

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF ADMINISTRATIVE SERVICES
OCTOBER 7, 2014**

ITEM 3

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION AUTHORIZING THE DEPUTY DIRECTOR, DIVISION OF ADMINISTRATIVE SERVICES, TO EXECUTE CONTRACT AMENDMENTS TO COINCIDE WITH PREVIOUS FUNDING FOR THE DEVELOPMENT OF THE CENTRAL VALLEY SALINITY AND NUTRIENT MANAGEMENT PLAN.

DISCUSSION

To address salinity and nutrient management within the Central Valley the Central Valley Regional Water Quality Control Board (Regional Water Board) is a stakeholder in the Central Valley Salinity Alternatives for Long-term Sustainability (CV-SALTS). CV-SALTS is a stakeholder lead initiative developing a Central Valley-wide salt and nitrate management plan. Cleanup and Abatement (CAA) funds were authorized in two separate resolutions to provide seed money for the initiative. [Resolution No. 2009-0023](#) authorized \$1.2-million and [Resolution No. 2010-0042](#) authorized \$3.8-million. The \$3.8-million was allocated in two phases with \$2.0-million available upon adoption of the resolution and the final \$1.8-million authorized in December 2012. To track progress, Resolution No. 2010-0042 included a requirement that the Regional Water Board report annual progress on the initiative at a publicly noticed State Water Board meeting. The progress report is to include a detailed accounting of expenditures, services received, a line item report of in-kind and contract services contributions from Central Valley Salinity Coalition (CVSC) members and/or additional public and private entities, a summary of work accomplishments to date and timeline for completion of work.

In accordance with Resolution No. 2010-0042 annual progress reports have been provided at publicly noticed State Water Board meetings on December 12, 2011, December 4, 2012, and January 21, 2014. The timeline for completion of a draft Central Valley Salt and Nutrient Management Plan was extended by [Resolution R5-2013-0149](#) of the Regional Water Board based on demonstration of substantial progress made by CV-SALTS and the need for additional time to insure thorough environmental and economic review of proposed alternatives before submitting a final plan. This two year time extension is consistent with requirements of the State Water Board's Recycled Water Policy.

Based on progress reports presented to the Central Valley Water Board and the State Water Board that demonstrated substantial progress a Cleanup and Abatement Project Time Extension Request to extend the CAA funding was approved by the Acting Deputy Director, Division of Financial Assistance on January 29, 2014.

Due to state contracting policy, a resolution is required to allow for time extensions to contracts over \$500,000 or three years. This agenda item and the resulting resolution will provide the appropriate level of authority to the Deputy Director, Division of Administrative Services to execute the necessary contract amendments.

POLICY ISSUE

Should the State Water Board approve a resolution to allow the Deputy Director, Division of Administrative Services, to process contract amendments to continue funding the CV-SALTS initiative work toward development of a salt and nitrate management plan for the Central Valley Region?

FISCAL IMPACT

None. Funding from the Cleanup and Abatement Account has been approved through Resolution 2010-0042 and [2012-0066](#).

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

That the State Water Board approves the resolution to allow the Deputy Director, Division of Administrative Services, to process contract amendments to coincide with previous funding that will allow for completion of a salt and nitrate management plan for the Central Valley Region.

State Water Board action on this item will assist the Water Boards in reaching Goal 5 of the Strategic Plan Update: 2008-2012 improve transparency and accountability.
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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2014-

AUTHORIZING THE DEPUTY DIRECTOR, DIVISION OF ADMINISTRATIVE SERVICES, TO EXECUTE CONTRACT AMENDMENTS TO COINCIDE WITH PREVIOUS FUNDING FOR THE DEVELOPMENT OF THE CENTRAL VALLEY SALINITY AND NUTRIENT MANAGEMENT PLAN (PROJECT)

WHEREAS:

1. The Central Valley Regional Water Quality Control Board (Regional Water Board) was awarded \$3.8 million in accordance with [Resolution No. 2010-0042](#), to conduct years two and three of a three-year Project in support of the development of a salinity and nutrient management plan for the Central Valley. It is expected that the Project will provide the basis for a Regional Water Board Basin Plan amendment that will address ongoing salinity and nutrient concerns in the Central Valley Region.
2. Resolution No. 2010-0042 provided \$2 million for year two and \$1.8 million for year three. Funding for year three was contingent upon whether sufficient progress in implementing the Project has been demonstrated and outside stakeholder support and funding has been developed.
3. In accordance with Resolution No. 2010-0042, the Regional Water Board and members of the Central Valley Salinity Coalition (Coalition) reported to the State Water Resources Control Board (State Water Board) at a public board meeting on the cumulative progress achieved during years one and two. The progress report included a detailed accounting of expenditures, services received, a line item report of in-kind and contract services contributions from Coalition members and/or additional public and private entities, a summary of work accomplishments to date and timeline for completion of work.
4. On November 17, 2011, the Division of Administrative Services executed a contract for years one and two with the San Joaquin Drainage Authority.
5. On December 4, 2012, the State Water Board adopted [Resolution No. 2012-0066](#) allocating the final \$1.8 million for the Project based on a finding of sufficient progress in implementing the development of a Central Valley Salt and Nutrient Management Plan.
6. The requested release of the original allocation is consistent with the purposes of Water Code Section 13442. Section 13442 provides that the State Water Board may order monies to be paid from the CAA to a public agency with the authority to cleanup or abate the effects of a waste in order "to assist it in cleaning up the waste or abating its effects on the waters of the state."

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7. The available CAA funding is being utilized as seed money for the overall CV-SALTS initiative and is being matched by stakeholder monetary and in-kind contributions.
8. Resolution No. 2012-0066 requires the Regional Water Board to continue to report progress on the effort to the State Water Board on at least an annual basis at a publicly noticed State Water Board meeting. If the Project was not completed by June 1, 2014, the Regional Water Board will provide estimates of when work is expected to be complete and identify additional funding sources, if necessary, that will be utilized to complete the Project.
9. On December 6, 2013, a Central Valley Water Board workshop was conducted to provide updates on technical activities, anticipated timeline, and budget of the CV-SALTS effort.
10. The Central Valley Water Board adopted [Resolution No. 2013-0149](#), finding that the stakeholders are making substantial progress towards completion of a salt and nitrate management plan for the Central Valley Region.
11. Resolution No. 2013-0149 also finds that a two year time extension is warranted for the CV-SALTS initiative to finalize and propose a Central Valley Salt and Nitrate Management Plan pursuant to section 6(b)1(d) of the *Recycled Water Policy*.
12. On January, 21 2014, in accordance with Resolution No. 2010-0042, the Regional Water Board and members of the Coalition reported to the State Water Board at a public board meeting on the cumulative progress achieved, and the anticipated timelines and budget for the completion of a salt and nitrate management plan for the Central Valley Region.
13. Based on progress reports presented to the Central Valley Water Board and the State Water Board that demonstrated substantial progress a Cleanup and Abatement Project Time Extension Request to extend the CAA funding to December 1, 2016 was approved by the Acting Deputy Director, Division of Financial Assistance on January 29, 2014.
14. On May 30, 2014, the Division of Administrative Services executed an amendment to the contract with San Joaquin Drainage Authority to extend the term of the contract through June 1, 2015.
15. The Division of Administrative Services does not have authority delegated by the State Water Board to extend the contract to coincide with the expiration of funds on December 1, 2016.

D R A F T

THEREFORE BE IT RESOLVED THAT:

The State Water Board authorizes the Deputy Director, Division of Administrative Services, to execute contract amendments to coincide with previous funding authorizations through December 1, 2016 for CAA Project No. C/A 292 to complete the salt and nitrate management plan for the Central Valley Region.

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 October 7, 2014.

Jeanine Townsend
Clerk to the Board