

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2014-0040**

AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE, ON BEHALF OF THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY AND ITS DEPARTMENTS, BOARDS AND OFFICE, TO AMEND EXISTING INTERAGENCY AGREEMENT 11-135-240 WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR MANDATED SCIENTIFIC PEER REVIEW AND OTHER EXPERT REVIEW

WHEREAS:

1. The State Water Resources Control Board (State Water Board), on behalf of the California Environmental Protection Agency (Cal/EPA) and its existing departments, boards and office, has an existing Interagency Agreement 11-135-240 with the Regents of the University of California for scientific peer review services to meet the requirements of State law (Health and Safety Code § 57004, et al.). This law sets minimum requirements for external scientific peer review of the scientific portions of proposed rules, including supporting scientific data, studies, and other appropriate materials that are the basis for proposed rules.
2. The existing interagency agreement also funds expert review that Cal/EPA may seek regarding the scientific/economic basis and scientific/economic portions of other work products—for example, major and/or controversial new initiatives that are not otherwise subject to statutory peer review requirements—as it deems prudent.
3. The existing interagency agreement provides for periodic review services to address questions regarding the accuracy of discrete facts contained within a model environmental curriculum developed by Cal/EPA in accordance with State law (Public Resources Code § 71300, et seq.). This section of the Public Resources Code was changed in 2013 to establish the Office of Education and the Environment in the Department of Resources Recycling and Recovery (CalRecycle), and to require this office to facilitate the use of this model environmental curriculum.
4. The State Water Board has determined that UC Berkeley remains the best resource to ensure that mandated scientific peer review and other types of reviews will be performed by qualified reviewers in the manner consistent with State law.
5. The State Water Board has identified increased needs for scientific peer review due to Basin Plan amendments resulting from Salt and Nutrient Management Plans and the transfer of the Drinking Water Program from the Department of Public Health to the State Water Board.
6. Other agencies, including the Department of Pesticide Regulation, have increased needs for peer review, and CalRecycle has rejoined Cal/EPA and does not have funds for peer review services under the existing interagency agreement.

THEREFORE BE IT RESOLVED THAT:

The State Water Board authorizes the Executive Director or designee to amend existing Interagency Agreement 11-135-240 with the Regents of the University of California to add CalRecycle and increase the total amount from not-to-exceed \$2,000,000 to not-to-exceed \$2,750,000 for peer review services. This amount will include an increase from up to \$700,000 to \$1,200,000 in Water Board funds, and an increase in funds from up to \$1,300,000 to \$1,550,000 for use by Cal/EPA, Department of Toxic Substances Control, Air Resources Board, Department of Pesticide Regulation, Office of Environmental Health Hazard Assessment, and CalRecycle. This authorization is for the term of the current agreement, which is in effect through June 30, 2016.

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 5, 2014.

AYE: Chair Felicia Marcus
Vice Chair Frances Spivy-Weber
Board Member Steven Moore
Board Member Dorene D'Adamo

NAY: None

ABSENT: Board Member Tam M. Doduc

ABSTAIN: None



Jeanine Townsend
Clerk to the Board