

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION R5-2018-0057

DELEGATION OF POWERS AND DUTIES TO THE EXECUTIVE OFFICER

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

1. 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. 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 Patrick Pulupa as its Executive Officer effective 2 June 2018.
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 the Water Code except those specified in Water Code section 13223(a). Resolution R5-2006-0023 was subsequently amended by Resolution R5-2009-0027, clarifying that the Executive Officer has the authority to issue Administrative Civil Liability Orders when it is not necessary for the Central Valley Water Board to conduct a hearing.
5. In order to conduct the business of the Central Valley Water Board in a timely and efficient manner, with regard to the size, complexity, and scope of our organization, and unless otherwise expressly prohibited by law, the Central Valley Water Board desires and intends to delegate to its Executive Officer all of the powers and duties of the Central Valley Water Board, which are to be exercised under the general direction and control of that Board.

Therefore be it resolved that:

1. The Central Valley Water Board hereby expressly delegates to its Executive Officer, Patrick Pulupa, 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 Water Code 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, Patrick Pulupa, under the general direction and control of the Central Valley Water Board, to delegate his authority to issue final Administrative Civil Liability Orders to a deputy in circumstances where no hearing is required and where Patrick Pulupa 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, PATRICK PULUPA, 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 August 2, 2018

ORIGINAL SIGNED BY

PATRICK PULUPA, Executive Officer