

## State Water Resources Control Board

DEC 10 2014

Ms. Jane Hicks  
Chief, Regulatory Division  
San Francisco District  
U.S. Army Corps of Engineers  
1455 Market Street  
San Francisco, CA 94103-1398

Dear Ms. Hicks:

RE: CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR REGIONAL  
GENERAL PERMIT 5 FOR EMERGENCY ACTIONS (SB14008IN)

Enclosed please find a 401 Water Quality Certification (Certification), authorized by State Water Board Executive Director, Mr. Thomas Howard, issued to the U.S. Army Corps of Engineers San Francisco District for Regional General Permit 5 (Project). Attachments A through E of the Enclosure are also part of the Certification. You may proceed with your Project according to the terms and conditions of the enclosed Certification.

If you require further assistance, please contact me at (916) 341-5462 or [Brian.Dailey@waterboards.ca.gov](mailto:Brian.Dailey@waterboards.ca.gov). You may also contact Mr. Bill Orme, Chief of the 401 Certification and Wetlands Protection Unit, at (916) 341-5464 or [Bill.Orme@waterboards.ca.gov](mailto:Bill.Orme@waterboards.ca.gov).

Sincerely,



Brian Dailey  
Environmental Scientist  
Division of Water Quality – 401 Certification and Wetlands Unit

Enclosures (1): 401 Water Quality Certification for RGP 5 for Emergency Actions

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## State Water Resources Control Board

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### CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION

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<b>Effective Date:</b>	December 10, 2014	<table border="1"><tr><td>Reg. Meas. ID:</td><td>398527</td></tr><tr><td>Place ID:</td><td>809955</td></tr><tr><td>SWRCB ID:</td><td>SB14008IN</td></tr><tr><td>USACOE#:</td><td>28218S</td></tr></table>	Reg. Meas. ID:	398527	Place ID:	809955	SWRCB ID:	SB14008IN	USACOE#:	28218S
Reg. Meas. ID:	398527									
Place ID:	809955									
SWRCB ID:	SB14008IN									
USACOE#:	28218S									
<b>Expiration Date:</b>	December 10, 2019									
<b>Program Type:</b>	Fill/Excavation									

**Project:** Regional General Permit 5 for Repair and Protection Activities in Emergency Situations (Project)

**Applicant:** U.S. Army Corps of Engineers, San Francisco District  
**Applicant Contact:** Ms. Jane Hicks  
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San Francisco District  
U.S. Army Corps of Engineers  
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San Francisco, CA 94103-1398  
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**Applicant's Agent:** Mr. James Mazza  
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**State Water Board Contact Person:**

If you have any questions, please call State Water Resources Control Board (State Water Board) Staff or (916) 341-5569 and ask to speak with the 401 Certification and Wetlands Unit Program Manager.

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## I. Certification Action

This Certification Order serves as a Clean Water Act (CWA) Section 401 Water Quality Certification (Certification) and responds to the request on behalf of the U.S. Army Corps of Engineers, San Francisco District (Corps), for Certification for the Project. This Certification is for the purpose and design described in the application submitted by the Corps. The application for Certification was received on October 9, 2014. The State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 on October 9, 2014, via the State Water Board website. The State Water Board did not receive any comments during the twenty-one (21) day comment period.

## II. Project Purpose and Description

The Corps is proposing to re-issue Regional General Permit (RGP) 5, which would allow expedited authorization for discharges or work in waters of the United States within the District for repair or protection activities in emergency situations. This permit authorizes discharges of dredged or fill material into waters of the United States, including wetlands, and/or work or structures in navigable waters of the United States for necessary repair and protection measures associated with an emergency situation.

## III. Project Location

Within those parts of the State of California subject to regulatory review by the Corps San Francisco District office, including the following areas:

- All of Siskiyou, Trinity, Del Norte, Humboldt, Mendocino, Sonoma, Marin, and Napa Counties;
- The western parts of Solano, Contra Costa, and Alameda Counties that include or drain to Suisun Bay west of Sherman Island (HUC 18050001), San Pablo Bay (HUC 18050002), or San Francisco Bay (HUC 18050004);
- All of San Francisco, San Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito Counties; and
- The inland portions of San Luis Obispo County northeast of the crests of the Santa Lucia Range, Garcia Mountain, and the La Panza and Caliente Ranges, including the Salinas River watershed (HUC 18060004 and 18060005) and the Carrizo Plain watershed (HUC 18060003).

A map depicting the general Project location is located in Attachment A of this Certification.

## IV. Receiving Waters Information

**Definition** “Waters of the United States” means surface water and water bodies as defined by United States Environmental Protection Agency (USEPA) regulations (e.g., 40 C.F.R. § 122.2). This definition, which establishes the limits of federal jurisdiction over state waters, does exclude some surface water and water body types recognized under the California Water Code. The latter defines “waters of the state” more broadly as “any surface water or ground water, including saline waters, within the boundaries of the state.” [Wat. Code, § 13050, subd. (e)]. Waters of the state that fall outside of federal jurisdiction are nonetheless fully protected under the state Water Code.

According to California Code of Regulations, title 23, chapter 28, article 1, section 3831, a “water quality certification” means a certification that any discharge or discharges to waters of the United States, resulting from an activity that requires a federal license or permit, will



comply with water quality standards and other appropriate requirements. As such, this Certification is issued in response to a proposed Project discharge or discharges to waters of the United States, and ensures that the water quality standards for all waters of the state impacted by the Project are met. Discharges shall be delineated according to Corps delineation methods.

The Project is located within the jurisdiction of the North Coast, San Francisco Bay, Central Coast, and Central Valley Regional Water Quality Control Boards (Regional Water Boards). The receiving waters and beneficial uses of those waters potentially impacted by this Project are outlined in water quality control plans (Basin Plan) for the regions and other plans and policies which may be accessed online at: [http://www.waterboards.ca.gov/plans\\_policies/](http://www.waterboards.ca.gov/plans_policies/).

## **V. California Environmental Quality Act (CEQA) Findings**

State Water Board staff has determined that the Project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, title 14, section 15061, subd. (b). Specifically, the issuance of this Certification is exempt by statute pursuant to Public Resources Code section 21080, subsections (b)(2)-(4).

Additionally, State Water Board staff concludes that no exceptions apply to the activities approved by this Certification. The State Water Board will file a Notice of Exemption in accordance with the California Code of Regulations, title 14, section 15062 the date this order becomes effective.

## **VI. Conditions**

The State Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watersheds of the Project. In accordance with this Order, the Applicant may proceed with the Project under the following terms and conditions.

### **A. Standard Conditions**

1. This Certification action and Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, article 6 (commencing with section 3867).
2. This Certification action and 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 the pertinent Certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Certification is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Enrollee (i.e. the person or entity proposing enroll under the Corps' RGP 5 to conduct activities which may result in a discharge to a water of the United States).
4. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water

Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification Order.

## **B. General Conditions**

1. Signatory requirements for all document submittals required by this Certification are presented in Attachment B of this Certification.
2. This certification is limited to emergency actions that meet the California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) definition of an “emergency,” which is defined as follows:

*A sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake, or other soil or geologic movement, as well as such occurrences as riot, accident, or sabotage.*

[Pub. Resources Code, § 21060.3 (emphasis added).]

Emergency actions must meet the above definition of “emergency” and demonstrate an imminent threat to qualify for this Certification. For actions that do not qualify for enrollment under this Certification, the Enrollee must contact either the State Water Board or the applicable Regional Water Board to apply for an individual water quality certification.

3. This Certification is limited to projects that satisfy one or more of the following exemption criteria as defined by the CEQA Guidelines [Cal. Code Reg., tit. 14, § 15269.]:
  - a. Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with section 8550 of the Government Code.
  - b. Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety, or welfare.
  - c. Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.
  - d. Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This does not apply to highways designated as official State scenic highways, nor any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.
  - e. Seismic work on highways and bridges pursuant to section 180.2 of the Streets and Highways Code, section 180 et seq.



4. This certification is limited only to sudden, unexpected emergency situations defined in General Conditions 2 and 3 above that: (1) have occurred, or (2) have a high probability of occurring in the short term as a result of recently discovered factors or events not related to known or expected conditions. Additionally, the sudden, unexpected emergency situation must have the potential to result in an unacceptable hazard to life or a significant loss of property if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures.
5. Emergency repairs and reconstruction must commence within seven (7) calendar days of receiving a notice of applicability (i.e., the notification from the Water Board that the Enrollee has successfully enrolled under this Certification) and shall be completed within six (6) months of the enrollment date pursuant to this water quality certification. **If it is anticipated that work will not be completed prior to the expiration of enrollment, the Enrollee shall request an extension at least thirty (30) days prior to the expiration date.** The request shall include justification for the extension.
6. All repairs and reconstruction shall be kept to the minimum necessary to alleviate the immediate emergency and limited to in-kind replacement or refurbishment of on-site features. Minor upgrading may be considered if the Enrollee uses bioremediation or other environmentally sensitive solutions. Permanent restoration work other than that performed as an associated part of the emergency operations, including any minor upgrades, shall not be performed without prior approval and authorization by the Water Boards.
7. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The Water Boards may impose monitoring requirements at any time in order to ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
8. Emergency work under this Certification may not be used to upgrade an existing structure to current standards when that activity would result in additional adverse effects on aquatic resources, except in very unusual and limited circumstances. Such upgrade projects are considered separate activities for which other forms of authorization will be required.
9. This Certification does not authorize work required by property owners as quid pro quo for access through private or public property where such access is contingent upon work conducted by the Enrollee in waters of the United States for the benefit of the property owner.

#### C. Administrative Conditions

1. The State Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to the Applicant, if the State Water Board determines that the Project fails to comply with any of the terms or conditions of this Certification.
2. The State Water Board may add to or modify the conditions of this Certification, as appropriate, to implement any new or revised water quality standards and

implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or Clean Water Act section 303 (33 U.S.C. § 1313).

3. This Certification Order and all of its conditions contained herein are not subject to the expiration or retraction of the Clean Water Act section 404 (33 U.S.C. §1344) permit issued by the Corps for this Project. This Certification Order and all of its conditions contained herein shall remain in full effect, and are enforceable until deemed complete by the State Water Board. For purposes of Clean Water Act, section 401(d), the completion of all conditions contained in this Certification Order constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
4. A copy of this Certification shall be provided to any contractor and all subcontractors conducting the construction work, and copies shall remain in their possession at the Project site during the life of the Project. The Enrollee shall be responsible for work conducted by its contractor and any subcontractors.
5. This Certification does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & 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 Certification held by the Corps, the Corps and/or the Enrollee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Corps is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Certification.
6. The Corps and/or the Enrollee shall grant Water Boards staffs or an authorized representative (including an authorized contractor acting as a Water Boards representative), upon presentation of credentials and other documents as may be required by law, permission to:
  - a. Enter upon any project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Certification;
  - b. Have access to and copy any records that must be kept under the conditions of this Certification;
  - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification; and
  - d. Sample or monitor for the purposes of assuring Certification compliance.
7. Failure to comply with any condition of this Certification shall constitute a violation of the Clean Water Act and the Porter-Cologne Water Quality Control Act. Any activities enrolled pursuant to this Certification previously granted, shall immediately be revoked and any or all discharges shall cease. The Corps and/or the Enrollee may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.

#### **D. Construction Conditions**

1. At all times, appropriate types and sufficient quantities of materials shall be maintained on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or state.
2. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment must not result in a discharge to any waters of the United States and/or state, and shall be located outside of waters of the United States and/or state in areas where accidental spills are not likely to enter or affect such waters.
3. If construction related materials reach surface waters, appropriate spill response procedures must be initiated as soon as the incident is discovered. In addition, the State Water Board staff contact identified in this Certification must be notified via email and telephone within twenty-four (24) hours of the occurrence.
4. Construction materials and debris from all construction work areas shall be removed following completion of an enrolled project.
5. Water diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
6. All necessary best management practices (BMPs) must be implemented to control erosion and runoff from areas associated with the emergency project. All areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the United States and/or state must be restored. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species.
7. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at:  
<http://www.cal-ipc.org/ip/inventory/weedlist.php>

#### **E. Mitigation Conditions**

Permitted activities must first avoid and then minimize adverse impacts on aquatic resources to the maximum extent practicable. Any remaining unavoidable adverse impacts to the aquatic resources may be offset by compensatory mitigation requirements in accordance with the conditions of RGP 5.

#### **VII. Notice of Intent and Fee Requirements**

- A. The prospective Enrollee must notify the State Water Board and the applicable Regional Water Board at least forty-eight (48) hours prior to initiating the emergency project. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means. **This notification must be followed within three (3) business days by submission of all of the information in the notice of intent (NOI) form, provided in Attachment D.**
- B. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means. A staff directory that includes contact information for the State and Regional Program Managers is found at:

[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/staffdirectory.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf)

**For Regional Water Board map boundaries, see:**

[http://www.waterboards.ca.gov/waterboards\\_map.shtml](http://www.waterboards.ca.gov/waterboards_map.shtml)

**Electronic Submittal**

- Locate the email addresses of the “**State Program Manager**” and the appropriate “**Region Program Manager**” from the staff directory link above.
- Address email to the state program manager and appropriate region program manager and include in the subject line: (Attention - RGP 5 Notice of Intent)

**Hardcopy Submittal Addresses**

ATTN: Program Manager  
CWA Section 401 WQC Program  
Division of Water Quality  
State Water Resources Control Board  
1001 “I” St. 15th Floor  
Sacramento, CA 95814

ATTN: Program Manager  
CWA Section 401 WQC Program

Insert mailing address of appropriate Regional Water Board, obtained from:

[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/staffdirectory.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf)

- C. The Water Boards recognize there may be situations where imminent threats to life or property occur and the Enrollee has not received a notice of applicability. If immediate, specific actions, as defined in the California Code of Regulations, title 14, section 15269(c), are required by the Enrollee and prior notice to the State Water Board and the applicable Regional Water Board is not possible, then the Enrollee must contact the State Water Board and the applicable Regional Water Board within one (1) business day of the action. **As provided above, this notification must be followed within three (3) business days by submission of all of the information in the NOI, provided in Attachment D.**
- D. The Enrollee must provide to the appropriate Regional Water Board the fee for review and processing of the NOI (**Attachment D**) in accordance with California Code of Regulations, title 23, section 2200 within forty-eight (48) hours of project initiation. Failure to promptly pay the correct fee amount may result in a disqualification for enrollment pursuant to this Certification.
- E. The fee amount is calculated using the “**Emergency Projects authorized by a Water Board General Order**” fee category within the **Dredge and Fill Fee Calculator** located at: [http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml) As of December 1, 2014, the fee is \$200.00. Note that this fee is adjusted periodically and may vary from this amount. Enrollees should confirm the correct fee amount prior to submitting an NOI.
- F. Once the Water Board receives a completed NOI and the correct fee from the Enrollee, the Water Board will transmit a Notice of Applicability (NOA) to the Enrollee verifying enrollment in this Certification.

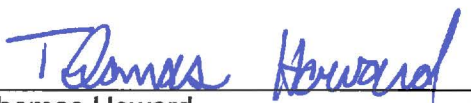
**VIII. Notice of Completion Reporting Requirements**

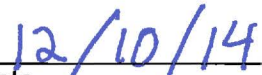
- A.** The Enrollee must provide the State Water Board and the applicable Regional Water Board copies of all correspondence and reports that are submitted to the Corps to satisfy the requirements of RGP 5. In addition, the Enrollee must file the notice of completion (NOC) form provided in Attachment E. **A completed NOC must be submitted to the State Water Board and appropriate Regional Water Quality Control Board within 45 calendar days of completion of any action conducted under RGP 5.**
- B.** **Failure to submit a complete NOC within 45 calendar days of completion of any action conducted under this water quality certification may result in the imposition of administrative and/or civil liability pursuant to Water Code section 13385.**

**IX. Water Quality Certification**

I hereby issue the Certification for Regional General Permit 5 for Repair and Protection Activities in Emergency Situations, SB14008IN, certifying that as long as all of the conditions listed in this Certification are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards). This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Certification to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Certification and the attachments to this Certification, and (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, and the Regional Water Boards' Water Quality Control Plans and Policies.

  
\_\_\_\_\_  
Thomas Howard  
Executive Director  
State Water Resources Control Board

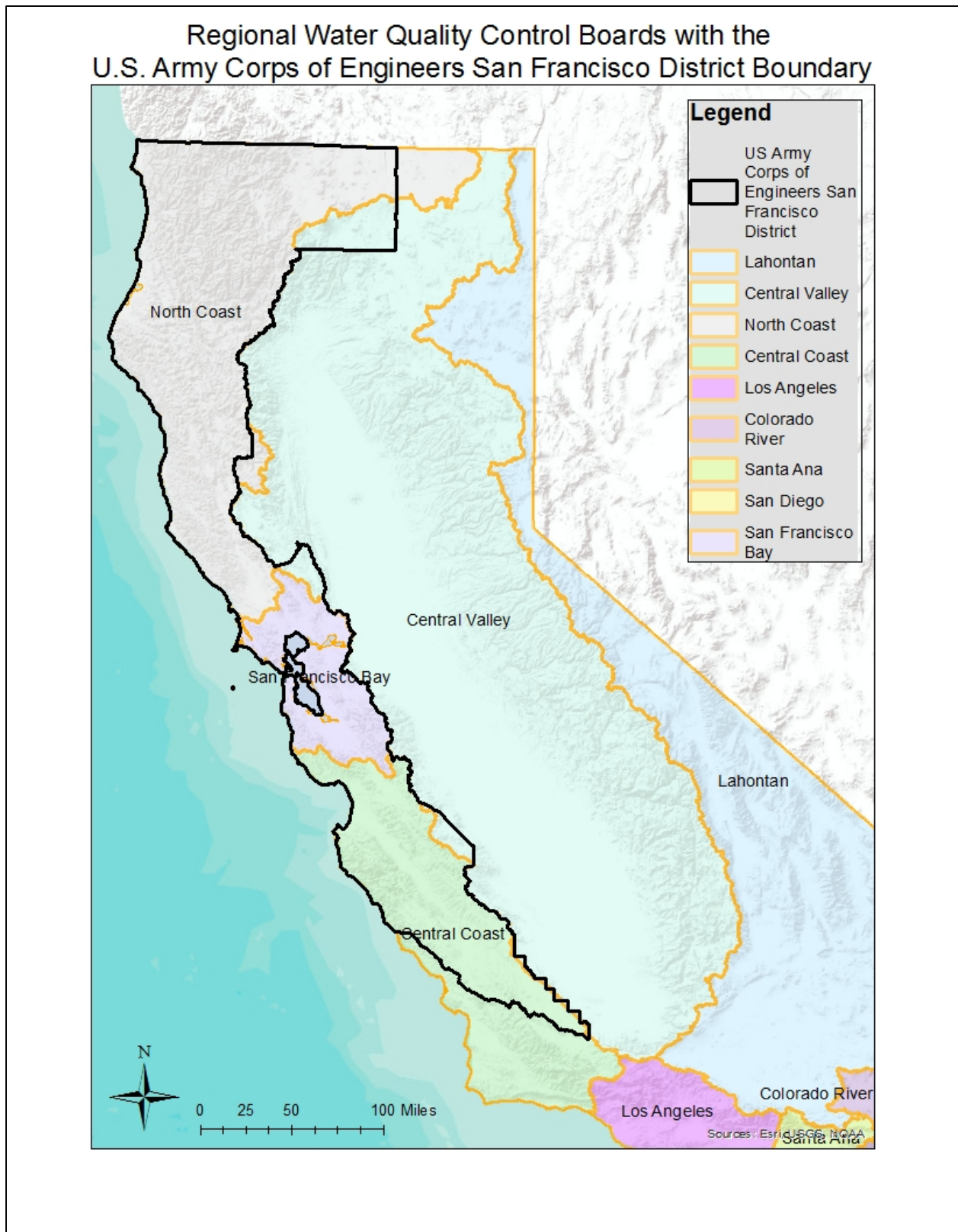
  
\_\_\_\_\_  
Date

Attachment A	RGP 5 Area Map
Attachment B	Signatory Requirements
Attachment C	Applicant's Project Description
Attachment D	Notice of Intent Form
Attachment E	Notice of Completion Form





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## SIGNATORY REQUIREMENTS

*All Documents Submitted In Compliance With This Order  
Shall Meet The Following Signatory Requirements:*

1. All applications, reports, or information submitted to the State Water Resources Control Board (State Water Board) must be signed and certified as follows:
  - a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
  - b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  - c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
  - a) The authorization is made in writing by a person described in items 1.a through 1.c above.
  - b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
  - c) The written authorization is submitted to the State Water Board Executive Director.
3. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

See RGP5 Issued by SF Distric on December 10, 2014 at the following website:  
<http://www.spn.usace.army.mil/Missions/Regulatory/PublicNotices.aspx>





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## NOTICE OF INTENT (NOI) FORM FOR REGIONAL GENERAL PERMIT (RGP) 5 FOR REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS

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**(Attach fee check here)**

### **Instructions for Notice of Intent (Attachment D)**

The prospective Enrollee must notify the State Water Board and the applicable Regional Water Board at least forty-eight (48) hours prior to initiating the emergency project. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means. **This notification must be followed within three (3) business days by electronic or written submission of all of the information in this notice of intent (NOI).**

Locate the Regional Water Quality Control Board your emergency project is located in at:  
[http://www.waterboards.ca.gov/waterboards\\_map.shtml](http://www.waterboards.ca.gov/waterboards_map.shtml)

Locate the contact information for the “**State Program Manager**” and the appropriate “**Region Program Manager**” from the website:  
[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/staffdirectory.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf)

- Address notification email to the state program manager and appropriate region program manager and include in the subject line: (Attention: RGP 5 – Notice of Intent); or
- Call the state program manager and appropriate region program manager; or
- Send written notification to the following addresses:

ATTN: Program Manager  
CWA Section 401 WQC Program  
Division of Water Quality  
State Water Resources Control Board  
1001 “I” St. 15th Floor  
Sacramento, CA 95814

ATTN: Program Manager  
CWA Section 401 WQC Program  
Insert address of appropriate Regional Water Board, obtained from:  
[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/staffdirectory.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf)

The Enrollee must provide to the appropriate Regional Water Board the fee for review and processing of the NOI in accordance with California Code of Regulations, title 23, section 2200 within forty-eight (48) hours of project initiation. Failure to promptly pay the correct fee amount may result in a disqualification for enrollment pursuant to this water quality certification.

The fee amount is calculated using the “**Emergency Projects authorized by a Water Board General Order**” fee category within the **Dredge and Fill Fee Calculator** located at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml)

The Water Boards recognize there may be situations where imminent threats to life or property occur and the Enrollee has not received a notice of applicability (i.e., the notification from the Water Board that the Enrollee has successfully enrolled under this Certification). If immediate, specific actions, as defined in the California Code of Regulations, title 14, section 15269(c), are required by the Enrollee and prior notice to the State Water Board and the applicable Regional Water Board is not possible, then the Enrollee must contact the State Water Board and the applicable Regional Water Board within one (1) business day of the action. **As provided above, this notification must be followed within three (3) business days by electronic or written submission of all of the information in this NOI.**

**NOTICE OF INTENT (NOI) FORM FOR REGIONAL GENERAL PERMIT (RGP) 5 FOR  
REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS**

PROPERTY OWNER		
Name:	Phone Number:	
Mailing Address:		
City:	State:	ZIP Code:
Contact Person:	E-Mail:	
PROSPECTIVE ENROLLEE (If different from owner)		
Name:	Phone Number:	
Mailing Address:		
City:	State:	ZIP Code:
Contact Person:	E-Mail:	
PROJECT SITE LOCATION		
Street (include address, if any):		
Nearest Cross Street(s):		
County:	Total size of project site (acres):	
Latitude/Longitude (Center of Discharge Area) in degrees/minutes/seconds (DMS) to the nearest ½ second OR decimal degrees (DD) to four decimals (0.0001 degree)		
DMS: N. Latitude Deg. _____ Min. _____ Sec. _____		
W. Longitude Deg. _____ Min. _____ Sec. _____		
DD: N. Latitude _____		
W. Longitude _____		
Map Attached: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Photos Attached: <input type="checkbox"/> Yes <input type="checkbox"/> No		

DISCHARGE INFORMATION	
Names of Receiving Water(s):	
Receiving Water Types:	
<input type="checkbox"/> Lake/Reservoir <input type="checkbox"/> Ocean/Estuary/Bay <input type="checkbox"/> River/Streambed	<input type="checkbox"/> Riparian Area <input type="checkbox"/> Vernal Pool <input type="checkbox"/> Wetland
Emergency Project Description:	

**NOTICE OF INTENT (NOI) FORM FOR REGIONAL GENERAL PERMIT (RGP) 5 FOR  
REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS**

<b>Proposed Solution to Emergency:</b>
<b>Erosion and Sediment Control Measures Proposed:</b>
<b>Description of how Emergency Definition is Satisfied:</b> (i.e., unexpected; potential loss of life or property)
<b>Which of these criteria does the project satisfy? (Check all that apply)</b>
<div style="display: flex; align-items: flex-start;"><div style="margin-right: 10px;"><input type="checkbox"/></div><div><p>Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with section 8550 of the Government Code.</p><p><input type="checkbox"/> Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety, or welfare.</p><p><input type="checkbox"/> Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.</p><p><input type="checkbox"/> Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This does not apply to highways designated as official State scenic highways, nor any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.</p><p><input type="checkbox"/> Seismic work on highways and bridges pursuant to section 180.2 of the Streets and Highways Code, section 180 et seq.</p></div></div>

**NOTICE OF INTENT (NOI) FORM FOR REGIONAL GENERAL PERMIT (RGP) 5 FOR  
REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS**

**Fill and Excavation Discharges:** For each aquatic resource type listed below indicate in acres, cubic yards, and linear feet the estimated discharge to waters of the state, and identify the impact(s) as permanent and/or temporary.

Aquatic Resource Type	Temporary Impact			Permanent Impact		
	<i>Acres</i>	<i>Cubic Yards</i>	<i>Linear Feet</i>	<i>Acres</i>	<i>Cubic Yards</i>	<i>Linear Feet</i>
Lake/Reservoir						
Ocean/Estuary/Bay						
Riparian Zone						
Stream Channel						
Vernal Pool						
Wetland						

**CERTIFICATION**

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of this Certification and Corps Regional General Permit No. 5 will be complied with."

Signature of Discharger

Title

Printed or Typed Name

Date





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### **Instructions for Notice of Completion Form**

The Enrollee must provide the State Water Board and the applicable Regional Water Board copies of all correspondence and reports that are submitted to the Corps to satisfy the requirements of RGP 5. In addition, the Enrollee must file this notice of completion (NOC) form. **This information must be submitted to the State Water Board and appropriate Regional Water Quality Control Board within 45 calendar days of completion of any action conducted under RGP 5.**

**Failure to submit a complete NOC within 45 calendar days of completion of any action conducted under this water quality certification may result in the imposition of administrative and/or civil liability pursuant to Water Code section 13385.**

### **Notice of Completion Form and Document Submittal Information**

#### Electronic Submittal:

- Locate the email addresses of the “**State Program Manager**” and the appropriate “**Region Program Manager**” from the website:  
[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/staffdirectory.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf)
- Address email to the state program manager and appropriate region program manager and include in the subject line: (Attention - RGP 5 Notice of Completion)

#### Hardcopy Submittal Addresses:

ATTN: Program Manager  
CWA Section 401 WQC Program  
Division of Water Quality  
State Water Resources Control Board  
1001 “I” St. 15th Floor  
Sacramento, CA 95814

ATTN: Program Manager  
CWA Section 401 WQC Program  
Insert mailing address of appropriate Regional Water Board, obtained from:  
[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/staffdirectory.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf)

PROPERTY OWNER		
Name:	Phone Number:	
Mailing Address:		
City:	State:	ZIP Code:
Contact Person:	E-Mail:	
BILLING ADDRESS		
Name:	Phone Number:	
Mailing Address:		
City:	State:	ZIP Code:
Contact Person:	E-Mail:	
ENROLLEE (If different from owner)		
Name:	Phone Number:	
Mailing Address:		
City:	State:	ZIP Code:
Contact Person:	E-Mail:	
PROJECT SITE LOCATION		
Street (include address, if any):		
Nearest Cross Street(s):		
County:	Total size of project site (acres):	
Photos Attached: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Latitude/Longitude (Center of Discharge Area) in degrees/minutes/seconds (DMS) to the nearest ½ second OR decimal degrees (DD) to four decimals (0.0001 degree)		
DMS:    N.    Latitude    Deg. _____ Min. _____ Sec. _____		
W.    Longitude    Deg. _____ Min. _____ Sec. _____		
DD:    N.    Latitude    _____		
W.    Longitude    _____		
<p><b>Attach a map of at least 1:24000 (1" = 2000') detail of the impact site(s).</b></p> <p><b>Indicate the map format used</b> (listed in order of preference):</p> <p><input type="checkbox"/> <b>GIS shapefiles.</b> The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the aquatic resource type. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection.</p> <p><input type="checkbox"/> <b>Google KML files</b> saved from Google Maps: My Maps (free) or Google Earth Pro (not free). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted.*</p>		

☐ Aquatic resource maps marked on paper USGS 7.5 minute **topographic maps** or DOQQ printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted.

**\* If using Google Maps: My Maps or similar, provide URL(s) of maps.**

DISCHARGE INFORMATION	
Project Start Date:	Project Completion Date:
Names of Receiving Water(s):	
Receiving Water Types:	
<input type="checkbox"/> Lake/Reservoir <input type="checkbox"/> Ocean/Estuary/Bay <input type="checkbox"/> River/Streambed	<input type="checkbox"/> Riparian Area <input type="checkbox"/> Vernal Pool <input type="checkbox"/> Wetland
Regulatory Agencies with Jurisdiction Over Project and Associated Permits/Agreements:	
Emergency Project Description: (e.g. discharge of riprap; discharge of fill; excavation for a utility line)	
Purpose of the Entire Project Activity: (e.g. stream-bank erosion control; maintain, repair, or restore damaged property)	
Erosion and Sediment Control Measures Implemented:	
Pollution Prevention Measures Implemented:	

**Fill and Excavation Discharges:** For each aquatic resource type listed below indicate in acres, cubic yards, and linear feet the actual discharge to waters of the state, and identify the impact(s) as permanent and/or temporary.

Aquatic Resource Type	Temporary Impact			Permanent Impact		
	Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
Lake/Reservoir						
Ocean/Estuary/Bay						
Riparian Zone						
Stream Channel						
Vernal Pool						
Wetland						

COMPENSATORY MITIGATION	
Required: <input type="checkbox"/> Yes <input type="checkbox"/> No	Photos Attached: <input type="checkbox"/> Yes <input type="checkbox"/> No
Compensatory Mitigation Description (include aquatic resource type and acres and linear feet):	
MITIGATION SITE LOCATION	
Street (include address, if any):	
Nearest Cross Street(s):	
County:	
Latitude/Longitude (Center of Mitigation Area) in degrees/minutes/seconds (DMS) to the nearest ½ second OR decimal degrees (DD) to four decimals (0.0001 degree)	
DMS: N. Latitude Deg. _____ Min. _____ Sec. _____	
W. Longitude Deg. _____ Min. _____ Sec. _____	
DD: N. Latitude _____	
W. Longitude _____	
<p><b>Attach a map of at least 1:24000 (1" = 2000') detail of the mitigation site.</b></p> <p><b>Indicate the map format used</b> (listed in order of preference):</p> <p><input type="checkbox"/> <b>GIS shapefiles.</b> The shapefiles must depict the boundaries of all project(s) and extent of aquatic resources. Each shape should be attributed with the aquatic resource type. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection.</p> <p><input type="checkbox"/> <b>Google KML files</b> saved from Google Maps: My Maps (free) or Google Earth Pro (not free). Maps must show the boundaries of all project(s) and extent/type of aquatic resources.*</p> <p><input type="checkbox"/> Aquatic resource maps marked on paper USGS 7.5 minute <b>topographic maps</b> or DOQQ printouts. Maps must show the boundaries of all project(s) and extent/type of aquatic resources.</p> <p><b>* If using Google Maps: My Maps or similar, provide URL(s) of maps.</b></p>	



### CERTIFICATION

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of this Certification and Corps Regional General Permit No. 5 will be complied with."

Signature of Discharger

Title

Printed or Typed Name

Date