

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2023-0036**

DELEGATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR

WHEREAS:

1. The Executive Director is delegated the authority to conduct and supervise the activities of the State Water Board.
2. Such activities include, but are not limited to, noticing Board meetings and hearings, management of staff, meeting with other agency officials, implementing the State Water Board's policies and regulations, meeting with Regional Water Quality Control Board (Regional Water Board) Executive Officers, approval of Clean Water Act section 205, subdivision (j)(2) project final products and grant closures, and the actions identified in 4 through 13, below.
3. Except as otherwise provided in paragraphs 4 through 13 below, the Executive Director is specifically precluded from taking the following actions:
  - 3.1 Adopting, approving, amending, or repealing regulations subject to chapter 3.5 (commencing with section 11340) of part 1 of division 3 of title 2 of the Government Code, state policy for water quality control, or water quality control plans.
  - 3.2 Any final action pursuant to Water Code section 13320, subdivision (c) finding that a Regional Water Board action was inappropriate or improper;
  - 3.3 Any final action closing a tank case or requiring closure of a tank case pursuant to Health and Safety Code section 25299.39.2 or section 25296.40;
  - 3.4 Adopting an order issuing or declining to issue a stay in a proceeding where the Board holds a hearing to consider a stay in connection with a petition, or the Board's review on its own motion, pursuant to Health and Safety Code section 25297.1, subdivision (h) or Water Code section 13320, subdivision (e).

4. If, during the process for Office of Administrative Law review and approval of the adoption, amendment, or repeal of a regulation, state policy for water quality control, or a water quality control plan, State Water Board or Office of Administrative Law staff identify minor, non-substantive corrections to the language of the regulation or supporting documentation that are reasonably necessary for clarity or consistency, the Executive Director may make those changes.
5. The Executive Director may revise or readopt an emergency regulation that has been adopted by the Board.
6. The Executive Director may add, revise, or delete text of a regulation pursuant to section 100 of title 1 of the California Code of Regulations.
7. The Executive Director may issue a final written determination on an appeal filed by a project applicant, under Public Resources Code section 71035.6, subdivision (e)(3).
8. The Executive Director may issue a decision or order by settlement of the parties under Government Code section 11415.60.
9. The Executive Director may set aside a State Water Board decision or order, in whole or in part, as commanded by a peremptory writ of mandate issued to the State Water Board.
10. The Executive Director may close or require the closure of any underground storage tank case if the case meets the criteria found in the State Water Board's Low-Threat Underground Storage Tank Closure Policy adopted by State Water Board [Resolution No. 2012-0016](#).
11. The Executive Director may amend, modify, rescind, or revoke any permit, license, certificate, waste discharge requirements, decision, or order if an appellate court opinion published in the official reports establishes that the State Water Board has a ministerial duty to do so.
12. The Executive Director, after consultation with the Board Chairperson, may select the hearing officer for hearings and investigations covered under Water Code section 183.

13. The Executive Director is authorized to sell, transfer, or otherwise dispose of any securities, including providing any necessary resolution under the Executive Director's signature, that the State Water Board or a California Regional Water Quality Control Board may acquire through bankruptcy or other proceedings.
14. Except as limited by paragraph 15, the Executive Director may further delegate his or her functions, in writing, as the Executive Director deems appropriate.
15. With respect to closures pursuant to paragraph 10, the Executive Director may further delegate his or her functions, in writing, to either a Chief Deputy Director or a Deputy Director, as the Executive Director deems appropriate.
16. In exercising the authority herein delegated, the Executive Director is directed, without restricting the authority specified, to bring the following matters to the attention of the members of the Board at workshop or by other appropriate communication:
  - 16.1 Matters of a unique or unusual nature;
  - 16.2 Matters that appear to depart from the policies of the Board;
  - 16.3 Matters involving significant policy questions;
  - 16.4 Highly controversial matters;
  - 16.5 Matters that involve a substantial risk of litigation;
  - 16.6 Any matter involving the execution of a contract or amendment thereto for which authority has not been expressly delegated by Board resolution;
  - 16.7 Any matter that a Board Member requests to be brought to the attention of the Board; and
  - 16.8 Any matter that, in the judgment of the Executive Director, should be brought to the attention of the Board.

17. The Board may revoke in whole or in part any specific or implied delegation to the Executive Director

18. This resolution supersedes Board [Resolution No. 2012-0061](#).

### CERTIFICATION

The undersigned Clerk to the 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 October 3, 2023.

AYE: Chair E. Joaquin Esquivel  
Vice Chair Dorene D'Adamo  
Board Member Sean Maguire  
Board Member Laurel Firestone  
Board Member Nichole Morgan

NAY: None

ABSENT: None

ABSTAIN: None

  
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Courtney Tyler  
Clerk to the Board