
State Water Resources Control Board

Public Notice of Draft General Order for Waste Discharge Requirements for Discharges of Dredged or Fill Material to Waters of the State and Partial Water Quality Certification and Partial Denial of the U.S. Army Corps of Engineers' 2026 Nationwide Permits

State Water Resources Control Board
Division of Water Quality
Water Quality Certification Program

Date Posted: October 17, 2025

Project Name: 2026 State Water Board Nationwide Permits General Order

Affected Counties: Statewide

The State Water Resources Control Board (State Water Board) proposes to adopt waste discharge requirements and water quality certification (General Order) authorizing discharges of waste from dredged or fill activities to waters of the state. The draft General Order proposes to conditionally certify 19 and deny 38 of the U.S. Army Corps of Engineers (Corps) Nationwide Permits (NWP). Draft certification would be partially granted to NWPs 1, 3(a), 4, 5, 6, 9, 10, 11, 12, 13, 14, 20, 22, 28, 32, 36, 54, 57, and 58 subject to this General Order's terms and conditions. All other NWPs are proposed for denial. This General Order would also serve as waste discharge requirements for projects that would qualify for enrollment in an NWP but are not required to obtain a federal permit or license because the affected waters are not waters of the United States.

Staff will consider all written comments received during a 45-day comment period that begins October 17, 2025, and ends on December 2, 2025, at 5:00 p.m. To submit comments, or if you have questions, please contact the State Water Board staff person listed below. Electronic submittals are strongly encouraged. This public notice is provided in satisfaction of Water Code section 13167.5 and California Code of Regulations, title 23, chapter 28, article 6, section 3861.

State Water Board Contact:

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Document Availability: The draft General Order and attachments are available on the State Water Board's 401 Water Quality Certification and Wetlands Program's [public notice website](https://www.waterboards.ca.gov/water_issues/programs/cwa401/nationwide-permits.html)

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You may request a paper copy of the draft General Order by contacting Samantha Parker at (916) 327-8653 or via email at swbnwp@waterboards.ca.gov.

Background: The Corps uses Nationwide Permits to authorize certain activities under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. On June 18, 2025, the Corps published its proposal to issue 57 Nationwide Permits (56 existing and one new) on the [Federal Register website](https://www.federalregister.gov/documents/2025/06/18/2025-11190/proposal-to-reissue-and-modify-nationwide-permits) (<https://www.federalregister.gov/documents/2025/06/18/2025-11190/proposal-to-reissue-and-modify-nationwide-permits>). Reissuance includes modifications to Nationwide Permit definitions and associated general conditions. Links to the draft [Regional Conditions](#) set by each of the three Corps Districts within California (Sacramento, San Francisco and Los Angeles) are available on the Corps' website (https://www.spk.usace.army.mil/Portals/12/documents/regulatory/public_notices/FY2025/06/PN-2026-NWP-FR-RC-Notice-&-Attachments.pdf).

On May 22, 2025, the State Water Board received a request for certification of the Nationwide Permits. The draft General Order proposes to conditionally certify the 19 Nationwide Permits listed in Table 1 and deny Nationwide Permits 2, 3(b), 3(c), 7, 8, 15, 16, 17, 18, 19, 21, 23, 24, 25, 27, 29, 30, 31, 33, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 55, 59 and Nationwide Permit A (new). The General Order would also authorize projects outside of federal jurisdiction, using the Nationwide Permits to define the categories of covered activities.

Table 1: Army Corps of Engineers' Nationwide Permits Reissuance 2026 Proposed for General Order Coverage.

No.	Nationwide Permit Name
1	Aids to Navigation: Allows the placement of U.S. Coast Guard (USCG)-approved navigational aids.
3(a)	Maintenance: Allows the repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill.
4	Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities: Allows fish and wildlife harvesting devices and activities.
5	Scientific Measurement Devices: Allows the placement of scientific gages, recording devices, water quality testing and improvement devices, and similar structures; allows the construction of weirs and flumes constructed primarily to record water quantity data and velocity.
6	Survey Activities: Allows core sampling, seismic exploration, and plugging exploration bore holes.
9	Structures in Fleeting and Anchorage Areas: Allows placement of structures to facilitate mooring of vessels within anchorage areas established by the USCG.
10	Mooring Buoys: Allows non-commercial, single boat mooring buoys.

No.	Nationwide Permit Name
11	Temporary Recreational Structures: Allows the temporary placement of buoys, markers, small floating docks, and similar structures placed during special water events.
12	Oil or Natural Gas Pipeline Activities: Allows activities required for construction, maintenance, repair, and removal of oil or natural gas pipelines and associated facilities.
13	Bank Stabilization: Authorizes bank stabilization methods like riprap and vegetative stabilization with minimal material placement, typically limited in length.
14	Linear Transportation Projects: Allows the repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill associated with linear transportation projects (e.g., roads, highways, railways).
20	Response Operations for Oil and Hazardous Substances: Allows cleanup of oil and hazardous substances provided the work activity is done in accordance with federal regulations and any existing State contingency plans, and has the concurrence of the federal Regional Response Team
22	Removal of Vessels: Allows minor discharges of fill in connection with removal of disabled or abandoned vessels or manmade obstructions to navigation. This NWP does not authorize maintenance dredging, shoal removal, or river snagging.
28	Modifications of Existing Marinas: Allows the reconfiguration existing dock space in an authorized marina. No dredging or expansion of any kind would be permitted.
32	Completed Enforcement Actions: Allows any structure, work, or discharge that is in compliance with a final federal court decision, consent decree, or settlement agreement resulting from a federal enforcement violation action under section 404 or section 10.
36	Boat Ramps: Activities required for the construction of boat ramps.
54	Living Shorelines: Activities required for the construction and maintenance of living shorelines to stabilize banks and shores in coastal waters.
57	Electric Utility Line and Telecommunications Activities: Allows activities required for construction, maintenance, repair, and removal of electric utility and telecommunication lines and associated facilities.
58	Utility Line Activities for Water and Other Substances: Allows activities required for construction, maintenance, repair, and removal of pipelines for water and other substances and associated facilities.

Keep Informed of Project Milestones: To be informed of milestones in the development of this proposed General Order, any interested persons should enroll in the State Water Board's 401 Program e-mail notification service.

Click the Submit button after entering a valid email address under the Subscribe to the 401 Water Quality Certification and Wetland Program Email List banner on the 401 Program webpage at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/

By enrolling in this list, you will receive notices for all current program applications, including the Project announced in this notice. You will need a valid e-mail address to use

this service. You can enroll or un-enroll at any time. If you do not have internet access or do not wish to participate in the email notification service, contact the staff person named in this notice to express your interest in receiving notices by other means.