

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION - DIVISION OF FINANCIAL ASSISTANCE
FEBRUARY 19, 2008**

ITEM 6

SUBJECT

CONSIDERATION OF A RESOLUTION APPOINTING THE ASSEMBLY BILL (AB) 739
STORM WATER MANAGEMENT TASK FORCE

DISCUSSION

AB 739 (Statutes 2007, Chapter 610) requires the State Water Resources Control Board (State Water Board) to appoint a Storm Water Management Task Force (SWMTF) to provide advice to the State Water Board on its Storm Water Management Program (Program). The SWMTF shall be comprised of representatives with an expertise in water quality and storm water management from public agencies, the regulated community, and nonprofit organizations. The scope of this task force impacts the regulatory and funding duties of the State Water Board. Specifically, AB 739 states that the SWMTF shall provide advice to the State Water Board on its Program that may include, but is not limited to the program priorities, funding criteria, project selection, and interagency coordination of State programs that address storm water management.

Additionally, AB 739 requires the State Water Board to develop project selection and evaluation guidelines (Funding Guidelines) for the Proposition 84 Storm Water Grant Program (SWGPP), and a comprehensive guidance document for evaluating and measuring the effectiveness of Municipal Storm Water Management Programs (Guidance Document). The Guidance Document must be developed by July 1, 2009. To that end, the SWMTF members will be tasked with providing input on the development of the Funding Guidelines and the Guidance Document. The term of the SWMTF will be from the time of appointment until June 30, 2009.

In November 2006, voters approved *The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006* (Proposition 84) authorizing the issuance of bonds to fund a variety of water quality improvement projects, including \$90 million for matching grants to assist local public agencies to reduce and prevent storm water contamination of rivers, lakes, and streams. This funding program is known as the Proposition 84 SWGP.

State Water Board staff requested SWMTF nominees from the California Coastal Commission, Ocean Protection Council, Department of Water Resources, and the stakeholder community, including the California Stormwater Quality Association (CASQA) and the environmental community. It is anticipated that additional SWMTF members may be identified during the term of the SWMTF. To accommodate this need, additional SWMTF members may be appointed by the Executive Director of the State Water Board. Proposed members of the SWMTF are listed in Attachment A.

The SWMTF and its members are expected to comply with the State Open Meeting Act and all applicable state conflict of interest laws and regulations.

FISCAL IMPACT

The SWMTF members are not paid a salary for their services. The SWMTF members will meet approximately once every quarter, or as needed. Travel expenses for members of the SWMTF will be covered under current and future budget allotments.

REGIONAL WATER QUALITY BOARD IMPACT

All Regional Water Quality Control Boards (Regional Water Boards) may be impacted. Programs that are administered by the Regional Water Boards may be impacted because of the SWMTF's advice on the storm water regulatory and funding programs.

POLICY ISSUE

1. Should the State Water Board appoint the proposed candidates to the SWMTF?
2. Should the Executive Director of the State Water Board have the authority to appoint additional SWMTF members, as needed?
3. Should the Executive Director of the State Water Board have the authority to replace SWMTF members, as needed?
4. Should the term of service of the SWMTF be from time of appointment until June 30, 2009?

STAFF RECOMMENDATIONS

1. That the State Water Board appoints the proposed candidates to the SWMTF.
2. That additional SWMTF members may be appointed by the Executive Director of the State Water Board, as needed.
3. That SWMTF members may be replaced by the Executive Director of the State Water Board, as needed.
4. That the term of service of the SWMTF be from time of appointment until June 30, 2009.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2008-

APPOINTMENT OF ASSEMBLY BILL (AB) 739 STORM WATER MANAGEMENT TASK FORCE (SWMTF) WITH EXPERTISE IN WATER QUALITY AND STORM WATER MANAGEMENT

WHEREAS:

1. AB 739 (Statutes 2007, Chapter 610) requires the State Water Resources Control Board (State Water Board) to appoint a SWMTF, comprised of representatives from public agencies, the regulated community, and nonprofit organizations, to provide advice to the State Water Board on its Storm Water Management Program;
2. *The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006* (Proposition 84) authorizes \$90 million for matching grants, known as the Proposition 84 Storm Water Grant Program (SWGP) to assist local public agencies to reduce and prevent storm water contamination of rivers, lakes, and streams;
3. AB 739 requires the State Water Board to develop project selection and evaluation guidelines (Funding Guidelines) for the Proposition 84 SWGP, and a comprehensive guidance document for evaluating and measuring the effectiveness of Municipal Storm Water Management Programs (Guidance Document);
4. AB 739 states the SWMTF may provide advice regarding the Storm Water Management Program in areas that include, but are not limited to, program priorities, funding criteria, project evaluation, and interagency coordination of State programs that address storm water management;
5. Nominations for the SWMTF were developed by State Water Board staff, with input from the California Coastal Commission, Ocean Protection Council, Department of Water Resources, and the stakeholder community including the California Stormwater Quality Association (CASQA) and the environmental community;
6. The SWMTF will provide input on the development of the Funding Guidelines and Guidance Document;
7. The SWMTF, as a "state body" defined by Section 11121 of the Government Code, is subject to the requirements of the Bagley-Keene Open Meeting Act; and
8. The SWMTF and its members are expected to comply with the Bagley-Keene Open Meeting Act and all applicable state conflict of interest laws and regulations.

D R A F T

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board appoints the individuals listed in Attachment A to the SWMTF.
2. The term of service shall begin upon appointment and end June 30, 2009.
3. Additional SWMTF members may be appointed by the Executive Director of the State Water Board, as needed.
4. SWMTF members may be replaced by the Executive Director of the State Water Board, as needed.
5. The Executive Director of the State Water Board shall provide a copy of the Bagley-Keene Open Meeting Act to each member of the SWMTF upon his or her appointment.

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 February 19, 2008.

Jeanine Townsend
Clerk to the Board

ATTACHMENT A

Proposed Assembly Bill 739 (Statutes 2007, Chapter 610)
Storm Water Management Task Force Members

Public Agency Representatives

Mr. Drew Bohan, Ocean Protection Council
Mr. Al Wanger, California Coastal Commission
Mr. Mark Cowin, Department of Water Resources
Mr. Tim Lawrence, University of California at Davis

Regulated Community Representatives

Mr. Geoff Brosseau, California Stormwater Quality Association
Mr. Scott McGowen, Caltrans
Mr. John Van Rhyn, San Diego County
Mr. Tom Dalziel, Contra Costa County
Ms. Lilian Kawasaki, Los Angeles County Water Replenishment District

Nonprofit Organizations Representatives

Mr. David Beckman, Natural Resources Defense Council
Ms. Linda Sheehan, California Coastkeeper Alliance
Dr. Mark Gold, Heal the Bay
Ms. Mary Lee Knecht, Sacramento River Watershed Program