

State Water Resources Control Board

WATER QUALITY ORDER WQ 2026-0026-DWQ WASTE DISCHARGE REQUIREMENTS AND CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION

Effective Date: Upon Deputy Director's Signature

Project: AT&T Japan-U.S. Cable Network Decommissioning
(S8 and S9 Cables) Project

Project Type: Underground Utility

Program Type: Fill/Excavation

Identifiers:

- WDID No:** SB25019IN
- USACE No:** Nationwide Permit 57
- Place ID:** 900441
- Reg. Meas. ID:** 460537

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

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I. Summary

This grant of Clean Water Act (CWA) section 401 certification with conditions (Certification or Order) is issued at the request of AT&T Enterprises, LLC (hereinafter Permittee) for the Project. The initial application was received on February 4, 2025. A complete application was submitted on March 20, 2025, as verified by Water Board staff. Supplemental information was submitted to the Water Board on June 23, 2026.

II. Findings

- A. This Order is adopted pursuant to Clean Water Act section 401 and the California Porter-Cologne Water Quality Control Act (Wat. Code § 13000, *et seq.*). This Certification also serves as waste discharge requirements in accordance with State Water Board Water Quality General Order No. 2003-0017-DWQ. Discharges to waters of the state are prohibited except when in accordance with Water Code section 13264.
- B. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law, including the Clean Water Act and the Porter-Cologne Water Quality Control Act.
- C. In response to a suspected violation of any condition of this Order, the Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- D. This Order and all conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project.
- E. This Order does not provide coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order WQ 2022-0057-DWQ; NPDES No. CAS000002) (Construction General Permit).
- F. This Order does not authorize any act which results in the take of a threatened, endangered or candidate species, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.

- G. The Water Board has considered the factors in Water Code section 13241 in establishing the requirements in this Order.
- H. This Order includes monitoring and reporting requirements pursuant to Water Code sections 13383 and 13267. The burden of preparing these reports, including costs, are reasonable to the need and benefits of obtaining the reports. The reports confirm that the best management practices required under this Order are sufficient to protect beneficial uses and water quality objectives. The reports to accidental discharges also ensure that corrective actions, if any, that are necessary to minimize the impact or clean up such discharges can be taken as soon as possible. The anticipated costs are minimal as the reporting obligations require only visual monitoring and notification reporting.

III. Project Purpose and Description

Project Purpose: Decommissioning portions of the Japan to the U.S. Segments S8 and S9 of a submarine fiber optic telecommunication cable system. Cable segments will be removed from the U.S. shore landings to the end of their burial depth at the 1,000-fathom contour.

Project Description: The Project involves the removal of 119 miles of cable. Of that total, 17 miles of cable will be removed from non-federal waters of the state. In addition, the S9 cable would be removed from its subterranean conduit (bore pipe) at its shore landing, but the conduits themselves would be left in place at both shore landings.

A. Project Location

Address: Pacific Ocean

County: Mendocino and San Luis Obispo Counties

San Luis Obispo:

Start: Latitude: 35° 18.408' N° and Longitude: 120° 53.000' W°

End: Latitude: 35° 22.732' N° and Longitude: 121° 52.023' W°

Mendocino:

Start: Latitude: 38°59.07800' N° and Longitude: 123°42.96400' W°

End: Latitude: 38°52.12200' N° and Longitude: 124°05.03200' W°

Maps showing the Project location are found in Attachment A of this Order.

IV. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the North Coast and Central Coast Regional Water Boards where discharge is located onshore and in the Pacific Ocean in both regions. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable water quality control plans (Basin Plan). The plan for the region and other plans and policies may be accessed at the [State Water Resources Control Board's Plans and Policies Web page](http://www.waterboards.ca.gov/plans_policies/) (http://www.waterboards.ca.gov/plans_policies/). The Basin Plan includes water

quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

Project impact and receiving waters information is in Attachment B. Table 1 of Attachment B lists the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact locations and quantities are in Table 2 of Attachment B.

V. Description of Direct Impacts to Waters of the State

The proposed Project has the potential to cause temporary impacts to marine biological species and habitats during cable removal activities, including impacts from vessel operations and lighting, anchoring, seafloor and sensitive habitat disturbance, oil spills, and introduction of non-native aquatic species.

Total Project fill/excavation quantities for all impacts are summarized in Table 1.

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Lake			
Ocean/Bay/Estuary	1.46	5,812	92,390
Riparian Zone			
Stream Channel			
Vernal Pool			
Wetland			

VI. Avoidance and Minimization

The Applicant will implement a Vessel Waste Management Plan and a Shipboard Oil Pollution Emergency Plan as part of Mitigation Measures MM HAZ-1 and MM HAZ-2 of the Initial Study/Mitigated Negative Declaration. The Permittee has also prepared and will implement an Oil Spill Contingency and Response Plan in the event of an oil spill, and a Marine Safety and Anchoring Plan during cable removal and temporary anchoring that disturbs the seafloor.

¹ Includes only temporary direct impacts to waters of the state and does not include area of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

VII. Conditions

The Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watersheds of the Project. The Permittee must adhere to the following conditions:

A. Impacts to Waters of the State

Impacts to waters of the state shall not exceed quantities shown in Table 1.

B. Reporting and Notification Requirements

The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment D, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment D, which must be signed by the Permittee or an authorized representative.

1. Project Reporting

- a. **Monthly Reporting:** Not applicable.
- b. **Annual Reporting:** The Permittee shall submit an Annual Report each year on July 1. Annual reporting shall continue until the Water Board issues a Notice of Project Complete Letter to the Permittee.

2. Project Status Notifications

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least 7 days prior to start of initial ground disturbance activities.
- b. **Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete, and no further Project activities will occur. This request shall be submitted to Water Board staff within 30 days following completion of all Project activities. Upon approval of the request, the Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

3. Conditional Notifications and Reports:

The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials²:

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
 - a. First call – 911 (to notify local response agency)
 - b. Then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911
 - c. Lastly, follow the required OES procedures as set forth in the [Office of Emergency Services' Accidental Discharge Notification Web Page](https://www.caloes.ca.gov/office-of-the-director/operations/response-operations/fire-rescue/hazardous-materials/spill-release-reporting/) (https://www.caloes.ca.gov/office-of-the-director/operations/response-operations/fire-rescue/hazardous-materials/spill-release-reporting/)
- ii. Following notification to OES, the Permittee shall notify the Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.
- iii. Within 5 business days of notification to the Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

² "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

b. Violation of Water Quality Standards

- i. The Permittee shall notify the Water Board of any event causing a violation of water quality standards. Notification may be delivered via written notice, email, or other verifiable means.
- ii. This notification must be followed within 3 business days by submission of a Violation of Water Quality Standards Report.

c. Modifications to Project

Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state, or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order.

C. Water Quality Monitoring

1. General

If surface water is present, continuous visual monitoring shall be conducted during active construction to detect accidental discharge of construction related pollutants (e.g., oil and grease, turbidity plume, uncured concrete).

2. Accidental Discharges/Noncompliance

Upon occurrence of an accidental discharge, the Permittee shall determine whether the discharge includes hazardous materials or will cause or contribute to an exceedance of water quality objectives, and if so, notify the Water Board in accordance with the Conditional Notifications and Reports section VIII.B.3. Water Board staff may require additional water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

D. Standard Conditions

1. This action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, Title 23, chapter 28, Article 6 commencing with section 3867.
2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, Title 23 of the California Code of Regulations, and that application

specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

E. Fees

1. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations.

The total fee amount required by the California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), Category A, is \$53,587. An application fee of \$4,212 was received on April 10, 2025. An additional fee of \$49,375 based on total Project impacts was received on August 3, 2026.

2. **Annual Fees:** This Order is subject to annual billing based on the fee schedule in effect at the time of billing. Annual billing will continue until the Project, including monitoring, is complete and the Water Board receives an acceptable request for a Notice of Project Complete Letter (see Attachment D). Invoices are usually sent out at the end of each calendar year.³

To stop annual billing, the Permittee must request a Notice of Project Complete Letter from the Water Board. Water Board staff will verify if the conditions of the Order are met and may conduct a site visit to confirm compliance.

For more information on fees, visit the State Water Board's [Water Quality Fees website](#),⁴ under Water Quality Certification (WQC) Program Fees.

F. General Compliance

1. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable Water Board water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
2. The Project must conform to the engineering plans, specifications, and technical reports submitted with the application materials. Water Code section 13264 prohibits any discharge that is not specifically authorized in this Order.
3. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) (AT&T Japan-U.S. Cable Network Decommissioning (JUS S8 and JUS S9 Cables) Project Initial Study/Mitigated Negative Declaration, Appendix F – Mitigation Monitoring Program,

³ Annual invoices for fill and excavation projects are issued for projects active for any amount of time in the current fiscal year (July 1 – June 30). Annual invoices for dredging projects are based on the quantity of dredged material in the previous fiscal year.

⁴ https://www.waterboards.ca.gov/resources/fees/water_quality/

June 23, 2026) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.

G. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.
2. **Site Access:** The Permittee shall grant Water Board staff, North Coast and Central Coast Regional Water Quality Control Boards' staff or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
 - a. Enter upon the Project premises where a regulated facility or activity is located or conducted, or where records are kept.
 - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d. Sample or monitor for the purposes of assuring Order compliance.
3. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on this Project. Copies shall remain at the Project site for the duration of this Order. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

H. Construction Conditions

1. All materials and supplies necessary for implementing these construction conditions must be on-site and ready for use at the start of the construction activity and must remain in supply and ready for implementation throughout the construction process.
2. **Use of Mechanized Equipment:** Activities permitted under this Order shall be conducted in a manner that minimizes ground disturbance, seafloor compaction, excessive turbidity and other mechanical impacts. Equipment shall be operated and maintained in a manner that reduces the risk of spills or the accidental exposure of fuels or hazardous materials to water bodies or wetlands. Appropriate Project specific BMPs shall be specified by the Permittee and shall be approved by Water Board staff prior to Project discharges.

3. Toxic and Hazardous Materials

- a. Activities permitted under this Order shall not discharge toxic substances in concentrations that produce detrimental physiological responses to human, plant, animal, or aquatic life.
- b. Activities permitted under this Order shall not discharge waste classified as “hazardous” as defined in California Code of Regulations title 22, section 66261 and Water Code section 13173. Appropriate BMPs for hazardous substances shall be specified by the Permittee and shall be approved by Water Board staff prior to Project discharges. These BMPs shall include, at a minimum:
 - i. All personnel handling fuels and other hazardous materials shall be properly trained.
 - ii. Adequate spill prevention and cleanup equipment and materials shall be present on site at all times during Project implementation.
 - iii. All mechanized equipment shall be maintained in good operating order and inspected on a regular basis. Any spills or leaks of hazardous materials, chemicals, fuels, lubricants, or any other potential pollutants shall be promptly and completely treated using appropriate materials and equipment.
 - iv. Spill containment supplies shall be on site in all work areas in sufficient quantities to allow immediate remediation of fuel, oil, hydraulic fluid or similar leaks and spills.
 - v. A staging area for equipment and vehicle fueling and storage shall be designated at least 100 feet away from waters of the state, in a location where fluids or accidental discharges cannot flow into waters of the state.

4. Work in Delineated Waters of the State

- a. Work in waters of the state must not cause or contribute to an exceedance of water quality objectives in the receiving waters. Work in delineated waters commences at the onset of the regulated activity and continues until the activity is finished and all restoration of the affected work area is complete. The term “work” means any ground disturbing activities in any delineated waters of the state that are permitted under this Order, regardless of the presence or absence of flowing or standing water.

I. Deviations

1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water quality. Some modifications of Project locations or predicted impacts may qualify as Deviations as set forth in Attachment F. For purposes of this Order, a

- “Deviation” is a Project locational or impact modification that does not require an immediate amendment of the Order, because the Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the conditions and the CEQA Findings. This Order will be amended to reflect all authorized Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.
2. A Project modification shall not be granted a Deviation if it would require changes to the Order conditions or the CEQA environmental document such that the Project impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

VIII. Public Notice

The Water Board complied with its applicable public notice requirements. The State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from May 15, 2025, to June 5, 2025. The State Water Board did not receive any comments during the comment period. Public notice regarding the Initial Study/Mitigated Negative Declaration is described in Attachment C, CEQA Findings of Fact.

IX. California Environmental Quality Act (CEQA)

On June 23, 2026, the California State Lands Commission, as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2026041109) for the Project and filed a Notice of Determination (NOD) at the SCH on June 23, 2026. Pursuant to CEQA, the Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

The Water Board will file a Notice of Exemption (NOE) at the SCH within 5 business days of issuance of this Order.

X. Water Quality Certification

I hereby issue the Order for the AT&T Japan-U.S. Cable Network Decommissioning (S8 and S9 Cables) Project, SB25019IN, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

Authorization is contingent on: (a) compliance with the conditions of this Order and the attachments to this Order; and (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, and the Regional Water Boards' Water Quality Control Plans.

Date

Phillip Crader

Phillip Crader, Deputy Director
Division of Water Quality

Digitally signed by Phillip
Crader
Date: 2026.08.20 11:05:23
-07'00'
Water Boards