

# 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



N. Fork Feather River, photo taken  
by S. Agarwal on 3/5/2020

# 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 ([Attachment A](#))



# 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 <u>and report required</u>
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.



Steep unpaved access road, photo taken by S. Agarwal on 6/9/2024

# 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.](#)

FY 24/25 Water Quality Certification Dredge and Fill Application Fee Calculator (effective 1/1/24)					
Scroll down to see instructions below and use this calculator to estimate Water Quality Certification application fees					
<small>This calculator is publicly available for informational purposes only and estimates fees in accordance with the fiscal year 2024-2025 water quality fee schedule. Applicants may use the calculator to generate estimates for project budgeting. The State Water Board does not guarantee the accuracy of estimates generated by the calculator. The final fee amount will be determined by Water Board staff in accordance with California Code of Regulations, Title 23, section 20004(c)(3). The State Water Board reserves the right to modify the calculator at any time.</small>					
<small>Click here for a link to the current regulations.</small>					
<small>Important note: This calculator may not be applicable to federal dischargers.</small>					
<small>Please contact the State Water Board's Wetlands Permitting and Planning Manager with any questions</small>					
<small>Combination Project: Check box for a combination deep water dredging and fill project which are subject to both Category A and B fees.</small>					
	<input type="checkbox"/>	Discharge Size	Rounded Discharge Size	Application Fee	Category A Project Fee or Amendment Fee
<small>Category A Fill &amp; Excavation Discharges (Fee Code 84) Note: discharge size equals the sum of temporary and permanent impacts</small>					
Discharge Area Acres x \$37,544	<input type="text"/>	0.00	<small>Rounded to two decimal places</small>	\$0	\$0
<small>Category B Dredging Discharges (Fee Code 86)</small>					
Expected Annual Dredge Quantity Cubic Yards x \$0.921	<input type="text"/>	0	<small>Rounded to whole number</small>	\$0	\$0
<small>*Category B Projects are billed annually and based on the quantity of material dredged during the previous fiscal year</small>					
<small>Flat Fee Categories - Check ONE applicable box</small>				Application Fee	Annual Fee
<small>Category C (Fee Code 85)</small>					
Sand Mining, In-Stream Gravel Mining and Beach Nourishment Discharges <input type="checkbox"/>				\$0	\$0
<small>Category D (Fee Code 85)</small>					
Ecological Restoration and Enhancement Projects <input type="checkbox"/>				\$0	\$0
<small>Category E (Fee Code 87)</small>					
Low Impact Discharges <input type="checkbox"/>				\$0	\$0
<small>Category F (Fee Code 88)</small>					
Emergency Projects authorized by a General Order <input type="checkbox"/>				\$0	\$0
<small>Category G Amended Orders - Check applicable box, Step 5 below</small>					
(1) All Category (D) Ecological and Restoration and Enhancement Projects, regardless of amendment type. <input type="checkbox"/>					
(2) Administrative amendments including, but not limited to, ownership changes, typographic edits, or time extensions that do not result in a temporal loss of resource function. Amendments in this category require no technical analysis or additional compensatory mitigation. <input type="checkbox"/>					
(3) Amendment results in change(s) in impact character, location, or volume of the discharge, or a time extension that results in a temporal loss of resource function, according to the following criteria: <input type="checkbox"/>					
-Amendment increases the active certification's impact quantity by less than 50 percent, and <input type="checkbox"/>					
-Amendment does not require a change to the mitigated aquatic resource type. <input type="checkbox"/>					
(4) Amendment requires a supplemental CEQA analysis, or <input type="checkbox"/>					
Amendment results in change(s) in impact character, location, or volume of the discharge, or a time extension that results in a temporal loss of resource function, according to the following criteria: <input type="checkbox"/>					
-Amendment increases the active certification's impact quantity by more than 50 percent, or <input type="checkbox"/>					
-Amendment requires a change to the mitigated aquatic resource type. <input type="checkbox"/>					
<small>Category H (Fee Code 19) Note: Maximum fee not applicable to this category</small>					
(H) Wildfire Mitigation by Electrical Corporations, Electric Utilities, and Electrical Cooperatives <input type="checkbox"/>				<input type="text"/>	\$0
<small>Total Fees</small>					
				Application Fee Due with application	\$0
				Category A Project Fee or Amendment Fee Due prior to certification or amendment	\$0
				Sum of Fees Due Prior to Authorization	\$0
				<small>Note: Discharges seeking an amendment to an existing order. Sum does not include any previously paid fee amounts</small>	\$0
				Annual Fee Invoiced annually (unless maximum \$365,465 fee reached)	\$0

# 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.



# 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.



# 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-utility-wildfire-mitigation-general-order.html](https://www.waterboards.ca.gov/water_issues/programs/cwa401/statewide-utility-wildfire-mitigation-general-order.html)



# Q&A With Staff

If you'd like to speak, please raise your hand in the chat. Speakers will be called upon in the order in which they raise their hands. You can also put your questions in the chat if you don't wish to speak out loud.

