

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF – MAY 28-29, 2015

Prepared on May 8, 2015

ITEM NUMBER: 17

SUBJECT: Pre-Approved Supplemental Environmental Project Prioritization – Groundwater Assessment and Protection (GAP)

STAFF CONTACT: John Robertson 805/542-4630, John.Robertson@waterboards.ca.gov

KEY INFORMATION:

Location: Region-Wide
Type of Discharge: Various

THIS ACTION: Information

SUMMARY

In response to the Governor's drought emergency declarations and the associated water quality challenges, Water Board enforcement staff has focused pre-approved supplemental environmental project (SEP) settlement offers exclusively towards Groundwater Assessment and Protection (GAP) projects. The Central Coast Water Board-approved GAP work plan is strongly focused on drought related activities (i.e., region-wide domestic well sampling and outreach effort, interim replacement drinking water in disadvantaged communities, data capture of local agency domestic well location, water quality, and water level information, etc.), which mirrors the Governor's direction to the Water Boards. GAP is administered by the Bay Foundation of Morro Bay, a non-profit organization, per an agreement with the Central Coast Water Board. No GAP funds are directed to the Water Board or underwrite staff time.

GAP is also underfunded, as the Central Coast Water Board noted during staff's July 2014 update to the Board. Accordingly, enforcement staff will continue to prioritize GAP as the exclusive SEP option in settlement offers. Other third-party organizations can apply for funding from GAP to implement GAP work plan activities.

WHAT THIS MEANS:

Dischargers with outstanding enforcement-related liabilities can:

- 1) Agree to waive a hearing in front of the Water Board and
 - a. pay a portion, up to fifty percent, of that liability to the pre-approved GAP SEP, with the remainder going to the State Water Board's Cleanup and Abatement Account, or
 - b. pay all of the outstanding liability to the State Water Board's Cleanup and Abatement Account, or
- 2) Request consideration for an alternative, non-pre-approved SEP. This proposed alternate SEP, if approved, can have a value of up to fifty percent of the outstanding liability, with the remainder of the liability (fifty percent or greater) going to the Cleanup and Abatement Account.

The approach described above complies with the State Water Board's SEP and Enforcement policies.

DISCUSSION/BACKGROUND

The vast majority of our enforcement actions are settled or otherwise resolved without a Water Board hearing. Water Board staff and dischargers can save significant amounts of time and effort by a discharger waiving their right to a hearing and agreeing to a settlement. Water Board enforcement staff provides settlement offers to dischargers in an expedited payment letter (EPL), which contains a pre-approved option for SEPs. The discharger can elect to send up to fifty percent of their liability to one of the pre-approved SEPs with the remainder going to the State Water Board's Cleanup and Abatement Account. The discharger also has the option of sending all of the liability to the Cleanup and Abatement Account as part of this EPL.

Until recently, EPLs offered three options for pre-approved SEPs, including the Central Coast Ambient Monitoring Program (CCAMP) and Low Impact Development Initiative (LIDI). Water Board staff recently removed both of these pre-approved SEP choices from the EPLs because 1) GAP work, as identified in the initial GAP [work plan](#) and more recently revised in the July 2014 Item No. 12 [staff report](#) (Pages 6-7), is our highest priority per the Governor's direction, 2) GAP is underfunded, and 3) both CCAMP and LIDI are fully funded relative to their respective scopes of work, and endowment goals (in the case of CCAMP).

The pre-approved GAP SEP, as well as the prior pre-approved CCAMP and LIDI SEPs reflect our [organizational priorities](#). GAP projects also reflect the Water Board organization's increasing focus on the drought and its related water quality issues, consistent with the following:

- The Governor's actions associated with the Emergency Drought Relief Act (SB 103 and SB 104), [which directed \\$4 million](#) from the State Water Board's Cleanup and Abatement Account (CAA) toward interim emergency drinking water to disadvantaged communities with contaminated drinking water supplies;
- The [Human Right to Water Law](#) (Water Code Section 106.3);
- AB 91 [which appropriated an additional "\\$15 Million from the CAA](#) to the State Water Board to address drought-related drinking water emergencies or threatened emergencies, without regard to whether the need for emergency drinking water is as a result of discharge of waste."
- The Governor's 2015/16 January 2015 budget proposal and its prioritization of drought-related activities.

Additionally, the Central Valley Water Board (Region 5) has similarly targeted SEP money at a [pre-approved project](#), managed by the Rose Foundation, and focused on assisting disadvantaged communities (DACs) with projects that fit criteria including water quality monitoring, well rehabilitation or replacement, watershed assessment programs, wetland, waterbody, or riparian habitat conservation or protection programs, and pollution prevention/public awareness efforts.

The change in pre-approved SEP offerings described above does not affect or limit the discharger's ability to select a non-pre-approved project; this change only alters the pre-approved SEP offerings listed on the EPLs. Selecting a non-pre-approved project remains an available option for dischargers.

Money applied to GAP projects as part of this SEP process does not underwrite staff costs in any way.

CONCLUSION

Water Board staff will continue to offer GAP as the pre-approved SEP in EPLs. Staff will also provide periodic updates to the Water Board on the implementation status and results of GAP projects.

\\ca.epa.local\RB3\Shared\Enforcement\Board Meetings\2015\May 28, 2015\Item_17_SEPRedirection_StaffReport.051315.FINAL.doc