

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION

**RESOLUTION NO. R7-2022-0036**

**DELEGATION OF AUTHORITY TO EXECUTIVE OFFICER  
UNDER WATER CODE SECTION 13223**

WHEREAS, the California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) finds as follows:

1. Pursuant to Water Code section 13220, subdivision (c), the Executive Officer is the Colorado River Basin Water Board's confidential employee, appointed by the Board, and serving at the Board's pleasure.
2. Pursuant to Water Code section 13223, subdivision (a), the Colorado River Basin Water Board is expressly authorized to delegate to its Executive Officer any of its powers and duties vested under the Porter-Cologne Water Quality Control Act, subject to the following exceptions, which may not be delegated:
  - a. The promulgation of regulations;
  - b. The issuance, modification or revocation of Water Quality Control Plans, Water Quality Objectives or Waste Discharge Requirements;
  - c. The issuance, modification or revocation of Cease and Desist Orders (CDOs) under Water Code section 13301;
  - d. The holding of any hearing on a Water Quality Control Plan; and
  - e. Application to the Attorney General for judicial enforcement, excluding cases of specific delegation in CDOs, and further excluding the cases described in Water Code sections 13002(c), 13304 and 13340.
3. In accordance with Water Code section 13223, the Colorado River Basin Water Board has previously adopted resolutions delegating authority to its Executive Officer.
  - a. Resolution 70-15 delegated all the powers and duties other than those expressly prohibited from delegation (see above).
  - b. Resolution R7-2017-0032 (adopted November 9, 2017) limited the Executive Officer's authority to approve settlements involving the imposition of Administrative Civil Liability (ACL). For settlements involving Mandatory Minimum Penalties (MMPs) under Water Code sections 13385, 13385.1 and 13399.33, Executive Officer approval authority was limited to settlements of up to \$51,000; prior Board Chair consultation and Board notification was also required for all such settlements exceeding \$24,000. The Executive Officer was not authorized to approve settlements involving discretionary imposition of ACL (regardless of amount).

4. This Resolution supersedes all prior delegations of authority to the Executive Officer under Water Code section 13223, including those under Resolution 70-15 and Resolution R7-2017-0032, as discussed above.
5. This Resolution shall not be construed as affecting any prior Executive Officer actions taken under delegated authority.
6. The authority delegated under this Resolution shall extend to each individual appointed or otherwise temporarily acting as the Colorado River Basin Water Board's Executive Officer.
7. Nothing in this Resolution shall be construed as precluding the Executive Officer from consulting with, or deferring to, members of the Colorado River Basin Water Board on matters within the Executive Officer's delegated authority.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Colorado River Basin Water Board hereby delegates to its Executive Officer all statutory powers and duties, other than those that are specifically prohibited under Water Code section 13223, subdivision (a), and further subject to the limitations on settlement of Administrative Civil Liability (ACL) as set forth below.
2. The Executive Officer may approve settlements of ACL Complaints for which no hearing is required (by stipulation of the parties), and the amount sought in the Complaint does not exceed \$200,000.

I, PAULA RASMUSSEN, Executive Officer, certify that the foregoing is a full, true and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on September 13, 2022.

Original Signed By  
PAULA RASMUSSEN  
Executive Officer