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## State Water Resources Control Board

July 7, 2023

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U.S. Army Corps of Engineers  
Sacramento District, Regulatory Division  
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Sacramento, California 95814-2922  
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Dear Leah Fisher:

RE: WATER QUALITY ORDER NO. WQ 2023-XXXX-DWQ CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR THE U.S. ARMY CORPS OF ENGINEERS' REGIONAL GENERAL PERMIT NO. 10 FOR WILDFIRE ACTIVITIES (WDID # SB23031IN)

Enclosed please find Water Quality Order No. WQ 2023-XXXX-DWQ Clean Water Act Section 401 Water Quality Certification, authorized by the State Water Resources Control Board Deputy Director for the Division of Water Quality, Karen Mogus. This Order is issued to U.S. Army Corps of Engineers for the Regional General Permit No. 10 for Wildfire Activities (Project). Attachments A through F of the Enclosure are also part of the Order.

This Order is issued in response to a certification request submitted by the U.S. Army Corps of Engineers for proposed Project discharges to waters of the state, to ensure that the water quality standards for all waters of the state impacted by the Project are met. You may proceed with your Project according to the terms and conditions of the enclosed Order.

If you require further assistance, please contact me by phone at (916) 322-7782 or by email at [Chris.Monary@waterboards.ca.gov](mailto:Chris.Monary@waterboards.ca.gov). You may also contact Jean Bandura, Senior Environmental Scientist of the Wetlands Permitting and Enforcement Unit II, by phone at (916) 322-7781, or by email at [Jean.Bandura@waterboards.ca.gov](mailto:Jean.Bandura@waterboards.ca.gov) or Elizabeth Reece, acting for Jean Bandura, at [Elizabeth.Reece@waterboards.ca.gov](mailto:Elizabeth.Reece@waterboards.ca.gov) or by phone at (916) 323-0892.

Sincerely,

 Digitally signed by Elizabeth  
Reece  
Date: 2023.07.07 12:33:27 -07'00'  
Water Boards

Elizabeth Reece for Jean Bandura  
Senior Environmental Scientist  
Division of Water Quality – Wetlands Permitting and Planning Unit II  
State Water Resources Control Board

Enclosures (1): Order for Regional General Permit No. 10 for Wildfire Activities and  
Order attachments

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**GENERAL CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION  
ORDER NO. WQ 2023-0055-DWQ**

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**Effective Date:** July 7, 2023  
**Program Type:** Fill/Excavation  
**Project Type:** Regional General Permit  
**Project:** U.S. Army Corps of Engineers Regional  
General Permit No. 10 for Wildfire  
Mitigation  
Regulatory Measure ID: 453196  
WDID: SB23031GN

**Applicant:** U.S. Army Corps of Engineers  
**Applicant Contact:** Leah Fisher  
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**State Water Board Contact Person:**

For further assistance, please call State Water Resources Control Board (State Water Board) Staff listed above or (916) 322-7781 and ask to speak with the Wetlands Permitting and Planning Unit Supervisor.

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- Attachment A: Notice of Intent Form**
- Attachment B: Notice of Intent Instructions**
- Attachment C: Reporting and Notification Requirements**
- Attachment D: Signatory Requirements**
- Attachment E: Compliance with 40 CFR Part 121.7**
- Attachment F: Map of Regional Water Boards**

## **I. Summary**

This State Water Resources Control Board (State Water Board) Clean Water Act section 401 certification (General Order) conditionally certifies the U.S. Army Corps of Engineers' Regional General Permit No. 10 for Wildfire Activities (SPK#-2022-00120).

On January 17, 2023, the State Water Board received a certification request for the U.S. Army Corps of Engineers' (Corps) Wildfire Regional General Permit. The Corps' Wildfire Regional General Permit authorizes activities involving the discharge of dredge or fill material into waters of the United States for the purpose of wildfire protection, prevention, response, clean-up, and recovery.

This General Order covers activities that discharge dredged or fill material to waters of the United States authorized under RGP No. 10. Discharges of dredged or fill material to only waters of the state outside of federal jurisdiction require separate Waste Discharge Requirement authorization. Activity categories eligible for General Order coverage are listed in the Project Description Section (General Order section V).

## **II. Findings**

- A.** This General Order is adopted pursuant to section 401 of the Clean Water Act and the California Porter-Cologne Water Quality Control Act (Cal. Water Code § 13000, et seq.). Notwithstanding any determinations made by the U.S. Army Corps or other federal agency, Dischargers must comply with the entirety of this General Order because the General Order also serves as waste discharge requirements in accordance with State Water Board Water Quality Order No. 2003-0017-DWQ. Discharges to waters of the state are prohibited except when in accordance with Water Code section 13264.
- B.** In the event of any violation or threatened violation of the conditions of this General Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law, including the Clean Water Act and the Porter-Cologne Water Quality Control Act.
- C.** In response to a suspected violation of any condition of this General Order, the Water Board may require the holder of 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.
- D.** This General Order and all conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project.
- E.** This General Order does not provide coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ or 2022-0057-DWQ; NPDES No. CAS000002) (Construction General Permit).



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- F.** This General Order does not authorize any act which results in the take 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 & Wildlife Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a "take" will result from any act authorized under this General Order held by the Discharger, the Discharger 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 Discharger is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this General Order.
- G.** This General Order does not grant authority to conduct activities in a means that violates the applicable provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (Forest Practice Act).
- H.** This General Order includes monitoring and reporting requirements pursuant to Water Code sections 13383 and 13267. The burden of preparing these reports, including costs, are reasonable to the need and benefits of obtaining the reports. The reports confirm that the best management practices (BMPs) 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. The anticipated costs are minimal as the reporting obligations require only visual monitoring and notification reporting.

### **III. Project Purpose**

California is facing a crisis with wildfires occurring more frequently and with greater severity. Wildfires directly and indirectly impact water quality through discharge of sediment, increases in erosion, removal of vegetative cover, and breakdown in soil structure. Many of the wildfire activities result in discharge of waste to waters of the state, have the potential to adversely impact water quality, and require permits to mitigate discharges of waste under state and federal laws.

The Corps issues Regional General Permits to authorize certain activities that require Corps permits under section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbor Act of 1899. The Corps' Wildfire Regional General Permit authorizes wildfire related dredge or fill discharges that result from activities conducted for the purpose of wildfire protection, prevention, response, clean-up, and recovery. This State Water Board General Order certifies the Corps' Regional General Permit to expedite permitting of activities, while also protecting aquatic resources.

### **IV. Project Location**

The nine California Regional Water Boards are the: North Coast Regional Water Board, San Francisco Regional Water Board, Central Coast Regional Water Board, Los Angeles Regional Water Board, Central Valley Regional Water Board, Lahontan Regional Water Board, Colorado River Regional Water Board, Santa Ana Regional

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Water Board and San Diego Regional Water Board (collectively Regional Water Boards). The jurisdictional boundaries of each board can be found on the [State Water Board's map website \(https://www.waterboards.ca.gov/waterboards\\_map.html\)](https://www.waterboards.ca.gov/waterboards_map.html) and the Map of Regional Water Boards (Attachment F). An individual project authorized by the State Water Board or a Regional Water Board (Water Board) under this General Order may occur anywhere within California except as restricted herein.

### V. Project Description

This General Order authorizes the following listed activities where the activities may cause or threaten to cause a dredge or fill discharge to waters. This General Order may be used in combination with other Water Board permits where the project includes upland activities that may cause or threaten to cause discharges of waste to waters (e.g., access road construction) and accordingly requires waste discharge requirements. Eligible activities must have a wildfire nexus, meet a CEQA exemption, and have a discharge of dredge or fill material to waters authorized by the Corps' Wildfire Regional General Permit. The Corps' Wildfire Regional General Permit authorizes the following activities listed below.

- A. Utility Lines and Associated Infrastructure:** Maintenance, improvement, repair, rehabilitation, replacement, or removal of any previously authorized structure or fill and/or work associated with utility lines and their infrastructure. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication. Authorizes attachment to existing bridges, causeways, and culverts, overhead to underground conversion, temporary structures, fills, and work. Authorizes minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement.
- B. Access Areas:** Construction, maintenance, improvement, repair, rehabilitation, replacement, or removal of temporary and permanent access areas, such as maintenance vehicle pullouts, access roads, staging, storage, parking, and laydown areas, including pads, roads, bridges, culverts, and wetland protection matting. Authorizes structures and/or work in navigable waters of the United States including the installation of temporary structures, such as scaffolding, pilings, and footings for bridges, docks, and piers. Authorizes operation of temporary construction equipment, such as barges, tractors, and boats. Authorizes stream channel modifications, including bank stabilization, to construct or protect the structure; such modifications must be in the immediate vicinity of the authorized work. Authorizes the use of dredged material if this office determines that it will not cause more than minimal adverse environmental effects.
- C. Dewatering Structures:** Installation, maintenance, repair, rehabilitation, or replacement of temporary dewatering structures, such as cofferdams, bladder

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dams, diversion tunnels/pipes, and sheet piles. Authorizes the use of dredged material if this office determines that it will not cause more than minimal adverse environmental effects.

- D. Management of Sediment & Debris:** Installation, maintenance, repair, rehabilitation, replacement, or improvement of sediment/debris management structures such as racks, screens, and barriers. Authorizes mechanical or hydraulic removal of sediment or debris in navigable waters, such as excavating, dredging, or pumping. Authorizes the discharge of associated return water from an upland contained dredged material disposal area.
- E. Damaged Uplands:** Repair, maintenance, or improvement of upland areas damaged by wildfire. Authorizes bank stabilization to protect the restored uplands. Authorizes stream channel modifications, including bank stabilization, to construct or protect the repaired uplands.
- F. Fire/Fuel Breaks:** Construction, maintenance, repair, rehabilitation, replacement, or improvement of fire and/or fuel breaks. Authorizes the mechanical removal of vegetation involving the substantial disruption of the root system, or the mechanized pushing, dragging, or redeposit of excavated soil material in waters of the United States.
- G. Development Structures:** Repair, replacement, removal, or rehabilitation of residential, commercial, industrial, and institutional development structures following a wildfire. Authorizes minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement.

### **VI. Avoidance and Mitigation**

Projects that receive Water Board authorization must demonstrate that impacts to waters of the state are first avoided, and then minimized, to the greatest extent practicable. Dischargers must also follow good housekeeping plans that describe BMPs to avoid resource impacts. Activity specific avoidance and minimization measures must be implemented for each project authorized by this General Order.

### **VII. Excluded Activities**

- A.** Projects within the Carson River, Lake Tahoe, Little Truckee River, Truckee River, or Walker River Hydrologic Units must comply with Lahontan Regional Water Quality Control Board Basin Plan section 4.1 Waste Discharge Prohibition requirements. Dischargers with work within these hydrologic units should contact Regional Water Board staff to determine if they must apply for a Basin Plan Prohibition Exemption to seek coverage under this General Order.
- B.** Vegetation management activities not necessary to create a fire or fuel break.

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- C. Temporary or permanent access road construction except what is immediately adjacent to discrete discharges of dredge or fill material to waters (e.g., culvert replacement).
- D. Discharges without a clear wildfire nexus. If the Discharger cannot satisfactorily demonstrate to Water Board staff that proposed activities have a clear wildfire nexus, the Discharger must obtain an individual permit or enroll under another General Order."
- E. Use of gabions ("rock gabions" and similar wire basket structures) in waters of the state.

### **VIII. Conditions**

Provided General Order conditions are adhered to, this General Order provides reasonable assurance that projects authorized under this General Order will comply with state water quality requirements. The Water Board will review any project proposed for authorization under this General Order to analyze impacts to water quality and designated beneficial uses within the applicable watershed(s). The Corps' Regional General Permit contains additional activity specific Terms and Conditions which apply to all covered activities. If the eligibility requirements set forth in this General Order are not met, the Water Board will not authorize the proposed project under this General Order and instead require the project proponent to apply for an individual order or enrollment under another general order. Dischargers may also choose to apply for an individual order. Dischargers may proceed with the project under the following terms and conditions in accordance with this General Order:

#### **A. Standard Conditions**

1. Pursuant to California state regulations governing certifications, this action 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 General Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and 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 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 title 23 of the California Code of Regulations.
4. Nothing in this General Order shall be construed as Water Board approval of the validity of any water rights, including pre-1914 claims. The State Water Board has separate authority under the California Water Code to investigate and take enforcement action, if necessary, to prevent any unauthorized or threatened unauthorized diversions of water.

## **B. General Compliance**

1. Permitted actions must not cause a violation of any applicable water quality objectives or water quality control plans, including impairment of designated beneficial uses for receiving waters as adopted in any applicable Water Board water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
2. Activities enrolled under this General Order must conform to the engineering plans, specifications, and technical reports submitted with the application materials. Water Code section 13264 prohibits any discharge that is not specifically authorized in the Notice of Applicability.

## **C. Administrative**

1. Signatory requirements for all document submittals required by this General Order are presented in General Order Attachment D.
2. **Site Access:** The Discharger shall grant Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
  - a. Enter upon the project 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 are relevant to the project or 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. The Discharger shall be responsible for work conducted by any consultants, contractors, or subcontractors working on the project. A copy of this General Order shall be provided to any consultants, contractors, and subcontractors working on this project. Copies of this General Order shall remain at the project site for the duration of authorization under this General Order. All personnel performing work on the project shall be familiar with the content of this General Order and its posted location at the project site.
4. **Environmental Awareness Training:** Prior to initiation of any project activity, all personnel (including contractors) shall participate in environmental awareness training conducted by a qualified professional who is knowledgeable about state and federal laws regarding the protection of water quality, aquatic resources, and related special-status species. More than one qualified professional 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.

#### **D. Project Conditions**

- 1.** All materials and supplies necessary for implementing effective BMPs under this General Order must be on-site 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 BMP materials (e.g., training documents, compliance tracking procedures) must be ready for use at the start of the activity. Apply effective BMPs to erodible construction materials (e.g., soil, spoils, fly-ash, stucco, hydrated lime) to prevent erosion and pollutant transport to receiving waters;
- 2.** Environmentally sensitive areas and environmentally restricted areas, including any avoided waters of the state, must be clearly identified (e.g., fencing, flagging) in the field for exclusion from disturbance prior to the start of project activities. Such identification must be properly maintained until construction is completed and the soils have been stabilized.
- 3.** Unless authorized as a temporary or permanent impact, 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 that could be discharged as a result of project related activities, shall be prevented from entering waters of the state.
- 4.** Material resulting from trench excavation temporarily sidecast into waters is a fill discharge.
- 5.** Modifications, repairs, and improvements shall be made to BMPs, if the measures fail to prevent discharges of waste to waters of the state.
- 6.** Dischargers shall implement the following applicable BMPs for waste management:
  - a.** Provide containment (e.g., secondary containment) of sanitation facilities (e.g., portable toilets) to prevent discharges of pollutants. Both sanitation facilities and the corresponding containment should be placed as far from waters of the state as possible, and are prohibited within 150 feet of 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;



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- d. Prevent discharges from waste disposal containers. Cover waste disposal containers at the end of every business day and during a Qualifying Precipitation Event<sup>1</sup>;
      - 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 no later than 24 hours prior to and during a Qualifying Precipitation Event; and
      - f. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Vehicles shall be washed in a designated area which is bermed, to prevent discharge of the wash water. Wash waters shall be captured and treated prior to discharge or disposed of at a permitted facility that can accept that waste, to mitigate impacts to water quality.
- 7. Dischargers shall implement the following BMPs to eliminate or minimize site erosion:
  - a. Minimize the amount of soil disturbed during construction activity;
  - b. Minimize slope disturbance;
  - c. Implement effective wind erosion controls;
  - d. Immediately initiate stabilization of disturbed areas, using reestablishment of vegetation and non-vegetative erosion controls, whenever earth disturbing activity have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days<sup>2</sup>;
  - e. Dischargers that stabilize soil using bonded-fiber matrices, hydromulches, spray tackifiers, or other land-applied products shall:
    - i. Apply the product according to the manufacturer's instructions and guidance; and
    - ii. Apply the product according to the manufacturer's guidance to allow for ample cure time and to prevent treatment chemicals from being transported by runoff.

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<sup>1</sup> Any weather pattern that is forecast to have a 50 percent or greater Probability of Precipitation and a Quantitative Precipitation Forecast of 0.5 inches or more within a 24-hour period. The event begins with the 24-hour period when 0.5 inches has been forecast and continues into subsequent 24-hour periods when 0.25 inches of precipitation or more is forecast.

<sup>2</sup> In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures shall be employed and described in the Notice of Intent. Stabilization shall be completed within a period of time determined by the Regional Water Board. In limited circumstances stabilization may not be required if the intended function of a specific area of the site necessitates that it remains disturbed.

**f. Stormwater and Sediment Control**

- i. No later than 24 hours prior to the start of and during a Qualifying Precipitation Event, temporary stabilization of the disturbed in-water work areas must begin immediately, and bare mineral soil exposed by permitted activities within 150 feet of waters of the state shall be stabilized to attain a minimum of 70 percent ground cover to prevent discharge of waste to waters.
- ii. No later than 24 hours prior to the start of and during a Qualifying Precipitation Event, Dischargers shall ensure that disturbed areas that drain to waters of the state are protected with erosion control BMPs (e.g., silt-fencing, geotextile fabrics, coir logs/rolls, straw bale dikes, jute, coconut fiber, erosion control fabric, hydroseeding). Erosion control BMPs shall be installed in accordance with the manufacturer's installation manual.
- iii. Spoils from excavations shall not be stored or discarded in waters of the state or in locations a manner that 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 at least 24 hours prior to and during a Qualifying Precipitation Event.
- iv. The timing for installation of bioretention BMPs, including installation of subdrains, soils, mulch, and plants, shall be scheduled to ensure that bioretention areas do not receive runoff from exposed or disturbed areas that have not been stabilized.

**g. Runoff and Run-on Controls**

- i. Dischargers shall manage all run-on and runoff from a project site. 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.
- ii. Site drainage shall be designed to accommodate anticipated flows from a Qualifying Precipitation Event and shall be installed prior to such an event. Site drainage must not result in increased velocities or erosion of the channel and streambank of receiving waters.
- iii. Dischargers are responsible for commingled run-on (onto the site or within the site) from areas not related to the site's construction activities and the pollutants contained in the commingled discharge.

**8. Heavy Equipment:** Dischargers shall adhere to the following conditions when using heavy equipment within 150 feet of waters of the state:

- a. Avoid compaction from heavy equipment and limit disturbance to the minimum area needed to complete the activity;



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- b. Prohibit the use of heavy equipment on slopes that exceed a 50 percent grade, slopes that require a blade for braking, or saturated soils<sup>3</sup>.
  - c. Place all equipment or vehicles, which are to be fueled, maintained, or stored in a designated area with BMPs installed;
    - i. Place equipment and vehicles on matting to prevent soil compaction;
    - ii. Use drip pans under leaking vehicles to capture fluids;
    - iii. Repair leaks before operating the vehicle in a location where it may leak onto soil or into a water of the state;
    - iv. Transfer contained fluids to a designated waste storage area as soon as possible;
- 9.** Implement effective BMPs to control the discharge of plastic materials and limit the use of plastic materials when more sustainable, environmentally friendly alternatives exist. Dischargers shall consider the use of plastic materials resistant to solar degradation where plastic materials are deemed necessary.
- 10.** Dischargers shall preserve existing topsoil, as follows:
- a. Unless the intended function of a specific area dictates that the topsoil be removed, Dischargers shall preserve the top six to 12 inches of soil within 150 feet of waters of the state. Dischargers shall stockpile reserved topsoil within the project area and use the soil to restore disturbed areas, prior to a Request for Notice of Project Complete.
  - b. 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. The disposal area shall be identified in the project NOI.

### **11. Access routes**

- a. The number of access routes, number and size of staging areas, and the total area of the ground disturbance shall be limited to the minimum necessary to achieve the project goal. Access routes and staging areas shall be located in previously disturbed habitat areas to the extent feasible.

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<sup>3</sup> Soil and/or surface material pore spaces are filled with water to such an extent that runoff is likely to occur. Indicators of saturated soil conditions may include, but are not limited to: (1) areas of ponded water, (2) pumping of fines from the soil or access route surfacing material during the project, (3) loss of bearing strength resulting in the deflection of soil or access route surfaces under a load, such as the creation of wheel ruts, (4) spinning or churning of wheels or tracks that produces a wet slurry, or (5) inadequate traction without blading wet soil or surfacing materials.

- b. Access routes that are intended for seasonal deactivation<sup>4</sup> or permanent decommissioning shall be deactivated or decommissioned<sup>5</sup> within 30 days of final use, as follows:
  - i. Following use, access routes shall be left in a condition that enables long-term hydrologically disconnected road drainage with minimal or no maintenance requirements.
  - ii. Road drainage facilities (e.g., outsloping, rolling dips, waterbreaks) shall be fortified to endure the duration of planned deactivation or decommissioning and shall prevent sediment discharges to waterbodies.
  - iii. 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 areas that could discharge to waters of the state.
  - iv. Permanent access route decommissioning requires the removal of all fills associated with access route watercourse crossings to create a natural drainage pattern. Decommissioned watercourse crossings must have stable banks and a channel bottom wide enough to allow for natural channel migration. Hydrologically disconnected drainage must be established on decommissioned access routes and must be designed to provide maintenance free operation upon completion of activities.

## **12. Access Route Surface Drainages**

- a. Access routes shall be constructed to ensure proper stability of cut and fill slopes and ensure drainage and runoff generated from access routes is hydrologically disconnected from receiving waters and does not cause erosion and sediment discharge.
- b. Where natural slopes exceed 60%, access routes shall be constructed using full bench construction. Should full bench construction not be feasible, provide reasoning as to why and provide access route construction plans that will provide for the same stability as full bench construction.
- c. Access route surfaces and ditches planned for construction, reconstruction, or maintenance shall be hydrologically disconnected from

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<sup>4</sup> Seasonal Deactivation is the temporary deactivation of a seasonal access route to disconnect surface drainage, install access route drainage features (e.g., waterbreaks, rolling dips, outsloping), stabilize soils, and prevent vehicle travel during the rainy season.

<sup>5</sup> Access Route Decommission Activities result in the stabilization and restoration to a more natural state of access routes in a location that is no longer intended for vehicle travel (36 CFR 212.1, FSM 7705 – Transportation System). Decommissioning activities may include soil stabilization, watercourse crossing removal or stabilization, and restoration of the area's natural drainage patterns.

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streams and stream crossings. Access route surface runoff 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.

- d. Incorporate drainage structures according to Table 1 spacing parameters. If these parameters are infeasible for the work area an explanation and alternative means to preventing discharge to waters of the state must be provided within the NOI and functional ditch relief, including culverts, rolling dips, inboard ditches, and crossroad drains, shall still be spaced with enough frequency to prevent concentration of access route related runoff and erosion of access route fill material:

**Table 1<sup>6</sup>.** 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.

- e. Newly installed access routes shall be outsloped, where feasible, and incorporate adequate drainage features according to Table 1 above to prevent erosion of the access route fill materials. If outsloping is determined to be infeasible, provide justification and drainage designs that will provide for similar performance.
- f. Dischargers shall prioritize locating the outflow of the access route surface drainage structures towards well-vegetated, stable areas to ensure road related discharges do not negatively impact waters of the state. Access route surface drainage structure 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.
- g. Dischargers shall ensure that access route drainage features are maintained to prevent erosion and sediment discharge.
- h. 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 sediment and erosion

<sup>6</sup> California Department of Forestry and Fire Protection Resource Management, Forest Practice Program. 2021. California Forest Practice Rules.

control BMPs. 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 threatens to discharge sediment to a water of the state.

### **13. Watercourse Crossings**

- a. New and reconstructed watercourse crossings shall be designed to accommodate 100-year flood flow (including transport of debris and sediment).
- b. Plastic or 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.<sup>7</sup>
- c. 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.
- d. Crossings shall be designed to ensure that the stream does not divert in case of a crossing failure.
- 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 have low plug potential (trash racks, debris barriers, deflectors, mitered inlets, etc. are installed where needed and where they can be maintained).
- g. Culverts shall be installed at the base of the fill in line with and at the same grade as the natural channel. Replaced or maintained culverts shall be clear of debris and in upstream and downstream alignment with the stream channel.
- h. Culverts (new, replaced and left-in-place) shall be at a gradient and orientation that will not result in erosional scour at the outlet.
- i. Culvert replacement projects shall repair any existing scour or headcutting actively discharging sediment. Replaced culverts must also be designed to accommodate 100-year flows.
- j. Culverts shall not be located in a meandering bend of the stream channel.
- k. 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 (e.g., in areas prone to debris flows or landslides) or in areas that lack seasonal access or remote areas. Rock ford or rock armored fill crossings must also be designed to accommodate 100-year flows.

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<sup>7</sup> California Department of Forestry and Fire Protection. 2022. Fire and Response Assessment Program (FRAP). Accessed May 2022. Available at: <https://frap.fire.ca.gov/>

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- I. Watercourse crossings proposed for removal or watercourse crossings located on roads to be decommissioned must meet the following conditions:
  - i. Permanently decommissioned stream crossings shall be excavated to exhume the original, stable, stream bed and channel side-slopes, and then banks must be stabilized with materials including, but not limited to, mulch, seeding, replanting, and rock armoring.
  - ii. Fills shall be excavated to form a channel as close as feasible to the natural watercourse grade, that is wider than the natural channel upstream and downstream of the crossing to be removed.
  - iii. Any resulting cut bank shall not exceed a grade of 50% from the outside edge of the channel to prevent slumping and prevent erosion.

### **14. Work in Waters of the State**

- a. Work in waters of the state must not cause or contribute to an exceedance of water quality objectives or water quality control plans. Work in waters 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 diversions or impoundments of water, cofferdams, or similar structures installed for the purpose of temporary dewatering work areas are planned, a dewatering plan that includes the following information must be provided with the NOI: (a) an adequate description of the proposed dewatering structures, including design criteria, (b) appropriate BMPs for the installation, operation, maintenance, and removal of those structures, (c) appropriate monitoring for water quality upstream and downstream of diversion structures, and (d) applicable water quality standards per the applicable Basin Plan(s).
- c. Temporary materials placed in any water of the state must be removed as soon as construction is completed at that location.
- 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 may cause or threaten to cause a discharge to waters of the state.
- e. A method of containment must be used below any temporary bridge, trestle, boardwalk, and/or other stream crossing structure to prevent any debris or spills from falling into the waters of the state. Containment must be maintained and kept clean for the life of the temporary crossing structure.
- f. Any structure, including but not limited to, culverts, pipes, piers, and cofferdams, placed within a stream where fish (as defined in Fish and Game Code section 45) exist or may exist, must be designed,

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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 has the potential to result in a long-term reduced fish migration, the Dischargers shall be responsible for restoration of conditions as necessary (as determined by the Water Board) to secure passage of fish across the structure.

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

  - i.** All land disturbing activities must be effectively isolated from water flows. This may be accomplished by working in the dry season or dewatering the work area. The diverted water flow must not be contaminated by construction activities. All open flow temporary diversion channels must be lined with filter fabric or other appropriate liner material to prevent erosion. Structures used to isolate the in-water work area and/or diverting the water flow (e.g., cofferdam, geotextile silt curtain) must not be removed until all disturbed areas are stabilized.
  - ii.** Cofferdams and water barrier construction must be adequate to prevent seepage into or from the work area to the greatest extent feasible.
  - iii.** Flow diversions must be conducted in a manner that prevents siltation and that restores pre-project flows upon completion of the activity. Diverted flows must be of sufficient quality and quantity, and of appropriate temperature, to support existing fish and other aquatic life both above and below the diversion.
  - iv.** If additional Water Board permits relating to dewatering are required, the designated Water Board staff contact must be notified and copied on pertinent correspondence pertaining to those other required permits.
  - v.** All temporary dewatering methods shall be designed to have the minimum necessary impacts to waters of the state. All dewatering methods shall be installed such that natural flow is maintained upstream and downstream of the diversion area. Any temporary dams or diversions shall be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the diversion area. All dewatering methods shall be removed immediately upon completion of activities for which diversions are needed.
  - vi.** All temporary dewatering activities are subject to the work-in-water reporting and monitoring conditions presented in the conditional notifications and reports section of this General Order.



### **15. Post-fire Vegetation Management Conditions**

- a. The discharge or threatened discharge of vegetation management waste into waters of the state is prohibited.
- b. Limit vegetation removal to the extent necessary to achieve project goals.
- c. Unless authorized in the Notice of Applicability, vegetation management waste shall not be stored or staged in waters of the state, or in locations where the waste has potential to discharge to waters of the state.
- d. Wood chips shall not be used to stabilize disturbed soils on slopes steeper than 30% within 150 feet of waters of the state. If on slopes less than 30%, and application of wood chips is the only viable stabilization method, the wood chips shall be processed consistent with the wood strand mulch dimensions reported in the USFS Erosion Control Treatment Selection Guide (2006)<sup>8</sup>, which are approximately 1.6 to 6.3-inches long, 0.125-inch-thick, and 0.240-inch wide.
- e. Wood chips shall not exceed a depth of 6 inches and shall be applied and stabilized in a manner that minimizes potential discharge to waters of the state (e.g., reinforce wood chips with slash to keep the wood chips in place).
- f. When using slash to stabilize disturbed soils within 150 feet of waters of the state, individual limbs shall not exceed 4 feet in length, and all slash must be worked into the soil. Any slash that is not worked into the soil must be removed from the work area.
- g. Trees shall be felled away from waters of the state. If a tree is accidentally felled into, or across, a water of the state, it must be removed and placed at least 150 feet away from waters of the state immediately.

### **16. Toxic and Hazardous Materials**

- a. Activities permitted under this General Order shall not discharge toxic substances in concentrations that cause or contribute to an exceedance of water quality objectives or water quality control plans.
- b. Activities permitted under this General Order shall not discharge waste classified as "hazardous" as defined in California Code of Regulations title 22, section 66261 and Water Code section 13173. These BMPs shall include, at a minimum:

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<sup>8</sup> 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](https://www.fs.fed.us/t-d/pubs/pdf/hi_res/06771203hi.pdf)

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- i. All personnel handling fuels and other hazardous materials shall be properly trained.
- ii. Adequate spill prevention and cleanup equipment and materials shall be present on site at all times during project implementation. Any spills or leaks of hazardous materials, chemicals, fuels, lubricants or any other potential pollutants shall be promptly and completely treated using appropriate materials and equipment.
- iii. Store chemicals in watertight containers with secondary containment to prevent any spillage or leakage or store in a complete enclosed storage area. Secondary containment must be at least 10% of 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. Hazardous materials, including chemicals, fuels, and lubricating oils, shall not be stored within 150 feet of waters of the state, and shall be stored in appropriate containers with appropriate secondary containment.
- vi. Pumps or other stationary equipment operating within 150 feet of waters of the state shall utilize appropriate secondary containment systems to prevent spills.
- vii. A staging area for equipment and vehicle fueling and storage shall be designated at least 150 feet away from waters of the state, in a location where fluids or accidental discharges cannot flow into waters of the state.
- viii. An Accidental Discharges of Hazardous Materials notification will be made as described in the conditional notifications and reports section of this General Order.

### **17. Invasive Species and Soil Borne Pathogens Requirements**

- a. Dischargers are responsible for ensuring that all project personnel follow proper weed control practices when conducting activities within waters of the state, and that appropriate weed prevention measures are documented and available to personnel.
- b. Any equipment entering or leaving the project area from an area of known soil borne pathogen infestation shall be thoroughly cleaned using methods appropriate for the known pathogen before entering or leaving the project area.



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- c. All equipment, including clothing, footwear, heavy equipment, and vehicles, will be cleaned and treated of soil, seeds, vegetative matter, and from in-water work, prior to entering a new treatment area, or leaving an area with an invasive species infestation.
- d. Prior to entering the work area, pressure wash or otherwise appropriately decontaminate heavy equipment and vehicles at designated weed-cleaning stations, where wash water will not discharge to a water of the state.
- e. Heavy equipment, vehicles, and tools must be inspected for sand, mud, or evidence that invasive seeds or propagules could be present prior to entering the treatment area.
- f. Equipment shall be staged in an area free of invasive plant infestations, unless there is no reasonable alternative staging area; the NOI must justify why no reasonable alternatives are available.

### **18. Undergrounding and Drilling**

- a. The discharge of bentonite, drilling muds, lubricants, or any drilling compounds into waters of the state is prohibited.
- b. An environmental monitor shall provide monitoring for compliance with the Horizontal Directional Drilling (HDD) or drilling plan throughout drilling operations under waters of the state.
- c. Any HDD or other drilling operation shall be designed and implemented to minimize the risk of any spills and discharges including the frack-out release of drilling lubricants through fractures in the streambed or bank substrates. In substrates where frack-outs are likely to occur, HDD contractors shall employ all reasonable means and methods available to minimize potential for frack-out.
- d. All drilling muds or compounds shall be contained and properly disposed of after drilling activities are completed.
- e. If bore pits are excavated to support drilling operations, spoils shall be stored a minimum of 25 feet from waters of the state, where feasible; if site specific conditions warrant constructing pits or storing spoils less than 25 feet from waters of the state this request must be provided in the HDD or drilling plan submitted to the Water Board prior to any drilling activities with potential impacts to waters of the state. Spoils shall be stored behind a sediment barrier and covered with plastic or otherwise stabilized (i.e., tackifiers, mulch, or detention).
- f. A draft HDD or drilling plan shall be prepared submitted to the Water Board for review at least 30 days before drilling activities under waters of

the state. The drilling plan must describe how compliance with General Order sections VIII.D.19.a. through e. will be maintained and include:

- i. Release of bentonite, drilling muds, lubricants through fractures in the streambed or bank substrate during drilling is referred to as a "frack-out." Because of the potential for frack outs to occur, the HDD or drilling plan shall include a frack out response plan. The frack-out response plan shall specify all measures to be initiated if frack-outs should occur during HDD operations;
- ii. A drill path at least 10 feet below the streambed;
- iii. Constant monitoring of drill fluids for loss of pressure or returns;
- iv. Use of an onsite vacuum truck during drilling or other suitable means to capture and contain fluids that reach the surface;
- v. Contact information of those responsible for drilling activity monitoring;
- vi. Daylight hour drilling to enable visual monitoring for potential frack-outs;
- vii. Use of clean gravel bags instead of sandbags to contain a frack-out; and
- viii. For all HDD and other drilling sites, a means of containment (e.g., damming, fluming) or screening capable of capturing all of the potential discharge shall be described in the HDD plan. The downstream end of any such containment structure shall be capable of containing all bentonite or other drilling muds or debris that may be released during boring or drilling. Any drilling mud and spoils must be completely removed from the streambed prior to removal of the containment structure (e.g., dam, flume, and screen).

#### **E. Restoration of Temporary Impacts to Waters of the State**

1. As described in an approved restoration plan, Dischargers shall restore the function and value of all areas of temporary impacts to waters of the state. 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. Temporary impacts to waters of the state are not authorized and shall not occur until a restoration plan has been approved by Water Board staff.
2. The restoration plan shall provide the following: a schedule; plans for grading of disturbed areas to pre-project contours; a planting palette with plant species native to the project area (if applicable); seed collection location; invasive species management; success criteria; monitoring timeline and protocol until performance standards are met; and maintenance requirements (e.g., watering, weeding, and replanting), and a reporting schedule.

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. Examples of additional mitigation include, but are not limited to, enhancement activities such as increasing the presence of native species and reducing dominance of non-native/invasive species, planting native willow cuttings, planting of native riparian vegetation and trash removal.
4. The Water Board may extend the monitoring and maintenance period beyond requirements of the restoration plan upon a determination by Water Board staff that success criteria have not been met or are not likely to be met within the monitoring period.

**F. Compensatory Mitigation for Permanent Impacts to Waters of the State**

1. Compensatory mitigation is required for permanent impacts to waters of the state, unless Dischargers have demonstrated and attained Water Board agreement that the project authorized by this General Order was designed to restore or improve the ecological function and value of the impacted water of the state.
2. When compensatory mitigation is required, Dischargers shall provide the following:
  - a. A proposed compensatory mitigation plan at a level of detail sufficient to demonstrate that 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. Permanent impacts to waters of the state are not authorized and shall not occur until a compensatory mitigation plan has been approved by Water Board staff.
  - b. Mitigation may be required to ensure compliance with Executive Order W-59-93 that requires no net loss of the structure or function of California's wetland resources<sup>9</sup>. Mitigation should be in kind as much as is feasible. If mitigation is out of kind, the amount of mitigation should be increased. When mitigation is constructed, enhanced, or preserved offsite, the amount of mitigation should be increased to account for the distance between the impact site and the mitigation site. The amount of mitigation should also account for the uncertainty associated with the successful creation of a mitigation site. The Water Board will require a higher overall mitigation ratio where necessary to ensure replacement of lost aquatic resource functions and for permittee responsible mitigation conducted

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<sup>9</sup> Includes temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or permanent degradation of ecological condition.

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concurrently with impacts, subject to approval by the appropriate Regional Water Board.

- c. Subject to approval by the appropriate Water Board, mitigation may be satisfied using any of the following compensatory mitigation methods: restoration, enhancement, establishment, and/or preservation<sup>10</sup>.
- d. Compensatory mitigation shall be provided through a mitigation bank or in-lieu fee program, where feasible. 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 appropriate Water Board.
- e. **Mitigation:** Monitor restoration and compensatory mitigation sites as specified in the approved restoration and compensatory mitigation plans.

### G. Reporting and Notification Requirements

The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachments A (Notice of Intent for initial enrollment request) and C (post enrollment reporting), including specifications for photo and map documentation during the project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment C, which must be signed by the discharger or an authorized representative.

1. **Request for Authorization:** The NOI shall be submitted to the Regional Board for the region in which the discharge may occur. Where the discharge falls under the jurisdiction of more than one Regional Board, the NOI shall be submitted to the State Water Board. If the proposed project activities may involve a Federal Energy Regulatory Commission (FERC)-licensed facility, Dischargers shall notify the State Water Board Division of Water Rights. Where the proposed activities may involve a FERC-licensed facility, the project may be covered by this General Order only upon receipt of written approval by the Deputy Director for the Division of Water Rights or their designee. Otherwise, the Deputy Director for the Division of Water Rights or their designee may determine that an individual certification is necessary.

Dischargers shall submit an NOI for certification at least 45 days before any project activity occurs. 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 maximum extent practicable. The NOI shall also include a jurisdictional delineation of all impact sites, as well as a description of any cultural resources identified in the project area. The NOI must justify why the activity is wildfire related and provide supportive documentation. NOIs for activities unrelated to wildfire will be excluded from

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<sup>10</sup> 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.

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- enrollment. Detailed requirements for NOI submission are listed in attachment B.
2. The NOI must also comply with the instructions set forth in Attachment B.
    - a. **NOI Review Process:** NOIs will be reviewed for completeness by Water Board staff within 30 days from the NOI receipt date.
    - b. Incomplete NOIs will be returned with a description of information needed to satisfy deficiency(ies).
    - c. After receipt of a complete NOI, the Water Board will issue one of the following:
      - i. 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 certification or WDR is obtained.
      - ii. A Notice of Applicability. Dischargers may not proceed with project activities until a Notice of Applicability has been issued by the Water Board.
      - iii. If the Water Board does not issue an NOA or Notice of Exclusion within 45 days of receiving a complete NOI, the Discharger may proceed with the project according to all applicable General Order conditions.
  3. **Commencement of Construction:** Dischargers shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and, if applicable, corresponding Waste Discharge Identification Number (WDID) issued under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ or 2022-0057-DWQ).
  4. **Annual Reporting:** Dischargers shall submit an Annual Report by June 1 of each year unless a Notice of Applicability specifies a different due date for this report. Annual reporting shall continue until the Water Board issues a Notice of Project Complete Letter to the Discharger. Dischargers shall provide at least one annual report, in the event the project is completed in less than one year.
  5. **Request for Notice of Project Complete Letter:** Dischargers shall submit a Request for Notice of Project Complete Letter when construction and any post-construction monitoring is complete, and no further project activities will occur; this request shall be submitted to Water Board staff within thirty (30) days following completion of all project activities. Water Board staff may conduct an inspection prior to approval of the request. Upon approval of the request, the Water Board staff shall issue a Notice of Project Complete Letter to the Discharger which will end associated annual fees. Completion of post-construction monitoring shall be determined by Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

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- a. The Water Board will consider the request when all portions of the project area comply with all the following conditions:
  - i. All restoration and mitigation performance criteria have been met;
  - ii. The Discharger has completed all project activities;
  - iii. There is no greater potential for construction-related stormwater pollutants to be discharged into site runoff than prior to the construction project activities;
  - iv. Construction-related equipment and temporary BMPs have been removed from the site;
  - v. Construction materials and wastes have been disposed of properly; Soils disturbed by construction activities have been permanently stabilized (final stabilization), using materials that:
    - 1. Have a product life that support the full and continued stabilization of the site;
    - 2. Achieve stabilization without becoming trash or debris; and
    - 3. Minimize the risk of wildlife entrapment.
  - vi. Seventy percent ground cover installation is complete, where appropriate, permanent vegetative cover must be evenly established over 70 percent of all disturbed and exposed areas of soil (non-paved or non-built). In areas that naturally have low vegetative coverage (e.g., deserts), 70 percent of natural conditions of local undisturbed areas is acceptable. Photos of all site areas are required to verify compliance with the 70 percent final cover requirement.

### 6. Water Quality Monitoring

- a. **General:** If surface water is present within the project area, visual monitoring shall be conducted during active construction to detect discharge of construction related pollutants (e.g., oil and grease, sediment and earthen materials, uncured concrete).
- b. **Potentially Noncompliant Discharges:** Dischargers shall notify the Water Board when the discharge includes hazardous materials or may cause or contribute to an exceedance of water quality objectives or water quality control plans. Water Board staff may require additional water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.
- c. **In-Water Work or Diversions:** For projects involving planned work in water or stream diversions, a water quality monitoring plan shall be submitted to the Water Board for acceptance at least 30 days in advance of any discharge to the affected water body. Water quality monitoring shall be conducted in accordance with the approved plan.
- d. **Post-Construction:** Until a Notice of Project Completion is issued, visually inspect the project site between October 30 and April 15 following



the initial annual rain event that results in 0.5 inch of rainfall or more in 48 hours to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the project site. If water quality pollution is occurring, contact the Water Board staff member overseeing the Project within three (3) working days. The Water Board may require the submission of a Violation of Compliance with Water Quality Control Plan Report. Additional permits may be required to carry out any necessary site remediation.

**7. Conditional Notifications and Reports:**

**a. Accidental Discharges of Hazardous Materials:** Following a discharge of a reportable quantity of a hazardous material, sewage, or an unknown material as set forth by Water Code Section 13271, the following applies:

- i. 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:
  - First call – 911 (to notify local response agency)
  - Then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911
  - Lastly, follow the required OES procedures as set forth in the Office of Emergency Services' Accidental Discharge Notification Web Page  
[https://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill\\_Booklet\\_Feb2014\\_FINAL\\_BW\\_Acc.pdf](https://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)
- ii. Following notification to OES, Dischargers shall notify the Water Board within 24 hours. Notification may be delivered via written notice, email, or other verifiable means.
- iii. Within five (5) working days of notification to the Water Board, Dischargers must submit an Accidental Discharge of Hazardous Material Report.

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

- i. Dischargers shall notify the Water Board 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.
- ii. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Control Plan Report.

**c. Modifications to Project:** Project modifications may require an amendment of project documentation to maintain coverage under this General Order. Dischargers shall give advance notice to Water Board staff if project implementation as described in the materials submitted with the NOI is altered in any way or by the imposition of subsequent permit

## General Certification of the Corps' Wildfire RGP 10

conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report.

### **IX. Application Fees**

General Order enrollment is conditioned upon total payment of any fee required under California Code of Regulations, title 23. A fee calculator can be found online at: [https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/#fees](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#fees). The calculator is useful to estimate fees, but Dischargers must confirm the correct fee amount through consultation with the approving Water Board. Appropriate fees will be determined by the current fee regulations at the time of NOI submittal. Dischargers should confirm the correct fee amount prior to submitting an NOI. Fees are periodically adjusted, and annual fees may apply.

### **X. Public Notice**

The State Water Board provided public notice of the request for certification pursuant to California Code of Regulations, title 23, section 3861, from April 3, 2023, to May 18, 2023. The State Water Board received one comment from The Citizens Committee to Complete the Refuge (CCCR). The comment letter raised a number of concerns regarding the Corps General Permit process, including that the Corps failed to comply with applicable federal regulations. The commentor is concerned about the cumulative effects of projects enrolled under this General Order. State Water Board staff considered the Corps' estimate that the RGP would be used approximately 115 times annually, only 10 of which would have permanent impacts, and does not anticipate significant impacts will result from covered activities because all enrolled projects must meet a CEQA exemption. Impacts of individual projects authorized under the order would additionally be kept to a minimum due to the size limitation of 0.5 acres or 300 linear feet contained in the Corps' RGP, and the mitigation requirement for projects that would result in permanent impacts to waters of the state. In general, the description of activities is appropriate given that wildfire activities are broad and unpredictable. State Water Board staff considered additional recommendations set forth in the letter but notes that many of the concerns expressed in the letter relate to the Corps' public notice process and the content of the RGP and cannot be addressed through this General Order.

### **XI. California Environmental Quality Act (CEQA)**

The State Water Board has determined that this General Order is exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061. The State Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) working days from the issuance of this General Order (Cal. Code Regs., tit 14 § 15062). Each covered activity must meet a California Code of Regulations, title 14, categorical exemption (e.g., §15301 Existing Facilities; §15302 Replacement of Reconstruction; §15269 Emergency Projects) to which an exception does not apply or be eligible for a statutory CEQA exemption.



## **XII. Petitions for Reconsideration**

Any person aggrieved by this action may petition the State Water Board to reconsider this General Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this General Order. A petition regarding the issuance of a Notice of Exemption or Notice of Applicability may be filed pursuant to Water Code section 13330.

## **XIII. Water Quality Certification**

I hereby issue the General Order for the U.S. Army Corps of Engineers Regional General Permit for Wildfire, SB23031GN, certifying that as long as all of the conditions listed in this General Order are met, any discharge from the covered activities 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 Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this General Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Water Code, section 13000 et seq.).

Authorization is contingent on: (a) compliance with the conditions of this General Order and the attachments to this General Order; and (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, and the Regional Water Boards' Water Quality Control Plans.

---

Date

**Karen Mogus**  Digitally signed by Karen Mogus  
Date: 2023.07.07 10:38:05 -07'00'

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Karen Mogus, Deputy Director  
Division of Water Quality

## Attachment A – Notice of Intent

### Section 1: Project Purpose<sup>1</sup> and Activity

Select the Proposed Project Purpose:

- Post-Wildfire Response or Cleanup Activity (Repairs and debris removal)
- Pre-Wildfire Mitigation (Prevents wildfire ignition)

Select the Activity Type(s):

- Utility Lines and Associated Infrastructure
- Access Area
- Dewatering Structures
- Management of Sediment & Debris
- Damaged Uplands
- Fire/Fuel Breaks
- Development Structures

Wildfire Nexus Description:

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<sup>1</sup> Refer to General Order Attachment B for instructions on how to fill out this Notice of Intent.

**Section 2: Legally Responsible Party (Applicant) and Duly Authorized Representative Information**

Discharger Information	Legally Responsible Party (required)	Authorized Representative (optional)
Name of Company		
Name of Contact		
Title of Contact		
Address		
City, State, Zip		
Phone Number(s)		
Email Address		

**Section 3: Fees and Billing Information**

Pay the application fee online at the State Water Board [website](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#fees) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/#fees](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#fees)) or include a check, money order or cashier check, payable to the State Water Board, with your NOI. Provide contact information for where annual fee invoices should be mailed.

Information	Billing Information
Name of Company	
Name of Contact	
Title	
Address	
City, State, Zip	
Phone Number(s)	
Email Address	

**Section 4: Other Agency Permits, Licenses, Agreements, Plans, and Email Correspondence**

Attach application if final action not yet taken.

Permit Name	Has an application been submitted? (yes/no/NA)	If yes, has a permit been received? (yes/no)	Permit Type	ID Number (e.g. Corps file number)
Army Corps NWP Pre-Construction Notification (PCN)				
US Fish and Wildlife Service Incidental Take Permit				
National Marine Fisheries Service Incidental Take Permit				

Permit Name	Has an application been submitted? (yes/no/NA)	If yes, has a permit been received? (yes/no)	Permit Type	ID Number (e.g. Corps file number)
Other Federal Permits				
California Department of Fish and Wildlife Lake and Streambed Alteration (LSA) Agreement				
Coastal Development Permit				
Other State Permits				
Local Permit(s)				

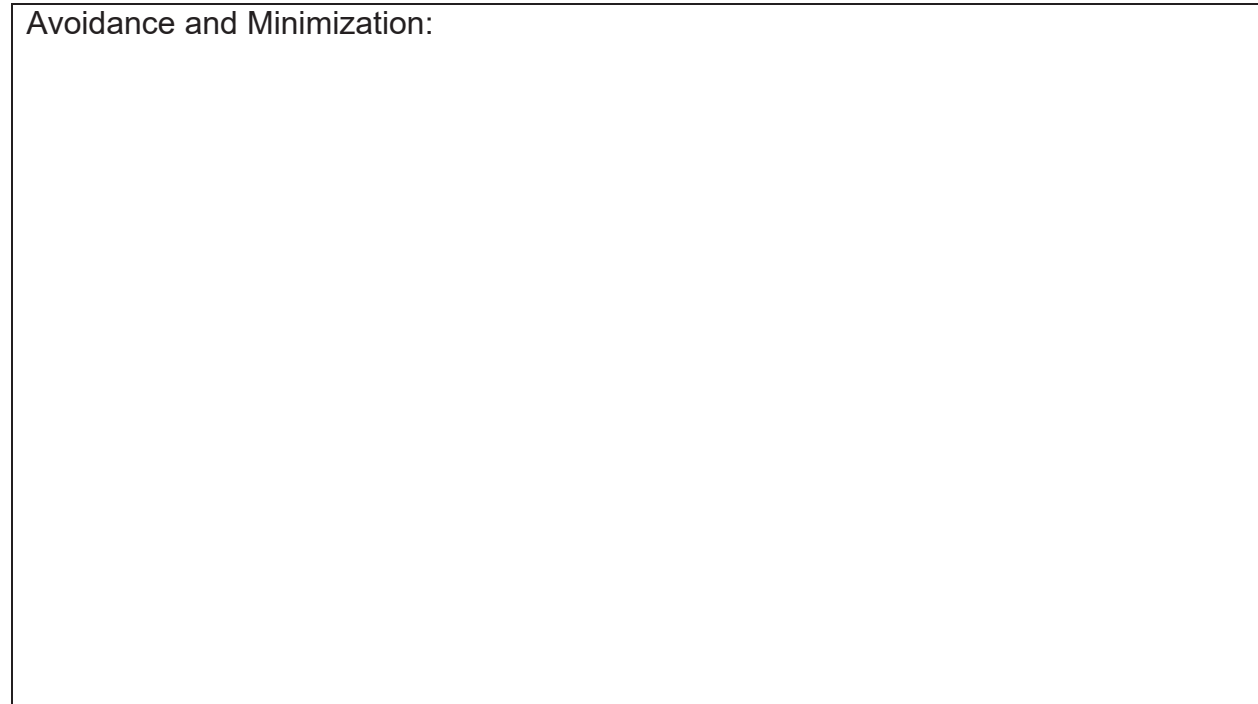
**Section 5: Project Information**

(supplemental information can be attached on separate pages)

Project Name:
Project Address (Include city (or nearest city), zip code, county, and Assessor's Parcel Number):
Coordinates (decimal degrees):
Construction Timeframe (Provide approximate start and end dates):
Project Description/Purpose:

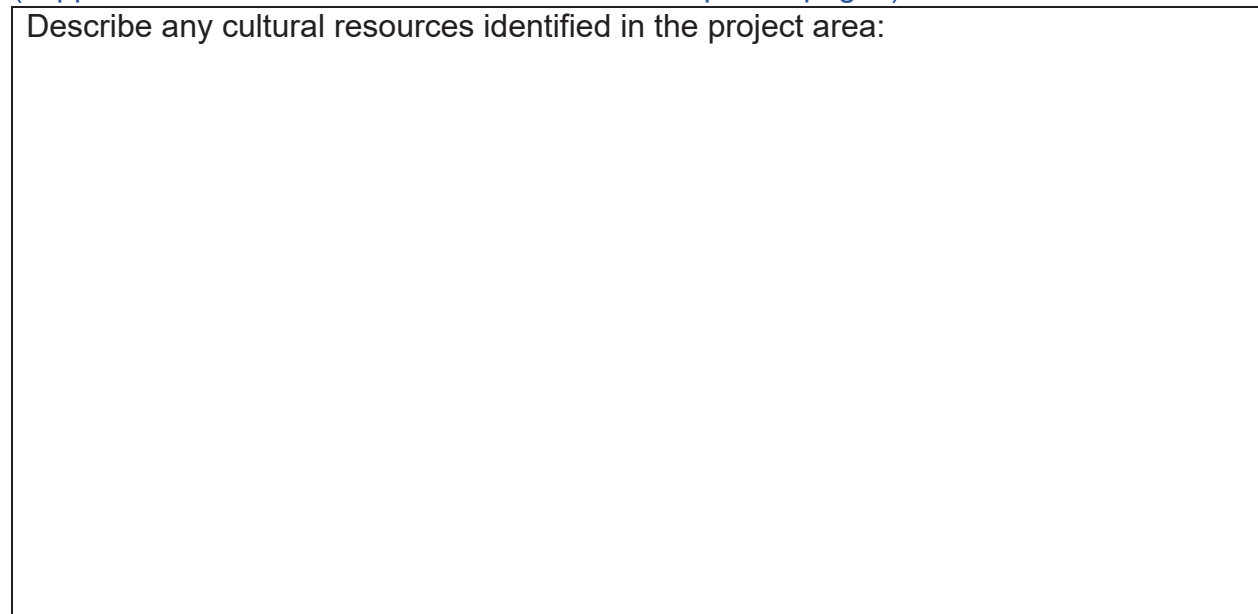
Section 6: Avoidance, Minimization  
(supplemental information can be attached on separate pages)

Avoidance and Minimization:



Section 7: Cultural Resources:  
(supplemental information can be attached on separate pages)

Describe any cultural resources identified in the project area:



Section 8: Temporary Impacts, Permanent Impacts, and Compensatory Mitigation

**Temporary Impacts:** Would your project result in temporary impacts to waters of the state? If yes, attach the restoration plan with a reporting schedule.

**Total Temporary Impacts:** \_\_\_\_\_ acres; \_\_\_\_\_ linear feet

**Permanent Impacts:** Would your project result in permanent impacts to waters of the state? If yes, please attach a clear compensatory mitigation plan.

**Total Permanent Impacts:** \_\_\_\_\_ acres; \_\_\_\_\_ linear feet

**Work In Flowing Waters:** Will your project occur in flowing waters? If Yes, a clear diversion or dewatering plan must be submitted with the NOI.

*Remainder of page intentionally left blank.*

Table 2: Receiving Waters Information<sup>2</sup>

Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303(d) Listing Pollutant(s)

Table 3: Individual Direct Impact Information

Impact Site ID	Aquatic Resource Type	Latitude	Longitude	Permanent or Temporary Impact?	Acres	Linear Feet	Dredge or Fill/Excavation?

<sup>2</sup> Attach additional tables or add rows to the tables as needed. For receiving waters information (e.g., beneficial uses, watershed identification, etc.) refer to the Regional Water Basin Plans on the applicable Regional Water Board website or the [State Water Board's Plans and Policies website](https://www.waterboards.ca.gov/plans_policies/) (https://www.waterboards.ca.gov/plans\_policies/).

**Section 9: Documentation**

Check any of the following documents that are applicable to your project and attach copies to your NOI.

- Fee Check or Online Payment Receipt
- Other Agency Correspondence, Permits and Permit Applications
- Map of Project Components and Waters of the State (required for all projects)
- Drawings, or Design Plans
- Aquatic Resource Delineation Report
- Temporary Impact Restoration Plan
- Compensatory Mitigation Plan
- Horizontal Directional Drilling Plan
- Pre-Project Photographs
- Proposed Dewatering Plan
- Stormwater Pollution Prevention Plan
- Additional Pages and/or Supplemental Information

**For Internal Water Board Use  
Only**

Reviewer:

Date Received:

Reg Measure ID:

WDID:

Check Number:

*Application Approval and Signatures on Next Page*



Section 10: Legally Responsible Party and Duly Authorized Representative Signature

See NOI Instructions for Legally Responsible Party eligibility. *Legally Responsible Party Attestation*

I certify under penalty of law that this application and all attachments were prepared under my direction or supervision in accordance with a process designed to assure that qualified personnel properly gather and evaluate the information submitted. 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 for knowing violations.

Print Legally Responsible Person Name (Not the Duly Authorized Representative)

X

Legally Responsible Person's Signature

Duly Authorized Representative assignment is as follows (optional):

The authorization shall specify that a person designated as a Duly Authorized Representative has responsibility for the overall operation of the regulated facility or activity, such as a person that is a manager, operator, superintendent, or another position of equivalent responsibility, or is an individual who has overall responsibility for environmental matters for the company. *Optional Duly Authorized Representative Assignment*

I hereby authorize [Print Duly Authorized Representative's Name] to act on my behalf as the Duly Authorized Representative in the processing of this NOI, and to furnish upon request, supplemental information in support of this NOI.

Print Legally Responsible Person Name (not the Duly Authorized Representative)

X

Legally Responsible Person's Signature

## Attachment B – Notice of Intent Instructions

### How to Apply

Applicants seeking General Order authorization for Regional General Permits (RGP) are required to submit a Notice of Intent (NOI) to the appropriate Water Board. A [map showing regional water board jurisdictional boundaries](http://www.waterboards.ca.gov/waterboardsmap.shtml) is available on the Water Board's website (<http://www.waterboards.ca.gov/waterboardsmap.shtml>). Addresses and contact information can be found in the online [Staff Directory](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/staffdirectory.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf)).

### Regional Water Board NOI Submission

Submit the NOI and application fee to the Regional Water Board with jurisdiction where the proposed project impacts would occur. For projects that cross a regional board boundary, submit the NOI to the State Water Board as directed below.

### State Water Board, Division of Water Quality NOI Submission

For projects that cross a regional board boundary: submit the NOI to the State Water Board, Division of Water Quality with the application fee. The appropriate Regional Board(s) should also be provided a copy of any NOI submitted to the State Water Board. For State Water Board NOIs, mail to:

State Water Resources Control Board, Division of Water Quality  
1001 I Street; 15th Floor  
Sacramento, CA 95814  
([SWBNWP@waterboards.ca.gov](mailto:SWBNWP@waterboards.ca.gov))

### Notice of Intent Review Process

**To avoid project delays, submit an NOI as early as possible.** Within 30 days of NOI receipt, Water Board staff will determine if the NOI is complete.

- Incomplete NOIs will be returned to the applicant with a request to provide information needed to determine the NOI complete. In cases where the NOI is incomplete and the applicant fails to provide the requested information, the Water Board may issue a Notice of Exclusion (NOE).
- If the NOI is determined complete, within 45 days of NOI receipt, the Water Board will either issue a Notice of Applicability (NOA) or an NOE.
  - If the Water Board does not issue an NOA or NOE within 45 days of receiving a complete NOI, the discharger may proceed with the project according to all applicable General Order conditions.
- An NOA authorizes the proposed activity for enrollment under the General Order. An NOE denies authorization and enrollment of the proposed activity under the General Order.

## Definitions

*Consider the following definitions while completing your NOI.*

**Permanent aquatic resource impacts** will permanently change an aquatic resource to a non-aquatic habitat type or permanently changes the bottom elevation of an aquatic resource. Permanent impacts can result in physical loss of area and ecological degradation.

**Temporary aquatic resource impacts** are impacts that temporarily cause a physical loss or ecological degradation of an aquatic resource. The impact must be restored to pre-project conditions through natural ecological processes or active restoration in order to be classified as temporary. If the impact is not restored to pre-project condition, it is classified as permanent.

### Form Instructions

#### **Section 1: Proposed Project Purpose**

Identify the Proposed Project Purpose and Activity Type that applies to the project.

#### **Wildfire Nexus Description:**

Wildfire Prevention, Protection, Response, Clean-up, and Recovery: Please describe how the project has a clear nexus to wildfire and how the project's goals will accomplish wildfire prevention, protection, response, clean-up, or recovery in the project area.

#### **Section 2: Legally Responsible Party and Duly Authorized Representative Information**

**Legally Responsible Party, Contact Name, and Title:** Provide the full, legal company name of the responsible party (applicant). Most commonly, the applicant is the property and/or facility owner. If the applicant is an individual and not a company, indicate that a company name is not applicable. If the applicant is an agency, company, corporation or other organization, a contact name (first, middle initial, last) of the main representative of the company and their title must be provided. The applicant will be the entity or individual responsible for compliance with state and federal regulations, including the Clean Water Act, California Water Code, applicable Water Quality Control Plans, and General Order Conditions.

**Legally Responsible Party Contact Information:** Telephone number, email address, and the company's mailing address (not the project address) including the street, city, state, and zip code must be provided. **Note that the company's mailing address will also be used for billing purposes.**

**Duly Authorized Representative Name and Title:** The Duly Authorized Representative (agent) is authorized to certify and submit applications or reports to the Water Boards on behalf of the Legally Responsible Party. Telephone number, email address, and the agent's mailing address (not the

project address) including the street, city, state, and zip code must be provided. It is not a requirement to have an agent. If you choose to be represented by an agent, provide the agent's information in this section. If you choose to not be represented by an agent leave this section blank.

### Section 3: Fees

Fee amounts are determined according to the [Cal. Code Regs., tit. 23, § 2200\(a\)\(2\) fee schedule](https://govt.westlaw.com/calregs/Document/ID94F25C07BEA11EDA8A9DEC7E923577F?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)) ([https://govt.westlaw.com/calregs/Document/ID94F25C07BEA11EDA8A9DEC7E923577F?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/ID94F25C07BEA11EDA8A9DEC7E923577F?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))).

- A [fee calculator](#) is available online and may be used to **estimate** fees ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/#fees](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#fees)).
- Include only the application fee with your NOI. Water Board staff will determine whether any additional project fees are required during NOI review.
- Fees may be paid online or by check, money order, or cashier check. Information on how to make an online payment is available at the State Water Board's [Fee Payment Website](#) ([https://www.waterboards.ca.gov/make\\_a\\_payment/](https://www.waterboards.ca.gov/make_a_payment/)). If fees are paid online prior to application submission, attach payment receipt to the NOI. Although fees should be included with the NOI and submitted to the appropriate Water Board, **make all checks, money orders, and cashier checks payable to the "State Water Board."**
- Fees are subject to change.

### Section 4: Other Agency Permits, Licenses, Agreements, Plans, and Email Correspondence

Provide the following information for each permit from other agencies:

- **Have you applied?** Indicate yes if you have applied for the specified permit; indicate no if you have not.
- **Have you received the permit?** Indicate yes if you have received the permit; indicate no if you have not.
- **Permit Type:** Provide the name of the permit.
- **ID Number:** Provide the permit's identification number or unique identifier.

### Section 5: Project Information

**Project Name:** Provide the project name. The project name will be used in all correspondence referencing the project. Be sure the project name is consistent with other agency permits and applications for the same project, and is consistent on all maps, drawings, and reports. The project name should be clearly relevant to the project (e.g., Blue Creek Bridge Project; Jones Subdivision Road Widening Project).

**Project Address:** Provide the street address of the project location and the Assessor's Parcel Number (APN). If the proposed project does not have a physical street address, be as descriptive as

possible in this section. For example, “Leisure Town Rd., 5.5 miles south of the intersection of I-80 and Leisure Town Rd.”

**Coordinates:** Indicate the location for the center point of your project in decimal degrees (approximate location is acceptable). Assistance in determining a project’s coordinates is widely available through various free online services or your local library.

**Construction Timeline:** Provide the estimated start and end dates for the proposed project.

**Project Description/Purpose:** Provide a detailed, technically accurate narrative description of the proposed project purpose, project design, all activities planned to complete the design. Include total impacts, area of ground disturbance and area of impact to all aquatic resources on the site (i.e., any and all streams, wetlands, lakes, ponds, beaches, shorelines, etc). If temporary diversions or impoundments of water, cofferdams, or similar structures are proposed, include a dewatering plan as required in General Order section VIII.D.16.b If trimming of riparian vegetation is proposed, describe the species impacted and explain why trimming is necessary to complete the project.

## **Section 6: Avoidance, Minimization, and Cumulative Impacts**

**Avoidance and Minimization:** Describe steps taken to avoid impacts to waters and measures incorporated into the project design to minimize loss of, or significant adverse impacts to, beneficial uses of waters of the state, including on-site restoration of the project area. A description may include actions or methods proposed for erosion control, including winterization strategies to stabilize bare soils and revegetation proposals. A map may be included to indicate the approximate location and area of soil, land and vegetation disturbance, and proposed erosion and sediment control best management practices (BMPs) proposed to avoid and minimize project impacts to waters of the state, including BMPs for hazardous substances. Refer to the Procedures’ state Supplemental Dredge or Fill Guidelines, subpart H, for actions to minimize adverse impacts to waters of the state. If the effects of impervious surfaces will be minimized through implementation of Low Impact Development treatments, describe those minimization treatments.

**Cumulative Impacts:** Include a discussion of any potential cumulative impacts. Provide a brief description, including estimated adverse impacts of any projects implemented by the project applicant within the last five years or planned for implementation by the applicant within the next five years that are in any way related to the proposed activity or that may impact the same receiving water body(ies) as the proposed activity. For this item, the waterbody extends to a named source or stream segment identified in the relevant Regional Water Quality Control Plan (Basin Plan). Water Board Basin Plans are found on the applicable Regional Board Basin Plan webpage, and also located on the [State Water Board’s Plans and Policies website](https://www.waterboards.ca.gov/plans_policies/) ([https://www.waterboards.ca.gov/plans\\_policies/](https://www.waterboards.ca.gov/plans_policies/)).

## Section 7: Temporary Impacts, Permanent Impacts, and Compensatory Mitigation

**Temporary Impacts:** Indicate yes if your project will result in temporary impacts to waters of the state. Provide the total temporarily impacted area in acres, to the nearest thousandth of an acre. Provide the total temporarily impacted length to the nearest whole foot. These quantities must match the sum of the temporary impact quantities provided in Table 3. If you are proposing temporary impacts attach a restoration plan, that contains all General Order requirements (a schedule; plans for grading of disturbed areas to pre-project contours; a planting palette with plan species native to the project area; seed collection location; invasive species management; success criteria; and maintenance requirements (e.g., watering, weeding, and replanting). A restoration plan must be provided before your NOI may be determined complete.

**Permanent Impacts:** Indicate yes if your project would result in permanent impacts; indicate no if it would not. Provide the total permanently impacted area in acres, to the nearest thousandth of an acre. Provide the total temporarily impacted length to the nearest whole foot.

**Table 2: Receiving Waters Information:** Populate Table 2 with the requested information as described below.

- **Impact Site ID:** Identify the impact site with a site ID. Site IDs should correspond to those used in project maps and other agency application materials.
- **Waterbody Name:** List the waterbody name found in the applicable Basin Plan. If the impact site ID occurs in an unnamed waterbody enter “unnamed” and provide the first named downstream receiving water. Contact Water Board staff for Basin Plan maps or general assistance completing this section, if needed. Regional Board Basin Plans are also located on the [State Water Board's Plans and Policies website](https://www.waterboards.ca.gov/plans_policies/) ([https://www.waterboards.ca.gov/plans\\_policies/](https://www.waterboards.ca.gov/plans_policies/)).
- **Impacted Aquatic Resource Type:** For each impact site ID, identify the impacted aquatic resource type from the following list: lake, ocean, bay, estuary, riparian zone, stream channel, vernal pool, or wetland. (More refined or precise resource classifications may be used in project plans and related documents.)
- **Water Board Hydrologic Units:** Identify the Water Board Basin Plan hydrologic unit code (HUC). Note that the Basin Plan HUC is not the same as a U.S. Geological Survey HUC. If unknown, indicate UNK and this information will be completed by Water Board staff.
- **Receiving Waters:** List the first downstream waterbody with beneficial use designation in the Water Board Basin Plan. If unknown, indicate UNK and this information will be completed by Water Board staff.
- **Receiving Waters Beneficial Uses:** List the beneficial use designation. If unknown, indicate UNK and this information will be completed by Water Board staff.
- **303d Listing Pollutant:** List pollutants for receiving waters that have a 303(d) impairment designation; if the water is not listed, indicate NA. If unknown, indicate UNK and this information will be completed by Water Board staff.



- **eCRAM ID:** If a California Rapid Assessment Method (CRAM) assessment has been performed at this location, provide the CRAM assessment area ID and attach the CRAM score sheet to the NOI.

**Table 3 - Individual Direct Impact Information:** Populate Table 3 with the requested information as described below. This table may be used for dredge or fill/excavation activities.

- **Impact Site ID:** Identify the impact site with a site ID; site IDs should correspond with those used in Table 2.
- **Latitude:** Provide the center coordinate of the impact site in decimal degrees.
- **Longitude:** Provide the center coordinate of the impact site in decimal degrees.
- **Permanent or Temporary:** Indicate if the impact at the impact site ID is permanent or temporary.
- **Acres, Cubic Yards, and Linear Feet:** Provide the area in acres, volume in cubic yards dredged (if applicable), and length in linear feet for each impact site. For acres, round to the nearest thousandth of an acre.
- **Dredge or Fill/Excavation?** For each impact site, identify if the impact is from dredging or from fill/excavation activities.

## Section 8: Documentation

Use the checklist to confirm the necessary documentation is attached to your NOI. If you determine one of the listed items does not pertain to your project, leave the checkbox empty:

- **Fee Check or Online Payment Receipt**
- **Other Agency Correspondence, Permits, and Permit Applications:** Attach other agency permits, applications, or correspondence as required in Section 4. If the Corps requires submittal of a Pre-Construction Notification (PCN), include a copy with the NOI.
- **Aquatic Resource Delineation Report:** Include if available.
- **Drawings, or Design Plans:** As applicable, attach drawings, including plan and cross-section views, clearly depicting the location, size, and dimensions of the proposed activity, as well as the location of delineated waters on the site. The drawings should contain a title block, legend and scale, amount (in cubic yards, if applicable) and area (in acres) of fill, including both permanent and temporary impacts. The ordinary high-water mark or, if tidal waters, the mean high water mark and high tide line, should be shown (in feet), based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation and design plans. Maps prepared according to the description below may satisfy some or all of this information.
- **Temporary Impact Restoration Plan**
- **Map(s):** Submit maps of sufficient detail to clearly illustrate all project elements, site characteristics, and impacts, with a scale of at least 1:24000 (1" = 200'). Acceptable map formats, listed in order of preference, are:



- **GIS shapefiles:** Shapefiles must depict the boundaries of all project areas, site characteristics, and extent of aquatic resources impacted or avoided. Each shapefile should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and, if possible, provide map with north American datum of 1983 (NAD 83) in the California Teale Albers projection in feet.
- **KLM files:** Saved from online mapping services. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used, include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Other electronic format:** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacts. If this format is used, include a table with the object ID and attributed with the extent/type of aquatic resources impacted.
- Aquatic resource maps marked on paper **USGS 7.5 minute topographic maps or Digital Orthophoto Quarter Quads (DOQQ):** Original or legible copies are acceptable. Maps must show boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used, include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Pre-Project Photographs:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.
- **Proposed Dewatering Plan:** If not included in project description.
- **Additional Pages and/or Supplemental Information:** For example, if the requested information does not fit in the space provided on the form, or if you would like to provide supplemental information not requested in the NOI.

## Section 9: Legally Responsible Party and Duly Authorized Representative Signature

The Legally Responsible Party (LRP) must comply with the eligibility requirements described below (and set forth in Attachment D). The LRP shall sign and submit the NOI to the appropriate Water Board. Water Board mailing addresses are located in the [Staff Directory](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/staffdirectory.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf)).

The attestation on the NOI form must be signed by the LRP. LRP eligibility is as follows:

1. For a corporation: The NOI must be signed by a responsible corporate officer of at least the level of vice-president.
2. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

Wildfire Regional General Permit Activities  
Attachment B Notice of Intent Instructions

3. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. This includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of the U.S. EPA).

## Attachment C – Report and Notification Requirements

### Report Submittal Instructions:

1. Check the box on the Report and Notification Cover Sheet (page 8 and 9 of this document) next to the report or notification you are submitting. See the General Order and Notice of Applicability (NOA) for report and notification requirements specific to your project.
2. Complete and sign the Report and Notification Cover Sheet and attach all information requested for the Report or Notification Type.
3. Submit the signed Report and Notification Cover Sheet and required information via email to the Water Board staff assigned to your project.
4. Include in the subject line of the email:  
ATTN: [Staff Name] and [Reg Measure ID] Report

### Map/Photo Instructions:

**Map Format Information:** Preferred map formats of at least 1:24000 (1" = 2000') detail (listed in order of preference), pdf maps are also acceptable:

- **GIS shapefiles:** The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of impacted aquatic resources. 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 (NAD83) in the California Teale Albers projection in feet.
- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID attributed with the extent/type of each impacted aquatic resource.

**Photo-Documentation:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

## Part A – Annual Reports

### Report Type 1 - Annual Report

1. **Report Purpose** – Notify the Water Board staff of project status throughout the duration of the project.
2. **When to Submit**– the discharger shall submit an annual report each year by June 1; if not specified, the report shall be submitted on the anniversary of project effective date, until a Notice of Project Complete Letter is issued to the discharger.
3. **Report Contents** – The contents of the annual report shall include the topics indicated below. Report contents are outlined in annual Report Topics below.

#### **Topic 1: Construction Summary**

#### **Topic 2: Mitigation for Temporary Impacts Status**

#### **Topic 3: Compensatory Mitigation for Permanent Impacts Status**

**A. Annual Report Topic 1 - Construction Summary** - Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay.

- i. Map showing general project progress.
- ii. Summary of Conditional Notification and Report Types 7 (Part C below), if applicable.

#### **B. Annual Report Topic 2 - Mitigation for Temporary Impacts Status**

- i. Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state.
- ii. If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of success criteria contained in the restoration plan.

#### **C. Annual Report Topic 3 - Compensatory Mitigation for Permanent Impacts Status - \*If not applicable report "N/A."**

- i. In-water project activities should include the following as required by the approved Compensatory Mitigation Plan:

##### **Permittee Responsible:**

1. If mitigation has not been installed, the planned installation date(s).
2. If installation is in progress, a map of what has been completed to date.

3. If installation is complete, provide a final map and information concerning attainment of success criteria contained in the compensatory mitigation plan.

**Mitigation Bank or In-Lieu Fee (ILF):**

- a. Status or proof of purchase of credit types and quantities.
- b. The name of bank/ILF program and contact information.
- c. If ILF, project location and type, if known.

## Part B – Project Status Notifications

### Report Type 2 - Commencement of Construction

1. **Report Purpose** - Notify Water Board staff prior to the start of construction.
2. **When to Submit** - Must be received at least seven (7) days prior to start of initial ground disturbance activities.
3. **Report Contents** -
  - a. Date of commencement of construction.
  - b. Anticipated date when discharges to waters of the state will occur.
  - c. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.
  - d. Construction Storm Water General Permit WDID No., if applicable.

### Report Type 3 - Request for Notice of Project Complete Letter

1. **Report Purpose** - Notify Water Board staff that construction and/or any post-construction monitoring is complete, and no further project activity is planned. Water Board staff will review the request and send a Project Complete Letter to the discharger upon approval. Termination of annual invoicing of fees will correspond with the date of the Project Complete Letter.
2. **When to Submit** - Must be received by Water Board staff within thirty (30) days following completion of all project activities.
3. **Report Contents** -
  - A. **Topic 1: Stormwater Compliance**
    - i. Status of post-construction stormwater BMP installation, pursuant to the General Order.
  - B. **Topic 2: Mitigation for Temporary Impacts**
    - i. A report establishing that the success criteria outlined in the restoration plan have been met for project site upland areas of temporary disturbance which could result in a discharge to waters of the state.
    - ii. A report establishing that the success criteria outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites.
  - C. **Topic 3: Permittee Responsible Compensatory Mitigation**
    - i. A report establishing that the success criteria outlined in the compensatory mitigation plan have been met.
    - ii. Status on the implementation of the long-term maintenance and management plan and funding of endowment.
    - iii. Pre- and post-photo documentation of all compensatory mitigation sites.
    - iv. Final maps of all compensatory mitigation areas (including buffers).

**D. Topic 4: Access Route Permanent Deactivation**

- i. At occurrences where watercourse crossings are not feasibly removed from permanently decommissioned roads, document the stabilization measures implemented to minimize erosion, facilitate hydrologic disconnection of surface drainage from waters of the state, and restoration of natural drainage patterns.



## **Part C – Conditional Notifications and Reports for All Projects**

### **Report Type 5 - Accidental Discharge of Hazardous Material Report**

- 1. Report Purpose** - Notifies Water Board staff that an accidental discharge of hazardous material has occurred.
- 2. When to Submit** - Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Water Board staff.
- 3. Report Contents** -
  - A.** The report shall include the Office of Emergency Services (OES) Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted.
  - B.** If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites.
  - C.** Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

### **Report Type 6 - Violation of Compliance with Water Quality Standards Report**

- 1. Report Purpose** - Notifies Water Board staff that a violation of compliance with water quality standards has occurred.
- 2. When to Submit** - The discharger shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Water Board staff.
- 3. Report Contents** - The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Water Board staff.

### **Report Type 7 - In-Water Work and Diversions Water Quality Monitoring Report**

- 1. Report Purpose** - Notifies Water Board staff of the completion of in-water work.
- 2. When to Submit** - Within seven (7) working days following the completion of in-water work. Continue reporting in accordance with the approved water quality monitoring plan.
- 3. Report Contents** - As required by the approved water quality monitoring plan.

### **Report Type 8 - Modifications to Project Report**

- 1. Report Purpose** - Notifies Water Board staff if the project, as described in the application materials, is altered in any way, including as a result of the imposition of subsequent permit conditions by any local, state, or federal regulatory authority.
- 2. When to Submit** - Prior to implementing any project changes.
- 3. Report Contents** - A description and location of any alterations to project implementation. Identification of any project modifications that will interfere with the discharger's compliance with the Order.

## Report and Notification Cover Sheet

**Project:** [Project Name]  
**Discharger:** [Applicant]  
**WDID/File Number:** [#####]  
**Reg. Meas. ID:** [#####]  
**Place ID:** [#####]  
**Order Effective Date:**<sup>1</sup> [Click here to enter a date](#)

### Report Type Submitted

#### Part A – Annual Reports

Report Type 1  Annual Report

#### Part B – Project Status Notifications

Report Type 2  Commence of Construction

Report Type 3  Request for Notice of Project Complete Letter

#### Part C – Conditional Notifications and Reports for All Projects

Report Type 5  Accidental Discharge of Hazardous Material Report

Report Type 6  Violation of Compliance with Water Quality Standards Report

Report Type 7  In-Water Work and Diversions Water Quality Monitoring Report

Report Type 8  Modifications to Project Report

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<sup>1</sup> The date the NOA was issued. If an NOA or Notice of Exclusion (NOE) was not issued for the project, the effective date is 45 days from the date the discharger submitted a complete Notice of Intent (NOI) to the Water Boards.

"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."

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**Print Name<sup>1</sup>**

**Affiliation and Job Title**

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**Signature**

**Date**

**<sup>1</sup>STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)**

I hereby authorize \_\_\_\_\_ to act in my behalf as my representative in the submittal of this report, and to furnish upon request, supplemental information in support of this submittal.

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**Signature**

**Date**

**\*This Report and Notification Cover Sheet must be signed by the Legally Responsible Person or a Duly Authorized Representative and included with all written submittals.**

## **ATTACHMENT D – SIGNATORY REQUIREMENTS**

All documents submitted in compliance with this General Order shall meet the following signatory requirements:

- 1.** All applications, reports, or information submitted to the Water Board must be signed and certified by the legally responsible party 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. This includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of the U.S. EPA).
- 2.** A duly authorized representative of the legally responsible party may sign documents if:
  - a.** The authorization is made in writing by the legally responsible party.
  - 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 Water Board Staff Contact prior to submitting any documents listed in item 1 above.
- 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.”

**Attachment E - Compliance with Code of Federal Regulations, title 40, section 121.7, subdivision (d).**

The purpose of this Attachment is to comply with Code of Federal Regulations, title 40, section 121.7, subdivision (d), which requires all certification conditions to provide an explanation of why the condition is necessary to assure that any discharge authorized under the certification will comply with water quality requirements, and a citation to federal, state, or tribal law that authorizes the condition. This Attachment uses the same organizational structure as Section XIV of the Order, and the statements below correspond with the conditions set forth in Section XIV. The other Order Sections are not "conditions" as used in Code of Federal Regulations, title 40, section 121.7.

This Attachment uses the same organizational structure as Section VIII. Conditions, and the statements below correspond with the conditions set forth in section VIII. The other Order Sections are not "conditions" as used in Code of Federal Regulations, title 40, section 121.7.

This Attachment includes citations to some sources of authority that are applicable to all conditions. These sources are specifically identified where they are most relevant but are also generally applicable to the conditions below. These conditions are generally required to comply with the state's Anti-Degradation Policy (State Board Resolution No. 68-16), which requires that for any "activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the state will be maintained." All Regional Board Water Quality Control Plans incorporate the state's Anti-Degradation Policy by reference. The state Anti-Degradation Policy incorporates the federal Antidegradation Policy (40 CFR Part 131.12 (a)(1)), which requires "existing 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, for 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 Boards adopted a modified version of U.S. EPA's section 404(b)(1) Guidelines in the Dredge or Fill Procedures (State Supplemental Guidelines).

The State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Dredge or Fill Procedures) was adopted on April 2, 2019, and went into effect on May 28, 2020. The Dredge or Fill Procedures were adopted pursuant to the State Water Board's authority under Water Code section 13140 (state policy for water quality control) and 13170 (water quality control plan), and accordingly have regulatory effect. Consistent with Government Code, section 11353, a clear and concise summary of the Dredge or Fill Procedures is available in California Code of Regulations, section 3013. Per the Procedures, the permitting authority may only

approve a project if the demonstrations set forth in Section IV.B.1 have been made. The information required by Section IV.A is necessary to ensure compliance with Section IV.B.1.

California Code of Regulations, title 23, Chapter 28 also sets forth regulations pertaining to water quality certifications. Section 3856 sets forth information that must be included in water quality certification requests, includes a description of steps that have or will be taken to avoid, minimize, and compensate for impacts to waters of the state.

## **VIII. Conditions**

Provided General Order conditions are adhered to, this General Order provides reasonable assurance that projects authorized under this General Order will comply with state water quality requirements. The Water Board will review any project proposed for authorization under this General Order to analyze impacts to water quality and designated beneficial uses within the applicable watershed(s). The Corps' Regional General Permit contains additional activity specific Terms and Conditions which apply to all covered activities. If the eligibility requirements set forth in this General Order are not met, the Water Board will not authorize the proposed project under this General Order and instead require the project proponent to apply for an individual order or enrollment under another general order. Dischargers may also choose to apply for an individual order. Dischargers may proceed with the project under the following terms and conditions in accordance with this General Order:

Authorization under this Order is granted based on the application information submitted. Water Code section 13264 prohibits any discharge that is not specifically authorized in this General Order.

### **A. Standard Conditions**

Conditions set forth in this section are standard conditions that "shall be included as conditions of all water quality certification actions." (Cal. Code of Regs., section 3860).

These conditions are necessary to assure that any discharge authorized under the general license or permit will comply with water quality requirements. Water quality requirements include state regulatory requirements for point source discharges into waters of the United States. California Code of Regulations, title 23, Chapter 28 sets forth regulations pertaining to water quality certifications for point source discharges to waters of the United States. This condition was included to comply with section 3860, which sets forth conditions that must be included in all water quality certifications.

In addition, the State Water Board has separate authority under the California Water Code to investigate and take enforcement action, if necessary, to prevent any unauthorized or threatened unauthorized diversions of water.



The State Water Board is responsible for the water right, water quality, and drinking water functions of the California state government. (Wat. Code, § 174). Certain certifications involve an appropriation of water subject to part 2 of division 2 of the Water Code or the diversion of water for certain beneficial uses. (See, e.g., Cal. Code Regs., tit. 23, § 3855, subd. (b)(1)(A)). This condition explains the State Water Board's issuance of this certification is not adjudicating or approving the validity of water rights that may be related to the project. It also recognizes the State Water Board's authority, independent of its water quality authority, to prevent unauthorized or threatened unauthorized diversions of water. This helps to ensure that an applicant for a federal license or permit that involves a discharge to navigable waters understands that, except as specified in the certification, the certification does not constitute, or excuse the project proponent from obtaining any other State Water Board approvals required for the activity.

## **B. General Compliance**

### **1. Permitted actions must not cause a violation of any applicable water quality objectives or water quality control plans...**

Permitted actions may not cause a violation of applicable water quality standards.

### **2. Activities enrolled under this General Order must conform to the engineering plans, specifications, and technical reports submitted with the application materials. Water Code section 13264 prohibits any discharge that is not specifically authorized in the Notice of Applicability.**

Authorization under this General Order is granted based on the application information submitted, including engineering plans, specifications, and technical reports. Water Code section 13264 prohibits any discharge that is not specifically authorized in this General Order.

## **C. Administrative**

### **1. Signatory requirements for all document submittals required by this General Order are presented in General Order Attachment D.**

Conditions related to signatory requirements are also authorized by Water Code sections 13383 and 13267, which requires any person discharging waste that could affect the quality of waters to provide to the Water Boards, under penalty of perjury, any technical or monitoring program reports as required by the Water Boards. The signatory requirements are consistent with 40 C.F.R. section 122.22.

### **2. Site Access:**

**The Discharger shall grant Water Board staff, or an authorized representative (including an authorized contractor acting as a Water**

**Board representative), upon presentation of credentials and other documents as may be required by law, permission to:**

- a. Enter upon the project 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 are relevant to the project or 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.**

Conditions related to site access requirements are authorized pursuant to the Water Boards' authority to investigate the quality of any waters of the state within its region under Water Code sections 13383 and 13267. Water Code section 13267(c) provides that "the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with."

- 3. The Discharger shall be responsible for work conducted by any consultants, contractors, or subcontractors working on the project. A copy of this General Order shall be provided to any consultants, contractors, and subcontractors working on this project. Copies of this General Order shall remain at the project site for the duration of authorization under this General Order. All personnel performing work on the project shall be familiar with the content of this General Order and its posted location at the project site.**

This condition requires site personnel and agencies to be familiar with the content of the Order and mandate availability of the document at the project site. This condition is required to assure that any authorized discharge will comply with the terms and conditions of the Order.

- 4. Environmental Awareness Training: Prior to initiation of any project activity, all personnel (including contractors) shall participate in environmental awareness training conducted by a qualified professional who is knowledgeable about state and federal laws regarding the protection of water quality, aquatic resources and related special-status species. More than one qualified professional 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.**

This condition is required pursuant to California Code of Regulations section 3856(e), which requires that copies be provided to the Water Boards of “any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals, including training, shall be included.”

#### **D. Project Conditions**

- 1. All materials and supplies necessary for implementing effective BMPs under this General Order must be on-site 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 BMP materials (e.g., training documents, compliance tracking procedures) must be ready for use at the start of the activity. Apply effective BMPs to erodible construction materials (e.g., soil, spoils, fly-ash, stucco, hydrated lime) to prevent erosion and pollutant transport to receiving waters;**

On-site availability of materials and supplies assures best management practices can be reasonably implemented and that the discharge complies with water quality objectives. This condition and other conditions related to best management practices are consistent with the Water Board's authority to establish, “[w]ater quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area” pursuant to Water Code section 13241(c). The activities authorized under this General Order have the potential to result in a discharge that exceeds water quality objectives and work in waters of the state must not cause an exceedance of water quality objectives. As required by Water Code section 13369, all Water Quality Control Plans incentivize the use of best management practices to prevent prohibited discharges into waters of the state.

- 2. Environmentally sensitive areas and environmentally restricted areas, including any avoided waters of the state, must be clearly identified in the field for exclusion from disturbance prior to the start of project activities. Such identification must be properly maintained until construction is completed and the soils have been stabilized.**

This condition is necessary to assure that the project discharge will comply with state discharge prohibitions that protect beneficial uses and water quality objectives. A description and delineation of impact sites is necessary to assure that the discharge from the proposed project will comply with water quality objectives established for surface waters (California Code of Regulations, title 23, section 3856(h); Dredge or Fill Procedures section IV.A.1(c); Water Quality Control Plan for the San Francisco Bay Region,

section 4.23.2). In addition, Water Quality Control Plans prohibit the discharge of construction materials and byproducts from being discharged into waters of the state, including areas that may be environmentally sensitive, such as vernal pools or eel grass beds. For example, "The discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited" (Water Quality Control Plan for the North Coast Region, section 4.2.1).

Identification and visible demarcation of areas of avoidance must be obvious to all on-site personnel, to ensure that impacts only occur within the permitted boundaries of project disturbance and to prevent unauthorized discharges to other waters of the state, including environmentally sensitive areas. Furthermore, waters that are not quantified and mapped as either a temporary or permanent impact site in a water quality certification must be fully avoided throughout the duration of the construction activity. This condition is necessary to ensure protection of aquatic resources where no discharge is authorized to occur. Furthermore, excavated material that is improperly exposed can produce or contribute to runoff that results in an unintentional discharge to waters of the state, which is prohibited (Water Quality Control Plan for the North Coast Region, section 4.2.1).

- 3. Unless authorized as a temporary or permanent impact, 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 that could be discharged as a result of project related activities, shall be prevented from entering waters of the state.**

Water Code section 13264 prohibits any discharge that is not specifically authorized in this General Order. This condition is necessary to prevent violation of state discharge prohibitions that protect water quality objectives. Water Quality Control Plans prohibit the discharge of construction materials and byproducts from being discharged into waters of the state. For example, "The discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited" (Water Quality Control Plan for the North Coast Region, section 4.2.1).

- 4. Material resulting from trench excavation temporarily sidecast into waters is a fill discharge.**

See 8 below.

**5. Modifications, repairs, and improvements shall be made to BMPs, if the measures fail to prevent discharges of waste to waters of the state.**

Authorization under this General Order is granted based on the application information submitted. This condition is necessary to ensure that if there are modifications to the project, that the project remains eligible for coverage under this General Order. Water Code section 13264 prohibits any discharge that is not specifically authorized in this General Order.

**6. Dischargers shall implement the following applicable BMPs for waste management:**

See 8 below.

**7. Dischargers shall implement the following BMPs to eliminate or minimize site erosion:**

See 8 below.

**8. Heavy Equipment: Dischargers shall adhere to the following conditions when using heavy equipment within 150 feet of waters of the state:**

Conditions 4, 5, 6, 7, and 8 limit activities such as construction or maintenance of roads, staging areas, water crossings, and temporary structures to assure that the activities are minimally impacting and comply with water quality objectives. These types of activities commonly require grading, construction, excavation, vegetation removal, and use of heavy machinery which may result in erosion and increased sediment loads, turbidity, etc., that adversely affect water quality. These conditions are required to assure that the discharges from such activities do not exceed water quality objectives established in Water Quality Control Plans, including water quality objectives for oil and grease, pH, sediment, settleable materials, temperature, and turbidity. For example, the sediment water quality objective requires that, "the suspended sediment load and suspended sediment discharge rate to surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses" (Water Quality Control Plan for the North Coast Region, section 3.3.11). Additionally, improperly designed and/or installed roads and bridges may also create physical barriers to fish passage and impair the beneficial use of fish spawning (Water Quality Control Plan for the San Francisco Basin, section 7.8.4.1).

**9. Implement effective BMPs to control the discharge of plastic materials and limit the use of plastic materials when more sustainable, environmentally friendly alternatives exist. Dischargers shall consider the use of plastic materials resistant to solar degradation where plastic materials are deemed necessary.**

This condition is required pursuant to the California Code of Regulations, section 3861 (d) (2) which prohibits discharges that violate any water quality objectives adopted or approved under sections 13170 or 13245 of the Water Code. In addition, the discharge of plastic debris into waters is also prohibited by the state's Trash Amendments (Amendment to the Water Quality Control Plan for Ocean Waters of California to Control Trash and Part I Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California; Resolution No. 2015-0019). This condition is also required to comply with the state's Anti-Degradation Policy (State Board Resolution No. 68-16).

#### **10. Dischargers shall preserve existing topsoil, as follows:**

The top 6 to 12 inches of topsoil tend to be richer in organic matter than other soil horizons below this depth. Therefore, it is essential to stockpile the topsoil layer separately from the rest of the soil in order to ensure survivorship of riparian vegetation populations upon completion of the project. Backfilling of native topsoil is necessary to assure that the discharge from the proposed project will comply with water quality objectives established for surface waters. "Operations and activities should be planned and conducted in a manner that will not disturb extensive areas of soil or that will disrupt local drainage. Areas where soil is disturbed should be promptly reseeded or stabilized to prevent erosion." (Water Quality Control Plan for the Tulare Lake Basin, section 4.1.7). Backfilling of native topsoil also assures that the pre-project hydrologic regime is not altered or adversely impacted by introduction of new backfill materials. "The stream flow regimen should be stabilized and maintained, and soil control measures should be applied in a timely manner." (Water Quality Control Plan for the Tulare Lake Basin, section 4.1.7). "Limit disturbance of natural drainage features and vegetation." (Water Quality Control Plan for the North Coast, Appendix D, page 4-104, Urban and Suburban Runoff Management Measures).

#### **11. Access routes**

These conditions related to access routes are necessary to assure that the activities are minimally impacting and comply with water quality objectives. Activities related to access route construction or maintenance commonly require grading, construction, excavation, and vegetation removal, and may result in erosion and increased sediment loads, turbidity, etc., that adversely affect water quality. These conditions are required to assure that the discharges from such activities do not exceed water quality objectives established in Water Quality Control Plans, including water quality objectives for oil and grease, pH, sediment, settleable materials, temperature, and turbidity. These conditions are also necessary to assure that activities related to access route construction or maintenance do not create physical barriers to



fish passage and spawning activities or degradation associated with hydromodification.

### **12. Access Route Surface Drainages**

This condition is necessary to prevent violation of state discharge prohibitions that protect water quality objectives. By altering access routes or an aquatic resource's surface topography, and reducing hydrologic connectivity and capacity, the use of mechanized equipment can cause a direct loss of aquatic resource area and degrade beneficial uses of waters of the state, including designations that protect listed species habitat. These impacts would result in violations of water quality objectives that have been set in Water Quality Control Plans.

### **13. Watercourse Crossings**

These conditions are required to assure that 1) the discharge shall not adversely affect the beneficial uses of the receiving water or cause a condition of nuisance; 2) the discharge shall comply with all applicable water quality objectives; and 3) treatment and control of the discharge shall be implemented to assure that pollution and nuisance will not occur and the highest water quality is maintained. Accordingly, these conditions require implementation of best practicable treatments and controls to prevent pollution and nuisance, and to maintain water quality. If surface waters or ponded waters are not appropriately diverted from areas undergoing grading, construction, excavation, and/or vegetation removal, the waters will be susceptible to erosion and increased sediment loads, contamination and pollution from construction equipment, temperature fluctuations, etc. Dewatered areas must also be stabilized prior to a rainfall event to assure that the discharge from the proposed project will comply with water quality objectives established for surface waters. For example, the sediment water quality objective requires that, "the suspended sediment load and suspended sediment discharge rate to surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses" (Water Quality Control Plan for the North Coast Region, section 3.3.11). Additionally, improperly designed and/or installed roads and bridges may also create physical barriers to fish passage and impair the beneficial use of fish spawning (Water Quality Control Plan for the San Francisco Basin, section 7.8.4.1).

### **14. Work in Waters of the State**

Conditions related to work in delineated waters are required pursuant to the California Code of Regulations, section 3861 (d) (2) which prohibits discharges that violate any water quality objectives adopted or approved under sections 13170 or 13245 of the Water Code. Work in waters of the state must not cause exceedances of water quality objectives; accordingly,



these conditions require implementation of best practicable treatments and controls to prevent pollution and nuisance, and to maintain water quality. Consistent with the Dredge or Fill Procedures, section IV.A.2.c, water quality monitoring plans are required for any in-water work. These conditions are required to assure that 1) the discharge shall not adversely affect the beneficial uses of the receiving water or cause a condition of nuisance; 2) the discharge shall comply with all applicable water quality objectives; and 3) treatment and control of the discharge shall be implemented to assure that pollution and nuisance will not occur and the highest water quality is maintained (Water Quality Control Plan for the North Coast Region, section 4.1.8; Water Code section 13267).

### **15. Post-fire Vegetation Management Conditions**

This condition is required to assure that vegetation removal does not significantly affect water quality and its designated uses, and to assure that the activity complies with state water quality objectives or federal water quality standards. Vegetation management frequently results in increased erosion potential, temperature fluctuations, creating space for invasive species, etc. All Water Quality Control Plans require protection of beneficial uses. For example, in the Water Quality Control Plan for the San Francisco Bay Basin, section 2.1.3, vegetation is an essential component of sustaining cold freshwater habitat (beneficial use of COLD).

### **16. Toxic and Hazardous Materials**

Toxic compounds impair the beneficial uses of cold fresh water habitat, estuarine habitat, marine habitat, preservation of rare and endangered species, fish migration, fish spawning, warm fresh water habitat, and wildlife habitat (Water Quality Control Plan for the San Francisco Bay Region, sections 2.1.3; 2.1.5; 2.1.9; 2.1.14; 2.1.10; 2.1.18; 2.1.19; & 2.1.20).

Conditions related to concrete/cement are required pursuant to the Water Quality Control Plans, which prohibit discharges to waters that adversely raise or lower pH levels. For example, the North Coast Water Quality Control Plan prohibits discharges from lowering pH levels below 6.5 or raising them above 8.5, or altering the pH to a level that causes a nuisance or impairs beneficial uses. Concrete/cement is an alkaline component that has the potential to raise the pH of water resources to levels that would negatively affect beneficial uses (Water Quality Control Plan for the North Coast Region, section 3.3.16).

Conditions related to toxic and hazardous materials are necessary to assure that discharges comply with any water quality objectives adopted or approved under sections 13170 or 13245 of the Water Code. Many waters in California are high in mercury either naturally or due to historic mining activities. This

mercury, when discharged to waters of the state can become bioavailable and impair beneficial uses including Subsistence Fishing (SUB) and Tribal Subsistence Fishing (TSUB). Effective sediment control is required under the Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions (Cal. Code of Reg., section 3010).

### **17. Invasive Species and Soil Borne Pathogens Requirements**

Soil borne pathogens cause disease and death to native plants, agricultural crops, and ornamental plants. Non-native invasive plant species can alter ecosystem processes such as nutrient cycling, hydrological cycles, and frequencies of wildfires, erosion and sediment deposition. They interfere in ecosystem functions by outcompeting and displacing native plants and animals, by providing refuge for non-native animals, and by hybridizing with native species. Invasive species and soil borne pathogens adversely affect beneficial uses designated in the Water Quality Control Plans, such as RARE (rare, threatened, or endangered species), WILD (wildlife habitat), and BIOL (preservation of biological habitats of special significance).

Invasive species and soil borne pathogen control practices prevent their uncontrolled spread to waters of the state and are necessary to assure that the discharge from the proposed project will comply with water quality objectives established for surface waters. The spread of soil borne pathogens devastates host species populations in riparian ecosystems, such as *Phytophthora lateralis*, the cause of Port Orford cedar root disease, and threatens the stability of native and commercial cedar populations worldwide. Invasive weeds degrade physical and chemical water quality characteristics, and overgrown vegetation reduces special species habitat and reduces aquatic resource capacity.

Furthermore, in State Water Board Resolution No. 2017-0012, the State Water Board resolved that the state shall update plans, permits, and policies to improve "ecosystem resilience to the impacts of climate change, including but not limited to, actions that protect headwaters, facilitate restoration, enhance carbon sequestration, build and enhance healthy soils, and reduce vulnerability to and impacts from fires."

### **18. Undergrounding and Drilling**

Conditions related to directional drilling are necessary given the risks posed by an inadvertent return of drilling fluids to waters. Given the likely toxicity of the discharge and the proximity to the impacted water, significant adverse impacts to waters would be expected and remediation would be difficult. All Water Quality Control Plans prohibit the discharge of substances in concentrations toxic to human, plant, animal, or aquatic life. Horizontal directional drilling, and similar drilling operations, may result in the

unintentional discharge of drilling fluids to waters of the state. These conditions are necessary to ensure that 1) the discharge shall not adversely affect the beneficial uses of the receiving water or cause a condition of nuisance; 2) the discharge shall comply with all applicable water quality objectives; and 3) treatment and control of the discharge shall be implemented to assure that pollution and nuisance will not occur and the highest water quality is maintained.

#### **E. Restoration of Temporary Impacts to Waters of the State**

Conditions in this section related to restoration and/or mitigation of temporary impacts are required by the Dredge or Fill Procedures, which requires "in all cases where temporary impacts are proposed, a draft restoration plan that outlines design, implementation, assessment, and maintenance for restoring areas of temporary impacts to pre-project conditions." (Dredge or Fill Procedures section IV. A.2(d) & B.4).

#### **F. Compensatory Mitigation for Permanent Impacts to Waters of the State**

Conditions related to mitigation requirements are required by the Dredged or Fill Procedures, section IV.A.2.b. In addition, section IV.B.1.a of the Procedures require that the Water Boards will approve a project only after it has been determined that a sequence of actions has been taken to first avoid, then to minimize, and lastly compensate for adverse impacts that cannot be practicably avoided or minimized. (See also State Supplemental Guidelines, section 230.10, restrictions on discharge & Cal. Code of Regs., section 3856(h) (requiring submittal of proposed mitigation and description of steps taken to avoid, minimize, or compensate)). Accordingly, compensatory mitigation may be required for projects that would result in permanent impacts. Conditions regarding compensatory mitigation are necessary to ensure compliance with state and federal anti-degradation policies. Compensatory mitigation conditions are consistent with Executive Order W-59-93 commonly referred to as California's "no net loss" policy for wetlands. Compensatory mitigation requirements are also authorized by Water Code, section 13263, which requires the imposition of requirements that implement water quality control plans, takes into consideration the beneficial uses to be protected, and the need to prevent nuisance.

The condition related to financial securities is necessary to ensure that the discharger has sufficient funds to fulfil the compensatory mitigation required. (Dredge or Fill Procedures, section IV.B.5.f).

#### **G. Reporting and Notification Requirements**

The reports confirm that the best management practices required under this 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. These monitoring and reporting conditions are authorized because the Water Boards have the authority to investigate the quality of any waters of the state within its region under Water Code sections 13383 and 13267. The burden of preparing these reports, including costs, are reasonable to the need and benefits of obtaining the reports. The anticipated costs are minimal as the reporting obligations require only visual monitoring and notification reporting.

Authorization under this General Order is granted based on the application information submitted, including the legally responsible party. Conditions regarding transfers are necessary to confirm whether the new owner wishes to assume legal responsibility for compliance with this General Order. If not, the original discharger remains responsible for compliance with this Order. Confirmation is also necessary to confirm whether liability for long-term best management practices maintenance is accepted by another entity. If not, the original discharger remains responsible for compliance with this Order. Water Code section 13264 prohibits any discharge that is not specifically authorized in this General Order.

## **6. Water Quality Monitoring**

### **a. General:**

This monitoring condition is authorized because the Water Boards have the authority to investigate the quality of any waters of the state within its region under Water Code sections 13383 and 13267. The burden of monitoring, including costs, are reasonable to the need and benefits of obtaining the monitoring. The anticipated costs as only visual monitoring is required.

### **b. Potentially Noncompliant Discharges:**

The reports confirm that the best management practices required under this Certification are sufficient to protect beneficial uses and water quality objectives. The reports related to accidental discharges 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. These monitoring and reporting conditions are authorized because the Water Boards have the authority to investigate the quality of any waters of the state within its region under 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.

### **c. In-Water Work or Diversions:**

Water quality monitoring plans are required for any in-water work, including temporary dewatering or diversions. These conditions are

required to assure that 1) the discharge shall not adversely affect the beneficial uses of the receiving water or cause a condition of nuisance; 2) the discharge shall comply with all applicable water quality objectives; and 3) treatment and control of the discharge shall be implemented to assure that pollution and nuisance will not occur and the highest water quality is maintained. A water quality monitoring plan is necessary to conform to water quality standards for oil and grease, dissolved oxygen, pH, turbidity, and temperature. The Regional Water Board's Basin Plan contains provisions related to all these constituents.

These monitoring and reporting conditions are authorized because the Water Boards have the authority to investigate the quality of any waters of the state within its region under Water Code sections 13383 and 13267.

**d. Post-Construction:**

The reports confirm that the best management practices required under this order are sufficient to protect beneficial uses and water quality objectives. The reports related to accidental discharges 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. These monitoring and reporting conditions are authorized because the Water Boards have the authority to investigate the quality of any waters of the state within its region under Water Code sections 13383 and 13267. The burden of preparing these reports, including costs, are reasonable to the need and benefits of obtaining the reports. The anticipated costs are minimal as the reporting obligations require only visual monitoring and notification reporting.

**7. Conditional Notifications and Reports:**

Conditions related to notification and reporting requirements in the event of an accidental discharge of hazardous materials are required pursuant to section 13271 of the Water Code, which requires immediate notification of the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the state toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.16) of Chapter 7 of Division 1 of Title 2 of the Government Code.

### MAP OF THE REGIONAL BOARDS





# Notice of Exemption

## Appendix E

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk

County of: N/A

**From:** (Public Agency): State Water Board

1001 I Street

Sacramento, CA 95814

(Address)

Project Title: Regional General Permit NO 10 for Wildfire

Project Applicant: U.S. Army Corps of Engineers

Project Location - Specific:

Statewide Project

Project Location - City: NA

Project Location - County: NA

Description of Nature, Purpose and Beneficiaries of Project:

To support wildfire prevention, response, cleanup, restoration, and recovery efforts, the U.S. Army Corps of Engineers (Corps) plans to issue a statewide regional general permit for wildfire related activities that discharge dredge or fill material to federal waters.

Name of Public Agency Approving Project: State Water Resources Control Board

Name of Person or Agency Carrying Out Project: \_\_\_\_\_

Exempt Status: **(check one):**

Ministerial (Sec. 21080(b)(1); 15268);

Declared Emergency (Sec. 21080(b)(3); 15269(a));

Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

Categorical Exemption. State type and section number: 15301 Existing Facilities etc.

Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

The State Water Board has determined that this General Order is exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061. Each covered activity must meet a California Code of Regulations, title 14, categorical or statutory exemption (e.g., §15301 Existing Facilities; §15302 Replacement of Reconstruction; §15269 Emergency Projects).

Lead Agency

Contact Person: Chris Monary

Area Code/Telephone/Extension: (916) 322-7782

**If filed by applicant:**

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: Karen Mogus Digitally signed by Karen Mogus  
Date: 2023.07.07 10:38:46 -0700 Date: 7/7/2023

Title: Deputy Director

Signed by Lead Agency  Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_