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ENVIRONMENTAL PROTECTION

State Water Resources Control Board

WATER QUALITY ORDER NO. 2023-0058-DWQ STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF DREDGED OR FILL MATERIAL TO WATERS OF THE STATE FROM EMERGENCY REPAIR AND PROTECTION ACTIVITIES

Effective Date: Upon Deputy Director's signature
Program Type: Fill/Excavation
Reg. Measure ID: 450812
Place ID: 888416
WDID No.: SB23034GN

I. Summary

These General Waste Discharge Requirements (General Dredge or Fill WDR) are issued pursuant to the Porter-Cologne Water Quality Control Act (California Water Code § 13000 et seq.). This General Dredge or Fill WDR authorizes the discharge of dredged or fill material to waters of the state and that are defined as an emergency pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21060.3) or where CEQA is suspended under the California Emergency Services Act.

II. Findings/Legal Authorities

A. This General Dredge or Fill WDR is adopted pursuant to Water Code section 13263, subdivisions (a) and (j), which provide, in pertinent part, the following:

[The State Water Board, after any necessary hearing, may] prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge..., with relation to the conditions existing in the disposal area or receiving waters upon, or into which, the discharge is made or proposed. The requirements shall implement any relevant water quality control plans that have been adopted, and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of section 13241.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

- B.** Compliance with section 13263, including implementation of applicable water quality plans, is required as set forth below. The State Water Resources Control Board (State Water Board) has considered the factors in section 13241 in establishing the requirements in this General Dredge or Fill WDR.
- C.** The ability to discharge waste is a privilege, not a right, and adoption of this General Dredge or Fill WDR shall not be construed as creating a vested right to continue discharging waste (Wat. Code, § 13263, subd. (g).).
- D.** Failure to comply with any condition of this General Dredge or Fill WDR shall constitute a violation of the Porter-Cologne Water Quality Control Act. The Enrollee may then be subject to administrative and/or civil liability pursuant to Water Code section 13350.
- E.** In response to a suspected violation of any condition of this General Dredge or Fill WDR, the State Water Board or Regional Water Quality Control Boards (collectively Water Boards) may require Enrollees under this General Dredge or Fill WDR 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.
- F.** This General Dredge or Fill WDR includes monitoring and reporting requirements pursuant to Water Code section 13267. The burden of preparing these reports, including costs, is reasonable to the need and benefits of obtaining the reports. The reports confirm that the best management practices required under this General Dredge or Fill WDR 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 for the majority of projects require only visual monitoring and notification reporting.
- G.** This General Dredge or Fill WDR regulates the discharge of dredged or fill material to waters of the state associated with an emergency situation that may impact water quality in disadvantaged and tribal communities. Pursuant to Water Code section 13149.2, the anticipated water quality impacts within the scope of the Board's authority are the discharge of dredged or fill material to waters of the state and the possibility of discharges associated with related activities, such as discharges of sediment, uncured concrete, or oil and grease. This General Dredge or Fill WDR incorporates available measures within the scope of the State Water Board's authority to address the anticipated impacts of the permitted activities. As set forth in Section VI, this General Dredge or Fill WDR imposes construction conditions, mitigation conditions, water quality monitoring, and reporting and notification requirements that ensure that enrollees are required to avoid, minimize, and lastly, mitigate, for any impacts to waters.

III. Scope of Statewide General Dredge or Fill WDR

- A.** This General Dredge or Fill WDR authorizes discharges of dredged or fill material to waters of the state and that are defined as an emergency pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21060.3) or where CEQA is suspended under the California Emergency Services Act. This General Dredge or Fill WDR authorizes the placement of permanent or temporary work or structures in waters of the state and the discharge of dredged or fill material into waters of the state, including wetlands, for repair or protection activities associated with an emergency situation as defined pursuant to CEQA (Pub. Resources Code, § 21060.3). CEQA defines an emergency as “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 movements, as well as such occurrences as riot, accident, or sabotage.”
- B.** This General Dredge or Fill WDR cannot be used to authorize projects resulting from deferred maintenance (except as specified in section VI.A.6). The authorizing Water Dredge or Fill Board must agree that the situation qualifies as an emergency as defined in this General Dredge or Fill WDR.
- C.** Typical activities authorized under this General Dredge or Fill WDR include, but are not limited to: bank stabilization; restoration of damaged areas; temporary fills for staging, access, and dewatering; and, repair, replacement, or rehabilitation of existing structures and/or fills (e.g., roads, bridges, utility pipelines and flood control structures, including attendant features, irrigation pumps or intakes, and other existing structures located in waters of the state).

IV. Location

Activities authorized under this General Dredge or Fill WDR may occur anywhere within California. 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 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 Regional Water Board map website](https://www.waterboards.ca.gov/waterboards_map_website) (https://www.waterboards.ca.gov/waterboards_map_website).

V. Impact and Receiving Waters Information

Receiving waters potentially impacted by individual projects authorized under this General Dredge or Fill WDR are protected in accordance with the applicable water quality control plans (Basin Plan) for the regions. The Basin Plans for the regions and other plans and policies may be accessed at the [State Water Resources Control Board's Plans and Policies web page](http://www.waterboards.ca.gov/plans_policies/) (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, waste discharge prohibitions, and the state and federal antidegradation policies.

Enrollees 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).

VI. Conditions

Enrollees may proceed with this Project in accordance with the following terms and conditions.

A. General Conditions

1. This General Dredge or Fill WDR is limited to emergency actions where CEQA is suspended under the California Emergency Services Act or that meet the CEQA definition of an "emergency." CEQA defines "emergency" in Public Resources Code, section 21060.3, 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 movements, as well as such occurrences as riot, accident, or sabotage.

Emergency actions must meet the CEQA definition of an "emergency" and demonstrate an imminent threat or be eligible for a CEQA suspension under the California Emergency Services Act to qualify for enrollment under this General Dredge or Fill WDR. For actions that do not qualify for enrollment under this General Dredge or Fill WDR, the discharger must contact either the State Water Board or the appropriate Regional Water Board to apply for an individual or other suitable general waste discharge requirements or, if applicable, Clean Water Act section 401 water quality certification.

2. This General Dredge or Fill WDR is limited to projects where CEQA is suspended under the California Emergency Services Act, or 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. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of Public Resources Code.
 - b. Emergency repairs to publicly or privately-owned service facilities necessary to maintain services essential to the public health, safety, or welfare. Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency.
 - 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, but this exclusion does not apply (1) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare, or (2) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.
 - 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 exemption 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 General Dredge or Fill WDR 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

- actions 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 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 upgrades, even if deferred maintenance contributed to the emergency situation, may be authorized in the NOA if the Enrollee uses bioengineered, biotechnical, or other environmentally sensitive solutions. For upgrades resulting from deferred maintenance, the Enrollee may be required to submit a plan prior to termination of coverage describing future or long-term actions and authorizations to prevent repeated future emergencies at the project site.
 7. 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 Board. Temporary or permanent work that includes hardscape may be required to be removed after the emergency circumstances have passed if alternative ecologically appropriate solutions are deemed feasible by the Water Board.
 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 water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
 9. The Enrollee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted with the NOI and all subsequent submittals required as part of this General Dredge or Fill WDR. The conditions within this General Dredge or Fill WDR and Attachments supersede any conflicting provisions within Enrollee submittals.
 10. This General Dredge or Fill WDR does not authorize any act which results in the taking of a threatened, endangered or candidate species, which is now

prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Wildlife Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a “take” will result from any act authorized under this General Dredge or Fill WDR, 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 Enrollee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this General Dredge or Fill WDR.

11. Aquatic Life Movements: No activity authorized under this General Dredge or Fill WDR may substantially disrupt the migration of those species that normally migrate through the area. Activities in spawning areas during spawning seasons, or waters that serve as breeding areas for migratory birds must be avoided to the extent practicable. Enrollee is responsible for contacting the California Department of Fish and Wildlife to determine if additional permits are necessary and ensuring the proposed action complies with the Migratory Bird Treaty Act and the Bald Eagle Protection Act.

12. 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:

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

B. Administrative Conditions

1. Signatory requirements for all document submittals required by this General Dredge or Fill WDR are presented in Attachment C of this General Dredge or Fill WDR.
2. The Enrollee 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 Dredge or Fill WDR.

- c. Inspect any facilities, equipment including monitoring and control equipment, practices, or operations regulated or required under this General Dredge or Fill WDR.
 - d. Sample or monitor for the purposes of assuring General Dredge or Fill WDR compliance.
3. A copy of this General Dredge or Fill WDR must be available at the project site(s) for the duration of the project.
4. A copy of this General Dredge or Fill WDR shall be provided to any consultants, contractors, and subcontractors working on the project. All personnel performing work on the project shall be familiar with the content of this General Dredge or Fill WDR and be aware of where a copy is available at the project site. The Enrollee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.

C. Construction Conditions

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, Water Board staff at the appropriate Regional Board 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 General Dredge or Fill WDR.
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.

7. In-water Work:

- a. Water Supply Intakes: No discharge of dredged or fill material may occur in the proximity of a public water supply intake except where the discharge is for repair of the public water supply intake structures or adjacent bank stabilization.
- b. Obstruction of High Flows: To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows in the affected aquatic resource.
- c. Adverse Effects from Impoundments: If the discharge creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.
- d. Fish Passage: If applicable, Enrollee will coordinate with CDFW to ensure impacts to fish passage from the Project are minimized.

D. Mitigation Conditions

1. 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. Enrollees may be required to submit a compensatory mitigation plan describing how the mitigation will offset permanent adverse impacts. If the Enrollee is required to provide compensatory mitigation, the compensatory mitigation requirements shall be set forth in the Notice of Applicability.
 - a. For projects that require compensatory mitigation, the Enrollee shall submit a compensatory mitigation plan for Water Board staff approval within forty-five (45) days of completion of construction. The mitigation plan will identify the mitigation method (i.e., mitigation bank, in-lieu fee program, or permittee-responsible), mitigation type (e.g., habitat establishment, rehabilitation, etc.), location, acreage, design, and implementation schedule. The mitigation plan shall be implemented prior to termination of coverage.
2. Factors that Water Board staff will consider when determining the suitability of appropriate and practicable mitigation will include, but are not limited to: (1) the approximate functions and values of the aquatic resource being impacted, such as habitat value, aquifer recharge, sediment conveyance or retention, and flood storage; (2) the permanence of the project's impacts on

- the resource; and (3) the potential long-term effects of the action on remaining functions and values of the impacted aquatic resource.
3. Compensatory mitigation may be required for temporary impacts that result in temporal loss of aquatic resource functions.

E. Restoration of Temporary Impacts

1. Enrollees must restore temporary impacts to pre-project conditions as soon as practicable. Enrollees may be required to submit a restoration plan to describe actions to restore areas of temporary impacts to pre-project conditions.
2. For projects that require a restoration plan, the Enrollee shall submit a restoration plan for Water Board staff approval within forty-five (45) days of completion of construction that outlines design, implementation, assessment, and maintenance for restoring areas of temporary impact to pre-project conditions. The level of detail in the restoration plan shall be sufficient to accurately evaluate whether the restoration addresses the adverse temporary impacts attributed to the project. The restoration plan shall be implemented prior to termination of coverage.

F. Water Quality Monitoring

1. **General:** If surface water is present, continuous visual surface water monitoring shall be conducted during active construction to detect accidental discharge of construction related pollutants (e.g., oil and grease, turbidity plume, or uncured concrete).

Additional water quality monitoring, (e.g., pH, dissolved oxygen), or inspections may be required during or post-construction, such as a daily log with photos during in-water work, revegetation monitoring, and sedimentation and erosion monitoring. Requirements for additional monitoring, sampling, or inspections shall be set forth in the Notice of Applicability.

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.

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 Attachment B, 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 B, which must be signed by the Enrollee or an authorized representative.

1. Notice of Intent and Fee Requirements

- a. Except as set forth in section G.1.b below, the prospective Enrollee must notify the appropriate Regional Water Board¹ 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, email, written notice, or other verifiable means. A staff directory that includes contact information for State and Regional Program Managers is found at the State Water Board's [Dredge or Fill Program Staff Directory](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wqc_staffdir.pdf) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wqc_staffdir.pdf). A map of Regional Water Board boundaries is included in Attachment A and an interactive version is on the State Water Board's [Regional Board Map website](https://www.waterboards.ca.gov/waterboards_map.html) (https://www.waterboards.ca.gov/waterboards_map.html).

Electronic Submittal:

- Send an email to SB-401Application@waterboards.ca.gov, and the appropriate "Region Program Manager" from the staff directory linked above.
 - Include "Attention – Emergency WDR Notice of Intent" in the subject line.
- b. If forty-eight (48) hour prior notice to the appropriate Regional Water Board and the State Water Board is not possible, then the Enrollee must notify the appropriate Regional Water Board and the State Water Board within one (1) business day of initiation of the emergency project.
 - c. In all cases, if not included as part of the initial notification to the Water Boards, the Enrollee must submit all the information in the Notice of

¹ Prospective Enrollees with a proposed project that involves one or more of the following activities should submit their Notice of Intent to the Division of Water Rights: 1) an appropriation of water, 2) a hydroelectric facility, or 3) any other diversion of water for domestic, irrigation, power, municipal, industrial, or other beneficial use. Water Rights contact information is in the Staff Directory hyperlinked in section VI.G.1.a.

Intent (NOI) form provided in Attachment D within three (3) business days of the notification.

- d. The Enrollee must provide the appropriate fee to the Regional Water Board in accordance with California Code of Regulations, title 23, section 2200 with the NOI documents or the project may be ineligible for enrollment in this Order. Note that fees are adjusted annually. Enrollees should confirm the correct fee amount prior to submitting payment.
- e. Once the appropriate Regional Water Board receives a completed Notice of Intent and the correct fee from the Enrollee, the Regional Water Board will transmit a Notice of Applicability to the Enrollee verifying enrollment in this General Dredge or Fill WDR.

2. Project Status Notifications

- a. A completed Notice of Completion (NOC) must be submitted to the appropriate Regional Water Board and State Water Board within forty-five (45) calendar days of completion of any actions conducted under this General Dredge or Fill WDR.

3. Conditional Notifications and Reports: Instructions for submitting reports and conditional notifications are in Attachment B of this General Dredge or Fill WDR.

- a. Annual or Monthly 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 General Dredge or Fill WDR, unless another date is specified in the NOA. Monthly reporting may also be required. Reporting shall continue until a Notice of Project Complete Letter is issued to the Enrollee.

b. Accidental Discharges of Hazardous Materials²

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

- i. As soon as (A) Enrollee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be

² "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

provided without substantially impeding cleanup or other emergency measures then:

- a. First call – 911 (to notify local response agency)
 - b. Then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911
 - c. Lastly, follow the required OES procedures as set forth in the [Office of Emergency Services' Accidental Discharge Notification Web Page](https://www.caloes.ca.gov/wp-content/uploads/Fire-Rescue/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf) (https://www.caloes.ca.gov/wp-content/uploads/Fire-Rescue/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)
- ii. Following notification to OES, the Enrollee shall notify the Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.
 - iii. Within five (5) business days of notification to the Water Board, the Enrollee must submit an Accidental Discharge of Hazardous Material Report.

c. Modifications to Project

The Enrollee shall provide advance notice to Water Board staff if Project implementation as authorized in the NOA is altered in any way or by the imposition of subsequent permit conditions by any local, state, or federal regulatory authority by submitting a Modifications to Project Report as described in Attachment B. Project modifications shall not be performed without prior approval and authorization by the Water Board.

- 4. Violation of Water Quality Standards:** The Enrollee shall notify the appropriate Regional Water Board of any event causing a violation of water quality standards. Notification may be via telephone, email, written notice, or other verifiable means.
 - a. 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.
 - b. This notification must be followed within three (3) business days by submission of a Violation of Water Quality Standards Report.
- 5. Transfer of Property Ownership:** Authorization under this General Dredge or Fill WDR is not transferable in its entirety or in part to any person or

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 & Safety Code, Section 25501.)

organization except after notice to the appropriate Regional Water Board in accordance with the following terms:

- a. 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 Water Board to be named as the Enrollee in a revised General Dredge or Fill WDR.

6. **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 specification. The Enrollee must provide such notification to the Water Board with a Transfer of Long-Term BMP Maintenance Report at least ten (10) days prior to the transfer of BMP maintenance responsibility.

H. Special Conditions for Projects Also Seeking Coverage under Clean Water Act Section 401 Certification for Regional General Permits for Emergency Repair and Protection Activities: If the same project seeking enrollment under this General Dredge or Fill WDR is also required to obtain coverage under one of the three State Water Board's certifications of the U.S. Army Corps of Engineers' Regional General Permits (RGPs) for Emergency Repair and Protection Activities (RGPs 5, 8, and 63), the following conditions apply:

1. **Fees:** Only one fee will be assessed for the project as a whole. The fee will be determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3).
2. **Notifications:** The applicant may submit one Notice of Intent to the Regional Water Board to seek coverage under both this General Dredge or Fill WDR and the applicable RGP, and the Water Board may correspondingly issue a single Notice of Applicability to enroll the project under both this General Dredge or Fill WDR and the applicable RGP. Enrollees seeking coverage under this General Dredge or Fill WDR and Section 401 certifications for Regional General Permits for Emergency Repair and Protection Activities are required to comply with requirements in both orders.

VII. Public Notice

The State Water Board provided public notice of the draft General Dredge or Fill WDR pursuant to Water Code section 13167.5 from April 28, 2023, to May 30, 2023, and received two comment letters. A comment from the Los Angeles Department of Water and Power requested the General Dredge or Fill WDR notification process be revised consistent with other state agencies' emergency permitting processes, specifically the California Department of Fish and Wildlife's emergency notification

process that allows for notification to the agency and submittal of the NOI within fourteen (14) days of beginning work. The General Dredge or Fill WDR was not revised to extend the notification process because the initial notification allows Water Board staff to confirm that the project is eligible for enrollment under the Order. The revision would also conflict with the three existing state certifications of the U.S. Army Corps of Engineers' RGPs for emergency activities. A comment letter from the Coachella Valley Water District requested several revisions, including adding a provision that would waive certain activities described under CWA section 404(f) from being enrolled in the General Dredge or Fill WDR, and removing or revising discretionary mitigation requirements. The General Dredge or Fill WDR was not revised in response to the comments because 1) exempting certain activities under CWA section 404(f) would limit the scope of the General Dredge or Fill WDR and mean that there is not a streamlined permitting path available for certain emergency activities, and 2) mitigation is not always required, but retaining the discretion to impose compensatory mitigation where appropriate is necessary for the Water Boards to ensure no net loss of aquatic resources. Dischargers should contact the applicable Regional Water Board to determine whether their proposed activities need authorization from the Water Boards.

VIII. California Environmental Quality Act (CEQA)

In accordance with California Code of Regulations, title 14, section 15061, the State Water Board has determined that this General Dredge or Fill WDR is exempt from review under CEQA. Specifically, the issuance of this General Dredge or Fill WDR and the activities described herein are exempt by statute pursuant to California Code of Regulations, title 14, section 15269 and Public Resources Code section 21080, subsections (b)(2)-(4), 21080.33 or where CEQA is suspended under the California Emergency Services Act. The State Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) business days of issuance of this General Dredge or Fill WDR in accordance with the California Code of Regulations, title 14, section 15062.

IX. Conclusion

I hereby issue these General Dredge or Fill Waste Discharge Requirements for
Emergency Repair and Protection Activities.

Authorization is contingent on: (a) the discharge being limited and all proposed
mitigation being completed in strict compliance with the conditions of this General
Dredge or Fill WDR and the attachments to this General Dredge or Fill WDR; and
(b) compliance with all applicable requirements of Statewide Water Quality Control
Plans and Policies, and the Regional Water Boards' Water Quality Control Plans.

 Digitally signed by Karen Mogus
Date: 2023.07.13 16:16:09 -07'00'
Water Boards

Date

Karen Mogus, Deputy Director
Division of Water Quality

- Attachment A:** Map of the Regional Boards
- Attachment B:** Reports and Notification Requirements
- Attachment C:** Signatory Requirements
- Attachment D:** Notice of Intent Form
- Attachment E:** Notice of Completion Form