

EXECUTIVE OFFICER SUMMARY REPORT
August 9, 2017

- ITEM: 6
- SUBJECT: Tentative Resolution: Resolution of Support for Contract with the City of San Diego to Fund a San Diego Water Board Staff Position Within the Clean Water Act Section 401 Dredge and Fill Program (Tentative Resolution No. R9-2017-0107). (*Eric Becker*)
- PURPOSE: To consider adoption of the Tentative Resolution No. R9-2017-0107 (Tentative Resolution). (**Supporting Document No. 1**).
- RECOMMENDATION: Adoption of the Tentative Resolution is recommended.
- KEY ISSUES: The City of San Diego (City) has offered to fund one additional San Diego Water Board staff position for a period of up to 5 years dedicated to expediting the processing of applications for Clean Water Act (CWA) section 401 water quality certifications (Certifications) for City water, wastewater and storm water projects. The San Diego Water Board's CWA section 401 Dredge and Fill Program has historically been under staffed compared to workload.
- PRACTICAL VISION: The Tentative Resolution was developed in conformance with the San Diego Water Board's Practical Vision entitled Healthy Waters, Healthy People. Wetland and riparian systems in the San Diego Region and throughout California are threatened by impacts from increasing population growth, land development, sea level rise, and climate change. Augmenting existing San Diego Water Board staff resources in the Section 401 Dredge and Fill Program will directly assist in the implementation of the Recovery of Stream, Wetlands and Riparian Systems chapter of the Practical Vision.
- DISCUSSION: The City requires Certifications for water, wastewater, and storm water infrastructure projects that involve work, including construction and dredging, within waters of the United States and/or State. The San Diego Water Board typically receives 5 to 10 applications for projects requiring

Certification submitted by the City each year. Some of these projects are emergency projects to protect public health and safety and require expedited review by San Diego Water Board staff.

Due to Section 401 Dredge and Fill Program limitations in terms of available budgeted resources and workload, the San Diego Water Board has not been able to process all City applications for Certifications in a timely manner. By letter dated March 30, 2016 (**Supporting Document No. 2**), the City has offered to fund one additional San Diego Water Board staff position for up to 5 years dedicated to expediting the processing of water, wastewater and storm water project applications submitted by the City to obtain Certifications.

The duties for the San Diego Water Board staff position to be funded by the City would include all work associated with City projects including application review, Certification denial or issuance, inspections, annual report reviews, and assessment of compensatory mitigation project success. The City is also working on a Waterways Maintenance Plan that will implement a comprehensive program for managing their entire drainage system. The additional San Diego Water Board staff position would work on development of the Programmatic Certification required to implement the plan.

The availability of one additional staff position dedicated to the City's projects will improve application processing time. In addition, redistributing the significant workload for processing the City's applications will increase the time available for San Diego Water Board staff to review and process other project applications, prepare Certifications and oversee compliance with compensatory mitigation requirements.

In order to move forward with funding the staff position for up to five years, the State Water Resources Control Board (State Water Board), must develop and execute on behalf of the San Diego Water Board, a Contract Standard Agreement with the City. The Tentative Resolution authorizes the Executive Officer to request the State Water Board to proceed with development and execution of the Contract Standard Agreement. The Tentative Resolution also directs that the staff position funded by the City be totally under the direction of the San Diego Water Board.

LEGAL CONCERNS: None

SUPPORTING DOCUMENTS:

1. Tentative Resolution No. R9-2017-0107
2. City of San Diego Letter of Interest to Fund a Section 401 Water Quality Certification Staff Position.

PUBLIC NOTICE: The Tentative Resolution was publically noticed in the Meeting Notice and Agenda for the August 9, 2017 meeting.