California Regional Water Quality Control Board
San Francisco Bay Region

Linda S. Adams
Secretary for
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Arnold Schwarzenegger
Governor

TO: Assistant Executive Officers
Division Chiefs

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by Bruce Wolfe
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FROM: Bruce H. Wolfe
Executive Officer
SAN FRANCISCO BAY
REGIONAL WATER QUALITY CONTROL BOARD

DATE: November 23, 2009

SUBJECT: DELEGATION OF AUTHORITY; SIGNATURE REQUIREMENTS

Water Code section 13223 addresses delegation of a regional water board's authority to its executive officer. It provides that:

"(a) Each regional board may delegate any of its powers and duties vested in it by this division to its executive officer excepting only the following:
(1) the promulgation of any regulation;
(2) the issuance, modification, or revocation of any water quality control plan, water quality objectives, or waste discharger requirement;
(3) the holding of any hearing on water quality control plans;
(4) the issuance, modification, or revocation of any cease and desist order;
(5) the application to the Attorney General for judicial enforcement but excluding cases of specific delegation in a cease and desist order and excluding the cases described in subdivision (c) of Section 13002 [action by Attorney General to enjoin pollution or nuisance] and Sections 13304 [action by Attorney General for injunction to cleanup and abate] and 13340 [action by Attorney General to seek injunction of a discharge constituting an emergency].

(b) Whenever any reference is made in this division 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."

In 1970, the Water Board delegated the powers and duties vested in it by Division 7 of the California Water Code to its Executive Officer (Resolution No. 70-11), with the exception of those specifically listed in Water Code section 13223(a) and also with the exception of any powers and duties that the Board had previously reserved to itself or any of its members by formal action. Water Code section 7 in turn authorizes the Executive Officer to delegate his/her authority. The authority to further delegate certain actions to appropriate managers (e.g., Assistant Executive Officers, Division Chiefs) in order to conduct the business of the Board in a timely and efficient manner is especially important during my absence either during normal business days or vacations. In addition, delegation to the Assistant Executive Officers to act in my stead in adjudicatory enforcement proceedings is necessary where there has been a separation of functions, and I am acting as the advisor to the Board.

Delegation

A. In order to conduct the business of the Board in a timely and efficient manner, unless otherwise expressly prohibited by law, authority to act on my behalf and in my name is hereby delegated as specified below:

1. In the event of my absence or unavailability, the Assistant Executive Officers are each authorized to act for me and sign on my behalf in all matters, including, but not limited to, complaints for Administrative Civil Liability, Cleanup and Abatement Orders, directives to submit technical and monitoring reports pursuant to Water Code section 13267, and letters taking water quality certification action.

2. In the event that the Assistant Executive Officers are absent or unavailable at a time when I am absent or unavailable, then the Division Chiefs are each authorized to sign on my behalf for all actions of either a routine or emergency nature originating in their respective program areas.

3. The Assistant Executive Officers and Division Chiefs are each authorized to sign directives to submit technical and monitoring reports pursuant to Water Code section 13267, regardless of my absence of unavailability or, in the case of Division Chiefs, the absence or unavailability of the Assistant Executive Officers.

4. For all routine administrative matters (e.g., contract requests, training requests, and Requests for Personnel Action), the Board's Management Services Division Chief or the Assistant Executive Officers are each authorized to sign on my behalf.

5. When acting on my behalf, the person so acting should sign his or her name for me as shown:

Sincerely,

Signature
for BRUCE H. WOLFE
Executive Officer

When an AEO or DC signs for the Executive Officer, they will apply their own *Signature* above the Executive Officer's name and also add "*for*" before the Executive Officer's name

B. In order to preserve the integrity of separation of functions during an adjudicatory enforcement proceeding, the Assistant Executive Officers are, unless otherwise expressly prohibited by law, authorized to act in my stead as specified below:

1. The Assistant Executive Officers are each authorized to act my stead in all adjudicatory enforcement proceedings where there has been a separation of functions, and I am or will act as the advisor to the Board. Such actions include, but are not limited to, the issuance of complaints for Administrative Civil Liability, Cleanup and Abatement Orders, and directives to submit technical and monitoring reports pursuant to Water Code section 13267.

2. When acting under the delegation set forth in Section B.1. above, the Assistant Executive Officer should sign on his or her behalf.

cc: Water Board members
Phillip Wyels, State Board -OCC
Dorothy Dickey
Yuri Won