

Many of the comments received during the comment period (March 28 – April 29, 2025) raised similar concerns. In particular, the comments focus on two foundation topics: (1) the State Water Resources Control Board's (State Water Board's) authority to adopt the General Order and (2) the regulatory cost of compliance with the General Order. Responses to these comments are presented at the outset and responses to specific comment letters follow in a tabular format.

General Response 1: State Water Board jurisdiction and authority to adopt the General Order

Several comments object to the General Order asserting that the scope is beyond the State Water Board's authority to adopt, the following is a general response to all such comments:

The State Water Board and Regional Water Quality Control Boards' (collectively the Water Boards') authority to regulate the discharge of waste that could affect water quality is set forth in Water Code section 13260. According to Water Code section 13260, subdivision (a), "[a] person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system" must file a report of waste discharge. The plain language of the statute requires: (1) the discharge or proposed discharge (2) of waste (3) that could affect the quality of waters of the state. Applying these requirements to the types of activities proposed to be covered by the General Order, satisfies all three of these requirements.

Many of the comments argue that there is not a discharge or a proposed discharge associated with the project activities regulated by the General Order. Some comments argued that the General Order must be limited to actual discharges. Some comments state that "proposed" discharges are limited to those that are planned. The State Water Board interprets "proposing to discharge waste" to include any activity that has a likelihood of discharging waste that could affect water quality, even if the discharger does not possess the subjective intent to actually discharge waste or impact water quality.

Consistent with the plain language of Water Code section 13260 and a commonsense understanding of "proposing," courts have enforced compliance with waste discharge requirements (WDRs) based on potential or proposed discharges of waste, allowing the Water Boards to dictate what restrictions must be in place to protect water quality before discharges actually happen. (*Tahoe-Sierra Preservation Council* (1989) 210 Cal.App.3d 25 at p. 1430-33 [upholding the adoption of a water quality control plan with land coverage limitations that were enforced via reports of waste discharge that must be filed by anyone who discharges "or proposes to discharge waste"]; see also *Santa Clara Valley Water Dist. v. Cal. Regional Water Quality Control Bd.* (2020) 59 Cal.App.5th 199, 210-11 [holding the regional board properly issued WDRs to prevent potential discharges of sediment from operation of a flood control project]; *Pacific Lumber Co. v. State Water Resources Control Bd.* (2006) 37 Cal.4th 921, 933 [recognizing the Water Boards' authority to require a person who proposes to discharge waste to furnish technical or monitoring program reports].)

The State Water Board has previously found that the Water Boards are "empowered to take preventive action to regulate activities that may affect the quality of the water of the state and need not await evidence establishing that a discharge causes or will cause a condition of pollution or nuisance" (*In the Matter of the Petitions of Halaco Engineering Co. and the Dept. of Fish & Game*, State Water Board Order No. WQ 81-14 at pp. *3-*4, 1981 WL 660988.) If the Water Boards could only issue WDRs for discharges where there is proof that the discharge has actually occurred, the inclusion of the language "proposing to discharge" would be meaningless.

Furthermore, the project activities regulated by the General Order also discharge waste, and these discharges of waste satisfy the third prong of Water Code section 13260 because they "could affect the quality of waters of the state." Examples of such waste discharges include but are not limited to: discharges of sediment, herbicides, oils and greases, and vegetative waste. These activities may discharge sediment from soil disturbance, poorly designed access roads, inadequate erosion and sediment controls, which can increase erosion, turbidity, and sedimentation in waters of the state.

Sediment discharges may also mobilize and transport additional pollutants, including metals, hydrocarbons, pesticides, and other contaminants, to waters of the state. Equipment operation and material storage near waters of the state may also discharge hazardous materials, including fuels, oils, greases, and pesticides, which can degrade water quality and adversely affect aquatic life and beneficial uses. Even activities that are not near waters can discharge waste that affect water quality because the waste may be mobilized by stormwater, seismic activity, wind dispersion, irrigation runoff, or other effluent from the project. The impact on water quality is more likely when activities are conducted on steep and erodible soils and include soil-disturbing activities.

Waste disposal, storage of equipment, and removal of canopy cover in areas adjacent to waters may discharge waste that affects water quality even if the activity itself was not conducted in waters. The impacts of the activities covered by the General Order are similar to impacts associated with development. (*Tahoe-Sierra Preservation Council v. State Water Resources Control Bd.* (1989) 210 Cal.App.3d 1421, 1427-28 [upholding water quality control plan placing restrictions on development because development involves the removal of vegetative cover, which decreases infiltration of water into the soil and increases runoff of water and erosion rates, and cut and fill slopes often are steeper than natural angles].)

Included as Attachment A is a collection of illustrative examples that show how project activities proposed for coverage by the General Order can affect water quality. The Water Boards' regulatory experience has confirmed that deficiencies in the implementation of erosion and sediment control Best Management Practices (BMPs) and other protective measures can result in water quality impacts. See also the discussion of previous Water Board regulatory actions addressing similar discharges of waste that affect water quality.

Several comments point to the fact that many of the project activities proposed for coverage under the General Order do not currently have coverage under individual WDRs as evidence that the scope of the General Order exceeds the Water Boards' authority. The State Water Board disagrees that the project activities covered by the General Order did not require Water Board authorization prior to the adoption of the General Order. Some project proponents may not have consistently filed reports of waste discharge for these activities prior to the adoption of the General Order. This lack of filing and reporting does not mean that the activities fall outside the scope of the Water Boards' jurisdiction. When project proponents do not file reports of waste discharge, the Water Boards do not have sufficient information about the activities to issue WDRs in advance of the projects. In addition, it is very challenging for the Water Boards to identify non-filers outside of the public complaint system.

The increased pace and scale of wildfire prevention and response activities, as well as the passage and implementation of Senate Bill 901 (Dodd, 2018) hereafter SB 901, has highlighted the potential risk to water quality from such activities. Regulating such activities through individual WDRs would be impracticable, delay these critical projects, and create the risk of unpredictable or inconsistent statewide requirements. Accordingly, the General Order includes an efficient pathway to compliance compared to individual WDRs.

Other comments state that the General Order is a new regulatory scheme, suggesting that similar WDRs have not previously been adopted. The General Order is consistent with other previously adopted Water Board WDRs, which reflect the Water Boards' experience identifying discharges of waste that affect water quality, expertise in identifying appropriate BMPs to prevent or minimize those impacts, and longstanding interpretation of which discharges are within the Water Boards' jurisdiction. The State Water Board previously adopted WDRs regulating vegetation management activities in state responsibility areas (Vegetation Treatment General Order [State Water Board Order No. 2021-0026](https://www.waterboards.ca.gov/water_issues/programs/nps/docs/vegetation_treatment/wqo2021_0026_dwq.pdf), https://www.waterboards.ca.gov/water_issues/programs/nps/docs/vegetation_treatment/wqo2021_0026_dwq.pdf). The Regional Water Quality Control Boards (Regional Water Boards) have also adopted general WDRs that regulate similar project activities to the General Order. For example, the North Coast Regional Water Board adopted a permit regulating activities related to rural roads, which are similar to the activities regulated by the General Order ([North Coast Regional Water Board Order No. R1-2024-0002](https://www.waterboards.ca.gov/northcoast/board_info/board_meetings/04_2024/pdf/5/5-rrgo-order.pdf), https://www.waterboards.ca.gov/northcoast/board_info/board_meetings/04_2024/pdf/5/5-rrgo-order.pdf). The Water Boards have also adopted Total Maximum Daily Load (TMDL) Action Plans for impairments that identify discharges from roads in rural areas as one of the sources for these impairments (e.g., The Action Plan for the Garcia River Watershed Sediment TMDL and the Action Plan for the Upper Elk River Sediment TMDL). The Regional Water Boards have also issued general WDRs that regulate discharges of sediment from timber harvesting, which are similar to some of the discharges regulated by the General Order ([North Coast Regional Water Board Order No. R1-2024-0001](https://www.waterboards.ca.gov/northcoast/water_issues/programs/forest_activities/private_forest_land/pdf/2024/R1-2024-0001.pdf), https://www.waterboards.ca.gov/northcoast/water_issues/programs/forest_activities/private_forest_land/pdf/2024/R1-2024-0001.pdf; [Central Valley Regional Water Board Order No. R5-2017-0061](https://www.waterboards.ca.gov/rwqcb5/board_decisions/adopted_orders/general_orders/r5-2017-0061_w_att_a.pdf), https://www.waterboards.ca.gov/rwqcb5/board_decisions/adopted_orders/general_orders/r5-2017-0061_w_att_a.pdf; and [Lahontan Regional Water Board Order No. R6-2024-0035](https://www.waterboards.ca.gov/lahtontan/water_issues/programs/waste_discharge_requirements/timber_harvest/docs/timber_waiver/2024tw.pdf) https://www.waterboards.ca.gov/lahtontan/water_issues/programs/waste_discharge_requirements/timber_harvest/docs/timber_waiver/2024tw.pdf).

The General Order differs from these other examples in that it would use a single permit vehicle to regulate projects that include discharges of dredged or fill material and projects that do not include discharges of dredged or fill material. In the past, the State Water Board had not combined its section 401 Clean Water Act authority with general WDRs that regulate other kinds of discharges. However, it has been routine for 401 certifications to include conditions for portions of projects that extend beyond dredge or fill activities (e.g., hazardous waste storage conditions) to regulate the whole of the project. The General Order proposes to cover a broader array of discharges to create more opportunities for efficiencies. The number and frequency of the regulated project activities makes it impractical for the Water Boards to issue individual WDRs.

Some comments indicate that Clean Water Act National Pollutant Discharge Elimination System (NPDES) stormwater permits would be the more appropriate mechanism, or the only legally available mechanism, to regulate several project activities, particularly because stormwater can be the manner by which the project activities discharge waste to waters. The argument that the Clean Water Act serves as a legal limitation to the Water Boards' authority to regulate stormwater beyond what is required by the Clean Water Act is wholly unsupported. The Clean Water Act is structured on cooperative federalism such that states retain "the primary responsibilities and rights . . . to prevent, reduce, and eliminate pollution . . ." (33 U.S.C. § 1251(b).) In other words, the Clean Water Act does not prevent, or discourage, states from enacting more strict requirements to protect quality within its borders. "The fact that a state qualifies to administer NPDES permits does not preclude the state from adopting more stringent controls on discharges into the waters of the state than are required under the Clean Water Act." (*Lake Madrone Water Dist. v. State Water Res. Control Bd.*, 209 Cal. App. 3d 163, 173.)

Because the General Order is not an NPDES permit, Water Code section 13377, which requires the issuance of NPDES permits required by the Clean Water Act, is not applicable. Existing NPDES permits covering stormwater do not address all pollution associated with stormwater because of the jurisdictional scope of the Clean Water Act. After the U.S. Supreme Court decision in *Sackett v. EPA* (2023) 598 U.S. 651, which reduced the jurisdictional scope of the Clean Water Act, it is in fact more likely that the Water Boards will need to issue WDRs to cover discharges that are no longer regulated by the Clean Water Act. In addition, NPDES permits covering stormwater address only specific kinds of stormwater discharges. The NPDES Construction Stormwater General Permit (CGP) covers only land disturbances of 1 acre or more, but that limitation does not mean that land disturbances less than an acre do not pose any risk to water quality. In addition, there are exclusions to when CGP coverage is required, including the exclusion of "routine maintenance," which is defined as "activities intended to maintain the original line and grade, hydraulic capacity and/or purpose of the facility." (Order WQ 2022-0057-DWQ, at p. 8.) It is within the Water Boards' authority to regulate activities that are outside the scope of the CGP. Furthermore, WDRs are the appropriate mechanism for regulating discharges that fall outside the scope of Clean Water Act regulation. "[T]he waste discharge permit system long predates the NPDES and has been employed to regulate water pollution regardless of its origin in a point or nonpoint source under the authority of state law." (*Tahoe-Sierra Pres. Council v. State Water Res. Control Bd.* (1989) 210 Cal. App. 3d 1421, 1435.)

To promote efficiency and reduce cost of compliance, but not to address legal limitations, the State Water Board carefully analyzed requirements in the General Order that could have overlap with other stormwater regulations, including the CGP and Municipal Separate Storm Sewer System (MS4) NPDES Permits. Accordingly, General Order coverage is not required for projects where the entirety of the project is covered by the CGP. In addition, CGP coverage constitutes compliance with many of the conditions related to erosion and sediment control. The General Order also does not provide coverage for project activities within the jurisdictional boundary of a municipal separate storm sewer system (MS4) that has coverage under an NPDES permit. This exclusion is consistent with the General Order's exclusion of urban areas because the General Order requirements focus on less urbanized environments. In addition, MS4 jurisdictions with NPDES permit coverage have preexisting requirements related to impervious surfaces and accordingly the General Order excludes these areas based on these policy considerations.

General Response 2: Costs and Administrative Burden

Several comments about the General Order focused on administrative burdens and associated costs. These comments identified potential costs associated with permitting fees, staffing, software and digital tracking systems, cultural resources review, consultant support, reporting, and other implementation measures. The following is a general response to all such comments:

The State Water Board carefully considered stakeholder concerns regarding cost, administrative burden, and implementation feasibility throughout development of the General Order. The State Water Board also reviewed the cost estimates and implementation assumptions provided by the utilities, including Sacramento Municipal Utility District (SMUD) and Pacific Gas and Electric (PG&E), and specifically appreciates SMUD's close cooperation and engagement with staff in discussing these issues. In response to those concerns, the General Order was revised in several important respects to reduce administrative burden while maintaining consistent statewide protections for activities that discharge or potentially discharge waste that can affect water quality.

These revisions included expanding non-notifying activities covered under Category A, narrowing the scope of certain covered activities, removing the Vegetation Management Impact Offset Plan requirements, limiting the cultural resources conditions to category B projects, reducing and clarifying reporting requirements, and allowing utility companies to rely on existing systems and processes where possible. These changes are described in more detail below.

In addition to the objections based on the Water Board's legal authority as described above, commenters generally recommended the scope of the General Order should be further narrowed to focus on activities that occur within water which have a higher risk to water quality. The General Order was revised to remove some activities with lower risk to water quality, specifically coverage of pole replacement and structural conversion activities were narrowed to cover only those that result in a discharge of dredged or fill material to waters of the state. This was appropriate for poles and structural conversions, as opposed to other upland work, because these activities are generally limited in project size and duration. Water quality impacts associated with pole replacement and structural conversion generally stem from ancillary activities such as access routes, staging, and laydown activities, which are included as separate categories in the General Order. As a result, the Pole/Tower Repairs, Maintenance or Replacement and Structural Conversion categories were revised to apply to work conducted within waters of the state, and pole replacement and structural conversion are no longer covered based solely on proximity to waters.

In addition, the General Order has been modified to require that access route construction applicability includes not only soil disturbance, but that the disturbance occur on steep and erodible soils, where the potential for discharge is greatest. Other upland work remains covered where it falls within the scope of the General Order because, as discussed in the jurisdictional responses, the Water Boards' authority is not limited to activities involving only direct in-channel work, and certain upland activities may still have the potential to discharge waste that could affect the quality of waters of the state.

Commenters generally stated that the cultural resources conditions were too burdensome, particularly for routine and lower-risk activities, and would create substantial delay and cost. The General Order was revised in response to those concerns to significantly reduce the number of projects subject to those requirements. The General Order was revised to apply the cultural resources conditions to only Category B activities. This revision substantially reduces the volume of projects that must complete CHRIS records searches, Sacred Lands File searches, Tribal coordination, and related procedural steps.

Commenters generally stated that the General Order would require excessive reporting and other implementation measures, including project-specific documentation, repeated notices, and burdensome recordkeeping for routine work. In response, the General Order was revised to reduce and clarify those obligations. For example, the General Order was revised to clarify that only basic project information would be required to be provided to the Water Boards upon request for Category A projects. This information is limited to the information necessary to facilitate site inspection. In addition, the records subject to request have been time limited to Category A projects active anytime within the last year. Furthermore, the project tracking requirements were revised so that utilities are no longer required to maintain a continuously updated list of Category A projects. Lastly, for certain qualifying recurring Category B activities, the General Order provides a consolidated enrollment option that would replace the need for separate project-by-project Notices of Intent. More broadly, the revisions were intended to focus reporting and documentation requirements on those activities with greater potential for water quality impacts while reducing implementation burdens for lower-risk work.

Commenters generally stated that the General Order would require substantial new software for project tracking and internal information technology systems changes, resulting in large compliance costs. The General Order was revised to avoid the need for new technology systems and bespoke tracking tools by no longer requiring utilities to maintain a continuously updated Category A project list, does not require a prescribed reporting format, and allows utilities to provide requested information over a 30-day period using existing utility management, compliance, or project tracking systems. These revisions were intended to reduce the need for new software development, minimize changes to existing utility systems, and allow utilities flexibility to use established internal processes to support compliance.

Some comments asserted that the costs of complying with the General Order were not justified by a corresponding benefit to water quality or that the potential benefits to water quality would be insignificant. The water quality benefit of adopting the General Order is that utilities statewide must comply with basic BMPs that avoid, minimize, and mitigate for discharges of waste to waters of the state. It would be infeasible to demonstrate a material benefit prior to the adoption of the General Order, nor would it be possible to quantify environmental benefit for avoidance and minimization measures, particularly when the frequency of project activities is increasing such that past data may not be representative.

In summary, the order has been substantially revised to reduce administrative burden and focus permit conditions on best management practices that function as baseline measures for activities with the potential to affect water quality. Covering activities through a unified permit framework is consistent with longstanding regulatory practice. As noted in General Response 1, the State Water Board does not agree with the comments that if the General Order was not adopted, then individual waste discharge requirements would not be required for the project activities. Development of a general permit in lieu of individual permitting provides significant cost avoidance and administrative efficiency. Moreover, several utility companies have previously contended that a permit is unnecessary because they already implement many of the best management practices identified in the order (see comments 2.6 and 8.6). These representations conflict with the concurrent claim that the revised General Order would materially impede wildfire mitigation work or significantly add to compliance costs. If the identified practices are already part of existing utility operations, then their inclusion in a unified permit should not obstruct timely wildfire prevention activities. Instead, the General Order provides clarity, consistency, and accountability regarding the water quality protections that must accompany those activities.

Letter Number	Comment Number	Commenter	Comment ¹	Response
1	1.1	California Municipal Utilities Association	The California Municipal Utilities Association (CMUA)¹, Northern California Power Agency (NCPA)², Southern California Public Power Authority (SCPPA)³, and Golden State Power Cooperative (GSPC)⁴ (together, the “Joint Public Power Utilities”) appreciate the additional comment period to comment on the State Water Resources Control Board (State Water Board) Revised Draft Utility Wildfire and Similar Operations and Maintenance Activities General Order Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements released on March 28, 2025 (Revised GO). Collectively, CMUA, SCPPA, and NCPA represent publicly owned electric utilities (POUs) that provide power to 25% of the State. GSPC represents all the state’s electric cooperatives, which serve just over 400 gigawatt-hours (GWh) of electricity in California, accounting for less than 0.1% of California’s total electricity use. POUs in California are governed by locally elected or appointed governing boards and are directly accountable to the members of their communities. Similarly, electric cooperatives are private, independent electric utilities owned by the members they serve and governed by locally elected boards. POUs and electrical cooperatives share the objective of providing safe, reliable, and affordable electric services to businesses and residents in their service territories while doing so in an environmentally responsible manner. 1 CMUA represents 84 publicly owned electric, gas, water & wastewater utilities statewide. Together, CMUA members provide water service to 75 percent of Californians and electric service to 25 percent of the state. 2 NCPA is a nonprofit California joint powers agency established in 1968 to construct and operate renewable and low-emitting generating facilities and assist in meeting the wholesale energy needs of its 16 members: the Cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Shasta Lake, and Ukiah, Plumas-Sierra Rural Electric Cooperative, Port of Oakland, San Francisco Bay Area Rapid @Transit (BART), and Truckee Donner Public Utility District—collectively serving nearly 700,000 electric consumers in Central and Northern California. 3 SCPPA is a joint powers authority whose members include the cities of Anaheim, Azusa, Banning, Burbank, Cerritos, Colton, Glendale, Los Angeles, Pasadena, Riverside, and Vernon, and the Imperial Irrigation District. SCPPA members collectively deliver electricity to over two million customers throughout Southern California, spanning an area of 7,000 square miles. 4 GSPC is the statewide trade association representing California’s three Electrical Cooperatives, as well as one rural public utility district: Anza Electric Cooperative, Plumas-Sierra Rural Electric Cooperative (PSREC), Surprise Valley Electric, and Trinity Public Utility District. California’s electric cooperatives are organized for the purpose of transmitting or distributing electricity exclusively to its consumers “at cost”.	Comment noted.

Letter Number	Comment Number	Commenter	Comment ¹	Response
	1.2	California Municipal Utilities Association	While we recognize many improvements in the Revised GO, the Joint Public Power Utilities remain concerned that the Revised GO’s expansion of regulatory oversight, well beyond streamlining projects requiring individual waste discharge requirements (WDRs), will provide little additional protection of water quality, yet increase costs to ratepayers, and erect hurdles to accomplishing a vast number of utility maintenance and operations activities. The Joint Public Power Utilities would fully support a general WDR that provides a streamlined compliance pathway for projects that are currently regulated; we cannot support the Revised GO’s regulatory expansion.	Comment noted.
1	1.3	California Municipal Utilities Association	In addition, the Joint Public Power Utilities are concerned with the lack of supporting data in the record of this proceeding, including, but not limited to: (1) the absence of data demonstrating that all covered project activities will result in – or are even more likely than similar projects to result in – a discharge that could affect water quality, (2) the lack of ongoing water quality violations from utility operations and maintenance activities in upland areas (i.e., non-waters of the state), (3) the absence of analysis of regulatory alternatives considered and associated effects on water quality, and (4) the lack of findings quantifying the number of activities covered by the Revised GO and the cost impact to utilities and their electric ratepayers. Given the necessity of electric utility service, this proceeding should have started with a firm understanding of the facts above. Now, without data on these threshold questions in the record, it is unclear how the State Water Board can reach an informed decision on the Revised GO.	Response to Concerns #1 and #2. The General Order was developed based on the potential for discharge from activities that could affect water quality, even when direct discharges are not known. During inspections of electric utility projects, Regional Water Quality Control Board (Regional Water Board) or the State Water Resources Control Board (State Water Board, or collectively with the Regional Water Boards, Water Boards) staff have identified repeated water quality concerns and deficiencies in Best Management Practice (BMP) implementation for electric utility projects. These inspections have documented operation and maintenance activities without basic erosion and sediment control BMPs, resulting in significant sediment discharges to waters of the state, including sediment transport extending hundreds of feet downslope from disturbed areas to waters of the state. Staff have also observed vegetation management waste placed directly within stream channels, resulting in fill and partial impoundment, altered drainage patterns, and reduced channel conveyance capacity. Other recurring deficiencies include soil-disturbing activities conducted without appropriate erosion and sediment control BMPs, undersized and misaligned stream crossings, and access roads lacking drainage structures necessary to achieve hydrologic disconnection. Although utilities may already implement BMPs, the General Order establishes consistent statewide minimum BMP requirements to ensure adequate protection of water quality and reduce impacts associated with electric utility activities across California. A collection of illustrative photographic examples from inspections of water quality impacts from utilities activities is included as Attachment A. Response to Concern #3 The Environmental Impact Report Chapter 5 Alternatives Analysis describes five regulatory alternatives that were considered and the water quality impacts of each. Alternative 1 is the General Order as proposed and was chosen as the best alternative. Response to Concern #4

¹ Responses to Comments on the Revised Draft Utility Wildfire General Order The following responses address public comments received during the comment period. Since the comment letters are not posted on the Water Board’s website, they are provided below in full for the reader’s convenience, including introductory salutations and closing statements that may not contain permit change recommendations.

Letter Number	Comment Number	Commenter	Comment ¹	Response
				Staff considered information relevant to the development of the General Order, including Water Board inspection observations, the Environmental Impact Report and alternatives analysis, and stakeholder input received throughout development of the General Order. Because the General Order applies prospectively to future utility activities meeting the applicability criteria, the precise number of future covered activities and associated compliance costs cannot be determined in advance and will depend on the type, location, and extent of future utility work. Throughout development of the General Order, State Water Board staff conducted extensive stakeholder outreach and made numerous revisions in response to stakeholder input to reduce administrative burden while maintaining water quality protections. Also see General Responses 1 and 2.
1	1.4	California Municipal Utilities Association	Providing safe, reliable, and reasonably priced electricity is essential to the well-being of all Californians. Therefore, the critical importance of electric utility maintenance and operations requires a cautious and conservative approach to developing or amending any rule impacting a utility’s ability to carry out such maintenance and operations activities. Joint Public Power Utilities strongly urge the State Water Board to re-evaluate the scope of the Revised GO, and in doing so, develop the necessary record to enable an informed decision that balances ratepayer costs, delays to core electric utility functions, and protection of water quality.	The State Water Board recognizes the critical importance of electric utility maintenance and operations to provide safe and reliable electric service. The scope of the General Order was developed based on the types of utility activities with the potential to impact waters of the state and observations from Water Board inspections documenting recurring deficiencies in BMP implementation that have resulted in water quality impacts. The General Order provides a consistent statewide permitting mechanism that replaces project-specific waste discharge requirements for covered activities while incorporating efficient requirements based on the potential for water quality impacts. A single statewide permit for utility wildfire prevention and response activities and operations and maintenance provides an efficient permit for utilities, eliminating the need for each of the nine Regional Water Boards to adopt separate permits to cover those activities saves time and resources. It also ensures that utilities that own 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.
1	1.5	California Municipal Utilities Association	The Joint Public Power Utilities also support the comment letter submitted jointly by California Utilities, which includes PG&E, SCE, SDG&E, PacifiCorp, SMUD, CMUA, GSPC, NCPA, and SCPPA (California Utilities’ Comments). The Joint Public Power Utilities offer these additional comments on the Revised GO. The State Water Board should incorporate changes into the final GO and the administrative record supporting the adoption of the new rules consistent with the comments set forth in these comments, and those in the California Utilities’ Comments, including the Joint Utility Redline.	Comment noted. See also responses to the California Utilities’ Comments (Letter 2).

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1	1.6	California Municipal Utilities Association	A. <u>Changes Between August 2024 Draft to March 2025 Draft</u> While the Joint Public Power Utilities have significant concerns with the current language in the Revised GO, we are supportive of staff’s efforts to address the utilities’ concerns reflected in changes made to the August 2024 Draft. Specifically, we appreciate the recognition of the expansive scope of the initial proposed GO and changes intended “to better focus applicability to higher risk activities.” (Response to Comments, p. 2.) Changes to the project activities description, removal of the slope and soil erodibility trigger for several of the project activity categories, and for those that kept soil and erodibility, adding a cumulative soil disturbance threshold of 0.5 acres, with the exception of Section III.C. Site Access Development Maintenance, improved the overall GO. While the Revised GO amended the vegetation management requirements to reduce the total distance to waters of the state, the full scope of the proposed change actually expands the applicability of the provision by removing a minimum soil disturbance threshold for Vegetation Management activities. We thank staff for the continued work but urge consideration of the following comments.	Comment noted.
1	1.7	California Municipal Utilities Association	B. <u>Timing and Burden Impacts of Revised GO</u> The Joint Public Power Utilities remain greatly concerned with the implications this new permitting scheme would have on project timing and completion. Electric utilities carefully assess and develop all utility operations and maintenance activities, including wildfire mitigation initiatives, to ensure their infrastructure does not increase wildfire risk. This requires constant work to clear vegetation and maintain lines, replace/upgrade equipment, and underground facilities where appropriate. To the extent a new regulatory permitting scheme is necessary, it should be limited to streamlining existing permitting requirements for this work that is critical to keeping our electric systems and communities safe, rather than creating new hurdles that could delay necessary projects. This Revised GO adds permitting for wildfire mitigation work that is currently not included in other State Water Board permitting schemes and covers activities for which permits are not currently required. While this permitting scheme would be beneficial for any projects that are required to obtain WDRs, the majority of project activities included in this Revised GO do not currently require WDRs; adding these requirements is detrimental to achieving the State goals of wildfire reduction, and ensuring the provision of affordable, safe, and reliable electric service.	The State Water Board recognizes the importance of timely utility maintenance, operations, and wildfire mitigation activities to protect public safety and ensure reliable electric service. The General Order provides a consistent statewide permitting framework for covered activities in lieu of project-specific waste discharge requirements while incorporating requirements commensurate with the potential for water quality impacts. Throughout development of the General Order, State Water Board staff conducted extensive stakeholder outreach over multiple years and made numerous revisions in response to stakeholder input to reduce administrative burden while maintaining water quality protections. For example, staff expanded the scope of non-notifying Category A activities, removed the cultural resources requirements for Category A projects (see response to comment 1.19), removed the Vegetation Management Impact Offset Plan requirement (see response to comment 1.14), revised the tracking requirements so that utilities are no longer required to maintain a continuously updated list of Category A projects (see response to comment 2.14), clarified that utilities may submit required information using their existing tracking systems rather than a prescribed template (see response to comment 2.14), and improved the efficiency of urgent response provisions (see responses to comments 1.15, 1.17, 1.19, 2.56, and 2.67). Also see General Responses 1 (regarding Water Board jurisdiction and authority to adopt the General Order) and 2 (regarding cost and administrative burden).

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1	1.8	California Municipal Utilities Association	The statement in Finding E on page 5⁵ does not accurately reflect what the Revised GO would mean for electric utilities. This Revised GO would not facilitate wildfire prevention work or routine maintenance work that helps support a safe and reliable distribution system. Instead, this type of necessary and regular essential work would be delayed by administrative hurdles and additional conditions to meet requirements. The State Water Board should endeavor to facilitate wildfire mitigation activities, not burden them. 5 “This General Order facilitates wildfire prevention work to reduce these risks to water quality posed by wildfires, and facilitates post-wildfire response activities that help mitigate the negative water quality impacts caused by wildfire”. Findings E, pg. 5.	Finding E acknowledges that the General Order facilitates utility wildfire prevention and post-wildfire response activities by providing a consistent statewide regulatory framework with efficient authorization pathways for covered activities. The General Order allows qualifying activities to proceed under general permit coverage rather than requiring individual waste discharge requirements which improves efficiency through non-notifying coverage for lower-risk Category A activities, an expedited process for Urgent Response Activities, and a consolidated enrollment option for qualifying projects. The General Order was developed through extensive outreach with electric utilities and other interested parties over multiple years and was substantially revised based on stakeholder input. State Water Board staff held several meetings with utilities to identify practical implementation considerations, develop reasonable compliance expectations, and reduce administrative burden while maintaining water quality protections. Finding E also recognizes that wildfire and post-fire conditions can result in significant discharges of sediment, ash, nutrients, and other pollutants to waters of the state, and that facilitating timely wildfire prevention and response activities helps reduce those water quality impacts.
1	1.9	California Municipal Utilities Association	C. <u>Deferred Implementation is Necessary</u> If adopted, we urge the State Water Board to defer implementation of a new GO until electric utilities can reform current procedures and processes to incorporate the Revised GO changes. Electric utilities will need time and resources to prepare for the additional project conditions the Revised GO would impose. In addition, many utility budgets are set through the end of 2026; implementing any new rules will mean utilities will be forced to divert resources from maintenance and operations work toward complying with this Revised GO. Smaller utilities with limited staff and budgets may feel these burdens even more acutely. Implementation should not begin until at least 12 months after the adoption of the GO, should it be adopted. The Joint Public Power Utilities support the proposed language in the California Utilities’ Comments reflecting this request.	Comment noted. A delayed implementation could allow for a transition period to facilitate implementation and process changes. The State Water Board has discretion to delay implementation at the time of adoption.
1	1.10	California Municipal Utilities Association	D. <u>Final GO Should be Prospective</u> The final GO should be prospective only and not be applied retroactively to any utility projects that have already been identified, approved, or scheduled by the utility. Particularly, the final GO should not apply to project activities that are in the planning or design state as of the effective date of the GO; as noted above, budgets are set and project schedules are determined well in advance of when an activity commences and any retroactive application of new permitting and processes would not only disrupt planned activities, but also result in additional costs. Likewise, project activities already in the construction phase should be excluded from the scope. The Joint	See General Response 1. Availability for coverage under the General Order is based on when covered project activities are conducted after the effective date, not when internal utility planning, budgeting, scheduling, or design activities begin. Because the General Order regulates project activities that could discharge waste to waters of the state, excluding projects already in planning or design could leave a substantial number of project activities with impacts to water quality outside the scope of the General Order. The General Order, once adopted and in effect, will not apply to project activities approved under the secretarial suspensions established by the Governor’s

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			Public Power Utilities request that the State Water Board adopt the following language as a Finding of the GO: The General Order applies exclusively to projects initiated by utilities after the Board's adopted effective date and does not apply to projects in any phase of planning, design, permitting, or construction.	Proclamation of a State of Emergency to expedite critical fuels management projects. For Category A projects under construction at the time of the effective date, the Water Boards would expect compliance with the appropriate BMPs in the General Order. For Category B projects underway, the Water Boards will need to work with the utilities on a pathway for compliance with the General Order.
1	1.11	California Municipal Utilities Association	A. <u>Vegetation Management</u> As noted above, the Joint Public Power Utilities appreciate that the requirements for vegetation management activities were reduced from 100 feet to 50 feet of waters to the state. State Water Board staff noted that the reduction is intended to reduce costs and narrow the scope of covered activities (Response to Comments). However, even with the reduced distance from waters of the state, with the removal of a minimum "soil disturbance" threshold, all vegetation management activities within 50 feet of waters will require coverage. As proposed, this would require permitting for a broad panoply of vegetation management activities, irrespective of whether they have planned or proposed discharge to waters of the state. Indeed, as proposed, utilities would be required to obtain permits for projects with zero potential discharge into waters of the state or face penalties and enforcement for failure to do so.	Comment noted. Please refer to General Responses 1 and 2. The potential waste from vegetation management is not limited to sediment. While sediment discharge, whether direct or indirect from equipment movement, is one concern, vegetation management generates other waste streams. Vegetation management may introduce organic material discharge whether through runoff or on-site disposal (e.g., chips or woody debris), which must be managed to avoid negative impacts. Further, mechanical equipment usage also carries risks of hazardous material discharge, such as fuels and oils. Moreover, improper vegetation management and excessive removal of riparian canopy beyond what is necessary to provide safe clearance, can result in higher temperatures, lower dissolved oxygen, and increase allochthonous material inputs into water impacting habitat conditions and overall water quality. The State Water Board concludes these requirements are reasonable and necessary to ensure consistent protection of waters of the state. However, several changes have been made to the General Order to reduce administrative burden and associated costs for the vegetation management activities that are covered under Category A.
1	1.12	California Municipal Utilities Association	Additionally, the number of project activities included in this new scope is unknown, but due to the expansive nature of the requirement, compliance would add a significant burden for electric utilities with no demonstrated discharge to waters. There is a wide range of "vegetation management" activities with very different and disparate potentials for likelihood of discharge to waters. For example, skidding logs or bunches of vegetation within 50 feet of waters of the state should not be included in the same category as routine clearance trimming for conductor or equipment clearances. Without any demonstration that <i>all</i> vegetation management activities within 50 feet of waters of the state have the same potential to discharge or a record to substantiate the need for such a position otherwise, the Revised GO significantly alters the scope of this project activity category.	See response to comment 1.11 and General Responses 1 and 2. The General Order establishes minimum statewide requirements for vegetation management activities conducted within 50 feet of waters of the state because activities performed in close proximity to waters have an increased potential to affect water quality depending on site conditions and work practices. All covered vegetation management activities are classified as Category A and do not require advance notification to the Water Boards. Throughout development of the General Order, State Water Board staff made numerous revisions to reduce the administrative burden on utilities while maintaining water quality protection. For example, staff expanded the scope of non-notifying Category A activities, removed the cultural resources requirements for Category A projects (see response to comment 1.19), removed the Vegetation Management Impact Offset Plan requirement (see response to comment 1.14), revised the tracking requirements so that utilities are no longer required to maintain a continuously updated list of Category A projects (see response to comment 2.14), and clarified that utilities may submit required information using

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				their existing tracking systems rather than a prescribed template (see response to comment 2.14). Collectively, these revisions reduce pre-project planning, permitting, and post-project administrative requirements while maintaining consistent statewide minimum requirements to protect water quality.
1	1.13	California Municipal Utilities Association	The State Water Board should limit the list of activities to those having a clear threat of discharge or effect on the beneficial use of water, and consider the following language to reinsert “soil disturbance”: Vegetation management: tree removal, chipping, skidding, mechanical mulching, and uprooting that: 1) Results in soil disturbance within 50 feet of any waters of the state; or 2) Cumulatively results in over 0.50 acre of soil disturbance in locations with slopes equal to or greater than 30% and soils having erodibility K factor equal to or greater than 0.2.	See response to comment 1.11.
1	1.14	California Municipal Utilities Association	B. <u>Category A Notice Requirements for Impaired Water Bodies</u> The Revised GO requires utilities to notify the State Water Board to determine if a Vegetation Management Impact Offset Plan is required for both Category A and B vegetation management activities that occur within 50 feet of any waterbody listed as impaired and/or within 50 feet of any Class I or Class II watercourse that may cause or increase bank instability, loss of shade, loss of beneficial allochthonous material, or adverse impacts to beneficial uses. In the prior draft of the GO, this requirement only applied to Category B projects. In addition to requiring a 30-day notice to be provided for Category A projects, determining the full scope and impact of expansion to Category A projects will take additional data, time, and resources, particularly in the absence of comprehensive mapping that delineates waters of the state. What is clear is that adding granular screening criteria adds unnecessary complexity to thousands of vegetation management projects.	The requirement to prepare or submit a Vegetation Management Impact Offset Plan (VMiop) was removed from the General Order. The final General Order does not require utilities to prepare or submit a VMiop, either programmatically or on a project-by-project basis, for Category A or Category B vegetation management activities. As a result, utilities are no longer required to provide advance notification to the Water Boards for the purpose of determining whether a VMiop is required. All vegetation management activities may proceed without advance notification to the Water Boards. These revisions eliminate the VMiop screening process and reduce pre-project administrative requirements and implementation complexity associated with vegetation management activities.
1	1.15	California Municipal Utilities Association	C. <u>Urgent Response Activities</u> The changes to Category B Urgent Response Activities extremely limit the ability of electric utilities to respond to needed repairs or restoration after wildfires and other critical incidents. The Revised GO appropriately recognizes that wildfire recovery activities can take additional time to complete, and the change from 90 days to 180 days is more realistic of the time needed for utilities to address wildfire response. However, the timing restrictions in this section are not practical in light of urgent response activities utilities must conduct. For example, the initial project notification, no less than 48-hours prior to initiation of the project, significantly inhibits the ability for electric utilities to respond or perform recovery activities. Consistent with the California Fish and Game Code section 1610, the Joint Public Power Utilities urge the State Water Board to allow emergency in-water work to commence immediately to protect infrastructure and public safety. Response to storm events is often predicated	The General Order was partially revised in response to this comment. The circumstances identified by the commenter are more appropriately addressed through existing emergency permit provisions. The Category B Urgent Response Activities permitting pathway does not replace the existing permits authorizing emergency response activities. Section IV.A.1.a of the General Order identifies several emergency permits which would apply in lieu of this General Order if the proposed project activities qualify for enrollment under those permits. Most Water Board permits are generally structured to address routine operations, while emergency permits address upset conditions and other true emergencies. This General Order recognizes that certain utility activities may require urgent action even when they do not meet the definition of an emergency and therefore provides an efficient process for such non-emergency, yet urgent

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			on sourcing and mobilizing contracted support. Any delay in response not only prolongs service restoration but also adds unnecessary costs and procurement challenges for revenue-limited electric utilities. Notification requirements should permit 48-hour notice before work, or notification within one business day of initiation of the project if the 48-hour notice beforehand is not possible.	situations. For urgent activities that do not qualify as emergencies, the 48-hour advance notification requirement remains appropriate and necessary. In some cases, however, the General Order may require coverage of activities that are not eligible for an emergency permit, but which nevertheless must proceed sooner than the required 48 hours. As a result, staff revised the General Order to allow Dischargers to proceed with project activities and provide notification to the Water Boards within one business day of project initiation if the project is ineligible for an emergency permit and it is not feasible for the Discharger to wait 48 hours to begin project activities. The required notification requires very minimal information and requires only notification, not an approval process. Even in an urgent situation, it is expected that this information can be shared with sufficient time. These 48 hours are necessary for the Water Boards to be able to identify any projects that are not eligible to utilize the Urgent Response Activities process arrange for site visits where necessary, notify Tribes, and provide an opportunity to advise on permit conditions.
1	1.16	California Municipal Utilities Association	Furthermore, the requirement to complete “Other Urgent Response Activities” within 14 days, with only the ability to request a one-time, 14-day extension, is also impractical. These timelines do not take into account the actual time and resources that may be necessary to carry out critical, urgently needed work. The Joint Public Power Utilities support the recommended changes to this section as provided in the California Utilities’ Comments.	Urgent Response Activities are intended to be short duration projects. If the project cannot be completed within 14 days, a 14-day extension is allowed upon notification to the Water Boards. If a project cannot be completed within 28 days, the project would need to comply with the NOI process. Also, see response to comment 1.15.
1	1.17	California Municipal Utilities Association	The language in “Other Urgent Response Activities” that limits this category for non-wildfire related activities needed “to prevent service interruption or imminent shutoff of electric service” is not fully inclusive of all non-wildfire related activities that electric utilities may need to perform to protect or ensure public safety. Additionally, the language does not consider other regulatory mandates and timelines that electric utilities must comply with. These sections should be broadened to encompass more activities responding to wildfires and other urgent events and conditions.	Section IV.E.3.a.ii of the General Order was revised. "Other Urgent Response Activities" was broadened to include "exigencies requiring immediate action to address or prevent risk to public safety, grid reliability, or critical infrastructure. This includes, weather events, equipment failures or malfunctions, acts of vandalism, or natural disasters." The revised language is no longer limited to activities necessary to prevent service interruption or imminent shutoff of electric service and is intended to encompass a broader range of urgent circumstances requiring urgent response. The revised definition is based on the need for an immediate response, rather than attempting to identify every circumstance that may qualify as an Urgent Response Activity.
1	1.18	California Municipal Utilities Association	D. <u>Consolidated Enrollment Category B</u> It is the Joint Public Power Utilities’ understanding that the consolidated enrollment option for non-notifying activities was developed with the intent to “facilitate compliance” and reduce the administrative burden on compliance entities. However, the Joint Public Power Utilities are unsure if the intention of this provision will be met, as some projects may not be known in advance, and therefore, utilities will be unable to utilize this consolidation provision. While the Joint Public Power Utilities appreciate the State Water Board offering this option in the Revised GO, it is important to understand that it is not necessarily a viable option for all utilities to facilitate	The comment is noted. The consolidated enrollment option is intended to provide an additional compliance pathway for utilities with projects that are known sufficiently in advance to support consolidated enrollment. The General Order does not require utilities to use consolidated enrollment, and utilities may continue to enroll qualifying Category B activities individually where consolidated enrollment has not been pursued.

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			compliance or reduce the administrative burden associated with Category B compliance.	
1	1.19	California Municipal Utilities Association	E. <u>Tribal Consultation</u> The Joint Public Power Utilities take very seriously their tribal consultation obligations established by AB 52 (2014) and also take seriously the imperative to protect Tribal cultural resources. Those protections, however, can be carried out in a much less onerous manner than what is prescribed in the Revised GO. The Revised GO requires both Category A and Category B projects to comply with Tribal Cultural Resource requirements. These requirements include performing records searches, requesting sacred lands inventories, and providing up to 60 days for the Tribes to provide treatment measures after the initial notice. Each of these steps will increase overall project costs, create potential delays, and slow electric utilities' ability to perform time-sensitive, critical maintenance and operations work. Requiring such screening and coordination for all project activities covered by the Revised GO will require near-constant tribal consultation. This will impose a significant delay and expense on all project activities and could include projects that impact overall system reliability and wildfire preparedness, increasing time from days to weeks. Further, this requirement may create significant demand on representatives from any identified Tribes, as well as records search groups. The State Water Board should also consider the impact on the Tribes, which are significantly burdened by consultation requests. Our electric utility members are good stewards and constantly communicate with tribes in their regions. This requirement is unnecessary. The Joint Public Power Utilities request that the State Water Board significantly amend the tribal consultation requirements to capture the needed review and consultation more accurately without applying such a broad scope. The scope should apply only to projects that result in ground disturbances. If tribal consultation remains in the final GO, Category A projects should be exempt from this provision. Additionally, the State Water Board should consider streamlined tribal consultation for "urgent" Category B projects.	The General Order was revised to limit the cultural resources conditions in Section IV.L to Category B activities. As a result, Category A activities are no longer required to perform CHRIS records searches, request Sacred Lands File searches, or provide Tribal notification before work begins. These revisions substantially reduce the number of activities subject to the cultural resources conditions and makes Category A activities non-notifying prior to commencing the activity. Category B activities are soil-disturbing activities or activities involving discharges of dredged or fill material. The cultural resources conditions provide a consistent statewide process to identify potential cultural resources before project activities begin so that avoidance measures, project modifications, or other appropriate treatment measures may be considered before impacts occur. For Category B Urgent Response Activities, Water Board staff will work with the Office of Public Engagement, Equity and Tribal Affairs to forward the urgent response email communication to Tribes at the county level that may have cultural resources within the project area. This provides timely Tribal notification for urgent response work without requiring Dischargers to complete the standard pre-project Tribal notification procedures.
1	1.20	California Municipal Utilities Association	F. <u>The Revised GO should not be utilized to eliminate the exemption from the Construction General Permit for routine maintenance and operations activities</u> The Joint Public Power Utilities understand that one of the concerns addressed by the Revised GO is that utility operations and maintenance activities are not required to enroll in the Construction General Permit (CGP) because these activities fall within an exemption. If that is a goal of the Revised GO, the Joint Public Power Utilities urge the State Water Board to consider the elimination of such exemption as part of consideration of the CGP. Since the CGP constitutes an NPDES permit,⁶ its routine operations and maintenance exemption cannot be eliminated by the Revised GO. NPDES permits "may only be modified, revoked, and reissued or terminated for the reasons specified in [Title] 40 [of the Code of Federal Regulations, sections] 122.62 or 122.64." (40 C.F.R. § 124.5(a).) None of the criteria in 40 CFR § 122.62 or § 122.64 justifying modification of an NPDES permit are satisfied here. Further, NPDES permits	The General Order does not modify, revoke, reissue, terminate, or eliminate any exemption in the Construction General Permit, including the exemption for routine maintenance activities. The Construction General Permit exemption applies within the context of that permit and does not limit the Water Boards' authority under state law to regulate activities that discharge or propose to discharge waste that could affect water quality, or to issue water quality certification for activities requiring federal authorization. The General Order is not intended to revise the Construction General Permit or regulate all routine maintenance activities across all industries. Rather, it establishes a separate regulatory mechanism for a defined class of utility wildfire mitigation and similar operations and maintenance activities under the Porter-Cologne Water Quality Control Act and, where applicable, Clean Water Act section 401. General waste discharge requirements may be established for

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			must be modified according to the applicable Clean Water Act regulations and process; the adoption of the final GO cannot eliminate the exemption granted in CGP when the facts do not satisfy the criteria for modifying that NPDES permit, and the State Water Board has not followed the required Clean Water Act process to modify the CGP. While we understand that the Revised GO is not meant to alter the CGP, it would effectively eliminate the exemption in the CGP for one particular industry, electric utilities. If routine maintenance operations require enhanced regulation, as required by the Revised GO, then these changes should be evaluated holistically and not focused specifically on one industry. 6 See Revised GO pg. 11.	categories of discharges involving the same or similar operations, types of waste, and treatment standards. (Wat. Code, § 13263, subd. (j).) The General Order was developed for these activities because of the statewide pace, scale, and recurring nature of utility wildfire mitigation and related work, and the potential for those activities to affect water quality. The General Order incorporates activity-specific thresholds, efficient coverage pathways, and exclusions to focus applicability while reducing reliance on individual waste discharge requirements or project-specific certifications.
1	1.21	California Municipal Utilities Association	III. Conclusion The Joint Public Power Utilities thank staff for engaging with our associations while revising the proposed GO language. We will remain engaged to be a resource for staff. We appreciate this additional public comment period, though the Revised GO is still some distance from completion. The Joint Public Power Utilities believe that, as currently presented, the new permitting obligations encompassed in the Revised GO would add time and burden to completing critical operations, maintenance, and wildfire mitigation activities. The Joint Public Power Utilities do not believe that the result aligns with the Administration’s priorities and is not in the best interest of Californians. We encourage the State Water Board to consult with the Governor’s office on priorities to mitigate wildfires and attain electricity affordability in California and ensure that these new requirements are consistent with those priorities. The Joint Public Power Utilities believe that the current draft language would inevitably result in a significantly increased administrative burden, hampering utility operations and leading to higher utility costs for customers, while resulting in no added benefits to the preservation of water quality. The Joint Public Power Utilities strongly encourage inclusion of the proposed changes outlined in this letter and those in the California Utilities’ Comments.	See General Responses 1 and 2. The State Water Board need not choose between wildfire safety and water quality protection. Both are fundamental public interests, and the regulatory framework established by the General Order ensures that utility operations advance wildfire resilience in a manner that also safeguards waters of the State. The General Order has been revised to reduce or eliminate most administrative requirements and to focus on a more efficient and unified permitting approach. These revisions include expanding the scope of non-notifying Category A activities, removing the Vegetation Management Impact Offset Plan requirement (see response to comment 1.14), limiting the cultural resources conditions to Category B activities (see response to comment 1.19), eliminating the requirement to maintain a continuously updated list of Category A activities (see response to comment 2.14), allowing utilities to provide requested information using their existing tracking systems (see response to comment 2.14), and improving the efficiency of urgent response provisions (see responses to comments 1.15, 1.17, 1.19, 2.56, and 2.67).
2	2.1	California Utilities	The California utilities (Pacific Gas and Electric Company [PG&E], Southern California Edison [SCE], San Diego Gas and Electric [SDG&E], PacifiCorp, Sacramento Municipal Utility District [SMUD], California Municipal Utilities Association [CMUA], Golden State Power Cooperative [GSPC], Northern California Power Agency [NCPA], and Southern California Public Power Authority [SCPPA]) (collectively, “California Utilities”) appreciate the opportunity to provide written comments on the <i>Draft General Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Utility Wildfire and Similar Operations and Maintenance Activities</i> (Revised GO, or GO) issued by the State Water Resources Control Board (SWRCB or the Board) on March 28, 2025. California Utilities appreciate the Board’s staff availability to discuss and provide clarification during the review period, including the utility representative meeting on April 21, 2025, and public workshop on April 23, 2025. We look forward to working with the Board as it finalizes the GO.	Comment noted.

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2	2.2	California Utilities	California Utilities assessed changes in the Revised GO, and the resulting comments provide actionable recommendations in support of further revisions to the GO. While we recognize the incremental improvements in the Revised GO, we continue to have significant concerns with its broad reach. Specifically, we are concerned with the lack of record development to establish that all covered project activities will result in discharges to waters of the state, and information on the regulatory alternatives and tradeoffs between any considered alternatives.	See response to comment 1.3.
2	2.3	California Utilities	We appreciate Board staff’s statements that the intent of the Revised GO was to provide a light-touch, streamlined permitting process, but the Revised GO will not accomplish that purpose. The California Utilities urge the Board to direct staff to refocus the Revised GO specifically on activities that currently require individual waste discharge requirements (WDRs) – activities discharging or proposing to discharge waste to waters – to achieve regulatory streamlining. Additionally, the Board should require staff to develop the necessary record in this proceeding to establish need, guide the selection of regulatory alternatives, and enable meaningful stakeholder engagement and an informed decision by the Board.	See responses to comments 1.3 and 1.7.
2	2.4	California Utilities	While we have significant concerns regarding threshold and jurisdictional questions, California Utilities provide the following recommendations to improve the Revised GO. Our recommendations aim to achieve our mutually shared goal of protecting the state’s water resources, which our organizations do each day, while also realizing a truly streamlined permitting process. Achieving these goals will ensure utilities are able to carry out the vital maintenance and operations work needed to ensure safe and reliable operation of their infrastructure, as well as the important wildfire mitigation activities needed to reduce the risk of wildfire, all while protecting water quality. Following the Board’s review and consideration of these comments, the California Utilities request additional opportunities for further discussion to ensure the focus and intent of the comments and recommendations are understood, and to get feedback on any potential concerns or conflicts that may arise in relation to these comments. To the extent that Board staff make further substantive revisions to the GO, which we fully support, utilities should not only be provided opportunities for written comment but should be included in the consideration and development of those revisions before alternatives are selected. Inclusion throughout the process, rather than providing updates after regulatory alternatives are selected, will help facilitate transparency, meaningful stakeholder engagement, and mutual understanding of the goals and intent of the regulation.	No additional comment period is proposed at this time. Extensive additional stakeholder outreach was conducted to inform development of the General Order. State Water Board staff engaged with utilities and other interested parties throughout the development of the General Order to discuss stakeholder recommendations, evaluate implementation considerations, and refine the General Order. Specifically, Water Board staff have met with the utility industry in sector-specific coordination meetings over 30 times over the last two years and have made numerous changes to address utility concerns (see response to comment 1.7). Further, staff provided summaries of proposed changes at several meetings and provided industry and opportunity to review an advanced draft prior to each of the public releases.

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2	2.5	California Utilities	The effect of the Revised GO will be to regulate activities that do not currently require individual WDRs or other Water Board approvals, because the activities do not discharge waste to waters. PG&E has performed preliminary analyses that suggest only 20 to 25% of projects covered by the Revised GO could potentially require individual WDRs; 75 to 80% of projects would fall outside the boundaries of aquatic resources, where utilities already plan projects to avoid discharges to waters, minimize water quality impacts, and reduce permitting efforts. Whether intended or not, the net effect of the current Revised GO will be to cover a large number of routine, pre-wildfire maintenance and operations work not currently subject to permitting. This is not streamlining – it is the creation of an entirely new permitting schema.	See responses to comments 1.3 and 1.7. Also see the General Response 1 regarding Water Board jurisdiction and authority to adopt the General Order.
2	2.6	California Utilities	While we understand that the project activity categories could hypothetically result in discharge, primarily of soil, that could reach a waterway, the record lacks data establishing or showing a likelihood of discharge for each project activity category. Utilities already implement BMPs specifically to prevent discharges to waters, among other environmental protections, and it is unclear whether existing BMPs were considered or modeled when the project activity categories were developed.	See response to comment 1.3. In addition, the activities regulated by the General Order may result in discharges of waste, including but not limited to sediment. The findings in the General Order were revised to explain in more detail the discharges of waste associated with these activities and the corresponding effect on water quality.
2	2.7	California Utilities	It is particularly troubling that ratepayer costs were not a guidepost for this regulatory process.¹ We appreciate the staff’s recognition of the need to evaluate the number of projects covered and associated costs² and understand that staff are not experts in electric utility operations. But the number of projects covered and associated costs should have been a threshold consideration before developing and selecting regulatory alternatives. This approach would have been consistent with Governor Newsom’s October 2024 Executive Order N-5-24 (EO), which addressed the need to control the rising cost of electric utility bills as California moves towards a clean energy transition. The EO emphasized that it is “essential that electric service remains affordable, reliable and safe for all Californians” and acknowledged the needed investment in upgrading aging infrastructure and expanded wildfire mitigation efforts. The California Utilities urge the Water Board to consult with the California Public Utilities Commission (CPUC), other regulating bodies, and publicly owned utilities to understand the Utilities’ budget approval process as well as the affordability concerns. California Utilities remain concerned with the additional costs to comply with the Revised GO. Despite the condensed written comment schedule, many utilities are endeavoring to develop good-faith project coverage and cost estimates based on their understanding of the current regulatory language. This is not a simple process, as the Revised GO touches many groups within each organization – e.g., design, planning, permitting, line, substations, vegetation management, construction – and costs associated with reforming utility processes and information technology systems are difficult to estimate. Nevertheless, the costs will be substantial, and ongoing costs will not be minimal or negligible.³	See General Responses 1 and 2

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			1 Responses to Comments on the June 28, 2024, Draft Utility Wildfire General Order and Draft Environmental Impact Report, Cost Consideration Discussion at 165-168 (Cost Discussion) (stating that the number of impacted projects will be assessed one year after implementation to refine the scope). 2 See Cost Discussion; see also Revised GO, Section II. Findings at M. (stating that the factors in Water Code 13241 were considered, and Section 13241 requires economic considerations.) 3 See Cost Discussion at 167	
2	2.8	California Utilities	While these fundamental gaps in the record remain, California Utilities nevertheless provide these specific recommendations to the Board and staff on the Revised GO. • Limit scope of GO to activities with planned or proposed discharges and water quality impacts • Significant and intentional scope reduction and streamlining for vegetation management • Further reliance on programmatic approaches to planning, reporting, and invoicing • Deferred implementation date • Streamlining tribal cultural resources requirements	Comment noted. See responses below for responses to specific recommendations.
2	2.9	California Utilities	While California Utilities have concerns on the Revised GO, we do want to acknowledge where progress has been made. The changes provided in the Revised GO address a portion of the feedback provided by the California Utilities during the previous public comment period, improves its overall function, reduces requirements for low-risk activities, and modestly reduces costs passed along to our customers. These changes include the expansion of projects eligible for Category A Non-Notifying, focusing on larger soil disturbance areas and thus reducing the number of projects effected where the work occurs on steeply sloped erodible soils, the reduction of the upland buffer from 100 feet down to 50 feet, and opening training and monitoring responsibilities to non-environmental professionals. However, more work remains to be done to develop a GO that is feasible to implement at the scale required by utilities, and results in a cost for compliance that is commensurate with the benefits to water quality. As detailed in our comments and in the enclosed redline of the Revised GO, California Utilities have identified aspects of the Revised GO that have the potential to hinder the timely execution of critical utility activities and have proposed changes to address those concerns while remaining protective of water quality.	Comment noted. See responses below for responses to specific recommendations.

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2	2.10	California Utilities	a. Limit scope of GO to activities with planned or proposed discharges and water quality impacts. Recommended changes to Section I. Summary: Dischargers conducting covered <i>project activities</i> identified in Section III that result in a discharge of waste to waters of the state are required to comply with the conditions set forth in Section IV. As detailed in Section IV.E, certain projects are not required to file a Notice of Intent (NOI) to enroll under this General Order. Project activities conducted in a manner that could not discharge waste to the waters of the state are not required to enroll in this General Order. Recommended changes to Section II. Findings: T. For activities enrolled in this General Order, Failure to comply with any condition of this General Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and/or the Clean Water Act. The Discharger may be subject to administrative or civil liability or other enforcement actions pursuant to the relevant enforcement provisions of the Water Code. Recommended changes to Section III. Project Description: This General Order authorizes the following listed activities being performed for the purpose of wildfire mitigation, operation and maintenance of infrastructure, or post -fire response, where the Discharger is discharging or proposing to discharge waste to surface waters of the state, including discharges of dredged or fill materials except as set forth in Section IV.A., Compliance With Other Water Board Authorities. This General Order does not cover <i>project activities</i> within an <i>Urban Area</i> as defined by the 2020 U.S. Census unless that activity is also within a California Public Utilities Commission (CPUC) High Fire Threat District. This General Order does not cover project activities conducted in a manner that could not discharge waste to the waters of the state.	Response to Recommended Changes to Section I. Summary: See General Response 1 regarding Water Board jurisdiction and authority to adopt the General Order. The General Order was revised to state that permit coverage is not required where a permanent topographic or engineered physical barrier prevents the discharge of waste to surface waters. Response to Recommended Changes to Section II. Finding: The finding does not impose obligations on individuals or entities that are not conducting activities subject to the General Order. Dischargers conducting activities authorized under the General Order must comply with all applicable conditions, which prevent unauthorized discharges and protect water quality. Failure to comply with applicable conditions would be a violation of the Porter-Cologne Water Quality Control Act and, where applicable, the Clean Water Act. Response to Recommended Changes to Section III. Project Description: The General Order was revised in response to comments regarding applicability. The applicability criteria in Section III are intended to establish clear, objective criteria for determining whether permit coverage is required. During development of the General Order, the applicability provisions were revised to improve implementation certainty by defining covered activities and incorporating objective exclusions. For example, Section III was revised to provide that permit coverage is not required where a permanent topographic or engineered physical barrier prevents the discharge of waste to surface waters. The applicability and exclusions established in Sections III and IV of the General Order provide a consistent statewide framework for determining permit coverage while improving implementation certainty.
2	2.11	California Utilities	In Section III, the Water Board proposes changes to the Project Description language to clarify that the Revised GO authorizes the activities listed in Section III.A.–K. “where the Discharger is discharging or proposing to discharge waste to surface waters of the state, including discharges of dredged or fill materials...” This language appears to be consistent with Water Board authority to issue Waste Discharge Requirements under the Porter Cologne Water Quality Act for discharges or proposed discharges of waste to waters and to issue certifications for discharges of dredge or fill materials. The Water Board has stated that all activities meeting the definitions in Section III require enrollment and compliance with the GO. However, the California Utilities offer an alternative that would focus enrollment on activities with a nexus to discharge such that they may require individual WDRs: for an activity to require coverage under the GO, the activity must be 1) one of the listed activities under Section III; and 2) discharge or propose to discharge waste to a water of the state.	See also the discussion of stormwater in response to comment 2.41. Also see General Response 1 regarding Water Board jurisdiction and authority to adopt the General Order.

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			The utilities understand that for an activity to be covered by the General Order, the activity must be 1) one of the listed activities under Section III; and 2) discharge or propose to discharge waste to a water of the state. To the extent that the Water Board considers all activities that fit within the work listed in III.A–K to constitute a discharge or proposal to discharge, the Water Board has failed to demonstrate that these activities could impact water quality. For example, activity III.A., Vegetation Management, would include many activities that lack a discharge or proposed discharge of waste that could impact water quality. The Vegetation Management activities listed do not require soil disturbance and may be as benign as limbing or cutting of plant materials as far as 50 feet from a water of the state. The Water Board fails to explain how these actions would result in a discharge or proposed discharge of waste, let alone how this could potentially impact water quality. [Page 10]	
2	2.12	California Utilities	The Water Board has not demonstrated in the record that all Section III activities will result in a discharge of waste to waters of the state. For example, Section III.A., Vegetation Management, would include non-soil disturbing activities, which are very unlikely to result in discharge to waters, particularly with current utility best management practices. Covered Vegetation Management activities listed may be as benign as limbing or cutting of plant materials as far as 50 feet from a water of the state. The Water Board fails to explain how these actions would result in a discharge or proposed discharge of waste. For each of the Section III. activities, the Water Board should demonstrate that the activity will result in discharges or proposed discharges of waste to waters or clarify that coverage only applies to a project activities where a discharge or proposed discharge to waters will occur.	See response to comment 1.11 and General Response 1.
2	2.13	California Utilities	b. <u>Refocus Section III.A, Vegetation Management, enrollment criteria on soil disturbance.</u> Recommended changes to Section III.A. Vegetation Management: A. Vegetation management: limbing, cutting, tree removal, trimming, mastication, mowing, crushing, prescribed herbivory, chipping, skidding, mulching, and uprooting, and removal of plant materials, such as leaves, plants, dead or dying trees, branches, or trunks, that are: 1. <u>Soil disturbance</u> within 50 feet of any waters of the state; or 2. cumulatively results in over 0.50 acre of soil disturbance in locations with slopes equal to or greater than 30% and soils having <i>erodibility K factor</i> equal to or greater than 0.2. Utilities suggest reducing the scope of regulated vegetation management activities to focus on those that are ground disturbing, as further described in the accompanying letter for California Utilities.	See response to comment 1.11.

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2	2.14	California Utilities	Section III.A, Vegetation Management, in the Revised GO removes “soil disturbance” as a qualifying criterion for coverage and reduces the buffer distance from a water of the state from 100 feet to 50 feet. The revised draft Section IV E.1. a. concurrently lists Vegetation Management as a Category A activity, with additional requirements outlined in Section IV E.2. The overall effect of these changes will be to significantly increase the workload required and cause delays for the utilities in several ways. First, it will require modifications to existing IT systems that manage, document, and screen these activities. It will require changes to existing processes, training, and communication, and scheduling of work to ensure compliance with the Order. Most significantly, while California Utilities screen for environmental resources, most vegetation management activities are exempt from the California Environmental Quality Act (CEQA), Assembly Bill (AB) 52, and Section 106 of the National Historic Preservation Act. As such, most of these activities do not require a record search or sacred lands inventory. Under this new requirement, the utilities will likely be faced with thousands of activities triggering additional evaluations and require thousands of hours of labor, significantly delaying the initiation and execution of critical work, including non-notifying Category A work, frustrating the shared goal of streamlined review for Category A work. California Utilities continually trim and maintain vegetation growing within our transmission line corridors, along distribution circuits, and around our infrastructure (e.g., poles, towers, and substations) to reduce or eliminate the risk of wildfire from unanticipated ignition due to contact between that vegetation and the circuit. In California, utilities must comply with Public Resources Code 4292 and 4293 where specific clearances are required to be maintained at all times. This work includes the trimming of millions of trees and shrubs throughout our service territories, and the vast majority of this work proposes no, and results in no, soil disturbance or discharges to waters. Further, common industry practice requires the removal and off-site disposal of vegetative debris or lop and scatter of cuttings within upland areas. As such, these activities pose little to no direct likelihood of material into a water of the state. Coverage under Category A, while non-notifying, does incur a significant workload increase and the corresponding costs to the utilities that currently do not exist. For this reason, California Utilities recommend removing vegetation management activities without soil disturbance from Category A coverage.	See responses to comments 1.11, 1.19, and 1.21. The cultural resources conditions were revised to apply only to Category B activities. Non-notifying Category A vegetation management activities are no longer subject to the cultural resources review process described in the comment. See also General Responses 1 and 2.
2	2.15	California Utilities	California Utilities also recognize there may be potentially indirect or ambiguous impacts associated with vegetation management activities. As stated by the Board, one goal of the GO is to increase visibility of activities that may impact water quality. If necessary, this may be achieved through an annual reporting requirement of vegetation management activities or other less burdensome measure(s). Due to the nature in which utilities conduct vegetation inspections and patrols and consequently perform the required work, the timelines associated with the requirements in the current GO, such as Tribal Cultural Review, 30-day advance notice to the Water Board for certain activities, and development and submittal of Vegetation Management Impact Offset Plans would inhibit the utilities’ ability to perform required	The VMIOP has been eliminated, and the cultural resources requirements no longer apply to Category A activities, as discussed in comments 1.14 and 1.19, respectively. These changes ensure that utilities can perform vital vegetation management work without notification or delay.

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			vegetation management work prior to the height of fire season, which could result in unnecessary safety risks, which directly contradicts the purpose of the GO. Utilities request the opportunity to workshop workable solutions with the Water Board.	
2	2.16	California Utilities	c. <u>Removal of Electric Utility Infrastructure Lowering, Maintenance, Replacement or Removal category.</u> California Utilities recommend removing Section III.O., copied below, in its entirety. K. Electric Utility Infrastructure Lowering, Maintenance, Replacement or Removal: lowering, raising, maintenance, replacement, or removal of electric utility infrastructure due to age, size, design, and/or condition that results in: 1. soil disturbance within 50 feet of any waters of the state, or 2. cumulatively results in over 0.50 acre of soil disturbance in locations with slopes equal to or greater than 30% and soils with an erodibility K factor equal to or greater than 0.2.	See response to 2.17
2	2.17	California Utilities	This category serves as a “catch-all” category that will essentially apply to any utility infrastructure. For those activities specifically identified in the other project activity categories, this catch-all category is superfluous and creates ambiguity. It is superfluous because it does not identify any additional covered maintenance or operations work. The ambiguity arises from the second coverage trigger based on soil disturbance in sloped and erodible soils. For example, the Revised GO eliminated the slope and soil disturbance trigger from project activity category E. (Pole/Tower Repairs, Maintenance or Replacement). This change means that a tower replacement beyond 50 feet from waters would not be covered by project activity category E. However, category K could be interpreted to apply to a tower replacement and reintroduces the second project activity trigger, which would undo any reduction in scope associated with removing the slope and soil criteria from category E. The California Utilities recommend removing this project activity category entirely, since it does not identify any specific maintenance and operations activity and adds ambiguity to the coverage of the remaining project activity categories.	Category K is retained to provide coverage for miscellaneous utility operations and maintenance activities that have the potential to affect water quality but are not specifically identified in Sections III.A through J. To address concerns regarding ambiguity, Category K was revised to apply only to activities that are not identified in Sections III.A through J. This revision clarifies that Category K is not intended to recapture or expand the applicability of the other activity categories, including activities for which the applicability criteria were revised elsewhere in the General Order.
2	2.18	California Utilities	d. <u>Vegetation Management Impact Offset Plan (VMiop) criteria.</u> The Revised GO fails to clearly establish when VMiopS are required. Rather, it states that Dischargers shall ask the Water Board if one is required when work is occurring in specific areas. Section IV.M fails to establish criteria that Water Boards would use to determine when a VMiop would be required, leaving the determination for when this costly mitigation requirement would apply completely up to the discretion of the Water Boards with no insight provided to the Discharger. Compounding this fact, there is no timeline established for when the Water Boards must reply to the inquiry or provide a determination that a plan is required, even for Class A activities.	The VMiop requirement was removed. See response to comment 1.14.

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2	2.19	California Utilities	The VMIOP does not streamline the enrollment process in any way, and it is in fact more onerous than an individual WDR. For an individual WDR acquired following the <i>State Policy for Water Control: State Wetland Definition and Procedures for Discharges of Dredge or Fill Material to Waters of the State</i> (Procedure), all temporary impacts require a restoration plan. The Revised GO adds in a consultation step which adds no streamlining benefit, adding additional time and cost to the execution of vegetation management work. Further, the elements of a VMIOP are essentially the same as the temporary impact restoration plan elements outlined in the Procedure. In fact, it removes an important streamlining option, passive restoration, which is available under an individual WDR acquired under the Procedure. The VMIOP must be revised to streamline important vegetation management work that has a low risk to water quality. The Revised GO only adds delay, cost, and confusion to implementation.	The VMIOP requirement was removed. See response to comment 1.14.
2	2.20	California Utilities	Suggested streamlining of the VMIOP and associated actions are presented in the accompanying redlines to the GO. Specifically, the following changes could have streamlining benefits, while still providing adequate oversight by the Board: • Clearly defining triggers for a VMIOP that focuses on potential for impacts, not merely work adjacent to an impaired water or Class I and II watercourses with subjective sub-criteria. • Making VMIOPs programmatic, rather than on an activity-by-activity basis before work can proceed. Programmatic VMIOPs would describe triggers for needing to implement vegetation impact offsets, the types of offsets to be implemented, and monitoring and reporting procedures. Rather than consulting with the Water Board on an activity-by-activity basis, the Water Board would review/approve programmatic VMIOPs. • Utilities would track vegetation impact offsets as part of the Category A activity tracking, which would be available upon the Water Board's request.	The VMIOP requirement was removed. See response to comment 1.14.
2	2.21	California Utilities	e. <u>Further reliance on programmatic approaches to planning, reporting, and invoicing.</u> Invoicing and Fee Payments – California Utilities request the Water Board to consider how programmatic solutions to invoicing and fee payments may be incorporated into the GO. This might include programmatic annual invoices covering all of Dischargers' Category B activities, and a payment process that allows Discharges to pay for that programmatic annual invoice in a single payment.	The proposed General Order was revised to require staff to evaluate and propose applicable changes to fees after they have 12 months of data after implementation as part of the fee setting process. The General Order does not establish billing procedures or create a separate invoicing system for fees assessed under the Water Boards' existing fee schedule. While the existing accounting system does not currently support a single consolidated annual invoice for all Category B activities under the General Order, staff will continue coordinating with the Division of Administrative Services regarding ways to improve invoice visibility and payment administration. Information regarding invoices is available through the California Integrated Water Quality System public portal, and staff are available to assist Dischargers during annual billing with identifying invoices associated with activities covered under the General Order.

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2	2.22	California Utilities	Erosion and Sediment Control Plans – Low-risk Category A work should entirely leverage programmatic erosion and sediment control plans (ESCP). If utilities have a programmatic plan approved by the Water Boards, then site-specific planning documents that reiterate the requirements of the programmatic plan is a redundant effort that increases administrative burden.	The General Order was revised in response to this comment. Category A projects are not required to develop or submit supplemental site-specific information when using programmatic ESCPs.
2	2.23	California Utilities	Consolidated Enrollment for Category B – To decrease administrative burden, the California Utilities recommend the Water Board to consider how the consolidated enrollment process might work for all Category B activities, including those that propose discharges of dredge or fill material to waters of the state.	Category B Consolidated Enrollment is intended for activities that present a lower risk of water quality impacts than projects involving the discharge of dredged or fill material to waters of the state. Projects involving dredged or fill material have the potential to physically alter aquatic resources and therefore require project-specific review through the Notice of Intent/Notice of Applicability process to ensure impacts to water quality and beneficial uses are avoided, minimized, and lastly compensated for. Compensatory mitigation plans, restoration plans for temporary impacts, and dewatering plans would all require individualized review. Consolidated enrollment would not provide the project-specific information necessary to support that review.
2	2.24	California Utilities	Increased Reliance on Annual Reporting – California Utilities recommend consolidating standalone reports and deliverable into Annual Reports as much as feasible. We have provided focused comments in the redline document with this goal in mind.	The General Order was revised in response to specific comments to consolidate several standalone reporting requirements into the Annual Report where appropriate. These revisions include eliminating the Annual Report requirement for short-duration projects (response to comment 2.66) and allowing water quality monitoring results and erosion and sediment control observations to be reported through the Annual Report (responses to comments 2.68 and 2.63, respectively).
2	2.25	California Utilities	f. <u>Broaden and add flexibility to Urgent Response Activities.</u> Recommended changes to Section IV.3.E.a.ii: Other Urgent Response Activities Non-wildfire-related response activities may be conducted when unforeseen weather events or other circumstances beyond the Discharger's control necessitate immediate action to prevent service interruption or imminent shutoff of electric service. <u>Other Urgent Response Activities are defined as exigencies requiring immediate action to address or prevent potential or ongoing risks to public safety, grid reliability, or critical infrastructure. This includes, but is not limited to, weather events, equipment failures or malfunctions, infrastructure threats, acts of vandalism, natural disasters, existing regulatory obligations, regulatory changes, or unforeseen operational challenges.</u> The Discharger must <u>aim to begin the project as soon as reasonable.</u> Within fourteen (14) days of the construction start date. If delays occur due to circumstances beyond the Discharger's control, the Discharger may request <u>extensions with appropriate justification.</u> A one-time, two-week, extension. The Revised GO provides a definition for Wildfire Recovery Activities In Section IV.3.E.a.i., and for clarity should do so here in subsection ii. Furthermore, there are many factors that could necessitate an electric utility's immediate response. The	The Other Urgent Response Activities definition was partially revised in response to this comment to “‘Other urgent response activities’ are defined in the General Order as ‘exigencies requiring immediate action to address or prevent risk to public safety, grid reliability, or critical infrastructure.’ This includes, weather events, equipment failures or malfunctions, acts of vandalism, or natural disasters. Other Urgent Response Activities may be conducted when unforeseen weather events or other circumstances beyond the Discharger’s control necessitate immediate action to prevent service interruption or imminent shutoff of electric service.” The General Order Urgent Response notification requirements were revised. The General Order does not cover emergency work resulting in discharges of dredged or fill material. In some cases, however, the General Order may require coverage of activities that are not eligible for an emergency permit, but which nevertheless must proceed sooner than the required 48 hours. As a result, the General Order allows notification after project initiation for Urgent Response activities that meet certain criteria (see the response to comment 1.15 for additional details). The timelines in this section appropriately balance the need to complete Urgent Response Activities expeditiously with the need for timely Water Board notification and oversight. For urgent activities that do not qualify

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			existing definition is narrowly focused on preventing service interruption, but utility response is required to protect public safety, reliability, and infrastructure even where no service interruption may occur. Furthermore, utilities have existing regulatory obligations that may require response more quickly than could be accomplished if required to go through the full Tribal Cultural Resources process (Section IV.G.) prior to submission of a Notice of Intent (NOI) with its attendant timing delays. A narrow urgent response category could force electric utilities into the dilemma of deciding which regulatory obligation to violate. Finally, there must be additional flexibility for utilities to respond to the exigent circumstances in a manner that is appropriate and reasonable; imposing strict timing guidelines is inconsistent with ensuring that utilities are able to appropriately respond. California Utilities recommend that the GO include the same notification provisions for the urgent response activities as already included in the Emergency Repair and Project Activities (48-hour prior notice, or notification within one business day of initiation of the project if 48-hour notice is not possible).	as emergencies, the 48-hour advance notification requirement remains appropriate and necessary.
2	2.26	California Utilities	<u>g. Deferred implementation is necessary to allow utilities to develop the ability to comply with GO.</u> The California Utilities recommend the Board include the following language in the GO: Recognizing the need for Dischargers to adapt processes, technology, and finances to comply with new requirements, this General Order shall take effect no earlier than 12 months after the adoption date below (Implementation Date). Utilities may request to delay the Implementation Date subject to approval by the Executive Director. Such a request must show the Discharger’s good faith efforts to implement the General Order’s provisions and identify remaining barriers to implementation. This General Order applies exclusively to projects initiated by utilities after the Implementation Date. Projects in any phase of planning, design, permitting or construction upon the Implementation Date are exempt from this Order.	Limiting applicability based on utility or project-specific planning or implementation status would require tracking the development status of individual projects over time, creating additional administrative complexity for both utilities and the Water Boards. See responses to comments 1.9 and 1.10 for additional discussion regarding the deferred effective date.
2	2.27	California Utilities	The Revised GO necessitates a thoughtful implementation timeline for utilities to ensure compliance. Given the scope of activities covered by the order and number of activities that will be covered, utilities face substantial challenges in adapting existing processes. Not all utilities have similar work tracking processes; some internal work tracking is managed by respective teams. For example, vegetation management work may have its own processes and technology infrastructure managed by that work group, and those projects will be evaluated by the environmental team when certain conditions are met. For some utilities, this process may be different for the team performing pole replacements or substation work, particularly for the frequent and routine maintenance and operations work covered by the Revised GO. The Revised GO tracking and data reporting requirements will likely require an overhaul that includes	The effective date will be determined by the State Water Board upon adoption. See also responses to comments 1.9, 1.10, and 1.12. The Board acknowledges the commenter’s explanation of the General Rate Case process and the funding considerations associated with implementing new regulatory requirements. However, because the commenter describes the GRC cycle as occurring approximately once every four years, aligning the implementation date of the General Order with that process could result in substantial delay. In that context, the difference between a 6-month and 12-month implementation period is relatively limited, whereas a delay tied to the GRC cycle would not be reasonable. Accordingly, the Board does not find it appropriate to defer implementation of the General Order until the next GRC proceeding.

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			the integration of additional IT infrastructure. Such a transformation demands time to secure budget allocations and the procurement of new systems. Furthermore, personnel across the organization need thorough training on both the regulatory requirements and the new IT processes to ensure competence and compliance. External stakeholders, including contractors and vendors, also need training to align with the new standards, underscoring the complexity and breadth of this transition. The training effort will be substantial with tens of thousands of utility employees and contractors requiring satisfactory training, both for management of change and pursuant to Section IV.D.5, Environmental Awareness Training. Without substantial deferred implementation, it may not be feasible for all utilities to comply with all provisions of Revised GO. Additionally, the investor-owned utilities (IOU) request the ability to align the Implementation Date and our General Rate Case (GRC) proceedings with the CPUC. A GRC is a formal proceeding where IOUs request rate increases from the CPUC to capture increased costs for utility operations, potentially including factors like changing regulatory requirements like this GO, investments in our infrastructure, and inflation. The process involves filing an application with detailed cost projections, followed by reviews, public participation hearings, and a vote from the CPUC Commissioners. For the larger IOUs, including PG&E, SCE, and SDG&E, these proceedings occur every 4 years, so substantial operational cost increases that arise between GRC proceedings cannot be covered by the utility. The IOUs therefore request alignment between the Implementation Date and our GRC proceedings to ensure we have adequate funding to comply with new requirements imposed on us by the GO. For these reasons, the California Utilities recommend a 12-month deferred implementation timeline with the option for utilities to negotiate organization-specific delays that reflect the unique constraints of each organization. We believe this timeline is vital to allow utilities to reform processes, train personnel, obtain funding, and implement necessary IT infrastructure changes to adequately meet the order's requirements, thereby ensuring a seamless transition and continued reliability of essential services.	
2	2.28	California Utilities	It is imperative that the GO applies prospectively and only to projects initiated following its official implementation date. Utility projects typically involve extensive planning, design, permitting, and construction phases, often spanning several months or even years. Applying new regulatory requirements retroactively to projects already in any of these phases would introduce significant complications and potentially derail progress, as these projects have already been structured, budgeted, and approved. For projects in advanced stages of planning or execution, altering the design parameters and compliance strategies to meet new requirements could lead not only to increased costs but also to delays that may affect service delivery and operational reliability. This could result in utilities facing penalties for non-compliance, incurring significant rework costs, or facing the challenge of renegotiating contracts with	See response to comment 1.10.

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			vendors and stakeholders, who would be equally unprepared for the sudden regulatory shifts.	
2	2.29	California Utilities	<u>h. Further Streamline Section G. Tribal Cultural Resources</u> The Utilities share the Water Board’s interest in protecting tribal cultural resources, and we appreciate the updates to the Tribal Cultural Resources section in the Revised Draft. However, the process is still challenging, burdensome, and costly to implement due to the number of activities that these requirements apply to, especially vegetation management. The Tribal Cultural Resources section should only apply to ground disturbing activities where impacts without avoidance measures could be likely. The higher the volume of projects, the higher the cost to rate payers. For each activity that requires review, it will require additional qualified staff or consultants to complete the review, Tribal outreach, and a report, as well as time and cost to complete the CHRIS record search and Sacred Lands File Search. The CHRIS system is not free, and subscriptions are not available for all Information Centers or counties. Unless Utilities can get a subscription, there is a requirement to pay for access (\$100 to \$150 per hour used), each site record (per resource and per document page), and, if available, each GIS shapefile (per resource and per report) per search. This quickly adds up to hundreds of dollars (approximately \$300-\$800 for small projects) each time a record search is performed. If the GO adds this requirement for non-ground disturbing activities, like tree trimming, Utilities may be performing thousands of extra record searches per year, increasing the burden on the CHRIS system across the state. Lastly, it is likely that many Tribal requests for treatment measures will result in higher monitoring costs per project. The increased cost for a Tribal monitor should be factored into the cost considerations by the Water Board for implementing this GO. The time to complete the Tribal Cultural Resources study is still a concern for wildfire mitigation activities and vegetation management activities. As currently written, if the Utilities need to trim a single tree branch within 50 feet of waters of the state, it could require approximately 3 to 4 months to complete the cultural resources review and Tribal outreach. The Utilities feel that this is an onerous requirement for non-ground disturbing activities where the likelihood of impacting a Tribal Cultural Resource and water quality is low and there are no CEQA, AB 52, or Section 106 of the National Historic Preservation Act requirements triggered. The Utilities already implement best management practices and targeted resource protection measures as a matter of course during operations and maintenance work to avoid resource impacts. Vegetation management work often needs to occur quickly to reduce or remove sources of ignition and comply with various state and federal requirements, so the need to wait up to 4 additional months is worrying and another reason that Section G should only apply to non- ground disturbing activities. Alternatively, the Water Board could consider adding a programmatic approach to outreach instead of a per project approach to further streamline requirements. Programmatic approaches could include	The General Order has been revised to remove the requirement for Category A projects to comply with the cultural resources conditions, also see response to comment 1.19. The removal of Category A (such as vegetation management) projects from compliance with the cultural resources conditions will result in the reduction of projects that will be required to complete the CHRIS records search and Sacred Lands File Search, reducing associated costs and time. Additionally, the General Order does not require a new CHRIS records search; it requires protection of resources identified through previous searches. Utilities may choose to coordinate directly with Tribes identified in the contact list provided by the State Water Boards Office of Public Participation, Education, and Tribal Affairs.

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			annual meetings held by each Utility to discuss anticipated Category A activities and receive Tribal input or annual outreach letters to gauge interest in further participation.	
2	2.30	California Utilities	Changes were made to the requirements for a pedestrian survey; however, further updates are requested to make the process more streamlined. As currently written, the Utilities may need to make several site visits to project areas as requested by Tribes during or after the 30-day outreach period. Some service territories may have up to 18 interested Tribes for a given project. Adding multiple visits to properties not owned by the Utilities for minor Category A work is typically not proportional to the scope of work, for example, vegetation trimming or a single pole replacement, and will result in higher costs per project and significant delays. Likewise, the number of O&M activities requiring outreach has the potential to overwhelm Tribes, particularly those who opted not to consult with the Water Board on the GO. Utilities instead request that a summary email of the CHRIS record search, Sacred Lands File Search, and cultural resources studies, if any, completed by the Dischargers could be provided to the affiliated Tribe upon request. There should also be some professional discretion allowed with determining the need for a survey, for example, if the area is developed, on a steep slope, poses a safety hazard, presents a low potential for cultural resources, or if a third-party landowner refuses entry.	The General Order has been revised to remove the requirement for Category A projects to comply with cultural resources conditions. In addition, the approach to consultation and development of mitigation measures described in the General Order is not prescriptive in how Tribal consultation is conducted. If multiple Tribes are consulting on a project, it may be possible for utilities to meet with several Tribes simultaneously, or to coordinate site visits with multiple Tribes in attendance. Likewise, the survey requirement should be approached with best professional judgement. If a survey cannot be completed because of site conditions, such as a safety hazard, utilities should communicate those circumstances to the Tribe and the Water Board.
2	2.31	California Utilities	The Utilities are also concerned with the Tribal and Cultural Resources Report, as it is not clear in regard to Category A versus B requirements in the revised draft. Category A projects are described as non-notifying and non-reporting so there should be no reporting requirements for Category A. Additionally, in the Water Board's responses to comments on the previous draft and in the Water Board's Public Workshop, it was discussed that a report was only needed for Category B projects. However, there is still a requirement to produce a Tribal and Cultural Resources Report and get the Water Board's approval of drafted treatment measures for both Category A and B. The reporting requirement adds additional costs and time to Category A projects. The requirement to produce a report and seek approval from the Water Board on treatment measures, even if just kept internally, should be removed for Category A. Utilities can track review and outreach efforts that were completed for Category A in something as simple as a spreadsheet or other system. For Category B, a process and timeline for seeking the Water Board's approval for the report and treatment measures, as well as for resolving disputes, should be included in the GO as it currently is not. The Water Board will see the treatment measures in the Category B report, so there should not be a separate process for seeking approval. This will help utilities in planning project timelines and setting expectations.	The cultural resources conditions were revised to apply only to Category B activities. As a result, Category A activities are no longer subject to the cultural resources conditions, including preparation of a related report. For Category B activities, the General Order was also revised to clarify and narrow the related requirements. Treatment measures are required only where project activities have the potential to impact the site. Where the Discharger and coordinating Tribe are unable to agree on treatment measures, the General Order does not require a separate Water Board approval or formal dispute resolution process. Instead, the cultural resources report documents the Discharger's good-faith consultation efforts, the Tribe's requested treatment measures, why any requested treatment measures are not practicable, and alternative mitigation measures that protect the integrity of the site, providing the basis for Water Board oversight.

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2	2.32	California Utilities	Section G.2.c: In the event of a positive CHRIS result (precontact archaeological site [excluding isolates]) or Sacred Lands File Search, or, if using the Water Boards Tribal Affairs contact list, in all cases, as early as possible and at least 30 days prior to commencing work, provide all Tribes identified in steps a and b above with a Notification containing the following:	The cultural resources procedures retain the use of a positive CHRIS records search as a trigger for Tribal notification and were not narrowed to apply only to prehistoric or precontact archaeological sites, or to exclude isolates from the CHRIS-based notification trigger. The General Order uses the CHRIS records search to identify cultural resources information that may be relevant to Tribal notification. Narrowing the trigger by resource type, time period, or record classification could exclude information that may be important to affiliated Tribes in evaluating potential project impacts. The General Order therefore retains the positive CHRIS records search as the trigger for Tribal notification.
2	2.33	California Utilities	Section G.2.c.iii: Tribes desiring to coordinate with the Discharger must respond to the Discharger within 30 calendar days of the date of issuance of the Notification. Following receipt of a Tribal request to coordinate, provide a 30 calendar-day opportunity for the tribe Tribe(s) to provide recommended treatment measures and request coordination. The requirement for Tribal coordination will be satisfied if another agency has already conducted consultation with a similar scope for both state and federally recognized Tribes. In cases where tribe-Tribe(s) are consulting, treatment measures will be developed by the Discharger in cooperation with the consulting tribe-coordinating Tribe(s) and submitted to the Water Board for approval.	The General Order was revised to clarify that Tribes have 30 calendar days from receipt of the notification to request coordination and, if coordination is requested, 30 calendar days to identify requested treatment measures. The general order was revised to delete Water Board approval of treatment measures.
2	2.34	California Utilities	Section G.2.c.iv: If at least 30 calendar days have passed following receipt by the utility of a request for coordination from a Tribe(s), and the coordinating Tribe(s) has not provided utilities with recommended treatment measures for any Tribal cultural resources identified in the project area, no further coordination by the utilities is required.	See response to comment 2.33.
2	2.35	California Utilities	Section G.2.c.v: If requested by an affiliated Tribe, a pedestrian survey will be conducted by a qualified archaeologist to identify and record resources unless the area is developed, on a steep slope, or where the potential for cultural resources is low. Tribes must be given the opportunity to accompany the archaeologist during the pedestrian survey or to visit the site and assess impacts to previously recorded sites. A copy summary via email of the CHRIS record search, Sacred Lands File Search, and cultural resources studies, if any, completed by the Discharges could be provided to the affiliated Tribe upon request. A new pedestrian survey does not need to be conducted if a pedestrian survey was conducted in the previous	The pedestrian survey requirement applies only when requested by an affiliated Tribe and is intended to support identification of cultural resources and evaluation of potential project impacts before work begins. The General Order already limits duplicative surveys by providing that a new pedestrian survey is not required if one was conducted within the previous 10 years for the specific parcel or parcels where project activities are proposed. The General Order was not further revised to categorically exclude developed areas, steep slopes, or areas with low cultural resource potential because the survey requirement is not automatic and applies only when requested by an affiliated Tribe. The General Order also retains the opportunity for affiliated Tribes to accompany the archaeologist or visit the site because that opportunity

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			10 years for the specific parcel or parcels where the project activities are proposed to occur.	supports identification of potential impacts to Tribal cultural resources and development of appropriate treatment measures.
2	2.36	California Utilities	Section G.2.vii: Mitigation Treatment measures shall be implemented for the duration of project activities <u>only when there is a potential to impact the site(s).</u>	The General Order was revised in response to this comment to clarify that treatment measures must be implemented for the duration of project activities only when there is potential to impact the identified site(s). This edit is intended to ensure treatment measures are applied where they are needed to protect cultural resources, without requiring measures for portions of the work that have no potential to affect the site. This revision does not allow a Discharger to unilaterally disregard Tribe-requested treatment measures. Where treatment measures are requested, the Discharger must address those measures through the cultural resources conditions, including documenting good-faith coordination, any measures requested by the Tribe, why any requested measures are not practicable, and any alternative mitigation measures that protect the integrity of the site.
2	2.37	California Utilities	Section G.2.ix: <u>Category B projects shall provide</u> a Tribal and Cultural Resources Report to the applicable Water Board that shows either 1) no Tribal Cultural Resources were identified within the project area; 2) the appropriate treatment measures developed in consultation <u>coordination</u> with the affected California Native American Tribe when the survey and research reveal a Tribal Cultural Resources or a Sacred Lands Inventory positive result; or 3) documentation that shows that affected California Native American Tribes were contacted and did not respond to the opportunity to coordinate within 30 calendar days or did not provide utilities with recommended treatment measures within 30 calendar days of the request to coordinate. Category A projects shall retain <u>the above information</u> Tribal and Cultural Resources Report and provide a copy to the Water Boards upon request. <u>The information listed above may be retained in a stand-alone Cultural Resources Report or in a tracking spreadsheet, or other database, along with other Category A project details.</u>	The General Order was revised in response to this comment. The requirement for Category A projects to comply with the cultural resources conditions was removed. As revised, the cultural resources report requirement applies to Category B projects. The General Order was also revised to refer to Tribal coordination rather than consultation. This change clarifies that the General Order does not establish a formal government-to-government consultation process. The purpose of the cultural resources conditions is to ensure that affected California Native American Tribes are provided a meaningful opportunity to identify Tribal cultural resources, share site-specific information, and request treatment measures before project activities occur. The coordination process is intended to support avoidance and protection of Tribal cultural resources while providing a clear process for documenting the outcome of that coordination. For Category B projects, the cultural resources report must provide project-specific documentation showing that no cultural resources were identified, that appropriate treatment measures were developed in coordination with the affected Tribe, or that affected Tribes were contacted and did not request coordination or provide recommended treatment measures within the required timeframes.

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2	2.38	California Utilities	California Utilities express our gratitude to the Water Board for the opportunity to provide feedback on the Revised GO. While modest improvements have been made since the Public Draft, we hope the Water Board remains open to continued collaboration in developing a GO that is feasible to implement and to ensure that our concerns are both understood and addressed. Our collective understanding is that the Revised GO will neither streamline nor support our wildfire prevention efforts or operations and maintenance activities. Instead, the Revised GO will impede these efforts, unduly increase costs for our customers, and pose threats to public safety and grid reliability, without substantively justifying the increased regulation in the administrative record. This is particularly concerning at a time when state leaders are advocating for accelerated wildfire mitigation and exploring strategies to address high customer bills. We urge the Water Board to consider these critical points to ensure the final GO effectively supports wildfire prevention and utility operations while safeguarding public interests.	See responses to comments 1.3 and 1.7.
2	2.39	California Utilities	Section/Description: II.N “For activities that include dredge or fill activities or disturb over half an acre of soil in areas with steep slopes and highly erodible soils, Dischargers will submit an NOI to the State Water Board or appropriate Regional Water Quality Control Board...” Comment: This is inconsistent with Category A and B classification below. See also Attachment A. For example, Staging Areas and Laydown Yards are triggered by 0.5 acres of soil disturbance, but Attachment A says they are Category A unless it will result in a discharge of dredge or fill materials to waters of the state.	Finding L (previously N) removes the specific examples and identifies the section of the General Order that contains the criteria for when an NOI is required.
2	2.40	California Utilities	Section/Description: IV “Provided General Order conditions are adhered to, this General Order provides reasonable assurance that projects authorized under this General Order will comply with state water quality requirements.” Comment: Under 40 CFR 121.7, a 401 certification must state that an activity will comply with water quality standards, not that it provides “reasonable assurances” that the activities will comply with water quality standards. As drafted, Section IV. Conditions is not compliant with 401 certification requirements and should be revised.	The language in the General Order was revised to include language related to certification at the end. The federal regulations governing section 401 water quality certifications specify language that is recommended to include but is not required. (40 CFR § 121.7.) The revised language specifies that compliance with all of the conditions set forth in the General Order are necessary to comply with the specified portions of the Clean Water Act and other appropriate requirements of state law.
2	2.41	California Utilities	Section/Description: IV.A.3 “Projects that are not covered under the Construction General Permit shall obtain coverage under this General Order for eligible activities. If the Project is required to obtain coverage under the Construction General Permit for only part of its land disturbance activities and other portions of the project are eligible for enrollment in this General Order, compliance with the Construction General Permit constitutes	The General Order was revised in response to this comment. The word “fully” was added to Section IV.A.4 to clarify that projects fully covered under the Construction General Permit are not required to obtain coverage under this General Order. Where only a portion of a project is covered under the Construction General Permit, any remaining eligible activities that are not covered under the Construction General Permit must obtain coverage under this General Order. This revision clarifies the relationship between the two permits

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			compliance with Sections IV.F.1 through 4, 9 through 12; 23; 25; Section IV.K; Section IV.L; and Section IV.R.1.f; and Dischargers shall comply with all other conditions in this General Order.” Comment: The Board should clarify Section IV.3. The General Order should clearly state that Dischargers don’t need coverage under this if the whole project is covered under the NPDES Construction Stormwater General Permit (CGP). As currently drafted, the language is at best unclear and at worst subject to multiple interpretations. It is unclear if a project which has coverage for all activities under the CGP would also require coverage under the utilities general order. The utilities believe that it would be inefficient to require concurrent enrollment for projects covered completely under one permit. This is especially true for any Class A activity, which by definition, do not include discharge to waters of the state (see Section E.1 “project activities must not result in a discharge of dredge or fill materials”) where the only threat to water quality may through be a discharge to land that may be mobilize by storm water. Discharges of this type, when it meets the relevant size threshold, are regulated properly under the CGP, and requiring enrollment under a new WDR mechanism would institute new and unprecedentedly administrative burdens for work already regulated by the Water Boards.	and avoids duplicative coverage where the Construction General Permit fully regulates the project, while preserving General Order coverage for eligible activities not covered under the Construction General Permit. The assertion that if a project does not result in a discharge of dredge or fill material “the only threat to water quality may be through a discharge to land that may be mobilize[d] by storm water” is inaccurate. Storm water is not the only means by which the waste could get to waters. For example, soil disturbing activities conducted directly adjacent to waters, above the bed and bank, can discharge sediment by destabilizing upland areas. Application of herbicides in windy conditions can result in drift. Trees or vegetative waste can be felled directly into waters without proper BMPs. Wood chips or slash can also be discharged into the water if not stored properly with sufficient distance away from the water or stockpiled too high. Oil and grease from improper vehicle maintenance could discharge to waters even without storm water where the spill or leaks are immediately adjacent to waters. Even if storm water was the means by which pollutants were mobilized, if the discharge of waste could affect water quality, it is within the scope of the Water Boards’ authority.
2	2.42	California Utilities	Section/Description: IV.B.1 “Permitted actions must not cause a violation of any applicable water quality objectives or water quality control plans, including impairment of designated beneficial uses for receiving waters as adopted in any applicable Water Board water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.” Comment: These types of end-result permit requirements were recently determined to be invalid in <i>City and County of San Francisco, California v. Environmental Protection Agency</i> (145 S.Ct. 704). The condition established in the Utilities General Order holds the same fatal flaw as the condition at issue in that case. Namely, Section IV.B.1 prohibits the discharger from making any discharge that causes “a violation of any applicable water quality standard for receiving waters.” (Id. 713.) The Supreme Court determined that Section 1311(b)(1)(C), which applies to both NDPEs permits and 401 certifications, “does not authorize EPA to impose NPDES permit requirements that condition permitholders’ compliance on whether receiving waters meet applicable water quality standards.” (Id. 715.) The same would hold true for permit requirements that condition 401 certifications in the same way. As such, Section IV.B.1 contains invalid permit conditions and should be struck from the Utilities General Order.	The holding from <i>City and County of San Francisco, California v. Environmental Protection Agency</i> (2005) 145 S.Ct. 704 interprets the Clean Water Act and accordingly is limited to NPDES permits. As noted in the comment, section 1311 applies to section 401 water quality certifications, but that is not the only section of the Clean Water Act applicable to section 401 water quality certifications. In addition, section 401 of the Clean Water Act refers to limitations that are necessary to comply with “any other appropriate requirement of State law.” This General Order is also adopted pursuant to the Porter-Cologne Water Quality Act. <i>City and County of San Francisco, California v. Environmental Protection Agency</i> does not affect the Water Boards’ exercise of authority under state law.

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2	2.43	California Utilities	Section/Description: IV.C.2 “This General Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless pertinent certification application was filed pursuant to subsection 2855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.” Comment: This appears to cite the wrong regulation. It is also unclear whether it should state “certification application” or should refer to submitting an NOI?	The comment correctly identified a typo. The reference to subsection 2855(b) should have been 3855(b). The language reflects the condition required to be included pursuant to California Code of Regulations, title 23, section 3860(b). A project that is related to a hydroelectric facility, but the project does not require a FERC license or amendment, may be covered by the General Order so long as the NOI identifies the related FERC license or amendment to the FERC license that is being sought. Such NOIs must be submitted to the State Water Board. The NOI form has been revised to leave a space for applicants to identify any related water rights actions.
2	2.44	California Utilities	Section/Description: IV.E.1.a “Project activities will be limited to Vegetation Management; Herbicide Application; Pole/Tower Repairs, Maintenance, or Replacement; Substation Maintenance; Structural Conversion; Overhead Line Reconductoring; Undergrounding Powerlines; or Electric Utility Infrastructure Lowering, Maintenance, Replacement or Removal.” Comment: This appears to lack Staging Areas and Laydown Yards and Boardwalk Repairs or Replacement, which are listed as Category A if they will not result in discharge of dredge or fill materials to waters in Attachment A.	The General Order was revised to remove Staging Areas and Laydown Yards and Boardwalk Repairs or Replacement from the Attachment A table because these activities are not eligible for Category A coverage. Staging areas and laydown yards are covered by the General Order only when they occur near waters of the state or involve larger areas of soil disturbance on steep, erodible slopes. Boardwalk repair or replacement is covered when it results in soil disturbance within 50 feet of waters of the state. These activities may involve work near or within waters, potential discharges of dredged or fill material, and site-specific considerations regarding avoidance and minimization of impacts to water resources. Accordingly, they are appropriately addressed through Category B review rather than listed as non-notifying Category A activities.
2	2.45	California Utilities	Section/Description: IV.E.2.b “At least 30 days prior to beginning work, Category A Dischargers shall notify the Water Boards of any Vegetation Management activities that meet the following criteria to determine if a Vegetation Management Impact Offset Plan is required (Section IV.M.)” Comment: A requirement to consult with the Board at least 30 days prior to veg work to determine the need for a VMiop does not streamline, and in fact does the opposite. The sheer number of vegetation management activities would overload the Water Board with requests and result in unintentional delays to critical vegetation management work. Utilities suggest to modify the text per our suggested redlines such that VMiop triggers are clearly identified. Utilities can determine when impact offsets are needed, and implement those on their own. Since this information would be tracked along with other information for Cat A activities, it still allows the Water Board to request the data at any time so there is still an avenue for oversight, but not such that it would overload Water Board staff or delay important veg mgt projects.	The VMiop was removed. See response to comment 1.14.

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			Additionally, the utilities would consider submitting VMIOF activity in an annual report if desired by the Water Board. Proposed Revision for Section IV.E.2.b “Utilities shall determine if a vegetation impact offsets are required as identified in the utilities’ programmatic Vegetation Management Impact Offset Plan (Section IV.M.) for any proposed vegetation management activities based on the criteria outlined in E.2.b.i and document findings and any impact offset actions implemented in the Category A activity tracker:”	
2	2.46	California Utilities	Section/Description: IV.E.3.b.iii “Send an email to SB-Utility Wildfire General Order State Water Board and the appropriate “Region Program Manager” from the staff directory linked above Regional Water Board listed on page one of this General Order. Include “Attention: Utility Wildfire or General Order Urgent Response Activity” in the subject lineUnless the Water Board determines that the project does not qualify for a Wildfire or Response Activity designation, the Discharger may proceed seventy-two (72) hours after initial notification. Comment: This is critical to put back in. As an example, if a forester identifies a hazard tree that poses an imminent threat, the tree will be removed immediately which is the appropriate course of action in this instance. The GO should in no way establish roadblocks to necessary activity to prevent ignitions.	Notification is not required for vegetation management activities because those activities are covered under Category A. Accordingly, the Category B Urgent Response Activity definition does not apply.
2	2.46.1	California Utilities	Section/Description: IV.E.3.c “Category B Notice of Intent Contents, Submission, and Approval Process: Prior to NOI submission, Category B Dischargers shall adhere to all applicable Tribal Cultural Resources Conditions (Section IV.G).” Comment: Suggested edits for clarity. Proposed revision to IV.E.3.c Add “Consistent with Section IV.G.4.a., Urgent Response Activities are exempt from Tribal and Cultural Resource Notifications.”	General Order section IV.E.3.c.i.2 clarifies that Urgent Response Activities are not subject to the cultural resources conditions.

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2	2.46.2	California Utilities	Section/Description: IV.E.3.c.i.2 “Urgent Response Activity Dischargers shall submit an NOI within (30) days of initiating the activity.” Comment: Suggested edits for clarity. Proposed revision to IV.E.3.c.i.2 “Urgent Response Activity Dischargers shall submit an NOI <u>no later than</u> within (30) days <u>of after</u> initiating the activity.”	The General Order was revised in response to this comment. The suggested language was incorporated into the General Order.
2	2.47	California Utilities	Section/Description: IV.E.3.c.ii.1 "Within thirty (30) days from the NOI receipt date, incomplete NOIs will be returned with a description of information needed to satisfy the deficiency(ies)." Comment: Utilities request the Water Board to define the review and approval timeline for NOIs that require revisions and resubmittal.	The General Order establishes two review timelines for Category B NOIs. First, Water Board staff will review an NOI for completeness within 30 days of receipt and, if the NOI is incomplete, return it with a description of the information needed to address the deficiencies. Once the NOI is determined complete, Water Board staff will issue a Notice of Applicability or Notice of Exclusion within 45 days.
2	2.48	California Utilities	Section/Description: IV.E.3.d.i.1 “To qualify for consolidated enrollment, a programmatic Erosion and Sediment Control Plan (Section IV.K.); and Vegetation Management Impact Offset Plan (Section IV.M.), if applicable, must be developed and submitted to the applicable Water Board for approval in advance.” Comment: Utilities request additional detail on how far in advance of an activity the programmatic plan must be submitted. The Water Board should provide a commitment for how long they will require to review and approve/disapprove the plan. We also request the ability to proceed if a response is not received within 30 days.	The General Order was partially revised in response to this comment. The relevant section now specifies that programmatic plans must be submitted to the applicable Regional Water Board at least 60 days before first use. Dischargers that intend to rely on programmatic ESCPs may use the deferred effective date to seek Regional Water Board review before the General Order becomes effective. The General Order was not revised to establish a fixed approval timeline for programmatic plans. Review timelines may vary depending on the length and level of detail in the programmatic plan, site-specific and regional conditions, and whether revisions are needed to ensure compliance with the General Order. A Discharger may not rely on a programmatic plan until it has been approved by the applicable Regional Water Board. If a Discharger intends to proceed before the programmatic plan is approved, the Discharger must submit the required project-specific information through an NOI.

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2	2.49	California Utilities	Section/Description: IV.E.3.d Comment: Regarding Section VI.E.3.d Optional Category B Consolidated Enrollment. The utilities thank the Water Board for including Consolidated Enrollment as an option, as it may be a step towards the streamlining that the Water Board identifies as a goal of this General Order. However, as it is currently drafted it is functionally useless for Category B activities and adds no meaningful streamlining benefit. Section VI.E.3.d.1.2 states that “Category B projects that discharge dredge or fill materials to waters of the state shall submit an individual Notice of Intent in all instances.” Of the 11 project activities eligible for enrollment under the General Order as a Category B, eight require the discharge of dredge or fill material into waters of the state. Only 2, Vegetation Management, and Site Access and Development could, in theory, be both a Category B activity and have no discharge or dredge of fill into waters of the state. Therefore, Consolidated Enrollment, is not available for the vast majority of utility maintenance and wildfire prevention work, severely limiting this potentially important streamlining opportunity. The Water Board should remove the limitation and allow for projects which include discharge of dredge and fill into waters of the state to utilize consolidated enrollment.	Revisions narrowing the scope of covered activities also narrow the range of activities that may use consolidated enrollment. However, those scope revisions reduce the number of activities requiring authorization under the General Order, which directly address comments requesting reduced administrative burden. Consolidated enrollment remains a meaningful pathway for recurring Category B activities that do not involve discharges of dredged or fill material to waters of the state. This pathway may be particularly useful for access route construction, development, or maintenance activities occurring across a larger area or over a longer period of time, where multiple work locations can be evaluated under an approved programmatic Erosion and Sediment Control Plan and consolidated enrollment notification. The General Order was not revised to extend consolidated enrollment to activities involving discharges of dredged or fill material because those activities require project-specific review of impacts to waters of the state, avoidance and minimization measures, and any required mitigation. Also see response to comment 2.23.
2	2.50	California Utilities	Section/Description: IV.E.3.d.ii.1.c “The Tribal and Cultural Resources Report (Section IV.G.2.c.viii).” Comment: Suggest calling this a Cultural Resources Report since Tribes are not preparing it.	The Tribal resources report was revised to cultural resources report in response to this comment.
2	2.51	California Utilities	Section/Description: IV.E.3.d.iv.2 “Consolidated Enrollment Dischargers satisfy Annual Reporting (Section IV.Q) requirements by providing a status report on all project activities enrolled under the Consolidated Enrollment Process every six months from the date of initial notification. The report shall include a brief status update (pre-construction, active construction, post-construction monitoring, or complete) and the date of the most recent status change.” Comment: Utilities question why this reporting requirement would be more intensive for consolidated activities, where the assumed intention is to streamline. Suggest reporting frequency is annual.	The General Order was revised in response to this comment to reduce the reporting frequency from semi-annual to annual.

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2	2.52	California Utilities	Section/Description: IV.F.5 “Trout and salmon/anadromous salmonids: When project activities must be conducted within or adjacent to watercourses that have the potential to support anadromous salmonids, the Dischargers should consult with a qualified biologist during the project planning phase to ensure habitat features essential to anadromous salmonids are retained...” Comment: Please confirm what "consult" means in this instance. Utilities assume it doesn't imply anything formal, but rather ensuring a capable biologist reviews the project for potential impacts to anadromous salmonid habitat.	In this condition, “consult with a qualified biologist” means that Dischargers should involve a qualified biologist during project planning to evaluate potential impacts to anadromous salmonid habitat and identify measures to retain habitat features essential to anadromous salmonids. This language does not establish a separate formal consultation process under the General Order. However, project activities may be subject to separate local, state, or federal requirements, including requirements related to threatened or endangered species. The purpose of this condition is to encourage early biological review and adherence to applicable requirements so that project activities avoid or minimize impacts to anadromous salmonids.
2	2.53	California Utilities	Section/Description: IV.F.5 “Trout and salmon/anadromous salmonids: When project activities must be conducted within or adjacent to watercourses that have the potential to support anadromous salmonids, the Dischargers should consult with a qualified biologist during the project planning phase to ensure habitat features essential to anadromous salmonids are retained...” Comment: Utilities assume a qualified biologist can be appointed at our discretion.	This condition is intended to encourage early biological review during project planning when project activities are conducted within or adjacent to watercourses that have the potential to support anadromous salmonids. In this context, consulting with a qualified biologist means involving an individual with appropriate expertise to evaluate potential impacts to anadromous salmonid habitat and identify measures to retain essential habitat features. This condition does not establish a separate formal consultation process under the General Order. However, project activities may be subject to separate local, state, or federal requirements related to anadromous salmonids or their habitat. The purpose of this condition is to support early consideration of those requirements and help avoid or minimize impacts to anadromous salmonids.
2	2.54	California Utilities	Section/Description: IV.F.5 “...<i>Project activities</i> should avoid dewatering or sedimentation during periods when salmonoids will be present. Work should follow the recommendations of the California Salmonid Stream Habitat Restoration Manual (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=22660) and the appropriate recovery plans for salmonids.” Comment: Utilities recommend striking this statement and allowing the qualified biologist to provide their expertise.	The referenced language is intended to identify key protective considerations for work in or adjacent to watercourses that may support anadromous salmonids, including avoiding dewatering or sedimentation during periods when salmonids may be present. The California Salmonid Stream Habitat Restoration Manual and applicable recovery plans provide established technical guidance for protecting salmonid habitat and are appropriate references for project planning. This condition does not displace the expertise of a qualified biologist. Rather, it provides a technical framework for the biologist and Discharger to consider when evaluating site-specific conditions and identifying measures to avoid or minimize impacts to anadromous salmonids.

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2	2.55	California Utilities	Section/Description: IV.F.11.c “Dischargers that use non-vegetative erosion control methods, such as stabilizing soil using bonded-fiber matrices, hydromulches, spray tackifiers, or other land-applied products shall apply the product according to the manufacturer’s instructions and guidance, including allowing for ample cure time and to prevent treatment chemicals from being transported by runoff.” Comment: This appears to be duplicative of 10.f.; suggest removal.	The General Order was revised in response to this comment. The duplicative condition was deleted.
2	2.56	California Utilities	Section/Description: IV.F.24.a “Herbicides shall not be applied in a manner, or at rates that would cause or threaten to cause a discharge of waste to waters of the state at levels that cause or contribute to an exceedance of water quality objectives or water quality control plans.” Comment: Herbicide use rates and application methods are clearly defined on the label and regulated by the Department of Pesticide Regulation. It is well established that "the label is the law." The introduction of additional rules may cause confusion for those who hold the proper licenses and adhere to the labels, which are based on studies and approved by the Department of Pesticide Regulation.	The General Order was partially revised in response to this comment. The General Order was revised to remove the wind-speed restriction and the prohibition on herbicide use during Urgent Response Activities. Although herbicide application is regulated by the California Department of Pesticide Regulation and label compliance is required under state and federal law, the herbicide conditions in the General Order are intended to address water quality protection, not duplicate or conflict with pesticide regulations. The conditions are limited to measures that prevent herbicide-related discharges to waters of the state, including compliance with applicable laws, regulations, label directions, consultation with a licensed Pest Control Advisor; and restrictions on application during precipitation events or where application could cause or contribute to an exceedance of water quality objectives.
2	2.57	California Utilities	Section/Description: IV.F.25 “Dischargers shall stabilize project areas by implementing the following conditions:” Comment: Final Stabilization is not applicable to projects that do not have ground disturbance. This should be clarified per the suggested text edit. Proposed revision to Section IV.F.25: “Dischargers shall stabilize <i>project areas</i> by implementing the following conditions for ground disturbing project activity.”	The General Order was revised in response to this comment. The proposed, “for soil disturbing activities” was added to the condition to clarify that stabilization requirements are not applicable to projects that do not result in soil disturbance.
2	2.58	California Utilities	Section/Description: IV.G.2 and IV.G.2.c “Tribal Cultural Resources Evaluation Procedures and Mitigation Measure Development” “In the event of a positive CHRIS result or Sacred Lands File Search...” Comment on Tribal Cultural Resources Evaluation Procedures and Mitigation Measure Development Section	See responses to comments 1.19 and 2.32.

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			This process is problematic for vegetation work. A 60-day minimum timeline between a patrol and the prescribed work occurring isn't feasible and would in many cases result in utilities not able to perform important veg work prior to fire season. Instead the utilities suggest that vegetation management work be handled as its own category such that it would be reported after the fact, annually. The utilities would be open to working with the Water Board on appropriate format/content of an annual vegetation report, or information to be tracked as part of Category A activity tracker, that would be available to the Water Board upon request. Comment on IV.G.2.c Need to language to describe precontact sites. Otherwise, this could include historic sites as well. Proposed revision to Section IV.G.2.c: “In the event of a positive CHRIS result (precontact archaeological site [excluding isolates]) or Sacred Lands File Search...”	
2	2.59	California Utilities	Section/Description: IV.G.2.c.iii “In cases where Tribe(s) are coordinating, treatment measures will be developed by the Discharger in cooperation with the coordinating Tribe(s) and submitted to the Water Board for approval...” Comment: Category A projects are described as non-notifying and non-reporting. Additionally, in the Water Board's responses to comments on the previous draft, it was discussed that a report was only needed for Category B projects. This requirement for the Water Board to approve treatment measures for Category A projects should be removed. If a lead agency is conducting government-to-government consultation on a given project, should the Water Board still need to approve treatment measures since they would not be the lead agency of the project? Given the above confusion, it is suggested to strike this part from the requirements, as there is already a requirement below for Utilities to submit a report to the Water Board for Category B projects. If not removed, no timeline or process for approval is included. This comment was also made on the previous draft.	The General Order was revised to remove the requirement to submit treatment measures for Water Board approval. Also see responses to comments 1.19 and 2.37.

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2	2.60	California Utilities	Section/Description: IV.G.2.c.v “If requested by an affiliated Tribe, a pedestrian survey will be conducted by a qualified archaeologist to identify and record resources. Affiliated Tribes must be given the opportunity to accompany the archaeologist during the pedestrian survey or to visit the site and assess impacts to previously recorded sites...” Comment: This is too broad and potentially opens up the utilities to conducting multiple site visits depending on the number of Tribes that respond to a single project.	See response to comment 2.30.
2	2.61	California Utilities	Section/Description: IV.H “If standing or flowing water within a water of the state is within 50 feet of active construction, visual monitoring shall be conducted at least once daily during active construction to detect discharge of construction related pollutants (e.g., oil and grease, sediment and earthen materials, uncured concrete).” Comment: This is an excessive requirement for work activities performed in uplands outside the boundaries of waters of the state. Instead, water quality monitoring should be limited to Category B activities that plan or propose discharges to waters of the state. Furthermore, this poses significant administrative and technological challenges for implementation.	Visual monitoring, now located in Section IV.G, is a reasonable requirement where standing or flowing water is within 50 feet of active construction because construction-related pollutants may reach waters of the state even when work occurs in adjacent uplands. The requirement is limited to visual observations, is only required once a day, may be conducted by trained site personnel, and does not require laboratory sampling or instruments. Daily visual monitoring provides a practical way to identify BMP failures or potential pollutant discharges early and ensure timely corrective action.
2	2.62	California Utilities	Section/Description: IV.I.2 “Following notification to OES, Dischargers shall notify the Water Board within 24 hours. Notification may be delivered via written notice, email, or other verifiable means.” Comment: To ease administrative burden, utilities recommend removing these criteria. Currently, utilities must notify OES of spills, and OES will notify the Water Boards. Requiring utilities to provide duplicative notifications to the Water Board is a redundant effort that will increase administrative burden for utilities.	Although the Office of Emergency Services may notify the Water Boards of reportable spills, those notifications may not reach the Regional Water Board or program staff responsible for the project. Direct notification from the Discharger ensures that appropriate Water Board staff are informed quickly and can evaluate whether additional action is needed to protect water quality. To minimize administrative burden, the General Order allows the initial notification to be made by email or phone and does not require a specific form. Within five business days of notification, the Discharger must submit an Accidental Discharge of Hazardous Material Report. This reporting is necessary because a spill may affect compliance with the General Order, the adequacy of BMPs, and the success of any associated restoration or mitigation.
2	2.63	California Utilities	Section/Description: IV.K “Category A Dischargers shall inspect at least five percent (5%) of active projects in each Category A activity type category for which they have projects as of September 1, as described in Section IV.L.2, below. Any evidence of BMP failure or erosion caused by project activities with the potential to transport sediment to receiving waters of the state shall be repaired with applicable BMPs, and a report shall be made in accordance with the Attachments D and E.”	The General Order was revised to require both Category A and B Dischargers to submit Attachment D within 30 days of the inspection when evidence of BMP failure or erosion is observed. If no evidence of BMP failure or erosion is observed, Category A Dischargers must retain a copy of Attachment D for one year from the inspection date, and Category B Dischargers may submit Attachment D with the Annual Report.

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			Comment: Generating and submitting up to 4 inspection reports per year per monitored activity would result in an excessive amount of documentation, particularly considering 5% of Cat A at 4 reports/year. Utilities suggest only reporting on such activities on an annual basis with the option for Water Boards to request this information as needed.	
2	2.64	California Utilities	Section/Description: IV.M “Dischargers shall notify the Water Boards of any Vegetation Management activities that meet the conditions below at least 30 days prior to beginning work to determine if a Vegetation Management Impact Offset Plan is required. If required, a plan for multiple sites that is generally applicable may be submitted in advance.” Comment: These redlines are proposed to streamline the VMIOP process. The accompanying letter provides additional detail and background. Proposed revision to Section IV.M: Dischargers shall determine if a Vegetation Management Impact Offset Plan is required for any proposed vegetation management activities based on the criteria outlined in IV.M.1.a, b. and document findings and any impact offset actions implemented in the annual report submitted to the Water Board. If required, the Discharger shall document the impact offset actions required and implemented as part of the Category A activity tracking, and submit it to the Water Board on an annual basis.	The VMIOP requirement was removed. See response to comment 1.14.
2	2.65	California Utilities	Section/Description: IV.P “Unless authorized as a Urgent Response Activity, Category B Dischargers shall submit a Commencement of Construction Report to the Water Board at least seven (7) days prior to start of initial soil disturbance activities...” Comment: Utilities recommend revising this condition to reduce administrative burden. Utilities are required to provide construction start and end dates as well as whether the CGP applies in the NOI. A commencement of construction notification, then, should only be required if the actual construction dates differ from what is reported in the NOI to keep Water Boards apprised of schedule changes. This would further streamline the General Order by reducing reporting requirements.	The commencement of construction notification requirement was retained because timely notice of the actual construction start date supports Water Board oversight and coordination, including determining whether a site inspection may be warranted. Although the NOI includes anticipated start and end dates, those dates often change during implementation. A commencement of construction notification ensures Water Board staff are aware of when work begins.

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2	2.66	California Utilities	Section/Description: IV.Q “Dischargers shall provide at least one annual report; in the event the project is completed in less than one year. Dischargers may consolidate Annual Report contents listed in Reporting and Notifications (Attachment E) for multiple projects into a single Annual Report.” Comment Suggested change to required reporting to reduce paperwork. Relevant information can be captured in the "Request for Notice of Project Complete Letter" Proposed revision to Section IV.Q: “Dischargers shall provide at least one annual report; in the event the project is completed in less than one year, <u>an Annual Report may not be required if it begins after June 1 and is completed prior to December 31 of the same calendar year.</u>”	The General Order was revised in response to this comment and other feedback received from utilities. The following language was added to the Annual Report submittal requirement: “If a project begins after May 1 and ends before April 30 of the next calendar year, the Notice of Project Complete Letter (Section IV.Q below) shall satisfy the Annual Reporting requirement for that project.” The Annual Report due date was changed and is now July 1 (not June 1), unless an NOA specifies a different due date for this report.
2	2.67	California Utilities	Section/Description: IV.S.1 “Except for Urgent Response Activities, Category B Dischargers shall notify the Water Board at least forty-eight (48) hours prior to initiating work in any stream channel regardless of whether there is standing or flowing water. Notification may be delivered via written notice, email, or other verifiable means.” Comment: Utilities understand this is a common notification required in 401 Certifications and Waste Discharge Requirements. However, we request the Water Board to waive this requirement from the General Order to reduce administrative burden. Utilities will already be required to notify the Water Board of construction dates in the NOI, which would include activities that plan or propose discharges of dredge and fill material. Therefore, providing a second notification for the commencement of in-water work is duplicative and unnecessary when Water Boards have already been informed of the project schedule.	The notification requirement was retained because timely notice before work in waters of the state allows Water Board staff to provide appropriate oversight, coordinate as needed, and determine whether a site inspection may be warranted. Although the NOI includes anticipated project dates, the actual start date for work in waters may change during implementation. Requiring Category B Dischargers to notify the Water Boards at least 48 hours before initiating work in waters of the state ensures staff are aware of when that work will begin. The requirement is limited in scope, does not apply to Urgent Response Activities, and may be satisfied by written notice, email, or other verifiable means.
2	2.68	California Utilities	Section/Description: IV.S.5 “Within seven (7) working days following completion of work in all waters of the state, an In-Water Work and Diversions Water Quality Monitoring Report shall be provided to Water Board staff.” Comment: To ease administrative burden and reduce the number of standalone reports required for a given activity, utilities recommend consolidating this report into the Annual Report. Other conditions will require notification to Water Boards if the in-water work creates water quality issues, for example the Violation of Compliance with Water Quality Control Plan and Discharges of Hazardous Materials notifications. Therefore,	Related General Order section IV.R.5 (previously IV.S.5) now reads “...If a Water Quality Monitoring Plan is required, the In-Water Work and Diversions Water Quality Monitoring Report may be submitted with the Annual Report, unless an exceedance is observed or remediation is required, in which case the report should be submitted within seven business days.” If in-water work results in exceedances or requires remediation, timely notification will help ensure that corrective actions are implemented as quickly as possible.

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			if work was performed according to plan without creating any water quality issues, an annual report is an appropriate document to report this information	
2	2.69	California Utilities	Section/Description: IV.T “Project Modifications: Modifications to Category B Project Activities that include in-water work and that render avoidance, minimization, or mitigation of impacts to waters of the state infeasible, including those due to other agency permit conditions, require submission of a Modifications to Project Report before deviating from activities authorized in an NOA. Such modifications may necessitate amending the NOA to maintain coverage under this General Order.” Comment: Utilities request the Water Board to provide a timeline for providing an NOA. For example, “If an NOA or response to a Modifications to Project Report is not received within 7 days, utilities may proceed with the work.”	The General Order was not revised to allow Dischargers to proceed automatically if a response to a Modifications to Project Report is not issued within a specified number of days. Allowing work to proceed by default could result in unreviewed changes to in-water work, avoidance and minimization measures, or mitigation requirements, and may not ensure continued compliance with the General Order. Dischargers should coordinate with the applicable Water Board as early as possible when project changes are identified.
3	3.1	Kit Julian (General Public)	I would like to comment on the various portions of the General Order that refer to activities occurring within a particular distance from waters of the State. For example, revised Section III. A. which defines vegetation management as a covered activity when occurring within 50 feet of waters of the State. For this type of language to be consistently implementable, it is critical that the General Order define how the boundary of waters of the State is identified so that there is a clear point from which the 50-foot distance must be measured.	The State Water Board recognizes that identifying the boundary of waters of the state may require a site-specific evaluation, particularly where aquatic features are intermittent, disturbed, or not readily apparent from desktop mapping or field conditions. The General Order uses the term “waters of the state” consistent with existing Water Board authority and does not establish a separate delineation methodology for measuring distance-based thresholds. Because waters of the state include a range of aquatic features, the appropriate boundary may depend on site-specific conditions and applicable delineation practices. Dischargers are responsible for determining whether project activities occur within the distance-based thresholds identified in Section III. For Category B activities that include impacts to, or work within, waters of the state, the NOI must include sufficient project-specific information, including maps and, where applicable, an Aquatic Resources Delineation Report, to support Water Board review. Where there is uncertainty regarding the boundary of waters of the state for a particular project, Dischargers are encouraged to coordinate with the applicable Water Board before proceeding.
3	3.2	Kit Julian (General Public)	The Corps of Engineers has longstanding regulations defining the lateral limit of waters of the United States as the Ordinary High Water Mark or the landward limit of adjacent wetlands. This definition, or another definition based in regulations and published policy, should be included in the General Order so that critical wildfire prevention activities are not delayed due to uncertainty over how the distances should be measured and whether activities at a particular location are regulated or not.	For wetlands, the distance should be measured from the wetland boundary, consistent with the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State, California Code of Regulations, title 23, section 3013. For non-wetland waters of the state, the appropriate boundary may depend on the type of aquatic resource, site conditions, and applicable Water Board practices. Water Boards may consider methods used by the U.S. Army Corps of Engineers or other state or federal agencies where appropriate; however, the General Order does not incorporate the federal ordinary high water mark standard as the sole boundary for waters of the state. If Dischargers need

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				assistance identifying the applicable boundary for a particular project, they are encouraged to coordinate with the applicable Regional Water Board.
4	4.1	Northern California Power Agency and Golden State Power Cooperative	The Northern California Power Agency¹ (NCPA) and Golden State Power Cooperative² (GSPC) appreciate the opportunity to provide these comments to the State Water Resources Control Board (Water Board) on the revised <i>Draft General Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Utility Wildfire and Similar Operations and Maintenance Activities</i> (proposed General Order), dated March 28, 2025. 1 NCPA is a nonprofit California joint powers agency whose 16 publicly owned utility members include the Cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Shasta Lake, and Ukiah, Plumas-Sierra Rural Electric Cooperative, Port of Oakland, San Francisco Bay Area Rapid Transit (BART), and Truckee Donner Public Utility District—collectively serving nearly 700,000 electric consumers in Central and Northern California. 2 GSPC is the statewide trade association for rural electric cooperatives and public utility districts in California. GSPC membership includes Anza Electric Cooperative, Plumas-Sierra Rural Electric Cooperative, Surprise Valley Electrification Corporation, and Trinity Public Utility District.	Comment noted.
4	4.2	Northern California Power Agency and Golden State Power Cooperative	NCPA and GSPC are also signatories to the Joint California Utilities Letter, as well as the Joint Public Power Utilities letter. We fully support the comments and suggested revisions to the proposed General Order set forth in those comments, and also as depicted in the attached Joint Utility Redline (See Attachment A). NCPA and GSPC incorporate those comments by reference and do not reiterate them herein. We offer these comments to further expand upon critical elements of the proposed General Order in order to facilitate the development of an implementable rule that does not impede the ability of the utilities to carry out critical work, nor adversely impact waters of the state.	Comment noted. See responses to comments 1.1 through 1.21, and 2.1 through 2.69.
4	4.3	Northern California Power Agency and Golden State Power Cooperative	The April 23, 2025, staff presentation states that scope of the proposed General Order is to cover “electric utility soil disturbance activity.” And while the Water Board has broad authority to address discharge of waters to the state, NCPA and GSPC are concerned that the proposed General Order creates a new permitting scheme, significantly expanding the scope of covered projects, including utility maintenance and operation activities that currently do not require permitting. We urge the Water Board not to adopt the proposed General Order as drafted, and instead to direct Water Board staff to make the necessary changes to the proposed General Order discussed in these comments, as well as in the California Utilities Letter and the Joint Public Power Utilities Letter, and in the redlines set forth in Attachment A. Further, we urge the Water Board to continue developing the record to support the rule so that it clearly justifies any expansion of discharge permitting requirements and accurately assesses the cost burden on the utilities.	See responses to comments 1.8 and General Responses 1 and 2.

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4	4.4	Northern California Power Agency and Golden State Power Cooperative	I. Executive Summary As proposed, the General Order would require extensive new permitting processes for utilities that are in excess of those covered by the Waste Discharge Requirements (WDR), which results in increases in both annual and activity-specific permitting fees. Wildfire mitigation is a paramount concern for the utilities, and the planning, scheduling, and execution of work is carefully assessed and budgeted. The utilities plan these activities well in advance of when they are carried out and rely on the expertise of their personnel to determine the most appropriate mitigation strategies for their service territories. Execution of these activities could be jeopardized, as covered projects under the proposed General Order would not be tied to activities that present an actual or proposed discharge into waters of the state, but rather linked only by the “type” of work being done; indeed, for vegetation management activities, the proposed General Order would apply in certain instances without any soil disturbance threshold. ³ Furthermore, as drafted, the GO would subject utilities to potential fines and penalties for activities that have no discharge into waters of the state. 3 See Response to Comments at 166 (acknowledging that the “[e]nrollment of upland projects triggered by the General Order that don’t propose the in-water work normally requiring a Section 404 permit.”). 4 See Revised GO at II. T. (stating that failure to comply with the Revised GO is a violation of the Porter-Cologne Water Quality Control Act and/or the Clean Water Act, and may subject a discharger to liability and enforcement.)	The General Order is not based solely on the type of utility activity being performed; it applies to listed activities where the Discharger has proposed an activity that has the potential to discharge or will discharge waste that could affect the quality of waters of the state. The scope criteria in Section III are intended to translate that standard into clear, implementable thresholds so Dischargers and Water Board staff are not relying solely on case-by-case narrative determinations regarding whether an activity may discharge waste. To provide additional implementation clarity, Section III was revised to specify that permit coverage is not required where a permanent topographic or engineered physical barrier, such as a dike or levee, prevents the discharge of waste to surface waters. These revisions ensure that the General Order is tied to potential water quality impacts, while providing objective criteria and exclusions to support consistent implementation. Although the General Order is not an extensive new permitting process (see General Response 1), the General Order may result in the payment of fees that were not previously required. Category A projects do not incur fees. Project activities that fall within Category H fees would also not be new fees because the fee is a flat rate. Fees for non-dredge or fill Category B projects would include fees not previously incurred, but the General Order specifies that such projects would be the lowest threat and complexity and accordingly, the lowest fee. See also General Responses 1 and 2.
4	4.5	Northern California Power Agency and Golden State Power Cooperative	Water Board staff has defined the General Order as covering “electric utility wildfire mitigation, response, and cleanup activities that <i>discharge or propose to discharge</i> waste into waters of the state.” (Water Board Response to Comments, p. 165, emphasis added) Further, pursuant to Water Code Section 13260(a)(1), a report of a discharge is required for “a person discharging waste, or proposing to discharge water, within any region that could affect the quality of the waters of the state, other than into a community sewer system.” (emphasis added) Yet, staff has characterized the scope of the General Order to include “potential” discharge. The proposed General Order goes well beyond addressing discharges or proposed discharges, and instead takes a broad view of “potential” discharges without an evidentiary basis for supporting the extent of this expansion. The additional Notice of Intent (NOI) and other reporting requirements also jeopardize the timely completion of wildfire mitigation projects, and significantly complicate the coordination of utility work with landowners (for cooperatives, the actual member-owners of the utility) for access and availability to conduct the work. Excessive delays could mean that essential projects are not timely completed, and depending on the terrain and weather in the affected area, could push critical wildfire mitigation projects back a full year without any added benefits to the waters of the state.	See General Response 1 regarding Water Board jurisdiction and authority to adopt the General Order. The General Order does not expand the State Water Board’s regulatory authority beyond what is authorized under the Porter-Cologne Water Quality Control Act. Water Code section 13260(a)(1) requires a report of waste discharge for any person “discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state.” This language explicitly authorizes regulation of discharges that may occur, not only those that are certain or currently occurring. The use of the term “potential to discharge” reflects this statutory authority and is consistent with long-standing Water Board permitting practice, including other general WDRs. It allows the Board to address foreseeable risks to water quality such as sediment discharges from soil-disturbing activities near surface water before those discharges occur. The General Order focuses on activity types with documented risk of water quality impacts and applies only when specific criteria such as proximity to waters or extent of disturbance are met. These thresholds were developed to ensure the General Order targets higher-risk activities and does not apply to all utility activities.

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				The General Order recognizes the need to support timely wildfire mitigation projects, incorporates geographic exclusions, a non-notifying category, and consolidated enrollment options to minimize delays while still protecting water quality.
4	4.6	Northern California Power Agency and Golden State Power Cooperative	To be clear, the NCPA and GSPC are appreciative of the dialogue and collaboration that Water Board staff have engaged in with the utilities and affected stakeholders, and staff's efforts to better understand the utility operations that would be impacted by the proposed General Order. While we appreciate staff's acknowledgement of the broad scope of covered activities and the administrative burden that the initial draft General Order would have imposed on operations, the purported solutions reflected in the revised draft do not assuage those concerns, nor do they address the underlying reason for the concern, which is the fact that the proposed General Order creates a new regulatory permitting process for the utilities. Instead of streamlining or consolidating existing permitting requirements, even as revised, the proposed General Order would in fact require permits for activities for which permits are not currently necessary and unlawfully eliminate the Construction General Permit (CGP) exemption for routine operations and maintenance activities, and attempts to do so without any demonstrable evidence that the expanded scope of permitting is necessitated by an increased likelihood of discharges to waters of the state.	See General Responses 1 and 2.
4	4.7	Northern California Power Agency and Golden State Power Cooperative	Also troubling is the fact that the record supporting the proposed General Order is devoid of any actual cost analysis. Increased costs for utilities are borne by electricity ratepayers, and in the case of smaller and more rural utilities, those costs are spread across fewer customers. NCPA and GSPC are concerned about the economic impact of the General Order, particularly the upward pressure the increased permitting and compliance costs would have on electricity rates.	See General Responses 1 and 2.
4	4.8	Northern California Power Agency and Golden State Power Cooperative	II. The Significant Cost Burden Imposed by the Proposed General Order is Inconsistent with State Policies to Address Electricity Affordability In addition to the administrative burden that the proposed General Order would place on utilities, there is also a significant cost burden associated with expansion of the type of projects that would require permitting and the purported elimination of the CGP routine operations and maintenance exemption. In undeniable that the state is facing an electricity affordability crisis, and state leaders – from the Governor to local officials – have acknowledged the need to address the problem. The proposed General Order, however, would only exacerbate it. Budgeting constraints are particularly relevant at this time, when wildfire mitigation costs are already a significant factor contributing to high electricity costs. The Governor recognized in Executive Order (EO) N-5-24 that “it is essential that electric service remains affordable, reliable, and safe for all Californians during our clean energy transition.”	The State Water Board recognizes the importance of maintaining affordable, reliable, and safe electric service while supporting wildfire mitigation activities. See General Response 2 on Cost and Administrative Burden.

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			The EO further notes the need for greater efficiency in wildfire safety oversight and the need to carry out this important work while managing costs to electric ratepayers.	
4	4.9	Northern California Power Agency and Golden State Power Cooperative	As noted in the Joint Utilities letter, the utilities are still trying to ascertain the full extent of the cost impacts from the General Order. Utilities will incur costs in fully assessing the scope of the proposed General Order given the broad scope and ambiguous mapping requirements. Obtaining more detailed cost information is difficult at this time, given the lack of a single mapping reference for applicability of the proposed General Order, as well as the need to ascertain the significant number of projects that would require NOIs and Tribal consultation, even for nonreporting Category A projects. The NCPA and GSPC members also foresee significant administrative costs from the proposed General Order associated with vegetation management activities given the broadened scope of the proposed General Order relevant to vegetation management (see Section III, below).	The Water Boards are not required to provide a map of all potentially applicable project locations, and no such map is available because applicability depends on project-specific information, including the location and type of utility infrastructure, the activity proposed, proximity to waters of the state, and site conditions. The Water Boards do not have access to statewide utility infrastructure and project planning data necessary to generate such a map. The General Order uses objective criteria to determine coverage, including proximity to waters of the state, soil disturbance thresholds, slope, and soil erodibility where applicable. Though a map of statewide water resources is not available, as discussed in response to comment 3.1, publicly available geospatial datasets may be used to support other project characteristics to determine if General Order coverage is necessary, including available elevation data for slope and K factor data for soil erodibility. Dischargers remain responsible for evaluating whether their proposed activities meet the applicable criteria for coverage under the General Order. Also, see response to comment 3.1 and General Response 2.
4	4.10	Northern California Power Agency and Golden State Power Cooperative	In the “Cost Consideration Discussion” in the Water Board Response to Comments staff makes assumptions about utility practices, the extent to which current practices can be parlayed into General Order compliance, and the longer-term cost burden for utilities, and then ultimately concludes that “many administrative and reporting costs will be subsequently negligible and/or minimized.”⁵ These assumptions, however, are not supported by the record. For example, Category B fees are based on discharge area, so projects with larger area of impact to waters will have higher fees, and to the extent that the project activities are not based on <i>actual discharges or proposed discharges</i>, the now-covered activities would require a fee where none was previously necessary. The utilities would also incur costs associated with the preparation of NOIs and the personnel resources needed to routinely monitor and report. These impacts are particularly burdensome for activities in rural or less populated areas. In fact, staff’s own analysis notes that “[s]maller publicly owned utilities and electric cooperatives located in rural areas could be disproportionately impacted by the General Order.”⁶ For one rural electric cooperative, the expanded scope of covered projects would amount to more than an additional \$20,000 a year for the annual permit alone. That increased cost burden is irrespective of the project-specific permit costs and costs associated with compiling, submitting, and administering the NOIs and permits. And all of these costs are in addition to the expenditures the utilities already incur to conduct the essential wildfire mitigation and restoration work for which they have already budgeted. NCPA and GSPC urge the Water Board to do a more comprehensive analysis of the costs <i>before</i> approving the General Order.⁷ 5 Water Board Response to Comments, pp. 165-167. 6 Response to Comments, p. 167.	See General Response 2 regarding comments on compliance costs and administrative burden. The General Order was revised to reduce several categories of costs identified by the commenters. Category A activities are not subject to fees, do not require an NOI or advance notification, and are no longer subject to the cultural resources conditions. Vegetation management activities are now Category A activities, and the Vegetation Management Impact Offset Plan requirement was removed. Pole replacement activities are also no longer covered based solely on proximity to waters of the state and are covered where they involve a discharge of dredged or fill material to waters of the state. The fee provisions were not revised in response to these comments. Applicable fees are determined by California Code of Regulations, title 23, section 2200. For Category B projects, the applicable fee depends on whether the project includes a discharge of dredged or fill material. Category B projects that include discharges of dredged or fill material for activities conducted pursuant to a wildfire mitigation plan are subject to the applicable Category H fee, which is assessed annually and covers dredged or fill discharge activities under the wildfire mitigation plan for that fiscal year. This annual fee reduces the need for separate project-specific fees for each dredge or fill project covered under the wildfire mitigation plan. Category B projects that do not include discharges of dredged or fill material are subject to the Threat to Water Quality Category 3 and Complexity Category C fee. The State Water Board recognizes that General Order implementation may provide additional information regarding how the existing fee schedule applies to

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			7 See Response to Comments, p. 168; (“Staff plan to reassess the number of covered activities one year after implementation, using collected data to evaluate potential scope refinements.”).	covered utility activities, including wildfire mitigation activities and activities conducted by smaller or rural utilities. The General Order includes a finding directing State Water Board staff to evaluate the applicable fees after one year of implementation and propose any recommended revisions as part of the Water Boards fee-setting process. Water Board Division of Water Quality and Division of Administrative Assistance will coordinate with the fee program during that evaluation, and utilities may provide information regarding implementation costs, project types, and fee impacts through the fee-setting process and any associated stakeholder outreach.
4	4.11	Northern California Power Agency and Golden State Power Cooperative	Furthermore, the cost analysis for implementation of the General Order should also take into account the fee structure that would be assessed for annual permits. While the existing fee structure for dredged and fill discharges and WDRs is being utilized for purposes of the General Order, ⁸ the manner in which that fee is assessed for wildfire mitigation activities is directly relevant to the overall analysis that the Water Board should conduct relative to the General Order cost impacts. For example, to the extent that the General Order would now require permits where none were previously needed, the fee schedule is based on total miles of utility infrastructure in a High Fire Threat District (HFTD). Rather, if the fee is necessary due to changes precipitated by the General Order, the fee should be assessed on the basis of the planned or proposed discharge into waters and not merely tied to infrastructure in the HFTD. The fact that the fee structure is overseen by the Division of Administrative Services Unit cannot preclude the assessment of the impact that the current fee structure has on the cost to implement the proposed General Order. 8 See Response to Comments, p. 124; (“The General Order relies on the existing fee structure for dredged and fill discharges and WDRs. Comments on the annual fee process should be provided to the Division of Administrative Services Unit.”).	See response to comment 4.10. No fees are required for Category A projects. The Category H fees assessed based on the total miles of utility infrastructure in High Fire Threat Districts is triggered only if utilities have a project with discharges of dredged or fill material. If utilities have not previously had a project with discharges of dredged or fill material that triggered Category H fees, then it is not likely that in the future these utilities would need to pay Category H fees, or at least not on a yearly basis.
4	4.12	Northern California Power Agency and Golden State Power Cooperative	III. Changes to Vegetation Management Triggers under the Proposed General Order are Unduly Burdensome and have no Nexus to Planned or Proposed Discharges The only reasonable interpretation of the proposed General Order that does not expand the current permitting is that the indicia listed in the General Order are only triggers for application of the rule when there is an actual planned or proposed discharge. For example, as revised, according to staff’s discussion and Response to Comments, the proposed General Order would apply to vegetation management activities within 50 feet of any waters of the state without any soil disturbance threshold.⁹ Anecdotaly, it has been noted by staff that this threshold for distance alone is necessary because projects closer to the water are more likely to result in discharge. However, there is nothing in the record to support this explanation, nor demonstrate <i>how</i> mere proximity increases the likelihood given that some activities within 50 feet of water could have no soil disturbance whatsoever. NCPA and GSPC urge the Board to recognize the significant impediment this would present to timely completion of essential vegetation management activities, and rather focus on	See responses to comments 1.11 and 1.3.

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			projects that would in fact result in soil disturbance by applying the common sense interpretation above that only vegetation management activities within 50 feet of waters that <i>also threaten discharge would fall under the General Order.</i> 9 See Response to Comments, p. 43; (“For vegetation management activities, the General Order was revised to cover activities that require any vegetation management activity within 50 feet of waters.”); p. 68 (“The General Order was revised to require coverage for all vegetation management activities within 50 feet of waters.”)	
4	4.13	Northern California Power Agency and Golden State Power Cooperative	IV. Urgent Response Provisions and Timelines are too Narrowly Drafted NCPA and GSPC urge the Board to revise the urgent response provisions as set forth in the Joint Utilities Redline, and ensure that implementation of the General Order does not impede the ability of the utilities to provide safe and reliable electricity, or restore service after an unexpected interruption. To the extent that the proposed General Order is intended to consolidate permitting for wildfire mitigation and restoration activities, the provisions of the rule should encompass the kinds of urgent response activities utilities must carry out. Staff’s deferral to the emergency permit provisions outside of the General Order would create needless additional barriers and complexities to timely completion of projects.¹⁰ The General Order should allow for all “wildfire recovery activities” under the urgent response provisions and not attempt to distinguish between such activities and “emergencies” as they are defined in other sections. 10 See Response to Comments, p. 37; (“Water Boards’ emergency permits remains the most appropriate mechanism to expedite critical restoration activities. This allows utilities to address immediate threats without delay.”).	See response to comment 1.15.
4	4.14	Northern California Power Agency and Golden State Power Cooperative	It is important that utilities be able to conduct urgent repairs without undue delay and the General Order should allow for initiation of urgent projects without the 48-hour advanced notice period, if necessary. While NCPA and GSPC understand the Water Board’s interest in having some advance notification, there are instances where immediate action must be taken, and it would be infeasible or unsafe to wait 48 hours for the notification period. In those instances, the General Order must allow for timely, after-the-fact notification. Rather than requiring a completely different process, NCPA and GSPC recommend that the General Order include the same notification provisions for the urgent response activities as already included in the Emergency Repair and Project Activities (48-hour prior notice, or notification within one business day of initiation of the project if 48-hour notice is not possible).	See response to comment 1.15.
4	4.15	Northern California Power Agency and Golden State Power Cooperative	The timelines for completion of work carried under the “urgent response” provisions do not take into account the manner in which work is very often carried out. Responding to wildfire events or urgent activities often times requires utilities to implement short-term fixes to enable the safe restoration of service or avoid an outage, but which need to be supplemented by permanent repairs pending personnel	See response to comment 1.16.

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			scheduling and equipment acquisition. While the proposed General Order contemplates up to four weeks for completion of these urgent tasks, it fails to recognize that acquisition of necessary equipment and even scheduling staff are likely to exceed the four weeks that may be allowed, let alone the initial two weeks permitted under the rule. NCPA and GSPC recommend that the final General Order be revised to address reasonable timelines for completion of urgent response activities, consistent with the California Utilities Letter and the Joint Utilities Redline.¹¹ ¹¹ The impacts of these provisions also include the added personnel resources that would be needed to administer the paperwork and monitor the timelines; again, for smaller agencies, this additional reporting and administrative obligation would have to be met by the same personnel that are needed to perform the critical operations, maintenance, and repairs.	
4	4.16	Northern California Power Agency and Golden State Power Cooperative	V. Tribal Notification Provisions Should be Modified NCPA and GSPC members are fully committed to doing their part to ensure that utility work does not adversely impact Tribal cultural resources. We support the detailed discussion regarding the Tribal consultation requirement set forth in the California Utilities Letter and urge the Board to amend the proposed General Order accordingly. Further, we wish to note that since some Tribes are federally recognized and the reservations are federal jurisdiction, projects on Tribal lands are generally California Environmental Quality Act (CEQA) exempt but do fall under the jurisdiction of the National Environmental Policy Act (NEPA); as such different processes would be necessary for utility work on Tribal land that are not subject to CEQA requirements. For projects that are subject to CEQA, there would necessarily have been Tribal consultation before the CEQA process was finalized; in those instances, there should be no further notification requirements under the General Order for any maintenance or operational work associated with the same underlying project. As noted in the proposed Joint Utilities Redline and the California Utilities Letter, the requirements should apply only to new construction or activities where there will be new proposed discharges to waters of the state.	The Order does not apply to projects on Tribal lands within federal jurisdiction. The Order (Section IV.L.2.c.iii) allows for projects that are already conducting consultation with a similar scope for both state and federally recognized Tribes to have satisfied the Tribal coordination requirement. The General Order has been revised to remove the requirement for Category A projects to comply with the cultural resources conditions. This will reduce the volume of projects that are required to comply with the cultural resources conditions, including many operations and maintenance activities. The General Order was not revised to limit the cultural resources conditions to new construction or activities where there will be new proposed discharges to waters of the state as that would assume that prior disturbance determines the presence of cultural resources, which is not true for all resources.
4	4.17	Northern California Power Agency and Golden State Power Cooperative	We would also like to note that GSPC members serve the Cahuilla Tribe, the Santa Rosa Band of Cahuilla Indians, and the Ramona Band of Cahuilla Indians. Recognizing the importance of partnering with the Tribes to preserve their cultural resources, those members have existing consultation processes with each Tribe already. These consultation processes can become lengthy and will always include cultural monitoring, but do not necessarily follow the prescriptive mandates set forth in the proposed General Order.	Comment noted.
4	4.18	Northern California Power Agency and Golden State Power Cooperative	VI. The Water Board, Electric Utilities, and Impacted Stakeholders Would Benefit from Deferred Implementation of the Proposed General Order As more fully discussed in the California Utilities Letter, there are several factors that will impact the implementation of any rules, including the permitting proposal in the	The State Water Board will determine the effective date upon adoption. A delayed implementation could allow permittees time to prepare for compliance and to allow development of training and other implementation tools. Applicability of the General Order is based on when covered project activities

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			General Order. To ensure that new rules and their attendant processes can be implemented without delay or disruption to the critical work that utilities are already conducting – both for wildfire mitigation and restoration efforts and ongoing maintenance of their electrical distribution and transmission facilities – implementation and enforcement of the new rules prescribed in the proposed General Order should not occur for at least 12 months after final approval of the General Order. It is also important that completion of projects already approved, budgeted, and in progress not be impeded by implementation of the General Order; to that end, any adopted rule should only apply prospectively.	are conducted after the effective date, not when internal utility planning, budgeting, scheduling, or design activities occurred. Because the General Order regulates project activities that could discharge waste to waters of the state, rather than utility planning or budgeting decisions, excluding projects already in planning or design would leave a substantial number of project activities with impacts to water quality outside the scope of the General Order solely because planning occurred before the effective date. In addition, the General Order has been under development since 2022, providing utilities with substantial notice that permitting requirements were under consideration.
4	4.19	Northern California Power Agency and Golden State Power Cooperative	VII. Conclusion GSPC/NCPA appreciate the opportunity to work with Water Board staff and the ongoing collaboration in developing the best possible rule that will enable the utilities to successfully carry out the work that is so critical to ensuring safe, reliable, and resilient electricity and protecting the state’s water resources. We urge the Water Board to direct changes to the proposed General Order discussed in these comments, the California Utilities Letter, and the Joint Public Agency Utilities Letter, and consistent with the proposed revisions reflected in the Joint Utilities Redline.	Comment noted.
4	4.20	Northern California Power Agency and Golden State Power Cooperative	Section/Description: II.N “For activities that include dredge or fill activities or disturb over half an acre of soil in areas with steep slopes and highly erodible soils, Dischargers will submit an NOI...” Comment: This is inconsistent with Category A and B classification below. See also Attachment A. For example, Staging Areas and Laydown Yards are triggered by 0.5 acres of soil disturbance, but Attachment A says they are Category A unless it will result in a discharge of dredge or fill materials to waters of the state.	Finding L (previously N) removes the specific examples and identifies the section of the General Order that contains the criteria for when an NOI is required.
4	4.21	Northern California Power Agency and Golden State Power Cooperative	Section/Description: III.K K. Electric Utility Infrastructure Lowering, Maintenance, Replacement or Removal: lowering, raising, maintenance, replacement, or removal of electric utility infrastructure due to age, size, design, and/or condition that results in: - soil disturbance within 50 feet of any waters of the state, or - cumulatively results in over 0.50 acre of soil disturbance in locations with slopes equal to or greater than 30% and soils with an erodibility K factor equal to or greater than 0.2. Comment: Utilities recommend striking this entire activity from this section.	See response to comment 2.17.

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4	4.22	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV “Provided General Order conditions are adhered to, this General Order provides reasonable assurance that projects authorized under this General Order will comply with state water quality requirements.” Comment: Under 40 CFR 121.7, a 401 certification must state that an activity will comply with water quality standards, not that it provides “reasonable assurances” that the activities will comply with water quality standards. As drafted, Section IV. Conditions is not compliant with 401 certification requirements and should be revised.	See response to comment 2.40.
4	4.23	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.A.3 “Projects that are not covered under the Construction General Permit shall obtain coverage under this General Order for eligible activities. If the Project is required to obtain coverage under the Construction General Permit for only part of its land disturbance activities and other portions of the project are eligible for enrollment in this General Order, compliance with the Construction General Permit constitutes compliance with Sections IV.F.1 through 4, 9 through 12; 23; 25; Section IV.K; Section IV.L; and Section IV.R.1.f; and Dischargers shall comply with all other conditions in this General Order.” Comment: The Board should clarify Section IV.3. The General Order should clearly state that Dischargers don’t need coverage under this if the whole project is covered under the NPDES Construction Stormwater General Permit (CGP). As currently drafted, the language is at best unclear and at worst subject to multiple interpretations. It is unclear if a project which has coverage for all activities under the CGP would also require coverage under the utilities general order. The utilities believe that it would be inefficient to require concurrent enrollment for projects covered completely under one permit. This is especially true for any Class A activity, which by definition, do not include discharge to waters of the state (see Section E.1 “project activities must not result in a discharge of dredge or fill materials”) where the only threat to water quality may through be a discharge to land that may be mobilize by storm water. Discharges of this type, when it meets the relevant size threshold, are regulated properly under the CGP, and requiring enrollment under a new WDR mechanism would institute new and unprecedentedly administrative burdens for work already regulated by the Water Boards.	See responsive to comment 2.41.

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4	4.24	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.B.1 “Permitted actions must not cause a violation of any applicable water quality objectives or water quality control plans, including impairment of designated beneficial uses for receiving waters as adopted in any applicable Water Board water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.” Comment: These types of end-result permit requirements were recently determined to be invalid in City and County of San Francisco, California v. Environmental Protection Agency (145 S.Ct. 704). The condition established in the Utilities General Order holds the same fatal flaw as the condition at issue in that case. Namely, Section IV.B.1 prohibits the discharger from making any discharge that causes “a violation of any applicable water quality standard for receiving waters.” (Id. 713.) The Supreme Court determined that Section 1311(b)(1)(C), which applies to both NPDES permits and 401 certifications, “does not authorize EPA to impose NPDES permit requirements that condition permit holders’ compliance on whether receiving waters meet applicable water quality standards.” (Id. 715.) The same would hold true for permit requirements that condition 401 certifications in the same way. As such, Section IV.B.1 contains invalid permit conditions and should be struck from the Utilities General Order.	See response to comment 2.42.
4	4.25	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.C.2 “This General Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless pertinent certification application was filed pursuant to subsection 2855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.” Comment: This appears to cite the wrong regulation. It is also unclear whether it should state “certification application” or should refer to submitting an NOI?	See response to comment 2.43.

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4	4.26	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.E.1.a “Project activities will be limited to Vegetation Management; Herbicide Application; Pole/Tower Repairs, Maintenance, or Replacement; Substation Maintenance; Structural Conversion; Overhead Line Reconductoring; Undergrounding Powerlines; or Electric Utility Infrastructure Lowering, Maintenance, Replacement or Removal.” Comment: This appears to lack Staging Areas and Laydown Yards and Boardwalk Repairs or Replacement, which are listed as Category A if they will not result in discharge of dredge or fill materials to waters in Attachment A.	See response to comment 2.44.
4	4.27	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.E.2.b “At least 30 days prior to beginning work, Category A Dischargers shall notify the Water Boards of any Vegetation Management activities that meet the following criteria to determine if a Vegetation Management Impact Offset Plan is required (Section IV.M.).” Comment: A requirement to consult with the Board at least 30 days prior to veg work to determine the need for a VMIOF does not streamline, and in fact does the opposite. The sheer number of vegetation management activities would overload the Water Board with requests and result in unintentional delays to critical vegetation management work. Utilities suggest to modify the text per our suggested redlines such that VMIOF triggers are clearly identified. Utilities can determine when impact offsets are needed, and implement those on their own. Since this information would be tracked along with other information for Cat A activities, it still allows the Water Board to request the data at any time so there is still an avenue for oversight, but not such that it would overload Water Board staff or delay important veg mgt projects. Additionally, the utilities would consider submitting VMIOF activity in an annual report if desired by the Water Board. Proposed Revision for Section IV.E.2.b: <u>“Utilities shall At least 30 days prior to beginning work, Category A Dischargers shall notify the Water Boards of any Vegetation Management activities that meet the following criteria to determine if a vegetation impact offsets are required as identified in the utilities’ programmatic Vegetation Management Impact Offset Plan-is required (Section IV.M) for any proposed vegetation management activities based on the criteria outlined in E.2.b.i and document findings and any impact offset actions implemented in the Category A activity tracker.”</u>	See response to comment 2.45.

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4	4.28	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.E.2.b.i “The project activity occurs within 50 feet of any waterbody listed as impaired on the 2024 Clean Water Act Section 303(d) List (downloaded March 7, 2024 and posted on the State Water Board’s webpage at https://waterboards.ca.gov/water_issues/programs/cwa401/stat ewide-utility-wildfire-mitigation-general-order.html) for sediment, nutrients, temperature, or related impairments (i.e., turbidity, biostimulatory substances)...” Comment: Utilities suggest clarifying when veg impact offsets would be required, which should be based on the potential for an impact, not merely work occurring adjacent to an impaired water.	See response to comment 1.14.
4	4.29	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.E.3.a.ii. “Other Urgent Response Activities Non-wildfire related response activities may be conducted when unforeseen weather events or other circumstances beyond the Discharger’s control necessitate immediate action to prevent service interruption or imminent shutoff of electric service. The Discharger must complete the project within fourteen (14) days of the construction start date. If delays occur due to circumstances beyond the Discharger’s control, the Discharger may request a one-time, two-week, extension.” Proposed Revision for Section IV.E.3.a.ii: Other Urgent Response Activities Non-wildfire related response activities may be conducted when unforeseen weather events or other circumstances beyond the Discharger’s control necessitate immediate action to prevent service interruption or imminent shutoff of electric service. <u>Other Urgent Response Activities are defined as exigencies requiring immediate action to address or prevent potential or ongoing risks to public safety, grid reliability, or critical infrastructure. This includes, but is not limited to, weather events, equipment failures or malfunctions, infrastructure threats, acts of vandalism, natural disasters, existing regulatory obligations, regulatory changes, or unforeseen operational challenges.</u> The Discharger must aim to begin the project as soon as reasonable. complete the project within fourteen (14) days of the construction start date. If delays occur due to circumstances beyond the Discharger’s control, the Discharger may request <u>extensions with appropriate justification.</u> A one-time, two-week, extension.	See response to comment 2.25.

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4	4.30	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.E.3.c “Category B Notice of Intent Contents, Submission, and Approval Process: Prior to NOI submission, Category B Dischargers shall adhere to all applicable Tribal Cultural Resources Conditions (Section IV.G).” Comment: Suggested edits for clarity. Proposed Revision for Section IV.E.3.c: “Category B Notice of Intent Contents, Submission, and Approval Process: Prior to NOI submission, Category B Dischargers shall adhere to all applicable Tribal Cultural Resources Conditions (Section IV.G). <u>Consistent with Section IV.G.4.a., Urgent Response Activities are exempt from Tribal and Cultural Resource Notifications.</u>”	The cultural resources conditions do not apply to Urgent Response Activities (Section IV.E.3.c.i.2).
4	4.31	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.E.3.c.ii.1 "Within thirty (30) days from the NOI receipt date, incomplete NOIs will be returned with a description of information needed to satisfy the deficiency(ies)." Comment: Utilities request the Water Board to define the review and approval timeline for NOIs that require revisions and resubmittal.	See response to comment 2.47.
4	4.32	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.E.3.d.i.1 “To qualify for consolidated enrollment, a programmatic Erosion and Sediment Control Plan (Section IV.K.); and Vegetation Management Impact Offset Plan (Section IV.M.), if applicable, must be developed and submitted to the applicable Water Board for approval in advance.” Comment: Per previous comments, utilities suggest an option for a programmatic VMIOP, which would result in significant streamlining benefits.	See response to comment 1.14.
4	4.33	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.E.3.d.i.1 “To qualify for consolidated enrollment, a programmatic Erosion and Sediment Control Plan (Section IV.K.); and Vegetation Management Impact Offset Plan (Section IV.M.), if applicable, must be developed and submitted to the applicable Water Board for approval in advance.” Comment: Utilities request additional detail on how far in advance of an activity the programmatic plan must be submitted. The Water Board should provide a commitment for how long	See response to comment 2.48.

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			they will require to review and approve/disapprove the plan. We also request the ability to proceed if a response is not received within 30 days.	
4	4.34	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.E.3.d Comment: Regarding Section VI.E.3.d Optional Category B Consolidated Enrollment. The utilities thank the Water Board for including Consolidated Enrollment as an option, as it may be a step towards the streamlining that the Water Board identifies as a goal of this General Order. However, as it is currently drafted it is functionally useless for Category B activities and adds no meaningful streamlining benefit. Section VI.E.3.d.1.2 states that “Category B projects that discharge dredge or fill materials to waters of the state shall submit an individual Notice of Intent in all instances.” Of the 11 project activities eligible for enrollment under the General Order as a Category B, eight require the discharge of dredge or fill material into waters of the state. Only 2, Vegetation Management, and Site Access and Development could, in theory, be both a Category B activity and have no discharge or dredge of fill into waters of the state. Therefore, Consolidated Enrollment, is not available for the vast majority of utility maintenance and wildfire prevention work, severely limiting this potentially important streamlining opportunity. The Water Board should remove the limitation and allow for projects which include discharge of dredge and fill into waters of the state to utilize consolidated enrollment.	See response to comment 2.49.
4	4.35	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.E.3.d.ii.1.c “The Tribal and Cultural Resources Report (Section IV.G.2.c.viii).” Comment: Suggest calling this a Cultural Resources Report since Tribes are not preparing it. Proposed revision to Section IV.E.3.d.ii.1.c: “The Tribal and Cultural Resources Report (Section IV.G.2.c.viii).”	See response to comment 2.50.
4	4.36	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.E.3.d.ii.1.c “The Tribal and Cultural Resources Report (Section IV.G.2.c.viii).” Proposed revision to Section IV.E.3.d.ii.1.c: “The Tribal and Cultural Resources Report (Section IV.G.2.c.viii). <u>Confidential mapping will be restricted to only qualified individuals.</u> ”	Dischargers are required to maintain confidentiality of resource locations and provide worker training on any applicable mitigation measures. This requirement is consistent with existing cultural resources protection practices and does not preclude the Discharger from providing project personnel with the information necessary to implement avoidance measures, work restriction zones, exclusion areas, or other mitigation measures. As part of standard implementation, sensitive locational information may be communicated in a limited manner to personnel with a need to know the information to protect resources and comply with applicable treatment measures. Where appropriate, information should also be generalized or

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				anonymized, such as by identifying an avoidance area or work restriction zone without disclosing the nature, precise location, or significance of the resource.
4	4.37	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.E.3.d.iv.2 “Consolidated Enrollment Dischargers satisfy Annual Reporting (Section IV.Q) requirements by providing a status report on all project activities enrolled under the Consolidated Enrollment Process every six months from the date of initial notification. The report shall include a brief status update (pre-construction, active construction, post-construction monitoring, or complete) and the date of the most recent status change.” Comment: Utilities question why this reporting requirement would be more intensive for consolidated activities, where the assumed intention is to streamline. Suggest reporting frequency is annual. Proposed revision to Section IV.E.3.d.iv.2: “Consolidated Enrollment Dischargers satisfy Annual Reporting (Section IV.Q) requirements by providing a status report on all project activities enrolled under the Consolidated Enrollment Process every six months <u>annually</u> from the date of initial notification. The report shall include a brief status update (pre-construction, active construction, post-construction monitoring, or complete) and the date of the most recent status change.”	See response to comment 2.51.
4	4.38	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.F.5 “Trout and salmon/anadromous salmonids: When project activities must be conducted within or adjacent to watercourses that have the potential to support anadromous salmonids, the Dischargers should consult with a qualified biologist during the project planning phase to ensure habitat features essential to anadromous salmonids are retained...” Comment: Please confirm what "consult" means in this instance. Utilities assume it doesn't imply anything formal, but rather ensuring a capable biologist reviews the project for potential impacts to anadromous salmonid habitat.	See response to comment 2.52.

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4	4.39	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.F.5 “Trout and salmon/anadromous salmonids: When project activities must be conducted within or adjacent to watercourses that have the potential to support anadromous salmonids, the Dischargers should consult with a qualified biologist during the project planning phase to ensure habitat features essential to anadromous salmonids are retained...” Comment: Utilities assume a qualified biologist can be appointed at our discretion.	See response to comment 2.53.
4	4.40	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.F.5 “...<i>Project activities</i> should avoid dewatering or sedimentation during periods when salmonoids will be present. Work should follow the recommendations of the California Salmonid Stream Habitat Restoration Manual (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=22660) and the appropriate recovery plans for salmonids.” Comment: Utilities recommend striking this statement and allowing the qualified biologist to provide their expertise.	See response to comment 2.54.
4	4.41	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.F.11.c “Dischargers that use non-vegetative erosion control methods, such as stabilizing soil using bonded-fiber matrices, hydromulches, spray tackifiers, or other land-applied products shall apply the product according to the manufacturer’s instructions and guidance, including allowing for ample cure time and to prevent treatment chemicals from being transported by runoff.” Comment: This appears to be duplicative of 10.f.; suggest removal.	See response to comment 2.55.
4	4.42	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.F.22 Comment: The General Order fails to clearly establish when Vegetation Management Impact Offset Plans are required. Rather, it states that a Dischargers shall ask the Water Board if one is required when work is occurring in specific areas. Section IV.M fails to establish criteria that Water Boards would use to determine when a Vegetation Offset Plan would be required. Leaving the determination for when this costly mitigation requirement would apply completely up to the discretion of the Water Boards, with no insight provided to the Discharger. Compounding this fact, there is no timeline	See response to comment 1.14.

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			established for when the Water Boards must reply to the inquiry or provide a determination that a plan is required, even for Class A activities.	
4	4.43	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.F.22. Comment: The Vegetation Management Impact Offset Plan does not streamline the enrollment process in any way, it is in fact more onerous then an individual WDR. For an individual WDR acquired following the State Policy for Water Control: State Wetland Definition and Procedures for Discharges of Dredge or Fill Material to Waters of the State (Procedure), it is clear that all locations of temporary impact require a restoration plan. The Utilities General Oder adds in a consultation step which adds no streamlining benefit, adding additional time and cost to the execution of vegetation management work. Further, the elements of a Vegetation Management Impact Offset Plan is essentially the same as the temporary impact restoration plan elements outlined in the Procedure. In fact, it removes and important streamlining option, passive restoration, which is available under an individual WDR acquired under the Procedure. The Vegetation Management Impact Plan must be revised to streamline important vegetation management work that has a low risk to water quality. The current draft only adds delay, cost, and confusion to the implementation of this Utilities General Order.	See response to comment 1.14.
4	4.44	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.F.24. Comment: Herbicide use rates and application methods are clearly defined on the label and regulated by the Department of Pesticide Regulation. It is well established that "the label is the law." The introduction of additional rules may cause confusion for those who hold the proper licenses and adhere to the labels, which are based on studies and approved by the Department of Pesticide Regulation.	See response to comment 2.56.
4	4.45	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.F.25 "Dischargers shall stabilize project areas by implementing the following conditions:" Comment: Final Stabilization is not applicable to projects that do not have ground disturbance. This should be clarified per the suggested text edit. Proposed Revision to Section IV.F.25: "Dischargers shall stabilize project areas by implementing the following conditions <u>for ground disturbing activity</u>:"	See response to comment 2.57.

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4	4.46	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.G.2 “Tribal Cultural Resources Evaluation Procedures and Mitigation Measure Development. Except as set forth in Section IV of this General Order, the Discharger shall comply with the following Tribal Cultural Resources process to ensure Tribal Cultural Resources are identified and protected:” Comment: This process is problematic for vegetation work. A 60-day minimum timeline between a patrol and the prescribed work occurring isn't feasible and would in many cases result in utilities not able to perform important veg work prior to fire season. Instead the utilities suggest that vegetation management work be handled as its own category such that it would be reported after the fact, annually. The utilities would be open to working with the Water Board on appropriate format/content of an annual vegetation report, or information to be tracked as part of Category A activity tracker, that would be available to the Water Board upon request.	See response to comment 1.19.
4	4.47	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.G.2 “Tribal Cultural Resources Evaluation Procedures and Mitigation Measure Development. Except as set forth in Section IV of this General Order, the Discharger shall comply with the following Tribal Cultural Resources process to ensure Tribal Cultural Resources are identified and protected:” Comment: Utilities recommend the tribal cultural resources requirements should only apply to ground disturbing activities enrolled in the General Order.	See response to comment 1.19. Cultural resources conditions apply only to Category B activities. Category B activities generally involve ground disturbance or discharges of dredged or fill material. For example, placing rock or other fill material within a stream channel for scour protection may require Category B review even where the activity does not involve separate upland soil disturbance.
4	4.48	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.G.2.c “In the event of a positive CHRIS result or Sacred Lands File Search...” Comment: Need to language to describe precontact sites. Otherwise, this could include historic sites as well. Proposed revision to Section IV.G.2.c: “In the event of a positive CHRIS result (precontact archaeological site [excluding isolates]) or Sacred Lands File Search...”	See response to comment 2.32
4	4.49	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.G.2.c.iii “In cases where Tribe(s) are coordinating, treatment measures will be developed by the Discharger in cooperation with the coordinating Tribe(s) and submitted to the Water Board for approval...”	See response to comment 2.59.

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			Comment: Category A projects are described as non-notifying and non-reporting. Additionally, in the Water Board's responses to comments on the previous draft, it was discussed that a report was only needed for Category B projects. This requirement for the Water Board to approve treatment measures for Category A projects should be removed. If a lead agency is conducting government-to- government consultation on a given project, should the Water Board still need to approve treatment measures since they would not be the lead agency of the project? Given the above confusion, it is suggested to strike this part from the requirements, as there is already a requirement below for Utilities to submit a report to the Water Board for Category B projects. If not removed, no timeline or process for approval is included. This comment was also made on the previous draft.	
4	4.50	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.G.2.c.v “If requested by an affiliated Tribe, a pedestrian survey will be conducted by a qualified archaeologist to identify and record resources. Affiliated Tribes must be given the opportunity to accompany the archaeologist during the pedestrian survey or to visit the site and assess impacts to previously recorded sites...” Comment: This is too broad and potentially opens up the utilities to conducting multiple site visits depending on the number of Tribes that respond to a single project.	See response to comment 2.60.
4	4.51	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.G.2.c.v If requested by an affiliated Tribe, a pedestrian survey will be conducted by a qualified archaeologist to identify and record resources. Affiliated Tribes must be given the opportunity to accompany the archaeologist during the pedestrian survey or to visit the site and assess impacts to previously recorded sites. A copy of the Tribal Cultural Resources Assessment should be provided to the affiliated Tribes. The new pedestrian survey does not need to be conducted if a pedestrian survey was conducted in the previous 10 years for the specific parcel or parcels where the project activities are proposed to occur. Comment: Need to specify that this will not be a report since Category A project do not require a report.	See response to comment 2.35.

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4	4.52	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.G.2.c.v “If requested by an affiliated Tribe, a pedestrian survey will be conducted by a qualified archaeologist to identify and record resources. Affiliated Tribes must be given the opportunity to accompany the archaeologist during the pedestrian survey or to visit the site and assess impacts to previously recorded sites. A copy of the Tribal Cultural Resources Assessment should be provided to the affiliated Tribes. The new pedestrian survey does not need to be conducted if a pedestrian survey was conducted in the previous 10 years for the specific parcel or parcels where the project activities are proposed to occur.” Comment: Suggested edits to clarify what is expected. Proposed Revisions to Section IV.G.2.c.v: If requested by an affiliated Tribe, a pedestrian survey will be conducted by a qualified archaeologist to identify and record resources <u>unless the area is developed, on a steep slope, or where the potential for cultural resources is low.</u> Affiliated tribes Tribes must be given the opportunity to accompany the archaeologist during the pedestrian survey or to visit the site and assess impacts to previously recorded sites. A copy summary via email of the Tribal Cultural Resources Assessment CHRIS record search, Sacred Lands File Search, and cultural resources studies, if any, completed by the Discharges could <u>should</u> be provided to the affiliated Tribes <u>upon request.</u> The <u>A</u> new pedestrian survey does not need to be conducted if a pedestrian survey was conducted in the previous 10 years for the specific parcel or parcels where the project activities are proposed to occur.	See response to comment 2.35.
4	4.53	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.G.2.c.vi.1. “The Discharger shall provide to the applicable Water Board a Tribal and Cultural Resources Report detailing the Discharger’s attempt to consult with Tribe(s) in good faith, a description of Tribe requested treatment measures and why the measures would be infeasible, and alternative mitigation measures that protect the integrity of the site.” Comment: Suggest keeping this titled as the Cultural Resources Report since it is being prepared by the Utilities or their consultants (not the Tribes).	See response to comment 2.50

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4	4.54	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.G.2.c.vii “Treatment measures shall be implemented for the duration of project activities only when there is a potential to impact the site(s).” Comment: Suggest adding clarification that treatment measures only must be implemented until the potentially impactful activity is complete.	See response to comment 2.36
4	4.55	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.G.2.c.ix “Category A projects shall retain the Tribal and Cultural Resources Report and provide a copy to the Water Boards upon request.” Comment: In the spirit of streamlining, for Category A, tribal review information could easily be housed in the Cat A project tracking spreadsheet or database and that option should be available to utilities if they choose. This should be an option. Proposed Revision to Section IV.G.2.c.ix: “Category A projects shall retain the above information-the Tribal and Cultural Resources Report and provide a copy to the Water Boards upon request. <u>The information listed above may be retained in a stand-alone Tribal and Cultural Resources Report or in a tracking spreadsheet along with other Category A project details.</u>”	See response to comment 1.19.
4	4.56	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.H “If standing or flowing water within a water of the state is within 50 feet of active construction, visual monitoring shall be conducted at least once daily during active construction to detect discharge of construction related pollutants (e.g., oil and grease, sediment and earthen materials, uncured concrete).” Comment: This is an excessive requirement for work activities performed in uplands outside the boundaries of waters of the state. Instead, water quality monitoring should be limited to Category B activities that plan or propose discharges to waters of the state. Furthermore, this poses significant administrative and technological challenges for implementation.	See response to comment 2.61.

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4	4.57	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.I.2 “Following notification to OES, Dischargers shall notify the Water Board within 24 hours. Notification may be delivered via written notice, email, or other verifiable means.” Comment: To ease administrative burden, utilities recommend removing these criteria. Currently, utilities must notify OES of spills, and OES will notify the Water Boards. Requiring utilities to provide duplicative notifications to the Water Board is a redundant effort that will increase administrative burden for utilities.	See response to comment 2.62.
4	4.58	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.K “Category A Dischargers shall inspect at least five percent (5%) of active projects in each Category A activity type category for which they have projects as of September 1, as described in Section IV.L.2, below. Any evidence of BMP failure or erosion caused by project activities with the potential to transport sediment to receiving waters of the state shall be repaired with applicable BMPs, and a report shall be made in accordance with the Attachments D and E.” Comment: Generating and submitting up to 4 inspection reports per year per monitored activity would result in an excessive amount of documentation, particularly considering 5% of Cat A at 4 reports/year. Utilities suggest only reporting on such activities on an annual basis with the option for Water Boards to request this information as needed.	See response to comment 2.63.
4	4.59	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.P “Unless authorized as a Urgent Response Activity, Category B Dischargers shall submit a Commencement of Construction Report to the Water Board at least seven (7) days prior to start of initial soil disturbance activities...” Comment: Utilities recommend revising this condition to reduce administrative burden. Utilities are required to provide construction start and end dates as well as whether the CGP applies in the NOI. A commencement of construction notification, then, should only be required if the actual construction dates differ from what is reported in the NOI to keep Water Boards apprised of schedule changes. This would further streamline the General Order by reducing reporting requirements.	See response to comment 2.65.

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4	4.60	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.Q “Dischargers shall provide at least one annual report; in the event the project is completed in less than one year. Dischargers may consolidate Annual Report contents listed in Reporting and Notifications (Attachment E) for multiple projects into a single Annual Report.” Comment: Suggested change to required reporting to reduce paperwork. Relevant information can be captured in the "Request for Notice of Project Complete Letter" Proposed Revision to Section IV.Q: “Dischargers shall provide at least one annual report; in the event the project is completed in less than one year, <u>an Annual Report may not be required if it begins after June 1 and is completed prior to December 31 of the same calendar year.</u>”	See response to comment 2.66.
4	4.61	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.S.1 “Except for Urgent Response Activities, Category B Dischargers shall notify the Water Board at least forty-eight (48) hours prior to initiating work in any stream channel regardless of whether there is standing or flowing water. Notification may be delivered via written notice, email, or other verifiable means.” Comment: Utilities understand this is a common notification required in 401 Certifications and Waste Discharge Requirements. However, we request the Water Board to waive this requirement from the General Order to reduce administrative burden. Utilities will already be required to notify the Water Board of construction dates in the NOI, which would include activities that plan or propose discharges of dredge and fill material. Therefore, providing a second notification for the commencement of in-water work is duplicative and unnecessary when Water Boards have already been informed of the project schedule.	See response to comment 2.67.
4	4.62	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.S.5 “Within seven (7) working days following completion of work in all waters of the state, an In-Water Work and Diversions Water Quality Monitoring Report shall be provided to Water Board staff.” Comment: To ease administrative burden and reduce the number of standalone reports required for a given activity, utilities recommend consolidating this report into the Annual Report. Other conditions will require notification to Water Boards if the in-water work creates water quality issues, for example the Violation of Compliance with Water Quality Control Plan and Discharges of Hazardous Materials notifications. Therefore,	See response to comment 2.68.

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			if work was performed according to plan without creating any water quality issues, an annual report is an appropriate document to report this information	
4	4.63	Northern California Power Agency and Golden State Power Cooperative	Section/Description: IV.T “Project Modifications: Modifications to Category B Project Activities that include in-water work and that render avoidance, minimization, or mitigation of impacts to waters of the state infeasible, including those due to other agency permit conditions, require submission of a Modifications to Project Report before deviating from activities authorized in an NOA. Such modifications may necessitate amending the NOA to maintain coverage under this General Order.” Comment: Utilities request the Water Board to provide a timeline for providing an NOA. For example, “If an NOA or response to a Modifications to Project Report is not received within 7 days, utilities may proceed with the work.”	See response to comment 2.69.
4	4.64	Northern California Power Agency and Golden State Power Cooperative	Proposed Revision to Section VIII: “VIII. Deferred Implementation: Recognizing the need for Dischargers to adapt processes, technology, and finances to comply with new requirements, this General Order shall take effect no earlier than 12 months after the adoption date below (Implementation Date). Utilities may request to delay the Implementation Date subject to approval by the Executive Director. Such a request must show the Discharger’s good faith efforts to implement the General Order’s provisions and identify remaining barriers to implementation. This General Order applies exclusively to projects initiated by utilities after the Implementation Date. Projects in any phase of planning, design, permitting or construction upon the Implementation Date are exempt from this Order.”	See response to comments 1.9 and 2.26. The State Water Board will consider the amount of time that may be needed for the utilities to prepare for implementation at the time of adoption. If utilities identify new and unanticipated implementation challenges that necessitate additional time prior to the effective date, utilities may request a modification of the General Order, but such a decision would be appropriate to be considered by the State Water Board with notice to all interested parties.
5	5.1	Los Angeles Department of Water and Power	The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to comment on the draft of the Utility Wildfire and Similar Operations and Maintenance Activities Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements General Order (Draft General Order). LADWP is the largest municipality owned utility in the nation providing water and power to four million residents and businesses in the City of Los Angeles (City) and portions of the Owens Valley and Eastern Sierras. LADWP owns, operates, and maintains over 7,000 miles of overhead transmission lines spanning multiple states and over 3,700 miles of underground distribution cables to produce over 26 million megawatt hours of electricity a year for the City. Therefore, the Draft General Order has the potential to affect the work that LADWP conducts regularly for wildfire mitigation.	Comment noted.

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5	5.2	Los Angeles Department of Water and Power	LADWP submitted written comments on the Staff Administrative Draft of the General Order in July 2023, and has participated in the outreach that the State Water Resources Control Board (SWRCB) staff have been conducting to develop the General Order. LADWP appreciates SWRCB staff's continued willingness to engage with the stakeholders to develop a General Order that is protective of water quality and an implementable permit that will not delay the critical wildfire mitigation work. LADWP has reviewed the Draft General Order and respectfully submits the following comments for SWRCB's consideration:	Comment noted.
5	5.3	Los Angeles Department of Water and Power	1. Tribal Cultural Resources LADWP regularly engages in tribal consultations with the California Native American Tribes (CNAT) while planning projects, and LADWP supports the engagement with CNAT to protect tribal cultural resources. It is important to LADWP that any of its activities, whether it be operation and maintenance (O&M) or capital projects, are transparent to the tribes and that the tribes are heard before activities take place. Through the engagement with GNAT, LADWP has been able to understand their priorities and implement mitigation measures to protect tribal cultural resources in work areas.	Comment noted.
5	5.4	Los Angeles Department of Water and Power	The Tribal Cultural Resources Evaluation Procedures as described in the Revised Draft General Order Section IV.G. has the potential to add significant delays to the timeline for projects that will be covered under the General Order. The California Historical Resources Information System (CHRIS) search typically takes about two to three months to obtain records, if any, in the project area. Additionally, the Sacred Lands Inventory (SU) is typically a four-week long process. For a capital project, this process may already have been done prior to the California Environmental Quality Act process, so there is no need for this process to be repeated. However, LADWP understands that for O&M activities, this process may not have been done and therefore suggests that the Dischargers copy all tribes with the notification for O&M activities that are submitted to SWRCB, and the tribe can then reach out to the Discharger at any time. However, the Discharger would be allowed to continue with its activities upon submittal of the notification. Failure to complete maintenance during scheduled outages could lead to delays and interference with critical outage periods, potentially resulting in uncontrollable wildfires and significant damage to transmission infrastructure, thereby jeopardizing system reliability and resiliency.	See responses to comments 1.19, 2.29 and 4.16. Many operations and maintenance activities, such as those conducted during scheduled outages, will fall under Category A and have been exempted from the cultural resource conditions. Further, the full cultural resources conditions do not apply to Category B Urgent Response Activities. These activities will be subject to the optimized Urgent Response Activities cultural resources notification process described in the General Order.
5	5.5	Los Angeles Department of Water and Power	Section IV.E in the Revised Draft General Order states that "all Discharges (enrolled as Category A and/or B) shall comply with Tribal Cultural Resources conditions (Section IV.G)." This requirement will hinder the intent for streamlining Category A projects as non-notifying. Non-notifying allows the Category A projects to begin relatively quickly due to not needing to prepare a Notice of Intent or wait to receive a Notice of Applicability. Most of the work that is covered under Category A are routine maintenance wildfire mitigation work that are completed to protect the critical infrastructure and ensure grid reliability and are minimal to no risk to water quality. The Revised Draft General Order will delay Category A projects specifically through the	See responses to comments 1.19 and 4.16.

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			tribal cultural resources' evaluation procedures. Since LADWP regularly engages with GNAT and has been successful in the tribal consultations to protect tribal cultural resources, LADWP believes that CHRIS searches and SU are not the only options to protect tribal cultural resources.	
5	5.6	Los Angeles Department of Water and Power	LADWP further suggests that rather than completing CHRIS and SU searches for the tribal cultural resources' evaluation procedure, LADWP recommends engaging directly with GNAT within the project area to determine if any tribal cultural resources need to be protected or mitigated. Since CHRIS and SLI searches can take two to three months, engaging with CNA T directly will drastically decrease the timeline for protecting tribal cultural resources while also allowing the critical wildfire mitigation work to continue.	The General Order has not been revised in response to this comment. The completion of a CHRIS search will provide critical information to Tribes regarding the project site and will inform the treatment measures that Tribes recommend to mitigate the potential for damage to Tribal Cultural Resources. In addition to the CHRIS search, direct coordination with the Tribes is necessary because Tribes are the experts regarding their own Tribal Cultural Resources. To reduce the time required to obtain a Sacred Lands File Search, the Order allows Dischargers to obtain a list of Tribal contacts from the Water Boards Tribal Affairs webpage for the county or counties in which the project will occur. Additionally, the Order waives the requirement to complete a CHRIS search or Sacred Lands File Search if a search has been completed for the specific parcel or parcels where the project activities are proposed to occur within the previous 10 years.
5	5.7	Los Angeles Department of Water and Power	To further streamline Category A projects, LADWP recommends that the tribal cultural resources evaluation procedure for Category A project be to send a notification with a list of the upcoming Category A projects to begin in the next 30 days to GNAT within the project areas. If any GNAT want to engage in coordination, they can respond to the Discharger's notification within 30 days. LADWP would also recommend that the language in Section IV.G.1.a.iv remain to streamline the process for the critical wildfire mitigation work that is being covered by the General Order.	The cultural resources conditions do not apply to Category A activities. Utilities may provide notification for multiple projects simultaneously, provided the information is organized in a manner that complies with the General Order and supports meaningful coordination with Tribes. See response to comment 1.19 and 4.16.
5	5.8	Los Angeles Department of Water and Power	2. Draft Order Project Coverage Applicability The Draft Order Section IV.A.1 states that if project activities qualify for enrollment under another certification or Waste Discharge Requirement (WDR) regulating the discharge of dredge or fill material, authorization under that certification or WDR must be obtained, and coverage under the General Order for those project activities is not required. The Draft General Order then goes on to list regularly applied for permits such as SWRCB's General Water Quality Certifications of the United States Army Corps of Engineers (USACE) Emergency Regional General Permits 5, 8, or 63, SWRCB's General WDR for Discharges of Dredged or Fill Materials to Waters of the State from Emergency Repair and Protection Activities, SWRCB's General Water Quality Certification of the USA CE Nationwide Permit (NWP) 57 for Electric Utility and Telecommunication Activities, SWRCB's General Water Quality Certification of the USACE's Regional General Permit 10 for Wildfire Mitigation Activities. These permits are already regularly applied for the types of projects that the Draft General Order is proposing to provide regulatory coverage for. The Draft General Order proposes to cover additional activities that the typical certifications and WDRs do not require regulatory coverage for. Therefore, this will potentially result in Dischargers being	Although activities covered by the General Order involve discharges or proposed discharges of proposed waste that could affect water quality, utilities have not routinely filed reports of waste discharge to the Water Boards. This lack of WDR authorization does not reflect a limitation on the Water Board's authority. Due to the need to prioritize limited resources, the Water Board instead primarily relied on enforcement actions to handle such discharges. The increased pace and scale of wildfire prevention and response activities, including as a result of the passage of SB 901, has highlighted the potential risk to water quality from such activities, but regulating such activities through individual WDRs would be impracticable for the Water Boards, would delay these critical projects, and create the risk of unpredictable or inconsistent statewide requirements. Accordingly, the General Order includes an efficient pathway to compliance in comparison to the individual WDRs that the utilities should be obtaining, but are not regularly doing so. See also responses to comments 2.10 and General Response 2 regarding the scope of activities covered under the General Order and revisions made to reduce administrative burden and support timely implementation of covered activities, respectively.

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			required to obtain more permits, which would not streamline the process for completing critical wildfire mitigation work and could result in potential delays.	
5	5.9	Los Angeles Department of Water and Power	If there is no discharge of dredge or fill material or impacts to Waters of the United States, there is no regulatory need for a certification or WDR. Currently, if permits are not required for a project, LADWP still conducts environmental awareness training prior to the project starting and Best Management Practices are implemented at every work site. Therefore, LADWP respectfully requests that this additional burden of requirements for project activities that do not have a regulatory basis to require a certification or WDR, be carefully assessed regarding the risk for potential delays in critical work due to additional permits and administrative management for activities that utilities complete to prevent harm to life and property, and if there is an added benefit to water quality that is greater than potential delays to the critical work.	See responses to comments 1.3 and General Responses 1 and 2.
5	5.10	Los Angeles Department of Water and Power	3. Precipitation Event Inspections Section IV.L.2.b and c state that an inspection shall be conducted once within 48 hours of a precipitation event that produces at least 1.5 inches of precipitation in 24 hours. In LADWP's experience, some sites are not accessible for almost a week after precipitation events due to access road conditions. LADWP recommends allowing flexibility for Discharges to complete the inspections when it is safe to do so, which may be over 48 hours after a precipitation event.	The General Order states “Inspections will be conducted when the site can be accessed without contributing to significant environmental effects or risking the safety of the monitor (Section IV.K.1).” If the site is not accessible following a precipitation event, site inspections may be conducted after the initial 48 hours.
5	5.11	Los Angeles Department of Water and Power	Section IV.L.4 states that the Discharger shall provide the information on Attachment D to the applicable Water Board within 30 days of the inspection or within 30 days of the end of an inspection period where an inspection was not completed. Attachment E requires Discharges to provide a summary of the inspections to be submitted in the annual report. The inspection report submittal throughout the year would be redundant and an administrative burden. LADWP recommends submitting all inspection reports with the annual report rather than submitting multiple reports throughout the year.	See response to comment 2.63.
5	5.12	Los Angeles Department of Water and Power	4. Deferred General Order Implementation As mentioned in the previous comments, if the General Order is implemented as written, there are many administrative elements and operational changes that need to be made by the Discharges to be in compliance with the General Order requirements. A new training of the General Order requirements must be developed for the environmental awareness requirement, a system needs to be developed for recording non-notifying Category A projects, and projects that are ready to commence must be reassessed for General Order applicability. These items will take time and would be difficult to begin to implement on the same day that the General Order is adopted. Therefore, LADWP recommends a deferred implementation date of six months after the adoption date of the General Order. LADWP appreciates the opportunity to provide comments on the Draft General Order and looks forward to continuing to work with SWRCB staff to develop the General Order further. If there are any questions,	Comment noted. The effective date will be set by the State Water Board at the time of adoption.

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			please contact Mses. Maria Depaz or Robin Yamada, of the Wastewater Quality and Compliance Group, at (213) 367-6702 or (213) 367-4230, respectively.	
6	6.1	Pacific Gas and Electric Company	This letter and the enclosed documents provide comments from Pacific Gas and Electric Company (PG&E) on the State Water Resources Control Board's (Water Board or Board) Revised Draft of the proposed statewide general order for <i>Electric Utility and Maintenance Activities Related to Wildfire Mitigation and Other Similar Activities</i> (General Order). In addition to this individual comment letter from PG&E, we are also party to a joint comment letter prepared collaboratively with other investor-owned and publicly owned utilities in California. PG&E is the largest utility in California, providing energy services to approximately 5.5 million households throughout its 70,000-square-mile service area in northern and central California. This service area stretches from Eureka in the north to Bakersfield in the south and from the Pacific Ocean in the west to Sierra Nevada in the east. PG&E maintains approximately 100,000 circuit miles of interconnected electric lines, over two million poles and towers and hundreds of thousands of other appurtenant facilities that support these lines. All of these facilities require maintenance and wildfire mitigation work to ensure continuous delivery of safe and reliable energy to our customers.	Comment noted.
6	6.2	Pacific Gas and Electric Company	PG&E appreciates the opportunity to provide comments to the Water Board on the Administrative Draft, Public Draft, and Revised Draft. While we appreciate the progress staff has made on the March 2025 Revised Draft, we remain extremely concerned with the far-reaching administrative and cost implications presented by the General Order. As written, this permit is not feasible to implement. As a result, we are providing comments to continue focusing the General Order on activities with demonstrable nexus to discharge to waters and streamlining to reduce administrative burden. These comments call for changes to the General Order that: • Limit scope to activities that plan or propose discharges to waters of the state, consistent with the Water Board's authorities; • Align with the Governor's intent in the March 1, 2025 Proclamation of Emergency to support streamlined, accelerated execution of wildfire mitigation work; • Reduce the quantities of covered activities to reduce costs borne by Californians; • Better align with the Construction General Permit; and • Minimize the General Order's administrative burden. PG&E also requests additional time between the adoption of the General Order and its effective date. Enclosed with this letter, please find: Enclosure 1. March 2025 Revised Draft General Order with PG&E's comments (Word document)	Please see the responses to comments by topic below.

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			Enclosure 2. Estimating Quantities of Covered Activities and Guiding Assumptions (PDF)	
6	6.3	Pacific Gas and Electric Company	<u>Limit Scope to In-Water Activities</u> The General Order should cover only activities that explicitly plan or propose discharges to waters of the state. Under the current regulatory framework of the Clean Water Act and the Porter-Cologne Water Quality Control Act, it is PG&E's practice to obtain permits from the Water Board for activities that plan or propose to discharge waste, including dredge or fill material, to waters of the state. This is consistent with the Water Board's permitting authority under the California Water Code (§ 13260). PG&E does not generally obtain Waste Discharge Requirements for work performed outside the boundaries of aquatic resources, because such projects are designed, planned, and executed to avoid discharges to waters of the state and avoid impacts to water quality. We accomplish this through a variety of methods, overseen by our Water Program, including physical barriers like Best Management Practices (BMP), or environmental monitors to direct and oversee work conducted near waters. Nevertheless, it seems the Water Board intends for this this General Order to regulate a large swath of activities that do not plan or propose discharges to waters of the state and in most cases do not threaten quality of waters of the state, because they are planned and designed to avoid discharges. For these reasons, PG&E believes the General Order exceeds the Water Board's authorities under the California Water Code related to permitting (§ 13260) and enforcement (§ 13304). For example, trimming a single tree branch or maintaining a utility pole 49 feet from waters of the state neither includes a planned or proposed discharge to waters nor threatens to cause a discharge to waters. Yet, this General Order would regulate such <i>de minimis</i> activities as if it would result in an actual discharge. PG&E does not see, and the Board has not established in the record, how such overreach will benefit water quality. This lack of a showing is exacerbated by the exorbitant costs and delay that would result from the adoption of this General Order.	See response to comment 1.11.
6	6.4	Pacific Gas and Electric Company	For these reasons, PG&E does not support the General Order as currently structured. We continue to encourage the Water Board to limit the scope of the General Order to activities that plan or propose discharges of waste, including dredge or fill material, to waters of the state. Limiting the scope of the General Order would achieve our mutually shared goals of relieving the administrative burden the General Order imposes on wildfire mitigation activities performed in uplands as well as reduce the number of individual permits issued to utilities	See response to comment 1.13.

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6	6.5	Pacific Gas and Electric Company	<u>Consistency with the Governor's Proclamation of Emergency (March 1, 2025)</u> PG&E considers all of our work, including vegetation management, to be critical to reduce wildfire risk. Much of this work is driven by California's Public Resource Code and/or programmed in PG&E's Wildfire Mitigation Plans. The Governor has clearly stated via emergency proclamation his desire for utilities and other entities to perform this work in a streamlined and accelerated manner to prevent catastrophic wildfires, like those that recently occurred in the greater Los Angeles area. Still, the Water Board's overreach will impede our wildfire mitigation efforts, directly contradicting the spirit of the Governor's emergency directives and potentially putting communities at greater risk. PG&E requests the Water Board to align their regulatory regime with the Governor's directive and the process established by the Secretaries of the California Environmental Protection Agency and California Natural Resources Agency by revising this General Order to avoid slowing down this critical wildfire mitigation activity. Not doing so will result in greater costs and lengthier timelines required for executing critical vegetation management projects than prior to the Governor's directive. Given the General Order's lack of alignment with the state administration's policy to expeditiously address wildfire risks, PG&E has provided focused comments to achieve these streamlining goals.	See response to comment 1.10. The General Order is consistent with the Governor's March 1, 2025 Emergency Proclamation regarding fuel reduction. Projects must have requested approval under the secretarial suspensions by May 1, 2026, must begin on-the-ground work no later than October 15, 2026, and most projects must be completed no later than October 15, 2028. Accordingly, many of the projects that have been approved for a suspension will have been completed before the effective date of the General Order. If vegetation management project activities were approved under a secretarial suspension, those activities are not required to comply with the General Order. Additionally, the General Order covers more types of project activities than is covered by the Emergency Proclamation. Therefore, the secretarial suspensions, even if they were not time limited, do not obviate the need for the General Order. Furthermore, the General Order requirements are consistent with, and in some cases less stringent than, what project proponents are required to adhere to with the Environmental Protection Plan, which applies to all projects with secretarial suspensions. Finally, the General Order is consistent with the spirit of the Emergency Proclamation because the Emergency Proclamation encouraged rapid environmental review of certain vegetation management projects and the General Order provides a long-term regulatory framework for vegetation management projects and other critical wildfire mitigation projects to be authorized by the Water Boards and a consistent and predictable set of requirements for such activities. Please see also responses to comments General Responses 1 and 2.
6	6.6	Pacific Gas and Electric Company	<u>Quantities of Covered Activities</u> PG&E remains concerned with the excessive number of electric utility routine operations and maintenance (O&M) activities that may require coverage under the General Order. PG&E's analysis indicates approximately 107,000 O&M activities annually could be required to comply with the procedures and conditions established in the General Order. This estimate represents an increase in the quantity of covered activities compared to the June 2024 Public Draft (95,000) due to revisions made to the coverage criteria for vegetation management (specifically regulating all vegetation management work within 50 feet of waters regardless of soil disturbance). For other covered activity types, the revisions in the Revised Draft resulted in zero to modest changes to these quantities.	The General Order is necessary precisely because the regulated project activities are so numerous that individual regulation without substantial delays would be infeasible. Although the State Water Board lacks sufficient information about how the comment generated the specific estimated number of projects and cannot verify those numbers, the State Water Board expects an increase in the pace and scale of wildfire prevention and response activities such that regulation providing predictable and consistent statewide conditions is necessary to protect water quality. Given the pace and scale and dispersed locations of activities across the state, including activities in remote areas, it is infeasible for Water Board staff to identify all activities through routine inspections. Even if individual project activities represent a lower risk to water quality, collectively these projects, without applicable BMPs, represent a much greater risk. The large volume of projects covered by the General Order is also the reason why the General Order is structured to include Category A non-notifying projects and consolidated enrollment opportunities. Please see General Responses 1 and 2.

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6	6.7	Pacific Gas and Electric Company	Vegetation management continues to be the primary driver behind this high volume of covered activities. PG&E's vegetation management portfolio, which includes trimming, pruning, and removing approximately one (1) million trees per year, is critical to wildfire risk reduction. Our estimations indicate the General Order would regulate approximately 10% of the annual portfolio of vegetation management work. PG&E appreciates reducing the coverage criteria to 50 feet from waters of the state (down from 100 feet). However, PG&E is concerned with the enrollment criteria of the Revised Draft - 50 feet from waters of the state - is too broad if it applies to all types of vegetation management activities, regardless of whether the scope includes discharge. This Revised Draft proposes to regulate the smallest trims and mowing performed in uplands near waters of the state without any nexus for discharge. Instead, the Board should refocus the General Order on high-risk vegetation management activities: those with discharges that could impact water quality.	The General Order was revised to make all vegetation management activities Category A non-notifying except if the project involves dredged or fill material. Vegetation management activities in close proximity to waters may discharge waste (see response to comment 1.11). In addition, the commenter notes that it already implements BMPs to prevent discharges to waters of the state and therefore the projects should be well situated to comply with the General Order. Also see General Responses 1 and 2.
6	6.8	Pacific Gas and Electric Company	The General Order would administratively burden other work types as well. For example, the General Order would regulate approximately 3,000 routine utility pole replacements annually, many of them occurring in uplands near waters of the state with no nexus for discharge. We understand Water Board staff have stated they do not intend to permit individual, isolated pole replacements, but the coverage criteria in the Revised Draft will continue to do so. Bifurcating enrollment criteria for activity type "Pole/Tower Repairs, Maintenance or Replacement" to include 1) pole-related activities within waters of the state, and 2) a soil disturbance threshold for similar work performed near waters of the state, would likely accomplish this goal. Additionally, PG&E's entire access road, undergrounding, and system hardening portfolios may also require permitting under the General Order, totaling approximately 950 projects per year.	The General Order was revised in response to this comment and related comments to better align review requirements with the potential for water quality impacts. The Pole/Tower Repairs, Maintenance or Replacement activity category was narrowed to apply to work conducted within waters of the state (see General Response regarding Cost and Administrative Burden). This revision addresses the concern that routine pole replacements in uplands would be covered under that activity category based solely on activity type. Pole-related work outside waters would be evaluated under other applicable Section III criteria only where those criteria are met. The General Order was not further revised to categorically exclude access road, undergrounding, or system hardening activities because those activities can involve soil disturbance, drainage modification, trenching, temporary access, or other work with the potential to discharge waste that could affect water quality. However, the General Order includes several pathways intended to reduce administrative burden for lower-risk or recurring work. For example, certain access route maintenance activities are eligible for Category A coverage, including applying gravel to existing road surfaces, removing obstructions, maintaining or adding rolling dips or lead outs, stabilizing cut slopes or fill slopes, maintaining drainage features, and surface blading to maintain or improve drainage. Routine culvert cleaning is also excluded from coverage where the specified conditions are met. For access route construction or other recurring Category B activities that do not involve discharges of dredged or fill material to waters of the state, the consolidated enrollment option is intended to provide a more efficient authorization pathway. With an approved programmatic Erosion and Sediment Control Plan, qualifying activities may be submitted through consolidated enrollment rather than through separate individual NOIs for each project. These revisions reduce project-by-project administrative requirements where appropriate while retaining review for activities with greater potential to affect waters of the state. Also see General Responses 1 and 2.

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6	6.9	Pacific Gas and Electric Company	PG&E estimates this high volume of potentially covered activities (107,000) under the March 2025 Revised Draft to result in approximately 1,000 Notices of Intent (NOI) and several thousand vegetation management notifications annually. Administrative and environmental costs for compliance are estimated to range between approximately \$250 and \$375 million dollars per year. These costs would be borne by our customers at a time of rising affordability concerns. For these reasons, we request the Water Board to continue looking at methods to reduce the burden of the General Order on our project portfolio, particularly vegetation management. PG&E continues to offer our time and expertise to assist the Water Board in this pursuit.	The General Order was revised in response to this comment and related comments to reduce the scope of activities requiring advance review and to reduce the number of required NOIs. Vegetation management activities are now classified as Category A and do not require advance notification, NOI submittal, or cultural resources conditions. Additional revisions, including exclusions, narrowed activity categories, and the consolidated enrollment option, further reduce project-by-project administrative requirements where appropriate. Also see responses to comments 1.12 and General Response 2.
6	6.10	Pacific Gas and Electric Company	<u>Compliance with Other Water Board Authorities</u> PG&E continues to request additional alignment between the General Order with the Construction General Permit (CGP). Despite Water Board staff's stated intent of reducing administrative burden associated with the General Order, Water Board staff continue to increase administrative burdens by adding another layer of complex permitting on top of the CGP. Under the 2022 CGP and the current draft of the General Order, PG&E anticipates projects under a common plan of development may have work areas subject to discrete CGP Linear Construction Activity Notifications, General Order Category A conditions, General Order Category B conditions, overlapping CGP and General Order conditions, and others exempt from both the CGP and General Order. The opportunities for administrative waste and confusion in compliance are substantial. To avoid this, PG&E offers two alternative solutions: revise the CGP to allow discretion in covering non-contiguous workspaces under a single linear project, or waive the General Order for linear utility projects or common plans of development with coverage under the CGP. PG&E recommends Water Board Staff collaborate with the NPDES Unit to identify streamlining opportunities between these two permits.	The General Order was revised to clarify the relationship between the General Order and the Construction General Permit. Project activities that are fully covered under the Construction General Permit, including linear utility construction activities covered under a Construction General Permit NOI and assigned a WDID, do not need separate authorization under this General Order for the same activities. The Linear Construction Activity Notification (LCAN) submitted under the Programmatic Permitting process is part of the Construction General Permit's authorization for linear projects. Under that process, a utility may obtain coverage for an overall linear project area of similar scope and common construction activities and submit LCANs to identify the multiple contiguous or non-contiguous site-specific construction locations. Where those construction activities are covered under the Construction General Permit, separate authorization under this General Order is not required. If only part of a project is covered under the Construction General Permit, any remaining eligible activities that are not fully covered must comply with applicable General Order requirements. Also see response to comment 1.20.
6	6.11	Pacific Gas and Electric Company	<u>Reducing Administrative Burden</u> PG&E offers the following additional streamlining opportunities to reduce administrative burden associated with the General Order. Enclosure 1 provides focused comments on the following topics	Comment noted.
6	6.12	Pacific Gas and Electric Company	Invoicing and Fee Payments — PG&E requests the Water Board to consider how programmatic solutions to invoicing and fee payments may be incorporated into the General Order. This might include programmatic annual invoices covering all of Dischargers' Category B activities, and a payment process that allows Discharges to pay for that programmatic annual invoice in a single payment.	See response to comment 2.21.

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6	6.13	Pacific Gas and Electric Company	Erosion and Sediment Control Plans — Low-risk Category A work should entirely leverage programmatic erosion and sediment control plans (ESCP). If utilities have a programmatic plan approved by the Water Boards, then site-specific planning documents that reiterate the requirements of the programmatic plan is a redundant effort that increases administrative Burden.	See response to comment 2.22.
6	6.14	Pacific Gas and Electric Company	Consolidated Enrollment for Category B — To decrease administrative burden, PG&E recommends the Water Board to consider how the consolidated enrollment process might work for all Category B activities, including those that propose discharges of dredge or fill material to waters of the state.	See response to comment 2.23.
6	6.15	Pacific Gas and Electric Company	Tribal Cultural Resources — The General Order should require utilities to comply with applicable laws for protecting tribal cultural resources and historical resources. Additionally, PG&E has a robust Cultural Resources Program that protects tribal cultural and historical resources, which may already serve as mitigation.	See responses to comments 1.19 and 4.16.
6	6.16	Pacific Gas and Electric Company	Vegetation Management Impact Offset Plan Notifications — PG&E recommends these notifications be provided after-the-fact in a programmatic Vegetation Management Impact Offset Plan Annual Report, rather than on a project basis before work can proceed.	The VMIOP required was removed. See response to comment 1.14.
6	6.17	Pacific Gas and Electric Company	Other Reporting Improvements — PG&E believes there are additional opportunities to streamline the reporting requirements of the General Order to reduce administrative burden through increased reliance on annual reporting.	See response to comment 2.24.
6	6.18	Pacific Gas and Electric Company	<u>Effective Date</u> PG&E continues to request a delay between adoption of the General Order and the effective date for change management. The General Order will require substantial technological and procedural changes within the PG&E enterprise, and these changes cannot be realized in short order. For PG&E to successfully implement the General Order, we require a minimum of 6 months for change management, with a preference for 12 months. PG&E recommends that, if adopted, the future effective date of the General Order should take place during that third quarter of a given calendar year to optimize for shared administrative burden, industry design and procurement cycles, and compliance.	Comment noted. The effective date will be set by the State Water Board at the time of adoption.
6	6.19	Pacific Gas and Electric Company	<u>Additional Comments and Concerns</u> This letter highlights PG&E's primary concerns with the General Order, while Enclosure 1, a Word document containing the March 2025 Revised Draft General Order with comments from PG&E, provides additional comments. Together, this letter and Enclosure 1 comprise the entirety of PG&E's comments.	Comment noted.

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6	6.20	Pacific Gas and Electric Company	<u>Conclusion</u> While the certain individual conditions of the General Order seem reasonable at face value, the conditions become infeasible and costly to implement at the scale required by PG&E. For the reasons identified above and within Enclosure 1, the General Order will neither streamline nor facilitate wildfire prevention or utility operations and maintenance work. Rather, this version of the General Order will slow down critical wildfire prevention work, increase risk of catastrophic wildfire and associated water quality impacts, unjustifiably increase costs for our customers, and pose risks to public safety and grid reliability. All while the General Order states it facilitates wildfire prevention work at a moment when state leaders are calling for accelerated wildfire mitigation activities and assessing strategies to address high customer bills. PG&E is prepared to request the Board to deny adoption of the General Order if the quantities of covered activities and costs are not significantly addressed in the Final Draft.	See responses to comments, 1.8, 1.21, and General Responses 1 and 2.
6	6.21	Pacific Gas and Electric Company	Section/Description: II.E “This General Order facilitates wildfire prevention work to reduce these risks to water quality posed by wildfires, and facilitates post-wildfire response activities that help mitigate the negative water quality impacts caused by wildfire.” Comment: PG&E believes this is a misleading statement. This General Order may require utilities to obtain coverage for many activities that are currently not permitted because they are performed in uplands near waters of the state and may not plan or propose to discharge to waters of the state. PG&E recommends removing this statement, or revising it to reflect the feedback that utilities are providing: this General Order will slow down the work it seeks to facilitate.	This finding has been revised to II.E. See General Response 1.
6	6.22	Pacific Gas and Electric Company	Section/Description: II.T “Failure to comply with any condition of this General Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and/or the Clean Water Act. The Discharger may be subject to administrative or civil liability or other enforcement actions pursuant to the relevant provisions of the Water Code.” Comment: PG&E understands this finding applies only to dischargers seeking coverage under this General Order. It would be inaccurate to state that any individual or entity not complying with any condition of the General Order is per se violating Porter Cologne Water Quality Control Act or the Clean Water Act. Rather, a Discharger enrolled under this General Order must comply with the conditions of the General Order and failure to do may be a violation. We offer the following revision: Failure to comply with any condition of this General Order <u>by an enrolled Discharger may shall</u> constitute a violation of the Porter-Cologne Water Quality Control Act and/or	See response to comment 2.10.

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			the Clean Water Act. The Discharger may be subject to administrative or civil liability or other enforcement actions pursuant to the relevant enforcement provisions of the Water Code.	
6	6.23	Pacific Gas and Electric Company	Section/Description: III “This General Order authorizes the following listed activities being performed for the purpose of wildfire mitigation, operation and maintenance of infrastructure, or post fire response, where the Discharger is discharging or proposing to discharge waste to surface waters of the state, including discharges of dredged or fill materials except as set forth in Section IV.A., Compliance With Other Water Board Authorities.” Comment: In Section III, the Water Board proposes changes to the Project Description language to clarify that the General Order authorizes the activities listed in III.A.-K. “where the Discharger is discharging or proposing to discharge waste to surface waters of the state, including discharges of dredged or fill materials...” This language appears to be consistent with Water Board authority to issue Waste Discharge Requirements under the Porter Cologne Water Quality Act for discharges or proposed discharges of waste that could impact water quality and to issue certifications for discharges of dredge or fill materials. PG&E understands that for an activity to be covered by the General Order, the activity must 1) be one of the listed activities under Section III; and 2) discharge or propose to discharge waste to a water of the state. To the extent that the Water Board considers all activities that fit within the work listed in III.A-K to constitute a discharge or proposal to discharge, the Water Board has failed to demonstrate that these activities could impact water quality. For example, activity III.A., Vegetation Management, would include many activities that lack a discharge or proposed discharge of waste that could impact water quality. The Vegetation Management activities listed do not require soil disturbance and may be as benign as limbing or cutting of plant materials as far as 50 feet from a water of the state. The Water Board fails to explain how these actions would result in a discharge or proposed discharge of waste, let alone how this could potentially impact water quality.	The General Order was revised to: “This General Order authorizes the following listed activities being performed for the purpose of wildfire mitigation, operation and maintenance of infrastructure, or post-fire response, where the Discharger has proposed an activity that has the potential to discharge or will discharge waste that would affect the quality of waters of the state, including discharges of dredged or fill materials...” This revision clarifies that coverage under the General Order is not based solely on whether an activity falls within one of the listed activity categories. The General Order applies to listed activities that meet the applicable Section III criteria, except where an exclusion applies. Section III was also revised to clarify that coverage is not required where a permanent topographic or engineered physical barrier prevents the discharge of waste to surface waters. The General Order was not revised to limit coverage only to activities that discharge or propose to discharge waste directly to waters of the state because Porter-Cologne applies where a discharge or proposed discharge of waste could affect the quality of waters of the state. The General Order was also not revised to exclude all vegetation management activities that do not involve soil disturbance. Vegetation management conducted near waters of the state may generate vegetation waste, disturb riparian areas, involve equipment use, or otherwise create conditions with the potential to discharge waste that would affect water quality depending on site conditions and work practices. See response to comment 1.11 regarding vegetation management activities. Also see General Response 1.
6	6.24	Pacific Gas and Electric Company	Section/Description: III “This General Order authorizes the following listed activities being performed for the purpose of wildfire mitigation, operation and maintenance of infrastructure, or post fire response, where the Discharger is discharging or proposing to discharge waste to surface waters of the state, including discharges of dredged or fill materials except as set forth in Section IV.A., Compliance With Other Water Board Authorities.” Comment: Section III. Project Description states this General Order does not cover project activities located within an Urban Area unless the project location is also within a California Public Utilities Commission High Fire Threat District. PG&E supports this exemption. However, PG&E fails to understand how a project’s location within an Urban	Section III was revised to state that the General Order does not apply to project activities located within Urban Areas. As revised, the General Order no longer retains coverage for Urban Areas solely because they overlap with a High Fire Threat District. This coverage limitation is intended to better focus the General Order on activities with a greater potential to affect water quality in the context of the pace and scale of utility wildfire mitigation, operation and maintenance, and post-fire response work. The General Order was not developed to regulate activities in highly developed areas dominated by impervious surfaces where stormwater is generally managed through existing municipal separate storm sewer system requirements and other urban stormwater controls. Urban Area boundaries

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			Area, or within an HFTD, has to do with a threat to water quality or the potential to discharge into a water of the state.	provide an administrable proxy for those developed settings and generally align with areas where MS4 regulation is more likely to apply. Project activities in Urban Areas may still require authorization under other applicable Water Boards authorities, including any required certification or WDR for discharges of dredged or fill material to waters of the state.
6	6.25	Pacific Gas and Electric Company	Section/Description: III.A A. Vegetation management: limbing, cutting, trimming, mastication, mowing, crushing, prescribed herbivory, chipping, skidding, mulching, uprooting, and removal of plant materials such as leaves, plants, dead or dying trees, branches, or trunks, that are:: - within 50 feet of any waters of the state; or - cumulatively results in over 0.50 acre of soil disturbance in locations with slopes equal to or greater than 30% and soils having <i>erodibility K factor</i> equal to or greater than 0.2. Comment: The Revised Draft of the General Order may result in a nearly 20% increase in the quantity of PG&E’s covered vegetation management activities compared to the June 2024 Public Draft. While the waterway buffer was reduced to 50 feet, decoupling enrollment from soil disturbance resulted in a scope increase. As a result, many low risk vegetation management activities, including small trims and prunes without potential for discharge to waters, may be regulated. This contradicts staff’s responses to comments where staff describes refocusing the General Order on high risk activities; these revisions have done the opposite. PG&E recommends the following revision to focus the General Order on vegetation management activities that pose the highest risk to water quality: “soil disturbance within 50 feet of any waters of the state.” Alternatively, PG&E recommends revising the coverage criteria to focus on soil disturbance, as these activities have the highest potential for discharge to waters, or specific work prescriptions (i.e., mastication, skidding, and uprooting) to avoid over-regulating minor work (i.e., targeted prunes and trims).	Vegetation management conducted within 50 feet of waters of the state may affect water quality even where soil disturbance is not anticipated. Limiting coverage to soil-disturbing activities or specified work prescriptions would not account for other potential water quality impacts associated with vegetation management near waters of the state. See response to comment 1.11.
6	6.26	Pacific Gas and Electric Company	Section/Description: III.C “Site access development/maintenance: access route construction, reconstruction, maintenance, or improvements (e.g., grading, blading, graveling, brushing) of access routes used to access electric utility facilities where such activity results in over 300 cumulative linear feet of soil disturbance, or that results in soil disturbance within 500 feet of waters of the state. This includes but is not limited to excavation, earthmoving, grading, blading, maintenance, and replacement of drainage crossings, culverts, ditches, spur roads, and side drains. This also includes placement	The General Order was not revised to use the recommended 1,800-linear-foot threshold. Section III.C was revised in response to other comments to apply where access route construction, development, or maintenance results in over 300 cumulative linear feet of soil disturbance in locations with slopes equal to or greater than 30 percent and soils having an erodibility K factor equal to or greater than 0.2. The 300-linear-foot threshold is appropriate for access road activities because these activities involve linear and often continuous ground disturbance that can create or concentrate drainage pathways. Access roads, including upland

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			of mats or other materials such as sandbags or sheet piles to gain access and perform work.” Comment: The revisions the Water Board has made to this section have had no effective change for PG&E. As a result, PG&E is offering the following revisions to focus this General Order on high risk access road work: “.... where such activity is within 500 feet of waters of the state and involves more than 1,800 cumulative linear feet of soil disturbance.” PG&E offers 1,800 linear feet as that roughly equates to 0.5 acres of soil disturbance assuming a 12-foot roadway width.	access roads, can contribute to erosion and sediment transport where they are located on steep, erodible slopes or are not properly drained or stabilized. The recommended 1,800-linear-foot threshold would allow substantially more continuous soil disturbance before coverage is required. For linear road work, that level of disturbance may present a greater potential for hydrologic connectivity and cumulative sediment transport than a similarly sized compact area. The General Order therefore retains a linear threshold for access road activities, while the added slope and soil erodibility criteria focus coverage on higher-risk locations and reduce coverage for lower-risk access road work.
6	6.27	Pacific Gas and Electric Company	Section/Description: III.E “Pole/Tower Repairs, Maintenance or Replacement: repair, maintenance, replacement, installation of interset poles, or upgrade of poles and towers that results in soil disturbance within 50 feet of any waters of the state.” Comment: PG&E understands Water Board staff have stated they do not intend to permit individual, isolated pole replacements, but the coverage criteria in the Revised Draft will continue to do so. Thus, PG&E recommends bifurcating enrollment criteria to include 1) pole-related activities within waters of the state, and 2) a soil disturbance threshold for work performed near waters of the state.	See response to comment 6.8.
6	6.28	Pacific Gas and Electric Company	Section/Description: IV “Provided General Order conditions are adhered to, this General Order provides reasonable assurance that projects authorized under this General Order will comply with state water quality requirements.” Comment: Under 40 CFR 121.7, a 401 certification must state that an activity <i>will</i> comply with water quality standards, not that it provides “reasonable assurances” that the activities will comply with water quality standards. As drafted, Section IV. Conditions is not compliant with 401 certification requirements and should be revised. We offer the following revision: Provided General Order conditions are adhered to, this General Order provides reasonable assurance that projects authorized under this General Order will comply with state water quality requirements. The Water Board will review any project proposed for authorization under this General Order to analyze potential impacts to water quality and designated beneficial uses within the applicable watershed(s). If the eligibility requirements set forth in this General Order are not met, the Water Board will not authorize the proposed project under this General Order and instead require	The General Order was revised to, “Dischargers subject to this General Order must adhere to the following conditions.”

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			the project proponent to apply for an individual order or enrollment under another general order. Dischargers may also choose to apply for an individual order. Dischargers subject to this General Order must adhere to the following conditions:	
6	6.29	Pacific Gas and Electric Company	Section/Description: IV.A.3 “Projects that are not covered under the Construction General Permit shall obtain coverage under this General Order for eligible activities. If the Project is required to obtain coverage under the Construction General Permit for only part of its land disturbance activities and other portions of the project are eligible for enrollment in this General Order, compliance with the Construction General Permit constitutes compliance with Sections IV.F.1 through 4, 9 through 12; 23; 25; Section IV.K; Section IV.L; and Section IV.R.1.f; and Dischargers shall comply with all other conditions in this General Order.” Comment: PG&E continues to request additional alignment between the General Order with the Construction General Permit (CGP). In some cases, PG&E is unable to cover non-contiguous workspaces on individual line segments with the 2022 Construction General Permit due to revised eligibility criteria. This precludes industry’s ability to streamline permitting for upland impacts under the CGP. PG&E anticipates projects under a common plan of development that may have workspaces subject to discrete CGP Linear Construction Activity Notifications (LCAN), General Order Category A conditions, General Order Category B conditions, overlapping CGP and General Order conditions, and others exempt from both the CGP and General Order. The opportunities for administrative waste and confusion in compliance are substantial. PG&E requests discretion in covering non-contiguous workspaces under a single linear project under the CGP to avoid this inefficiency. Alternatively, PG&E recommends that any project or common plan of development with a SWPPP/CGP should only be required to comply with the General Order when it is issued to a project for work within waters of the state.	Project activities that are fully covered under the Construction General Permit, including linear construction activities addressed through an applicable Linear Construction Activity Notification, do not need separate authorization under this General Order for the same activities. The General Order was not revised to modify Construction General Permit eligibility criteria for non-contiguous workspaces. That request concerns implementation of the Construction General Permit and is outside the scope of this General Order. The General Order was also not revised to exempt all projects or common plans of development with SWPPP or Construction General Permit coverage. A project or common plan of development may include activities that are not fully covered under the Construction General Permit or that require separate authorization under Porter-Cologne or Clean Water Act section 401. Where only part of a project is covered under the Construction General Permit, remaining eligible activities must comply with applicable General Order requirements. Also see response to comment 6.10.
6	6.30	Pacific Gas and Electric Company	Section/Description: IV.A.3 “Projects that are not covered under the Construction General Permit shall obtain coverage under this General Order for eligible activities. If the Project is required to obtain coverage under the Construction General Permit for only part of its land disturbance activities and other portions of the project are eligible for enrollment in this General Order, compliance with the Construction General Permit constitutes compliance with Sections IV.F.1 through 4, 9 through 12; 23; 25; Section IV.K; Section IV.L; and Section IV.R.1.f; and Dischargers shall comply with all other conditions in this General Order.” Comment:	See response to comment 2.41.

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			The General Order should clearly state that Dischargers don't need coverage under this General Order if the whole project is covered under the NPDES Construction Stormwater General Permit (CGP). As currently drafted, the language is at best unclear and at worst subject to multiple interpretations. It is unclear if a project which has coverage for all activities under the CGP would also require coverage under the General Order. PG&E believes that it would be inefficient to require concurrent enrollment for projects covered completely under one permit. This is especially true for any Class A activity, which by definition, do not include discharge to waters of the state (see Section E.1 "project activities must not result in a discharge of dredge or fill materials") where the only threat to water quality may through be a discharge to land that may be mobilized by stormwater. Discharges of this type, when it meets the relevant size threshold, are regulated properly under the CGP, and requiring enrollment under a new WDR mechanism would institute new and unprecedentedly administrative burdens for work already regulated by the Water Boards.	
6	6.31	Pacific Gas and Electric Company	Section/Description: IV.B.1 "Permitted actions must not cause a violation of any applicable water quality objectives or water quality control plans, including impairment of designated beneficial uses for receiving waters as adopted in any applicable Water Board water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable." Comment: The General Order states: "Permitted actions must not cause a violation of any applicable water quality objectives or water quality control plans, including impairment of designated beneficial uses for receiving waters as adopted in any applicable Water Board water quality control plan or policy." These types of end-result permit requirements were recently determined to be invalid in <i>City and County of San Francisco, California v. Environmental Protection Agency</i> (145 S.Ct. 704). The condition established in the General Order holds the same fatal flaw as the condition at issue in that case. Namely, Section IV.B.1 prohibits the discharger from making any discharge that causes "<i>a violation of any applicable water quality standard for receiving waters.</i>" (<i>Id.</i> 713.) The Supreme Court determined that Section 1311(b)(1)(C), which applies to both NDPEs permits and 401 certifications, "<i>does not authorize EPA to impose NPDES permit requirements that condition permitholders' compliance on whether receiving waters meet applicable water quality standards.</i>" (<i>Id.</i> 715.) The same would hold true for permit requirements that condition 401 certifications in the same way. As such, Section IV.B.1 contains invalid permit conditions and should be struck from the General Order.	See response to comment 2.42.
6	6.32	Pacific Gas and Electric Company	Section/Description: IV.D.5	The sentence clarifies that, for some projects, more than one trainer may be appropriate depending on the size, location, or complexity of the project. The sentence does not require multiple trainers for every project, but recognizes that

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			“More than one trainer may be needed depending on the size, location, and complexity of the project.” Comment: Sentence appears to be unnecessary given other revisions made to this section.	the Discharger is responsible for ensuring Environmental Awareness Training is adequate for the personnel and activities involved.
6	6.33	Pacific Gas and Electric Company	Section/Description: IV.E “All Dischargers (enrolled as Category A and/or B) shall comply with Tribal Cultural Resources conditions (Section IV.G).“ Comment: PG&E is noting that all Category A and B activities must comply with the tribal outreach conditions. This will result in an increase documentation and reporting requirements for many utility operations and maintenance activities that are not currently subject to comparable requirements. This renders the tribal cultural resources requirements infeasible to implement at the scale required. Lacking significant streamlining to the tribal cultural resources requirements, PG&E suggests limiting the scope of the General Order to reduce associated tribal cultural resources efforts.	See response to comment 1.19.
6	6.34	Pacific Gas and Electric Company	Section/Description: IV.E.1.a “Project activities will be limited to Vegetation Management; Herbicide Application; Pole/Tower Repairs, Maintenance, or Replacement; Substation Maintenance; Structural Conversion; Overhead Line Reconductoring; Undergrounding Powerlines; or Electric Utility Infrastructure Lowering, Maintenance, Replacement or Removal.” Comment: Staging Areas and Laydown Yards and Boardwalk Repairs or Replacement appear to be missing from this list while they appear as eligible for Non-Notifying Category A in Attachment A. We offer the following revision: <i>Project activities</i> will not result in a discharge of dredge or fill materials to waters of the state; and no temporary diversions or impoundments of water, cofferdams, or similar structures installed for the purpose of temporary dewatering work areas are planned within the project area be limited to Vegetation Management; Herbicide Application; Pole/Tower Repairs, Maintenance, or Replacement; Substation Maintenance; Structural Conversion; Overhead Line Reconductoring; Undergrounding Powerlines; or Electric Utility Infrastructure Lowering, Maintenance, Replacement or Removal; <u>Staging Areas and Laydown Yards; or Boardwalk Repairs or Replacement.</u>	See response to comment 2.44.

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6	6.35	Pacific Gas and Electric Company	Section/Description: IV.E.2.a “Category A Dischargers shall maintain a list of Category A project activity coordinates, a brief description, and estimated activity dates. Water Boards staff may request a copy of the project activity list. If requested, this list shall be provided to Water Boards staff within ten business days of the request unless another date is specified in the request.” Comment: PG&E recommends revising “a brief description” to “activity type (per Section III).” This would ease administrative burden for Category A work activities.	Category A list requirements in Section IV.E.2.a were revised to reduce the administrative burden. This section now reads: a. A covered Discharger shall provide the following information about Category A projects within 30 days of receiving a written request from the Water Board, unless the request specifies a later deadline: i. Project location information (for example, mile marker or coordinates). For long linear projects, either the starting and ending coordinates, or center point coordinates may be used. The nearest site-access location information shall be included for remote sites. ii. A brief description of the activity. iii. Estimated dates the work was conducted. The brief description may be simple and may rely on information maintained in the Discharger’s existing tracking systems, but it is necessary to support Water Boards staff review if Category A project information is requested.
6	6.36	Pacific Gas and Electric Company	Section/Description: IV.E.2.b “At least 30 days prior to beginning work, Category A Dischargers shall notify the Water Boards of any Vegetation Management activities that meet the following criteria to determine if a Vegetation Management Impact Offset Plan is required (Section IV.M.):” Comment: PG&E understands the intent of this section and the Water Board’s concerns for vegetation management work around impaired waterways and salmonid habitat. We believe the Water Board’s intent is to provide a streamlining opportunity for vegetation management, but this notification requirement for Impact Offset Plans could potentially slow down the work the Water Board seeks to accelerate. Slowing down this work is in direct contradiction to the Governor’s emergency proclamation from March 1, 2025. PG&E recommends revising this statement to read: “Once per year in an Annual Report, Category A Dischargers shall notify the Water Boards of any Vegetation Management activities conducted during the previous calendar year that met the following criteria to determine if implementation of a Vegetation Management Impact Offset Plan is required.” Providing a single post-notification to Regional Boards to determine if and where restoration or mitigation is needed would truly accelerate utility vegetation management work rather than slow it down with pre-work notifications and negotiations.	The VMIOP required was removed. See response to comment 1.14.

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6	6.37	Pacific Gas and Electric Company	Section/Description: IV.E.2.b.i i. The project activity occurs within 50 feet of any waterbody listed as impaired on the 2024 Clean Water Act Section 303(d) List (downloaded March 7, 2024 and posted on the State Water Board's webpage at https://waterboards.ca.gov/water_issues/programs/cwa401/statewide-utility-wildfire-mitigation-general-order.html) for sediment, nutrients, temperature, or related impairments (i.e., turbidity, biostimulatory substances), and/or within 50 feet of any Class I or Class II watercourse that may cause or increase the following: 1. bank instability; 2. loss of shade that maintains cooler stream temperatures for anadromous fish; 3. loss of beneficial allochthonous material or other riparian ecosystem services; or 4. adverse impacts to beneficial uses including the Rare and Spawning beneficial use. Comment: As currently written, these conditions would require a notification for all covered vegetation management activities within Region 1. This would result in substantial efforts for both PG&E and Region 1 to manage the volume of notifications. Please note our recommendation above to provide annual reporting for these notifications to reduce administrative burden. PG&E recommends only including sediment-related impairments since sediment has the strongest nexus to discharge from utility activities regulated by this General Order. For the final list of impairments triggering a notification, PG&E recommends providing a complete and explicit list. For example, impairments related to sediment can be listed as: sediment, sedimentation/siltation, and turbidity, and possibly others. Nutrients can also be listed in numerous ways, including a “nutrient” impairment as well as impairments for individual nutrient compounds like nitrogen and phosphorus. As the water quality experts, PG&E requests the Water Board to provide a complete and explicit list to reduce potential confusion.	The requirement for Category A Dischargers to provide 30-day advance notification for vegetation management activities near impaired waterbodies or Class I or Class II watercourses to determine whether a Vegetation Management Impact Offset Plan is required was removed. The General Order also no longer requires Dischargers to prepare or submit a Vegetation Management Impact Offset Plan. Because this notification requirement was removed, the General Order was not further revised to limit the notification trigger to sediment-related impairments, provide a more detailed list of impairments, or replace the notification with annual reporting. Category A vegetation management activities may proceed without advance notification to the Water Boards, subject to the applicable conditions of the General Order. See response to comment 1.14.

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6	6.38	Pacific Gas and Electric Company	Section/Description: IV.E.2.b.i i. The project activity occurs within 50 feet of any waterbody listed as impaired on the 2024 Clean Water Act Section 303(d) List (downloaded March 7, 2024 and posted on the State Water Board's webpage at https://waterboards.ca.gov/water_issues/programs/cwa401/statewide-utility-wildfire-mitigation-general-order.html) for sediment, nutrients, temperature, or related impairments (i.e., turbidity, biostimulatory substances), and/or within 50 feet of any Class I or Class II watercourse that may cause or increase the following: 1. bank instability; 2. loss of shade that maintains cooler stream temperatures for anadromous fish; 3. loss of beneficial allochthonous material or other riparian ecosystem services; or 4. adverse impacts to beneficial uses including the Rare and Spawning beneficial use. Comment PG&E recommends removing these nebulous and subjective criteria and replacing with simpler criteria that are actionable and objective. PG&E also offers the following comments for consideration: Loss of shade should be benchmarked against existing conditions, which includes maintaining minimum approach distances between conductors and vegetation in riparian areas pursuant to PRC 4293. Thus, performing routine work for PRC 4293 compliance should not count toward loss of shade. Loss of beneficial allochthonous material is a vague trigger that is very subjective and will be difficult to implement. PG&E recommends removing this criterion. Adverse impacts to beneficial uses is another vague criterion. PG&E recommends including specific impacts to specific beneficial uses of concern to Water Boards, or removing this subjective language.	The notification requirement and associated Vegetation Management Impact Offset Plan criteria referenced in the comment, including criteria related to loss of shade, loss of beneficial allochthonous material, and adverse impacts to beneficial uses, were removed. Because those criteria no longer determine whether notification or a Vegetation Management Impact Offset Plan is required, the General Order was not further revised to add benchmarks or definitions for those terms. See response to comment 1.14.
6	6.39	Pacific Gas and Electric Company	Section/Description: IV.E.3.a.ii “Other Urgent Response Activities Non-wildfire related response activities may be conducted when unforeseen weather events or other circumstances beyond the Discharger’s control necessitate immediate action to prevent service interruption or imminent shutoff of electric service. The Discharger must complete the project within fourteen (14) days of the construction start date. If delays occur due to circumstances beyond the Discharger’s control, the Discharger may request a one-time, two-week, extension.”	See response to comment 1.16.

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			Comment: PG&E recommends revising this condition so that urgent response activities need not be completed within 14 days, but must begin within 14 days of the notification. This is consistent with existing emergency permit pathways from the Army Corps, and it would not impose arbitrary timelines on critical and urgent work activities.	
6	6.40	Pacific Gas and Electric Company	Section/Description: IV.E.3.b.i “Urgent Response Activity Dischargers shall notify the appropriate Regional Water Board and the State Water Board as early as possible, and no less than forty-eight (48) hours prior to initiation of the project.” Comment: PG&E requests the option to proceed unilaterally to ensure public safety and grid reliability with the option to notify within 1 day after.	The General Order was revised in response to this comment. Projects that need to proceed immediately and need after-the-fact authorization are likely better suited for coverage under an emergency permit and not the Urgent Response Activities permitting pathway. In some cases, however, the General Order may require coverage of activities that are not eligible for an emergency permit, but which nevertheless must proceed sooner than the required 48 hours. As a result, the General Order was revised to allow notification after project initiation for Urgent Response activities that meet certain criteria. See the response to comment 1.15 for additional information.
6	6.41	Pacific Gas and Electric Company	Section/Description: IV.E.3.c.ii.1 “Within thirty (30) days from the NOI receipt date, incomplete NOIs will be returned with a description of information needed to satisfy the deficiency(ies).” Comment: PG&E would like to note that the environmental process to comply with the General Order will likely exceed 120 days total, extending existing review timelines for a significant number of operations and maintenance actions. Tribal outreach will likely need to begin approximately 90 days prior to submitting the Notice of Intent to obtain records searches (at least 4 weeks), provide a period for tribes to respond (30 days), and negotiate resource protection measures (approximately 4 weeks). Then the Notice of Intent review period begins, which will likely also exceed 30 days to accommodate a completeness review by the Water Board and for utilities to respond to any questions or comments from the Water Board. Additional planning efforts must occur concurrently, including, but not limited to, aquatic resources delineations and erosion and sediment control plans. All of this additional effort is placed on top of existing coordination PG&E must perform with property owners as well as our efforts to plan/design upland projects to avoid discharges to waters of the state. For these reasons, PG&E requests additional structure and clarity around submittal review and approval timelines to avoid schedule delays, specifically including Water Board review and approval of tribal cultural resources protection measures and vegetation management impact offset plan notifications.	The Vegetation Management Impact Offset Plan requirement and associated notification process were removed, and Category A activities are no longer subject to the cultural resources conditions. As a result, those processes no longer affect the timelines for Category A vegetation management activities. See responses to comments 1.14 and 1.19. For Category B activities, the General Order retains cultural resources conditions because potential impacts to cultural resources must be identified and addressed before project activities begin. However, the General Order includes several provisions to reduce duplicative review and delay. A prior CHRIS records search may be used if completed for the same parcel or parcels within the previous five years, and a prior Sacred Lands File search may be used if completed for the same parcel or parcels within the previous 10 years. Instead of the Sacred Lands File search, Dischargers may also use the Water Boards Tribal Affairs contact list for the county or counties where the project will occur, and Tribal coordination conducted by another agency with a similar scope may satisfy the coordination requirement. The General Order does not require a separate Water Board approval process for cultural resources treatment measures. The cultural resources report is submitted with the NOI and is reviewed as part of the NOI process. Early Tribal engagement is encouraged.

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6	6.42	Pacific Gas and Electric Company	Section/Description: IV.E.3.c.ii Comment PG&E understands the Water Board did not implement our recommended revisions to this section. However, PG&E is providing those recommendations again for consideration so the General Order can achieve additional streamlining and avoid delays in Category B work activities. Within seven (7) days from the NOI receipt date, incomplete NOIs will be returned with a description of information needed to satisfy the deficiency(ies). Within seven (7) days of receiving a complete NOI, Water Boards will determine whether a project is ineligible for General Order enrollment and issue a Notice of Exclusion as appropriate. If the Water Board does not issue an NOA within thirty (30) days of receiving a complete NOI, the Discharger may proceed with the project according to all applicable General Order conditions.	The 30-day review period is necessary to allow staff to adequately review an application for completeness and is consistent with the Permit Streamlining Act (Gov. Code, § 65943) and Cal. Code Regs., tit. 23, § 3835.
6	6.43	Pacific Gas and Electric Company	Section/Description: IV.E.3.d Comment: PG&E thanks the Water Board for including Consolidated Enrollment as an option, as it may be a step towards the streamlining that the Water Board identifies as a goal of this General Order. However, as it is currently drafted it is functionally useless for Category B activities and adds very limited streamlining benefit. Section VI.E.3.d.1.2 states that “Category B projects that discharge dredge or fill materials to waters of the state shall submit an individual Notice of Intent in all instances.” Of the 11 project activities eligible for enrollment under the General Order as a Category B, eight require the discharge of dredge or fill material into waters of the state. Only 2, Vegetation Management, and Site Access and Development could, in theory, be both a Category B activity and have no discharge or dredge of fill into waters of the state. Therefore, Consolidated Enrollment, is not available for the vast majority of utility maintenance and wildfire prevention work, severely limiting this potentially important streamlining opportunity. PG&E requests the Water Board to consider how a consolidated enrollment process might work for activities that plan or propose discharges of dredge and fill material to improve streamlining.	

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6	6.44	Pacific Gas and Electric Company	Section/Description IV.E.3.c.iii.1: “Within thirty (30) days of the Consolidated Enrollment Notification receipt date, the Water Boards will review the request to confirm that 1) no discharge of dredged or fill material to waters is being proposed and 2) all applicable plans and documents listed in Section IV.E.2.d.i., above, have been received. Dischargers that receive a notice from the Water Boards that lists missing Section IV.E.2.d.i requirements, may not proceed until all required items are received.” Comment: PG&E recommends the following addition: “If the Water Board does not issue an NOA or Notice of Exclusion within forty-five (45) days of receiving a complete Consolidated Enrollment Notification, the Discharger may proceed with the project according to all applicable General Order conditions.”	The General Order now provides that, within 45 days of receipt of a complete Consolidated Enrollment Notification, the applicable Water Board will either enroll the project under the General Order or notify the Discharger that an individual NOI is required. The General Order was not revised to allow projects to proceed by default under consolidated enrollment if no response is issued within 45 days. Consolidated enrollment is an optional pathway for projects that do not involve discharges of dredged or fill material to waters of the state, and the Water Boards must be able to confirm that the project is eligible and that the submitted information is sufficient to evaluate compliance with the General Order.
6	6.45	Pacific Gas and Electric Company	Section/Description: IV.F.1 “All materials and supplies necessary for implementing effective BMPs under this General Order must be accessible and ready for use at the start of the activity and must remain in supply and ready for implementation throughout the project. Discharges must maintain sufficient quantities of BMPs to effectively stabilize all unstabilized and disturbed soils at all times. All non-structural BMP materials (e.g., training documents, compliance tracking procedures) must be ready for use at the start of the activity. Apply effective BMPs to erodible construction materials (e.g., soil, spoils, fly-ash, stucco, hydrated lime) to prevent erosion and pollutant transport to receiving waters.” Comment: Many rural areas affected by wildfires often exhibit unstable soil conditions due to the loss of vegetation, altered soil properties from burning, changes in hydrology, and other factors. In such cases, stabilization measures may modify post-fire baseline conditions, and pre-fire conditions may not be ascertainable.	The General Order now clarifies that all materials and supplies necessary for implementing effective BMPs must be accessible and ready for use at the start of the activity and must remain in supply and ready for implementation throughout the project. The General Order also clarifies that non-structural BMPs, such as training documents and compliance tracking procedures, must be ready at the start of the activity. The stabilization requirements apply to soils disturbed by project activities and are intended to prevent erosion and pollutant transport from those activities. In post-fire areas, the General Order does not require Dischargers to restore the site to pre-fire conditions or determine pre-fire baseline conditions; where a baseline reference is needed, the relevant condition is the site condition before the covered project activity begins.
6	6.46	Pacific Gas and Electric Company	Section/Description: IV.F.2. “Environmentally sensitive areas and environmentally restricted areas, including any avoided waters of the state, must be clearly identified in the field for exclusion (e.g., fencing, flagging, signs) from disturbance prior to the start of project activities. Such identification must be properly maintained until construction is completed and the soil has been stabilized.” Comment: PG&E recommends that pre-construction tailboards and worker environmental awareness training or direction/supervision from a monitor be specifically including in	The General Order was partially revised in response to this comment. The General Order was revised to provide that identification methods may include fencing, flagging, or signage, and to clarify that environmental awareness training satisfies this condition for activities limited to vegetation management. The General Order was not further revised to allow pre-construction tailboards or monitor direction to replace field identification for all project activities. Clear identification of environmentally sensitive and environmentally restricted areas is necessary to prevent inadvertent disturbance during project implementation, particularly where multiple personnel, vehicles, or equipment may be present. The condition does not require use of synthetic materials; Dischargers may use

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			this list. This would protect resources without reliance on physical barriers/Best Management Practices that produce synthetic wastes.	appropriate identification methods that clearly communicate the areas to be avoided and remain effective for the duration required by the General Order.
6	6.47	Pacific Gas and Electric Company	Section/Description: IV.F.10.e “Whenever an earth disturbing activity on any portion of the site has permanently ceased, or temporarily ceased and will not resume for a period exceeding 14 calendar days, immediately initiate stabilization of disturbed areas, using reestablishment of vegetation, non-vegetative erosion controls, and/or returning to original line and grade;” Comment: PG&E questions how this term may interplay with saturated soil conditions following a large storm or other circumstances after wildfires that makes immediate access unsafe. We suggest using a term that provides flexibility and strikes a better balance between resource protection and worker safety, such as “as soon as practicable.”	The requirement to immediately initiate stabilization when earth-disturbing activities have permanently ceased or have temporarily ceased and will not resume for more than 14 calendar days, is intended to prevent unnecessary delay in stabilizing disturbed soils that may contribute to erosion or sediment transport. The term “immediately” does not require action that would compromise worker safety or require access when site conditions make access unsafe. The General Order includes related inspection language recognizing that inspections are conducted when the site can be accessed without contributing to significant environmental effects or risking the safety of the monitor. Similarly, where saturated soils, post-fire conditions, storm impacts, or other circumstances prevent safe access, stabilization should be initiated as soon as site conditions allow.
6	6.48	Pacific Gas and Electric Company	Section/Description: IV.F.10.e “Whenever an earth disturbing activity on any portion of the site has permanently ceased, or temporarily ceased and will not resume for a period exceeding 14 calendar days, immediately initiate stabilization of disturbed areas, using reestablishment of vegetation, non-vegetative erosion controls, and/or returning to original line and grade;” Comment: PG&E requests the inclusion of a sentence to address the challenges associated with the reestablishment of vegetation in post-fire conditions. For example: "In wildfire-impacted areas, post-fire soil conditions may not support re-growth. In such cases, alternative stabilization measures, such as erosion control blankets, may be utilized."	The General Order was not revised in response to this comment, the General Order already allows stabilization through reestablishment of vegetation, non-vegetative erosion controls, and/or returning disturbed areas to original line and grade. This language provides flexibility to use appropriate non-vegetative stabilization measures where post-fire soil conditions or other site conditions do not support revegetation.
6	6.49	Pacific Gas and Electric Company	Section/Description: IV.F.11.a “During a Precipitation Event, Dischargers shall ensure that disturbed areas are protected with erosion and sediment control BMPs (e.g., silt-fencing, geotextile fabrics, coir logs/rolls, straw bale dikes, jute, coconut fiber, erosion control fabric, hydroseeding).” Comment: PG&E disagrees with the Water Board’s response to the comment we provided regarding defining this term. As currently written, ANY precipitation event will require stop-work to install BMPs, even if trace amounts are forecast that may not actually produce measurable precipitation or runoff. This condition does not strike a good balance between cost and resource protection. PG&E recommends defining the term “Precipitation Event,” and we recommend alignment with the CGP’s definition of a	The General Order was revised in response to this comment. The term “Precipitation Event” was added to the Glossary and defined as “any weather pattern that results in precipitation (rain, snow, sleet, or hail).” The General Order was not revised to use the Construction General Permit’s Qualifying Storm Event definition. The General Order uses a simplified precipitation trigger so Dischargers can determine when disturbed areas must be protected with erosion and sediment control BMPs without applying the more detailed storm event framework used in the Construction General Permit. Disturbed soils and exposed materials may be mobilized during precipitation, including smaller precipitation events, depending on site conditions, slope, soil type, and the effectiveness of existing BMPs. The precipitation trigger therefore provides a clear and implementable requirement to protect disturbed areas before erosion or pollutant transport occurs.

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			Qualifying Storm Event for consistency across Water Board permit conditions that may affect a single utility construction project or common plan of development.	
6	6.50	Pacific Gas and Electric Company	Section/Description: IV.F.11.b “Only 100-percent biodegradable erosion and sediment control products that will not entrap or harm wildlife shall be used. Erosion and sediment control products shall not contain synthetic (e.g., plastic or nylon) netting. Photodegradable synthetic products are not considered biodegradable.” Comment: PG&E understands the intent of this condition, however we would like to point out that there are not biodegradable options for certain BMP types; for example, silt fence, tarps/stockpile covers, and biological exclusion fence is always synthetic. So this General Order would effectively preclude use of these types of BMP. For this reason, a requirement for biodegradable BMPs is not suitable for temporary BMPs. However, this requirement may be more suitable for post-construction BMPs, since those BMPs are left to degrade and decompose naturally.	The General Order was revised to allow non-biodegradable products where necessary due to safety or where biodegradable products are not reasonably available at the time of use. Non-biodegradable products may only be used as temporary BMPs and must be removed immediately upon project completion or once permanent stabilization is achieved. For Category B activities, the NOI must identify where such products will be used and justify the need for non-biodegradable materials. These revisions allow temporary use of non-biodegradable BMPs where needed while maintaining protections against wildlife entrapment and long-term plastic waste in the environment.
6	6.51	Pacific Gas and Electric Company	Section/Description: IV.F.13.c “All soil disturbance created from heavy equipment use must be immediately stabilized following completion of heavy equipment use.” Comment: PG&E questions how this term may interplay with saturated soil conditions following a large storm or other circumstances after wildfires that make immediate access unsafe. We suggest using a term that provides flexibility and strikes a better balance between resource protection and worker safety, such as “as soon as practicable.”	The requirement to immediately stabilize soil disturbance created from heavy equipment use is intended to prevent erosion and sediment transport from disturbed areas after equipment use is complete. The term “immediately” does not require action that would compromise worker safety or require access when site conditions make access unsafe. Where saturated soils, post-fire conditions, storm impacts, or other circumstances prevent safe access, stabilization should be completed as soon as site conditions allow. The General Order includes related inspection language recognizing that inspections are conducted when the site can be accessed without contributing to significant environmental effects or risking the safety of the monitor.
6	6.52	Pacific Gas and Electric Company	Section/Description: IV.F.15.c “Access route surface runoff and drainage structure outflow must be designed to sufficiently disperse flows to appropriate vegetated or otherwise protected upland areas to minimize or avoid erosion, rather than concentrating flows and/or discharging sediment to waters of the state. Surface runoff and drainage outflow shall not directly discharge to waters of the state or areas that will likely result in erosion and direct discharge to waters of the state.” Comment: In numerous regions, terrain is characterized by a high rock content with sparse vegetation. Additionally, these areas often feature frequent watercourses in close proximity to roadways. Consequently, the specified requirement may be impractical to fulfill in these locations.	This condition does not require surface runoff or drainage structure outflows to be dispersed exclusively to vegetated areas. The condition allows flows to be dispersed to vegetated or otherwise protected upland areas and is intended to prevent concentrated flows that could cause erosion or sediment discharge to waters of the state. In areas with rocky terrain, sparse vegetation, or nearby watercourses, Dischargers may use measures appropriate to site conditions to disperse or otherwise manage runoff and avoid concentrated flow paths. This may include energy dissipation features, slope breaks, or other effective erosion and sediment control practices.

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6	6.53	Pacific Gas and Electric Company	Section/Description: IV.F.18.g “Culverts shall be installed at the base of the fill in line with and at the same grade and orientation as the natural channel to reduce plugging, overtopping and scour potential.” Comment: Please add "to the extent feasible" or other language that allows flexibility in implementation. In certain instances, the presence of bedrock or large immovable rocks may prevent the installation of a culvert at the natural grade. In such cases, rock armoring from the outflow to the natural grade will be implemented to mitigate the issue.	The requirement to install culverts at the base of the fill in line with, and at the same grade and orientation as, the natural channel is necessary to reduce the potential for plugging, overtopping, and scour. The General Order already provides flexibility where a watercourse crossing standard is not practicable. Where not practicable, Category B Dischargers must describe in the NOI why the applicable standard cannot be met. Where site-specific conditions such as bedrock or large immovable rocks constrain culvert placement, Dischargers may also propose an alternative crossing type or design features appropriate to site conditions to minimize erosion and protect water quality. For Category A project activities, Dischargers must retain a justification of why the condition cannot be met and make it available to Water Boards staff upon request.
6	6.54	Pacific Gas and Electric Company	Section/Description: IV.F.21 Comment PG&E offers the following comments to align the requirements of the General Order with the Forest Practice Rules to reduce potential conflicts among regulatory requirements affecting electric utility vegetation management work, or to provide greater flexibility in our operations: Woody debris should be defined as woody material four inches and greater in diameter and no less than two feet long left on the ground as the result of Timber Operations. "Slash" means branches or limbs less than four inches in diameter, and bark and split products debris left on the ground. Large wood can be an important stabilizing agent near steeper channels and should not be limited to only 4 feet in length. During operations there might be accidental deposition of woody debris or slash if this occurs below the Watercourse or Lake Transition Line--it should be removed immediately after the deposition. PG&E suggests we are only required to “work slash into the soil” within 50 feet of all waters when slopes greater than 50%. For slopes less than 50%, slash and woody debris shall be treated to achieve a maximum depth of 18 inches above the ground. For wood chips limitations, PG&E suggests increasing the slope limitation to 50% (vs. 30% referenced). This would allow greater flexibility in our operations. We request the Water Board to consider a tiered approach to these requirements (i.e., requirements differ depending on watercourse classification). Requiring the same conditions for Class 1 and Class 3 or 4 seems excessive and does not consider resource context/sensitivity.	The requested revisions would not provide the same level of protection for water quality during vegetation management activities conducted near waters of the state. The General Order was not revised to add a definition of “woody debris” because that term is not used in the General Order. The General Order was also not revised to define “slash” consistent with the Forest Practice Rules. The slash requirements in the General Order are intended to address water quality concerns associated with utility vegetation management activities conducted near waters of the state and are based on Water Boards staff experience with vegetation management practices and field observations. The General Order was not revised to allow slash or wood chips to remain on steeper slopes up to 50 percent. The 30 percent slope limitation is retained to reduce the potential for mobilization of slash, wood chips, and associated sediment or organic material to waters of the state. However, the distance for the applicable vegetation management requirements was reduced from 100 feet to 50 feet from waters of the state. The General Order was not revised to include different vegetation management requirements based on watercourse classifications used in the Forest Practice Rules. The General Order applies to waters of the state and establishes conditions necessary to protect water quality for covered activities near those waters.

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6	6.55	Pacific Gas and Electric Company	Section/Description: IV.F.21.a “The discharge or threatened discharge of <i>vegetation management waste</i> into waters of the state is prohibited.” Comment: PG&E recommends revising this statement to read: “Unless approved by the Water Boards in an NOA, the discharge of vegetation management waste into waters of the state is prohibited.” There might be situations where felling or dropping debris into waters is unavoidable and must be done for practical purposes (and not for restoration). For these situations, PG&E recommends additional flexibility in this condition.	This condition was revised, but the discharge of vegetation management waste into waters of the state remains prohibited except for restoration. The General Order separately addresses tree felling and provides that trees shall be felled outside of waters of the state, unless felling into waters is necessary for safety reasons or approved by the Water Boards in writing for the purpose of restoration. If a tree is accidentally felled into, or across, a water of the state, it must immediately be removed and placed outside of and away from waters of the state to the farthest distance practicable. The General Order was not revised to allow discharge of vegetation management waste into waters of the state for general operational or practical purposes because accumulated vegetation management waste can obstruct flows, alter channel conditions, or contribute pollutants to waters of the state.
6	6.56	Pacific Gas and Electric Company	Section/Description: IV.F.21.c “Wood chips shall not be used to stabilize disturbed soils on slopes steeper than 30% and within 100 feet of waters of the state.” Comment: Wood chips shall not be used to stabilize disturbed soils on slopes steeper than 30% and within 50100 feet of waters of the state. Wood chips shall be processed consistent with the wood strand mulch dimensions reported in the US Forest Service Erosion Control Treatment Selection Guide (2006) , which are approximately 1.6 to 6.3-inches long, 0.125-inch-thick, and 0.240-inch wide. Wood chips shall not exceed a depth of 3 inches and shall be applied and stabilized in a manner that minimizes potential discharge to waters of the state (e.g., reinforce wood chips with slash to keep the wood chips in place). Comment: The response to comments table indicates this condition was revised, however the revised General Order does include the stated revision. PG&E recommends reducing the buffer around waters to 50 feet, consistent with the Section III Project Description for vegetation management.	The General Order was revised to: “Wood chips shall not be used to stabilize disturbed soils on slopes steeper than 30% and within 50 feet of waters of the state.”
6	6.57	Pacific Gas and Electric Company	Section/Description: IV.F.22 Comment: The General Order fails to clearly establish when Vegetation Management Impact Offset Plans are required. Rather, it states that Dischargers shall ask the Water Board if one is required when work is occurring in specific areas. Vast swaths of PG&E's service area meet these criteria, include essentially the entire North Coast of California. Section IV.M fails to establish criteria that Water Boards would use to determine when a Vegetation Offset Plan would be required. Leaving the determination for when this costly mitigation requirement would apply completely up to the discretion of the Water Boards, with no insight provided to the Discharger.	The VMIOP requirement was removed. See response to comment 1.14.

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			Compounding this fact, there is no timeline established for when the Water Boards must reply to the inquiry or provide a determination that a plan is required, even for Class A activities.	
6	6.58	Pacific Gas and Electric Company	Section/Description: IV.F.21.d “When using slash to stabilize disturbed soils within 100 feet of waters of the state, individual limbs shall not exceed four (4) feet in length. All slash must be worked into the soil to prevent the slash from being displaced. Any slash that is not worked into the soil must be removed from the work area.” Comment: Reduce buffer around waters to 50 feet, consistent with the Section III Project Description for vegetation management.	The General Order was revised to: “When using slash to stabilize disturbed soils within 50 feet of waters of the state, individual limbs shall not exceed four (4) feet in length.”
6	6.59	Pacific Gas and Electric Company	Section/Description: IV.F.22.a “Trees shall be felled outside of waters of the state, unless approved by the Water Boards for the purpose of restoration. If a tree is accidentally felled into, or across, a water of the state, it must immediately be removed and placed outside of and away from waters of the state to the farthest distance practicable.” Comment: PG&E recommends revising this statement to read: “Trees shall be felled outside of waters of the state, unless approved by the Water Boards in an NOA.” There might be situations where felling a tree into waters is unavoidable and must be done for practical purposes (and not for restoration). For these situations, PG&E recommends additional flexibility in this condition.	See response to comment 6.55. The General Order already provides limited flexibility for tree felling into waters of the state where necessary for safety reasons or where approved by the Water Boards in writing for the purpose of restoration. The General Order was not revised to allow trees to be felled into waters of the state for general operational or practical purposes.
6	6.60	Pacific Gas and Electric Company	Section/Description: IV.F.22.b “Dischargers shall preserve riparian canopy to the extent feasible that is still consistent applicable safe-clearance regulatory requirements (e.g., CPUC General Order 95, PRC Sections 4292 and 4293).” Comment: PG&E appreciates the recognition that riparian vegetation may need to be removed to maintain clearances established in relevant regulations. However, it is also important to note that utilities, at times, cut vegetation in excess of the minimum required distances established in these regulations. This may be necessary because of location, voltage, type of facility, species, season or may other factors. Utilities cannot be limited in establishing the appropriate clearances between our facilities and vegetation and must be allowed to establish those required clearances without interference.	The General Order was revised in response to this comment. The condition does not limit Dischargers to the minimum clearance distances established in other regulatory requirements. Dischargers may determine the vegetation management necessary to maintain safe clearances based on site-specific conditions, facility type, species, regrowth, and other relevant operational factors. The requirement to preserve riparian canopy to the extent practicable applies where preservation is consistent with applicable safe-clearance requirements and the project purpose. This condition is intended to protect riparian vegetation where removal is not necessary for safe operation, maintenance, or vegetation management objectives. The condition should be read together with the requirements to retain compatible vegetation where feasible and to limit vegetation removal to the extent necessary to achieve project goals.

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6	6.61	Pacific Gas and Electric Company	Section/Description: IV.F.24.a “Herbicides shall not be applied in a manner, or at rates that would cause or threaten to cause a discharge of waste to waters of the state at levels that cause or contribute to an exceedance of water quality objectives or water quality control plans.” Comment: There is an existing State entity responsible for regulating all aspects of pesticide and herbicide use, including applications near water bodies: the Department of Pesticide Regulation. The introduction of new regulations by another State agency within the jurisdiction of the Department of Pesticide Regulation may lead to confusion.	The condition does not regulate pesticide registration, labeling, application licensing, or other requirements administered by the Department of Pesticide Regulation. The condition addresses discharges of waste to waters of the state and requires herbicides used during covered activities to be applied in a manner that does not cause or threaten to cause an exceedance of applicable water quality objectives or water quality control plans and does not adversely affect water quality.
6	6.62	Pacific Gas and Electric Company	Section/Description: IV.F.24.a “Herbicides shall not be applied in a manner, or at rates that would cause or threaten to cause a discharge of waste to waters of the state at levels that cause or contribute to an exceedance of water quality objectives or water quality control plans.” Comment: Herbicide use rates and application methods are clearly defined on the label and regulated by the Department of Pesticide Regulation. It is well established that "the label is the law." The introduction of additional rules may cause confusion for those who hold the proper licenses and adhere to the labels, which are based on studies and approved by the Department of Pesticide Regulation.	See response to comment 2.56.
6	6.63	Pacific Gas and Electric Company	Section/Description: IV.F.25.c “Achieving seventy percent ground cover. Where appropriate, permanent vegetative cover must be evenly established over seventy percent (70%) of all disturbed and exposed areas of soil (non-paved or non-built). In areas that naturally have low vegetative coverage (e.g., deserts), seventy percent (70%) of the natural conditions of local undisturbed areas is acceptable. Photos of all site areas are required to verify compliance with the seventy percent (70%) final cover requirement;” Comment: PG&E would like to highlight the evident fact that, given the requirement of achieving 70% cover for final stabilization, there will be years of reporting for thousands of projects.	The General Order does not require all projects to submit ongoing reports until final cover is achieved. The General Order was revised to clarify that Category A projects are not required to submit photo documentation to the Water Boards, though additional inspections may be needed to determine coverage standards are met. Category B Dischargers must submit photo documentation demonstrating compliance with the 70 percent final cover requirement. The 70 percent final cover requirement is intended to ensure that disturbed and exposed soils are adequately stabilized following project activities and to minimize the potential for erosion and sediment discharge. For areas that naturally have low vegetative coverage, the condition allows 70 percent of the natural conditions of local undisturbed areas to satisfy the final cover requirement.
6	6.64	Pacific Gas and Electric Company	Section/Description: IV.F.26.a “The discharge of bentonite, drilling muds, lubricants, or any drilling compounds into waters of the state is prohibited.” Comment:	The discharge of bentonite, drilling muds, lubricants, or drilling compounds into waters of the state remains prohibited because these materials may adversely affect water quality and beneficial uses if released to waters of the state. The General Order includes conditions requiring appropriate horizontal directional drilling planning, monitoring, containment, and response measures to reduce the potential for frac-outs and address releases if they occur. The

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			PG&E believes that unplanned releases of drilling mud should be allowed to enter waters of the state from frac-outs for projects with coverage under this General Order, provided that all of the other conditions of the General Order are met. PG&E requests the Water Board to reconsider this prohibition. Otherwise, utilities may be subject to enforcement action for frac-outs even when complying with all other conditions of the General Order.	General Order was not revised to authorize unplanned releases of drilling materials to waters of the state. The Water Boards retain enforcement discretion and may consider the circumstances of an incident, including whether the Discharger was otherwise complying with applicable General Order conditions.
6	6.65	Pacific Gas and Electric Company	Section/Description: IV.G Comment: PG&E continues to point out there is a foundational issue with the tribal cultural resources requirements related to the lead agency delegating its government-to-government consultation to utilities.	The cultural resources procedures do not delegate the Water Boards’ government-to-government consultation responsibilities to utilities and do not establish a formal government-to-government consultation process between utilities and Tribes. The procedures require Dischargers to provide project-specific notification and information to Tribes identified through the cultural resources procedures so that Tribes have an opportunity to identify potential concerns regarding Tribal cultural resources before covered activities proceed. The notification process is consistent with the Water Boards’ interest in improving communication and dialogue with California Native American Tribes and with the State Water Board’s Racial Equity Resolution. Resolution No. 2021-0050 reaffirms the State Water Board’s commitment to improving communication, working relationships, and co-management practices with California Native American Tribes, including seeking input and consultation on the Water Boards’ rules, regulations, policies, and programs. The General Order’s project-specific notification procedures are intended to provide Tribes with an opportunity to receive and respond to information about activities that may affect Tribal cultural resources, while preserving the Water Boards’ responsibility for any formal consultation obligations that apply to the Water Boards.
6	6.66	Pacific Gas and Electric Company	Section/Description: IV.G Comment: PG&E has a wide variety of concerns regarding Tribal Cultural Resources section of the EIR and General Order. At the core of these issues is the incorrect determination in the EIR that the mitigation measures included in Section G are appropriate. The analysis in the EIR does not properly consider that the maintenance activities identified in the EIR and General Order have been completed by Utilities, including PG&E, for decades. These activities are thus part of the baseline environmental conditions, which will not change following approval of the General Order, that the EIR should be analyzing. The EIR fails to properly conduct this analysis. The EIR presumes, without analysis or evidence, that utility activities potentially subject to the General Order would result in a substantial adverse change to cultural resources and thus require mitigation. The General Order proceeds to invent, from whole cloth, a new and unprecedented “coordination” protocol that is not required by any existing laws or regulations. To the extent that mitigation is even required, which	To the extent the comment concerns the cultural resources requirements in the General Order, the General Order was revised in response to this comment and related comments. See response to comment 1.19 regarding revisions to the cultural resources conditions. The cultural resources conditions were revised so that Category A activities are no longer subject to the cultural resources procedures. As revised, the cultural resources procedures apply to Category B activities, which are the activities subject to project-specific NOI review under the General Order. This revision reduces the number of activities subject to CHRIS records searches, Sacred Lands File searches, and Tribal notification, while retaining procedures for activities that require project-specific review before authorization. The General Order was not revised to rely solely on compliance with other applicable laws or individual utility cultural resources programs. Existing legal requirements and utility-specific programs may help protect cultural and Tribal cultural resources, but they do not provide a uniform, enforceable statewide procedure for activities authorized under this General Order. Similarly, PG&E’s Bay Area Operation and Maintenance Environmental Impact Report does not

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			the record has not established and PG&E does not concede, there is no need to establish this new protocol as mitigation. Rather, the General Order should require that Dischargers comply with applicable laws for protecting tribal cultural resources and historical resources. Additionally, PG&E has a robust Cultural Resources Program that protects tribal cultural and historical resources. The measures and protocols associated with this program have been recognized as mitigation for potentially significant impacts to these resources. Compliance with applicable laws, and compliance with PG&E's already existing Cultural Resources Program, would result in impacts that are less than significant with mitigation. Pacific Gas and Electric Company's Bay Area Operation and Maintenance Environmental Impact Report issued by CDFW, examined all of the activities analyzed by the General Order EIR in the nine Bay Area Counties. This final, certified, non-appealable EIR concluded all impacts to tribal cultural and historic resources were less than significant with identified mitigation measures. There is no substantial change to the O&M activities analyzed in that document, nor any new significant impact related thereto. The Water Board has no grounds for deviating from this analysis.	replace the Water Boards' responsibility to evaluate and condition activities authorized under this statewide General Order. That document addressed PG&E activities in specified Bay Area counties and does not establish statewide General Order requirements applicable to all Dischargers, activity types, locations, and Water Boards authorizations covered by this Order. The project-specific notification procedures in the General Order do not delegate the Water Boards' government-to-government consultation responsibilities to utilities and do not establish a formal government-to-government consultation process between utilities and Tribes. The procedures require Dischargers to provide project-specific information to Tribes identified through the cultural resources procedures so that Tribes have an opportunity to identify potential concerns regarding Tribal cultural resources before covered Category B activities proceed. The General Order therefore retains a project-specific notification process for Category B activities while preserving the Water Boards' responsibility for any formal consultation obligations that apply to the Water Boards. To the extent that this comment is about the EIR, this written comment period did not include the EIR. Therefore, this comment is outside the scope of the written comment period and does not require a response.
6	6.67	Pacific Gas and Electric Company	Section/Description: IV.G.1.a "Tribal Cultural Resource Conditions are defined in California Public Resources Code (PRC) section 21074 as either of the following:" Comment: PG&E recommends deleting the word "conditions." This section of the PRC defines Tribal Cultural Resources, not Conditions.	The General Order was revised to remove the word "conditions" from the reference to Public Resources Code section 21074.
6	6.68	Pacific Gas and Electric Company	Section/Description: IV.G.2.b "Request a Sacred Lands Inventory for the project area from the Native American Heritage Commission, or obtain a list of Tribal contacts from the Water Boards Tribal Affairs webpage (https://www.waterboards.ca.gov/about_us/public_participation/tribal_affairs/tribal_consultations.html) for the county or counties in which the project will occur. This condition may be satisfied using the results of a previous file search completed for the specific parcel or parcels where the project activities are proposed to occur within the previous 10 years;" Comment: Obtaining a Sacred Lands File search through the Native American Heritage Commission takes no less than 4 weeks for a response. This requirement may lead to substantial increases in environmental review timelines required by utilities for a significant number of operations and maintenance activities.	See response to comment 2.29.

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6	6.69	Pacific Gas and Electric Company	Section/Description: IV.G.2.c “In the event of a positive CHRIS result or identification of an archaeological site, as early as possible and at least 120 days prior to commencing work, provide all tribes identified in steps a and b above with:” Comment: PG&E recommends the threshold to initiate tribal outreach should be tied to the potential to affect tribal cultural resources, not the mere presence of tribal cultural resources in or near a work location.	The notification process allows Tribes to review project-specific information and identify whether the proposed activity may affect Tribal cultural resources, including information that may not be reflected in records available to the Discharger. The General Order was not revised to require the Discharger to determine potential effects before providing Tribal notification because the notification process is intended to help inform that determination.
6	6.70	Pacific Gas and Electric Company	Section/Description: IV.G.2.c “In the event of a positive CHRIS result or identification of an archaeological site, as early as possible and at least 120 days prior to commencing work, provide all tribes identified in steps a and b above with:” Comment: PG&E observes that 179 tribes were contacted by the Water Board in development of the General Order, and only 8 tribes requested consultation. Thus, PG&E suggests the tribal outreach requirements be limited to the 8 tribes that requested consultation. The volume of outreach to tribes who opted not to consult will be substantial and potentially overwhelming. Many tribes have limited administrative support and such an inundation may be counterproductive.	Limiting notification only to Tribes that requested consultation during development of the General Order would not ensure that Tribes have an opportunity to review future project-specific activities that may affect Tribal cultural resources. A Tribe's decision not to request consultation on the General Order does not necessarily mean the Tribe has no interest in receiving notice of future project-specific activities. The General Order therefore retains project-specific notification for Tribes identified through the cultural resources procedures.
6	6.71	Pacific Gas and Electric Company	Section/Description: IV.G.2.c.iii “Provide a 30-day opportunity for the tribe(s) to request consultation. In cases where tribe(s) are consulting, mitigation coordinating, treatment measures will be developed by the Discharger in cooperation with the consulting tribe(s) and submitted to the Water Board for approval.” Comment PG&E notes that treatment measures are to be developed in coordination with tribes and they must be approved by the Water Board. However, no timeline is specified for the development of treatment measures between utilities and tribes, and there is no defined process or timeline for the Water Board to approve of treatment measures. PG&E recommends more structure and clarity around approval processes and timelines to reduce potential delays in execution of utility work.	See responses to comments 2.31 and 2.33.

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6	6.72	Pacific Gas and Electric Company	Section/Description: IV.G.2.c.v “If requested by an affiliated tribe, a pedestrian survey will be conducted by a qualified archaeologist to identify and record resources. Affiliated tribes must be given the opportunity to accompany the archaeologist during the pedestrian survey or to visit the site and assess impacts to previously recorded sites. A copy of the Cultural Resources Assessment should be provided to the affiliated tribes.” Comment: PG&E believes this statement will grant unprecedented authority to tribes to require archaeological fieldwork as well as their participation. Tribes typically require compensation for archaeological fieldwork, including survey and monitoring, and this may lead to significant increases in cost for utilities to execute operations and maintenance activities.	See response to comment 2.30.
6	6.73	Pacific Gas and Electric Company	Section/Description: IV.G.2.c.v “If requested by an affiliated tribe, a pedestrian survey will be conducted by a qualified archaeologist to identify and record resources. Affiliated tribes must be given the opportunity to accompany the archaeologist during the pedestrian survey or to visit the site and assess impacts to previously recorded sites. A copy of the Cultural Resources Assessment should be provided to the affiliated tribes.” Comment: PG&E recommends that a pedestrian survey should not required when project locations indicate a low potential for harboring cultural or tribal resources due to steep slopes, prior disturbances, or geoarchaeological setting. Likewise, a pedestrian survey should not be required if locations are inaccessible, pose safety hazards, or the landowner refuses.	See response to comment 2.35.
6	6.74	Pacific Gas and Electric Company	Section/Description: IV.G.2.c.v “If requested by an affiliated tribe, a pedestrian survey will be conducted by a qualified archaeologist to identify and record resources. Affiliated tribes must be given the opportunity to accompany the archaeologist during the pedestrian survey or to visit the site and assess impacts to previously recorded sites. A copy of the Cultural Resources Assessment should be provided to the affiliated tribes.” Comment: PG&E questions the basis of limiting survey validity to 10 years. PG&E recommends that the adequacy of surveys should only be affected if there is a significant change in environmental conditions that would warrant a targeted survey sample (e.g., change in condition from wildfire), and previously conducted surveys should not be limited to a 10-year life span.	The 10-year timeframe for relying on a previous pedestrian survey is retained to ensure that survey information is recent enough to support project-specific review of potential impacts to cultural resources. A significant change in environmental conditions, such as wildfire or other ground-disturbing events, may affect whether previous survey information remains adequate. However, the absence of a known significant environmental change does not necessarily mean that older survey information remains sufficient for purposes of the General Order. The 10-year timeframe provides an administrable standard for determining when a new pedestrian survey is not required, while allowing recent survey information for the specific parcel or parcels where project activities are proposed to be used. Also see response to comment 2.35.

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6	6.75	Pacific Gas and Electric Company	Section/Description: IV.G.2.c.viii “The Discharger shall maintain confidentiality of the TCR Resources location and provide worker training on any applicable mitigation measures.” Comment: PG&E recommends clarifying that the location of tribal or cultural work restriction zones or avoidance areas may be communicated to project team members during the training to facilitate avoidance. Locational information will not be disclosed to the public.	See response to comment 4.36.
6	6.76	Pacific Gas and Electric Company	Section/Description: IV.G.2.c.ix “Category B projects shall provide a Tribal and Cultural Resources Report to the applicable Water Board that shows either 1) no Tribal Cultural Resources were identified within the project area; 2) the appropriate treatment measures developed in coordination with the affected California Native American Tribe when the survey and research reveal a Tribal Cultural Resource or a Sacred Lands Inventory positive result; or 3) documentation that shows that affected California Native American Tribes were contacted and did not respond to the opportunity to consult within 30 days or did not provide utilities with recommended treatment measures within 30 days of the request to coordinate. Category A projects shall retain the Tribal and Cultural Resources Report and provide a copy to the Water Boards upon request.” Comment: PG&E notes this requirement will result in an increase in documentation and reporting requirements for many utility operations and maintenance activities that are not currently subject to comparable requirements.	The Cultural Resources Report is intended to provide the applicable Water Board with sufficient information to confirm that the Discharger completed the required review, identified any applicable Tribal consultation or mitigation requirements, and incorporated any necessary avoidance, conservation, or mitigation measures before work proceeds. See response to comment 1.19.
6	6.77	Pacific Gas and Electric Company	Section/Description: IV.G.2.c.ix “Category B projects shall provide a Tribal and Cultural Resources Report to the applicable Water Board that shows either 1) no Tribal Cultural Resources were identified within the project area; 2) the appropriate treatment measures developed in coordination with the affected California Native American Tribe when the survey and research reveal a Tribal Cultural Resource or a Sacred Lands Inventory positive result; or 3) documentation that shows that affected California Native American Tribes were contacted and did not respond to the opportunity to consult within 30 days or did not provide utilities with recommended treatment measures within 30 days of the request to coordinate. Category A projects shall retain the Tribal and Cultural Resources Report and provide a copy to the Water Boards upon request.” Comment: PG&E requests clarification around the tribal cultural resources reporting requirements for Category A. In workshops hosted by the Water Board, staff has	See response to comment 1.19.

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			indicated Category A activities do not require a tribal cultural resources report, yet this condition seems to require it.	
6	6.78	Pacific Gas and Electric Company	Section/Description: IV.H.1 “If standing or flowing water within a water of the state is within 50 feet of active construction, visual monitoring shall be conducted at least once daily during active construction to detect discharge of construction related pollutants (e.g., oil and grease, sediment and earthen materials, uncured concrete).” Comment: This is an excessive requirement for work activities performed in uplands outside the boundaries of waters of the state. Instead, water quality monitoring should be limited to activities that plan or propose discharges to waters of the state. Furthermore, this poses significant administrative and technological challenges for implementation. PG&E recommends deleting this entire section.	See response to comment 2.61.
6	6.79	Pacific Gas and Electric Company	Section/Description: IV.I.2 “Following notification to OES, Dischargers shall notify the Water Board within 24 hours. Notification may be delivered via written notice, email, or other verifiable means.” Comment: To ease administrative burden, PG&E recommends removing these criteria. Currently, utilities must notify OES of spills, and OES will notify the Water Boards. Requiring utilities to provide duplicative notifications to the Water Board is a redundant effort that will increase administrative burden for utilities.	See response to comment 2.62.
6	6.80	Pacific Gas and Electric Company	Section/Description: IV.K “All Dischargers that propose soil disturbing activities, shall develop and implement an Erosion and Sediment Control Plan for proposed project activities. Category B projects must submit the Erosion and Sediment Control Plan with the NOI unless the discharger has a programmatic Erosion and Sediment Control Plan that was previously approved by the applicable Water Board. If a programmatic plan is used, supplemental site-specific information must be included with the NOI to address the site specific details listed below.” Comment To ease administrative burden, PG&E recommends waiving this requirement if utilities have a programmatic plan that has been approved by the Water Boards.	The General Order was revised so that Category A projects are not required to develop or submit supplemental site-specific information when using programmatic ESCPs. The General Order was not revised to waive supplemental site-specific information for Category B projects that rely on an approved programmatic plan. Category B projects may involve larger or higher-risk activities that require project-specific review before authorization. For those projects, it is necessary and appropriate to identify the erosion and sediment control BMPs that will be implemented and to ensure that those BMPs are selected and applied based on the proposed activity and site conditions. A programmatic plan can establish standard practices and BMP options, but it does not, by itself, show which measures will be used for a specific project. Supplemental site-specific information helps ensure that appropriate BMPs are selected, documented, and communicated to personnel responsible for implementing them, while avoiding the need to resubmit the full programmatic plan for each Category B project.

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6	6.81	Pacific Gas and Electric Company	Section/Description: IV.K.2.e “hydrologically disconnected drainage structure types, including critical dips and roadside ditches, and their respective spacing distances.” Comment: PG&E notes this could impose a significant requirement on the development of erosion and sediment control plans by requiring precise mapping of individual waterbars and rolling dips.	Section IV.J.3.e does not require precise mapping of individual drainage structures, waterbars, rolling dips, or similar features. The intent of this requirement is to ensure the Erosion and Sediment Control Plan includes a general description of the hydrologically disconnected drainage structure types that will be used for access route work activities and the general spacing or spacing criteria for those structures. This information is necessary to demonstrate that access routes will be designed or maintained to disperse runoff, reduce concentrated flow, and minimize erosion and sediment delivery to waters of the state. The requirement may be satisfied through narrative descriptions, typical spacing ranges, design criteria, or representative details, as appropriate for the site conditions and proposed work. It does not require precise mapping or survey-level location information for each individual drainage feature.
6	6.82	Pacific Gas and Electric Company	Section/Description: IV.K.3 3. Where the activities are planned on unstable slopes, the Executive Officer or Executive Director may require the submission a geotechnical analysis, conducted by a licensed professional, that includes: a. subsurface profile and conditions; b. potential land subsidence; c. potential slope failure; and d. potential and existing geologic hazards. Comment: Many regions in PG&E’s service territory contain "unstable areas" producing numerous landslides every winter. PG&E requests a revision to indicate that only major operations, such as road construction or reconstruction would require geotechnical analysis, and minor operations and maintenance activities, such as pole replacements, maintenance, and reinforcement and other similar activities be waived from this requirement.	Section IV.J.3.e, now states that the Executive Officer or Executive Director may require a geotechnical analysis for access route activities that meet one of the following criteria: Occur on slopes that exceed 60 percent grade, where full bench construction is not possible; Intersect identified unstable areas; or have experienced fill slope failures or other failures related to underlying instabilities. This revision clarifies that a geotechnical analysis is not automatically required for all utility operations and maintenance activities occurring in areas that may generally be characterized as unstable.
6	6.83	Pacific Gas and Electric Company	Section/Description: IV.L.1.a “Category A Dischargers shall inspect at least five percent (5%) of active projects in each Category A activity type category for which they have projects as of September 1 as described in Section IV.L.2, below.” Comment: PG&E appreciates the Water Board’s revisions to this condition. However, PG&E finds this first statement difficult to interpret. Please clarify whether utilities must complete	Section IV.K was revised to clarify that September 1 is the date used to identify the active Category A projects that are subject to the five percent inspection requirement. September 1 is not the deadline by which inspections must be completed. Inspections must be conducted once between September 1 and October 1, once between May 1 and June 15, and within 48 hours of a qualifying forecasted precipitation event during the October 1 to January 15 and January 15 to May 1 periods. If evidence of discharge, erosion that may result in a discharge, or BMP failure is observed, the Discharger must provide the information requested in Attachment D to the applicable Water Board within 30 days of the inspection.

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			the inspections by September 1, or if the quantity of inspections is determined by the quantity of activities on September 1.	
6	6.84	Pacific Gas and Electric Company	Section/Description: IV.L.1.a “Any evidence of BMP failure or erosion caused by project activities with the potential to transport sediment to receiving waters of the state shall be repaired with applicable BMPs, and a report shall be made in accordance with the Attachments D and E.” Comment: PG&E recommends removing “BMP failure or” to avoid potential confusion with routine maintenance of BMPs. In some cases, BMPs must be maintained due to age or wear and we are concerned this type of maintenance may be confused with failure of BMPs. The revised text would make it clear that reports are needed when there is erosion with sediment transport into receiving waters, and not when BMPs need to be maintained or replaced for maintenance.	BMPs that are not properly maintained have the potential to transport sediment into receiving waters. Section IV.L was revised to clarify that reporting is required where evidence of discharge, erosion that may result in a discharge, or other evidence of BMP failure caused by project activities is observed during an inspection. The revised language does not require reporting for routine BMP maintenance or replacement due to age, wear, or ordinary upkeep where there is no evidence of discharge, erosion that may result in a discharge, or BMP failure caused by project activities. However, the General Order retains BMP failure as a reporting trigger because failed BMPs may result in a discharge or indicate that additional corrective action is necessary to prevent sediment or other waste from reaching waters of the state.
6	6.85	Pacific Gas and Electric Company	Section/Description: IV.L.1.a “Any evidence of BMP failure or erosion caused by project activities with the potential to transport sediment to receiving waters of the state shall be repaired with applicable BMPs, and a report shall be made in accordance with the Attachments D and E.” Comment: Delete "with the potential to" and replace with "that." This would replace a nebulous term with an actionable term, and focus efforts on areas with actual discharges.	Section IV.K.5 now requires repair where there is evidence of discharge, erosion that may result in a discharge, or other evidence of BMP failure caused by project activities. The General Order was not revised to limit corrective action only to areas where an actual discharge has already occurred. Requiring repair of erosion that may result in a discharge is necessary to ensure that observed erosion or BMP failure is addressed before it results in a discharge to waters of the state.
6	6.86	Pacific Gas and Electric Company	Section/Description: IV.L.4 “Within thirty (30) days of the inspection, or within thirty (30) days of the end of an inspection period where an inspection was not completed because inspection was unsafe or no such storm occurred as set forth in Sections IV.L.1, L.2.b or L.2.c, above, Category B Dischargers shall provide all information requested on Attachment D to the applicable Water Board. Attachment D shall also include a timeline for completing BMP repairs and treatments if any actions were not finished during the inspection.” Comment: To reduce administrative burden, PG&E recommends that Erosion and Sediment Control Plan Inspection Reports be consolidated into the Annual Report (rather than require submittal of standalone inspection reports). However, PG&E cedes that Individual inspection reports may be warranted where there is evidence of erosion or sedimentation in waters.	See the response to comment 2.63.

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6	6.87	Pacific Gas and Electric Company	Section/Description: IV.L.4 “Within thirty (30) days of the inspection, or within thirty (30) days of the end of an inspection period where an inspection was not completed because inspection was unsafe or no such storm occurred as set forth in Sections IV.L.1, L.2.b or L.2.c, above, Category B Dischargers shall provide all information requested on Attachment D to the applicable Water Board. Attachment D shall also include a timeline for completing BMP repairs and treatments if any actions were not finished during the inspection.” Comment: PG&E suggests allowing other report formats that are substantially equivalent in content to Attachment D, and not just limiting this report to the form in Attachment D. This would reduce administrative burden for PG&E by allowing us to leverage existing technology to perform this reporting task.	The current language requires that “Dischargers shall provide all information requested on Attachment D to the applicable Water Boards,” which allows existing report formats to be used, provided the information requirements are met.
6	6.88	Pacific Gas and Electric Company	Section/Description: IV.M.1 “Dischargers shall notify the Water Boards of any Vegetation Management activities that meet the conditions below at least 30 days prior to beginning work to determine if a Vegetation Management Impact Offset Plan is required. If required, a plan for multiple sites that is generally applicable may be submitted in advance.” Comment: PG&E recommends the following addition to this condition: “The Discharger is not required to implement Vegetation Management Impact Offset Plans if the Water Board does not respond within thirty (30) days of receiving a Vegetation Management Impact Offset Plan notification.”	The VMIOP required was removed. See response to comment 1.14.
6	6.89	Pacific Gas and Electric Company	Section/Description: IV.M.2.c “Vegetation Management Impact Offset Plans that include use of compatible vegetation or plantings elsewhere in the watershed, shall include the following: a schedule; a planting palette that avoids seed mixes containing invasive plant species (non-native sterile hybrids may be appropriate for rapid soil stabilization and weed suppression) with plant species native to the project area; seed collection location; invasive species management; performance standards; monitoring timeline; monitoring protocol; and maintenance requirements (e.g., watering, weeding, and replanting). Monitoring and maintenance shall continue until performance standards are met.” Comment: PG&E recommends incorporating flexibility into the requirement to implement mitigation in the impacted watershed. We understand the rationale for this requirement. However, our practical experience in this area indicates many landowners do not support granting multi-year access for implementation of restoration and mitigation activities and follow-up monitoring. We request additional	The VMIOP required was removed. See response to comment 1.14.

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			flexibility to implement restoration and mitigation activities within the impacted watershed when feasible, but outside of and/or near the impacted watershed when infeasible.	
6	6.90	Pacific Gas and Electric Company	Section/Description: IV.N.3 “In cases where implementation actions in the restoration plan cannot be reasonably conducted within one year, or where the adverse temporary impacts result in temporary loss of aquatic resource function(s), Dischargers may be required to provide compensatory mitigation to offset temporal loss of waters of the state.” Comment: The Water Board’s stated intent of issuing a General Order for utilities activities includes avoiding “...inconsistencies between regions that may affect the feasibility, procedures, and costs of electrical operations and maintenance activities throughout the state.” To reduce potential inconsistencies between regions and establish predictable and reasonable standards, PG&E offers the following revision: “In cases where implementation actions in the restoration plan cannot be conducted within one year after activities end, or where the adverse temporary impacts result in temporary loss of aquatic resource function(s) for more than twelve (12) continuous months, Dischargers may be required to provide compensatory mitigation to offset temporal loss of waters of the state at a ratio of 0.1:1.”	The General Order already provides that compensatory mitigation may be required where restoration cannot reasonably be completed within one year or where temporary impacts result in a temporary loss of aquatic resource function. This language provides a consistent statewide standard while preserving the ability of the applicable Water Board to evaluate temporal loss based on site-specific conditions. The General Order was not revised to establish a fixed 0.1:1 compensatory mitigation ratio for all temporary losses. The appropriate mitigation ratio depends on the duration, extent, and severity of the temporary impact; the affected aquatic resource type and functions; the expected timing and success of restoration; and any applicable watershed or regional considerations. A fixed statewide ratio would not account for these differences and could result in mitigation that is either insufficient or disproportionate to the loss.
6	6.91	Pacific Gas and Electric Company	Section/Description: IV.P “Commencement of Construction: Unless authorized as a Urgent Response Activity, Category B Dischargers shall submit a Commencement of Construction Report to the Water Board at least seven (7) days prior to start of initial soil disturbance activities and, if applicable, corresponding Waste Discharge Identification Number (WDID) issued under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ).” Comment: PG&E recommends revising this condition to reduce administrative burden. Utilities are required to provide construction start and end dates as well as whether the CGP applies in the NOI. A commencement of construction notification, then, should only be required if the actual construction dates differ from what is reported in the NOI to keep Water Boards apprised of schedule changes. This would further streamline the General Order by reducing reporting requirements.	See response to comment 2.65.
6	6.92	Pacific Gas and Electric Company	Section/Description: IV.Q “Unless using Consolidated Enrollment Monitoring and Reporting, Category B Dischargers shall submit an Annual Report to the Water Board by June 1 for the previous reporting period from May 1 through April 30 of each year unless an NOA specifies a different due date for this report. Annual reporting shall continue until the	The VMIOP requirement was removed. See response to comment 1.14.

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			Water Board issues a Notice of Project Complete Letter to the Discharger. Dischargers shall provide at least one annual report; in the event the project is completed in less than one year. Dischargers may consolidate Annual Report contents listed in Reporting and Notifications (Attachment E) for multiple projects into a single Annual Report.” Comment: PG&E provides this comment to improve streamlining for vegetation management activities that may require Impact Offset Plans. PG&E recommends including the following statement: “Once per year in an Annual Report, Category A Dischargers shall notify the Water Boards of any Vegetation Management activities conducted during the previous calendar year that meet the notification requirements for Vegetation Management Impact Offset Plans.” Providing a single post-notification to Regional Boards to determine if and where restoration or mitigation is needed would truly accelerate utility vegetation management work, rather than slow it down with pre-work notifications and negotiations.	
6	6.93	Pacific Gas and Electric Company	Section/Description: IV.S.1 “Except for Urgent Response Activities, Category B Dischargers shall notify the Water Board at least forty-eight (48) hours prior to initiating work in any stream channel regardless of whether there is standing or flowing water. Notification may be delivered via written notice, email, or other verifiable means.” Comment: PG&E understands this is a common notification required in 401 Certifications and Waste Discharge Requirements. However, PG&E requests the Water Board to waive this requirement from the General Order to reduce administrative burden. Utilities will already be required to notify the Water Board of construction dates in the NOI, which would include activities that plan or propose discharges of dredge and fill material. Therefore, providing a second notification for the commencement of in-water work is duplicative when Water Boards have already been informed of the project schedule.	See response to comment 2.67.
6	6.94	Pacific Gas and Electric Company	Section/Description: IV.S.5 “Within seven (7) working days following completion of work in all waters of the state, an In-Water Work and Diversions Water Quality Monitoring Report shall be provided to Water Board staff.” Comment: To ease administrative burden and reduce the number of standalone reports required for a given activity, PG&E recommends consolidating this report into the Annual Report. Other conditions will require notification to Water Boards if the in-water work	See response to comment 2.68.

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			creates water quality issues, for example the Violation of Compliance with Water Quality Control Plan and Discharges of Hazardous Materials notifications. Therefore, if work was performed according to plan without creating any water quality issues, an annual report is an appropriate document to report this information.	
6	6.95	Pacific Gas and Electric Company	Section/Description: IV.T “Project Modifications: Modifications to Category B Project Activities that include in-water work and that render avoidance, minimization, or mitigation of impacts to waters of the state infeasible, including those due to other agency permit conditions, require submission of a Modifications to Project Report before deviating from activities authorized in an NOA. Such modifications may necessitate amending the NOA to maintain coverage under this General Order.” Comment: PG&E requests that Water Board to provide a timeline for providing an NOA. For example, “If an NOA or response to a Modifications to Project Report is not received within 7 days, utilities may proceed with the work.”	See response to comment 2.69
6	6.96	Pacific Gas and Electric Company	Section/Description: V “The fee amount for individual projects authorized under this Order is determined by California Code of Regulations, title 23, section 2200. (Cal. Code of Regs., tit., 3833, subd. (b)(3); Wat. Code, §13260, subd. (d).) Category A projects are not subject to fees. (Wat. Code, § 13269.) For Category B projects that include discharges of dredged or fill material, fees shall be calculated in accordance with section 2200, subdivision (a)(4). For projects that do not include discharges of dredged or fill materials, fees shall be calculated in accordance with section 2200, co-subdivision (a), Threat to Water Quality Category 3 and Complexity Category C, Discharge to Land or Surface Waters. Note that fees are periodically adjusted. Dischargers should confirm the correct fee amount prior to submitting payment.” Comment: PG&E requests the Water Board to consider how programmatic solutions to fee payments may be incorporated into the General Order. This might include programmatic annual invoices covering all of Dischargers’ Category B activities, and a payment process that allows Discharges to pay for that programmatic annual invoice in a single payment. As a practical matter, many utility staff now work hybrid schedules while official correspondence from the Water Board, including invoices, continue to be sent as physical copies to offices. This makes managing the hundreds of annual fee payments PG&E must currently pay in the existing condition challenging. Considering the increase in fee payments we anticipate with the General Order, invoicing on a project basis would lead to large quantities of invoices being distributed to offices where the applicant may no longer work out of on a daily basis, leading to potential issues remitting timely payments or enforcement due to non-payment. A programmatic annual invoice would reduce administrative burden for both	See response to comment 2.21.

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			utilities and Water Boards, facilitate timely receipt of payment, and reduce issues related to non-payment of invoices. PG&E recommends Board Staff collaborate with their colleagues in the Division of Administrative Services Unit to identify potential solutions.	
6	6.97	Pacific Gas and Electric Company	Section/Description: VIII Comment PG&E observes that the General Order does not contain a statement certifying that the activity will comply with relevant water quality standards (40 CFR 121.7). This appears to be an error in the current draft that should be rectified. This language often appears at the end of the certification, but could also be included in Section II.Q or R. The following is an example of the statement typically included in 401 certifications that could be used here: Water Quality Certification and Waste Discharge Requirements I hereby issue the Order for ____, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).	The General Order was revised to include a statement certifying that, as long as all conditions of the General Order are met, any discharge from activities authorized under the General Order will comply with the applicable provisions of Clean Water Act sections 301, 302, 303, 306, and 307. For activities requiring a Notice of Applicability, the Notice of Applicability will provide the project-specific authorization under the General Order and identify any applicable activity-specific requirements.
6	6.98	Pacific Gas and Electric Company	<u>Estimating Quantities of Covered Activities</u> During the April 21, 2025, utility stakeholder meeting, Water Board staff requested to understand how utilities were concluding that the General Order would regulate significant quantities of activities. PG&E is providing the following information pursuant to that request, so we can continue collaborating on the final conditions of the General Order. To develop estimates for quantities of covered vegetation management activities and pole maintenance activities, PG&E ran spatial data associated with executed work through a geospatial analysis. The geospatial analysis performed on the June 2024 Public Draft and the March 2025 Revised Draft were different to reflect the changing enrollment triggers and delineation between Category A and Category B, as described below. PG&E used the same inputs (2023 executed work) for both geospatial analyses so the resulting estimates based on changes in General Order conditions between the two drafts would be directly comparable. The geospatial analysis for the June 2024 Public Draft included determining whether a tree removal (trims and prunes were assumed to not result in soil disturbance) or utility pole was located within 100 or 50 feet, respectively, of a water feature in the National Hydrography Dataset (NHD). We excluded specific features from the NHD	The State Water Board appreciates PG&E providing information regarding its geospatial analysis and estimated number of activities that may be covered under the June 2024 Public Draft and March 2025 Revised Draft. The estimates in the tables reflect PG&E’s assumptions for earlier draft versions of the General Order and do not reflect subsequent revisions made to reduce the number of activities subject to notification or individualized review. The General Order was revised to classify vegetation management activities as Category A, remove the Vegetation Management Impact Offset Plan notification requirement, remove Category A activities from the cultural resources conditions, and revise access road criteria to focus on higher-risk locations based on slope and soil erodibility. These revisions reduce administrative burden while retaining conditions necessary to protect water quality for covered activities conducted near waters of the state.

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			that likely do not qualify as waters of the state (e.g., pipelines). We also leveraged Digital Elevation Models, K factor data from the Water Board, 2020 census-defined urban areas, and boundaries of California Public Utilities Commission (CPUC) high fire threat districts (HFTD) to further refine enrollment criteria and whether work would qualify as Category A or Category B. We did not model enrollment criteria related to the use of heavy equipment or work occurring on saturated soil conditions. Table 1 summarizes the assumptions guiding our estimates. The geospatial analysis for the March 2025 Revised Draft included determining whether a vegetation unit (regardless of work prescription) or utility pole was located within 50 feet of a water feature in the NHD, excluding the same features that likely do not qualify as waters of the state (e.g., pipelines). We also leveraged 2020 census-defined urban areas, boundaries of CPUC HFTDs, and 303(d) list impairments and beneficial use data from the Water Board to further refine enrollment criteria and whether work would qualify as Category A, Category A with vegetation management notification, or Category B. We did not model enrollment criteria related to 0.5-acre of soil disturbance on steep, erodible soils or consider how a Clean Water Act 404(f) exemption might reduce the quantity of Category B pole maintenance work. Table 2 summarizes the assumptions guiding our estimates. Tables 1 and 2 are shown at the end of this Responses to Comments Table.	
7	7.1	PacifiCorp	PacifiCorp appreciates the opportunity to provide comments on the State Water Resources Control Board's (SWRCB or the Board) Revised Draft General Clean Water Act Section 401 Water Quality certification and Waste Discharge Requirements for Utility Wildfire and Similar Operations and Maintenance Activities (Revised GO). PacifiCorp supports all comments provided in the Joint Utility comment letter (including PG&E, SCE, SDG&E, CMUA, GSPC, NCPA, and PacifiCorp) that was filed for the Board's consideration on April 29, 2025. The purpose of this letter from PacifiCorp is to provide specific information on vegetation management activities, providing important facts to the Water Board to further substantiate the concerns identified in the Joint Utility comment letter. As background, PacifiCorp serves approximately two million customers in six western states (California, Idaho, Oregon, Utah, Washington, and Wyoming). The Company also operates two balancing authority areas (BAA), PacifiCorp East (PACE) and PacifiCorp West (PACW), that are both outside the California Independent System Operator's (CAISO) system. PacifiCorp has approximately 49,000 retail customers in California, amounting to less than 2% of PacifiCorp's total retail sales.	Comment noted.
7	7.2	PacifiCorp	One of PacifiCorp's primary concerns with the Revised GO, is the increased scope for vegetation management activities, particularly for activities that would not involve ground disturbance and therefore have minimal likelihood to affect water quality. Based on 2024 numbers, PacifiCorp estimates 2,230 vegetation management activities that based on the Revised GO text would qualify as Category A, with 708 of those activities requiring a minimum 30-day notification to determine the need for a Vegetation Management Impact Offset Plan (VMIOP). These numbers are especially	See response to comment 1.7. The General Order was revised to remove the 30-day notification requirement and VMIOP requirement.

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			astounding, considering the small service territory and corresponding customers PacifiCorp has in the State of California. While it is likely some of these activities could be combined into one project, it would still require review of each activity to determine which activities could be grouped into the same submittal. Further complications would result when some activities trigger a 30-day notification while other adjacent activities along the same power line may not. This would create unnecessary complications, making it more difficult to adhere to the regulation.	
7	7.3	PacifiCorp	Additionally, when considering all electric utilities operating in the State of California, some with significantly larger service territory than PacifiCorp in the State, the number of annual notifications to the Water Board as well as Native American Tribes for completion of the Tribal Cultural Resources Evaluation, would be unmanageable. The Joint Utility letter outlines several suggested improvements to reduce the scope of vegetation management activities regulated by the GO and streamline the process, which PacifiCorp fully supports.	See response to comment 2.14
7	7.4	PacifiCorp	We appreciate the opportunity to provide these comments to the Board and look forward to additional collaboration on these issues. Please contact Emily Newell, PacifiCorp Environmental Manager, with specific questions on these comments at Emily.Newell@pacificorp.com or (541) 633-2478.	Comment noted.
8	8.1	San Diego Gas and Electric Company	We appreciate the opportunity to comment on the Draft Utility Wildfire and Similar Operations and Maintenance Activities Clean Water Act Section 401 Certification and Waste Discharge Requirements General Order (Draft General Order). We also acknowledge the time and effort that has been put into the development of this Draft General Order and the purpose of providing a more consistent and expedited permitting process. After review of the Draft General Order, San Diego Gas and Electric Company (SDG&E) has the following comments for the State Water Resources Control Board (SWRCB) to consider when preparing the Final General Order. SDG&E has also collaborated with a Joint Utility Group to review and provide comments on the Draft General Order. SDG&E supports the response letter and recommendations provided by the Joint Utility Group and the additional comments contained in this letter should be considered in addition to those contained in the Joint Utility Group's separate comments.	Comment noted.
8	8.2	San Diego Gas and Electric Company	Comment #1 – Vegetation Management The revised Draft General Order added in <u>any</u> vegetation management work, including non-ground disturbing activities, within 50 feet of waters of the state as a covered activity. This was a major and significantly burdensome addition to the scope of covered activities as compared to the last draft document. SDG&E maintains over 200,000 trees per year within the High Fire Threat District (HFTD). Over 29,000 of those trees are within 50-feet of mapped aquatic features to which this Draft General Order may apply. While not every tree requires pruning every year, including this non-	See response to comment 1.11.

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			ground disturbing pruning activity in the scope of the Draft General Order will substantially increase the workload of both SDG&E and the Water Board without any appreciable benefit to water quality.	
8	8.3	San Diego Gas and Electric Company	In addition to our annual pruning, project-specific vegetation management may be needed at any given time to establish safe, temporary access to approximately 6,860 poles. This workload will certainly depend on project needs and identified maintenance work, as well as vegetation growth per project site, however it would constitute a very significant regulatory effort.	All vegetation management activities, except for those that include the discharge of dredged or fill material, are Category A, non-notifying projects. This structure ensures that basic BMPs are implemented without slowing the pace of work. The sheer number of projects highlights the need to have consistent, and predictable requirements to protect water quality.
8	8.4	San Diego Gas and Electric Company	Finally, SDG&E has a pole brushing program required by Public Resources Code 4292 to keep vegetation clear at the base of poles with certain overhead equipment year-round. This is a de minimis activity as it is just re-clearing vegetation once to twice a year at the same locations. There are potentially 2,300 poles that are currently brushed and may fall under this Draft General Order.	Vegetation management activities including pole brushing will be covered under category A non-notifying and will have minimal tracking and reporting requirements. In this example, the General Order was structured so that activities with the lowest risk also have a minimal number of corresponding requirements. There would be no inspection requirements because the activity does not result in soil disturbance. At most, basic project information would need to be provided to the Regional Water Board upon request. If no heavy equipment is used, then those conditions do not apply. If heavy equipment is used, then basic requirements apply, such as not driving in waters and preventing oil and gas leaks. Placing vegetative waste away from waters would also satisfy the attendant vegetation management requirements. In short, even if there are a large number of these projects, it would be expected that compliance with General Permit requirements would not be difficult or costly. See response to comment 1.11.
8	8.5	San Diego Gas and Electric Company	The forgoing numbers are provided at a high-level estimate based on a GIS analysis and are subject to further detailed review by qualified specialists. A detailed description of SDG&E’s vegetation management programs can be found in our approved Wildfire Mitigation Plan (SDG&E 2024) at 2023 Wildfire Mitigation Plan San Diego Gas & Electric .	Comment noted.
8	8.6	San Diego Gas and Electric Company	Due to this significant workload increase for non-ground disturbing projects where potential impacts to water quality are extremely low, SDG&E requests that vegetation management activities without ground disturbance be removed from the General Order. SDG&E has a robust Best Management Practices Manual in place to prevent discharge and run-off for projects within or near upland locations. Additionally, we have thorough operational protocols in our approved Habitat Conservation Plan Amendment that protect aquatic resources and natural habitats without the need for further regulation. All debris associated with tree operations is removed from the channel and banks of watercourses in accordance with environmental regulations.	The State Water Board acknowledges that SDG&E may have existing best management practices, operational protocols, and other regulatory obligations applicable to vegetation management activities. In many cases, existing utility best management practices and procedures may already satisfy applicable General Order requirements, and no additional measures would be necessary. However, existing utility practices do not replace the General Order’s minimum statewide requirements for covered activities near waters of the state. See response to comment 1.11.

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8	8.7	San Diego Gas and Electric Company	Comment #2 – Affordability for Rate Payers SDG&E is an investor-owned utility regulated by the California Public Utilities Commission. As such, the potential increase in our costs to comply with the draft Utility General Order requires review of affordability for rate payers. Additionally, the cost of utilities to rate payers is being further scrutinized under Governor Newsom’s October 2024 Executive Order N-5-24 and SDG&E needs to be sensitive to any changes in cost to our operations and maintenance obligations.	The General Order was revised in response to this comment and related comments to reduce administrative burden and compliance costs where appropriate. See General Response 1.
8	8.8	San Diego Gas and Electric Company	With the addition of Category A activities alone, SDG&E anticipates an approximate 105% increase to utility projects requiring water quality or aquatic resources reviews, as well as increased reviews for annual vegetation management and annual road grading under Category A requirements. This could result in unbudgeted costs into the millions per year due to the following direct costs: • Hiring of additional resources that specialize in Aquatic Resources, Water Quality, and Cultural Resources. • Create system upgrades to SDG&E's environmental screening software and training modules. • Complete annual tracking of Category A projects. • SDG&E assumes that our Best Management Practice Manual will take the place of site-specific Erosion and Sediment Control Plans. • Complete archaeological survey and reporting, paleontological assessments and Tribal outreach. • Consultant support during construction for training, flagging, monitoring (aquatic, cultural, and paleontological resources), and reporting. • SDG&E assumes no permit fees are required for Category A.	The current General Order reduces the requirements applicable to Category A activities. Category A activities do not require a NOI, permit fee, site-specific Erosion and Sediment Control Plan, cultural resources review, Tribal outreach, or archaeological survey and reporting under the General Order. Category A activities are subject to applicable conditions and tracking requirements, but the tracking requirement does not require annual reporting for every Category A project. These revisions address several of the cost assumptions identified in the comment while retaining minimum requirements necessary to protect water quality. Also see General Response 2.
8	8.9	San Diego Gas and Electric Company	SDG&E recommendations to reduce the new costs attributable to the expanded scope of the Draft General Order are further detailed in the Joint Utility Group response letter.	See response to comment 8.8. Comment noted.
8	8.10	San Diego Gas and Electric Company	Conclusion SDG&E appreciates SWRCB’s consideration of these comments, and we look forward to further collaboration with the SWRCB staff to refine the General Order. We welcome the opportunity to meet with you to demonstrate what goes into our current environmental review process and the compliance measures we already have in place to protect water quality.	Comment noted.
9	9.1	Sacramento Municipal Utility District	The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to comment on the March 28, 2025, <i>Draft General Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Utility Wildfire and Similar Operations and Maintenance Activities</i> (Revised GO). While we appreciate the effort of the State Water Quality Control Board (Board) staff (Staff) to craft a General Order that streamlines Section 401 Certifications and Waste Discharge	Comment noted. Also see the General Response regarding Water Board jurisdiction and authority to adopt the General Order.

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			Requirements (WDRs) while protecting waterways, SMUD remains concerned that the Revised GO will raise costs for ratepayers throughout the state, while not providing any meaningful water quality improvement or protection. SMUD requests the Board define the scope of projects covered by the Revised GO to only include utility projects that would otherwise currently require water quality permitting, i.e., those activities discharging or proposing to discharge to waters. If the Board seeks to expand the scope of regulation, SMUD urges the Board to take the time necessary to develop a record regarding several threshold issues to establish the need, selection of regulatory alternatives, and associated costs prior to expanding the regulatory reach to unregulated activities. SMUD supports the comments and recommendations submitted by the California Utilities.	
9	9.2	Sacramento Municipal Utility District	SMUD provides the following summary of overarching concerns with the Revised GO: 1. The Revised GO will expand regulatory oversight to activities, including routine tree trimming, which do not currently require water quality permits and have no demonstrated discharge to waters. 2. The proceeding lacks an evidentiary record that evaluates fundamental issues with the Revised GO or meaningfully estimates the costs it would impose on utilities and their ratepayers. 3. The Revised GO will not meet the originally stated project objectives of supporting the pace and scale of wildfire prevention and expediting the permitting process for electric utility wildfire mitigation activities.	1. See responses to comments 1.11 and 2.10 regarding the scope of activities covered under the General Order, including vegetation management activities and the applicability of the General Order to activities that have the potential to discharge or will discharge waste that would affect the quality of waters of the state. 2. See responses to comments 1.3 and 1.21 regarding the evidentiary record supporting the General Order and comments on compliance costs and administrative burden. See responses to comments 1.7 and 1.8 regarding the General Order’s purpose, revisions made to reduce administrative burden, and how the General Order supports timely authorization of covered wildfire mitigation, operation and maintenance, and post-fire response activities.
9	9.3	Sacramento Municipal Utility District	We believe substantial record development is required to allow the Board to weigh the incremental costs and benefits of such new regulation before considering its approval. Nevertheless, we offer the following recommendations on the Revised GO: 1. The Revised GO should specifically clarify that it is limited to discharges or proposed discharges that could impact water quality. 2. The vegetation management project activity category should be limited to activities causing soil disturbance. 3. Substantially revise the Other Urgent Response Activities category to incorporate the ability for utilities to respond to public safety issues, existing regulatory requirements, and add timing flexibility. 4. Refocus the Tribal Cultural Resources section on activities causing soil disturbance and add process clarifications. 5. The Revised GO should defer implementation of the Revised GO and ensure that the Revised GO applies exclusively to projects initiated by utilities after the Board’s adopted implementation date.	1. See response to comment 2.10 regarding the scope of activities covered under the General Order. The General Order was revised to clarify that it applies to listed activities where the Discharger has proposed an activity that has the potential to discharge or will discharge waste that would affect the quality of waters of the state, including discharges of dredged or fill material. The General Order was also revised to clarify that coverage is not required where a permanent topographic or engineered physical barrier prevents the discharge of waste to surface waters. 2. See response to comment 1.11 regarding vegetation management activities that do not involve soil disturbance. The General Order was not revised to limit vegetation management coverage to soil-disturbing activities because vegetation management conducted near waters of the state can affect water quality even where soil disturbance is not anticipated. 3. See response to comment 1.15 regarding revisions to the Other Urgent Response Activities category. The General Order was revised to include exigencies requiring immediate action to address or prevent risk to public safety, grid reliability, or critical infrastructure. See also response to

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			6. Project activity Category K., the “catch-all” project activity category, should be removed, as it is superfluous and creates ambiguity.	comment 1.7 regarding timing flexibility and revisions made to support timely implementation of covered activities. 4. See response to comment 1.19 regarding revisions to the cultural resources conditions. The General Order was revised to limit the cultural resources conditions to Category B activities. Category A activities are no longer required to perform CHRIS records searches, request Sacred Lands File searches, or provide Tribal notification before work begins. See also response to comment 2.29 regarding process clarifications for the cultural resources conditions. 5. See responses to comments 1.9 and 1.10. The State Water Board will determine the effective date upon adoption. 6. Category K is retained to provide coverage for miscellaneous utility operations and maintenance activities that have the potential to affect water quality but are not specifically identified in Sections III.A through J. See response to comment 2.17.
9	9.4	Sacramento Municipal Utility District	A. Cost Estimates As the utilities have previously relayed, the Revised GO, as proposed, will add significant costs to utility operations and maintenance activities impairing the utilities’ ability to provide safe, reliable and affordable electric service. If utilities are required to comply with the variety of administrative and recording keeping obligations set forth in the Revised GO for projects with no demonstrated potential to result in discharge to waters, they will not be able to perform other mission-critical work such as wildfire mitigation and preventative maintenance activities. For example, SMUD provides the following preliminary cost estimates focused on the costs associated with vegetation management work and environmental review. SMUD anticipates that the Revised GO would require training of both staff and outside contractors, information technology (IT) upgrades, hiring of staff and consultants, and costs for Tribal notification and coordination. These costs would impact a variety of work groups within SMUD, including engineering, planning and design, line construction, vegetation management, environmental, and substation teams, among others. With the limited time for preparing comments, the estimates were not able to incorporate the full impacts to each team.	See General Response 2 regarding comments on compliance costs and administrative burden; response to comment 1.7 regarding revisions made to support timely implementation of covered activities; and General Response 1 regarding potential to discharge waste that could affect waters of the state. The General Order was revised to reduce several of the cost drivers identified in the comment. These revisions substantially change the cost assumptions identified in the comment. Vegetation management activities are now classified as Category A activities, the Vegetation Management Impact Offset Plan requirement was removed, and Category A activities are no longer subject to the cultural resources conditions. These revisions reduce pre-project review, Tribal notification, coordination, and reporting requirements for vegetation management activities while retaining minimum requirements necessary to protect water quality.
9	9.5	Sacramento Municipal Utility District	SMUD used the National Hydrography Dataset and SMUD’s Habitat Conservation Plan wetland data to map all identified waters of the state within Sacramento County and excluded “urban areas”. This hydrology map is likely underinclusive for some water features, like unmapped roadside ditches, which may meet the definition of “waters of the state”. SMUD then utilized GIS mapped vegetation management projects and identified the number of projects that fall within the 50-foot buffer used as a trigger for coverage under the Revised GO. This analysis showed 1,765 vegetation management projects, the substantial majority of which involve non-soil disturbing work and would be Category A, occurred in 2024 within the 50-foot buffer.	Comment noted. See response to comment 1.11. The General Order was revised to exclude project activities that occur within the jurisdictional boundary of a municipal separate storm sewer system (MS4) that has coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Based on the coverage area of the commenter and the associated MS4 jurisdictional boundaries, it is likely a large percentage of project activities identified in the comment would not be subject to the General Order.

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9	9.6	Sacramento Municipal Utility District	Last fall, SMUD mapped utility infrastructure with the foregoing hydrology layers. SMUD is refining these estimates to use 2024 project data. The estimates below are informed by the previous exercise but employ the SMUD environmental team’s professional judgment regarding the number of projects and costs. The following provides estimates for only a portion of the Revised GO project activity categories.	The General Order includes revisions that substantially reduce these cost estimates including, in particular, the revision of scope for pole replacements, limitation of applicability to MS4 jurisdictions with NPDES permits, and removal of the VMIOP and cultural resources conditions. See response to comment 1.21 and General Response 2 regarding comments on compliance costs and administrative burden.															
			<table><tr><th>Activity Type</th><th>Estimated Costs</th><th>Number of Notices of Intent Required</th></tr><tr><td>Transmission/Distribution Poles</td><td>\$525,470 to \$642,920</td><td>0 to 2</td></tr><tr><td>Access Road Maintenance</td><td>\$363,343</td><td>5</td></tr><tr><td>System Hardening / Undergrounding</td><td>\$250,731</td><td>1</td></tr><tr><td>Vegetation Management</td><td>\$5,194,317 to \$5,714,883</td><td>0 to 2</td></tr></table>		Activity Type	Estimated Costs	Number of Notices of Intent Required	Transmission/Distribution Poles	\$525,470 to \$642,920	0 to 2	Access Road Maintenance	\$363,343	5	System Hardening / Undergrounding	\$250,731	1	Vegetation Management	\$5,194,317 to \$5,714,883	0 to 2
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Given the relatively limited timeline for preparing comments on the Revised GO, these estimates are based on an attempt to identify the number of projects that would require enrollment in the General Order as currently drafted. These estimates consider the environmental review including a biological assessment, cultural and Tribal records searches, aquatic resource delineations, environmental awareness training, plans, notices, reporting, inspections, and implementation of best management practices (BMPs). SMUD will continue to refine these preliminary cost estimates with additional GIS data and other clarifications and will provide these refined estimates to the Board and staff as finalized.																			
9	9.7	Sacramento Municipal Utility District	Separately, SMUD’s vegetation management team estimated their costs based on professional judgment. The vegetation management group estimated ongoing costs of \$1.5 million to comply with the proposed Revised GO requirements, with an additional development cost of \$750,000. The initial development costs are associated with anticipated upgrades needed for information technology (IT) software upgrades, program integration, data management and reporting. Ongoing costs are associated with hiring four full time employees (supervisor, analyst, and two vegetation management inspectors), and costs for consultants and vendors (environmental/biological consultants, utility clearance vegetation management vendor).	See response to comment 9.4, and General Responses 1 and 2.															
			Combining these results, SMUD estimates approximately \$7.8 to \$8.5 million in ongoing annual costs to implement the Revised GO. As noted above, SMUD is continuing to refine this estimate and believes that these costs are likely underinclusive. As demonstrated by the above numbers, there is a disproportionate cost impact from the broad capture of vegetation management projects within the 50 feet buffer zone where neither soil disturbance nor discharge to waters has been demonstrated.																

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9	9.8	Sacramento Municipal Utility District	B. Overarching Concerns 1. <u>The Revised GO will expand regulatory oversight to activities, including routine tree trimming, which do not currently require water quality permits and have no demonstrated discharge to waters.</u> The Revised GO continues an effort to dramatically expand permit enrollment to a broad number of electric utility operations and maintenance activities. This expansion contravenes the framing of the General Order as a benefit to utilities and a streamlined permitting process.¹ As discussed further below, we understand that the Revised GO was designed to eliminate an exemption to the Construction General Permit for routine maintenance activities.² In this circumstance, eliminating this exemption is effectively a regulatory expansion and should not be framed as providing streamlined permitting for utility work. 1 See Draft EIR at 2-2; see July 23, 2024, Draft Statewide Utility Wildfire General Order State Water Board Staff Workshop at slide 4; see Response to Comments at 167 (stating “The General Order is designed to streamline permitting for Utility wildfire mitigation projects by avoiding individual permits.”). We understand that the Board is not requesting comments on the Draft Environmental Impact Report (Draft EIR) at this time but include references to the Draft EIR for purposes of context and background. 2 April 23, 2025, Statewide Utility Wildfire General Order, Public Outreach Meeting.	See responses to comments 1.3 and 1.11 regarding the evidentiary record supporting the General Order and the inclusion of vegetation management activities, including routine tree trimming, within the scope of the General Order. See also responses to comments 1.8 and 1.20 regarding the General Order’s purpose as a statewide authorization pathway and its relationship to the Construction General Permit routine maintenance exemption. The General Order establishes conditions for covered activities that may affect water quality; it does not require individual permitting for every activity within its scope.
9	9.9	Sacramento Municipal Utility District	Generally, an individual WDR is required where “a person discharge[es] waste, or propos[es] to discharge waste” to waters of the state.³ In such instance, either the state or regional boards may “prescribe requirements”, a WDR, that will consider beneficial uses, water quality objectives, other waste discharges, the need to prevent nuisance, and the factors required by Section 13241.⁴ When utility operations and maintenance activities cannot avoid discharge to waters, utilities commonly seek these individual WDRs.⁵ The Water Boards may prescribe general WDRs where four criteria are met. These criteria include instances where (1) the discharges are produced by the same or similar operations, (2) discharges involve the same or similar types of waste, (3) discharges require the same or similar treatment standards, and (4) the discharges are more appropriately regulated under general discharge requirements than individual discharge requirements.⁶ Importantly, nothing suggests that general WDRs may be developed to regulate activities that do not involve a discharge or proposed discharge of waste to waters of the state. SMUD welcomes a General Order focused on streamlining the WDR and Section 401 Certification process, which could help facilitate operations and maintenance work, as well as work necessary to protect against the risk of wildfire. Unfortunately, the Revised GO will sweep much broader than that, and its expanded scope and obligations will far outweigh the effect of any individual streamlining measures.	See response to comment 4.5.

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			3 Water Code, Section 13260(a)(1). All statutory references are to the Water Code unless otherwise noted. 4 Water Code, Section 13263(a). 5 See Draft EIR at 4.2.2 “Related Current and Past Projects”. 6 Water Code, Section 13263(i)(1)-(4).	
9	9.10	Sacramento Municipal Utility District	For the listed project activities, the Revised GO appears to require utilities to comply with the Revised GO processes and procedures based on any soil disturbance and the project location, rather than whether a discharge of waste to waters occurs.⁷ For example, under the Revised GO, a single pole replacement that occurs forty-nine feet from water, about the length of a semi-trailer, will require a utility to update internal processes to track, log, and describe the project in near real-time. It will also require utilities to revise current BMPs, which may have already been sufficient to ensure no discharge would occur, to incorporate any additional or conflicting BMPs from the Revised GO. These additional efforts would include screening and potential notice and coordination with Tribes, and preparation and potentially submission of a Tribal and Cultural Resources Report. For that single pole replacement, which typically takes about a day to perform, the Revised GO will add hours and potentially days of staff time. The same process could be required for removing limbs from a tree forty-nine feet from waters, even without any soil disturbance. Multiplying these requirements by the thousands of poles and vegetation projects throughout the state suggests daunting financial costs and substantial delays. 7 See Response to Comments at 166 (acknowledging additional costs associated with the “[e]nrollment of upland projects triggered by the General Order that don’t propose the in-water work normally requiring a Section 404 permit.”); Id. at 167 (stating the General Order “introduces some new costs, particularly for upland activities and Tribal consultation, many requirements align with existing Utility practices.”)	See responses to comments 2.10 and 1.20 regarding the scope of activities covered under the General Order, the authority for general waste discharge requirements, and the relationship between the General Order and the Construction General Permit routine maintenance exemption. See also response to comment 1.11 regarding vegetation management activities that do not involve soil disturbance, response to comment 1.19 regarding revisions to the cultural resources conditions, and General Response 2 regarding comments on compliance costs and administrative burden. The General Order was revised to clarify that it applies to listed activities where the Discharger has proposed an activity that has the potential to discharge or will discharge waste that would affect the quality of waters of the state. The General Order was also revised to reduce requirements applicable to Category A activities, including by removing Category A activities from the cultural resources conditions.
9	9.11	Sacramento Municipal Utility District	2. <u>The proceeding lacks an evidentiary record that evaluates fundamental issues with the Revised GO or meaningfully estimates the costs it would impose on utilities and their ratepayers.</u> SMUD is particularly concerned with the expansive scope of the Revised GO given the lack of record evidence supporting several threshold issues. Specifically, there is no record evidence that demonstrates such an expansion is necessary or would materially affect water quality, how regulatory alternatives were developed and selected, and analysis of the associated costs to ratepayers. While we appreciate the expertise of Board staff in protecting water quality, there is nothing in the record that shows analysis of how likely a discharge to waters will occur from a pole replacement or non-soil disturbing vegetation management work. The Findings of Fact only cites to a single example of utility work causing discharges to waters, and our review has not found widespread discharges associated with utility	The General Order was revised in response to this comment and related comments. See response to comment 1.3 regarding the evidentiary record supporting the General Order, response to comment 2.10 regarding the scope of activities covered under the General Order, and General Response 2 regarding comments on compliance costs and administrative burden. See also responses to comments 1.11 and 6.8 regarding vegetation management activities that do not involve soil disturbance and revisions to pole replacement coverage. Also see the General Response regarding Water Board jurisdiction and authority to adopt the General Order.

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			maintenance and operations work.⁸ While we understand that there may be concern about the pace and scale of utility operations, expanding oversight to utility maintenance and operations work should be based on a demonstration that such work is causing discharges to waters. ⁸ See Draft EIR, Appendix A, Findings of Fact at A-18. This cites a cleanup and abatement order (CAO) issued to a utility for post-wildfire work; our review only revealed one other notice of violation (NOV) for post-wildfire work.	
9	9.12	Sacramento Municipal Utility District	We also remain concerned about the lack of record evidence regarding how regulatory alternatives were developed or selected. For example, the Revised GO removed “soil disturbance” from the first trigger for the vegetation management project activity category. Staff reported that “soil disturbance” was removed due to concerns that vegetation waste could be deposited in waters. However, there is no evidence in the record that non-soil disturbing vegetation management work currently discharges to waters, beyond a hypothetical concern that such activity could do so. Furthermore, there is no evidence or analysis of the number of additional projects that would be covered by the Revised GO with this change. Given the lack of record, supporting data, and analysis, it is unclear how the regulatory lines are being drawn and then redrawn.	See response to comment 1.3 about lack of evidentiary record and cost of compliance concerns. Also see the General Response regarding Water Board jurisdiction and authority to adopt the General Order. Based on the Water Boards’ regulatory experience, the Water Boards have vegetation management activities, even when such vegetation management does not have ground disturbance, because discharges associated with such activities can affect water quality. For example, the State Water Board adopted the California Vegetation Treatment Permit (Order WQ 2021-0026-DWQ). In addition, utilities seeking secretarial suspensions for vegetation management are also required to adhere to the Environmental Protection Plan, which incorporates similar conditions to the General Order, to address the potential impacts to water quality. Illustrative examples of how vegetation management waste can impact water quality are also included at the end of the response to comments. Also see the General Response regarding Water Board jurisdiction and authority to adopt the General Order.
9	9.13	Sacramento Municipal Utility District	The Revised GO does not appear to have been designed with meaningful consideration of ratepayer costs.⁹ The Response to Comments (Response) includes a high-level, conceptual discussion of potential costs and concludes that ongoing costs will be “minimized and/or negligible”.¹⁰ Despite this, the Response also acknowledges new costs associated with upland activities and tribal consultation. It further states the following: Utility comments did not provide sufficient cost details for the Water Board to fully attribute costs or confirm the projected number of projects accurately reflects the scope of the General Order. The provided cost estimates also appeared to not account for conditions that are routinely imposed as part of section 401 certifications or WDRs regulating dredged or fill material that prevent discharges to waters from out-of-water work. Importantly, the General Order was revised such that the projected number of covered projects will likely need to be adjusted and the associated costs revised. As a result, the Water Board can only offer a general discussion at this time. Staff plan to reassess the number of covered activities one year after implementation, using collected data to evaluate potential scope refinements.¹¹	See General Response 2. SMUD’s preliminary cost estimates were considered with other comments regarding the potential cost of implementing the General Order. The General Order was revised in response to this comment and related comments to reduce pre-project review, notification, and reporting requirements where appropriate, including for Category A activities and vegetation management activities. The State Water Board has carefully considered cost of compliance, but it would not be feasible to assign specific numeric values to cost of compliance because exact costs depend on a wide variety of factors, including, but not limited to, the utility’s existing practices, size of service area, proportion of the service area that is urbanized or forested, size of ratepayer base, and condition of existing infrastructure. Such factors also cannot be controlled by the Water Boards. The State Water Board agrees that ultimately the utilities would be in the best position to estimate their own cost of compliance, and the revisions to the General Order substantially affect the underlying assumptions of the estimates in the comment letter. In addition, the cost assumptions do not square with the repeated assurances that the utility companies already implement that prevent discharges of waste to waters of the state from occurring at all. For example, it is unclear how the requirements to keep vegetative waste, including wood chips and slash, away from waters of the

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			Contrary to the conclusion of the Cost Discussion, the costs of compliance will be substantial and ongoing. Utilities have only seen the revisions at the start of each comment period, so many utilities have not had adequate time to evaluate the myriad ways in which the Revised GO will impose costs throughout our organizations. Nevertheless, electric utilities are experts in our utility operations and in the best position to estimate the cost of complying with this new regulation. SMUD’s preliminary cost estimates, provided above, suggest compliance will cost SMUD ratepayers several million dollars per year. 9 See Revised GO, Section II.M (citing Water Code Section 13241, which lists factors to for the Board to consider, including economic considerations.) 10 Response to Comments, Cost Consideration Discussion at 166. 11 Id. at 167.	state would incur additional costs if it is also true that the utilities are already ensuring that their vegetation waste is placed outside of waters.
9	9.14	Sacramento Municipal Utility District	Adding these costs to ratepayers is contrary to the direction of the Governor’s Office. In October 2024, Governor Newsom issued Executive Order N-5-24 (Rate EO), which addressed electricity rate affordability. The EO found that it is essential that electric service remains affordable, reliable, and safe, and one of the key drivers of electricity rate increases are investments to reduce wildfire risk and improve the safety and reliability of the electric grid. The EO directed several state agencies to evaluate programs and regulations that are “unduly adding to electric rates” and recommendations to modify or repeal such requirements to reduce costs to electric ratepayers, without compromising public health and safety, electric grid reliability, or the achievement of the State’s clean energy goals. The Revised GO will add yet another layer of cost to electric ratepayers without demonstrating any material benefit. As quoted above, the Cost Discussion suggests that staff will reassess the number of covered activities one year after implementation. Deferring this foundational analysis until a year after implementation prevents the Board from making an informed decision and will not enable the Board to balance any potential benefits against the substantial cost of compliance. We urge the Board to conduct a robust analysis of the potential costs of compliance, informed by a full stakeholder process, incorporating cost estimates from electric utilities prior to adopting a new, wide-ranging regulation.	The General Order was revised in response to this comment and related comments. See response to comment 2.10 regarding revisions to Section III clarifying that the General Order applies to listed activities where the Discharger has proposed an activity that has the potential to discharge or will discharge waste that would affect the quality of waters of the state. The General Order was also revised to reduce the requirements applicable to the types of activities identified in the comment. Category A activities do not require an NOI, permit fee, or advance notification to the Water Boards, and Category A activities are no longer subject to the cultural resources conditions. In addition, pole replacement is no longer covered based solely on proximity to waters of the state and is covered where it involves a discharge of dredged or fill material to waters of the state. See response to comment 6.8 regarding pole replacement activities. See also General Responses 1 and 2 and responses to comments 1.11, 1.19, and 1.21 regarding vegetation management activities, revisions to the cultural resources conditions, and compliance costs and administrative burden, respectively.
9	9.15	Sacramento Municipal Utility District	3. <u>The Revised GO will not meet the originally stated project objectives of supporting the pace and scale of wildfire prevention and expediting the permitting process for electric utility wildfire mitigation activities.</u> The Revised GO was developed to achieve four primary objectives, which include: (1) protect water quality, (2) support the mandate of Senate Bill (SB) 901, (3) provide consistent statewide regulatory requirements, and (4) expedite the permitting process for electric utility wildfire mitigation activities.¹² The Revised GO will neither support SB 901 wildfire mitigation activities nor expedite the permitting process, because it will now require enrollment of thousands of maintenance and operations activities that do not currently require water quality permits. By both slowing these projects and	The General Order was revised in response to this comment and related comments. See responses to comments 1.7 and 1.8 regarding the General Order’s purpose, revisions made to reduce administrative burden, and how the General Order supports timely authorization of covered wildfire mitigation, operation and maintenance, and post-fire response activities. See also General Response 2 regarding comments on compliance costs and administrative burden. The General Order retains a statewide framework for authorizing covered activities that may affect water quality, while establishing consistent requirements across regions. The General Order was revised to reduce pre-

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			increasing costs for this necessary preventative work, the Revised GO makes it more difficult for utilities to protect water quality from the impacts of wildfires. 12 Draft EIR, Section 2.2.	project review and notification requirements where appropriate, including by classifying vegetation management activities as Category A, removing the Vegetation Management Impact Offset Plan requirement, removing Category A activities from the cultural resources conditions, and narrowing pole replacement coverage to activities involving discharges of dredged or fill material to waters of the state. These revisions support timely implementation of covered activities while retaining conditions necessary to protect water quality. The General Order therefore continues to advance the objectives of protecting water quality, supporting utility wildfire mitigation work, providing statewide consistency, and establishing an efficient authorization process for covered activities.
9	9.16	Sacramento Municipal Utility District	In discussing the first objective, the Draft EIR focuses on impacts to water quality from wildfires, not utility maintenance and operations activities. ¹³ It states that wildfire impacts include the loss of vegetative cover, increased erosion, and discharge of pollutants, and explains that “wildfire mitigation is a critical need for water quality.” ¹⁴ We agree that the environmental impacts from wildfires can be severe and that wildfire mitigation is essential. A streamlined permitting process for projects with discharges to waters could help facilitate this critical work. The Draft EIR only briefly mentions wildfire mitigation activities and concludes that these activities “can also result in water quality impacts.” ¹⁵ If the primary goal is to protect water quality, the Revised GO must be crafted to support utility operations that reduce the risk of wildfires, which pose the greatest threat to water quality rather than erect barriers and increase the costs associated with this work. 13 Id. at 2-1. 14 Id. 15 Id.	See responses to comments 1.7, 1.8, and 1.21. The State Water Board agrees that wildfires can cause severe water quality impacts and that utility wildfire mitigation work is important to reducing wildfire risk. The General Order is intended to support that work by providing a statewide authorization pathway for covered activities that may affect water quality. The General Order also recognizes that utility wildfire mitigation, operation and maintenance, and post-fire response activities may themselves affect water quality if not properly managed. The General Order therefore establishes conditions to avoid and minimize discharges of waste to waters of the state while allowing covered activities to proceed under a consistent statewide framework. The General Order was revised to reduce pre-project review and notification requirements where appropriate, including by classifying vegetation management activities as Category A, removing the Vegetation Management Impact Offset Plan requirement, removing Category A activities from the cultural resources conditions, and narrowing pole replacement coverage to activities involving discharges of dredged or fill material to waters of the state. These revisions support timely implementation of covered activities while retaining requirements necessary to protect water quality.
9	9.17	Sacramento Municipal Utility District	The second and fourth objectives are focused on supporting the purpose of SB 901 and expediting the permitting process for electric utility wildfire mitigation efforts. The Draft EIR states that the Revised GO will “facilitate the increased pace and scale of wildfire mitigation activities.” ¹⁶ The fourth objective recognizes that the current process involves individually reviewing and issuing individual water quality permits on a project-by-project basis, and the Revised GO will “expedite[] regulatory coverage, including the application and review process.” ¹⁷ Again, we agree with these stated goals. However, expanding enrollment under the Revised GO to thousands of additional projects is not just failing to achieve these objectives but is acting counter to these objectives. 16 Id. at 2-2.	See responses to comments 1.7, 1.8, 1.11, and 1.21. The General Order continues to support the pace and scale of utility wildfire mitigation activities by providing a statewide authorization pathway for covered activities that may affect water quality, rather than requiring separate project-specific orders for each eligible activity. The General Order was also revised to reduce administrative burden and better focus pre-project review on higher-risk activities. Vegetation management activities are now Category A activities and do not require an NOI or advance notification. The Vegetation Management Impact Offset Plan requirement was removed, Category A activities are no longer subject to the cultural resources conditions, and Category A tracking requirements were simplified. The General

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			17 Id.	Order was also revised to narrow access route activities by adding slope and soil erodibility criteria, and to clarify exclusions for activities within urban areas, MS4 boundaries, and areas where a permanent topographic or engineered physical barrier prevents discharge to surface waters. These revisions reduce pre-project review and notification requirements while retaining conditions necessary to protect water quality for covered activities.
9	9.18	Sacramento Municipal Utility District	In sum, we agree that wildfire mitigation is essential to protect the state's water resources from wildfire impacts, which is why we oppose the counterproductive aspects of the Revised GO that make it harder to do so. By requiring enrollment for thousands of new projects, the Revised GO will not support utility wildfire mitigation work but will instead add new costs and erect barriers to this important work.	See response to comment 9.17.
9	9.19	Sacramento Municipal Utility District	C. Specific Recommendation on the Revised GO While the threshold questions noted above are of primary importance and must be resolved, we provide the following specific recommendations on the Revised GO. These recommendations are largely aligned with the recommendations provided by the California Utilities. 1. <u>The Revised GO should specifically clarify that it is limited to discharges or proposed discharges that could impact water quality.</u> Recommended changes to Section I. Summary: Dischargers[] conducting covered <i>project activities</i>[] identified in Section III <u>that result in a discharge of waste to waters of the state</u> are required to comply with the conditions set forth in Section IV. As detailed in Section IV.E, certain projects are not required to file a Notice of Intent (NOI) to enroll under this General Order. <u>Project activities conducted in a manner that could not discharge waste to waters of the state are not required to enroll in this General Order.</u>	See response to comment 4.5.
9	9.20	Sacramento Municipal Utility District	Recommended changes to Section II. Findings: T. <u>For activities enrolled in this General Order</u>, Failure to comply with any condition of this General Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and/or the Clean Water Act. The Discharger may be subject to administrative or civil liability or other enforcement actions pursuant to the relevant enforcement provisions of the Water Code.	See response to comment 2.10.
9	9.21	Sacramento Municipal Utility District	Recommended changes to Section III. Project Description: This General Order authorizes the following listed activities being performed for the purpose of wildfire mitigation, operation and maintenance of infrastructure, or post -fire response, where the Discharger is discharging or proposing to discharge waste to surface waters of the state, including discharges of dredged	See response to comment 2.10.

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			or fill materials except as set forth in Section IV.A., Compliance With Other Water Board Authorities. This General Order does not cover <i>project activities</i> within an <i>Urban Area</i>] as defined by the 2020 U.S. Census unless that activity is also within a California Public Utilities Commission (CPUC) High Fire Threat District]. <u>This General Order does not cover <i>project activities</i> conducted in a manner that could not discharge waste to waters of the state.</u>	
9	9.22	Sacramento Municipal Utility District	These recommended changes would ensure that the General Order is focused on activities that discharge to waters. Furthermore, by refocusing the scope of the General Order on these activities, it would bring the General Order much closer to achieving the original project objectives of protecting water quality, by not obstructing maintenance and operations work, and facilitating and streamlining core utility work that is necessary to prevent wildfires. Rather than applying blanket regulation to entire activity categories without recognition of project specific circumstances or existing utility best management practices, these changes enable utilities to enroll projects that could result in discharge to waters, while not overenrolling projects that could not do so. If the Board is unwilling to refocus the Revised GO on activities discharging to waters, then we urge the Board to reconsider inclusion of soil disturbance thresholds for each project activity. While we appreciate the inclusion of soil disturbance thresholds for the slope and soil erodibility trigger (0.5 acres), there should also be a soil disturbance threshold for the trigger based on proximity to waters (50 feet) to ensure that categories are narrowly tailored to activities most likely to cause discharge or proposed discharge to waters.	See response to comment 2.10 regarding the scope of activities covered under the General Order and revisions to Section III clarifying that the General Order applies to listed activities where the Discharger has proposed an activity that has the potential to discharge or will discharge waste that would affect the quality of waters of the state. See also response to comment 1.11 regarding vegetation management activities that do not involve soil disturbance. The General Order was not revised to add soil disturbance thresholds to every activity category because activities near waters of the state may affect water quality even where soil disturbance is not anticipated, depending on the activity, site conditions, and work practices.
9	9.23	Sacramento Municipal Utility District	2. <u>The vegetation management project activity category should be limited to activities causing soil disturbance.</u> Recommended changes to Section III.A. Vegetation Management: A. Vegetation management: limbing, cutting, tree removal, trimming, mastication, mowing, crushing, prescribed herbivory, chipping, skidding, mulching, <u>and</u> uprooting, and removal of plant materials, such as leaves, plants, dead or dying trees, branches, or trunks, that are: 1. <u>Soil disturbance</u> within 50 feet of any waters of the state; or 2. cumulatively results in over 0.50 acre of soil disturbance in locations with slopes equal to or greater than 30% and soils having <i>erodibility K factor</i> equal to or greater than 0.2. SMUD supports the proposed revisions of the California Utilities to the vegetation management project activity category. While we recognize that Board staff are concerned that utilities may be discharging vegetation to waters, there is no record evidence demonstrating this is a widespread issue. Further, removing “soil disturbance” from the first trigger means that for routine tree trimming work, without soil disturbance, utilities will now need information technology upgrades, screening, training, reporting and recordkeeping requirements, and Tribal notification and	See response to comment 1.11.

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			coordination requirements with attendant delays. For SMUD, we would expect 1,500-2,000 vegetation management projects would require enrollment, the vast majority of which do not cause any soil disturbance.	
9	9.24	Sacramento Municipal Utility District	3. <u>Substantially revise the Other Urgent Response Activities category to incorporate the ability for utilities to respond to public safety issues, existing regulatory requirements, and add timing flexibility.</u> Recommended changes to Section IV.3.E.a.ii: Other Urgent Response Activities Non-wildfire related response activities may be conducted when unforeseen weather events or other circumstances beyond the Discharger's control necessitate immediate action to prevent service interruption or imminent shutoff of electric service. <u>Other Urgent Response Activities are defined as exigencies requiring immediate action to address or prevent potential or ongoing risks to public safety, grid reliability, or critical infrastructure. This includes, but is not limited to, weather events, equipment failures or malfunctions, infrastructure threats, acts of vandalism, natural disasters, existing regulatory obligations, regulatory changes, or unforeseen operational challenges.</u> The Discharger must <u>aim to begin the project as soon as reasonable.</u> within fourteen (14) days of the construction start date. If delays occur due to circumstances beyond the Discharger's control, the Discharger may request <u>extensions with appropriate justification.</u> a one-time, two-week, extension.	See response to comment 2.25.
9	9.25	Sacramento Municipal Utility District	The Revised GO defines Wildfire Recovery Activities in Section IV.3.E.a.i., and for clarity, it should also provide a definition of Other Urgent Response Activities in subsection ii. The current definition is limited to preventing service interruptions or imminent shutoffs.	See response to comment 1.17.
9	9.26	Sacramento Municipal Utility District	Utilities must be able to respond to safeguard public safety, maintain reliability, and protect infrastructure, even if no service interruption occurs. Additionally, utilities have existing regulatory obligations that may demand more immediate action than would be possible if they had to undergo the Tribal Cultural Resources process (Section IV.G.), which includes inherent timing delays. Lastly, this category must allow flexibility in the project timeline because what is reasonable may vary between utilities, regions, and the type of work required. Placing artificial deadlines on the project timeline is unnecessarily constrictive and will hamper utilities responding to important grid events.	See response to comment 1.15 regarding revisions to the Other Urgent Response Activities category. The General Order was revised to include exigencies requiring immediate action to address or prevent risk to public safety, grid reliability, or critical infrastructure. See also response to comment 1.19 regarding revisions to the cultural resources conditions. Category B Urgent Response Activities are not subject to the Tribal notification procedures. These revisions provide additional flexibility for utilities to respond to urgent public safety, grid reliability, and critical infrastructure needs while retaining applicable water quality protections.
9	9.27	Sacramento Municipal Utility District	We also support revising the notification timeline in Section IV.3.E.b. This provision now requires 48-hour prior notice for Urgent Response Activities, without the ability to provide notice following the start of the activity. Utilities need flexibility to be able to respond to events as they arise. While providing 48-hour notice may be possible in some circumstances, there are also instances where unanticipated events arise that	See response to comment 1.15.

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			require an immediate response. In these instances, utilities must have the ability to notify the Boards within one business day following the commencing of the project.	
9	9.28	Sacramento Municipal Utility District	4. <u>Refocus the Tribal Cultural Resources section on activities causing soil disturbance and add process clarifications.</u> SMUD echoes the concerns raised by the California Utilities regarding the substantial financial costs and timing delays associated with the Revised GO's Tribal and Cultural Resource provisions (Section IV.G). SMUD performs Tribal notification and coordination on a number of projects each year and values the input of our Tribal partners. If the scope of the Revised GO were substantially narrowed to focus on projects discharging to waters, as recommended above, then the Tribal coordination requirements would not present a substantial barrier. However, given the thousands of projects that would need to be screened and the timing and costs of the Tribal provisions, this presents a major burden on utility resources, and potentially on Tribal and Board staff resources. As explained in the California Utilities comments, these provisions have the potential to add three to four months to project timelines and substantial costs for records searches and pedestrian surveys or on-site monitoring. These delays and costs on such a scale are infeasible to implement and will substantially slow the pace and scale of utility operations and maintenance work. SMUD recommends excluding, at minimum, non-soil disturbing activities from the requirements of Section IV.G and supports continued development of programmatic approaches to Tribal consultation.	See responses to comments 1.19 and 4.16.
9	9.29	Sacramento Municipal Utility District	Section IV.G. also requires several clarifications, as provided below: - As provided in the California Utilities redline edits, the Revised GO should be clarified to indicate that following a positive CHRIS result, the Tribes desiring to coordinate with the utility must respond within 30 calendar days of the date of issuance of the notification. Additionally, Tribes that do respond during the 30 calendar days then have 30 days from the utilities' receipt of the request to coordinate to provide recommended treatment measures. - Regarding the Tribal and Cultural Resources Report, the Revised GO should clarify whether such a report requires Water Board approval and what criteria will be utilized to evaluate the Report. If a Water Board decision is required before the project may proceed, then the Revised GO should clarify the timeline for such review and approval. Further, if utilities disagree with the Water Board's decision, the Revised GO should clarify the utilities' recourse and whether utilities would be required to utilize the Dispute Resolution process (Section VII.).	See response to comment 2.33. In addition, use of the Dispute Resolution process in section VII is optional in all cases.
9	9.30	Sacramento Municipal Utility District	The definition of Tribal Cultural Resources in the Revised GO should be consistent with and not expand beyond the definition in California Public Resources Code (PRC) section 21074.	The General Order was revised to remove the language regarding submitting treatment measures developed in coordination with Tribes to the Water Board for approval.

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			SMUD believes if the scope of the General Order was specific to activities that discharge or propose to discharge waste into waters of the state that this would reduce the administrative burden to an acceptable level.	The General Order recognizes and refers to California Public Resources Code (PRC) section 21074 defining Tribal Cultural Resources. Further, by including sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are listed in a private Tribal register in the definition of Tribal Cultural Resources, the Order acknowledges PRC section 21080.3.1, in which Tribes are declared the acknowledged experts concerning their Tribal Cultural Resources. The General Order covers activities that discharge or propose to discharge waste that could affect the quality of the waters of the state.
9	9.31	Sacramento Municipal Utility District	5. <u>The Revised GO should defer implementation of the Revised GO and ensure that the Revised GO applies exclusively to projects initiated by utilities after the Board's adopted implementation date.</u> SMUD supports the California Utilities' recommendation that the Board include the following language in the General Order: Recognizing the need for Dischargers to adapt processes, technology, and finances to comply with new requirements, this General Order shall take effect no earlier than 12 months after the adoption date below (Implementation Date). Utilities may request to delay the Implementation Date subject to approval by the Executive Director. Such a request must show the Discharger's good faith efforts to implement the General Order's provisions and identify remaining barriers to implementation. This General Order applies exclusively to projects initiated by utilities after the Implementation Date. Projects in any phase of planning, design, permitting or construction upon the Implementation Date are exempt from this Order.	See response to comment 1.10.
9	9.32	Sacramento Municipal Utility District	The Revised GO's expansive scope will impact every grid infrastructure team within SMUD. This includes line workers, vegetation management, substation, environmental, designers and planners, and engineering, among others. Each of these work groups may currently have different processes and procedures for intake, planning, and performing the work. Following adoption of the General Order, SMUD will need time to develop the necessary information technology infrastructure to enable reporting data to the Water Board, training personnel on compliance with the General Order, and ensuring that recordkeeping systems are in place. While difficult to estimate the timing required for this, developing and deploying an information technology solution would potentially take a year or longer.	See response to comment 1.10.
9	9.33	Sacramento Municipal Utility District	We recognize that the Revised GO moves many activities to Category A, which in most instances does not require notification prior to performing the work. While this reduces the burden of preparing and submitting Notices of Intent (NOIs), utilities must still develop the internal infrastructure, training, and recordkeeping processes and system improvements. Before this work can be completed, SMUD will need to secure the budget and increase rates to provide these teams with the resources to comply	See response to comment 1.10. The effective date will be set by the State Water Board at the time of adoption.

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			with the new requirements. If the General Order is adopted and implemented before SMUD can budget for these costs, SMUD will have to defer or delay other budgeted work to develop the processes and system necessary to comply with the Revised GO. Given this, it is critically important that the General Order allow deferred implementation and additional implementation flexibility, including the ability for utilities to seek extensions of the implementation date. Furthermore, to avoid significant disruption to planned utility work, the General Order should clarify that it is prospective-only and will not apply to any work in any phase of planning, design, permitting, or construction upon the implementation date	
9	9.34	Sacramento Municipal Utility District	6. <u>Project activity Category K, the “catch-all” project activity category, should be removed, as it is superfluous and creates ambiguity.</u> SMUD recommends completely removing category K. “Electric Utility Infrastructure Lowering, Maintenance, Replacement or Removal”. This “catch-all” category is superfluous with many of the specifically listed project activities because it does not identify any additional maintenance or operations infrastructure beyond those listed. Further, the Revised GO removed the slope and soil erodibility criteria for several project activity categories. However, the catch-all category retains this trigger, and could be construed to apply to every project activity category. This could inadvertently reintroduce the slope and soil erodibility trigger for projects where this trigger was specifically eliminated. Since the listed project activities cover the vast majority of utility infrastructure, removal of Category K. does not substantially change the scope of the Revised GO. To avoid unnecessary ambiguity, SMUD supports the removal of this category.	See response to comment 2.17
9	9.35	Sacramento Municipal Utility District	D. Conclusion SMUD appreciates the opportunity to provide feedback on the Revised GO. While we recognize the importance of protecting water quality, we are concerned that the current draft of the Revised GO significantly expands regulatory oversight and imposes substantial costs on utilities without clear evidence of corresponding benefits to water quality. We urge the Board to reconsider the scope and applicability of the Revised GO to ensure it is limited to activities that discharge to waters. We also recommend that the Board conduct a comprehensive analysis of the financial implications for utilities and their ratepayers, as well as explore alternative regulatory approaches informed by a robust evidentiary record. Additionally, it is crucial to defer the implementation of the Revised GO to allow utilities sufficient time to adapt operational processes and develop the necessary technological infrastructure. We look forward to continued dialogue and collaboration with the Board and stakeholders to refine the Revised GO in a manner that meets these objectives.	Comment noted. See responses to comments 9.2 through 9.34.
10	10.1	Southern California Edison	This letter provides comments from Southern California Edison (SCE) on the State Water Resources Control Board (State Board or Board) revised draft of the <i>Draft Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Utility Wildfire and Similar Operations and Maintenance Activities</i>	Comment noted.

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			(Utility Wildfire General Order or GO) issued on March 28, 2025. SCE is also party to a joint comment letter prepared collaboratively with other investor and publicly owned utilities operating in California. SCE is one of the nation’s largest electric utilities and operates throughout its 50,000 square mile service territory, delivering power to 15 million people throughout southern and central California. The company operates and maintains over 125,000 miles of transmission and distribution lines that includes 1.4 million poles, 142,000 transmission structures, and 1.3 million distribution structures. To ensure a safe, reliable, and cost-effective electric grid for our customers, SCE must promptly and efficiently conduct maintenance operations, vegetation management, upgrades, and replacements every day across all of southern and central California. SCE appreciates the opportunity to provide comments on the State Board’s revised draft Utility Wildfire General Order. Many of the changes in the revised draft reflect the Board’s consideration of prior concerns raised by the utilities including the reassessment of pole replacement and similar work in uplands under Category A coverage, expanded options for monitoring and training, added flexibility to road maintenance and repair requirements to name a few. The following comments highlight SCE’s primary concerns with the current draft and provide recommendations for changes to meet the Board’s stated objectives of protecting water quality while streamlining the permitting process and limiting impacts on operations.	
10	10.2	Southern California Edison	Vegetation Management Coverage of non-soil disturbing VM work is unnecessary. SCE’s primary concern is the inclusion of all vegetation management (VM) activities within 50 feet of a water of the state (WoS) under Category A Non-Notifying coverage. Inclusion of all VM work under Category A is unnecessary to protect water quality and will result in unreasonable impacts to operations through delays in scheduling, increased workload, as well as in significant additional operational and administrative costs. Under the prior draft, coverage of VM activities focused on work that included soil disturbance. This was reasonable, since those activities have the potential to create exposed soils, that if not stabilized correctly, may be subject to erosion and scour from stormwater runoff. This is aligned with the stated purpose of the GO which, in part, is to provide oversight on activities with the potential to cause a discharge to WoS. Since Category A activities occur entirely within upland areas and the likelihood of vegetative waste being directly discharged into WoS is exceedingly low (e.g., it is very unlikely a branch cut 25 feet away from WoS in uplands will fall into an adjacent stream). This low probability is further reduced through proactive, preventative industry standard practices of debris collection and off-site disposal or lop and scatter methods to disburse cutting within upland areas. Lop and scatter of vegetation cuttings and chipping is a commonly used practice for temporary ground stabilization, where appropriate, and requirements for the use of wood chips and slash to stabilize	See response to comment 1.11.

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			slopes are actually outlined in conditions IV F. 21 (b., c., d.) of the revised draft. In addition, the potential of an unanticipated discharge of vegetation debris into WoS through uncontrolled stormwater runoff is similarly low due to the size and shape of the debris, particularly in comparison to sediment runoff generated from erosion of exposed and disturbed soil material.	
10	10.3	Southern California Edison	Coverage of non-soil disturbing VM work will unreasonably increase workload and associated costs. While Category A projects are not subject to the permitting process and timeframes associated with the process, they are required to conduct a CHRIS record search and Sacred Lands File search. Positive results from either trigger a minimum 30-day notification to the Tribes and are subject to additional treatment measures. The actual number of positive results from these searches as well as the treatments prescribed are unknown at this time. However, the work, time, and costs necessary to complete the record search alone will be excessive and unreasonable. The following is a summary of the steps necessary to conduct a records search, as well as associated time and costs required. The time and costs do not include any necessary field work that may be needed. To demonstrate the additional workload represented by these requirements SCE looked at the costs for a typical record search and VM work data from 2024, summarized below.	See responses to comments 1.19 and 4.16.
10	10.4	Southern California Edison	CHRIS Record Search SCE maintains subscriptions with the CHRIS for counties where they are available. In four counties without an option for subscriptions, SCE must submit requests for each project location. Response time for information requests can vary, but typically range between one to six months. For counties with subscriptions, in-house record search labor typically ranges from 1-2 hours but will vary due to project size and site density. Cost per request varies, but the general range for a pole replacement project for example is ~ \$800 – \$1,400 for an in-person record search (includes costs and labor) and ~ \$800 - \$1,200 for a search conducted by the CHRIS. It is emphasized that costs stated are typical for small projects; larger projects with high site density can range into the multiple thousands of dollars to complete this search.	The General Order has been revised to remove the requirement for Category A activities to comply with the cultural resources conditions. This change should substantially reduce the number of activities required to complete a CHRIS records search and reduce associated compliance costs. In addition, the requirement to perform a CHRIS records search may be satisfied using the results of a previous CHRIS records search completed for the specific parcel or parcels where the project activities are proposed to occur within the previous ten years.
10	10.5	Southern California Edison	VM Work Assessment To evaluate the possible ramifications of implementing the revised draft measures SCE analyzed 2024 VM data to determine the scope of the work likely to be affected. The evaluation compared SCE's VM work point data from its Routine Line Clearing program (RLC) against publicly available geospatial aquatic resource data, specifically: NHD 2.1, NHD High Res Flowlines, CARI Wetlands, CARI Stream, and CA Streams. The evaluation identified the number of work points located within 50 feet of a mapped water feature.	The General Order was revised to reduce requirements applicable to vegetation management activities. Vegetation management activities are now Category A activities and do not require an NOI or advance notification, and Category A activities are no longer subject to the cultural resources conditions. See response to comment 1.11 regarding vegetation management activities that do not involve soil disturbance. See response to comment 1.19 regarding revisions to the cultural resources conditions.

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			For context, SCEs VM RLC work point data is comprised of field collected GPS locations of vegetation that require management (e.g., trimming, canopy reductions, removal) in accordance with GO 95, and other regulatory requirements¹. Work point data varies and may identify a single tree or multiple trees and shrubs, based on field conditions, for example one work point may identify one tree or 10 trees depending on field conditions. Table 1 below provides a summary of the evaluations, and Figure 1, shows a representative view of a sampling of SCE work points and the consolidated aquatic resources data. Table 1. Summary of 2024 RLC work points. <table><tr><td>Routine Line Clearing</td><td>Work Point Total</td><td>% Total</td></tr><tr><td>Work points Completed in 2024</td><td>266,006</td><td>-</td></tr><tr><td>Work points within 50' of Waters of the State²</td><td>30,122</td><td>11%</td></tr></table> SCE currently conducts environmental screening on all VM work, however under current regulations, most VM activities are exempt from the California Environmental Quality Act (CEQA), Assembly Bill (AB) 52, and Section 106 of the National Historic Preservation Act, and most of these activities do not require a record search or sacred lands inventory. 1 California Public Utilities Commission General Order 95 Rule 35 California Codes & Regulations Title 14 Minimum Clearance Provisions, Sections 1250 – 1258 Title 8 Group 3 Articles 12, 13, 36, 37, and 38 California Penal Code Section 385 California Public Resource Code (PRC) PRC 4291 – Reduction of Fire Hazards Around Buildings PRC 4292 – Power Line Hazard Reduction PRC 4293 – Power Line Clearance Required PRC 4171 – Public Nuisances Cal OSHA Title 8 §3423 2 Work point total within 50’ of Waters of the State is assumed to be smaller than actual. Aquatic Resource data includes both polyline (e.g., stream centerline) and	Routine Line Clearing	Work Point Total	% Total	Work points Completed in 2024	266,006	-	Work points within 50' of Waters of the State ²	30,122	11%	
Routine Line Clearing	Work Point Total	% Total											
Work points Completed in 2024	266,006	-											
Work points within 50' of Waters of the State ²	30,122	11%											

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			polygon data, where available. Geospatial buffering from centerline data does not represent the bank widths of the actual stream course.	
10	10.6	Southern California Edison	Costs and Labor Actual costs and labor are unknown due to the variability of factors needed to be considered, including geographic locations, number of work points in any specific location, number of trees within each work point, etc. However, to establish a base line SCE made the following assumptions when looking at the expected impacts to operationalize the measures as written in the revised draft. • Assume that multiple work points located near each other can be batched together. • Assume a 75% reduction in total number of VM work “projects” due to batching. • Assume all record search work can be done in-house. • Assume no in person search or requests to the CHRIS are required. • Assume 1.5 hours per search is required. • Assume only costs for search, no ancillary costs (e.g., field work, administrative) are included. Minimum Expected Workload Record searches = 7,530 Total labor required = 11,296 hours SCE believes this is likely an underestimate of the labor necessary to comply with the measure in the revised draft GO. This estimate does not account for the need to conduct in-person or CHRIS request searches, larger work areas or work areas in high site density locations. This evaluation also does not consider scheduling impacts due to delays in getting record search results from the CHRIS, as noted above, or from the NAHC. These delays would likely be compounded by the increase in requests expected by the utilities under the revised draft.	The General Order was revised so that vegetation management activities are Category A activities and Category A activities are no longer subject to the cultural resources conditions. As a result, vegetation management activities are not required to complete CHRIS records searches, request Sacred Lands File searches, or provide Tribal notification under the General Order. These revisions reduce cost assumptions identified in the comment for vegetation management activities. See response to comment 1.19 regarding revisions to the cultural resources conditions.
10	10.7	Southern California Edison	Recommendation SCE strongly recommends that the Board limit GO coverage to VM work that results in soil disturbance. If the Board requires additional oversight, another reporting process should be considered, such as annual reporting on VM work completed.	See response to comment 1.11.
10	10.8	Southern California Edison	Deferred Effective Date Internal system changes necessary to track, manage and report on all Category A work streams will require logic upgrades that can take months to define and integrate into our systems. SCE’s internal systems are specifically developed or modified for our operational needs and are not standard off-the-shelf software. Please note different workstreams (e.g., pole and infrastructure maintenance, vegetation management), and different programs within the same workstream (e.g., RLC and	See response to comment 1.9. The effective date will be set by the State Water Board at the time of adoption.

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			pole brushing) are not all managed through a single work management system. As such, all necessary changes must be incorporated within each of these different systems, each with separate and unique IT requirements, organizational oversight, and support procedures. System changes will also require additional training and process updates to adequately manage the data and meet reporting needs. SCE is currently preparing for these expected modifications, however without knowing the final requirements of the GO, these changes cannot be started at the system level. An actual forecast of the time required to complete these modifications is currently unknown, however past changes of similar scale required three to six months to complete in one system.	
10	10.9	Southern California Edison	Recommendation SCE is recommending the Board consider a deferred timeframe for the GO to go into effect of at least 12 months from adoption. This time will be used by SCE, and the utilities overall, to update our systems, train staff, and troubleshoot any potential issues before they must be implemented.	See response to comment 1.9. The effective date will be set by the State Water Board at the time of adoption.
10	10.10	Southern California Edison	SCE appreciates the opportunity to continue working with the State Board as we work to finalize this General Order. We urge you incorporate these recommendations as they will allow the General Order to fulfill its objectives of protecting California’s water resources while minimizing the permitting burden on the state’s utilities. Please contact me if you have any additional questions.	Comment noted.
11	11.1	Truckee Donner Public Utility District	The Truckee Donner Public Utility District (TDPUD) appreciates the additional comment period to comment on the State Water Resources Control Board (State Water Board) Revised Draft Utility Wildfire and Similar Operations and Maintenance Activities General Order Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements released on March 28, 2025 (Revised GO). TDPUD is a public-owned electric and water utility serving ~14,500 connections in the greater Truckee area near Lake Tahoe in the high Sierra Nevada mountains.	Comment noted.
11	11.2	Truckee Donner Public Utility District	TDPUD also supports the comments submitted by the California Municipal Utilities Association (CMUA), Southern California Public Power Authority (SCPPA), Northern California Power Agency (NCPA, and the Golden State Power Cooperative (GSPC). Collectively, CMUA, SCPPA, GSPC and NCPA (Joint Public Power Utilities) represent publicly owned electric utilities (POUs) and electric cooperatives that provide power to 25% of the State. POU’s and electrical cooperatives share the objective of providing safe, reliable, and affordable electric services to businesses and residents in their service territories while doing so in an environmentally responsible manner.	Comment noted.

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11	11.3	Truckee Donner Public Utility District	TDPUD been engaged with SWRCB staff and board for over two years as this GO has been developed. While we appreciate the many improvements in the Revised GO, TDPUD remains concerned that the Revised GO remains an expansion of regulatory oversight, well beyond streamlining projects requiring individual waste discharge requirements (WDRs). We are also concerned that the Revised GO will provide little additional protection of water quality while adding costs and time to critical wildfire mitigation efforts.	See general response regarding jurisdiction and responses to comments 1.3 and 2.10 regarding the evidentiary record supporting the General Order and the scope of activities covered under the General Order. See also responses to comments 1.7, 1.8, and 1.21 regarding revisions made to reduce administrative burden, how the General Order supports timely authorization of covered activities, and comments on compliance costs.
11	11.4	Truckee Donner Public Utility District	In addition, TDPUD is concerned with the lack of supporting data in the record of this proceeding, including, but not limited to: (1) the absence of data demonstrating that all covered project activities will result in – or are even more likely than similar projects to result in – a discharge that could affect water quality, (2) the lack of ongoing water quality violations from utility operations and maintenance activities in upland areas (i.e., non-waters of the state), (3) the absence of analysis of regulatory alternatives considered and associated effects on water quality, and (4) the lack of findings quantifying the number of activities covered by the Revised GO and the cost impact to utilities and their electric ratepayers. Providing safe, reliable, and reasonably priced electricity is essential to the well-being of all Californians. Given the impacts of catastrophic wildfires to community and watershed, it is critical that electric utility be able to implement their wildfire mitigation plans and electric infrastructure maintenance, repairs, and upgrades as quickly and efficiently as possible. The vast majority of this work is in upland areas and does not impact Waters of the United States. However, wildfires can have devastating impacts.	See response to comment 1.3.
11	11.5	Truckee Donner Public Utility District	TDPUD support the Joint Public Power Utilities request that the State Water Board re-evaluate the scope of the Revised GO, and in doing so, develop the necessary record to enable an informed decision that balances ratepayer costs, delays to core electric utility functions, and protection of water quality. TDPUD and the Joint Public Power Utilities also support the comment letter submitted jointly by the California Utilities, which includes PG&E, SCE, SDG&E, PacifiCorp, SMUD, CMUA, GSPC, NCPA, and SCPPA (California Utilities' Comments).	Comment noted. See responses to comments 1.1 through 1.21, and 2.1 through 2.69.
11	11.6	Truckee Donner Public Utility District	TDPUD supports the main points made by the Joint Public Power Utilities that include: • Changes between the August 2024 Draft to March 2025 Draft have been significant and we do want to support staff's efforts to work with the utilities. • The timing and burden Impacts of Revised GO are significant and would diminish our wildfire mitigation efforts. • Deferred implementation is necessary as TDPUD will need time and resources to prepare for the additional project conditions this GO would impose. • The GO should be prospective only and clarify that the applicability would be for project activities that have not started. • The Revised GO still hampers vegetation management even with the reduced distance from waters of the state, with the removal of a minimum "soil disturbance" threshold, all vegetation management activities within 50 feet of	Comment noted. See responses to topic related responses: • Timing and burden: See response to comment 1.7. • Deferred Implementation: See response to comment 1.9. • Prospective applicability: See response to comment 1.10. • Vegetation Management: See response to comment 1.11. Tribal consultation: The General Order was revised. Category A projects are not subject to the cultural resources conditions. See response to comment 1.19.

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			waters will require coverage. As proposed, this would require permitting for a broad panoply of vegetation management activities, irrespective of whether they have planned or proposed discharge into waters of the state. Indeed, as proposed, utilities would be required to obtain permits for projects with zero potential discharge into waters of the state or face penalties and enforcement for failure to do so. The tribal consultation provisions are overly broad. TDPUD takes very seriously our CEQA tribal consultation obligations established by AB 52 (2014) and take seriously the imperative to protect Tribal cultural resources. Those protections, however, can be carried out in a much less onerous manner than what is prescribed in the Revised GO. This is especially true for Category A projects. The scope should apply only to projects that result in ground disturbances. If tribal consultation remains in the GO, Category A should consider streamlined tribal consultation for “urgent” Category B projects.	
11	11.7	Truckee Donner Public Utility District	We thank staff for engaging with TDPUD and our associations while revising the proposed GO language. We will remain engaged to be a resource for staff. We appreciate this additional public comment period, though the Revised GO is still problematic. We encourage the State Water Board to consult with the Governor’s office on priorities to mitigate wildfires and attain electricity affordability in California and ensure that these new requirements are consistent with those priorities.	Comment noted. See response to comment 6.5.
12	12.1	Western Wood Preservers Institute, Treated Wood Council, and North American Wood Pole Council	We appreciate the conversation our Director of Government Relations, Ryan Pessah, had with Robert Stoddard on April 11th. During the conversation, Robert mentioned that the response to comments provided by the State Water Resources Control Board on March 28, was incorrect. Mr. Stoddard mentioned that the response to our comment should have stated that “the general order does not prescribe which alternative construction materials dischargers should considered.” The Western Wood Preservers Institute (WWPI), North American Wood Pole Council (NAWPC), and Treated Wood Council (TWC) are pleased to provide additional background information in response to the <i>Revised Draft Utility General Order</i>, proposed by the California State Water Resources Control Board on March 28, 2025. Our organizations believe that the example provided in the Utility Wildfire General Order is not, but should be neutral on material type. The example provided favors steel over wood products, which continues to outperform steel. As we explain below, there is no evidence to support the assumption or conclusion that the use of a different material type other than wood will perform better in a wildfire or natural disaster. We propose changes, on page 3, to maintain neutrality within the example. WWPI is a non-profit trade association founded in 1947 to serve the interests of the preserved wood industry in western North America, including California. WWPI is a resource that works with federal, state, and local agencies, as well as designers, contractors, and users over the entire preserved wood life cycle. NAWPC represents the treated-wood utility pole industry in North America. NAWPC member companies produce industrial preservative-treated sustainable wood pole	Except as set forth in conditions related to biodegradability, the General Order does not specify what construction materials must be used.

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			structures that are critical to the North America's electrical, transportation, and industrial infrastructure. TWC is an international trade association, serving the treated wood industry with more than 570 member organizations, including those with 25 headquarters and/or facilities in California [Anderson, Arbuckle, Arcata, Bakersfield, Burney, Chinese Camp, Eureka, Fontana (2), Fullerton, Lincoln, Morgan, Hill, Quincy, Riverbank, Sacramento (2), Santa Rosa, Scotia, Shasta Lake, Sonora, Ukiah (2), Weaverville, Weed, and Woodland]. Together our member companies manufacture more than 98% of all treated wood utility poles, and therefore, we remain concerned about the Revised Draft Utility General Order. We support the hardening of power and telecommunications systems to prevent and minimize the impact of wildfires and other natural disasters.	
12	12.2	Western Wood Preservers Institute, Treated Wood Council, and North American Wood Pole Council	In Project Description (III), subcategory H Structural Conversion, the example provided incorrectly assumes that a steel pole or lattice tower is stronger than a wooden pole or lattice tower, yet the example is material-type neutral for H-frames which can also be built with wood. Steel, wood and any other materials appropriate for building utility systems all have structural properties with defined values which allow any of these materials to be used to engineer and build structures which are equally capable of carrying the required loads. No one material is any "stronger" than another in this context. That said, when it comes to over-loading (applying a greater load to the structure than what it was designed to carry), wood structures are significantly less likely to fail than structures made of steel or other non-wood materials. This is because the structural capabilities of non-wood materials are relatively precise, whereas wood has a much broader coefficient of variation due to the range of its natural characteristics. That is, the structural capabilities of a given wood pole might vary by as much as 20% while steel, prestressed concrete and composite fiberglass wood poles will vary by only 5% or less. Knowing that wood has high variability from piece to piece, its design values are conservatively set at the low end of the range. As a result, any given wood pole might be capable of carrying loads that are 20% (or more) greater than the maximum load the pole is designed to carry. Extrapolated across an entire overhead system, this high coefficient of variation makes wood more likely to remain upright even when severe conditions result in loadings above rated capacities that engineers had anticipated. (<i>Unique Overload Capacity of Wood Poles</i> https://woodpoles.org/portals/2/documents/TB_Overload_Poles.pdf).	The example provided for Structural Conversion is just an example to illustrate the meaning of what structural conversion may entail. The example does not indicate when that conversion may be necessary or that any specific material is stronger than another.
12	12.3	Western Wood Preservers Institute, Treated Wood Council, and North American Wood Pole Council	For overall reliability, wood should be the material of choice. If utilities plan to harden their systems, the use of wood poles designed to the higher loads – rather than alternate material poles – will result in a more reliable system due to the greater inherent overload capacity of wood poles.	The General Order does not include any requirements that dictate the material that must or should be used for poles.

Letter Number	Comment Number	Commenter	Comment ¹	Response
12	12.4	Western Wood Preservers Institute, Treated Wood Council, and North American Wood Pole Council	Regarding wildfire, no materials are impervious to damage from fire; wood poles can burn while poles of other materials simply lose structural capacity when exposed to the heat of a wildfire. For fire protection, new technologies have been developed to protect wood poles from burning. Pole wraps have emerged as an effective and economical way to protect poles against fire. These wraps can be applied to new poles as well as those already in the field. Wraps can be applied using common tools and the labor required to protect the poles is minimal compared to the labor required for undergrounding. Pole wraps consist of a wire or fiberglass mesh covered with an intumescent coating. When exposed to heat, the intumescent coating expands to create a protective, insulating barrier between the fire and the wood. The wraps are durable once installed and can withstand extreme weather. You can read more about this fire protection in the NAWPC's Technical Bulletin <i>Wildfire Mitigation: Materials Science & Wood Pole Protection</i> (https://woodpoles.org/portals/2/documents/TB_FireProtect.pdf).	The General Order does not include any requirements that dictate the material that must or should be used for poles.
12	12.5	Western Wood Preservers Institute, Treated Wood Council, and North American Wood Pole Council	NAWPC's website, www.WoodPoles.org houses a technical library filled with valuable resources regarding resilience of overhead systems. A publication worth noting is the <i>Technical Bulletin - Sustainable Wood Pole Design for Overhead Systems</i> (https://woodpoles.org/portals/2/documents/TB_Sustainable_Design.pdf), which presents alternatives to sustainably-improve overhead system resiliency. In conclusion, there is no evidence to support the assumption or conclusion that the use of a different material type other than wood will perform better in a wildfire or natural disaster.	The General Order does not make any findings regarding which materials would perform best during a wildfire or natural disaster.
12	12.6	Western Wood Preservers Institute, Treated Wood Council, and North American Wood Pole Council	To ensure the safety and reliability of our infrastructure and to remain material neutral, we are requesting the following changes in Project Description (III), subcategory H Structural Conversion: "H. Structural Conversion: structural conversions; for example, conversion of a single pole to an H-Frame structure, tubular steel pole or lattice steel tower that results in: ..."	The General Order does not prescribe which construction materials should be used by utilities performing such projects. The language is intended to provide examples of projects which would be covered under the General Order. The identified projects are not intended to be an exhaustive list, as identified by the "for example" at the beginning of the list. The General Order allows the utilities to make decisions regarding pole and tower materials.

Comment 6.98 Tables 1 and 2:

Table 1. Summary of Geospatial Modelling and Guiding Assumptions, June 2024 Public Draft

Activity Type	Input Data	Enrollment Trigger(s)	Category A Criteria	Category B
Vegetation Management	2023 executed tree removals	Tree removal not within urban area and Tier 0 HFTD, and one of the following: 1)located within 100 feet of NHD water feature; or 2)located on steep (≥30%), erodible soils (K≥0.2)	Tree removal located between 10 and 100 feet from NHD water feature and not located on steep (≥30%), erodible soils (K≥0.2)	Tree removal less than 10 from NHD water feature; or tree removal located on steep (≥30%), erodible soils (K≥0.2)
Utility Pole Maintenance	2023 executed soil-disturbing pole maintenance work	Pole not within urban area and Tier 0 HFTD, and one of the following: 1)located within 50 feet of NHD water feature; or 2)located on steep (≥30%), erodible soils (K≥0.2)	Pole located over 10 feet from NHD water feature and not located on steep (≥30%), erodible soils (K≥0.2)	Pole located less than 10 feet from NHD water feature; or pole located on steep (≥30%), erodible soils (K≥0.2)
Total vegetation management		88,046 tree removals	44,012 tree removals	44,034 tree removals
Total utility poles		5,204 poles	1,272 poles	3,932 poles

Table 2. Summary of Geospatial Modelling and Guiding Assumptions, March 2025 Revised Draft

Activity Type	Input Data	Enrollment Trigger	Category A Criteria	Category A w/ Vegetation Management Impact Offset Plan Notification	Category B
Vegetation Management	2023 executed vegetation management work	Vegetation unit not within urban area and Tier 0 HFTD, and located within 50 feet of NHD water feature	Vegetation unit does not meet criteria for Category A w/ Vegetation Management Notification or Category B	Any one of the following: 1)Vegetation unit located within 50 ft of NHD water feature listed as impaired for nutrients, nitrate, phosphorus, temperature, sedimentation/siltation , sediment, and turbidity; or 2)Tree removal within 25 ft of a perennial or intermittent (proxy for Class I/II) NHD water feature; or 3)Vegetation unit located within 25 ft of a water feature with beneficial uses of RARE, SPAWN, SPAWN-WARM, and/or SPAWN-COLD.	We assumed approx. 20% of vegetation units less than 10 feet from NHD water features would cause discharges to waters
Utility Pole Maintenance	2023 executed soil-disturbing pole maintenance work	Pole not within urban area and Tier 0 HFTD, and located within 50 feet of NHD water feature	Pole located over 10 feet from NHD water feature	Not applicable	Pole located less than 10 feet from NHD water feature
Total vegetation management Total utility poles		103,388 units 2,932 poles	69,159 units 2,238 poles	29,229 units	5,000 units 694 poles

Examples of Water Quality Impacts from Electric Utility Activities

Introduction

This photolog supplements the response to comments to help visually respond to questions regarding how electric utility activities could affect water quality. These photos illustrate water quality impacts from common electric utility activities such as access route maintenance and construction, vegetation management and horizontal directional drilling. Most of these photos were taken by Water Board staff during inspections, others were taken by private property owners or utility company representatives. Additional information about each photo, including a brief explanation of the water quality concern, is provided in the captions. These photos are illustrative only.

Access Road Construction Activities



Date Taken: April 2025

Location: Utility Access Road in Ukiah, Mendocino County

These photos show a stream crossing where rock was placed in the stream channel to facilitate vehicle traffic. Rill erosion was observed upslope of the crossing and appears to have delivered sediment, debris and rock to the watercourse. Fill was placed in the stream channels without authorization.

Access Road Construction Activities



Date Taken: April 2025

Location: Utility Access Road in Ukiah, Mendocino County

These photos show ineffective erosion and sediment control Best Management Practices (BMPs). Left photo: Jute netting erosion control BMP is not oriented correctly and is not entrenched on the top of the slope. Right photo: Fiber rolls not properly installed (should be staked down and entrenched) and rilling on the road surface.

Side-casted Material from Utility Access Road



Date Taken: January 2020

Location: Spyglass Ridge Trail in Santa Barbara County

These photos show examples of material that was side-casted off the edge of an access road. Grading had been performed by a utility company resulting in discharges of sediment, rock and other inorganic and organic earthen material to Mission Creek downslope from the access road.

Culvert Replacement Activities



Date Taken: April 2024

Location: Utility Access Road in Camp Fire area in Butte County

These photos show the outlets of recently replaced culverts that do not have outlet armoring. Rill and gully erosion was documented on the fill slopes above and below these culverts.

Landslide from Access Road



Date Taken: March 2023

Location: Private property in Mendocino County

Left photo shows access road used by a utility company for vegetation management activities. The steep fill slope lacked erosion control BMPs which resulted in a landslide. Right photo shows large debris mobilized from the landslide.

Sediment Discharge to Watercourse



Date Taken: December 2022

Location: Private property in Mendocino County

These photos show turbid water being discharged to Ryan Creek, a fish bearing stream. Photos were taken by the property owner immediately after the landslide pictured above.

Access Road Repair Activities



Date Taken: June 2024

Location: Utility Access Road in Fresno County

Left photo shows several hundred cubic feet of sediment deposition that originated from erosion on an access road.
Right photo shows fiber roll with monofilament netting left onsite after completion of construction.

Vegetation Management Activities



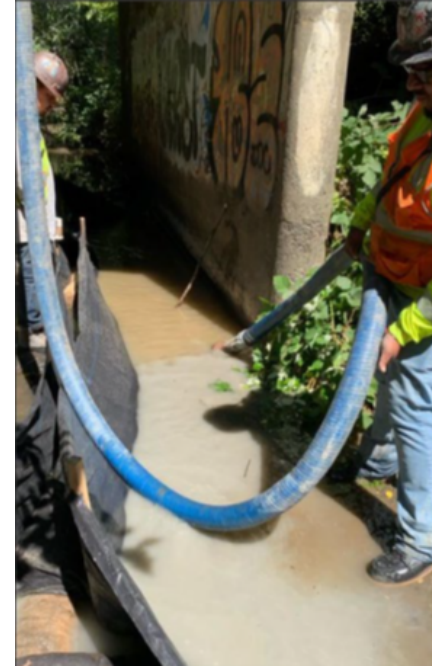
Date Taken: May 2024 (Left photo), April 2026 (Right photo)

Location: Private property in Grass Valley for Left photo, Private property in Redding for Right photo

Left photo shows trees that were felled across a Class II watercourse (Little Clipper Creek). Photo taken by Central Valley Water Board staff during an inspection following a complaint by the property owner.

Right photo shows debris within and adjacent to an ephemeral stream channel. Photo was taken by private property owner who had filed a complaint about utility vegetation management activities on his property.

Horizontal Directional Drilling (HDD) Activities



Date Taken: August 2025

Location: Salmon Creek in Sonoma County

Left and Right photos show turbid water and insufficient BMPs following a Horizontal Directional Drilling (HDD) frac-out where slurry discharged to a creek.