

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

TENTATIVE RESOLUTION NO. R9-2025-0144

**DELEGATION OF POWERS AND DUTIES
TO THE EXECUTIVE OFFICER**

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

1. Water Code section 13220, subdivision (c), provides that a regional water quality control board shall appoint an Executive Officer as its confidential employee.
2. Water Code section 13223, subdivision (a), authorizes the San Diego Water Board to delegate any of its powers and duties to its Executive Officer except the following:
 - a. The promulgation of any regulations;
 - b. The issuance, modification, or revocation of any water quality control plan, water quality objectives, or waste discharge requirements;
 - c. The issuance, modification, or revocation of any cease and desist order;
 - d. The holding of any hearing on water quality control plans; and
 - e. 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 Water Code sections 13002, subdivision (c), 13304, and 13340.
3. The San Diego Water Board appointed David Gibson as its Executive Officer effective November 18, 2009.
4. Orderly and efficient operation of the San Diego Water Board requires the Executive Officer to be able to carry out the Board's day-to-day powers and duties to the maximum extent authorized by Water Code section 13223.
5. In accordance with Water Code section 13223, the San Diego Water Board has previously adopted resolutions delegating authority to its Executive Officer.
 - a. In Resolution R9-2005-0271, the San Diego Water Board delegated all powers and duties to the Executive Officer subject to the exceptions in Water Code section 13223, subdivision (a).
 - b. In Resolution R9-2014-0046, the San Diego Water Board clarified Resolution R9-2005-0271 to expressly include civil liability assessments.
6. While the San Diego Water Board has previously delegated to the Executive Officer its powers and duties to the maximum extent allowed by Water Code

section 13223, it is nonetheless appropriate to periodically update the delegation to reaffirm the Board's intent to allow the Executive Officer to carry out the Board's day-to-day responsibilities.

7. This Resolution shall not be construed as affecting any action the Executive Officer has previously taken on behalf of the San Diego Water Board pursuant to delegated authority.
8. The authority delegated herein extends to each individual appointed or otherwise temporarily acting as the San Diego Water Board's Executive Officer.
9. Water Code section 7 authorizes the Executive Officer to delegate any of the powers granted to the Executive Officer to a deputy of the officer or to any legally authorized person, unless the Water Code expressly provides otherwise.
10. Certain types of administrative liability or penalty actions, such as mandatory minimum penalties sought pursuant to Water Code sections 13385, subdivisions (h) and (i), 13385.1, and 13399.33, typically generate minimal public interest, have a standard rather than complex penalty assessment, and individually may present less of a threat to Beneficial Uses or the circumstances of the violation may indicate a lower potential for harm.
11. In efforts to increase efficiency, the San Diego Water Board desires to uphold the Practical Vision Values of Leadership, Stewardship, Communication, and Transparency by maintaining community accessibility to pending and completed actions.

THEREFORE, BE IT RESOLVED THAT, pursuant to sections 7 and 13223 of the Water Code:

1. The San Diego Water Board delegates to its Executive Officer, under the general direction and control of the Board, all of the powers and duties of the Board under Division 7 of the California Water Code, except those specified below, from Section 13223, subdivision (a);
 - a. The promulgation of any regulations;
 - b. The issuance, modification, or revocation of any water quality control plan, water quality objectives, or waste discharge requirements;
 - c. The issuance, modification, or revocation of any cease and desist order;
 - d. The holding of any hearing on water quality control plans; and
 - e. 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 Water Code sections 13002, subdivision (c), 13304, and 13340.

2. The Executive Officer may set aside a San Diego Water Board action, in whole or in part, as commanded by a peremptory writ of mandate issued to the Board.
3. The Executive Officer may approve settlement of an Administrative Civil Liability (ACL) Complaint, and/or issue a stipulated ACL Order, where no hearing is required;
4. The Executive Officer may hold evidentiary hearings to consider allegations in ACL Complaints and may issue final ACL Orders where the ACL Complaint alleges the following:
 - a. Violations subject to a mandatory penalty pursuant to Water Code sections 13385, 13385.1, or 13399.33;
 - b. Violations to recover unpaid permit fees;
 - c. Non-discharge violations under Water Code sections 13308, 13261, 13268, 13350, or 13385.
5. In exercising the authority herein delegated, the San Diego Water Board directs the Executive Officer, without restricting the authority specified, to bring the following matters to the attention of the Board at a public meeting or by other appropriate communication, that are:
 - a. Unique or of an unusual nature;
 - b. Involving significant policy questions;
 - c. Highly controversial;
 - d. Known or believed to involve a substantial risk of litigation; and
 - e. Any matter that a San Diego Water Board Member requests to be brought to the attention of the Board.
6. This delegation does not diminish or alter the San Diego Water Board's own power to act in the first instance, regardless of the reason;
7. The Executive Officer may further delegate in writing such powers and duties as the Executive Officer deems appropriate to conduct the San Diego Water Board's day-to-day business.
8. It is the intention of the San Diego Water Board to review the effectiveness of this resolution every three years, or when there is a new executive officer, and consider any revisions that may be deemed necessary or desirable.
9. This Resolution supersedes all prior delegations of authority to the Executive Officer, including those under Resolution Nos. R9-2005-0271 and R9-2014-0046;
10. Any previous actions taken by the Executive Officer on behalf of the San Diego Water Board pursuant to delegated authority are unaffected by this Resolution.

CERTIFICATION

I, David Gibson, 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, San Diego Region, on September 10, 2025.

David Gibson
Executive Officer