily Load compliance are desired outcomes outlined in the State Water Boards' Strategic Plan Update: 2008-2012;
7. The Guidelines establish the Proposition 84 SWGP criteria, and the review and selection process for awarding SWGP funds; and
8. Up to five percent of the funds appropriated under Proposition 84 are available to the State Water Board for administrative costs.

# **D R A F T**

THEREFORE BE IT RESOLVED THAT:

The State Water Board adopts the *Proposition 84 Storm Water Grant Program Guidelines*.

## **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 Board held on February 17, 2009.

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Jeanine Townsend  
Clerk to the Board