

**California Regional Water Quality Control Board
Santa Ana Region**

June 14, 2019

ITEM: *7

SUBJECT: **Delegation Resolution No. R8-2019-0056**

DISCUSSION:

The Porter-Cologne Water Quality Control Act authorizes a Regional Water Quality Control Board to delegate powers and duties to its Executive Officer, with certain specified exceptions that cannot be delegated. In the past, the Regional Board has adopted resolutions delegating powers and duties to its Executive Officer; the most recent such resolution was Resolution No. R8-2017-0031.

Proposed Resolution No. R8-2019-0056 would delegate the same powers and duties as the prior resolution and clarifies that the Executive Officer's delegated authority includes the power to issue waivers under Water Code section 13269 for discharges from onsite waste treatment systems (septic systems). Clarification of this authority is appropriate given the increased number of septic system applications that will need to be processed.

RECOMMENDATION:

Adopt Resolution No. R8-2019-0056.

**California Regional Water Quality Control Board
Santa Ana Region**

RESOLUTION NO. R8-2019-0056

DELEGATION OF POWERS AND DUTIES TO THE EXECUTIVE OFFICER

WHEREAS, the California Regional Water Quality Control Board, Santa Ana Region finds as follows:

1. Water Code section 13223, subdivision (a), provides that a regional water quality control board may delegate any of its powers and duties to its Executive Officer, except the following:
 - a. the promulgation of any regulation;
 - 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 the cases described in subdivision (c) of section 13002 and sections 13304 and 13340 of the California Water Code.
2. The California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) has previously exercised its authority to delegate its powers and duties to the Executive Officer. These delegations include Resolution Nos. 85-144, 88-121, R8-2010-0037, and R8-2017-0031.
3. In the most recent delegation, Resolution No. R8-2017-0031, the Santa Ana Water Board delegated to the Executive Officer all powers and duties of the board subject to the exceptions in Water Code section 13223, subdivision (a).
4. The authority to issue waivers under Water Code section 13269 is not among the exceptions listed in Water Code section 13223, subdivision (a). Accordingly, under Resolution No. R8-2017-0031, the Executive Officer has the authority to issue waivers under Water Code section 13269 for discharges related to residential onsite waste treatment systems. Still, the Santa Ana Water Board finds it appropriate to clarify the scope of the delegation and expressly include this power in the delegation.
5. 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 Santa Ana Water Board pursuant to her delegated authority.

THEREFORE, BE IT RESOLVED THAT:

1. The Santa Ana Water Board hereby expressly delegates to its Executive Officer, under the general direction and control of the Santa Ana Water Board, all of the powers and duties of the Santa Ana Water Board under Division 7 of the Water Code, except those

powers and duties that may not be delegated under California Water Code section 13223, subdivision (a).

2. This delegation includes, but is not limited to, the authority to issue final administrative civil liability orders where no hearing is required and the authority to issue waivers under Water Code section 13269 for discharges from onsite waste treatment systems.
3. This resolution supersedes all previous resolutions delegating powers and duties to the Executive Officer.
4. Any previous actions taken by the Executive Officer pursuant to delegated authority are unaffected by this resolution and remain in effect.
5. The Executive Officer is hereby directed to certify and submit copies of this Resolution to agencies and individuals as appropriate and as requested.

I, Hope Smythe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the Santa Ana Water Board on June 14, 2019.

Hope Smythe
Executive Officer