

...working together



Opportunities for Public Involvement

Public input and involvement is important to ensure that all sides of an issue are considered, and that decisions reflect valuable public input. The public has many opportunities to get involved in the decision-making processes used by the Water Boards to protect California water quality. These include processes to:

- Adopt new regional and statewide water policies, plans, or regulations
- Issue permits to those planning to discharge into the state's waters
- Take enforcement action against water quality violators
- Review applications for the use of surface water, and
- Make funding decisions regarding water quality grants and loans

You can participate in these activities and make your opinions known in a variety of ways, including:

- Attending meetings, workshops and hearings
- Making presentations before the Boards
- Mailing Letters
- Sending E-mails
- Submitting written comments on reports and findings
- Making telephone calls
- Scheduling appointments to visit Board staff
- Participating as a member of a stakeholder group or advisory committee member

Meeting Opportunities

There are different kinds of meetings at which Board members may be present. Program staff may be present as well to assist in different tasks depending on the type of meeting. The State Open Meeting Act (Bagley-Keene Open Meeting Act) applies to all meetings involving a majority of appointed Board members, and also to all meetings involving a majority of members of any committee or subcommittee created by a formal act of the Water Boards.

Meetings are usually run by the Board Chair or other designated Board member. The Water Boards typically use a speaker request form to organize requests to present public comments at formal meetings. Persons wishing to make comments during the meetings will be asked, but not required, to complete a speaker request form and return it to the designated Water Board representative, usually the Board Clerk. Time limits may be established for comments, especially when many people wish to speak on a particular item. However, individuals representing large groups of people may be allowed additional time. These time limit decisions are typically made by the Board Chair or a designee. Persons or groups who wish to make detailed comments are encouraged to submit them in writing. Public comment must be taken before the Board makes a decision.

Opportunities

PUBLIC NOTICES

Board Meetings, Board Hearings, and Board or Staff Workshops are announced to the public on a document called a notice. Notices are sent to individuals who have indicated an interest in specific water quality or water rights topics by signing up for an electronic or hard copy mailing list. Public notices are sent along with a meeting agenda ten days in advance of the meeting, hearing, or workshop. The notice contains important information such as deadlines and instructions for submitting written comments.

BOARD MEETINGS

Both the State and Regional Boards hold meetings on schedules that are available to the public. The public is given an opportunity to submit written comments or prepare oral statements opposing or supporting the action requested of the Board. Keep in mind, however, that staff responds to the actual content of the comments, rather than the volume of comments received.

Whereas Regional Boards are required to hold at least six meetings per year, there is no legal requirement on the number of meetings to be held by the State Board. Typically, the State Board holds meetings on a monthly basis. The purpose of such meetings is to provide an opportunity for the State Board to decide on matters within its jurisdiction in an open and public forum.

BOARD HEARINGS

Most Board hearings are quasi-judicial proceedings used to develop an adequate record upon which the Board can rely to make a sound decision. A quorum of the Board is not required in order to conduct a hearing; however, a Board member designated as Hearing Officer will direct the hearing. Hearings are formal proceedings in the sense that due process standards must be afforded the participating parties. However, they are generally not conducted according to technical rules relating to evidence and witnesses, but include an opportunity for the public to make comments on a proposed action of the Water Boards. The hearing notice will typically specify the deadlines and methods for public comment for each hearing.

BOARD WORKSHOPS

A workshop is an informal information gathering process. Workshops are used to inform the public and solicit comments on rules, regulations, plans and policies that are in the early stages of development. These could be staff workshops or Board workshops. Interested parties may provide their written comments in advance of the workshop and oral comments during the workshop as time allows.

Collaboration Opportunities

STAKEHOLDER GROUPS

Another avenue for public participation is the convening of persons who have an interest in a particular issue to help craft proposals to address that issue. A stakeholder is anyone with an interest in the outcome of a water quality or water rights issue or decision. The “stake” being referred to may be a direct financial, community, or personal one (such as living in the neighborhood or owning a site to be cleaned up), or it may involve a policy or other interest (protecting a particular water body, preserving industry, or ensuring the health of a community). The convening of stakeholder groups brings government, private industry, public interest groups and other citizens together to make decisions about the state’s water resources. In order to ensure a successful outcome, all who are affected by or could affect the decision should be



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involved. More and more, both the State and Regional Boards are utilizing stakeholder groups and the expertise they possess to help address pressing issues and craft solutions to those issues. In the context of the Water Boards, they are used in many different situations, from the establishment of water quality objectives, to development of best practices for underground storage tank payments, to implementation of forestry management practices to name a few.

ADVISORY GROUPS AND COMMITTEES

On occasion, the Water Boards also establish advisory groups to assist them to find solutions or create recommendations regarding specific water-related issues. Advisory groups may be established in response to legal mandates, but are also established simply because the Board believes that the public's viewpoints are needed on a particular issue. Various programs within the State Water Board have guidance for public involvement built in to their specific processes. These present additional opportunities for the public to become involved with the Water Boards.

TOWN HALL AND COMMUNITY MEETINGS

The Water Boards typically convene meetings with community members when they are seeking to inform the general public regarding a particular issue or project. This format is used when staff wishes to share straightforward, non controversial information with the public. If high attendance is expected or the issues are controversial, staff will provide opportunities for the public to speak and may employ breakout sessions, information stations, or small conversation groups to assure that information is shared and that all members of the public have ample opportunity to ask questions and share their views. Written translation and/or oral interpretation services may be utilized as well, depending on the language needs of particular communities.

Communications with the Boards

PREPARING WRITTEN COMMENTS AND CORRESPONDENCE

Members of the public are invited to provide comments on a wide variety of Board matters. These comments can take the form of hard copy letters and emails, as well as more extensive written comments. The Boards typically provide a comment period of anywhere from 10 to 45 days. Information related to comment period length can be found on the comment period notice prepared by Board staff. In order for your comments to be considered, they must be received within the timeline established in the notice. If you are not clear on the timelines, feel free to contact the Board. Also note that your original thoughts are much more effective than a boilerplate set of comments. The Board responds to content and not volume. Your correspondence should indicate the name of the item or issue to which your comments pertain and clearly state your views on the item or issue. If you wish to be contacted by staff, you should include your contact information, i.e., your name, phone, street mailing address and email address.

MAKING PRESENTATIONS TO THE BOARDS

Many Board meetings and workshops provide an opportunity for the public to provide oral comments. Meeting notices and agendas will include time limits for oral presentations. Although it is not required, the Board recommends that you identify yourself and your organizational affiliation, if any, for the record. If you plan on using visual aids for your presentation, be sure to contact the Board staff to ensure that any needed equipment is available and ready for your use. Oral comments are best received when presented in a clear and direct manner. For more detailed tips on making oral presentations to the Boards, see Appendix #3.



Opportunities

CONTACTING THE BOARDS

Any member of the public may contact the Boards by phone, mail, or email regarding any concern related to the Boards' work.

WATER QUALITY PETITIONS

Any member of the public can appeal an action of a Regional Board by filing a petition with the State Board. A petition is a request from an aggrieved person for the State Board to review certain types of final actions or failures to act by a Regional Board that may be improper or inappropriate. Such failures to act may relate to such matters as waste discharge requirements or cleanup and abatement orders. The State Board can uphold the Regional Board action, reverse it, send the matter back to the Regional Board with additional instructions, or choose not to consider the appeal. Appeals must be received by the State Board within 30 days of the Regional Board's action. For the Regional Board's failure to act, petitions must be received by the State Board within 30 days of the refusal to act, or 60 days of a request being made to the Regional Board. If there is no refusal to act, please refer to the instructions for filing petitions at http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml. In both cases, petitions can be mailed, faxed, filed in person, or emailed.

MAILING LISTS

The Water Boards provide a free electronic subscription service to ensure that the public has access to information on specific topics of interest. Those members of the public who do not have access to a computer can submit a request to receive hard copies of announcements by topic. Further information on this service is found in Appendix #1, Informational Resources.

WEBCASTS

Many of the State Water Board's meetings, workshops, committees and interested party gatherings may be listened to over the Internet as live audio and/or video webcasts. Approximately 15 minutes prior to the event (Pacific Standard Time), the audio and/or video webcast links will be added, providing a direct audio/video feed from the meeting room. Remember to test your connection prior to connecting to a webcast. These webcasts are generally not recorded for later use. Webcasting services are provided by CalEPA and can be accessed at: <http://www.calepa.ca.gov/broadcast/>. We currently do not have the capability to webcast Regional Board meetings. We are working on this and hope to resolve this in the future.

WEBINARS

The public is also invited to participate in webinars hosted by various Water Board programs. These training sessions are designed to increase awareness of the tools and resources available to staff and stakeholders. Anyone with access to the Internet can participate. In addition, most PowerPoint presentations containing the material delivered during the webinars are posted on the Water Board website and are available for downloading and use.

EX PARTE COMMUNICATIONS

An ex parte communication is a communication to a board member from any person about a pending water board matter that occurs in the absence of other parties to the matter and without notice and opportunity for all parties to participate in the communication. Such communications are prohibited to assure that no one has special access to Water Board Members. Communications subject to ex parte rules include face-to-face conversations, phone calls, written correspondence, e-mails, instant messaging, and the next level of technology that presents itself. Ex parte rules apply to everyone and simply require that the information come into the record through a writing subject to public review or in a duly noticed, public meeting. Only adjudicative proceedings are subject to the prohibition on ex parte communications.

