CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION R5-2009-0027

DELEGATION OF POWERS AND DUTIES TO THE EXECUTIVE OFFICER
(REVISION)

Whereas, the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) finds that:

1. California Water Code section 13223 provides that a Regional Water Quality Control Board may delegate any of its powers and duties to its Executive Officer, excepting only 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 subdivision(c) of sections 13002, 13304, and 13340.

2. California Water Code section 7 permits the delegation of any power granted to, or duty imposed upon, the Executive Officer of a Regional Water Quality Control Board to a deputy of the officer or to any legally authorized person, unless the delegation is legally prohibited.

3. The Central Valley Water Board appointed Pamela C. Creedon as its Executive Officer effective 14 February 2006.

4. On 16 March 2006, the Central Valley Water Board adopted Resolution R5-2006-0023, delegating to Pamela C. Creedon, its Executive Officer, under the general direction and control of the Central Valley Water Board, all of the powers and duties of the Central Valley Water Board under California Water Code except those specified in CWC section 13223(a).

5. Although Resolution R5-2006-0023 implicitly delegated to Pamela C. Creedon the authority to issue Administrative Civil Liability Orders when it is not necessary for the Central Valley Water Board to conduct a hearing, it is prudent to make this delegation explicit so that this practice is clearly expressed to the public and to the regulated community.

6. Resolution R5-2007-0009 explicitly delegated the authority to issue Administrative Civil Liability Orders to Pamela C. Creedon when it is not necessary for the Central Valley Water Board to conduct a hearing. However, in certain enforcement matters Pamela C. Creedon may serve as lead prosecutor. A lead prosecutor may not act as the Board's delegate in issuing Administrative Civil Liability Orders, because the role of lead prosecutor involves advocacy on behalf of the Board's prosecution team.

7. It is prudent for the Board to allow Pamela C. Creedon to delegate the authority to issue Administrative Civil Liability Orders to a deputy in cases where she serves as lead prosecution officer.

Therefore be it resolved that:

1. Effective [date], the Central Valley Water Board hereby expressly delegates to its Executive Officer, Pamela C. Creedon, under the general direction and control of the Central Valley Water Board, all of the powers and duties of the Central Valley Water Board under Division 7 of the California Water Code, except those specified in section 13223(a).

2. This delegation includes the authority to issue final Administrative Civil Liability Orders where no hearing is required.

3. The Central Valley Water Board expressly authorizes its Executive Officer, Pamela C. Creedon, under the general direction and control of the Central Valley Water Board, to delegate her authority to issue final Administrative Civil Liability Orders to a deputy in circumstances where no hearing is required and where Pamela C. Creedon is serving as lead prosecution officer.

4. The Executive Officer is hereby directed to certify and submit copies of this resolution to agencies and individuals as appropriate and as requested.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify that the foregoing is a true, full, and correct copy of a Resolution adopted by the Central Valley Water Board on April 23, 2009

Pamela Creedon

PAMELA C. CREEDON, Executive Officer