

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2012-0040**

APPROVE CLEAN WATER STATE REVOLVING FUND (CWSRF) PROGRAM PLANNING
FINANCING FOR PLANADA COMMUNITY SERVICES DISTRICT (DISTRICT) FOR THE
WASTEWATER TREATMENT PLANT EXPANSION PROJECT (PROJECT),
CWSRF PROJECT NO. C-06-7649-110

WHEREAS:

1. The State Water Resources Control Board (State Water Board), on March 17, 2009, adopted the amended "*Policy for Implementing the CWSRF for Construction of Wastewater Treatment Facilities*" (Policy);
2. The Project is listed on the Statewide Project Priority List;
3. The Division of Financial Assistance (Division) issued a Plan of Study (POS) Approval to commit planning funds to the District's Project;
4. As outlined in the CWSRF Intended Use Plan for Federal Fiscal Year 2012, adopted by the State Water Board on March 20, 2012, principal forgiveness/grants are available to two categories of communities: 1) Small, Disadvantaged Communities with Substantial Water Quality Investment; and 2) Other Communities;
5. As a small (less than 20,000 persons), severely disadvantaged community (median household income [MHI] less than 60 percent of the statewide MHI) with wastewater user rates more than 1.5 percent of the community's MHI, the District may receive 100 percent principal forgiveness/grants for planning costs, not to exceed \$500,000 in principal forgiveness/grants;
6. The scope of work outlined in the District's POS is exempt from California Environmental Quality Act (CEQA) documentation, as those activities involve planning and feasibility studies (CEQA Guidelines, Section 15262), and/or data collection, research, experimental management and resource evaluation activities (CEQA Guidelines, Section 15306);
7. As described in Section VIII.D of the State Water Board's Policy, planning financing agreements may be approved by the Deputy Director of the Division if the Project is routine and non-controversial; and
8. The Project is considered non-routine due to pending litigation related to the District's CEQA documentation.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves \$380,000 in CWSRF planning financing for the District's Project.
2. Directs Division staff to allocate \$380,000 in CWSRF principal forgiveness/grants, consistent with the planning schedule and availability of funds.
3. Conditions this approval to prohibit the District from requesting CWSRF reimbursement for legal costs associated with the District's pending CEQA litigation.
4. Conditions this approval to require the District to provide immediate notification to the Division project manager if the ongoing litigation will jeopardize the District's ability to complete the planning work, and to provide the Division project manager with a copy of any settlement agreements or court rulings within 15 days of such event.

CERTIFICATION

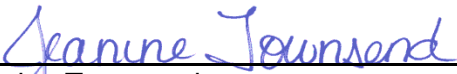
The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on August 7, 2012.

AYE: Chairman Charles R. Hoppin
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc
Board Member Steven Moore
Board Member Felicia Marcus

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board