

**REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**EXECUTIVE OFFICER SUMMARY REPORT  
SEPTEMBER 10, 2025**

**ITEM 8**

**SUBJECT**

Resolution to Update and Clarify the Delegation of Powers and Duties to the Executive Officer (Tentative Resolution No. R9-2025-0144). (*Chiara Clemente, Alex Sauerwein*)

**STAFF RECOMMENDATION**

Adopt Tentative Resolution No. R9-2025-0144. (Supporting Document No. 1)

**KEY ISSUE**

The San Diego Water Board is presented with an update to its Executive Officer delegation resolution. The Tentative Resolution combines and replaces the two previous delegation resolutions, with minor revisions that remain focused on prioritizing the Board's time and efforts towards complex or controversial matters.

**PRACTICAL VISION**

One of the fundamental tenets of the Practical Vision is to strategize for healthy waters by prioritizing outcomes around Key Beneficial Uses in Key Areas. The Board's delegation of powers and duties should allow staff to expedite and streamline efforts on lower priority issues, in order to focus on priority issues and present them to the Board for consideration.

**DISCUSSION**

Orderly and efficient operation of the Regional Board requires the Executive Officer to be able to carry out the Regional Board's day-to-day powers and duties to the maximum extent authorized by Water Code section 13223. Water Code section 13223 allows the Regional Board to delegate any of its powers and duties 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 requirements; (3) the issuance, modification, or revocation of any cease and desist order; (4) the holding of any hearing on a water quality control plan; and (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 and 13304 and 13340.

In 2005, the San Diego Water Board delegated its authority to its Executive Officer through Resolution R9-2005-0271 (Supporting Document No. 2). At that time, John H. Robertus was the Executive Officer, and all duties were delegated to him, and subsequent Executive Officers.

Later, in 2014, the San Diego Water Board adopted Resolution R9-2014-0046 (Supporting Document No. 3), which clarified what type of penalty actions the Executive Officer should exercise its discretion on by delegated authority, and which ones should be considered by the Board.

Since the adoption of Resolution R9-2014-0046, the Executive Officer has issued 71 of 86 Administrative Civil Liability (ACL) Orders by delegated authority, largely focused on mandatory minimum penalties and other smaller uncontested settlements, totaling \$1.8 million. These delegated actions have saved an estimated 5,600 hours in staff preparation time; or approximately 3 personnel years that were redirected to additional compliance work. By contrast, the Board's ACL actions, though much fewer (n=15), total over 35 million dollars, demonstrating their magnitude and significance.

Tentative Resolution R9-2025-0144 is presented to the Board to modernize and combine the two previous resolutions. Combining the two previous resolutions assists in ensuring easy compliance with the delegation resolution and easy accessibility for the public.

The Tentative Resolution clarifies that the Executive Officer must bring to the attention of the San Diego Water Board certain matters. These include matters that are unique or unusual, involving significant policy questions, highly controversial, known or believed to involve a substantial risk of litigation, or any matter that a San Diego Water Board Member requests to be brought to the attention of the Board. This requirement was in the 2014 delegation resolution for ACLs and has been carried over for all applicable delegated actions. Further, this delegation resolution adds language to clarify that the delegation resolution does not diminish or alter the San Diego Water Board's own power to act on any matter for any reason if it wishes to do so – or in other words the Board may direct the Executive Officer to not act on any delegated matter so that the Board can act on it.

Adopting this resolution would supersede the previous resolutions without affecting any action taken pursuant to those delegation resolutions.

## **PUBLIC NOTICE**

The agenda notice for today's meeting was posted on the San Diego Water Board's website and sent to subscribers to the email list for Board meetings and Enforcement Matters. This satisfies the Bagley-Keene Open Meeting Act requirements to publish the meeting notice and agenda.

## **SUPPORTING DOCUMENTS**

1. Tentative Resolution No. R9-2025-0144
2. [Resolution R9-2005-0271](#)
3. [Resolution R9-2014-0046](#)