

ITEM: 13

SUBJECT: Resolution Approving Supplemental Environmental Project List Criteria and Authorizing the Executive Officer to Administer the Supplemental Environmental Projects and Regional Water Quality Improvement Projects Program

BOARD ACTION: *Consideration of the Resolution Proposed for Adoption*

BACKGROUND: In order to streamline the process of selecting Supplemental Environmental Projects (SEPs) in enforcement cases, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) will solicit proposals for projects that can be put on an pre-approved list of SEPs (the SEP/RWQIP List). Dischargers with outstanding liability resulting from enforcement actions will then have the option of selecting an SEP project from the SEP/RWQIP List, and then may propose to settle the enforcement action by applying a portion of the assessed liability towards the SEP in accordance with the State Water Board's Enforcement Policy.

The Central Valley Water Board will also solicit proposals for Regional Water Quality Improvement Projects (RWQIPs), which are funded by the State Water Pollution Cleanup and Abatement Account (CAA). These may also be added to the SEP/RWQIP List. RWQIPs address problems requiring cleanup and abatement actions and other significant water pollution problems that may not be undertaken in the absence of financial assistance. The CAA receives funding from court judgments, administrative civil liability assessments, and other sources. By developing a SEP/RWQIP List, the process of allocating resources from the CAA to these RWQIPs will be streamlined.

The resolution contains criteria that the Central Valley Water Board will use to evaluate whether proposed SEPs and RWQIPs are suitable for placement on an SEP/RWQIP List. The Resolution directs the Executive Officer to exercise management authority over the development and maintenance of the SEP/RWQIP List.

RECOMMENDATION: Adopt the proposed Resolution

Mgmt. Review _____

Legal Review ___ PEP ___

4/5 December 2008

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