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

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

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- Attachment A: Notice of Intent Form**
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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;

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 soils³.
- 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.

³ 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 deactivation⁴ or permanent decommissioning shall be deactivated or decommissioned⁵ 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

⁴ 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.

⁵ 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 1⁶. 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

⁶ 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.⁷
- 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.

⁷ 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)⁸, 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:

⁸ 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

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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

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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 resources⁹. 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

⁹ 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.

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 preservation¹⁰.
- 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

¹⁰ 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
- 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

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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. 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, Deputy Director
Division of Water Quality