Welcome

- Please enter your name and organization into the chat
- We will take questions during the presentation and at the end.
 - Please make sure questions are related to the current slide. Otherwise, please hold unrelated questions to the end
- Please remain muted, and use the "raise hand" feature to indicate you would like to speak. We will call upon speakers in the order the hands are raised.

Statewide Utility Wildfire General Order



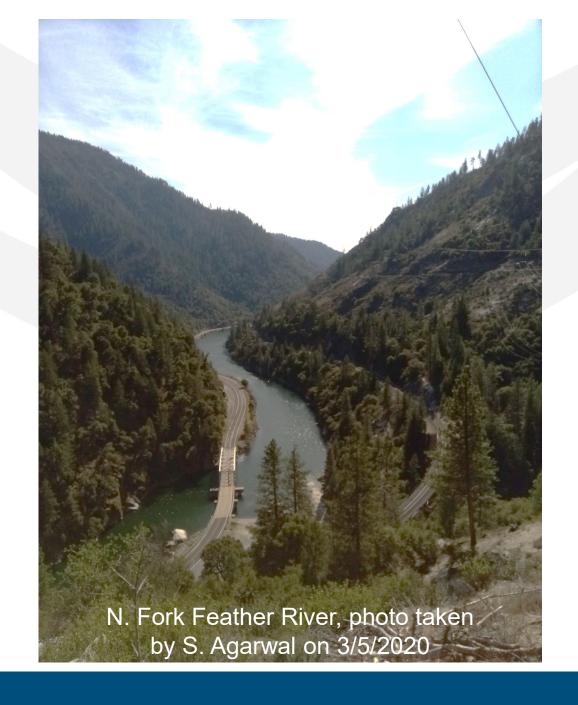
Public Outreach Meeting –April 23, 2025

State Water Board Staff - Introductions

- Phil Crader, Deputy Director
- Nick Martorano, Assistant Deputy Director
- Paul Hann, Program Manager
- Jean Bandura, Senior Environmental Scientist
- Serena Liu, Legal Counsel
- Liz Reece, Environmental Scientist
- Robert Stoddard, Environmental Scientist

Agenda

- General Order Overview
- Significant Changes
- Governor's Emergency Proclamation
- Overlap with Other Permits
- Cost of Compliance
- Next Steps
- Q&A with Staff



General Order Scope



Provides both: Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements

Statewide geographic scope

- Requires coverage for Electric Utility soil disturbing activities:
 - ✓ Wildfire prevention/mitigation
 - ✓ Post-fire response
 - ✓ Operations and maintenance
- Does not cover Urban Areas, unless within a High Fire Threat District (HFTD)

11 Covered Activities

- Vegetation Management
- Herbicide Application
- Site Access Development and Maintenance
- Staging Areas and Laydown Yards
- Pole/Tower Repairs,
 Maintenance or Replacement
- Substation Maintenance
- Structural Conversion

- Overhead Line Reconductoring
- Undergrounding Powerlines
- Boardwalk Repairs and Replacement
- Electrical Utility Infrastructure Lowering, Maintenance, Replacement or Removal

Significant Changes

- Added a 0.5 acre soil disturbance size threshold for certain activities
- Revised Non-Notifying Category (Category A) enrollment criteria
- Added a consolidated enrollment option for Notifying Category (Category B)
- Removed the term Controllable Sediment Discharge Source (CSDS)
- Reduced Non-Notifying project inspection requirements
- Added Summary Table for the Non-Notifying Eligibility Criteria (<u>Attachment A</u>)

Covered Activities Criteria



Utility line work following wildfire photo taken by Regional Board staff during inspection visit

Activity specific coverage criteria

- All except Access Route Work: within 50 ft. of waters
- Vegetation Management,
 Staging Areas /Laydown Yards,
 Infrastructure Lowering Replacement and Removal
 - Within 50 ft of waters, or
 - 0.50 acres of soil disturbance on steep, erodible soils
 - Access Routes: 300 linear feet of soil disturbance or soil disturbance within 500 feet of waters

Activity Categories

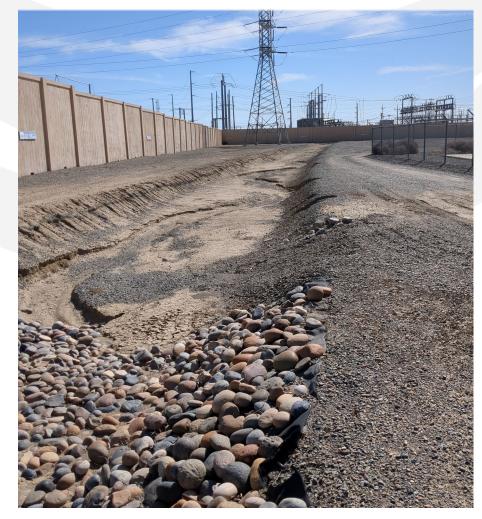
Non-Notifying (Category A)	Notifying (Category B)
Lower risk activities (three criteria)	Higher risk activities
Best management practices apply	Best management practices apply
Tribal Cultural Resource conditions apply	Tribal Cultural Resource conditions apply and report required
Non-notifying	Notifying
Non-reporting	Reporting



Southern California Edison access road maintenance in Fresno County, photo taken by S. Agarwal on 6/11/2024

Non-Notifying Eligibility Criteria

- No Discharge of Dredge or Fill Materials (in-water work), unless a 404(f) exemption applies
- Must meet one or more activity-based criteria
- Activity is one of the specific listed access route maintenance activities



PG&E Gates Substation photo taken by S. Agarwal on 4/10/2025

Non-Notifying Access Route Activities

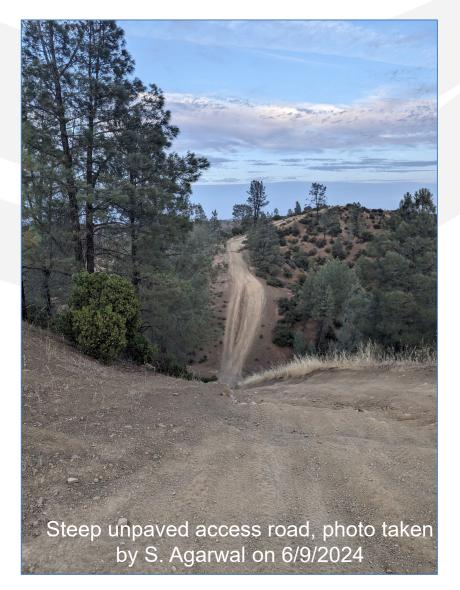
- Applying gravel to existing road surfaces
- Cleanout or armoring of cross-drain culvert outfalls, inboard ditches, and ditch relief culverts
- Installing additional inboard ditch relief culverts
- Armoring cut slopes above roads
- Maintaining or adding rolling dips or rolling dip lead outs
- Stabilizing existing fill slopes
- Surface blading

Consolidated Enrollment Category B

- Upland activities (non-dredge/fill) are eligible.
- Programmatic Erosion and Sediment Control Plan and Vegetation Management Offset Plan approval.
- Can submit list of planned work in-lieu of NOI that includes:
 - Fee payment.
 - Project name, coordinates, planned construction start and end dates, a brief description, BMPs to avoid and minimize water quality impacts.
 - The Tribal and Cultural Resources Report.

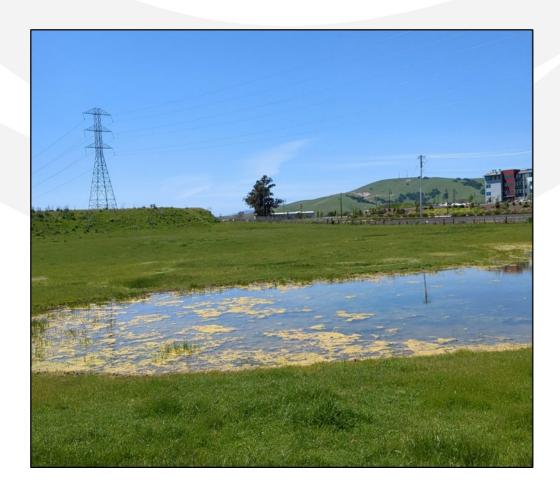
Changes to General Order Conditions

- Re-ordered certain sections to improve clarity and useability.
- Revised environmental monitoring and training requirements.
- Added flexibility to access route hydrologic disconnection requirements.
- Clarified stream crossing conditions to reflect concerns of other agencies.
- Revised Horizontal Directional Drilling Requirements to allow nighttime work.



Tribal Cultural Resources

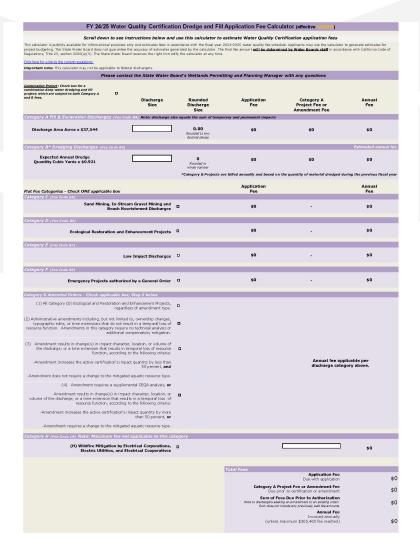
- Tribal Cultural Resource conditions apply to all activities (Category A and B).
- Confirm no resources are within the area.
- Consult with affiliated tribes to develop mitigation measures
- Implement mitigation measures.



Vernal pool, photo taken by S. Agarwal on 4/22/2024

Fees

- The General Order requires fee payment.
- Upland activities are subject to the waste discharge requirement fee schedule.
- In-water work projects are subject to the dredge fill fee schedule
 - Category A non-notifying projects are not subject to fees.
 - Fee Schedule Category H fees would apply to dredge and fill activities pursuant to a wildfire mitigation plan.
- Link to the current fee schedule.



Governor's Proclamation of Emergency

On March 1, 2025, the Governor issued an emergency proclamation

- Suspends permitting requirements for specific critical fuels reduction projects.
- Projects authorized by Cal EPA and Natural Resources Agency are not subject to the General Order.
- Environmental Protection
 Plan guides BMP compliance.



Link to Governor's Emergency
Proclamation Website

Overlap with Other Permits

- If project qualifies under another dredge or fill permit, then coverage must be obtained under that permit and General Order coverage is not required.
- Examples include:
 - Army Corps Emergency Regional General Permits 5, 8 and 63
 - Nationwide Permit 57
- Projects activities covered under the General Order are not required to obtain coverage under certain Regional Board Timber General Orders as listed in Section III.A.5.

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Construction General Permit (CGP) Alignment

- Projects with all activities covered by CGP do not require General Order coverage.
- Projects with a combination of CGP covered and other CGP exempt activities require enrollment but are exempt from certain requirements.
- **Example**: SWPPP requirement under the CGP satisfies the Erosion and Sediment Control Plan requirement under the General Order.



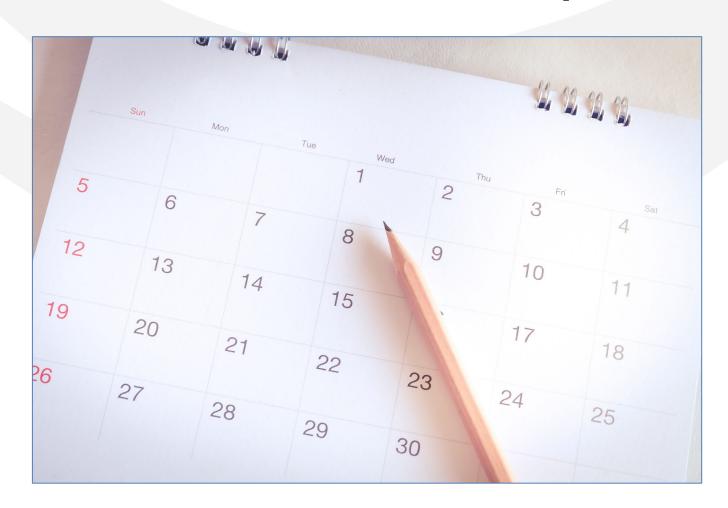
IV.A.3

Cost Considerations

- Cost consideration discussion at the end of the response to comments table.
- Evaluated increased costs relative to current requirements.
- General Order does introduce some new costs (e.g. upland activities and Tribal consultation).
- Many requirements align with existing utility practices.
- General Order was revised to reduce costs by including:
 - Non-notifying Category A.
 - Consolidated enrollment option for Category B.
 - Excluding lower-threat projects (e.g., more than 50 ft from waters).

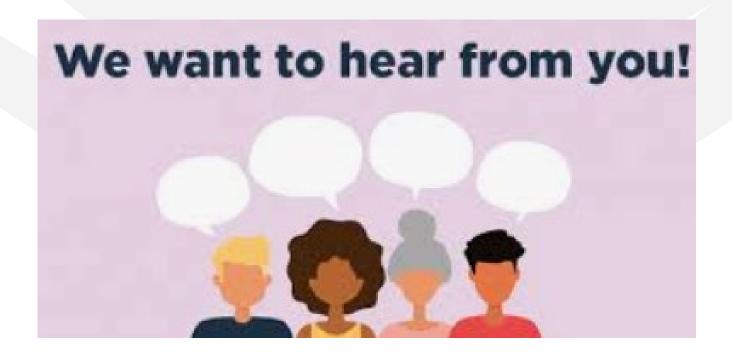
Development Timeline and Next Steps

- Public Outreach
 Meeting
 April 23, 2025
- Comment Period
 March 28 April 29
- Board Consideration
 of Proposed Adoption
 October 2025



Comment Period Information

- Written comments accepted until April 29 at 5:00 p.m.
- Instructions on how to submit comments are on the Public Notice available on the following webpage https://www.waterboards.ca. gov/water issues/programs/ cwa401/statewide-utilitywildfire-mitigation-generalorder.html



Q&A With Staff

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