STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2026-0041

ADOPTING UTILITY WILDFIRE AND SIMILAR OPERATIONS AND MAINTENANCE ACTIVITIES CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND GENERAL WASTE DISCHARGE REQUIREMENTS AND RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT

WHEREAS:

1. California has experienced an increase in wildfire intensity and frequency in recent years due to drought, tree mortality due to pests, climate change, fuel accumulation, and fire suppression. One of the drivers of wildfire in California has been ignition sources associated with the electrical power grid.

2. In 2018, the California Public Utilities Commission adopted a fire threat map to identify areas of heightened fire risk for use by utilities in planning risk reduction activities. Developed in collaboration with the Department of Forestry and Fire Protection, the Office of Emergency Services, utilities, and stakeholders, this map breaks down the wildfire risk in a utility's service district into three tiers. Tier 1 areas show tree mortality high hazard zones near communities, road, and utility lines that are a direct threat to public safety. Tier 2 areas have a higher risk of utility related wildfires, and Tier 3 areas have an extreme risk. These areas are known as High Fire Threat Districts.

3. The California Legislature passed Senate Bill (SB) 901 on August 31, 2018, which imposed additional requirements for wildfire mitigation plans developed by utilities. These plans are aimed at reducing infrastructure-related wildfire risk within High Fire Threat Districts. Activities detailed in the wildfire mitigation plans include a variety of activities including vegetation management, system hardening, pole replacement, and access route improvements.

4. There are roughly 43,000 miles of utility corridors across the state. Many of these corridors were constructed decades ago using management practices that were not designed to protect natural resources. By design, utility corridors take the most direct route between two points, frequently traversing steep slopes, geologically unstable areas, sensitive habitat and often run through extremely remote areas. Such locations are often difficult to access and maintain.

5. Wildfire prevention and response activities require a variety of construction activities including road grading, excavation, vegetation management through mechanical and chemical means, culvert replacement, and installation of stream crossings. In addition, utilities in California need to construct and

maintain access routes essential for the maintenance, repair, and upgrade of existing electrical infrastructure to ensure grid reliability, wildfire prevention and containment activities, escape routes, and power restoration for affected communities. In addition to wildfire prevention and post-wildfire response activities, the Utility Wildfire and Similar Operations and Maintenance Activities Clean Water Act section 401 Water Quality Certification and General Waste Discharge Requirements (General Order) also covers utility operations and maintenance activities that employ the same or similar methods as wildfire prevention and response activities and similarly discharge waste that could affect water quality. In many cases, it may be difficult to distinguish wildfire prevention activities from operation and maintenance activities.

6. Electric utility wildfire prevention, wildfire response, and related operations and maintenance activities can impact water quality and beneficial uses. These activities have the potential to discharge waste to waters of the state including sediment, herbicides, oils and greases, and vegetative waste.

7. This General Order is adopted pursuant to Section 401 of the Clean Water Act and the California Porter-Cologne Water Quality Control Act (Wat. Code §§ 13000, et seq.). This Order regulates the discharge of dredged or fill material and other wastes that are discharged or proposed to be discharged in a manner that could affect water quality.

8. A single statewide permit for utility wildfire prevention and response activities and operations and maintenance provides a streamlined permit for utilities, while saving time and resources by eliminating the need for each of the nine Regional Water Quality Control Boards (Regional Water Boards) to adopt a separate permit to cover those activities. This will ensure that utility companies owning infrastructure that traverses multiple Regional Water Board boundaries will have the benefit of a single statewide permit, making compliance consistent and less costly, while protecting water quality.

9. This General Order seeks to facilitate wildfire prevention work to reduce risks to water quality posed by wildfires and to facilitate post-wildfire response activities that help mitigate the negative water quality impacts caused by wildfire.

10. The effect of the State Water Resources Control Board's (State Water Board's) discretionary action adopting and implementing the General Order is that permitting will occur under the General Order instead of under individual waste discharge requirements and water quality certifications.

11. The State Water Board, acting as lead agency for this project, prepared a supporting Environmental Impact Report (EIR) in support of the General Order pursuant to Public Resources Code section 21067 of the California

Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.) ("CEQA"), and section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.).

12. The EIR analyzes reasonably foreseeable effects of the Project Activities authorized by this General Order, but additional environmental review may be required for individual projects.

13. The State Water Board circulated a Notice of Preparation (NOP) on February 2, 2022, and conducted a scoping meeting on February 18, 2022, for the EIR in accordance with sections 15082 and 15083 of the CEQA Guidelines.

14. The State Water Board conducted early engagement with utility representatives, environmental groups, and other agencies.

15. The State Water Board notified Native American Tribes of the opportunity to consult, identify, and address potential adverse impacts to tribal resources of cultural, historical and/or archaeological significance.

16. The State Water Board released a notice of opportunity for public comment and public workshop for the draft Utility Wildfire and Similar Operations and Maintenance Activities and supporting EIR (pursuant to section 15086 of the CEQA Guidelines) on June 28, 2024. The draft Statewide Utility General Order and EIR were available for public review and comment during a 63-day period. The State Water Board hearing to receive public feedback on the draft on August 20, 2024.

17. CEQA Findings, as required by section 15091, are set forth in Appendix A of the EIR.

18. A statement of overriding considerations is set forth in Appendix A of the EIR. The State Water Board has duly considered the EIR, which identifies potentially significant and unavoidable impacts to aesthetic resources, cultural resources and tribal cultural resources resulting from adoption and implementation of the General Order. Consistent with CEQA Guidelines section 15093, subsection (a), specific overriding economic, legal, social, technological or other benefits outweigh the potentially unavoidable adverse environmental impacts. The State Water Board makes this statement of overriding considerations concerning the General Order to explain why the benefits override and outweigh any potentially unavoidable impacts. The General Order will help facilitate activities that may help prevent wildfires, increase the safety and resilience of electric infrastructure, and respond to adverse effects on electric infrastructure from wildfires. Electric grid reliability is critical to public safety (e.g., preventing death or injury related to wildfire, medical treatments or supplies that require electricity, removal of trees that are likely to cause injury or damage) and economic development. Reduction of wildfire risk also benefits water quality and reduces risks associated with flooding. The General Order provides a statewide, coordinated and consistent

approach to permitting wildfire prevention and response activities and similar operation and maintenance activities while ensuring continued protection of water quality. The State Water Board finds that potentially significant, unavoidable environmental impacts that may directly or indirectly result from adoption of the General Order are acceptable in light of the benefits set forth above, and that each of the benefits constitute an overriding benefit warranting approval of the General Order independent of the other benefits, despite each and every potentially unavoidable impact.

19. The documents and other materials that constitute the record of proceedings on which the State Water Board findings are based are located at State Water Resources Control Board, Division of Water Quality, 1001 I Street, 15th floor, Sacramento, California, 95814. The custodian for these documents is the Division of Water Quality.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Certifies the EIR (State Clearinghouse (SCH) No. 2022020125) and approves the mitigation monitoring and reporting program (MMRP) supporting Environmental Impact Report.

2. Directs State Water Board staff, within five working days, to file a Notice of Determination for this project with the Governor's Office of Planning and Research along with payment of applicable fees as required by the Department of Fish and Wildlife.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on October 20, 2026.

AYE:	Chair E. Joaquin Esquivel Vice Chair Dorene D'Adamo Board Member Sean Maguire Board Member Nichole Morgan Board Member Jared Blumenfeld
NAY:	None
ABSENT:	None
ABSTAIN:	None



Courtney Tyler
Clerk to the Board