

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION -- DIVISION OF FINANCIAL ASSISTANCE
NOVEMBER 4, 2008**

ITEM 7

SUBJECT

CONSIDERATION OF A RESOLUTION TO COMMIT UP TO \$1.968 MILLION OF CLEAN BEACHES INITIATIVE (CBI) PROPOSITION 13 GRANT PROGRAM FUNDS TO CONTINUE THE BEACH SAFETY PROGRAM

DISCUSSION

The Coastal Nonpoint Source Control Program (CNPSC) established in the Costa-Machado Water Act of 2000 (Wat. Code, § 79000 et seq.) (Proposition 13), provides funding for projects that restore and protect the water quality and environment of coastal waters, estuaries, bays, and near shore waters and groundwater. All projects receiving grant funding from this subaccount are required to meet the criteria established in California Water Code § 79148.

The CBI Grant Program was established with the appropriation of \$32.298 million of Proposition 13 CNPSC funds, in the 2001-2002 Budget Act, to implement 38 specific projects to restore and protect water quality at California's public beaches. Other CNPSC funds were awarded through three competitive solicitations. Most projects are completed or nearing completion. Funds originally awarded to the CBI and other CNPSC projects are still available because projects have been completed under budget, or grantees were unable to complete the original proposed projects. These reverted funds have been re-appropriated and are available for additional projects consistent with the authorizing statute.

In 1997, Assembly Bill (AB) 411 (Stats. 1997, Ch. 765) mandated that beaches with storm drains that discharge during dry weather, that are visited by more than 50,000 people per year, be monitored at least weekly from April 1 through October 31 by the local health officer or environmental health agency. Beginning in 1999, Department of Health Services (now the Department of Public Health) (DPH) regulations implementing AB 411 required that local officials post warning signs at beaches that exceed standards set by the DPH. In 2004, AB1876 (Stats. 2004, Ch. 709) expanded the AB411 monitoring requirements to the San Francisco Bay area beaches. The monitoring provisions are not mandatory in years that the state does not provide sufficient funds.

The DPH funded counties to implement the Beach Safety Program using General Funds. During Fiscal Year 2007-2008 DPH distributed a total of \$1,098,851 for the Beach Safety Program. However, for the Fiscal Year 2008-2009 the Budget proposed a 10 percent reduction in state funds. As a result, the proposed amount for the program was \$984,000. The Governor used line item veto authority to delete the program funding from the Budget due to the severe General Fund deficit.

Beach water quality monitoring and strong pollution prevention measures are critical for protecting beachgoers from waterborne diseases. California has the most extensive and comprehensive monitoring and regulatory program for beaches in the nation. Monitoring is performed by county health agencies in seventeen different coastal and San Francisco Bay Area counties, staff in publicly owned sewage treatment plants, other dischargers along the coastal zone, environmental groups and numerous citizen-monitoring groups.

Most counties and cities monitor for fecal indicator bacteria using standardized monitoring plans. Data are submitted to a centralized system where it is used by nonprofit organizations, and local, state and federal agencies to track and report on beach water quality.

Senate Bill (SB) 1070 (Stats. 2006, Ch. 750) requires the Secretaries of the California Environmental Protection Agency (Cal/EPA) and the California Resources Agency to enter into a Memorandum of Understanding and establish the California Water Quality Monitoring Council (Monitoring Council). The law requires the boards, departments and offices within the Cal/EPA and the California Resources Agency to integrate and coordinate their water quality and related ecosystem monitoring, assessment, and reporting. The Monitoring Council is to make recommendations on how to coordinate and enhance these efforts.

The Monitoring Council has identified data and assessment information availability as its first priority. The goal is to develop a theme-based statewide water quality web portal. Water quality data and assessment information will be organized into portal elements. The Monitoring Council selected the theme "Is it safe to swim in our waters?" as the first issue to address in developing the theme-based portal because of the success of the Beach Safety and CBI Programs in developing standardized monitoring protocols, and compiling fragmented data collected from multiple sources into a centralized data source that is accessible to multiple users. The Program may provide a model on effective ways to gather and display data.

In order to provide short term funding to continue the Beach Safety Program while a sustainable long term funding source is explored, this grant will provide Beach Safety Program funding for Fiscal Year 2008-2009. The Executive Director would be authorized to extend the funding for one additional fiscal year if necessary.

FISCAL IMPACT

This Project will be funded with up to \$1.968 million of Proposition 13 CNSPS funds that were not used by projects awarded funds in previous solicitations and have been re-appropriated.

ENVIRONMENTAL IMPACT

The proposed Project is to fund the DPH to continue the Beach Safety Program. In this program, DPH contracts with county environmental health agencies to collect water samples and analyze them for fecal indicator bacteria. State Water Board staff has determined the Project qualifies for a Class 6 [Class 6: Basic data collection, research, experimental management, and resource evaluation activities] categorical exemption from CEQA requirements and will not result in any significant adverse water quality impacts. The State Water Board shall file a Notice of Exemption (NOE) with the State Clearing House should the State Water Board approve the Project.

REGIONAL WATER BOARD IMPACT

The Project affects all coastal Regional Water Boards.

POLICY ISSUE

Should the State Water Board:

- (1) Approve a Proposition 13 CNPSC grant to the DPH to fund the Beach Safety Program for Fiscal Year 2008-2009?
- (2) Authorize the Deputy Director of the Division of Financial Assistance to issue the Grant and any Amendments to implement the Project?
- (3) Authorize the Executive Director to extend the funding for one additional fiscal year if necessary?

STAFF RECOMMENDATION

That the State Water Board:

- (1) Approves a Proposition 13 CNPSC grant to the DPH to fund the Beach Safety Program for Fiscal Year 2008-2009,
- (2) Authorizes the Deputy Director of the Division of Financial Assistance to issue the Grant Agreement and any amendments to implement the Project, and
- (3) Authorizes the Executive Director to extend the funding for one additional fiscal year if necessary.

D R A F T

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2008-

TO COMMIT UP TO \$1.968 MILLION OF CLEAN BEACHES INITIATIVE (CBI)
PROPOSITION 13 GRANT PROGRAM FUNDS TO CONTINUE THE BEACH SAFETY
PROGRAM

WHEREAS:

- (1) In March November 2000, the voters approved the Costa-Machado Water Act of 2000 (Proposition 13) authorizing funding for water quality projects;
- (2) Proposition 13 established the Coastal Nonpoint Source Control (CNPSC) Program to provide funding for projects that restore and protect the water quality and environment of coastal waters, estuaries, bays, and near shore waters and groundwaters;
- (3) The State Water Resources Control Board (State Water Board) is authorized to administer the CNPSC funds;
- (4) A project to provide comprehensive capability for monitoring, collecting, and analyzing ambient water quality, including monitoring technology that can be entered into a statewide information base with standardized protocols and sampling, collection, storage and retrieval procedures is eligible to receive funding;
- (5) The Department of Public Health (DPH) administers the Beach Safety Program which provides funds to county environmental health agencies to monitor beach water quality;
- (6) Funding for the Beach Safety Program was eliminated in the Fiscal Year 2008-09 Budget;
- (7) A temporary funding mechanism to continue the Beach Safety Program is needed while a long-term sustainable funding source is determined; and
- (8) State Water Board staff determined that the project qualifies for a Class 6 categorical exemption from CEQA requirements and will not result in any significant adverse water quality impacts. The State Water Board shall file a Notice of Exemption (NOE) with the State Clearing House upon approval of the Project.

D R A F T

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

- (1) Approves a Proposition 13 CNPSC grant to the DPH to fund the Beach Safety Program for Fiscal Year 2008-2009;
- (2) Authorizes the Deputy Director of the Division of Financial Assistance to issue the Grant Agreement and any amendments to implement the Project; and
- (3) Authorizes the Executive Director to extend the funding for one additional fiscal year if necessary.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the forgoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on November 4, 2008.

Jeanine Townsend
Clerk to the Board