

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2009-0037**

AUTHORIZING THE EXECUTIVE DIRECTOR TO ACCEPT FUNDS INTO THE CLEANUP
AND ABATEMENT ACCOUNT (CAA) AND TO SET ASIDE AND APPROVE THESE FUNDS
FOR A SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP)

WHEREAS:

1. In lieu of administrative penalties, Regional Water Quality Control Boards (Regional Water Boards) may address water quality protection needs through the use of SEPs;
2. When a discharger agrees to complete an SEP pursuant to a settlement agreement with a Regional Water Board, the State Water Resources Control Board (State Water Board) and the Regional Water Boards benefit from maintaining settlement funds in a centralized account;
3. Authorizing the Executive Director to accept and set aside SEP funds within the CAA expedites the negotiation and resolution of settlements between Regional Water Boards and dischargers;
4. SEP funds accepted into the CAA must be used for purposes consistent with Water Code §§ 13440-13443;
5. Although it appears that the actions discussed in this resolution are covered under [Resolution 2002-0104](#), which delegates to the Executive Director the authority to conduct the activities of the State Water Board subject to specified conditions, parties to settlement agreements that include SEPs may want more explicit assurance that such approval actions are within the Executive Director's authority; and
6. To the extent it is applicable, section 2.2 of [Resolution 2002-0105](#), which limits the authority of the Executive Director to enter into agreements that exceed \$500,000 or are greater than three years in duration, does not apply to the actions authorized in this resolution.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Authorizes the Executive Director to accept, set aside, and approve the use of the CAA funds for SEP projects that are consistent with the purposes for which the CAA was established;
2. In exercising the authority herein granted, directs the Executive Director, without restricting the authority specified, to bring the following matters to the attention of the members of the State Water Board by workshop or by other appropriate communication:
 - 2.1 Matters of a unique or unusual nature;
 - 2.2 Matters that appear to depart from the policies of the Board;
 - 2.3 Matters involving highly significant policy questions;

- 2.4 Highly controversial matters;
 - 2.5 Matters that involve a substantial risk of litigation;
 - 2.6 Any matter that a Board Member requests be brought to the attention of the Board;
 - 2.7 Any matter that, in the judgment of the Executive Director, should be brought to the attention of the Board; and
3. May revoke in whole or in part any specific or implied authority from the Executive Director.

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 April 21, 2009.

AYE: Chairman Charles R. Hoppin
Vice Chair Frances Spivy-Weber
Board Member Arthur G. Baggett, Jr.
Board Member Tam M. Doduc

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board