
State Water Resources Control Board

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT, STAFF-LEVEL WORKSHOP, AND BOARD HEARING

DRAFT UTILITY WILDFIRE AND SIMILAR OPERATIONS AND MAINTENANCE ACTIVITIES CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND WASTE DISCHARGE REQUIREMENTS GENERAL ORDER AND ASSOCIATED CEQA EIR

NOTICE IS HEREBY GIVEN that comments will be accepted by the State Water Resources Control Board (State Water Board) on the draft Utility Wildfire and Similar Operations and Maintenance Activities Clean Water Act Section 401 Certification and Waste Discharge Requirements General Order (Utility Wildfire General Order) and supporting Environmental Impact Report (EIR). Pursuant to CEQA, the State Water Board is the Lead Agency and has prepared an EIR for the Utility Wildfire General Order. The comment period starts June 28, 2024. Comments must be received by the Board Clerk by 12:00 p.m. (noon) on August 30, 2024.

The Utility Wildfire General Order covers electric utility wildfire prevention, response, and other similar routine operation and maintenance activities that may cause or threaten to cause a discharge of waste into waters of the state. For additional information, reference the “GENERAL ORDER DESCRIPTION” section below. The EIR identifies potential significant impacts to aesthetics, cultural resources, and tribal cultural resources.

DOCUMENT AVAILABILITY

The Utility Wildfire General Order and Draft EIR is available on the [State Water Board's 401 Water Quality Certification and Wetlands Program website](https://www.waterboards.ca.gov/water_issues/programs/cwa401/statewide-utility-wildfire-mitigation-general-order.html) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/statewide-utility-wildfire-mitigation-general-order.html). You may request a paper copy of the Utility Wildfire General Order and EIR by contacting Shawn Agarwal at (916) 323-0886 or via email at Shawn.Agarwal@waterboards.ca.gov.

NOTICE IS ADDITIONALLY HEREBY GIVEN that the State Water Board will hold a staff-workshop to provide an overview of the contents, purpose, and objective at the following date and time:

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

Tuesday, July 23, 2024, 10:00 a.m.

Video and Teleconference Only

No Physical Meeting Location

[Zoom Registration Link:](#)

<https://forms.office.com/g/zePsjHEEWH>

[Video Webcast: https://video.calepa.ca.gov/](https://video.calepa.ca.gov/)

STAFF WORKSHOP PARTICIPATION

Oral comments will not be accepted at the staff-workshop. To ask clarifying questions during the workshop, register using the remote meeting [registration link](https://forms.office.com/g/zePsjHEEWH) (<https://forms.office.com/g/zePsjHEEWH>). Following registration, virtual participation information will be sent to you one day prior to the meeting. The live webcast, which does not give viewers the ability to participate or ask questions, will be available at: <https://video.calepa.ca.gov/>. **Registration is not required to view the live webcast.**

NOTICE IS ADDITIONALLY HEREBY GIVEN that the State Water Board will hold a public hearing on the Utility Wildfire General Order and supporting EIR. The date, time, and location of the Board meeting is provided below:

Tuesday, August 20, 2024, 9:00 a.m.

Coastal Hearing Room – Second Floor

Joe Serna Jr. – CalEPA Building

1001 I Street, Sacramento, CA 95814 (in-person)

[Video Webcast: https://video.calepa.ca.gov/](https://video.calepa.ca.gov/)

In-person and Teleconference

PUBLIC HEARING PARTICIPATION

Comments will be accepted in person and remotely during the Board Hearing. Members of the public interested in remotely joining the public hearing or providing oral comments, please follow the [remote participation guidelines](#). Registration is not required to view the live webcast. For in-person participation, please reference the [State Water Board Information and Calendar webpage](#) and information in the “DIRECTIONS AND ACCESSIBILITY” section below. Participants will be given an opportunity to provide oral presentations. To ensure a productive and efficient Board workshop, the Board may limit time for oral presentations.

The Board will not consider adoption of the Utility Wildfire General Order at Board Hearing. A quorum of the Board will be present; however, the Board will not take any action at the public hearing. There will be no sworn testimony or cross-examination of interested persons. However, the State Water Board and its staff may ask clarifying questions.

SUBMISSION OF WRITTEN COMMENTS

The State Water Board will also accept written comments on the Utility Wildfire General Order and EIR starting June 28, 2024. Written comments must be received no later than **12:00 noon on August 30, 2024**, and addressed to:

Courtney Tyler, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000 (mail)
1001 I Street, 15th floor, Sacramento, CA 95814 (hand-delivered)

Comment letters may be submitted electronically to the Clerk to the Board via e-mail at commentletters@waterboards.ca.gov. Electronic submittals must be in pdf text format, less than 15 megabytes in total size, and include “**Comments – Utility Wildfire General Order**” in the subject line. If the file is greater than 15 megabytes in total size, then the comment letter may be submitted by fax at (916) 341-5620, by mail to the address above, or by hand delivery. Couriers delivering hand copies of comment letters must check in with lobby security personnel, who can contact Courtney Tyler at (916) 341-5611.

GENERAL ORDER DESCRIPTION

Senate Bill 901 (Dodd, 2018) was passed in response to the increasing frequency and intensity of California’s wildfires. This bill included Wildfire Mitigation Plan requirements to increase the pace and scale of utility work to prevent, combat, and respond to wildfires affecting utility service territories. Wildfire Mitigation Plan activities have the potential to discharge waste that can adversely impact water quality and impair beneficial uses.

The Utility Wildfire General Order would provide an expedited process for permit coverage of related utility activities and support essential wildfire prevention and mitigation activities. The Utility Wildfire General Order also proposes to cover similar activities that may be performed outside high-fire threat areas and/or unrelated to wildfire prevention.

The specific types of activities covered are listed below:

- Vegetation Management
- Herbicide Application
- Site access development and maintenance
- Staging Areas and Laydown Yards
- Pole/Tower Repairs or Replacement
- Substation Maintenance
- Transmission Tower Maintenance
- Structural Conversion
- Line Reconductoring
- Undergrounding Powerlines
- Boardwalk Repairs or Replacement
- Electric Utility Infrastructure Lowering, Maintenance, Replacement or Removal

EX PARTE DISCLOSURE REQUIREMENTS

This item is subject to the ex parte communication disclosure requirements of Water Code section 13287, as explained in a [Memo from the Office of the Chief Counsel](#)

(https://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf). Any communications between interested persons and Board Members (other than at a noticed Board Meeting or submitted as a comment letter in compliance with the public notice) must be disclosed by the interested person within seven days of the communication. A sample disclosure form is available at the [State Water Board Ex Parte Communication Disclosure Form for General Orders](#) (https://www.waterboards.ca.gov/laws_regulations/docs/ExParteGeneralOrderForm.pdf)

DIRECTIONS AND ACCESSIBILITY

The CalEPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5572 at least 10 business days before the meeting. Individuals who have limitations on hearing or speaking may contact the California Relay Service at (800) 735-2929 (teletypewriter) or (800) 735-2922 (voice).

The meeting in this notice will be offered in English. To request other language interpretation or other accommodation, please submit your request at least 10 business days before the meeting date by contacting Shawn Agarwal at Shawn.Agarwal@waterboards.ca.gov.

All visitors to the CalEPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 20 minutes to receive security clearance.

FUTURE NOTICES

For future updates on the Utility Wildfire General Order and EIR, including any changes to the public comment period, changes to the date, time, or format of the Board hearing, and notice of the subsequent meeting for the State Water Board's consideration of adoption, please subscribe to the CWA401 – Certification and Wetlands Program email list. Click on or navigate to this [link](#) (https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html), enter your full name and email address at the top of the page, select the box for 'CWA401 – Certification and Wetlands Program' located within the 'Water Quality' section, and then click subscribe.

ADDITIONAL INFORMATION

Please direct questions about this notice to Shawn Agarwal at (916) 323-0886 or via email at Shawn.Agarwal@waterboards.ca.gov.

Date June 28, 2024



Courtney Tyler
Clerk to the Board