

Regional Water Board Appointment FAQs

What are the State and Regional Water Boards?

The State Water Resources Control Board (State Water Board) has delegated authority to implement the federal Clean Water Act in California. Specifically, the Porter-Cologne Water Quality Control Act (Porter-Cologne), enacted three years prior to the federal Clean Water Act, designates the State and nine Regional Water Quality Control Boards (Regional Water Boards) as “the principal state agencies with primary responsibility for the coordination and control of water quality” for surface and groundwater.

It is state policy that water quality be regulated to achieve the highest water quality consistent with the maximum benefit to the people of California. The nine Regional Water Boards are responsible for achieving this through Basin Plans that set requirements for water quality within the region and to protect beneficial uses – such as freshwater and marine habitat, recreation, and drinking water supply.

The State Water Board consists of 5 full-time members, and the Regional Water Boards consist of 7 part-time members, appointed by the Governor.



What is the role of the Regional Water Board members?

Regional Water Board members are responsible for making critical water quality decisions for the region, including setting water quality standards, issuing waste discharge requirements, and overseeing the compliance and enforcement of those requirements.

How long do Regional Water Board members serve?

Regional Water Board appointment terms are four years, unless the appointment is serving the unexpired term of an existing vacancy.

What is the compensation and time commitment of the Regional Water Board members?

Despite the important role the Regional Water Boards have in maintaining and improving California’s water quality, the Regional Water Boards are volunteer boards with a \$250 per diem. Regional Water Boards generally hold one or two day-long meetings every month to two months, with the opportunity for Regional Water Board members to receive a briefing by the Regional Water Board staff on controversial issues prior to Board Meetings. Each member is appointed based on his or her ability to attend substantially all meetings of the board and to actively perform all duties and responsibilities of a member of the board.ⁱ

What are the geographic requirements of appointed Regional Board members?

Each Regional Water Board consists of 7 members appointed by the Governor that “reside or have a principal place of business within the region.”ⁱⁱⁱ The Regional Water Boards are encouraged – though not required – to be composed of members from all parts of the region.ⁱⁱⁱ

What are the subject matter expertise & experience requirements?

The Porter-Cologne Act does not require Regional Water Board seats to have a specific employment or subject matter expertise requirement (e.g., lawyer or engineer), and each member shall simply be appointed on the basis of his or her “demonstrated interest or proven ability in the field of water quality, including water pollution control, water resource management, water use, or water protection.”^{iv}

The Governor considers appointments from both the public and nonpublic sectors. For nonpublic sector appointments, the Governor shall *consider* appointments from key economic sectors of that region, including but not limited to agriculture, industry, commercial activities, forestry, and fisheries.^v While not required, the Porter-Cologne Act encourages appointments to be made that result in a Board composed of “diverse experiential backgrounds.”^{vi}

The Porter-Cologne Act further requires “at least one member shall be appointed as a public member,” who does not have to meet the requirement that he or she have a “demonstrated interest or proven ability in the field of water quality.”^{vii}

What are the limitations or conflicts rules for appointments to the Regional Water Boards?

The Porter-Cologne Act does not prevent “public officers associated with any area of government, including planning or water, and whether elected or appointed” to serve on a Regional Water Board.^{viii} However, no member can receive a significant portion [10%, unless they are over 60 and retirement/pension, in which case its 50%] of his or her household income [if community property] within the past two years directly or indirectly from any person subject to waste discharge requirements or an applicant for waste discharge requirements.

This limitation generally applies to municipalities, counties, and school districts that have a discharge permit issued by the Water Boards, however, this limitation does not include those who are employed by *state* agencies, including UC and State Universities.

How to apply?

To be considered during the appointments process, an application must be submitted using the following online form: <https://www.gov.ca.gov/application-for-appointment/>. Once the form is complete and the authorization form is signed and mailed or faxed to the Governor’s Office, it is helpful to have reputable organizations or individuals send letters of support directly to the Governor’s Office.

Applicants can apply at anytime during the current Governor’s Administration, and potential appointees will be reviewed from this applicant pool as vacancies arise. Appointment terms generally expire in September, unless a Board Member leaves or is removed during their term, meaning that interested applicants should apply during the summer to be considered for that year’s appointment process. Appointees are generally selected within 60 days of an expired term.

Following an appointment, the California Senate has 365 days from the term expiration date to confirm a Governor appointment. Until Senate confirmation, that person serves at the pleasure of the Governor. If the Senate fails to confirm within 365 days, that position becomes vacant the first day immediately following the end of the 365 day period.

i Wat. Code § 13201, subd. (g).
ii Wat. Code § 13201, subd. (a).
iii Wat. Code § 13201, subd. (e).
iv Wat. Code § 13201, subd. (b).
v Wat. Code § 13201, subd. (b).
vi Wat. Code § 13201, subd. (f).
vii Wat. Code § 13201, subd. (c).
viii Wat. Code § 13206.