

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

RESOLUTION NO. R9-2005-0271

A RESOLUTION DELEGATING CERTAIN POWERS OF THIS REGIONAL BOARD  
TO THE EXECUTIVE OFFICER

WHEREAS, Section 13223(a), Division 7, California Water Code (CWC) provides that a regional water quality control board may delegate any of its powers and duties to its executive officer, except (1) the promulgation of any regulations; (2) the issuance, modification or revocation of any water quality control plan, water quality objectives or waste discharge requirement; (3) the issuance, modification or revocation of any cease and desist order; (4) the holding of any hearing on water quality control plans; and, (5) the application to the Attorney General for judicial enforcement except where specific delegation has been made in a cease and desist order or the cases described in subdivision (c) of Section 13002 and in Sections 13304 and 13340, CWC; and,

WHEREAS, Section 13223(b) states that whenever any reference is made in Division 7 of the CWC to any action that may be taken by a regional board, such reference includes such action by its executive officer pursuant to powers and duties delegated to him by the regional board; and,

WHEREAS, In attempting to comply with the California Environmental Quality Act (CEQA) public agencies, acting as lead agencies, may approve inadequate or inappropriate environmental documents for projects which may impact water quality; and,

WHEREAS, Under the CEQA the statutes of limitations provide time periods for challenging a lead agency's decision to approve inadequate or inappropriate environmental documents that are short and could expire before an item could be placed on a Regional Board's agenda for consideration of referring such a challenge to the Attorney General; and,

WHEREAS, The orderly conduct of a regional board's day-to-day business may necessitate the executive officer's delegation of authority under the CWC or signature authority for certain documents to lower levels in the organization.

THEREFORE BE IT RESOLVED:

1. This Regional Board delegates to its Executive Officer all of the powers and duties of the Board under Division 7 of the CWC except those specified in Section 13223(a) which are enumerated above, with the understanding that this authority will be used at his/her discretion.

2. This Regional Board delegates to its Executive Officer the authority to refer the matter of challenging a lead agency's inadequate or inappropriate environmental documents, prepared pursuant to the CEQA, to the Attorney General with the understanding that:
  - a. If reasonably possible the Executive Officer shall seek prior Regional Board approval for the referral to the Attorney General.
  - b. If time limitations do result in the need for action without prior Regional Board approval the Executive Officer shall seek Regional Board ratification of his or her action at the earliest time possible.
3. The authorities delegated to the Executive Officer under this Resolution are delegated to the Assistant Executive Officer under the following circumstances; when the Executive Officer is absent from the office due to illness, vacation, work related travel or other similar reason, or, when deemed necessary to preserve the integrity of a separation of functions during an adjudicatory proceeding. The Assistant Executive Officer is authorized to re-delegate this authority under the same circumstances.
4. The Executive Officer may delegate signature authority for documents that are not issued under authority of CWC Division 7 as determined necessary for conduct of the Regional Board's day-to-day business.
5. Previously adopted Resolutions 79-58 and 90-52, and any previous Regional Board actions that address the matter of delegation pursuant to CWC Section 13223(a), are rescinded.

BE IT FURTHER RESOLVED, it is the intention of the Regional Board to review this matter as needed to consider any revisions that may be deemed necessary or desirable.

The California Regional Water Quality Control Board, San Diego Region, adopted this resolution at its regular meeting on November 9, 2005.

  
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JOHN H. ROBERTUS  
Executive Officer

14 December 2005  
Date