

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2022-0029**

ADOPTION OF CLEAN WATER ACT SECTION 401 WATER QUALITY
CERTIFICATION AND WASTE DISCHARGE REQUIREMENTS FOR
RESTORATION PROJECTS STATEWIDE (STATEWIDE RESTORATION
GENERAL ORDER) AND CERTIFYING THE SUPPORTING PROGRAM
ENVIRONMENTAL IMPACT REPORT

WHEREAS:

1. This Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide (Statewide Restoration General Order) establishes a streamlined permit process for specific types of environmentally beneficial restoration activities throughout the state that would restore aquatic or riparian resource functions and/or services;
2. The Statewide Restoration General Order is intended to help the State of California achieve its habitat restoration, species recovery, and water quality improvement goals;
3. The State Water Board and Regional Water Quality Control Boards (Water Boards, collectively) have authority to regulate discharges of waste that threaten or cause impairment of designated beneficial uses or cause nuisance to waters of the state, including discharges related to restoration activities, under both the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act;
4. The State Water Board, as lead agency, has developed a supporting Program Environmental Impact Report (PEIR) in support of the Statewide Restoration General Order pursuant to Public Resources Code section 21067 of the California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.) ("CEQA"), and section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.);
5. The State Water Board circulated a Notice of Preparation (NOP) on October 11, 2019, and conducted a scoping meeting on October 22, 2019, for the PEIR in accordance with sections 15082 and 15083 of the CEQA Guidelines;

6. The State Water Board released a notice of opportunity for public comment and public workshop for the draft Statewide Restoration General Order and supporting PEIR (pursuant to section 15086 of the CEQA Guidelines) on June 30, 2021. The draft Statewide Restoration General Order and PEIR were available for public review and comment during a 45-day period. The State Water Board workshop to receive public feedback on the draft on August 4, 2021;
7. The State Water Board prepared a proposed final Statewide General Restoration Order and supporting PEIR addressing comments received during the public review and comment period. The proposed final Statewide Restoration General Order and PEIR were available on July 26, 2022, to the public and all parties who commented on draft documents;
8. The State Water Board determined during the State Water Board Meeting on August 16, 2022, that the benefits of the Statewide Restoration General Order outweigh its potential significant environmental impacts discussed in the PEIR, and the basis for that determination is set forth in the Statement of Overriding Considerations;
9. Prior to taking action during the State Water Board Meeting on August 16, 2022, the State Water Board heard, has been presented with, reviewed and considered information in the administrative record, and oral and written evidence presented during public meetings;
10. The State Water Board has not received any comments or additional information that constituted substantial new information requiring recirculation under section 21092.1 of the Public Resources Code and section 15088.5 of the CEQA Guidelines;
11. The State Water Board adopts the CEQA Findings, Statement of Overriding Considerations (section 21080 of the Public Resources Code), and Mitigation Monitoring and Reporting Program (section 21081.6 of the Public Resources Code) as part of certification of the supporting PEIR.

THEREFORE BE IT RESOLVED THAT:

The State Water Board adopts clean water act section 401 water quality certification and waste discharge requirements for restoration projects statewide (statewide restoration general order) and certifies the supporting Program Environmental Impact Report.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on August 16, 2022.

AYE: Chair E. Joaquin Esquivel
Vice Chair Dorene D'Adamo
Board Member Sean Maguire
Board Member Laurel Firestone
Board Member Nichole Morgan

NAY: None

ABSENT: None

ABSTAIN: None

 for
Jeanine Townsend
Clerk to the Board