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

Effective Date: [12 months from the adoption date]

Project: Utility Wildfire and Similar Operations and Maintenance Activities Clean Water Act Section 401 Water Quality Certification and General Waste Discharge Requirements (General Order)

WDID: SB24032GN

Water Boards Contact:

For further assistance, please contact the applicable 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) and ask to speak with a staff person assigned to the Utility Wildfire General Order. An interactive map of Regional Water Board boundaries is on the State Water Board's Regional Water Board Map website (https://waterboards.ca.gov/waterboards_map.html):

1. North Coast Region
Email: RB1-UtilityWildfireGenOrder@waterboards.ca.gov
Phone: (707) 576-2220

2. San Francisco Bay Region
Email: RB2-UtilityWildfireGenOrder@waterboards.ca.gov
Phone: (510) 622-2300

3. Central Coast Region
Email: RB3-UtilityWildfireGenOrder@waterboards.ca.gov
Phone: (805) 549-3147

4. Los Angeles Region
Email: RB4-UtilityWildfireGenOrder@waterboards.ca.gov
Phone: (213) 576-6600

5. Central Valley Region

- **Fresno**: RB5F-UtilityWildfireGenOrder@waterboards.ca.gov
  Phone: (559) 445-5116
- **Redding**: RB5R-UtilityWildfireGenOrder@waterboards.ca.gov
  Phone: (530) 224-4845
- **Sacramento**: RB5S-UtilityWildfireGenOrder@waterboards.ca.gov
  Phone: (916) 464-3291

6. Lahontan Region

- **South Lake Tahoe**: RB6S-UtilityWildfireGenOrder@waterboards.ca.gov
  Phone: (530) 542-5400
- **Victorville**: RB6V-UtilityWildfireGenOrder@waterboards.ca.gov
  Phone: (760) 241-6583

7. Colorado River Basin Region
Email: RB7-UtilityWildfireGenOrder@waterboards.ca.gov
Phone: (760) 346-7491

8. Santa Ana Region
Email: RB8-UtilityWildfireGenOrder@waterboards.ca.gov
Phone: (951) 782-4130

9. San Diego Region
Email: RB9-UtilityWildfireGenOrder@waterboards.ca.gov
Phone: (619) 516-1990

10. State Water Board
Email: SB-UtilityWildfireGenOrder@waterboards.ca.gov
Phone: (916) 341-5900

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I. Summary

This Utility Wildfire and Similar Operations and Maintenance Activities Clean Water Act section 401 Water Quality Certification and General Waste Discharge Requirements (General Order), which includes Attachments A through G, covers electric utility company wildfire risk mitigation, response, and cleanup activities listed in the Project Description (Section III) that discharge or propose to discharge waste that could affect the quality of the waters of the state. The General Order also covers electric utility infrastructure operations and maintenance activities listed in the Project Description (Section III) that are not directly related to wildfire and that discharge or propose to discharge waste that could affect the quality of waters of the state because such activities have similar potential effects on water quality. This General Order is both (1) a Clean Water Act section 401 Water Quality Certification and Waste Discharge Requirements (WDR) for projects that include the discharge of dredged or fill material, and (2) Waste Discharge Requirements for projects that discharge or propose to discharge waste, other than dredged or fill material, that could affect the quality of waters of the state.

Dischargers[1] conducting covered *project activities*[2] identified in Section III are required to comply with the conditions set forth in Section IV. Section IV.E identifies which projects are required to file a Notice of Intent (NOI) to enroll under this General Order. Dischargers conducting all other covered *project activities* are not required to notify the Water Boards prior to conducting work.

II. Findings

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

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

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[1] Dischargers are Electrical corporations (as defined in the Public Utilities Code (PUC), Section 218), local publicly owned electric utilities (as defined in the PUC, Section 224.3), electrical cooperatives (as defined in the PUC, Section 2776) and all agents and contractors who are hired to work on behalf of the utility.

[2] Italics are used throughout this document to indicate that a term is defined in the Glossary (Attachment G).

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

D. Wildfire prevention and response activities require a variety of construction activities including road grading, excavation, vegetation management through mechanical and chemical means, culvert replacement, and erection of temporary stream crossings. In addition, utilities need to construct and maintain access routes essential for the maintenance, repair, and upgrade of existing electrical infrastructure to ensure grid reliability, wildfire prevention and containment activities, escape routes, and power restoration for affected communities.

E. This General Order facilitates wildfire prevention activities intended to reduce the risk of wildfire-related water quality impacts and post-wildfire response activities that help mitigate adverse water quality impacts caused by wildfire. Wildfires directly and indirectly impact water quality through removal of vegetative cover, breakdown in soil structure, resulting in increased sediment loads to waters of the state. For example, recent wildfires in Northern California have removed thousands of acres of vegetative coverage over highly erodible soils, contributing to large-scale debris flows and sediment discharges to stream systems. In some cases, post-fire storm events have filled stream channels with more than 10 feet of accumulated sediment within the course of one rainy season and transported thousands of cubic yards of sediment, ash, and debris into the Klamath River watershed, resulting in severe water quality impairments, dissolved oxygen depletion, and fish kills extending approximately 50 miles downstream, including mortality of tens of thousands of fish and impacts to anadromous species.

F. In addition to wildfire prevention and post-wildfire response activities, this General Order also covers utility operations and maintenance activities that employ the same or similar methods as wildfire prevention and response activities and similarly discharge waste that could affect water quality. In many cases, it may be difficult to distinguish wildfire prevention activities from operation and maintenance activities.

G. Electric utility wildfire prevention, wildfire response, and related operations and maintenance activities can impact water quality and beneficial uses. Some activities involve in-water work, where the discharge of waste is inherent to the location of the activity. Work in waters may include fill, resulting in a loss of waters and associated beneficial uses. Work in waters may also affect water quality through increased turbidity, increased temperature, or dewatering. Work adjacent to waters may also involve a discharge of waste. Even where the activity itself occurs outside waters, the activity may cause a discharge of waste that affects water quality. Bank destabilization, staging areas, soil disturbance,

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. 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 farther from 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 effect on water quality is more likely when activities are conducted on steep and erodible soils and include soil-disturbing activities. These activities may discharge sediment from soil disturbance, poorly designed access roads, inadequate erosion and sediment controls, and loss of vegetative cover, 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. Because these activities discharge or have the potential to discharge waste that can affect water quality, project proponents should have been applying for waste discharge requirements in accordance with Water Code section 13260, but historically reports have not been filed consistently. Water Board inspections of electric utility activities have documented access route construction and maintenance activities conducted without basic erosion and sediment control best management practices (BMPs), resulting in significant sediment discharges to waters of the state, including sediment transport extending hundreds of feet downslope from disturbed areas. Inspections have also identified roads cut into steep slopes without adequate drainage features, which creates long-term hydrologic connections to nearby streams and result in chronic erosion and ongoing sediment discharges long after construction activities have concluded. Inspections have also identified vegetation management waste placed within waterways, resulting in fill and partial impoundment of waters of the state, altered drainage patterns, reduced channel conveyance capacity, and impairment of beneficial uses. Accordingly, this General Order is necessary to impose conditions that avoid, minimize, and mitigate impacts to waters of the state.

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

I. Pursuant to Water Code section 13263 subdivision (j), the State Water Board may prescribe WDRs.

J. Pursuant to Water Code section 13263 subdivision (i), the State Water Board may prescribe general WDRs for a category of discharges if the State Water Board finds or determines that all of the following criteria apply to the discharges in that category: the discharges are produced by the same or similar operations; the discharges involve the same or similar types of waste; the discharges require the same or similar treatment standards; and the discharges are more appropriately regulated under general discharge requirements than individual discharge requirements. General waste discharge requirements are appropriate here because project activities regulated by this General Order involve the same or similar operations, involve the same or similar types of waste, and require the same treatment standards, such as erosion and sediment control, to protect beneficial uses. In addition, these discharges are more appropriately regulated under general discharge requirements than individual discharge requirements because electrical utility infrastructure is located throughout the state. Individual WDRs for the project activities covered by this General Order could lead to inconsistencies between regions that may affect the feasibility, procedures, and costs of wildfire activities and similar operations and maintenance activities throughout the state. This General Order establishes a framework to streamline the permitting process so that authorization of critical wildfire activities and similar operation and maintenance activities is issued efficiently while protecting water quality.

K. In establishing the requirements of this General Order, the State Water Board considered the factors identified in Water Code section 13241, including the need to protect water quality and beneficial uses, the characteristics of waters potentially affected by covered activities, technical and economic feasibility, and the need to support the pace and scale of electric utility wildfire mitigation and related operations and maintenance activities statewide. In developing the requirements of this General Order, the State Water Board considered implementation costs and incorporated streamlined authorization pathways, reduced reporting requirements for lower-risk activities, and other revisions intended to reduce administrative burden while maintaining water quality protections. Many of the requirements in this General Order reflect common industry practices and standard best management practices used to avoid and minimize water quality impacts. To the extent this General Order requires monitoring, reporting, or additional conditions, those requirements were tailored to the potential risk posed by covered activities and limited to measures necessary to protect waters of the state and beneficial uses while supporting efficient statewide implementation.

L. Pursuant to Water Code section 13260 subdivision (a), unless waived as set forth in subdivision (b), any person, citizen, or domiciliary discharging waste or proposing to discharge waste within any region, other than to a community sewer system, that could affect the quality of the waters of the state, must file a report of waste discharge to obtain coverage under WDRs or a waiver of WDRs. Certain projects, due to their higher potential for impacts to water quality, may require review and approval of water quality protection plans, restoration plans and potential mitigation proposals prior to project initiation. Dischargers must submit an NOI to the State Water Board or applicable Regional Water Board for projects identified in Section IV.E.3 to provide the Water Boards with project-specific information prior to authorization.

M. This General Order also covers projects for which no NOI is required to be filed. The Water Boards may prescribe requirements when no discharge report has been filed. (Wat. Code, § 13263, subd. (d).) The State Water Board will provide written notification to all Dischargers with activities that may be subject to this General Order.

N. The ability to discharge waste is a privilege, not a right, and adoption of this General Order shall not be construed as creating a vested right to continue discharging waste (Wat. Code, § 13263, subd. (g)).

O. This General Order is also adopted pursuant to Clean Water Act section 401. Section 401 of the Clean Water Act requires that any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate that any such discharge will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act as well as any other appropriate requirement of State law. The State Water Board is authorized to issue any certificate under the Clean Water Act that an activity will comply with the applicable requirements of that federal law or any other appropriate requirements of state law (Wat. Code, § 13160.).

P. Consistent with 40 CFR § 121.3, to the extent enrollment under this General Order serves as a Clean Water Act section 401 certification, this General Order covers the “activity as a whole” and is not limited to only the discharge that necessitated the need for the federal permit. As explained in the 2023 Clean Water Act section 401 Water Quality Certification Improvement Rule, this interpretation is consistent with *PUD No. 1 of Jefferson County v. Washington Department of Ecology* (1994) 511 U.S. 700. (88 Fed. Reg. 66558, 66593-98 (Sept. 27, 2023) [Section 401(d) is “most reasonably read as authorizing additional conditions and limitations on the activity as a whole once the threshold condition, the existence of a discharge, is satisfied.”].) If federal regulations are amended to limit the permissible scope of a certification, this

General Order may be used to cover any portion of the project not covered by the Clean Water Act section 401 certification. Where an individual project is not required to obtain a federal permit and certification is not required, this General Order is a WDR adopted pursuant to only the Porter-Cologne Water Quality Control Act.

Q. This General Order includes monitoring and reporting requirements pursuant to Water Code sections 13383 and 13267. The burden of preparing these reports, including costs, is reasonable to the need and benefits of obtaining the reports. The reports confirm that the best management practices required under this General Order are sufficient to protect beneficial uses and water quality objectives. The reports related to accidental discharges also ensure that corrective actions, if any, that are necessary to minimize the impact or clean up such discharges can be taken as soon as possible. Generally, only visual monitoring and field testing are required, the cost of which is low. Water quality sampling may be required for in-water work, including such requirements as sampling for pH or turbidity. Testing for either of those constituents may be done with low-cost field equipment. Sampling during in-water work is appropriate because the risk of direct discharges poses a higher threat to water quality and would require quick corrective action. Additional water quality monitoring would only be required where there are anticipated non-compliance events.

R. 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.

S. In response to a suspected violation of any condition of this General Order, the Water Boards may require Dischargers under this General Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

T. Findings pursuant to Water Code section 13149.2 are required for the issuance of statewide WDRs. The anticipated water quality impacts within the scope of the Water Boards' authority are the discharge of dredged or fill material to waters of the state and potential discharges associated with related activities, such as discharges of sediment, herbicides, oils and greases, and some vegetative waste. This General Order incorporates available measures within the scope of the State Water Board's authority to address the anticipated impact(s) of the permitted activities. As set forth in Section IV, this General Order imposes construction conditions, tribal resource conditions, mitigation conditions, water quality monitoring, and reporting and notification requirements that ensure that Dischargers are required to avoid, minimize, and lastly, mitigate, for any impacts to waters.

ANTIDEGRADATION ANALYSIS

U. State Water Board Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality Waters in California, the state's "Antidegradation Policy") provides that high quality waters of the state must be maintained unless it is demonstrated that any degradation will be consistent with the maximum benefit to the people of the state, will not unreasonably affect beneficial uses, and will not result in water quality worse than that described in the Regional Water Board's policies. The Antidegradation Policy further requires that Dischargers comply with WDRs which will result in the best practicable treatment or control (BPTC) of the discharge necessary to ensure that pollution or nuisance will not occur. This General Order requires compliance with all water quality policies, including the Antidegradation Policy. The implementation of the General Order requirements constitutes BPTC.

V. This General Order is consistent with the Antidegradation Policy. The state's Anti-Degradation Policy incorporates the federal Antidegradation Policy (40 CFR § 131.12 (a)(1)), which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." According to U.S. EPA, dischargers of dredged or fill material comply with the federal Antidegradation Policy by complying with U.S. EPA's section 404(b)(1) Guidelines. The State Water Board adopted a modified version of U.S. EPA's section 404(b)(1) Guidelines in the Dredge or Fill Procedures (State Supplemental Guidelines).

W. This General Order is also consistent with the Antidegradation Policy because it includes conditions that require dischargers to minimize or eliminate discharges of waste from wildfire mitigation activities and similar operations and maintenance activities to waters of the state. In addition, most wildfire mitigation activities and operation and maintenance activities that would be eligible for this General Order are temporary. Any limited and temporal degradation of high-quality waters that could occur under this General Order is necessary to accommodate important economic or social development in the area and is consistent with the maximum benefit to the people of the state. Wildfire prevention and response activities support important economic and social development because they prevent or mitigate the harm caused by wildfire to public safety, critical infrastructure, water quality, and property.

FEES

X. An adjustment to the fees applicable to this General Order may be appropriate after staff have additional data following implementation. After one year of implementation of the General Order, State Water Board staff are directed to evaluate the applicable fees for this General Order and propose any recommended revisions as part of the Water Boards' fee setting process.

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 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, except as set forth in Section IV.A Compliance With Other Water Boards Authorities. Where there is a permanent topographic or engineered physical barrier (e.g. dike, levee) that prevents discharge of waste to surface waters, permit coverage is not required.

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:

1. within 50 feet of any waters of the state; or
2. where the entire *project activity* results in over 0.50 acres 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.

B. **Herbicide Application**: application of herbicide to vegetation for the purposes of maintaining clearance requirements as required by the Public Resources Code (PRC) section 4292, or otherwise reducing the risk of wildfire (such as the creation of defensible space as required by PRC § 4291) within 50 feet of any waters of the state.

C. **Site access development/maintenance:** *access route construction***,** reconstruction, *maintenance*, or improvements (for example, grading, blading, graveling, brushing) of *access routes* used to access electric utility facilities where:

   1. such activity results in *soil disturbance* within 500 feet of any waters of the state; or

   2. the entire *project activity* results in over 300 linear feet 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.

   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 of mats or other materials such as sandbags or sheet piles to gain access and perform work.

   Routine culvert cleaning activities are excluded from coverage under this General Order provided the following conditions are met: No structural modification is made to the culvert or stream channel (for example, no grading, excavation, or reshaping of the bed or banks); no dewatering or stream diversion is required to facilitate the cleaning; removed material is not placed within a channel or swale, and is not side-cast or placed on adjacent slopes where it could discharge to waters of the state; no discharge of sediment or other waste occurs in flowing water during the activity; and heavy equipment is not operated in standing or flowing waters, or on *saturated soils*.

D. **Staging Areas and Laydown Yards**: development, maintenance, reconstruction and improvements of staging areas and laydown yards, including designated areas for project-related equipment, vehicles, materials, crew parking, project trailers, and shelter, where:

   1. such activity results in *soil disturbance* within 50 feet of any waters of the state; or

   2. the entire *project activity* results in over 0.50 acres 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.

E. **Pole/Tower Repairs, Maintenance or Replacement**: repair, maintenance, replacement, installation of interset poles, or upgrade of poles and towers within any waters of the state.

F. **Substation Maintenance**: repair or replacement of transformers, switches, fuses, cutouts, meters, and insulators that results in *soil disturbance* within 50 feet of any waters of the state.

G. **Structural Conversion**: structural conversions (for example, conversion of a single pole to an H-Frame structure, tubular steel pole or lattice steel tower) within any waters of the state.

H. **Overhead Line Reconductoring**: reconductoring of overhead electric utility lines to replace existing conductors with new conductors along existing circuits, includes splicing and tensioning of electric lines, that results in *soil disturbance* within 50 feet of any waters of the state.

I. **Undergrounding Powerlines**: replacement of overhead powerlines with underground powerlines; includes horizontal boring or trenching underground that results in *soil disturbance* within 50 feet of any waters of the state.

J. **Boardwalk Repairs or Replacement**: repair or replacement of access boardwalks used to service transmission facilities that results in *soil disturbance* within 50 feet of any waters of the state.

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 is not an activity identified in Sections III.A through J where:

1. such activity results in *soil disturbance* within 50 feet of any waters of the state; or

2. the entire *project activity* results in over 0.50 acres 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.

This General Order does not replace or excuse compliance with any other applicable local, state, or federal requirement.

- This General Order does not provide coverage under any NPDES permit, including the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-WQ or 2022-0057-DWQ) (Construction General Permit).

- Compliance with this General Order does not necessarily constitute compliance with the Fish and Game Code including, but not limited to, section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 5948 (obstruction of stream) prior to and during implementation of *project activities*. Dischargers may be subject to California Department of Fish and Wildlife lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.).

- This General Order does not authorize any act which results in the taking of a threatened, endangered or candidate species, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and G. Code, §§ 2050-2097) or the Federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this General Order, Dischargers must obtain authorization for the take prior to any *project activities* that may result in a take. Dischargers are responsible for meeting all requirements of the applicable endangered species act for the project authorized under this General Order.
- This General Order does not grant authority to conduct activities in a manner that violates applicable provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (Forest Practice Act).

IV. Conditions

Dischargers subject to this General Order must adhere to the following conditions:

A. Compliance With Other Water Boards Authorities

1. General Order coverage is not required for any activity that obtains authorization under another applicable certification or WDR, including the following:

a. State Water Board's General Water Quality Certifications of the U.S. Army Corps of Engineers' Emergency Regional General Permits 5, 8, or 63 (at the time of issuance, the associated order numbers are Water Quality Order Nos. 2024-0085-DWQ; 2023-0061-DWQ, and 2023-0095-DWQ, respectively);

b. State Water Board's General Waste Discharge Requirements for Discharges of Dredged or Fill Material to Waters of the State from Emergency Repair and Protection Activities (Water Quality Order No. 2023-0058-DWQ);

c. State Water Board's General Water Quality Certification of the U.S. Army Corps of Engineers' Nationwide Permit 57 for Electric Utility and Telecommunications Activities (at the time of issuance, the associated order number is Water Quality Order No. 2025-0066-DWQ);

d. State Water Board's General Water Quality Certification of the U.S. Army Corps of Engineers' Regional General Permit 10 for Wildfire Mitigation Activities (at the time of issuance, the associated order number is Water Quality Order No. 2023-0055-DWQ);

2. For activities covered under this General Order, coverage under the following Regional Board General Orders is not required:
   a. North Coast Regional Water Quality Control Board General Waste Discharge Requirements for Discharges Related to Specific Types of Forest Management Activities On Non-Federal Lands in the North Coast Region (Order No. R1-2024-0001);
   b. Central Valley Regional Water Quality Control Board Waste Discharge Requirements General Order For Discharges Related to Timberland Management Activities For Non-Federal And Federal Lands (Order No. R5-2017-0061);
   c. Lahontan Regional Water Quality Control Board Conditional Waiver of Waste Discharge Requirements for Waste Discharges Resulting From Timber Harvest and Vegetation Management Activities in the Lahontan Region (Order No. R6-2024-0035).
3. Coverage under this General Order is not required for *project activities* that occur within an Urban Area[3] as defined by the 2020 U.S. Census or within the jurisdictional boundary of a municipal separate storm sewer system[4] (MS4) that has coverage under a National Pollutant Discharge Elimination System (NPDES) permit[5].
4. This General Order is required for eligible *project activities* that are not fully covered under the Construction General Permit. If the Construction General Permit covers only part a project's land disturbance activities, compliance with the Construction General Permit constitutes compliance with Sections IV.F.1 through 5, 11 through 13, 25, and 27; Section IV.J; Section IV.K; and Section IV.Q.1.f. Dischargers shall comply with all other applicable conditions of this General Order.
5. Projects within the jurisdiction of the Lahontan Regional Water Board must comply with the requirements in the Lahontan Regional Water Quality Control Board Basin Plan sections 4.1 and 5.2, Waste Discharge Prohibitions. Dischargers with projects within the Lahontan Regional Water Board should contact Lahontan Regional Water Board staff to determine if they must apply for a Basin Plan Prohibition Exemption.

[3] A statistical geographic entity consisting of a densely settled core created from census blocks and contiguous qualifying territory that together have at least 2,000 housing units or 5,000 persons." (87 Fed. Reg. 16706 [March 24, 2022])
[4] This includes the MS4's storm sewer system and all areas, appurtenances, and structures that drain into the MS4.
[5] Other permits may be required. For example, project activities that discharge dredged or fill materials in these areas would not be covered by this General Order and would require separate section 401 Clean Water Act Water Quality Certification or WDRs.

6. This General Order does not authorize any discharge of pesticides or pesticide residue to waters of the United States that requires an NPDES permit.

B. General Compliance

1. Permitted activities 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 Boards' water quality control plan or policy. The source of any such discharge must be eliminated as soon as *practicable*.
2. Dischargers shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) which is incorporated herein by reference.
3. Dischargers must conform to any engineering plans, specifications, and technical reports submitted with the NOI and any plans approved by the Water Boards. Dischargers shall notify the Water Boards of any project changes or modifications to approved plans as required by General Order section IV.S.
4. Minimize unavoidable disturbance of soil, vegetation, and wildlife habitat.
5. Unless authorized as a temporary or permanent dredged or fill discharge to waters of the state, the discharge of waste, including but not limited to sediment, earthen material, construction debris, or other deleterious materials, from any *project activity* authorized under this General Order to waters of the state, in a manner that impairs or threatens to impair the beneficial uses of the receiving water, is prohibited. The deposit of such materials where they could be discharged to waters of the state in a manner that impairs or threatens to impair beneficial uses is also prohibited. This prohibition applies to all *project activities* described in Section III, regardless of activity type or coverage category.

C. Standard Conditions

1. This action is subject to remand, amendment, or vacatur by judicial or administrative adjudication, including review pursuant to Water Code section 13330, and California Code of Regulations, Title 23, chapter 28, Article 6 commencing with section 3867.
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 3855(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.

3. This General Order is conditioned upon total payment of any fee required under Water Code section 13260 and title 23 of the California Code of Regulations. See Section V for calculation of fees.

D. Administrative Conditions

1. Signatory requirements for all document submittals required by this General Order are presented in Attachment F.
2. Site Access: Dischargers shall grant Water Boards staff, upon presentation of credentials and other documents as may be required by law, permission to:
   a. Enter upon the project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
   b. Have access to and copy any records that are kept and related to the requirements of this General Order.
   c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated under this General Order.
   d. Sample or monitor for the purposes of determining General Order compliance.
3. A copy of this General Order shall be accessible at the project site (hardcopy or electronic) for the duration of authorization under this General Order. Dischargers shall maintain a paper or electronic copy of all required records and reports for one year from the date generated or date submitted, whichever is later.
4. Dischargers are responsible for work conducted by their consultants, contractors, and any subcontractors. A copy of this General Order shall be provided to any consultants, contractors, and subcontractors working on behalf of the Discharger. All personnel performing work on the project shall be familiar with the content of this General Order and how to access a copy at the project site.
5. **Environmental Awareness Training**: Prior to participating in any *project activity*, all personnel (for example, contractors, subcontractors, and consultants) shall participate in environmental awareness training (for example, tail-gate meetings). Training materials shall be developed by qualified individuals with expertise in state and federal laws regarding the protection of water quality, aquatic resources, related special-status species, and Cultural resources that are applicable to the project. More than one trainer may be needed depending on the size, location, and complexity of the project. The training shall include the requirements of this General Order, how to comply with this General Order, how to identify resources to be protected, and BMPs necessary to prevent water quality impacts.

6. At least one person onsite shall be the designated point of contact who has responsibility for monitoring compliance with permit conditions during normal working hours until all *project areas* are *stabilized,* or for projects that do not involve *soil disturbance,* for the duration of *project activities*.

E. Coverage Categories

Activities covered by this General Order are separated into two categories, Category A and Category B. Category A activities do not require submission of an NOI. Category B activities require submission of an NOI. Requirements for the NOI, including mandatory maps, design plans, and delineations, are set forth in Attachments B1 and B2. Requirements for the content of reporting and notification are detailed in Attachments B, D, and E, including specifications for photo and map documentation. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment E, which must be signed by the Discharger or an authorized representative. All Dischargers (Category A and B) must comply with the monitoring and reporting conditions in Sections IV.G through K. Category B Dischargers must additionally comply with Sections IV.L through S.

1. **Non-Notifying Eligibility Criteria (Category A)**: To qualify for Category A coverage, *project activities* must not result in a discharge of dredged or fill materials (except as set forth in Section IV.E.1.c) and one or more of the following eligibility criteria must be met. Attachment A provides a summary of non-notifying eligibility criteria.
   a. *Project activities* will be limited to Vegetation Management; Herbicide Application; Substation Maintenance; Overhead Line Reconductoring; Undergrounding Powerlines; or Electric Utility Infrastructure Lowering, Maintenance, Replacement or Removal.
   b. *Project activities* will be limited to the following *access route maintenance* activities: applying gravel to existing road surfaces; removing naturally occurring obstructions (such as fallen trees or rocks); removing/replacing installed access obstructions (such as placed boulders or tank traps); cleanout or armoring of cross drain culvert outfalls, inboard ditches, and ditch relief culverts; installing additional inboard ditch relief culverts; stabilizing cut slopes above roads to prevent erosion and slumping; maintaining or adding *rolling dips* or *rolling dip* lead outs as necessary to comply with Section IV.F.17.d; stabilizing existing fill slopes; and surface blading to maintain or improve drainage.
   c. *Project activities* are limited to the discharge of dredged or fill materials described in Clean Water Act section 404(f)(1)(B).
2. **Category A Enrollment Process**: Category A projects are not required to submit an NOI and may proceed with *project activities* in adherence with all applicable General Order conditions.

a. Within 30 days[6] of receiving a written request from the Water Boards (unless the request specifies a later deadline), Dischargers shall provide the following information about Category A projects that were active anytime within the last twelve months before the request (unless the request specifies a shorter timeframe):

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.

3. **Notifying Activities (Category B):** All projects that do not qualify for Category A coverage fall into Category B. Category B applicants must submit an NOI to the applicable Water Board(s).

a. Urgent Response Activities

i. Wildfire Recovery: "Wildfire recovery activities" are defined in this General Order as "unexpected actions taken to maintain, clean up, repair, demolish, or replace infrastructure necessary to maintain or restore essential public services or facilities in response to recent wildfire." Wildfire recovery activities initiated between the start of the wildfire and 180 days of the wildfire becoming 100% contained may use the Urgent Response Activity Initial Project Notification described in Section IV.E.3.b; wildfire recovery activities that begin over 180 days from the wildfire being 100% contained shall submit NOIs in compliance with Section IV.E.3.c; or

ii. Other Urgent Response Activities: "Other urgent response activities" are defined in this 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 Discharger must complete the project within 14 days of the start of *project activities*, unless the Discharger notifies the applicable Water Board that 14 days or less of additional time is necessary due to circumstances beyond the Discharger's control.

[6] Unless otherwise specified, all references to "days" in this General Order refer to calendar days.

b. Urgent Response Activity Initial Project Notification

i. Urgent Response Activity Dischargers shall notify the applicable Regional Water Board and the State Water Board as early as possible, and no less than 48 hours prior to initiation of the project.

ii. Initial notification shall be made via email and include project coordinates, project name, a brief description of planned activities, and a point of contact. This notification serves as the Discharger's commencement of construction notification.

iii. Send an email to State Water Board and the applicable Regional Water Board listed on page one of this General Order. Include "Attention: Utility Wildfire General Order Urgent Response Activity" in the subject line.

c. Category B Notice of Intent Contents, Submission, and Approval Process: Prior to NOI submission, Category B Dischargers shall adhere to all applicable Cultural Resources Conditions (Section IV.L).

i. Notice of Intent Submission:

1. Category B Dischargers shall submit an NOI for enrollment under this General Order at least 45 days before any planned *project activity*, unless that activity is an Urgent Response Activity.

2. Urgent Response Activity Dischargers shall submit an NOI no later than 30 days after initiating the activity. The Cultural Resources Notification procedures described in Section IV.L do not apply to Category B Urgent Response Activities.

3. The NOI shall describe all proposed direct project impacts and project design steps taken to first avoid, and then minimize, impacts to waters of the state to the extent *practicable*. Where *project activities* propose dredged or fill impacts to waters or work within waters of the state, the NOI shall also include a delineation of impact sites. The NOI must also include all applicable information requested in Attachments B1 and B2 and must be submitted using the NOI form found in Attachment B1 until an electronic application form is available on the State Water Board's webpage, at which time electronic submission will be required.

ii. Notice of Intent Review Process:

1. Within 30 days from the NOI receipt date, incomplete NOIs will be returned with a description of information needed to satisfy all deficiencies.

2. For an NOI to be determined complete, the following items must be provided in sufficient detail to inform a permitting decision:

a. Information required in the NOI Form (Attachment B1), including applicant information, the location of the proposed project, a description of impacts and receiving waters, and a list of permits from other agencies;

b. Proof of payment of applicable fee (Section V);

c. NOI signed by Legally Responsible Party;

d. Pre-project photos of the *project area* and proposed impact sites (Attachment B2);

e. Maps which clearly identify the project site and proposed impacts (Attachment B2);

f. Relevant drawings or design plans;

g. The Cultural Resources Report (Section IV.L.2.c.ix); and

h. For activities that propose work within waters, as applicable;

i. A description of steps taken to avoid and minimize impacts (Section IV.E.3.c.i.3);

ii. An Aquatic Resources Delineation Report (Section IV.E.3.c.i.3);

iii. A Restoration Plan for projects that propose temporary impacts (Section IV.M);

iv. A Mitigation Plan for projects that propose permanent impacts (Section IV.N); and

v. A Dewatering Plan for projects which propose site dewatering (Section IV.F.21.b).

3. After receiving a complete NOI, the Water Boards will issue one of the following:

a. A Notice of Exclusion that describes the reason the project is ineligible for General Order enrollment. Dischargers that receive a Notice of Exclusion may not proceed with *project activities* until a certification or WDR is obtained.

b. A Notice of Applicability (NOA). Category B Dischargers shall not proceed with *project activities* until an NOA is issued by the Water Board except if the Water Board does not issue an NOA or Notice of Exclusion within 45 days of receipt of a complete NOI (Section IV.E.3.c) or the project is an Urgent Response Activities proceeding according to the notification criteria in Section IV.E.3.b.

d. Optional Category B Consolidated Enrollment

i. Consolidated Enrollment Eligibility Criteria:

1. To qualify for consolidated enrollment, a programmatic Erosion and Sediment Control Plan (Section IV.J) must be developed and submitted to the applicable Regional Water Board for approval at least 60 days in advance of the first use of the programmatic plan. To rely on a previously approved programmatic plan, Dischargers must specify how the programmatic plan applies to each *project activity* (for example, by documenting which programmatic BMP(s) will be implemented for each listed activity). The applicable Regional Water Board must approve the programmatic Erosion and Sediment Control Plan before it can be utilized by Dischargers.

2. Category B projects that discharge dredged or fill materials to waters of the state shall submit an individual Notice of Intent in all instances. Category B Dischargers with an approved programmatic Erosion and Sediment Control Plan (Section IV.J) may submit the enrollment notification described in Section IV.E.3.d.ii.1 in lieu of an individual Notice of Intent, provided the project does not propose a discharge of dredged or fill materials into waters of the state.

ii. Consolidated Enrollment Notification:

1. At least 45 days before the earliest *project activities* start date, Dischargers using Consolidated Enrollment Notification must submit a list of all activities proposed for coverage under the Consolidated Enrollment Option to the Water Boards. For each listed activity, Dischargers must provide the following:

a. Fee payment (Section V);

b. The project name, designated project contact, coordinates, description of property access, planned *project activities* start and end dates, a brief description of the activities to be performed, best management practices to avoid and minimize water quality impacts; and

c. The Cultural Resources Report (Section IV.L.2.c.ix).

iii. Consolidated Enrollment Approval:

1. Within 30 days of receipt of the Consolidated Enrollment Notification, the applicable Water Board will review the submittal to determine that the project is eligible for Consolidated Enrollment and that:

a. No discharge of dredged or fill material to waters is proposed;

b. All applicable plans and documents listed in Section IV.E.3.c.ii.2 have been received;

c. The information provided is sufficient to evaluate compliance with applicable General Order requirements.

If the information provided is insufficient to evaluate compliance with this General Order, the applicable Water Board will return the submittal with a description of information needed to satisfy all deficiencies.

2. Within 45 days of receipt of a complete Consolidated Enrollment Notification, the applicable Water Board will either:

a. Enroll the project(s) under this General Order; or

b. Notify the Discharger that submittal of an individual NOI is required.

3. Dischargers that receive notice that additional information or an NOI is required may not proceed with *project activities* until all identified deficiencies have been addressed or an individual NOI is reviewed and approved as described in Section IV.E.3.c.

iv. Consolidated Enrollment Monitoring and Reporting:

1. Activities covered under this process do not require a commencement of construction notification. All other applicable General Order monitoring and reporting requirements apply.

2. Consolidated Enrollment Dischargers satisfy Annual Reporting (Section IV.P) requirements by providing a status report on all *project activities* enrolled under the Consolidated Enrollment Process annually 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.

F. Project Conditions

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. All non-structural BMPs (for example, training documents, compliance tracking procedures) must be ready at the start of the activity.

2. Dischargers must apply effective BMPs to erodible construction materials (for example, soil, spoils, fly-ash, stucco, hydrated lime) to prevent erosion and pollutant transport to waters of the state.

3. Dischargers must clearly identify environmentally sensitive and environmentally restricted areas, including areas designated for avoidance, prior to the start of *project activities.* Identification methods may include fencing, flagging, or signage. These protections shall be maintained throughout *project activities* and, for activities involving *soil disturbance*, until disturbed soils are *stabilized*. For activities limited to vegetation management, environmental awareness training consistent with Section IV.D.5 satisfies this condition.
4. Unless authorized as a temporary or permanent impact consistent with Section IV.B.5, vehicles, construction equipment, personnel, all material, debris, spoils, soil, silt, sawdust, rubbish, steel, waste material, waste containers, other organic or earthen material, or any substances which could be detrimental to water quality or hazardous to aquatic life shall be prevented from entering waters of the state.
5. Modifications, repairs, and improvements shall be made to BMPs that are not functioning as intended.
6. 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. *Project activities* should avoid dewatering 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.
7. When *practicable*, dischargers shall use bioengineering alternatives, conducted primarily using native vegetation and minimal rock, to stabilize banks.
8. Dischargers shall use only clean materials that are free of trash, debris and not deleterious to aquatic life. Use of grouted riprap is prohibited in waters of the state.
9. Implement effective wind erosion controls such that windblown wastes (for example, sediment, trash) that result from *project activities* do not discharge to waters of the state.

10. All Dischargers should follow guidelines in the California Invasive Plant Council's Preventing the Spread of Invasive Plants: Best Management Practices for Land Managers (Cal-IPC 2012) (https://www.cal-ipc.org/docs/bmps/dd9jwo1ml8vttq9527zjhek99qr/BMPLandManager.pdf) to prevent the spread of invasive plant species. Equipment shall be cleaned of material that may harbor invasive plant seeds or invasive pests before starting a new project in a different watershed. This material includes dirt or plant seeds on construction equipment, tools, boots, and clothing.

11. **Dischargers Shall Implement the Following Waste Management BMPs:**

    a. Provide containment (for example, secondary containment) of sanitation facilities (for example, portable toilets) to prevent discharges of pollutants. Both sanitation facilities and the corresponding containment shall be placed as far from waters of the state as possible. Containers must be located so that accidental spills will be contained and not drain into any waters of the state.

    b. Clean or replace sanitation facilities and inspect them regularly for leaks and spills.

    c. Keep debris or trash in waste containers if it is subject to transport from the site by wind or runoff.

    d. Prevent discharges from waste disposal containers. Cover waste disposal containers at the end of every business day and during a *Precipitation Event*.

    e. Secure and contain washout areas that may contain additional pollutants to minimize discharge into the underlying soil and onto the surrounding areas. Wash areas shall be covered during a *Precipitation Event*.

12. **Dischargers Shall Implement the Following BMPs to Prevent or Minimize Site Erosion for Any Soil-Disturbing Activities:**

    a. Avoid *soil disturbance* unless required by *project activities*. If *soil disturbance* cannot be avoided, minimize the amount of *soil disturbance caused* by *project activities*.

    b. Minimize slope disturbance.

    c. Spoils from excavations shall not be stored or discarded in waters of the state or in locations or manners where they may discharge to waters of the state. All spoil piles with a potential to discharge to waters of the state must be covered or stabilized with tarps, mulch, or another material to prevent sedimentation into waters during a *Precipitation Event*.

d. Whenever a *soil-disturbing* activity on any portion of the site has permanently ceased, or temporarily ceased and will not resume for a period exceeding 14 days, immediately initiate stabilization of disturbed areas.

e. During a *Precipitation Event*, Dischargers shall ensure that disturbed areas are protected with erosion and sediment control BMPs (for example, silt-fencing, geotextile fabrics, coir logs/rolls, straw bale dikes, jute, coconut fiber, erosion control fabric, hydroseeding).

f. Dischargers that stabilize 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.

g. 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 (for example, plastic or nylon) netting. Photodegradable synthetic products are not considered biodegradable. Use of non-biodegradable products is permitted only 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. Category B activities must identify in the NOI where such products will be used and justify the need for non-biodegradable materials. The use of products containing monofilament netting is prohibited in all cases.

13. Runoff and Run-on Controls for Soil-Disturbing Activities

a. Dischargers shall manage all run-on and runoff from a *project area*. Examples include installing berms and other temporary run-on and runoff diversions, protecting bare mineral soil with ground cover or other means of armoring, and controlling runoff to prevent erosion and scour in the areas of discharge points.

b. Site drainage shall be designed to accommodate anticipated flows from a Precipitation *Event* and shall be installed prior to such an event. Site drainage must not result in increased flow velocities or erosion of the channel and streambank of receiving waters.

14. Heavy Equipment: Dischargers shall adhere to the following conditions when using heavy equipment within 50 feet of waters of the state (additional requirements apply if in-water work is planned, as specified in Section IV.R):

a. Avoid soil compaction and rutting caused by heavy equipment. Limit the type, frequency, and area of equipment use to the minimum necessary to complete the activity and by implementing BMPs (for example, use of tracked equipment or matting to distribute equipment weight).

b. All *soil disturbance* created from heavy equipment use must be immediately *stabilized* following completion of heavy equipment use.

c. Any unintentional rutting and/or cuts and fills created from heavy equipment use must be fully recontoured to match pre-project conditions. Post-recontour surface shall not concentrate flows or exceed natural rill depth of site pre-project.

d. Place heavy equipment which is to be fueled, maintained, or stored in a designated area with properly installed BMPs in place (for example, sorbent pads, booms, surface protection, secondary containment).

e. Use drip pans under leaking vehicles to capture fluids.

f. Inspect equipment for leaks and repair leaks before operating the vehicle in a location where it may leak onto soil or into a water of the state.

g. Where secondary containment is used, immediately transfer contained fluids to a designated waste storage area.

15. **Dischargers Shall Preserve Existing Topsoil, as Follows:** Unless the intended function of a specific area dictates that the topsoil be removed, Dischargers shall stockpile the top six to 12 inches of topsoil within the *project area* and use the topsoil to restore disturbed areas.

16. **Disposal of Excavated Material:** Unless authorized for restoration, material excavated to prepare a site for placement of the permitted fill material must be properly disposed of in an upland area. The disposal site must be located at a sufficient distance away from flowing or standing water such that the excavated material does not erode or discharge into any water of the state. Where NOI submission is required, disposal areas shall be identified in the project NOI.

17. **Access Route Construction, Decommission and Maintenance Activities:** All *access route construction*, *decommissioning* and *maintenance* shall be conducted according to the following conditions; these conditions apply to the portions of the *access route* being constructed, *decommissioned* or maintained.

    a. The total area of *soil disturbance* shall be limited to the minimum necessary to achieve the project goal.

b. *Access route* surfaces shall be *hydrologically disconnected* from streams and stream crossings where *practicable*. Where *hydrologic disconnection* is not *practicable*, the NOI must describe why this standard cannot be met and alternative drainage features to prevent channels from forming within the road prism shall be considered. For Category A *project activities*, Dischargers shall retain a justification until one year after project completion of why these conditions cannot be met and will be made available to Water Boards staff upon request.

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.

d. Dischargers shall incorporate drainage structures according to Table 1 spacing parameters. Where *practicable*, functional ditch relief, including culverts, *rolling dips*, inboard ditches, and crossroad drains, shall be spaced with enough frequency to prevent concentration of *access route* related runoff and erosion of *access route* fill material. Where not *practicable*, the NOI must describe why this standard cannot be met and alternative drainage shall be considered. For Category A *project activities*, Dischargers shall retain a justification until one year after project completion of why these conditions cannot be met that will be made available to Water Boards staff upon request.

Table 1[7]. Drainage Structure Spacing Requirements (in feet) Depending on *Access Route* Grade and *Erosion Hazard Rating*

Estimated *Erosion Hazard Rating*	*Access route* Grade Less Than 10 %	*Access route* Grade 11-25%	*Access route* Grade 25-50%	*Access route* Grade Greater than 50%
Extreme	100	75	50	50
High	150	100	75	50
Moderate	200	150	100	75
Low	300	200	150	100
Note: Estimated *Erosion Hazard Rating* evaluation procedures specified in California Code of Regulations, title 14, § 912.5, § 932.5 and § 952.5.				

[7] California Department of Forestry and Fire Protection Resource Management, Forest Practice Program. 2021. California Forest Practice Rules.

e. Newly constructed *access routes* must be *outsloped* where *practicable* and safe. Where *outsloping* is not *practicable* or unsafe, the NOI must describe why this standard cannot be met.

f. Dischargers shall ensure that *access route* drainage features are maintained to prevent erosion and sediment discharge.

g. All sediment and other material disturbed during blading and other *access* route *construction* activities shall be contained and removed or permanently *stabilized* with effective engineered erosion and sediment control BMPs.

h. Cut or bladed sediment or other material shall not be side-cast or otherwise pushed off the roadway and left unstabilized such that it is subject to erosion or in a manner that could discharge to a water of the state.

i. Where natural slopes exceed 60%, *access routes* must be constructed using full bench construction where *practicable*. Where full bench construction is not *practicable*, the NOI must describe why this standard cannot be met and provide *access route construction* plans that achieve stability equivalent to full bench design.

j. Road drainage facilities (for example, *outsloping*, *rolling dips*, waterbreaks) shall be constructed to endure the duration of planned use and shall prevent sediment discharges to waterbodies. If utilizing rock armoring to fortify drainage structures, the armoring must be appropriately sized and installed for anticipated flow conditions and must extend to completely cover unprotected fill slopes.

k. Following use, *access routes* shall be left in a condition that enables long-term *hydrologically disconnected* road drainage with minimal maintenance requirements.

l. *Access routes* with ongoing erosion threatening sediment discharge must be repaired using appropriate BMPs unless the site is inaccessible due to seasonal weather or safety concerns, or if site conditions are such that activities needed to effect repairs (including site access) would worsen erosion. In such cases, repairs shall be made as soon as conditions allow. Any repairs must be inspected after precipitation saturates soils and causes runoff.

18. **Decommissioning and Seasonal Deactivation:** For *access routes* that are intended for *seasonal deactivation*, Dischargers must comply with the following conditions within 30 days of the final use of the season. For *access routes* that are intended for permanent *decommissioning*, Dischargers must comply with the following conditions within 30 days of the end of the operational life of the *access route*, when the Discharger has ceased all activity requiring the use of the *access route*, and has no plans to use the *access route* in the future. *Access routes* owned and maintained by Dischargers must be *decommissioned* after the end of the operational life of the *access route* and cannot remain connected to the permanent road network.

    a. Permanent *access route decommissioning* requires the removal of all anthropogenic structures including fills associated with *access route* watercourse crossings to create a natural drainage pattern.

    b. *Hydrologically disconnected* drainages must be established on *decommissioned access routes* and must be designed to provide maintenance-free operation upon completion of activities.

    c. Soils exposed during *seasonal deactivation* or permanent *decommissioning* shall be *stabilized* to prevent soil erosion and sedimentation. Any resulting soil stockpiles must be removed from locations where discharge to waters of the state could occur.

    d. Barricades shall be constructed at all points of access to *seasonally deactivated access routes* to prevent use by any unauthorized passenger vehicle, off road vehicle, or other equipment.

19. **Watercourse Crossings:** Dischargers must comply with the following watercourse crossing conditions where *practicable*. Where not *practicable*, Dischargers must describe in the NOI why the applicable standard cannot be met. For Category A *project activities*, Dischargers shall retain a justification until one year after project completion of why the condition(s) cannot be met that will be made available to Water Board staff upon request.

    a. The number of temporary watercourse crossings planned for removal within twelve (12) months of construction shall be kept to the minimum necessary, and existing crossings shall be used where *practicable* and where continued use would not contribute to water quality degradation.

    b. Except for temporary watercourse crossings installed and removed between May 1 and September 30 of the same calendar year, newly constructed and reconstructed watercourse crossings shall be sized and designed to accommodate 100-year storm flood flow (including transport of debris and sediment). Rock ford or rock armored fill watercourse crossings shall be designed to include proper rock sizing, rock application depths, and chute dimensions of the crossing to meet this requirement.

c. If standing or flowing water may be present in a watercourse during *project activities*, temporary watercourse crossings must use a structure such as a bridge, culvert, log culvert, or rock armoring to protect the watercourse from siltation.

d. Crossings shall be designed to ensure that *access routes* do not capture or intercept overflow from watercourses at the crossing location, and that the watercourse does not divert in case of a crossing failure. Critical dips shall be installed below (downslope) of the crossing to ensure that should the crossing be overtopped, flows will be diverted back into the watercourse channel.

e. Bridges, culverts, dip crossings, or other structures must be installed so that water and in-stream sediment flow is not impeded.

f. Culvert inlets shall be designed and constructed to minimize the potential for blockages and ensure consistent water flow and reduced maintenance needs. Culvert inlets shall utilize designs such as mitered or beveled inlets, wing walls, flared end sections, or other debris-shedding configurations with low plug potential, based on site-specific conditions. Such conditions include calculated anticipated flow rates, potential debris loads, and accessibility for future maintenance.

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.

h. Culverts shall be maintained to be clear of debris.

i. Culvert replacement projects shall repair any existing scour or headcutting actively eroding/discharging sediment.

j. Where *practicable*, culverts shall be located such that road approaches are perpendicular to the stream channel and not located in a meandering bend of the stream channel.

k. Plastic or High-density polyethylene (HDPE) culverts are prohibited from being installed in high, very high, or extreme fire threat areas as mapped by CAL FIRE's Fire and Resource Protection Program.[8]

l. Cured in Place Pipe is prohibited where it could cause detrimental physiological responses to human, plant, animal, or aquatic life, or cause discharges of waste to waters of the state that do not comply with water quality objectives.

[8] California Department of Forestry and Fire Protection. 2022. Fire and Response Assessment Program (FRAP). Accessed May 2022. Available at: https://frap.fire.ca.gov/

m. Rock ford or rock armored fill crossings should be installed instead of culverts on watercourses in locations where watercourse crossings have a higher risk of failure due to their landscape position (for example, in areas prone to debris flows or landslides) or remote areas where access or maintenance is difficult. The armoring must also extend to completely cover unprotected fill slopes. If another crossing type would be more appropriate based on site-specific conditions, Dischargers may propose an alternative crossing type and use the NOI to describe why the proposed design is the most suitable for the site.

n. Bridge abutments must be constructed of non-erodible material, such as rock, precast concrete blocks or large logs. Bridge abutments must be constructed above the ordinary high-water line to the extent *practicable*.

o. The bed and bank of watercourses must not be left in a condition where erosion does occur, or may occur, due to rutting, compaction, destabilization, or over-steepening caused by vehicle traffic.

20. **Watercourse Crossing Decommissioning:** All watercourse crossings proposed for removal or watercourse crossings located on roads to be *decommissioned* must meet the following conditions:

    a. Permanently *decommissioned* watercourse crossings shall be excavated to exhume the original, stable, stream bed and channel side-slopes, and then banks must be *stabilized* with materials which may include, but are not limited to, mulch, seeding, replanting, and rock armoring.

    b. Fills shall be excavated to form a channel as close as *practicable* to the natural watercourse grade, that is wider than the natural channel upstream and downstream of the crossing to be removed.

    c. Any cutbank resulting from watercourse crossing removal shall not exceed a slope of 50% from the outside edge of the channel to prevent slumping and erosion.

21. **Other Work in Waters of the State**

    a. Work in waters of the state must not cause an exceedance of water quality objectives or water quality control plans. Work in waters of the state commences at the onset of the regulated activity and continues until the activity is finished and all restoration of the affected work area is complete. The term “work in waters” means any activities in any waters of the state that are permitted under this General Order, regardless of the presence or absence of flowing or standing water.

b. If temporary dewatering of work areas is proposed using temporary diversions or impoundments of water, cofferdams, or similar structures, a Dewatering Plan must be submitted with the NOI. The Dewatering Plan must include: (a) a description of the proposed dewatering methods and structures, including design criteria; (b) appropriate BMPs, including scheduling, for installation, operation, maintenance, and removal of dewatering structures; and (c) appropriate upstream and downstream water quality monitoring. If nuisance water is anticipated, the Dewatering Plan must also include: (d) estimated nuisance water volumes; (e) a map of proposed dewatering effluent disposal locations; and (f) visual monitoring at dewatering effluent disposal locations to ensure minimal surface scour and complete infiltration without surface flow entering waters of the state.

c. Temporary materials placed in any water of the state must be removed as soon as *project activities* are completed at that location, and all temporary *access routes* must be removed or recontoured and restored according to approved restoration plans.

d. All temporary diversions and overland flows, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which could cause a discharge to waters of the state.

e. Any structure, including but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in Fish and Game Code section 45) exist or may exist, must be designed, constructed, and maintained such that it does not constitute a barrier to upstream or downstream movement of fish, or cause an avoidance reaction by fish due to impedance of their upstream or downstream movement. This includes, but is not limited to, maintaining the supply of water and maintaining flows at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any structure results in a long-term reduction in fish movement, the Dischargers shall be responsible for restoration of conditions as necessary (as determined by the Water Boards) to secure passage of fish across the structure.

f. Equipment may not be operated in standing or flowing waters unless implementing the following conditions:

i. All *soil-disturbing activities* must be effectively isolated from water flows. This may be accomplished by working in the dry season or dewatering the work area. *Project activities* shall not contaminate diverted flows. Open flow temporary diversion channels must be lined with filter fabric or other appropriate material to prevent erosion. Structures used to isolate the in-water work area and/or divert the water flow (for example, coffer dam, geotextile silt curtains) must prevent seepage into or from the work area to the greatest extent *practicable* and must not be removed until all disturbed areas are *stabilized*.

ii. Flow diversions and temporary dewatering methods shall be designed and implemented to minimize impacts to waters of the state. Diversions shall maintain flow upstream and downstream of the diversion area, prevent sedimentation, siltation, and erosion, and maintain diverted flows of sufficient quality, quantity, and temperature to support existing fish and other aquatic life both above and below the diversion. Temporary dams, diversions, and other dewatering methods shall be removed immediately upon completion of the activities for which they are needed, and pre-project flows shall be restored.

iii. If dewatering activities require additional Water Boards permits, the Dischargers shall notify the designated Water Board staff contact and copy that contact on pertinent permit-related correspondence.

iv. All temporary dewatering activities are subject to the work-in-water reporting and monitoring conditions in Section IV.R.

v. To prevent the spread of invasive aquatics and diseases (for example, Zebra and Quagga Mussels), equipment to be used in water should be decontaminated prior to entry into watercourses in accordance with the California Department of Fish and Wildlife Aquatic Invasive Species Decontamination Protocols 2022 (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=43333).

22. Vegetation Management

a. Unless approved by the Water Boards in writing for the purpose of restoration, the discharge of *vegetation management waste* into waters of the state is prohibited.

b. *Vegetation management waste* shall not be stored or staged in locations where the waste has potential to discharge to waters of the state.

c. Wood chips shall not be used to stabilize disturbed soils on slopes steeper than 30% and within 50 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)[9], 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 prevents discharge to waters of the state (for example, reinforce wood chips with *slash* to keep the wood chips in place).

d. 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. 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.

e. *Compatible vegetation* that is not targeted for vegetation management activities must be retained and protected during vegetation management activities. More extensive removal may be appropriate for sites dominated by invasive species listed on the California Invasive Plant Council's Inventory[10].

f. Limit vegetation removal to the extent necessary to achieve project goals.

23. Prescribed Herbivory

a. Prescribed herbivory shall not be conducted within waters of the state when standing or flowing waters are present.

b. When prescribed herbivory treatment is used, temporary fencing shall be installed to confine animals to approved treatment areas.

24. Felled Trees and Vegetation Management Impacts

a. Trees shall be felled outside of waters of the state, unless it is 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 waters of the state.

b. Dischargers shall preserve riparian canopy to the extent *practicable* that is still consistent with applicable safe-clearance regulatory requirements (for example, CPUC General Order 95, PRC sections 4292 and 4293).

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[9] USDA. 2006. Erosion Control Treatment Selection Guide. USFS. National Technology and Development Program. December 2006. Accessed May 26, 2020. Available at: https://www.fs.fed.us/t-d/pubs/pdf/hi_res/06771203hi.pdf

[10] California Invasive Plant Council. 2022. Cal-IPC Inventory. Accessed March 1, 2022. Available at: https://www.cal-ipc.org/plants/inventory/

25. Toxic and Hazardous Materials

a. Activities permitted under this General Order shall not discharge toxic substances in concentrations that cause an exceedance of water quality objectives or water quality control plans.

b. Discharge of unset cement, concrete, grout, slurry, damaged concrete spoils, concrete dust, or water that has contacted uncured concrete or cement, or related washout to surface waters or ground water is prohibited. If concrete washout is necessary at the site, washout containment shall be used to prevent any discharge.

c. Activities permitted under this General Order shall not discharge waste classified as “hazardous”. Dischargers shall implement best management practices to prevent a discharge of hazardous waste to waters of the state, at a minimum including:

i. *Hazardous materials*, including chemicals, fuels, and lubricating oils, shall not be stored within 50 feet of waters of the state.

ii. Adequate spill prevention and cleanup equipment and materials shall be present on site at all times during project implementation and must be available for immediate use. Any spills or leaks of *hazardous* materials, chemicals, fuels, lubricants, or any other potential pollutants shall be promptly and completely treated upon observation using appropriate materials and equipment.

iii. Chemicals shall be stored in watertight containers with secondary containment to prevent any spillage or leakage or stored in a completely enclosed storage area. Secondary containment must be at least 10% larger than the total volume of the primary containers, or 100% of the volume of the largest container, whichever is greater.

iv. All mechanized equipment shall be maintained in good operating order and inspected for leaks on a regular basis.

v. Pumps or other stationary equipment shall utilize appropriate secondary containment systems to prevent spills.

vi. A staging area for equipment and vehicle fueling and storage shall be designated at least 50 feet from waters of the state and located where fluids or accidental discharges cannot flow into waters of the state.

vii. If an accidental discharge of *hazardous materials* occurs, the Discharger shall provide notification as described in Section IV.H.

26. Herbicide Application

a. Herbicides shall not be applied in a manner, or at rates that would cause a discharge of waste to waters of the state at levels that cause an exceedance of water quality objectives or water quality control plans.

b. Herbicide applications must comply with all laws and regulations, including any applicable water quality control plan requirements, pertaining to storage, use, and application. If herbicide treatments are needed, consultation with a licensed Pest Control Advisor should occur.

c. Herbicide application is prohibited under the following conditions: during a *Precipitation Event* or in violation of any label directions related to precipitation.

27. Final Stabilization: Dischargers shall stabilize *project areas* by implementing the following conditions for *soil-disturbing* activities:

a. Remove all construction-related equipment and temporary BMPs from the *project area*;

b. Properly dispose of construction materials and wastes;

c. Permanently stabilize soils disturbed by *project activities* by achieving 70% ground cover. Where appropriate, permanent vegetative cover must be evenly established over 70% of all disturbed and exposed areas of soil (non-paved or non-built). In areas that naturally have low vegetative coverage (for example, deserts), 70% of the natural conditions of local undisturbed areas is acceptable. Category B Dischargers shall provide photos of all site areas to verify compliance with this condition in the Notice of Project Complete.

i. The Discharger may request Water Board approval to use an alternative method or analytical model to demonstrate compliance with the final stabilization requirements in Section IV.F.27.c. Photos of all site areas are required to verify the effectiveness of the custom method used.

d. Stabilize soils using materials that:

i. Remain effective long enough to protect disturbed soils until final stabilization is achieved;

ii. Achieve stabilization without becoming trash or debris; and

iii. Minimize the risk of wildlife entrapment.

28. Undergrounding and Drilling

a. Dischargers that plan to conduct horizontal directional drilling activities under waters of the state shall prepare and implement a Horizontal Directional Drilling Plan that demonstrates how the Discharger will comply with the requirements in this section. The plan shall be provided for Water Board review upon request. If the plan proposes the use of heavy equipment within waters of the state (for example, for equipment retrieval or cleanup), including for equipment retrieval or cleanup, the plan shall be submitted to and approved by the Water Boards prior to implementation.

b. The discharge of bentonite, drilling muds, lubricants, or any drilling compounds into waters of the state is prohibited.

c. Drill paths should be located at least 10 feet below the streambed, unless not *practicable* due to local site conditions.

d. The Horizontal Directional Drilling Plan shall include a frac-out response plan that specifies measures to be initiated if a frac-out occurs. For purposes of this section, a “frac-out” means the release of bentonite, drilling muds, lubricants, or other drilling compounds through fractures in the streambed or bank substrate during drilling.

e. Horizontal directional drilling activities shall be designed and implemented to minimize the risk of spills, discharges, and frac-outs. In substrates where frac-outs are likely to occur, Dischargers shall employ all reasonable means and methods available to minimize the potential for frac-outs.

f. Dischargers shall provide constant monitoring of drilling fluids for loss of pressure or returns and shall monitor drilling fluid levels and pressure to identify potential frac-outs or losses of drilling fluids to surface water or groundwater.

g. An environmental monitor shall be present during drilling operations under waters of the state to monitor for frac-outs, spills, and discharges and to confirm implementation of the Horizontal Directional Drilling Plan and applicable requirements of this section. The plan shall include contact information for personnel responsible for drilling activity monitoring.

h. Drilling during daylight hours to allow for visual monitoring of potential frac-outs is preferred. If night drilling is necessary, Dischargers shall use sufficient lighting to detect frac-outs.

i. An onsite vacuum truck, or other suitable means to capture and contain fluids that reach the surface, shall be available during drilling.

j. All materials necessary for immediate containment and cleanup of drilling fluids, including frac-out response kits, shall be maintained onsite and readily accessible at all times during horizontal directional drilling operations. Clean gravel bags shall be used instead of sandbags to contain a frac-out.

k. All drilling muds or compounds shall be contained and properly disposed of after drilling activities are completed.

l. If bore pits or relief pits are excavated to support drilling operations, spoils shall be stored a minimum of 100 feet from waters of the state, where *practicable*. If site-specific conditions warrant constructing pits or storing spoils less than 100 feet from waters of the state, the request shall be included in the Horizontal Directional Drilling Plan before drilling activities with potential impacts to waters of the state begin. Spoils shall be stored behind a sediment barrier and covered with plastic or otherwise stabilized.

m. Any containment, damming, fluming, screening, or other measure used to capture potential discharges shall be described in the Horizontal Directional Drilling Plan and shall be capable of capturing bentonite, drilling muds, spoils, and debris that may be released during boring or drilling. Any drilling muds and spoils shall be completely removed from the streambed before removal of the containment structure.

G. Water Quality Monitoring

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 (for example, oil and grease, sediment and earthen materials, or uncured concrete).

H. Discharges of Hazardous Materials: Following a discharge of a reportable quantity of *hazardous material*, sewage, or an unknown material as set forth by Water Code section 13271, all Dischargers shall comply with the following conditions:

1. As soon as (A) Dischargers have knowledge of the discharge, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:

a. First call – 911 (to notify local response agency)

b. Then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911

c. Lastly, follow the required OES procedures as set forth in the Office of Emergency Services' Spill Release Reporting Web Page (https://www.caloes.ca.gov/office-of-the-director/operations/response-operations/fire-rescue/hazardous-materials/spill-release-reporting/)

2. Following notification to OES, Dischargers shall notify the Water Boards within 24 hours. Notification may be delivered via written notice, email, or other verifiable means.

3. Within five business days of notification to the Water Boards, Dischargers must submit an Accidental Discharge of Hazardous Material Report.

I. **Violation of Compliance with Water Quality Control Plans:**

1. Dischargers shall notify the Water Boards of any event causing a violation of compliance with water quality objectives or water quality control plans. Notification may be delivered via written notice, email, or other verifiable means.
2. This notification must be followed within three business days by submission of a Violation of Compliance with Water Quality Control Plan Report.
3. Water Boards staff may require additional water quality monitoring based on the discharge constituents and/or related water quality objectives and designated beneficial uses.

J. **Erosion and Sediment Control Plan:** 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 Boards. If a programmatic plan is used, supplemental site-specific information must be included with the NOI to address the site-specific details identified in Sections IV.J.2 through 3. Category A projects are not required to develop supplemental site-specific information when using a programmatic Erosion and Sediment Control Plan.

1. The Erosion and Sediment Control Plan shall include a description of the:
   a. *project activity* type(s) and construction methods;
   b. BMPs to prevent or reduce erosion and prevent a discharge of sediment and other waste to waters of the state implemented in the *project area*. If work is proposed on unstable areas or *saturated soils* include BMPs specific to working in those conditions.
2. For Category B projects, also describe:
   a. *project activity* start and end-point locations;
   b. the volume of planned fill for each activity; and
   c. acreage of proposed: *soil disturbance*, temporary impacts to waters of the state, and permanent impacts to waters of the state. This information does not need to be included in the Erosion and Sediment Control Plan if it is already provided in the NOI;
3. For *access route* work activities, also detail the:
   a. number of proposed newly constructed and/or reconstructed watercourse crossings;
   b. ID of new and/or reconstructed roads, and the road lengths;

c. Design basis, including any design standards or principles used (for example, the *Handbook for Forest, Ranch, and Rural Roads*[11]); design accommodations for the 100-year storm flows; and maximum and minimum rock sizes for fill prisms, bank armoring, and other stabilization features, as applicable;

d. culvert size; and

e. *hydrologically disconnected* drainage structure types, including critical dips and roadside ditches, and their respective spacing distances.

f. The Water Boards Executive Officer[12] or Executive Director may require the submission of a geotechnical analysis that is conducted by a licensed professional and includes subsurface profile and conditions, potential land subsidence, potential slope failure, and potential and existing geologic hazards for *access routes* that:

i. Occur on slopes that exceed 60% grade, where full bench construction is not possible;

ii. Intersect identified unstable areas; or

iii. Have experienced fill slope failures or other failures related to underlying instabilities.

4. Dischargers shall implement the approved Erosion and Sediment Control Plan.

K. Erosion and Sediment Control Plan Inspections and Reporting: Dischargers that propose *soil-disturbing* activities shall conduct inspections and reporting until the *project area* is *stabilized* as follows and as detailed in Attachment D. Category A Dischargers shall inspect at least 5% of projects in each Category A activity type that are active as of September 1. Category B Dischargers shall inspect all active projects.

[11] Weaver, W.E., Weppner, E.M. and Hagans, D.K., 2015, Handbook for Forest, Ranch and Rural Roads: A Guide for Planning, Designing, Constructing, Reconstructing, Upgrading, Maintaining and Closing Wildland Roads (Rev. 1st ed.), Pacific Watershed Associates.

[12] In determining whether to require the submission of such a geotechnical analysis, the Regional Water Board Executive Officers are in essence acting as agents of the State Water Board. Therefore, determinations of the Regional Water Board Executive Officers in interpreting and implementing this permit are considered actions of the State Water Board (and accordingly not actions of the Regional Water Board subject to the petition process under Water Code section 13320) except where the Regional Water Board itself acts or the Executive Officer acts on behalf of the Regional Water Board through delegated authority.

1. Inspections will be conducted when the site can be accessed without contributing to significant environmental effects or risking the safety of the monitor.
2. Inspections shall be conducted during normal business hours or scheduled site operating hours.
3. During the inspection, any evidence of discharge, erosion that may result in a discharge, or other evidence of BMP failure caused by *project activities* shall be repaired with applicable BMPs.
4. Inspections shall be conducted at the following frequency. Modifications to Category B inspection schedules may be made in the NOA:
   a. Once between September 1 and October 1;
   b. Once between May 1 and June 15;
   c. Once within 48 hours of a *Precipitation Event*[13] that is forecasted to produce at least 1.5 inches of precipitation in 24 hours between October 1 and January 15; and
   d. Once within 48 hours of a *Precipitation Event*[13] that is forecasted to produce at least 1.5 inches of precipitation in 24 hours between January 15 and May 1.
5. If evidence of discharge, erosion that may result in a discharge, or other evidence of BMP failure is observed, Dischargers shall provide, within 30 days of the inspection, all information requested on Attachment D to the applicable Water Boards. Attachment D shall also include a timeline for completing BMP repairs and treatments if any actions were not finished during the inspection. Monitoring and resolution of BMP failure will continue until the site is stabilized and approved by the Water Boards. If no evidence of BMP failure or erosion is observed, Category A Dischargers do not need to provide an inspection report; however, they shall retain information requested on Attachment D and a list of inspections held in accordance with Section IV.K for one year from the inspection date. If no evidence of BMP failure or erosion is observed, Category B Dischargers shall submit the information requested on Attachment D with the Annual Report.

[13] Utilizing the National Weather Service Forecast Office of the National Oceanic and Atmospheric Administration (NOAA).

ADDITIONAL CATEGORY B MONITORING AND REPORTING REQUIREMENTS

L. Cultural Resources

1. The Water Boards' Tribal liaisons are available to support and engage in this process, as requested, by phone at (916) 341-5229 or email at Tribal-Liaison@waterboards.ca.gov.

   a. Tribal Cultural Resources are defined in California Public Resources Code (PRC) section 21074 as either of the following:

      i. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe (Tribe) that are:

         1. Listed, or eligible for listing, in the California Register of Historical Resources.

         2. Listed in a local register of historical resources as defined in PRC section 5020.1(k).

      ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC section 5024.1.

   b. Cultural Resources may also include 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.

2. **Cultural Resources Evaluation Procedures and Treatment Measure Development.** Except as set forth in Sections IV.E and IV.E.3.c.i.2 of this General Order, the Discharger shall comply with the following Cultural Resources process to ensure Cultural Resources are identified and protected:

   a. Perform a Native American archaeological resources records search of the California Historical Resources Information System (CHRIS). The search area shall match the geographic extent of the *project area*. 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 five years.

   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.

c. As early as possible and at least 30 days prior to commencing work, provide all Tribes identified in steps a and b above with:

i. A complete and technically accurate project description and a map of suitable scale and quality to determine the location of the proposed activity;

ii. Native American archaeological sites or artifacts identified in a CHRIS positive result; and

iii. A 30-day opportunity for the Tribe(s) to request coordination and establish Project specific treatment measures to ensure the protection of Cultural Resources within the proposed *project area*.
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(s) are coordinating, treatment measures will be developed by the Discharger in cooperation with the coordinating Tribe(s) and submitted to the Water Boards.

iv. If at least 30 days have passed following a request for coordination, and the coordinating Tribe has not provided utilities with recommended treatment measures for any Cultural Resources identified in the *project area*, no further coordination by the Discharger is required.

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. A 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.

vi. If the Discharger and the coordinating Tribe(s) are unable to agree on appropriate treatment measures, the Discharger will complete the following:

1. The Discharger shall provide to the Water Boards a 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 not be *practicable*, and alternative mitigation measures that protect the integrity of the site.

vii. Treatment measures shall be implemented for the duration of *project activities* only when there is a potential to impact the site(s).

viii. The Discharger shall maintain confidentiality of the Cultural Resources location and provide worker training on any applicable treatment measures.

ix. With the NOI, Category B projects shall provide a Cultural Resources Report to the applicable Water Boards that shows either 1) no Cultural Resources were identified within the *project area*; 2) the appropriate treatment measures developed in coordination with the affected California Native American Tribe; 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 the Discharger with recommended treatment measures within 30 days of the request to coordinate.

3. **Mitigation Measures for Treatment of Human Remains:** The Discharger shall immediately comply with Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98, and take the following actions, upon discovery of any human remains:

   a. Immediately cease all *soil-disturbing* activities in the vicinity of the discovery, with a minimum buffer of 100 feet;

   b. Immediately notify the county coroner;

   c. Discontinue *soil-disturbing* activities until the requirements of Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98 have been met; and,

   d. Ensure that the human remains are treated with appropriate dignity.

   e. The coroner has two business days to examine human remains after being notified by the person responsible for the excavation, or by their authorized representative per Health and Safety Code section 7050.5, and 24 hours to notify the Native American Heritage Commission for Native American remains. The Native American Heritage Commission will immediately notify the persons it believes to be the most likely descended from the deceased Native American per Public Resources Code section 5097.98. The most likely descendent has 48 hours from the time they are granted access, to make recommendations to the landowner or representative for the treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods.

   f. The landowner or their authorized representative shall reinter the human remains and items associated with the Native American human remains with appropriate dignity on the property in a location not subject to further and future disturbance consistent with subdivision (e) of Public Resources Code section 5097.98 if the:

      i. Native American Heritage Commission is unable to identify a descendant.

      ii. Mediation provided for pursuant to subdivision (k) of Public Resources Code section 5097.94, if invoked, fails to provide measures acceptable to the landowner.

iii. Most likely descendent does not make recommendations within 48 hours.

iv. Most likely descendants and the landowner have not mutually agreed to extend discussions regarding treatment and disposition pursuant to subdivision (b)(2) of Public Resources Code section 5097.98.

v. If the Landowner does not accept the descendant's recommendations. The landowner or the descendants may request mediation by the Native American Heritage Commission pursuant to Public Resources Code section 5097.94, subdivision (k).

4. Urgent Response Activities Cultural Resources Notification Procedures

a. Water Boards staff will work with the Office of Public Engagement, Equity and Tribal Affairs to forward the email communication provided by the Discharger in Section IV.E.3.b to Tribes at the county level that may have cultural resources within the *project area*.

M. Restoration of Temporary Impacts to Waters of the State

1. Dischargers shall restore all areas of temporary impacts to waters of the state to pre-impact conditions as described in an approved Restoration Plan. The Restoration Plan shall be submitted with the NOI. A Restoration Plan that is generally applicable to multiple project sites may be submitted in advance and be used at applicable sites. Unless the project is an Urgent Response Activity, temporary impacts to waters of the state shall not occur until a Restoration Plan has been approved by Water Boards staff.

2. The Restoration Plan shall provide the following:

a. a schedule;

b. plans for grading of disturbed areas to pre-project contours;

c. 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;

d. invasive species management;

e. performance standards;

f. monitoring timeline;

g. monitoring protocol; and

h. maintenance requirements (for example, watering, weeding, and replanting).

i. Monitoring and maintenance shall continue until performance standards are met.

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.

N. Compensatory Mitigation for Permanent Impacts to Waters of the State

1. Compensatory mitigation may be required for permanent impacts to waters of the state. If the Water Boards determine that the project is designed to restore or improve the ecological function of the impacted aquatic resource, it may determine that compensatory mitigation is not required.
2. When compensatory mitigation is required, Dischargers shall provide the following:
   a. A proposed compensatory mitigation plan at a level of detail sufficient to accurately evaluate whether compensatory mitigation offsets the adverse impacts attributed to the project considering the overall size and scope of impact. The draft compensatory mitigation plan shall be submitted with the NOI.
   b. Compensatory mitigation at a minimum of a one-to-one mitigation ratio, measured in area or length is required to compensate for wetland or stream losses. The Water Boards will require a higher overall mitigation ratio where necessary to ensure replacement of lost aquatic resource functions.
   c. Subject to approval by the appropriate Water Boards, the mitigation may be satisfied using any of the following compensatory mitigation methods: restoration, enhancement, establishment, and/or preservation[14].
   d. Compensatory mitigation provided through a mitigation bank or in-lieu fee program is generally preferred. If no mitigation bank or in-lieu fee program options are available, mitigation may be provided through on-site or off-site discharger-responsible mitigation, subject to approval by the Water Boards.

[14] Restoration should generally be the first option considered because the likelihood of success is greater and the impacts to potentially ecologically important uplands are reduced compared to establishment, and the potential gains in terms of aquatic resource functions are greater, compared to enhancement and preservation.

O. Commencement of Construction: Unless authorized as an Urgent Response Activity, Category B Dischargers shall submit a Commencement of Construction Report to the Water Boards at least seven business days prior to start of initial *soil-disturbing* 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).

P. Annual Reporting: Unless using the Consolidated Enrollment Monitoring and Reporting pathway, Category B Dischargers shall submit an Annual Report to the Water Boards by July 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 Water Boards issues a Notice of Project Complete Letter to the Discharger. If a project begins on or after May 1 and ends before April 30 of that reporting period, the Notice of Project Complete Letter (Section IV.Q) shall satisfy the Annual Reporting requirement for that project. Dischargers may consolidate Annual Report contents listed in Reporting and Notifications (Attachment E) for multiple projects into a single Annual Report.

Q. Notice of Project Complete: Category B Dischargers shall submit a Notice of Project Complete report to the Water Boards when *project activities* and any post-construction monitoring and inspections are complete (including Section IV.K Erosion and Sediment Control Plan Inspections and Reporting), and no further *project activities* will occur; this request shall be submitted to Water Boards staff within 30 days following completion of all *project activities*. Water Boards staff may conduct an inspection prior to approval of the request. Upon approval of the request, Water Boards staff shall issue a Notice of Project Complete Letter to the Discharger.

1. All portions of the *project area* must comply with the following conditions prior to submitting a request:
   - **a.** All restoration and mitigation performance criteria have been met;
   - **b.** The Discharger has completed all *project activities*;
   - **c.** There is no greater potential for construction-related stormwater pollutants to be discharged into site runoff than prior to *project activities*;
   - **d.** Construction-related equipment and temporary BMPs have been removed from the site;
   - **e.** Construction materials and wastes have been disposed of properly and in accordance with waste characteristics (for example, hazardous waste, general refuse); and
   - **f.** The Discharger has demonstrated compliance with all Section IV.F.27 final stabilization requirements.

R. In-Water Work and Diversions

1. Except for Urgent Response Activities, Category B Dischargers shall notify the Water Boards at least 48 hours prior to initiating work in waters of the state regardless of whether there is standing or flowing water. Notification may be delivered via written notice, email, or other verifiable means.
2. For projects involving planned work in water or stream diversions, a Water Quality Monitoring Plan shall be submitted to the Water Boards for approval at least 30 days in advance of any discharge to the affected water body. For Wildfire or Urgent Response Activities, this plan must be provided as early as possible and no later than 30 days after the diversion is initiated.
3. Water quality monitoring shall be conducted in accordance with the approved plan.
4. If water drafting is part of *project activities*[15], the Discharger shall avoid impacts to streambeds, banks and channels and, impacts and, if applicable, use a fish screen that is consistent with National Oceanic and Atmospheric Administration's Fish Screening Criteria for Anadromous Salmonids.
5. Within seven business days following completion of work in waters of the state, Dischargers shall notify the Water Boards that work in-waters is complete. 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 must be submitted within seven business days following completion of work.

S. 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 not *practicable*, 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.

[15] Nothing in this Order shall be construed as State Water Board approval of the validity of any water rights, including pre-1914 or riparian claims. The State Water Board has separate authority under the Water Code to investigate and take enforcement action, if necessary, to prevent any unauthorized or threatened unauthorized diversions of water.

V. Fees

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, 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.

VI. Public Notice

The Water Boards will give public notice of an NOI for a project that includes discharges of dredged or fill material at least 21 days before taking action on the NOI; if an Urgent Response Activity requires that an NOA be issued in less than 21 days, public notice shall be provided as much in advance of issuance as possible, but no later than simultaneously with issuance of the NOA.

VII. Dispute Resolution

Recognizing the need for some level of statewide consistency in interpretation and implementation of this General Order, this Order includes a dispute resolution process where there is disagreement between a Discharger and a Regional Water Board Executive Officer. The Discharger should first attempt to resolve the issue with the Executive Officer of the Regional Water Board. If a satisfactory resolution is not obtained at the Regional Water Board level, the Discharger may submit the issue in writing to the Executive Director of the State Water Board or his/her designee for resolution, with a copy to the Executive Officer of the Regional Water Board. If the Discharger chooses to use this Dispute Resolution process, the issue must be submitted to the Executive Director within 30 days of any final determination by the Executive Officer of the Regional Water Board. The Executive Officer of the Regional Water Board will be provided with an opportunity to respond.
The Executive Director or his/her designee shall make a determination on the request within 60 days.

VIII. Conclusion

IT IS HEREBY ORDERED that pursuant to Water Code sections 13160, 13263, and 13269, the Discharger shall comply with all prohibitions, specifications, provisions, and other requirements herein in order to meet the provisions contained in Division 7 of the Water Code and regulations adopted thereunder as well as 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), 307 (Toxic and Pretreatment Effluent Standards), and other appropriate requirements of state law.

I, Courtney Tyler, Clerk to the Board, do hereby certify that this Order with all its attachments is a full, true, and correct copy of an Order adopted by the State Water Board, on [DATE].

AYE:

NAY:

ABSENT:

ABSTAIN:

Date	Courtney Tyler Clerk to the Board