CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
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REGIONAL BOARD FUNCTIONS AND RESPONSIBILITIES

BRIEF HISTORY

California's nine Regional Water Quality Control Boards were created by the Legislature in 1949 to regulate discharges from municipal and industrial wastewater treatment plants in response to the poor regulatory performance of the State Health Department. The Boards were created with the idea that a regional body made up of people knowledgeable about local conditions could make better decisions than a single body located in Sacramento.

Initially, the Boards had limited regulatory and enforcement powers, but that changed dramatically in 1969 with the passage of the Porter-Cologne Water Quality Control Act. For the first time, Regional Boards could impose real sanctions on dischargers that refused to comply with Board orders. The Central Coast Regional Board was the first one in the state to use the new authority when it imposed sewer connection bans on the Monterey Peninsula Cities in 1970 because of their failure to cleanup their municipal sewer discharges.

BOARD COMPOSITION AND RESPONSIBILITIES

Chapters 4 and 5 of the California Water Code provide the statutory framework for the Regional Boards and the authority they need to carry out the functions assigned to them. Each Regional Board is made up of nine members, who are appointed to staggered four-year terms by the Governor. Each member is appointed to represent a particular segment of the water using public. Because the Board members are not elected, they are somewhat insulated from the political arena as they deliberate and make decisions. They are also expected to have some knowledge of water quality matters within their particular region.

Essentially, the Boards are charged with protecting all waters of the state, be they ground water, surface water, or marine waters. Federal statutes (primarily the Federal Clean Water Act) and regulations have added to the Regional Board's authorities, but they have also greatly complicated procedures and reporting requirements for both the Boards and the regulated community.

The two major areas of Regional Board responsibility can be defined as:

(1) Regulation of all waste discharges that could affect the waters of the state, including those from municipalities, industries, private sources, solid waste disposal sites, individual disposal systems, agricultural operations, and nonpoint sources. The primary tools used are permit adoption, surveillance and monitoring reports and inspections, and enforcement orders.

(2) Water quality planning functions, involving the adoption of a Water Quality Control Plan for each region, and keeping them current through the adoption of amendments as necessary. Each Regional Board's "Basin Plan" defines beneficial uses of water, establishes water quality objectives or standards, and includes a plan of implementation.

Since the early 1970's, both the Federal Government and the California Legislature have seen fit to expand the role of the Regional Boards into many new areas, such as the partial regulation of toxic and hazardous waste disposal, oversight of leaking underground tank and other spill cleanups, and the implementation and enforcement of statewide water quality control plans and policies adopted by the State Board. New enforcement powers including the authority to issue administrative civil liabilities directly have also been given to the Boards.

ADMINISTRATIVE FRAMEWORK

The Regional Boards are semi-autonomous bodies that, for administrative purposes are part of the State Water Resources Control Board, and now, the new California Environmental Protection Agency. While the "State Board" is an appellate body for Regional Board decisions and handles administrative functions like budgeting and accounting for the Regions, it has only limited direct line authority over the Regional Boards. In-house legal services are provided to the Regions by the State Board's legal staff. Representation for litigation is provided by the Attorney General for civil matters or a District Attorney for criminal cases.

DELEGATION OF POWERS

The Water Code allows each Regional Board the flexibility to delegate each of its statutory powers except "...*(1) the promulgation of any regulation; (2) the issuance, modification, or revocation of any water quality control plan, water quality objectives, or waste discharge requirement; (3) the issuance or modification of any cease or desist order; (4) the holding of any hearing on water quality control plans; and, (5) the application to the Attorney General for judicial enforcement...*" The Central Coast Regional Board has delegated everything else to the Executive Officer and its staff who take care of the day to day business.

REGIONAL BOARD MEETINGS

The Central Coast Regional Board usually meets eight to ten times per year and varies its meeting locations among northern, central, and southern areas of the region. At these meetings, the Board may hold public hearings on planning items, consider the adoption of waste discharge requirements or enforcement orders, adopt resolutions, and receive information about topics of interest. The Board's staff prepares an agenda package for each meeting which contains the minutes of the previous meeting, background information for each agenda item, staff reports as needed, drafts of the orders or resolutions to be considered, and other documents to provide information to the Board. The agenda package is usually mailed about 12 days prior to the Board meeting.

Normally, correspondence regarding agenda items that is received in the Board's office is summarized in the staff report and not included in the agenda package. It is included if the issue is particularly controversial, or the correspondence is difficult to summarize. Board members are encouraged to call staff prior to the Board meeting if they have questions about any agenda item after having read it. It is frequently easier to answer a question from the Board's office where all information is kept, rather than at the Board meeting where only minimal backup information is available.

All Regional Board meetings are open to the public except for closed sessions to discuss actual or threatened litigation. Board members should be careful to avoid discussions with outside parties about matters which are scheduled for Board action. Such ex parte contacts can require a Board member to be disqualified from discussing or voting on the matter when it comes before the Board.

CONFLICT OF INTEREST

Regional Board members are expected to step down and not participate in the discussion or voting whenever the Board is considering any matter that could involve a conflict of interest for the member. (For example, a Board member who is also a member of a city council, would be expected to step down while the Board considered a new discharge permit for the city.)

Each Board member must complete a financial disclosure statement each year they serve on the Regional Board, and file a leaving office statement when he or she leaves the Board. And, finally, a person may not serve on a Regional Board if more than ten percent of his or her income is derived from a business or entity which holds a National Pollutant Discharge Elimination System (NPDES) permit issued by the Board.

The State Board's Chief Counsel will brief you further on ex parte contact rules and conflict of interest regulations.