

State Water Resources Control Board

November 22, 2021

Mr. Jason Lambert
Senior Wetland Regulatory Specialist
Southern California Edison
2244 Walnut Grove Avenue GO-1, Quad 2C, Environmental Services
Rosemead, CA 91770

NOTICE OF APPLICABILITY AND APPROVAL OF CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION FOR SOUTHERN CALIFORNIA EDISON'S POST-STORM DAM 5 EMERGENCY SEDIMENT AND DEBRIS REMOVAL ACTIVITIES PROJECT, FRESNO COUNTY

On November 4, 2021, the State Water Resources Control Board (State Water Board) received a Notice of Intent (NOI) form from Southern California Edison (SCE) requesting coverage under the State Water Board's October 9, 2018, General Water Quality Certification and Order No. 2018-0025-EXEC (General Order)¹ for the Post-Storm Dam 5 Emergency Sediment and Debris Removal Activities Project (Project). SCE's Project involves the removal of approximately 2,000 cubic yards of sediment from the Dam 5 impoundment. The Project area is in the Federal Energy Regulatory Commission (FERC) boundary for the Big Creek Nos. 1 and 2 Project (FERC Project No. 2175) (Attachment 1 – Map of Project Locations). The area of sediment removal and temporary equipment access will include no more than 3.24 acres of temporary impacts and 0.007 acres of permanent impacts. Waterbodies that may be impacted by the Project include the Dam 5 Impoundment and Big Creek. Construction is expected to last approximately four weeks. When working in the impoundment, SCE proposes to conduct visual monitoring for biological resources and water quality. All dredged sediment will be disposed of at an upland disposal site (depicted in Attachment 1).

On August 10, 2018, the United States Army Corps of Engineers permitted Project activities under Regional General Permit (RGP) 8 – Emergency Repair and Protection Activities (RGP 8), and as such, Project activities are subject to the conditions and requirements contained therein. After reviewing SCE's NOI and supplemental materials, State Water Board staff has determined that the Project qualifies for enrollment under the General Order, issued pursuant to section 3838 of the California

¹ Clean Water Act Section 401 **General Water Quality Certification and Order No. 2018-0025-EXEC** for the State Water Board Certification of the Regional General Permit 8 for Emergency Repair and Protection Activities. Available online at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/order_rgp8.pdf

Code of Regulations, as the Project involves actions necessary to prevent or mitigate an emergency, including emergency repairs necessary to maintain service essential to public safety and welfare.

PROJECT SUMMARY

Due to wildfires and heavy precipitation events, a large volume of sediment has migrated into the Dam 5 impoundment. SCE is concerned that continuing accumulation of sediment could cause a collapse of the dams' intake gates. To avoid this collapse, SCE proposes mechanical removal of the sediment.

To access the Dam 5 impoundment, SCE will draw down the Dam 5 reservoir using the low-level outlets. Additionally, SCE will expand the existing access road ramp by approximately 20 feet. The expanded access road will be constructed using up to 200 cubic yards of crushed rock to create a drivable surface. The expanded access road will be left in place after Project completion. A temporary bypass channel will be constructed out of two side-by-side 48-inch-diameter culverts to allow flows to bypass the construction area.

SCE will remove approximately 2,000 cubic yards of sediment located adjacent to the Dam 5 intake structure and directly upstream of the Big Creek Powerhouse No.2. The Project will result in no more than 3.24 acres of temporary impacts to the Dam 5 reservoir.

Once sediment removal is complete, the ramp and culverts and all imported earthen support materials will be removed. Only the permanent rock fill for the base of the extended access road will remain in place.

Project activities shall proceed as described in the NOI and in accordance with the conditions and requirements contained in the General Order and this NOA. The application and supplemental materials provided by SCE include a detailed description of proposed activities and temporary and permanent impacts associated with proposed activities. If Project activities are modified from those described in SCE's application, then coverage under the General Order is no longer permitted. SCE shall promptly notify the State Water Board's Deputy Director for the Division of Water Rights of any significant Project modifications.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The certification of projects under RGP 8 is exempt from the California Environmental Quality Act (CEQA) as such Project activities are not expected to have a significant effect on the environment. The Project activities qualify for CEQA exemption under California Code of Regulations, Title 14, Section 15269 (b)(c) (Emergency Projects). (See Attachment 2 – Notice of Exemption for the Post-Storm Dam 5 Emergency Sediment and Debris Removal Activities Project.)

DETERMINATION

State Water Board staff has determined that the Project may proceed under the General Order. This determination is contingent on: (a) completion of all proposed measures in strict compliance with the conditions of the General Order (Attachment 3); and (b) compliance with all applicable requirements of statewide Water Quality Control Plans and Policies.

If you have questions regarding this letter, please contact Philip Meyer, Project Manager, by email at Philip.Meyer@waterboards.ca.gov. Written correspondence should be directed to:

State Water Resources Control Board
Division of Water Rights – Water Quality Certification Program
Attn: Philip Meyer; P.O. Box 2000
Sacramento, CA 95812-2000

Sincerely,



Eileen Sobeck
Executive Director

Attachments: Attachment 1: Map of Project Locations
Attachment 2: Notice of Exemption for the Post-Storm Dam 5 Emergency Sediment and Debris Removal Activities Project
Attachment 3: Clean Water Act Section 401 General Water Quality Certification and Order for the U.S. Army Corps of Engineers 2018 Regional General Permit 8

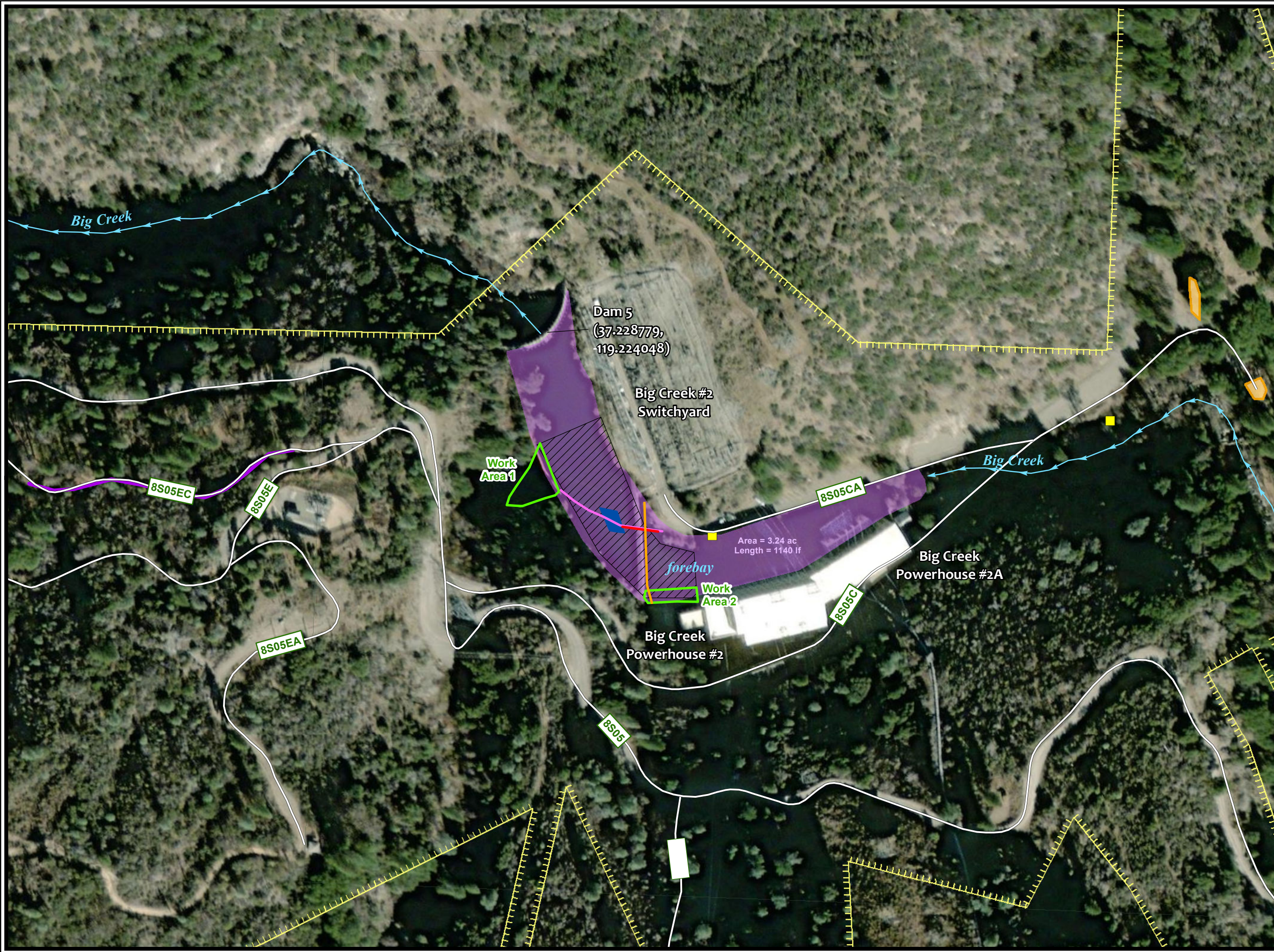
ec (w/attachments): Ms. Kimberly D. Bose, Secretary
Federal Energy Regulation Commission
Via FERC e-filing















Mr. Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board
Email: Patrick.Pulupa@waterboards.ca.gov

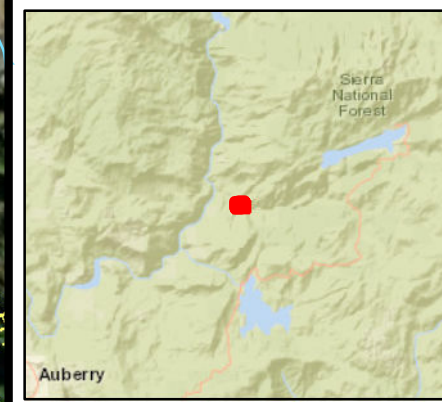
Mr. Clay L. Rodgers
Central Valley Regional Water Quality Control Board
Email: Clay.Rodgers@waterboards.ca.gov

Ms. Kathleen Norton, Senior Project Manager
United States Army Corps of Engineers
Email: Kathy.Norton@usace.army.mil

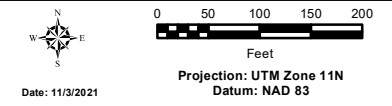
Attachment 1 –
Map of Project Locations



- ### Legend
-  Existing Debris Barrier
 -  Existing Roadways/Access
 -  Watercourse
 -  Staging Area
 -  Temporary Access Path
 -  Potential Spoil Location
 -  Permanent Access Ramp
 -  Culverts Bypass
 -  Temporary Travel
 -  Work Area
 -  Temporary Storage
 -  Impoundment Area (Temporary Disturbance)
 -  FERC Boundary
 -  Sierra National Forest (entire map extent)







Map 1 - Project Location Emergency Debris Removal Project Dam 5

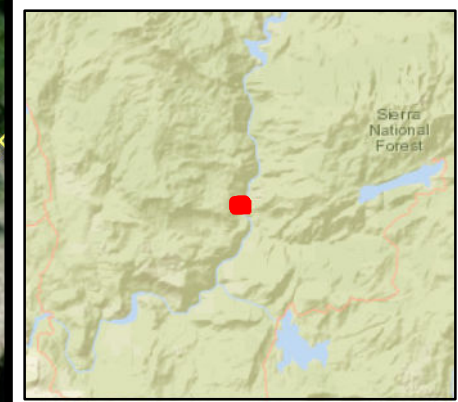


Date: 11/3/2021

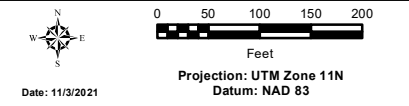
Southern California Edison (SCE) has no reason to believe that there are any inaccuracies or defects with information incorporated in this work and make no representations of any kind, including, but not limited to, the warranties of merchantability or fitness for a particular use, nor are any such warranties to be implied, with respect to the information or data, furnished herein. No part of this map may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying and recording system, except as expressly permitted in writing by SCE.



- ### Legend
-  Existing Roadways/Access
 -  Watercourse
 -  Potential Spoil
 -  FERC Boundary



Map 2 - Spoils Storage Emergency Debris Removal Project Dam 5



Date: 11/3/2021

Southern California Edison (SCE) has no reason to believe that there are any inaccuracies or defects with information incorporated in this work and make no representations of any kind, including, but not limited to, the warranties of merchantability or fitness for a particular use, nor are any such warranties to be implied, with respect to the information or data, furnished herein. No part of this map may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying and recording system, except as expressly permitted in writing by SCE.

Attachment 2 –
Notice of Exemption for
the Post-Storm Dam 5
Emergency Sediment
and Debris Removal
Activities Project

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: _____

From: (Public Agency): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific:

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: _____

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: _____
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Lead Agency
Contact Person: _____ Area Code/Telephone/Extension: _____

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: Ann Marie Ore Date: _____ Title: _____

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: _____

Attachment 3 –
Clean Water Act Section 401 General Water Quality
Certification and Order for the U.S. Army Corps of
Engineers 2018 Regional General Permit 8

State Water Resources Control Board

WATER QUALITY ORDER NO. 2018-0025-EXEC CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: October 9, 2018

Program Type: Fill/Excavation

Reg. Meas. ID: 425023

SWRCB ID: SB18054IN

USACOE#: SPK-1997-00652

Project: Regional General Permit (RGP) 8 for Emergency Repair and Protection Activities (Project)

Applicant: U.S. Army Corps of Engineers, Sacramento District
Applicant Contact: Mr. Michael Jewell
Chief, Regulatory Division
Sacramento District
U.S. Army Corps of Engineers
1325 J Street
Sacramento, CA 95814-2922
Phone: (916) 557-6605
Email: Michael.S.Jewell@usace.army.mil

Applicant's Agent: Lisa Gibson
Regulatory Permit Specialist
Sacramento District
U.S. Army Corps of Engineers
1325 J Street
Sacramento, CA 95814-2922
Phone: (916) 557-5288
Email: Lisa.M.Gibson@usace.army.mil

State Water Board Staff: Brendan Reed
Environmental Scientist
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
Phone: (916) 341-5462
Email: Brendan.Reed@waterboards.ca.gov

State Water Resources Control Board

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Attachment A	RGP 8 Area Map
Attachment B	Signatory Requirements
Attachment C	Reporting and Notification Requirements
Attachment D	Notice of Intent Form
Attachment E	Notice of Completion Form

I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) and attachments A through E is issued at the request of the U.S. Army Corps of Engineers, Sacramento District (Corps), for Certification of Regional General Permit (RGP) 8 for Emergency Repair and Protection Activities (Project). This Order is for the purpose described in the application submitted by the Corps. The application was received on July 20, 2018. The application was deemed complete on August 30, 2018.

II. Public Notice

The State Water Resources Control Board (State Water Board) provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from September 11, 2018 to October 2, 2018. The State Water Board did not receive any comments during the comment period.

III. Project Purpose and Description

RGP 8 serves as the federal Clean Water Act section 404 authorization for permanent or temporary work or structures in navigable waters of the U.S., and/or the permanent or temporary discharge of dredged and/or fill material into waters of the U.S., including wetlands, for repair or protection activities for which the Corps has determined that an emergency situation exists. An emergency situation, as determined by the Corps, is one which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a Department of the Army permit is not undertaken within a time period less than the normal time to process the request under standard processing procedures.

The definition of an emergency used in the Corps' RGP 8 differs from the definition of an emergency in the California Environmental Quality Act (CEQA). The CEQA definition of an emergency does not include an immediate, unforeseen, and significant economic hardship.

This Order only applies to projects that are defined as an emergency pursuant to CEQA (Pub. Resources Code, § 21060.3). See the General Compliance Conditions (section IX.D) of this Order for more details.

Activities covered under RGP 8 consist of permanent or temporary work or structures in navigable waters of the U.S., and/or the permanent or temporary discharge of dredged and/or fill material into waters of the U.S., including wetlands, for repair or protection activities for which the Corps has determined that an emergency situation exists. Typical activities authorized under this RGP include, but are not limited to: bank stabilization; restoration of damaged areas; temporary fills for staging, access, and dewatering; and, repair, replaces of rehabilitation of existing structures and/or fills (i.e. roads, bridges, utility pipelines and flood control structures, including attendant features, irrigation pumps or intakes, and other existing structures located in waters of the U.S.).

IV. Project Location

In any jurisdictional waters of the United States throughout the Sacramento District of the U.S. Army Corps of Engineers in: all of Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Kings, Lake, Lassen, Madera, Mariposa, Merced, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Stanislaus, Sutter, Tehama, Tulare, Tuolumne, Yolo, and Yuba counties; eastern portions of Alameda, Contra Costa, and Solano

counties; north-western portion of Kern County, and northern portion of Mono County. A map showing the Project location is found in Attachment A of this Order.

V. Project Impact and Receiving Waters Information

Individual projects authorized under this Order may be located within the jurisdiction of North Coast, Central Valley, or Lahontan Regional Water Quality Control Boards (collectively Regional Water Boards). Receiving waters and groundwater potentially impacted by individual projects authorized under this Order are protected in accordance with the applicable water quality control plans (Basin Plan) for the regions and other plans and policies which may be accessed online at: http://www.waterboards.ca.gov/plans_policies/. The Basin Plans include water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

Dischargers must identify the receiving waters, as listed in the applicable Basin Plan, that would be impacted by a proposed project. This information must be included in the Notice of Intent (NOI; Attachment D).

A. Projects located within the Carson River, Lake Tahoe, Little Truckee River, Truckee River, or Walker River Hydrologic Units must work with Regional Water Board staff to ensure that the following criteria are satisfied in order to be exempted from waste discharge prohibitions:

1. There is no feasible alternative to the project that would comply with the Basin Plan prohibitions, and
2. All applicable control and mitigation measures that are practicable have been incorporated to minimize potential adverse impacts to water quality and beneficial uses.

VI. California Environmental Quality Act (CEQA)

The State Water Board has determined that the Project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, title 14, section 15061. Specifically, the issuance of this Order and the activities described herein are exempt by statute pursuant to Public Resources Code section 21080, subsections (b)(2)-(4). Additionally, State Water Board staff concludes that no exceptions to the CEQA exemptions apply to the activities approved by this Order. The State Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) working days of issuance of this Order in accordance with the California Code of Regulations, title 14, section 15062.

VII. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this 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 Order.

VIII. Fees Received

The application fee amount for individual projects authorized under this Order is determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and is calculated as category F - Emergency Projects authorized by a Water Board Order (fee code 85) with the dredge and fill fee calculator located at

https://www.waterboards.ca.gov/water_issues/programs/cwa401/. Note that fees are

periodically adjusted. Dischargers should confirm the correct fee amount prior to submitting payment.

IX. Conditions

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

A. 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 C, D, and E.

Written reports and notifications, other than the Notice of Intent, must be submitted using the Reporting and Notification Cover Sheet located in Attachment C, which must be signed by the Enrollee or an authorized representative.

1. Notice of Intent and Fee Requirements

a. The prospective Enrollee must notify the appropriate Regional Water Board and the State Water Board as early as possible, and no less than forty-eight (48) hours prior to initiating the emergency project. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means. If not included as part of the notification, the notification must be followed within three (3) business days by submission of all of the information in the Notice of Intent (NOI) form, provided in Attachment D.

- i. Notification may be via telephone, e-mail, written notice, or other verifiable means. A staff directory that includes contact information for State and Regional Program Managers is found at:
https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf
- A map of Regional Board boundaries is found at:
https://www.waterboards.ca.gov/waterboards_map.html

Electronic Submittal:

- Address e-mail to the “State Program Manager” and the appropriate “Region Program Manager” from the staff directory linked above.
- Include “Attention – RGP 8 Notice of Intent” in the subject line.

Hardcopy Submittal Addresses:

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

AND

ATTN: Program Manager
CWA Section 401 WQC Program
Insert mailing address of appropriate Regional Water Board from the staff directory linked above

- b. The Water Boards recognize there may be situations where imminent threats to life or property occur and the Enrollee has not received a notice of applicability. If immediate, specific actions, as defined in the California Code of Regulations, title 14, section 15269(c), are required by the Enrollee and prior notice to the appropriate Regional Water Board and the State Water Board is not possible, then the Enrollee must contact the appropriate Regional Water Board and the State Water Board within one (1) business day of the action. As provided above, this notification must be followed within three (3) business days by submission of all of the information in the NOI (Attachment D).
- c. The Enrollee must provide the appropriate fee to the Regional Water Board in accordance with California Code of Regulations, title 23, section 2200 within forty-eight (48) hours of project initiation. Failure to promptly pay the correct fee amount may result in a disqualification for enrollment pursuant to this Certification.
- d. Once the appropriate Regional Water Board receives a completed NOI and the correct fee from the Enrollee, the Water Board will transmit a Notice of Applicability (NOA) to the Enrollee verifying enrollment in this Certification.

2. Project Status Notifications

- a. The Enrollee must provide the appropriate Regional Water Board and State Water Board copies of all correspondence and reports that are submitted to the Corps to satisfy the requirements of RGP 8. In addition, the Enrollee must file the Notice of Completion (NOC) form provided in Attachment E.
- b. A completed NOC must be submitted to the appropriate Regional Water Board and State Water Board within 45 calendar days of completion of any action conducted under RGP 8.
- c. Failure to submit a complete NOC within 45 calendar days of completion of any action conducted under this Order may result in the imposition of administrative and/or civil liability pursuant to Water Code section 13385.

3. Project Reporting

Annual Reporting: If required by the NOA, the Enrollee shall submit an Annual Report each year on the anniversary of the date that the individual project is authorized under this Order. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Enrollee.

4. **Conditional Notifications and Reports:** The following notifications and reports are required as appropriate. Reporting requirements are found in Attachment C of this Order.

a. Accidental Discharges of Hazardous Materials¹

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

- i. As soon as (A) Enrollee has knowledge of the discharge or noncompliance, (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:
http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf
- ii. Following notification to OES, the Enrollee shall notify the appropriate Regional Water Board, as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
- iii. Within five (5) working days of notification to the Regional Water Board, the Enrollee must submit an Accidental Discharge of Hazardous Material Report.

b. Violation of Compliance with Water Quality Standards: The Enrollee shall notify the appropriate Regional Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

- i. Examples of noncompliance events include: lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the state, and water contact with uncured concrete.
- ii. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.

c. Transfer of Property Ownership: Authorization under this Order is not transferable in its entirety or in part to any person or organization except after notice to the appropriate Regional Water Board in accordance with the following terms:

- i. The Enrollee must notify the Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Enrollee and purchaser must sign and date the notification and provide such notification to the Water Board at least 10 days prior to the transfer of ownership. The purchaser must also submit a written request to the State Water Board to be named as the Enrollee in a revised order.

¹ "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

- ii. Until such time as this Order has been modified to name the purchaser as the Enrollee, the Enrollee shall continue to be responsible for all requirements set forth in this Order.

d. Transfer of Long-Term BMP Maintenance: If maintenance responsibility for post-construction BMPs is legally transferred, the Enrollee must submit to the appropriate Regional Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Enrollee must provide such notification to the Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

B. Water Quality Monitoring

1. **General:** If surface water is present, continuous visual surface water monitoring shall be conducted to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete).
2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

C. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, Article 6 commencing with section 3867.
2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Enrollee (i.e. the person or entity proposing to enroll under the Corps' RGP 8 to conduct activities which may result in a discharge to a water of the U.S.).
4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

D. General Compliance

1. This certification is limited to emergency actions that meet the CEQA definition of an “emergency,” which is defined as follows:

A sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake, or other soil or geologic movement, as well as such occurrences as riot, accident, or sabotage. [(Pub. Resources Code, § 21060.3) (emphasis added).]

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

2. This Order is limited to projects that satisfy one or more of the following exemption criteria, as defined by the CEQA Guidelines (Cal. Code Reg., tit. 14, § 15269):
 - a. Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with section 8550 of the Government Code.
 - b. Emergency repairs to publicly or privately-owned service facilities necessary to maintain service essential to the public health, safety, or welfare.
 - c. Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.
 - d. Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This does not apply to highways designated as official State scenic highways, nor any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.
 - e. Seismic work on highways and bridges pursuant to section 180.2 of the Streets and Highways Code, section 180 et seq.
3. This Order is limited only to sudden, unexpected emergency situations that: (1) have occurred, or (2) have a high probability of occurring in the short term as a result of recently discovered factors or events not related to known or expected conditions. Additionally, the sudden, unexpected emergency situation must have the potential to result in an unacceptable hazard to life or a significant loss of property if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures.

4. Emergency repairs and construction must commence within fourteen (14) calendar days of receiving a Notice of Applicability (NOA) from the Water Boards unless an extension is granted by the Corps and agreed to, in writing, by the appropriate Regional Water Board.
5. Authorized work in waters of the state shall be completed within 180 days of the enrollment date. If it is anticipated that work will not be completed prior to the expiration of enrollment, the Enrollee shall request an extension at least thirty (30) days prior to the expiration date. The request shall include justification for the extension.
6. All repairs and construction shall be kept to the minimum necessary to alleviate the immediate emergency and limited to in-kind replacement or refurbishment of on-site features. Minor upgrading may be considered if the Enrollee uses bioremediation or other environmentally sensitive solutions. Permanent restoration work other than that performed as an associated part of the emergency operations, including any minor upgrades, shall not be performed without prior approval and authorization by the Water Boards.
7. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Enrollee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
8. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
9. In response to a suspected violation of any condition of this Order, the State Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provide 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. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
10. The Enrollee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Enrollee submittals.
11. This Order and all of its 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. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.

E. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment B of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order held by the Corps, the Corps and/or the Enrollee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Corps is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Corps and/or the Enrollee shall grant State Water Board staff, North Coast, Central Valley, and Lahontan Regional Water Quality Control 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 or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
 - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Enrollee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

F. Construction

1. At all times, appropriate types and sufficient quantities of materials shall be maintained on site to contain and clean up any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the state. Construction personnel must know how to use appropriate containment and clean up materials.
2. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment must not result in a discharge to any waters of the state, and shall be located outside of waters of the state in areas where accidental spills will not enter or affect such waters.
3. If construction related materials reach surface waters, appropriate spill response procedures must be initiated as soon as the incident is discovered. In addition, the State Water Board staff contact identified in this Order must be notified via email and telephone within twenty-four (24) hours of occurrence.

4. Construction materials and debris from all construction work areas shall be removed from the site and disposed of properly following completion of individual projects enrolled under this Order.
5. Water diversion activities must not result in the degradation of beneficial uses or exceedances of water quality objectives of any of the receiving waters. Any temporary dam or other constructed obstruction must only be built from materials which will cause little or no siltation (e.g. clean gravel). Normal flows must be restored to the affected water immediately upon completion of work at that location.
6. Effective best management practices (BMPs) must be implemented to control erosion and runoff from areas associated with the emergency project, this includes access roads. All areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the U.S. and/or state must be restored. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species.
7. All repairs and reconstruction shall be kept to the minimum necessary to alleviate the immediate emergency and limited to in-kind replacement or refurbishment of on-site features. Minor upgrading may be considered if the Enrollee uses bioremediation or other environmentally sensitive solutions. Permanent restoration work other than that performed as an associated part of the emergency operations, including any minor upgrades, shall not be performed without prior approval and authorization by the Water Boards.

G. Total Maximum Daily Load (TMDL)

To the maximum extent practicable, the individual projects authorized under this Order shall not contribute to, or cause, an exceedance of an established TMDL.


H. Mitigation Conditions

Permitted activities shall be the minimum necessary to alleviate the immediate emergency and a sequence of actions must be taken to first avoid and then to minimize adverse impacts to aquatic resources. Compensatory mitigation may be required to offset any remaining unavoidable adverse impacts to aquatic resources.

X. Water Quality Certification

I hereby issue the Order for the Regional General Permit (RGP) 8 for Emergency Repair and Protection Activities, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards). The State Water Board will file a Notice of Exemption (NOE) at the SCH within five (5) working days of issuance of this Order. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

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



Eileen Sobeck
Executive Director
State Water Resources Control Board

10/9/18

Date

- Attachment A** RGP 8 Area Map
- Attachment B** Signatory Requirements
- Attachment C** Reporting and Notification Requirements
- Attachment D** Notice of Intent Form
- Attachment E** Notice of Completion Form