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## State Water Resources Control Board

### NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT

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

**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). The comment period starts March 28, 2025. Comments must be received by the Board Clerk by 5:00 p.m. on April 29, 2025.

The Utility Wildfire General Order covers electric utility wildfire prevention, response, and other similar routine operation and maintenance activities that discharge or propose to discharge waste into waters of the state. For additional information, reference the “GENERAL ORDER DESCRIPTION” section below.

#### DOCUMENT AVAILABILITY

The Utility Wildfire General Order and Responses to Comments on the June 28, 2024 draft Utility Wildfire General Order are 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](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 by contacting Shawn Agarwal at (916) 323-0886 or via email at [Shawn.Agarwal@waterboards.ca.gov](mailto:Shawn.Agarwal@waterboards.ca.gov).

#### SUBMISSION OF WRITTEN COMMENTS

The State Water Board is limiting written comments to the revisions to the Utility Wildfire General Order. A redline copy showing additions in underline and deletions in strikeout will be provided. The State Water Board is not accepting additional comments on the draft Environmental Impact Report that was previously released for written comment. Each comment should clearly identify the proposed modification by the applicable section number of the Utility Wildfire General Order. Written comment letters that address any other section or requirement of the Utility Wildfire General Order, other than the revisions made since the June 28, 2024 draft, are outside the scope of this Public Notice and will not be reviewed or considered by the State Water Board.

Written comments must be received no later than **5:00 p.m. on April 29, 2025**, and addressed to:

Courtney Tyler, Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100, Sacramento, CA 95812-0100 (mail)  
1001 I Street, 24th 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](mailto: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. Some 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 efficient 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, subject to additional activity-specific limitations, are listed below:

- Vegetation management
- Herbicide application
- Site access development and maintenance
- Staging areas and laydown yards
- Pole/tower repairs, maintenance, or replacement
- Substation 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) ([https://www.waterboards.ca.gov/laws\\_regulations/docs/exparte.pdf](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) ([https://www.waterboards.ca.gov/laws\\_regulations/docs/ExParteGeneralOrderForm.pdf](https://www.waterboards.ca.gov/laws_regulations/docs/ExParteGeneralOrderForm.pdf))

### **FUTURE NOTICES**

For future updates on the Utility Wildfire General Order, including any changes to the public comment period, 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) ([https://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.html](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](mailto:Shawn.Agarwal@waterboards.ca.gov).

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Date                      March 28, 2025

  
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Courtney Tyler  
Clerk to the Board