

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION NO. R6T-2015-0038

UPDATED DELEGATION OF AUTHORITY TO THE EXECUTIVE OFFICER

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region (Water Board) finds that:

1. The Executive Officer is the Water Board's confidential employee appointed pursuant to Water Code section 13220, subdivision (c).
2. Water Code section 13223, subdivision (a) authorizes the Water Board to delegate to the Executive Officer any powers and duties vested in it by the Porter Cologne Water Quality Control Act, except the authority to: (1) promulgate any regulation; (2) issue, modify, or revoke any water quality control plan, water quality objective, or waste discharge requirement; (3) issue, modify, or revoke any cease and desist order; (4) hold any hearing on water quality control plans; and (5) apply to the Attorney General for judicial enforcement. These limitations exclude specific delegation in a cease and desist order and excluding cases described in Water Code section 13002, subdivision (c), 13304 and 13340.
3. Orderly and efficient Water Board operation requires the Executive Officer to be able to carry out the Water Board's day-to-day powers and duties to the maximum extent authorized by Water Code section 13223.
4. The Water Board's obligations to California and Lahontan Region citizens require the Water Board to retain the power and duty to act on any item within its jurisdiction, even if the Executive Officer would typically carry out that power or have the authority pursuant to this delegation.
5. Although the Water Board has previously delegated its powers and duties to the Executive Officer to the maximum extent allowed by Water Code section 13223 and described specific delegations in multiple resolutions, it is appropriate to update the delegation to reaffirm the Water Board's intent and rescind previous resolutions that are outdated and inconsistent with current regulations.
6. Nothing in this delegation is intended to diminish the force, effect or validity of any action the Executive Officer has previously taken in the name of the Water Board.

THEREFORE BE IT RESOLVED:

1. The Water Board delegates to its Executive officer all the powers and duties to conduct and supervise Water Board activities.
2. The Executive Officer is specifically precluded from taking the following actions:
 - a. Promulgating regulations;
 - b. Issuing, modifying, or revoking any water quality control plan;

**UPDATED DELEGATION OF AUTHORITY
TO THE EXECUTIVE OFFICER**

RESOLUTION NO. R6T-2015-0038

- c. Issuing, modifying, or revoking any water quality objectives;
 - d. Issuing, modifying, or revoking any waste discharge requirements;
 - e. Issuing, modifying, or revoking any cease and desist order;
 - f. Holding any hearing on water quality control plans; or
 - g. Applying to the Attorney General for judicial enforcement unless there has been an explicit delegation in a cease and desist order that authorizes the application for judicial enforcement, or unless the judicial enforcement involves a request to the Attorney General to bring an action in the name of the people of the State of California to enjoin any pollution or nuisance or unless the judicial enforcement involves Water Code section 13304 or 13340.
3. In exercising the authority herein delegated, the Water Board directs the Executive Officer, without restricting the authority specified, to bring items before the Water Board in a public meeting when:
- a. Requested by board members; or
 - b. the Executive Officer determines the item should be brought to a Water Board public meeting
4. In exercising the Water Board's delegated authority, the Executive Officer should consider whether the action departs from established Water Board policy, is controversial, or is of significant stakeholder interest.
5. The Water Board may revoke in whole or in part any specific or implied delegation to the Executive Officer.
6. Resolution Nos. 6-90-72, 6-91-938, 6-93-08, 6-00-96, R6T-2008-0031, and R6T-2010-0034 are hereby rescinded.

I, Patty Z. Kouyoumdjian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on July 9, 2015.

PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER