

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
Thursday, June 29, 2017
Regional Water Board Office
Santa Rosa, California

ITEM: 6

SUBJECT: Process and Opportunities for Public Comment on Regional Board Agenda Items (*Matt St. John and Nathan Jacobsen*)

BOARD ACTION: This is an informational item. No action will be taken by the Regional Water Board.

BACKGROUND: The purpose of this informational item is to clarify the process and opportunities for public comment on agenda items before the North Coast Regional Water Quality Control Board (Regional Water Board). The primary duty of the Regional Water Board is to protect the quality of the waters within the region for all beneficial uses. This duty is implemented by formulating and adopting water quality plans for specific ground or surface water basins, and by prescribing and enforcing requirements on all waste discharges. Responsibilities and procedures of the Regional Water Board come from the state's Porter-Cologne Water Quality Act and the nation's Clean Water Act. All decisions and actions, except those lawfully delegated to the Executive Officer, by the Regional Water Board are made with the opportunity for input by the public.

DISCUSSION: Opportunities for public involvement in the work of the State Water Resources Control Board and regional water quality control boards is outlined in the *Citizen's Guide to Working with the California Water Boards*. The staff presentation for this agenda item will provide a summary of the guidelines for public comment on agenda items before the Regional Water Board.

Opportunities and guidelines for commenting on Regional Water Board agenda items are described in the Procedures and Notes section of the Regional Water Board agendas and/or in the Public Notice or Hearing Procedures provided for a specific agenda item. Materials for each agenda item that will be considered by the Regional Water Board are posted on the Regional Water Board's website and may be provided to each person on the interested parties list. If an interested party wishes to be added to our interested parties list for a specific agenda item, he or she can contact the staff person listed with the item in this agenda notice.

As a general rule, the public review period for permitting actions, which are adjudicative matters, is 30 days, and the public review period for basin planning, which are quasi-legislative matters, is 45 days. Written materials that are received after deadlines set by item-specific Notices and/or Hearing Procedures *will not* generally be admitted. Any person requesting to submit late materials must demonstrate good cause, and the Board Chair must find that the admission of the late materials would not prejudice the North Coast Regional Water Board or any designated party. Pursuant to title 23, California Code of Regulations,

section 648.4, the Regional Water Board may refuse to admit written testimony or evidence into the administrative record if it is not submitted to the Regional Water Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

The purpose of Regional Water Board meetings is for the Regional Water Board to obtain testimony and information from concerned and affected parties and make decisions after considering the recommendations made by the Executive Officer. The Regional Water Board and staff welcome information on agenda items before the Board, but oral comments at the meeting should be brief and directed to specifics of the case to enable the Regional Water Board to take the appropriate action. In order to give everyone an opportunity to be heard, a time limit for oral comments may be imposed on any agenda item. Interested persons are encouraged to submit their comments in writing by the applicable due date and use time for oral comments to summarize those concerns. In some instances, including adjudicative hearings on permits, parties are allotted extended time to present testimony to the Board. In addition, in adjudicative matters, public comment must comply with ex parte rules. Ex parte communications are either oral or written communications that Board members receive in the absence of other parties, and without notice and opportunity for other parties to participate in the communication. Communications received by Board members outside of noticed comment periods on pending adjudicative matters must be disclosed.

Unless otherwise noted for a particular agenda item, speakers should plan to deliver their oral comments within 3 minutes. If a longer period of time is desired, speakers will be expected to notify the Regional Water Board staff prior to the meeting date for approval by the Board Chair. The speaker will be expected to have submitted a written summary of the comments to be delivered by the due date for the associated agenda item and limit oral comments to a summary of pertinent points previously presented in writing.

During most meetings of the Regional Water Board, the agenda includes a Public Forum. Public forum is a time reserved for the public to address the Board on any matter within the Board's jurisdiction, excluding those items on the agenda or pending adjudicative matters. Public comments on an agenda item should be reserved for the time when the Board is considering the matter. This promotes an orderly process, and ensures that the comments are included as part of the record for that item. The Board Chair may limit the public forum to thirty (30) minutes initially, and continue any remaining appearances beyond the thirty (30) minutes at the end of the regularly scheduled business of the day. Unless otherwise noted on a specific meeting agenda, the Board Chair requests that each person addressing the Board limit their presentation to three (3) minutes.

RECOMMENDATION: N/A

SUPPORTING DOCUMENTS: Citizen's Guide to Working with the California Water Board's http://waterboards.ca.gov/northcoast/publications_and_forms/available_documents/citizen_guide/citizenguide_may2017.pdf