

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT
STAFF: Yuri Won and Dorothy
Dickey
MEETING DATE: November 17,
2004

ITEM: 11

SUBJECT: Consideration of Formation of Board Subcommittee and Panel.

CHRONOLOGY: Not previously considered.

DISCUSSION: The Water Board currently has eight members serving on the Board. Reappointment of three of the Board members whose terms have expired (but who continue to serve on the Board until November 30, 2004, as permitted by law) has not yet occurred. If no reappointments or new appointments are made by November 30, 2004, the Board will be reduced to a bare quorum of five members. In such an event, it may be difficult for the Board to convene a quorum to take Board action.

Therefore, in order to allow for the continuation of the Board's business when a quorum cannot be convened, staff recommends that the Board authorize panel hearings and subcommittee workshops by three or more Board members to take place. Any such panel or subcommittee cannot take formal Board action, but would subsequently report to the Board its proposed decision and order or recommendations, if any, for full Board action. Additionally, since it may be difficult for the Board to establish and appoint each and every panel or subcommittee, staff recommends that the Chair of the Board be authorized to establish such panels and subcommittees and to appoint their members.

California Water Code (CWC) section 13228.14 allows panel hearings by three or more Board members for the purpose of prescribing waste discharge requirements, issuing cease and desist orders, requiring cleanup or abatement of waste or imposing administrative civil liabilities or penalties. Under this section, after any such panel hearing, the panel must report its proposed decision and order to the Board. Thereafter, the Board, after making an independent review of the record and taking any additional

evidence as necessary, may adopt, with or without revision, or reject the proposed decision and order of the panel.

The Board may additionally appoint a subcommittee of the Board to conduct workshops on Board business, but not take Board action.

A Tentative Resolution incorporating staff's recommendations and authorizing panel hearings and subcommittee workshops is attached for the Board's consideration.

RECOMMEND-
ATION:

Adopt the attached Tentative Resolution.

Appendix A:

Tentative Resolution.

Appendix A