

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR THE REGULAR MEETING OF SEPTEMBER 9, 2005

Prepared on August 12, 2005

ITEM: 11

SUBJECT: Resolution No. R3-2005-127, Authorizing the Chair to Appoint Hearing Panel to Conduct Hearings

DISCUSSION

The Porter-Cologne Water Quality Control Act, the Bagley-Keene Open Meetings Act and the Administrative Procedures Act 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.

California Water Code section 13228.14 permits the Central Coast Water Board to appoint a hearing panel of three or more Water Board members (Panel) to conduct such hearings.

Resolution No. R3-2005-127 (attached) would authorize the creation of a hearing Panel consisting of at least three Board members, with the Panel electing one member to chair the Panel.

The advantage of these hearing panels is that it would provide staff and the Central Coast Water Board with additional flexibility regarding the timing and location of hearings. The panels will also provide better use of staff and Board member time and resources with more focused discussion of individual items.

Public Process: All notice and other requirements of the Open Meeting Act and California Water Code applicable to Panel hearings would be met. The Panel will allow interested members of the public to address the Panel regarding the item under consideration.

Following a Panel hearing, staff would prepare and provide a written report of the Panel's proposed decision and order to the full Central Coast Water Board. Staff would also supply a copy of the proposed decision to interested persons.

Subsequently, the Panel's recommendation would be considered at the next available Central Coast Water Board meeting. Board members would make an independent review of the record, and take additional evidence as necessary.

No party (as opposed to an interested person) who appears before the Panel is precluded from appearing at the Central Coast Water Board meeting, but the Board is not required to accept additional evidence. The Board is not required to accept comments from other (non-party) interested persons unless the item has substantially changed since the Panel heard the item. In that case, the Board could limit public comment to the changes. The Board also has the option to allow more extensive public comments.

The full Central Coast Water Board at its regular meeting would have discretion on decide whether to adopt, with or without revision, or reject the proposed decision or order of the Panel.

RECOMMENDATION

Adopt Resolution No. R3-2005-127 authorizing the Chair, 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.

ATTACHMENT:

Resolution No. R3-2005-127

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