

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
RESOLUTION NO. R3-2005-127
AUTHORIZING THE CHAIR TO APPOINT HEARING PANELS TO CONDUCT
HEARINGS

WHEREAS, the Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code) ("Porter-Cologne"), the Bagley-Keene Open Meetings Act (California Government Code section 11120 et seq.) and the Administrative Procedures Act (California Government Code section 11400 et seq.) require or permit the Regional Water Quality Control Board, Central Coast Region ("Central Coast Water Board") to hold hearings when investigating water quality, prescribing waste discharge requirements (including National Pollutant Discharge Elimination System permits), issuing cease and desist orders, issuing cleanup and abatement orders, or imposing administrative civil liabilities or penalties, and provide procedures for such hearings; and

WHEREAS, California Water Code section 13228.14 permits the Central Coast Water Board to appoint a hearing panel of three or more Central Coast Water Board members to conduct such hearings; and

WHEREAS, hearing panels provide the Central Coast Water Board with additional flexibility regarding the timing and location of hearings; and

WHEREAS, the Central Coast Water Board finds that it is advisable to have the ability to conduct hearings in a timely manner.

NOW THEREFORE BE IT RESOLVED, that:

1. The Central Coast Water Board authorizes its Chair, Jeffrey Young, and any successor to the office of Chair, to appoint hearing panels to conduct hearings on any matter that can be conducted by a hearing panel pursuant to Water Code section 13228.14.
2. A hearing panel shall consist of at least three members of the Central Coast Water Board. The hearing panel may elect a member to chair the panel.
3. The Central Coast Water Board shall satisfy all notice and other requirements of the Bagley-Keene Open Meeting Act (California Government Code section 11120 et seq.) and California Water Code section 13228.14 applicable to panel hearings. The panel shall allow interested members of the public to address the panel regarding the item under consideration.
4. Following a panel hearing, the panel shall provide a written report of its proposed decision and order to the Central Coast Water Board. The report may consist of a proposed order. Central Coast Water Board staff may prepare the report after the panel hearing, subject to the approval of the chair of the panel. Central Coast

Water Board staff shall supply a copy of the proposed decision to all parties who appeared at the hearing and requested a copy.

5. The Central Coast Water Board shall consider the panel's recommendation at the next Central Coast Water Board meeting. Panel members may sit as members of the Central Coast Water Board in deciding the matter. The Central Coast Water Board shall make an independent review of the record and take additional evidence as necessary.
6. No party who appears before the panel is precluded from appearing at the Central Coast Water Board meeting. The Central Coast Water Board may impose reasonable time limitations at the meeting. "Parties" for this purpose are Central Coast Water Board staff, the person(s) named in the order or other action under consideration, and any other person that the panel designates as a party.
7. The Central Coast Water Board shall accept comments from interested persons (non-parties) at the meeting if the item has substantially changed since the panel heard the item, and may accept such comments if the item has not substantially changed.
8. The Central Coast Water Board may adopt, with or without revision, or reject the proposed decision or order of the panel.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on September 9, 2005.

Executive Officer