

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 79-42

POLICY OF THE BOARD TO ENSURE
CONSIDERATION OF ALL RELEVANT EVIDENCE

WHEREAS:

1. It is the intent of the State Board that no person be prevented from presenting relevant evidence to a Regional Board.
2. It is also the intent of the State Board that Regional Boards, to the greatest extent possible, initially hear evidence related to matters within the Regional Boards' jurisdiction.
3. The State Board recognizes that Regional Boards may use appropriate mechanisms such as requiring the submittal of testimony or expert witnesses' qualifications in writing prior to commencement of a hearing and limiting the time for witnesses to present oral summaries of written testimony to shorten the time actually required for the hearing. It is also appropriate for Regional Boards to refuse to accept irrelevant or duplicative evidence.
4. On rare occasions an interested person may wish to present extensive evidence requiring a lengthy hearing beyond the ability of the Regional Board to accommodate in terms of time.
5. Dischargers and other interested persons have the right to petition the State Board to review failure of a Regional Board to hold a hearing or to consider relevant evidence pursuant to Water Code Section 13320(a) but the State Board has not previously had a mechanism for Regional Boards to request that the State Board assume jurisdiction prior to consideration of the evidence on its merits by the Regional Board where the extent of the relevant evidence precludes a Regional Board hearing of the length necessary to adequately consider it.

THEREFORE, BE IT RESOLVED:

That it is the policy of the State Board that when a Regional Board hearing is held all relevant, non-duplicative evidence be considered by the Regional Board in the first instance. However, in those unusual cases where a Regional Board finds: (1) that a hearing is necessary, and (2) based upon offers of proof or

some other reasonable preliminary showing by interested persons, that the quantity of relevant, non-duplicative evidence is such that the Regional Board cannot set aside sufficient time to hold the hearing, the Regional Board can request the State Board to assume jurisdiction and conduct the hearing.

CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 17, 1979.


Larry F. Walker
Executive Director