

Draft Statewide Utility Wildfire General Order State Water Board Staff Workshop



Meeting July 23, 2024, 10:00 – 12:00 p.m.

Agenda

- General Order Purpose
- General Order Scope
- Types of Activities Covered
- Activity Categories
- Project Conditions
- Monitoring and Reporting Requirements
- Fees
- Next Steps
- Q&A with Staff



Wetland at the Cosumnes River Preserve,
photo taken by S. Agarwal on 3/25/2023

DRAFT General Order Overview

Draft Utility General Order (Main Body)

- [Attachment A1: Notice of Intent Form](#)
- [Attachment A2: Notice of Intent Instructions](#)
- [Attachment B: Regional Water Board Map](#)
- [Attachment C: Controllable Sediment Discharge Sources Monitoring Form](#)
- [Attachment D: Reporting and Notification Requirements](#)
- [Attachment E: Signatory Requirements](#)
- [Attachment F: Glossary](#)

Draft Environmental Impact Report (Main Body)

- [Appendix A: Findings of Fact and Statement of Overriding Considerations](#)
- [Appendix B: Mitigation Monitoring and Reporting Program](#)



**DRAFT GENERAL CLEAN WATER ACT SECTION 401 WATER QUALITY
CERTIFICATION AND WASTE DISCHARGE REQUIREMENTS FOR UTILITY
WILDFIRE AND SIMILAR OPERATIONS AND MAINTENANCE ACTIVITIES
ORDER NO. WQ XXXX-XXXX-XXXX**

Effective Date: DRAFT

Project: Utility Wildfire and Similar Operations and Maintenance Activities

WDID: SB24032GN

Discharger: Electrical corporations (as defined in the Public Utilities Code (PUC), Section 218), local publicly owned electric utilities (as defined in the PUC, Section 224.3), and electrical cooperatives (as defined in the PUC, Section 2776)

General Order Purpose

- Protect Water Quality
- Support the Pace and Scale of Wildfire Prevention (SB901)
- Provide Statewide Consistency
- Expedite the Permitting Process for Electrical Utility Wildfire Mitigation Activities

The State Water Board values the critical public safety work completed by the utilities and wants to ensure our permit supports this critical work.



Vegetation Treatment Site, Yuba County, photo taken by S. Agarwal on 6/12/2023

General Order Scope ☂



- Statewide geographic scope
- Electric utility activities
 - Wildfire prevention/mitigation
 - Post-fire response
 - Operations and maintenance activities
- Serves as both Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements

Covered Activities

- Vegetation Management
- Herbicide Application
- Site Access Development and Maintenance
- Staging Areas and Laydown Yards
- Pole/Tower Repairs or Replacement
- Substation Maintenance
- Structural Conversion
- Line Reconductoring
- Undergrounding Powerlines
- Transmission Tower Maintenance
- Boardwalk Repairs and Replacement
- Electrical Utility Infrastructure Lowering, Maintenance, Replacement or Removal

Covered Activities

Soil disturbing activities that occur on steep slopes and erodible soils are more likely to impact water quality



N. Fork Feather River, photo taken
by S. Agarwal on 3/5/2020

Percent Slope and Soil Erodibility K Factor



Percent Slope

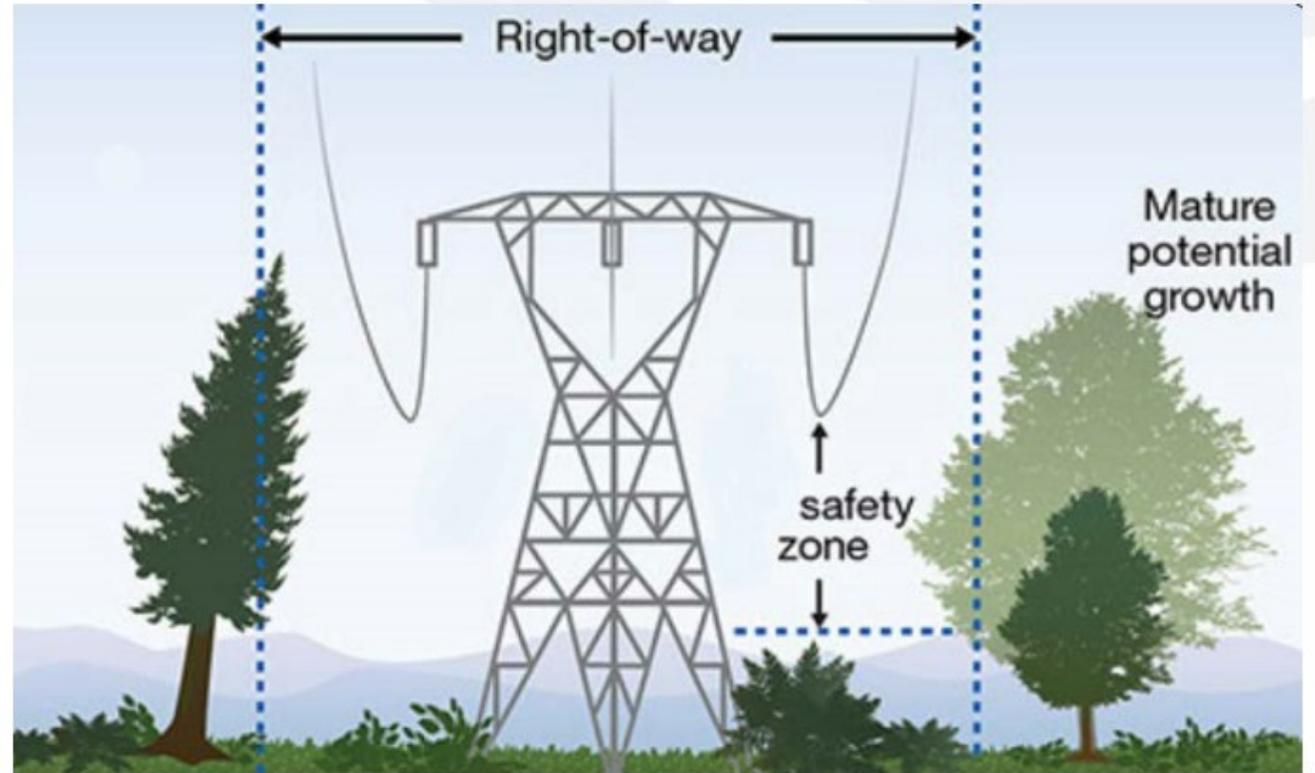
Soil texture	<i>K</i> factor (David, 1988)
Loamy fine sand	0.07
Clay	0.13–0.26
Clay loam	0.22–0.30
Loam	0.19–0.63
Sandy clay	0.09–0.20
Sandy loam	0.23–0.30
Silt loam	0.30–0.60
Silty clay	0.19–0.27
Silty clay loam	0.28–0.35

K value is a soil erodibility factor

Vegetation Management Activities

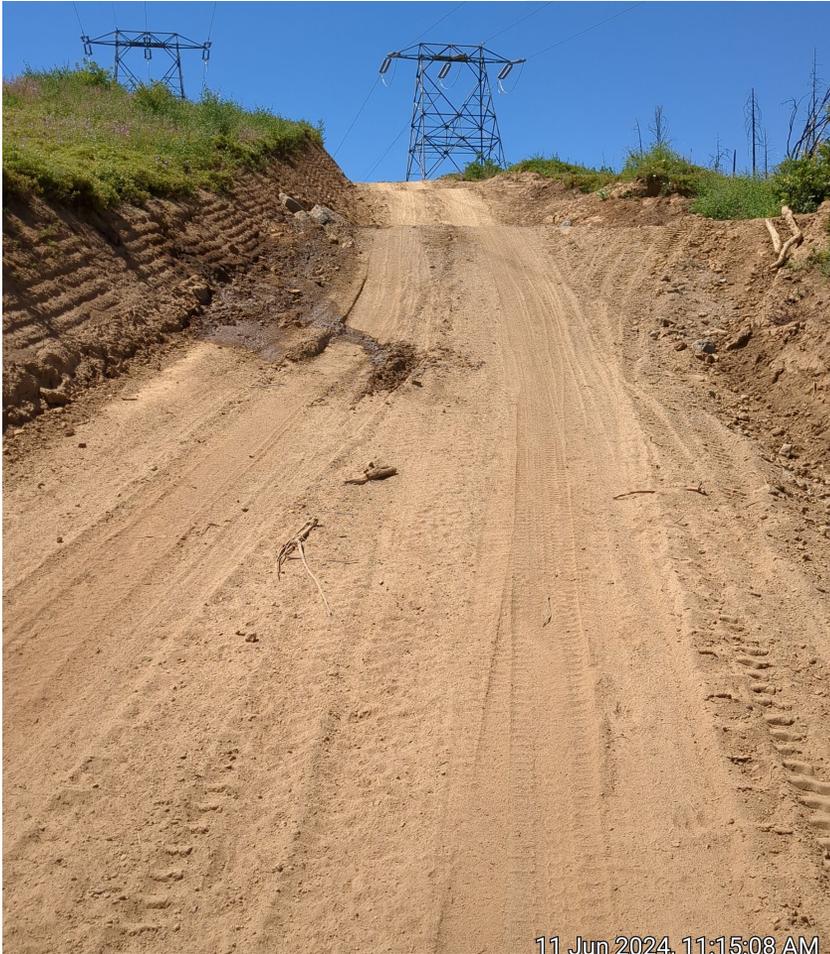
Removal of plant materials that:

- Increase water temperature
- Disturbs soil:
 - Within 100' of waters
 - On slopes $\geq 30\%$ and erodibility K factor ≥ 0.2



Bonneville Power Administration, Oregon, 2022

Access Route Activities



Big Creek access road, photo taken
by S. Agarwal on 6/11/2024

Access route construction, reconstruction, maintenance or improvements (grading, blading, brushing) on an access road or route:

- Over 100 feet of roadway, or
- Disturbs soils within 500' of waters

Pole/Tower Repairs or Replacement

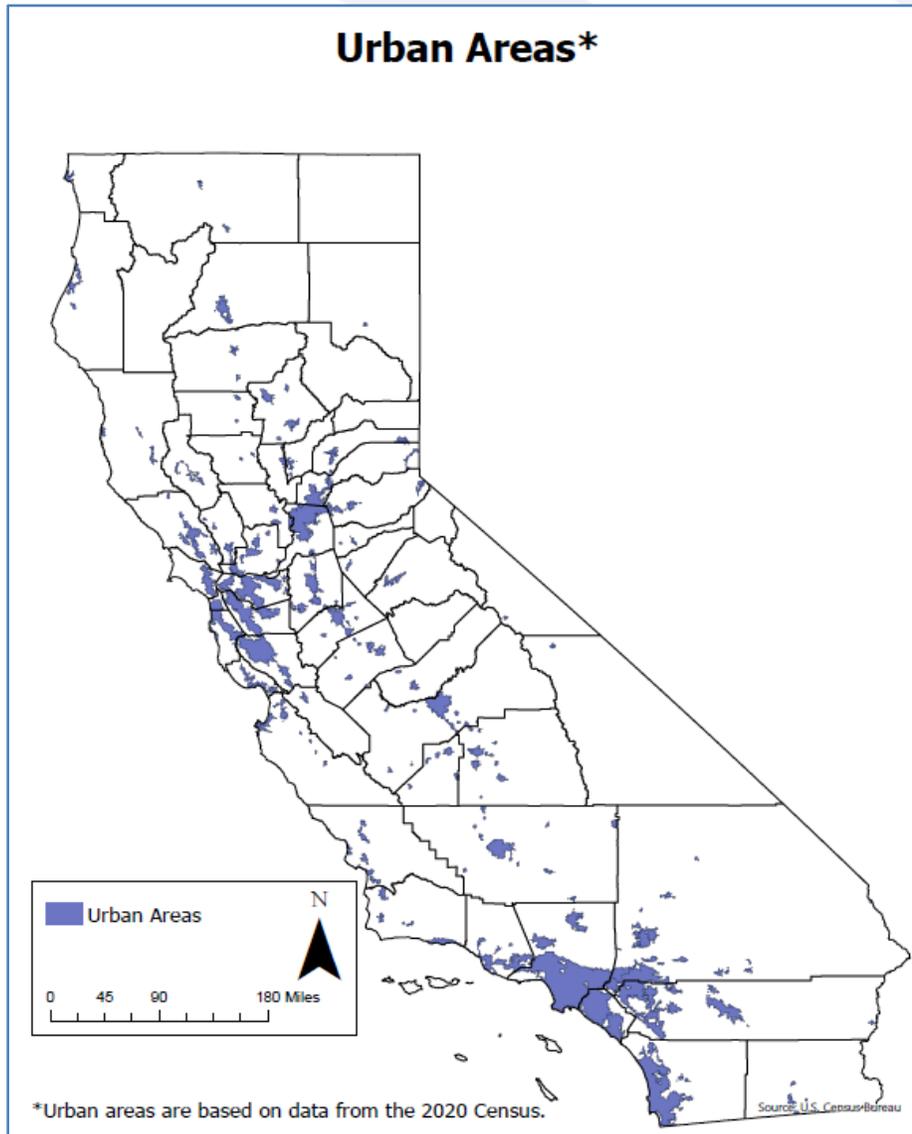


Southern California Edison utility pole in unnamed ephemeral drainage

Repair, replacement or upgrade of poles and towers that disturbs soil:

- Within 50' of waters, or
- On slopes $\geq 30\%$ and erodibility K factor ≥ 0.2

Activities Not Covered Under This Order



- Activities in Urban Areas, unless within a CPUC High Fire Threat District
- Activities with a lower risk of discharge (e.g., vegetation management over 100' from waters)

Related Water Board Permits

If project qualifies for coverage under a separate order, coverage is not required

Examples include:

- Emergency Regional General Permits 5, 8 or 63
- U.S. Army Corps Nationwide Permit 57 for Electrical and Telecommunication Activities

Construction General Permit Alignment

- Projects with all activities covered by the CGP do not require coverage
- Projects with a combination of CGP covered and other CGP exempt activities require enrollment, but are exempt from certain requirements

Activity Categories

Category A (four criteria)

- Non-notifying
- Does not require NOI submittal but must adhere to applicable conditions/BMPs

Category B

- Notifying
- Wildfire and Response activities can begin prior to written notification



Category A Criteria

- No work in-water
- No use of heavy equipment on saturated soils
- No new access routes
- No work on slopes $\geq 30\%$ and soils with erodibility K factor ≥ 0.2

All projects that do not qualify for Category A fall into Category B



Pole replacement, photo taken by Kevin Lincoln from Pacific Power

Access Route Conditions



Steep access road, photo taken
by S. Agarwal on 5/25/2024

- Conditions developed to be consistent with road requirements under the Forest Practice Rules
- Access route surfaces must be hydrologically disconnected from streams
- Watercourse crossings must be sized to 100-year storm flood flow
- Attachment F defines key terms related to access routes

Tribal Cultural Resources

- Tribal Cultural Resource conditions apply to all activities (Category A and B)
- Confirm no resources are within the area
- Consult with affiliated tribes to develop mitigation measures
- Implement mitigation measures



Vernal pool, photo taken by S. Agarwal on 4/22/2024

Category B Application and Review Process



Active construction on PG&E electrical tower foundation support project, 10/9/2023

Apply

At least 45-days in advance

Provide

Notice of Intent/ Project information

Review

30-day review by Water Board staff

Work

Begins within 45-days of receipt a complete application

Watch and Report

Monitoring and Reporting detailed in Attachment D

Notice of Intent Contents

Notice of Intent/ Application Form Provides Project Specific Details

- Maps
- Erosion and Sediment Control Plan,
- Best Management Practices

Additional Information Required Depending on Planned Activity

Statewide Utility Wildfire General Order
DRAFT Attachment A1 Notice of Intent

DRAFT Attachment A1 – Notice of Intent

Section 1: Project Purpose¹ and Activity

A) Select the Proposed Project Purpose:

- Wildfire Response Activities
- Wildfire Mitigation
- Routine Operations and Maintenance

B) Select the Activity Type(s):

- | | |
|--|---|
| <input type="checkbox"/> Vegetation Removal | <input type="checkbox"/> Transmission or Tower Maint. |
| <input type="checkbox"/> Herbicide Application | <input type="checkbox"/> Structural Conversion |
| <input type="checkbox"/> Post-fire Response | <input type="checkbox"/> Line Reconductoring |
| <input type="checkbox"/> Access Route Construction | <input type="checkbox"/> Undergrounding Powerlines |
| <input type="checkbox"/> Access Route Reconstruction | <input type="checkbox"/> Boardwalk Repairs or Replacement |
| <input type="checkbox"/> Access Route Maintenance | <input type="checkbox"/> Infrastructure Lowering, Maintenance, Replacement or Removal |
| <input type="checkbox"/> Staging Areas and Laydown Yards | |
| <input type="checkbox"/> Pole Repair or Replacement | |
| <input type="checkbox"/> Substation Maintenance | |

C) Indicate which of the following applies to the proposed activity:

- Results in a discharge of dredge or fill materials
- Requires temporary dewatering
- Requires work within a waters of the state (e.g., dewatering)
- Requires the use of heavy equipment on saturated soils
- Requires construction of new access routes
- Results in soil disturbance on slopes $\geq 30\%$ with a K factor ≥ 0.2

Wildfire and Response Activities Under Category B



Terray Sylvester, Reuters, 2018

- **Wildfire Activities**
wildfire response/cleanup
- **Response Activities**
unanticipated projects

Notification 72 hours in advance (or within one day of beginning work)

Remaining requirements apply

Key Requirement	Applicability	Category A (Non-Notifying)	Category B (Notifying)
Erosion and Sediment Control Plan	Soil disturbing activities	Prepare (make available to Water Board upon request)	Submit with NOI (Programmatic Plan OK)
Vegetation Management Offset Plan	Vegetation management impacts water quality	Not applicable	Submit with NOI for riparian impacts
Restoration/Compensatory Mitigation Plan	Temporary/permanent impacts to waters	Not applicable	Submit with NOI for temporary/permanent impacts
Dewatering Plan	Area will be wetted during construction	Not applicable	Submit with NOI if dewatering is necessary

Vegetation Management Offset Plan



Vegetation management activities within 100' from certain impaired or Class I and II water bodies must minimize long-term impacts:

- With utility-compatible vegetation, or
- Alternative enhancement projects

Fees

- Category A (non-notifying) projects are not subject to fees
- Projects that include dredge or fill discharges are subject to the dredge fill portion of the fee schedule
- Projects without a discharge of dredge or fill are subject to the waste discharge requirement fee schedule

Discharge Area Acres x \$26,608	<input type="text"/>	0.00 <small>Rounded to two decimal places</small>	\$0	\$0	\$0
Category B* Dredging Discharges (Fee Code 86)					<i>Estimated annual fee</i>
Expected Annual Dredge Quantity Cubic Yards x \$0.653	<input type="text"/>	0 <small>Rounded to whole number</small>	\$0	\$0	\$0
<small>*Category B Projects are billed annually and based on the quantity of material dredged during the previous fiscal year</small>					
Flat Fee Categories - Check ONE applicable box			Application Fee		Annual Fee
Category C (Fee Code 85)					
	Sand Mining, In-Stream Gravel Mining and Beach Nourishment Discharges	<input type="checkbox"/>	\$0	-	\$0
Category D (Fee Code 85)					
	Ecological Restoration and Enhancement Projects	<input type="checkbox"/>	\$0	-	\$0
Category E (Fee Code 87)					
	Low Impact Discharges	<input type="checkbox"/>	\$0	-	\$0
Category F (Fee Code 85)					
	Emergency Projects authorized by a General Order	<input type="checkbox"/>	\$0	-	\$0
Category G Amended Orders - Check applicable box, Step 8 below					
	(1) All Category (D) Ecological and Restoration and Enhancement Projects, regardless of amendment type.	<input type="checkbox"/>			Annual fee applicable per discharge category above.
	(2) Administrative amendments including, but not limited to, ownership changes, typographic edits, or time extensions that do not result in a temporal loss of resource function. Amendments in this category require no technical analysis or additional compensatory mitigation.	<input type="checkbox"/>			
	(3) Amendment results in change(s) in impact character, location, or volume of the discharge; or a time extension that results in temporal loss of resource function, according to the following criteria: -Amendment increases the active certification's impact quantity by less than 50 percent, and -Amendment does not require a change to the mitigated aquatic resource type.	<input type="checkbox"/>			
	(4) Amendment requires a supplemental CEQA analysis, or Amendment results in change(s) in impact character, location, or volume of the discharge, or a time extension that results in a temporal loss of resource function, according to the following criteria: -Amendment increases the active certification's impact quantity by more than 50 percent, or -Amendment requires a change to the mitigated aquatic resource type.	<input type="checkbox"/>			
Category H (Fee Code 19) Note: Maximum fee not applicable to this category					
	(H) Wildfire Mitigation by Electrical Corporations, Electric Utilities, and Electrical Cooperatives	<input type="checkbox"/>		<input type="text"/>	\$0
Total Fees					

Dredge Fill Fee Calculator

Comment Period Information

- Board Workshop on August 20, 9:00 a.m. CalEPA Building in Sacramento
 - Virtual and in-person attendance
 - Oral comments accepted
- Written comments accepted until August 30 at 12:00 p.m.



Public Notice

https://www.waterboards.ca.gov/board_info/calendar/docs/2024/jul/notice_utilityorder_062824.pdf

Thank you!

For any follow up questions, please feel free to contact:

- Jean Bandura – Jean.Bandura@waterboards.ca.gov
- Shawn Agarwal – Shawn.Agarwal@waterboards.ca.gov
- [Public Notice- Utility Wildfire General Order \(ca.gov\)](https://www.waterboards.ca.gov/board_info/calendar/docs/2024/jul/notice_utilityorder_062824.pdf)
(https://www.waterboards.ca.gov/board_info/calendar/docs/2024/jul/notice_utilityorder_062824.pdf)

Q&A With Staff

To ask a question or provide feedback:

1. Enter your name and organization/agency name in the Zoom chat box.
2. Ask your question by either: 1) typing your question into the chat box for Water Board staff to read aloud, or 2) If you prefer to use your microphone, wait until you are called on to unmute your microphone.

Sandhill Cranes at Consumnes Valley Preserve, Bob Wick, Bureau of Land Management

