GENERAL CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ORDER NO. WQ 2026-0016-DWQ

Effective Date: Effective Date of Regional General Permit (RGP) 5 for Energy Emergency Activities

Project: RGP 5 for Energy Emergency Activities

Project Identifiers: CIWQS Regulatory Measure ID: 464590
WDID: SB26013GN

Applicant: U.S. Army Corps of Engineers, Sacramento District

Applicant Contact: Leah Fisher
Regional Permit Specialist, Regulatory Division
1325 J Street, Room 1350
Sacramento, CA 95814-2922
Phone: (916) 557-6639
Email: Leah.M.Fisher@usace.army.mil

Water Board Staff: Shawn Agarwal
Engineering Geologist
1001 I Street, 15th Floor
Sacramento, CA 95814
Phone: (916) 323-0886
Email: Shawn.Agarwal@waterboards.ca.gov

Water Board Contact Person:
If you have any questions, please contact State Water Resources Control Board (State Water Board) staff listed above or contact the applicable Regional Water Quality Control Board using the Clean Water Act Section 401 Program Staff Directory (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wqc_staffdir.pdf)

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I. Summary

This State Water Resources Control Board (State Water Board) Clean Water Act Section 401 Certification (Certification) conditionally certifies the U.S. Army Corps of Engineers' Regional General Permit (RGP) 5 for Energy Emergency Activities (SPK#-2025-00011).

On November 21, 2025, the State Water Board received a certification request for the U.S. Army Corps of Engineers' (Corps) Energy Emergency RGP. The Corps' Energy Emergency RGP authorizes activities involving the discharge of dredge or fill material into waters of the United States for energy and critical minerals production, transportation, refining, and generation activities as described in Executive Order (EO) 14156, Declaring a National Energy Emergency.

This Certification covers activities that discharge dredged or fill material to waters of the United States authorized under RGP 5. Discharges of dredged or fill material to only waters of the state outside of federal jurisdiction require separate Waste Discharge Requirement authorization.

Activity categories eligible for Certification coverage are listed in the Project Description (Certification Section V). To the extent a project does not meet the eligibility criteria of this certification, certification is denied.

II. Findings

A. This Certification is adopted pursuant to section 401 of the Clean Water Act and the California Porter-Cologne Water Quality Control Act (Cal. Water Code § 13000, et seq.). The Certification also serves as waste discharge requirements in accordance with State Water Board Water Quality 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 Certification, 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 Certification, the Water Board may require an enrollee of this Certification 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 Certification 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 Certification does not provide coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order 2022-0057-DWQ; NPDES No. CAS000002 (Construction General Permit).

F. This Certification 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 & Wildlife Code, sections 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 Certification held by the discharger, the discharger 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 discharger is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Certification.

G. This Certification includes monitoring and reporting requirements pursuant to Water Code section 13383. 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 (BMPs) required under this Certification are sufficient to protect beneficial uses and water quality objectives. The reports related 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 Location

Activities enrolled under this Certification may be located within any jurisdictional waters of the United States throughout the Sacramento District of the U.S. Army Corps of Engineers in: all of Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Kings, Lake, Lassen, Madera, Mariposa, Merced, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Stanislaus, Sutter, Tehama, Tulare, Tuolumne, Yolo, and Yuba counties; eastern portions of Alameda, Contra Costa, and Solano counties; north-western portion of Kern County, and northern portion of Mono County. A map showing the boundaries of the Sacramento District of the U.S. Army Corps of Engineers is found in Attachment A of this Certification.

IV. Receiving Waters Information

Activities authorized under this Certification may be located within the jurisdiction of the North Coast, Central Valley, Central Coast, or Lahontan Regional Water Quality Control Boards (collectively Regional Water Boards). Waters potentially impacted by proposed projects are protected in accordance with the applicable water quality control plans (Basin Plan). The Basin Plans for the regions 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/). The Basin Plans include 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.

Dischargers must identify the receiving waters, as listed in the applicable Basin Plan, that would be impacted by a proposed project. This information must be included in the Notice of Intent (NOI), the form for which is provided in Attachment B.

V. Project Description

A. RGP 5 authorizes work or structures in navigable waters of the United States and the permanent or temporary discharge of dredged or fill material into waters of the United States associated with the construction, expansion, modification, maintenance, repair of: electric, oil, and natural gas facilities; transmission pipelines; aerial transmission lines and poles; docks, piers, and terminals; and access roads, rail lines, and canals; and the ancillary activities associated with such activities that may also result in a dredge or fill discharge to waters (such as, access roads; staging areas; and stockpiles).

Only Projects that qualify for coverage under RGP 5, consist of one of the activities below, and meet the size and activity limitations in Section VII.A may be authorized under this Certification. The State Water Board or Regional Water Quality Control Boards (collectively Water Boards) shall determine whether the activity is eligible for enrollment under this Certification. Only the following activities are eligible for enrollment under this Certification:

1. Maintenance, Repair, or Replacement of Existing, Currently Serviceable Structures or Fills;
2. Activities required for the construction, maintenance, repair, and removal of oil and natural gas pipelines and associated facilities in waters of the state;
3. Bank stabilization activities necessary for erosion control or prevention, such as vegetative stabilization, bioengineering, sills, rip rap, revetment, gabion baskets, stream barbs, and bulkheads, or combinations of bank stabilization techniques.
4. Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g. roads, highways, railways, trails, driveways, airport runways, and taxiways) in waters of the state;
5. Activities required for the construction, maintenance, repair, and removal of electric utility lines, telecommunication lines, and associated facilities in waters of the state.

6. For purposes of this Certification the following definitions from the Corps' RGP 5 apply:
   a. **Energy** or energy resources: Crude oil, natural gas, lease condensates, natural gas liquids, refined petroleum products, uranium, coal, biofuels, geothermal heat, the kinetic movement of flowing water, and critical minerals as defined by 30 U.S.C. §1606(a)(3).
   b. **Production:** The extraction or creation of energy resources.
   c. **Transportation:** The physical movement of energy resources, including through pipelines, rail, or other conveyance systems.
   d. **Refining:** The physical or chemical conversion of energy resources into usable forms, including the creation of gasoline, diesel, ethanol, aviation fuel, or the beneficiation and purification of minerals.
   e. **Generation:** The use of energy resources to produce electricity or thermal power and the transmission of electricity from its site of generation.
   f. **Energy supply:** The combined activities of production, transportation, refining, and generation of energy resources.
   g. **Single and complete project:** The total project proposed or accomplished by one entity.

VI. Excluded Activities

A. The following activities are not eligible for coverage under this Certification and must seek individual certification or enrollment under another applicable order:

1. Mining and drilling facilities for extraction of energy resources or critical minerals.
2. Hydropower generation facilities requiring a Federal Energy Regulatory Commission (FERC) license or amendment. Activities involving the hydropower generation facility, but that also need coverage under RGP 5 in addition to the FERC license or amendment, may be covered pursuant to section VII.C.2.
3. Energy storage facilities, including battery banks and large-scale tanks not directly associated with authorized transmission or distribution work.
4. Production, enrichment, and refining facilities, including oil refineries, mineral beneficiation plants, and chemical processing facilities
5. **Lahontan Water Board:** Any activity within the Lake Tahoe Hydrologic Unit (HUC; 634.00), the Truckee River HUC (635.00), and the Little Truckee River HUC (636.00) is prohibited.
6. **Riparian Vegetation:** Repair, rehabilitation, or replacement is only authorized when trimming of riparian vegetation does not result in significant adverse effects to water quality or impair beneficial uses.

VII. Conditions

The Water Board will review each proposed project requesting authorization under this Certification to evaluate potential impacts to water quality and designated beneficial uses within the applicable watershed(s). Covered activities must also comply with all activity specific terms and conditions in the Corps' RGP.

If a proposed project does not meet the eligibility requirements of this Certification, the Water Board will not authorize under this Certification and will instead require the project proponent to apply for an individual certification or seek enrollment under another general order. Dischargers may also voluntarily apply for an individual certification.

Dischargers authorized under this Certification must comply with the following terms and conditions:

A. General Conditions

1. Designated Permanent Impacts

a. **Facility Replacements for Oil and Natural Gas Pipelines:** such as underground lines, foundations, and other activities associated with pipelines or their access roads (e.g., wet crossings, culverts, bridge abutments) and appurtenances (e.g., valves, flanges, fittings, end modules, end terminals) located more than 30 feet from the original location. May also include structure removals.

b. **Facility Replacements for Electric Utility Lines:** such as poles, underground lines, foundations for overhead utility line towers, and other activities associated with utility lines or their access roads (e.g., wet crossings, culverts, bridge abutments) and appurtenance (e.g., guy wires, anchors, grounding wires, valves, flanges, fittings, end modules, end terminals) located more than 30 feet from the original location. May also include structure removals.

c. **Access Road Crossing Repair, Improvements, and Upgrades:** the replacement or repair of existing culverts and associated outlets/headwalls, bridge abutments, or other road crossings, repairs, or resurfacing in waters of the state. The repair of existing or installation of new minor non-grouted riprap, armoring or other erosion control measures to protect existing access roads or existing structures from scour or erosion.

d. **New Access Road Crossings/Structures/Outfalls and Widening of Existing Roads:** includes new structures, outfalls, bridge abutments, road repairs or resurfacing, installation of new culverts or associated outlets, and erosion control/dissipation devices to protect the existing access roads. For example, the installation of concrete or non-grouted riprap on

an existing access road to create a low-water (Arizona) crossing. Also includes the minor widening of existing roads.

e. **Structure Upgrades for Oil and Natural Gas Pipelines:** includes the installation of similar facilities with upgrades (e.g., new caissons), upgrades to larger facilities or facilities of different composition. Also includes the installation of new caissons, non-grouted riprap, or other armoring to protect existing structures from scour and erosion.

f. **Structure Upgrades for Electrical Facilities:** includes the installation of similar poles with upgrades (e.g., new caissons), upgrades to larger poles or poles of different composition, conversion of overhead to underground, etc. Also includes the installation of new caissons, non-grouted riprap, or other armoring to protect existing structures from scour and erosion, and new minor line extensions.

g. **Underground Linear Activities:** excavation for inspection or repair of underground facilities, installation of new pipes/cables across streams, placement of structures or erosion control to protect under-stream pipes, and installation of new valves or other appurtenances.

h. **Streambank Stabilization Structures:** Includes the installation, repair, or replacement of permanent bank stabilization features such as riprap toe protection, vegetated soil lifts, coir logs, brush mattresses, and other biotechnical treatments designed to prevent erosion or channel migration.

i. **Channel Regrading and Keyways:** Permanent regrading of eroded or unstable banks to achieve stable slope geometry (e.g., 2:1 slope), including excavation of keyways for anchoring stabilization materials such as rock toes, coir logs, or live plant installations.

j. **Native Vegetation Establishment:** Includes permanent revegetation of streambanks with native riparian trees, shrubs, and herbaceous species for the purposes of long-term erosion control, aquatic resource restoration, and water quality protection.

k. **Other**: Includes facility drainage system repair, maintenance, or installation of existing facilities and other bank stabilization efforts.

2. **Designated Temporary Impacts**

a. **Poles or Culvert Relocation:** Relocating poles or culverts within 30 feet of the original location is considered a temporary impact if the new replacement structure does not expand the footprint beyond ten (10) percent of the original footprint, and the original footprint is completely restored.

b. **Roadside Ditches:** Impacts to roadside ditches are considered temporary if the roadside ditch has the following characteristics:

i. The feature is artificially constructed (i.e., man-made).

ii. The feature is not in or part of a stream channel or other waters of the state, or in a stream channel or other waters of the state that has been relocated upland.

iii. The feature would not cause or contribute to an impairment of downstream beneficial uses; and

iv. The feature is restored following construction such that the pre-construction course, condition and capacity are retained to the maximum extent practicable.

c. **Temporary Dewatering and Channel Access:** Use of cofferdams, diversion channels, or temporary stream crossings for construction access or isolation of work areas

3. **Impact Size Limits:** Permanent and temporary impacts to waters of the state are activity-specific and subject to the project size limits and restrictions below. These project impact size limits are consistent with the State Water Board's certification of the Corps' Nationwide Permits and are intended to ensure that projects authorized under this Certification remain consistent with the minimal impact thresholds established for similar activities. Impacts are evaluated per single and complete project; cumulative impacts across multiple crossings or segments may require individual certification.

   a. Individual project impact size limits to waters of the state for oil and natural gas pipelines, electric utility lines, telecommunication lines, and associated activities are as follows.

      i. **Permanent Impact Acreage:** The project shall not result in more than five thousandths (0.005) of an acre of permanent impacts to waters of the state.

      ii. **Temporary Impact Acreage:** The project shall not result in more than one half (0.5) of an acre of total impacts to waters of the state.

      iii. **Permanent Impact Length:** The project shall not result in more than 50 linear feet of permanent impacts to waters of the state.

      iv. **Temporary Impact Length:** The project shall not result in more than 400 linear feet of total impacts to waters of the state.

      v. **Vehicle Travel Through Dry Wash**: Vehicle travel through dry washes or other ephemeral waters of the state for the purpose of site access may be included in the calculation of total project impacts. However, these impacts will not be considered for the purpose of the impact limits defined in sections VII.A.2.a.i through iv., above.

   b. Individual project impact size limits to waters of the state for linear transportation projects (e.g., roads, highways, railways, trails, driveways, airport runways, and taxiways), and associated activities are as follows**:**

i. **Permanent Impact Acreage:** The project shall not result in more than one hundredth (0.01) of an acre of permanent impacts to waters of the state.

ii. **Total Impact Acreage:** The project shall not result in more than two-tenths (0.2) of an acre of total impacts to waters of the state.

iii. **Permanent Impact Length:** The project shall not result in more than 100 linear feet of permanent impacts to waters of the state.

iv. **Total Impact Length:** The project shall not result in more than 300 linear feet of total impacts to waters of the state.

c. Individual project impact size limits to waters of the state for bank stabilization activities necessary for erosion control or prevention, such as vegetative stabilization, bioengineering, sills, rip rap, revetment, stream barbs, and bulkheads, or combinations of bank stabilization techniques are as follows:

i. **Permanent Impact Acreage:** The project shall not result in more than one hundredth (0.1) of an acre of permanent impacts to waters of the state.

ii. **Total Impact Acreage:** The project shall not result in more than two-tenths (0.2) of an acre of total impacts to waters of the state.

iii. **Permanent Impact Length:** The project shall not result in more than 200 linear feet of permanent impacts to waters of the state.

iv. **Total Impact Length:** The project shall not result in more than 300 linear feet of total impacts to waters of the state.

B. General Compliance

1. Permitted actions must not cause a violation of any applicable water quality objectives or water quality control plans, including impairment of designated beneficial uses for receiving waters as adopted in any applicable Water Board water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.

2. Activities enrolled under this Certification must conform to the engineering plans, specifications, and technical reports submitted with the Notice of Intent to enroll. Water Code section 13264 prohibits any discharge that is not specifically authorized in the Notice of Applicability.

3. Activities within the Carson River, Lake Tahoe, Little Truckee River, Truckee River, or Walker River Hydrologic Units must comply with Lahontan Regional Water Quality Control Board Basin Plan section 4.1 Waste Discharge Prohibition requirements. Dischargers with work within these hydrologic units

should contact Regional Water Board staff to determine if they must apply for a Basin Plan Prohibition Exemption to seek coverage under this Certification.

C. Standard Conditions

1. This Certification action is subject to remand, amendment, or vacatur by judicial or administrative adjudication, including review pursuant to Water Code section 13330, and California Code of Regulations, Title 23, chapter 28, Article 6 commencing with section 3867.
2. This Certification is not intended and shall not be construed to apply to any hydroelectric facility activity requiring a FERC license or an amendment to a FERC license, unless: coverage under RGP 5 is sought; a separate 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 the related FERC license or amendment to a FERC license for a hydroelectric facility was being sought; the project proponent notified the State Water Board Division of Water Rights that the proposed activities might involve a FERC-licensed facility; and the Deputy Director for the Division of Water Rights or their designee provided written approval for coverage under the Certification. Project proponent shall notify the State Water Board Division of Water Rights whenever the proposed activities may involve a FERC-licensed facility. Where the activities may involve a FERC-licensed facility, coverage under this General Order shall not apply unless the Deputy Director for the Division of Water Rights or their designee provides written approval.
3. Certification is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations.
4. Nothing in this Certification shall be construed as Water Board approval of the validity of any water rights, including pre-1914 claims. The State Water Board has separate authority under the California Water Code to investigate and take enforcement action, if necessary, to prevent any unauthorized or threatened unauthorized diversions of water.
5. Activities permitted under this Certification shall not result in adverse environmental impacts as defined under Public Resources Code Division 13, section § 21082.2 that are cumulatively significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
6. Activities authorized under this Certification shall be designed to avoid and minimize impacts to waters of the state to greatest practicable extent.
7. This Certification does not apply to projects for which any RGP conditions have been waived by the Corps' District Engineer.

8. This Certification does not apply to projects requiring compensatory mitigation for permanent impacts to waters except as provided in Section VII.G.
9. Activities impacting histosols, fens, bogs, peatlands, in wetlands contiguous with fens and vernal pools are prohibited.
10. If issued, the discharger shall submit a signed copy of the Department of Fish and Wildlife's lake and streambed alteration agreement to the Water Board prior to any discharge to waters of the state.
11. Unless granted by a variance by the Lahontan Regional Water Board Executive Officer or there is an emergency that threatens the public health or welfare, there shall be neither removal of vegetation nor disturbance of existing ground surface conditions between October 15 of any year and May 1 of the following year. This prohibition period applies to the Lake Tahoe Hydrologic Unit and above the 5,000-foot elevation in Mono County within the Lahontan Region. If stated in the NOA, this prohibition period will also apply to the Truckee River, Little Truckee River, East Fork Carson River, West Fork Carson River, East Walker River, and West Walker River Hydrologic Units and above the 5,000-foot elevation in Alpine, and Inyo Counties within the Lahontan Region.

D. Administrative

1. Signatory requirements for all document submittals required by this Certification are included in Certification Attachment E.
2. **Site Access**: The discharger shall grant Water Board 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:
    i. Enter upon the project premises where a regulated facility or activity is located or conducted, or where records are kept.
    ii. Have access to and copy any records that are kept and are relevant to the project or the requirements of this Certification.
    iii. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated under this Certification .
    iv. Sample or monitor for the purposes of determining Certification compliance.
3. The discharger is responsible for work conducted by any consultants, contractors, or subcontractors working on the project. A copy of this Certification shall be provided to any consultants, contractors, and subcontractors working on this project. Copies of this Certification (or electronic access) shall remain at the project site for the duration of authorization under this Certification. All personnel performing work on the

project shall be familiar with the contents of this Certification and how to access it at the project site.

E. Construction Conditions

1. All materials and supplies necessary for implementing effective BMPs under this Certification must be on-site and ready for use at the start of the activity and must remain in supply and ready for implementation throughout the project. All non-structural BMP materials (e.g., training documents, compliance tracking procedures) must be ready for use at the start of the activity.
2. Construction material, debris, rubbish, spoils, soil, silt, sawdust, rubbish, steel, welding slag, welding rods, waste material, waste containers, other organic or earthen material, or any other substances which could be detrimental to water quality or hazardous to aquatic life are prohibited from being discharged into waters of the state. Spoils from excavations shall not be stored in waters of the state.
3. Environmentally sensitive areas and environmentally restricted areas, including any avoided waters of the state, must be clearly identified (e.g., fencing, flagging) in the field for exclusion from disturbance prior to the start of project activities. Such identification must be properly maintained until construction is completed and the soils have been stabilized.
4. The number of access routes, number and size of staging areas, and the total area of the activity must be limited to the minimum necessary to achieve the project goal. Routes and work area boundaries must be clearly demarcated.
5. Bridges, culverts, dip crossings, or other structures must be installed so that water and in-stream sediment flow are not impeded. Appropriate design criteria, practices and materials must be used in areas where access roads intersect waters of the state.
6. Temporary materials placed in any water of the state must be removed as soon as construction is completed at that location, and all temporary roads must be removed or re-contoured and restored according to approved re-vegetation and restoration plans.
7. A method of containment must be used below any temporary bridge, trestle, boardwalk, and/or other stream crossing structure to prevent any debris or spills from falling into the waters of the state. Containment must be maintained and kept clean for the life of the temporary crossing structure.
8. Unless authorized for restoration in writing in an NOA, material excavated to prepare a site for placement of the permitted fill material must be properly disposed of in an upland area. The disposal site must be located at a sufficient distance away from flowing or standing water such that the excavated material does not erode or move in any way into any water of the state. The disposal area shall be identified in the project NOI.

9. **Topsoil:** For any excavation, including utility line trenches, the top 6 to 12 inches of topsoil shall be removed and stockpiled separately during construction. Following installation, the topsoil shall be replaced and seeded with native vegetation.
10. Any structure, including but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in Fish and Game Code section 45) exist or may exist, must be designated, constructed, and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish due to impedance of their upstream or downstream movement. This includes, but is not limited to, maintaining the supply of water and maintaining flows at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any structure results in a long-term reduction in fish movement, the discharger shall be responsible for restoration of conditions as necessary (as determined by the Water Board) to secure passage of fish across the structure.
11. **Dust Abatement:** Dust abatement chemicals added to water can be hazardous to wildlife and, if allowed to enter streams, are detrimental to water quality. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state. Dust abatement products or additives that are known to be detrimental to water quality or wildlife shall not be used, unless specific management needs are documented, and product-specific application plans are approved by Water Board staff.
12. **Use of Mechanized Equipment:** Activities permitted under this Certification shall be conducted in a manner that minimizes ground disturbance, soil compaction, rutting 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 Discharger and shall be provided as part of the project description included in the NOI.
13. **Piers or Piles:** Piers or piles placed in the stream channel to support a linear transportation structure over a creek channel must be aligned parallel with the direction of flow to prevent erosive eddies.
14. **Riparian Tree Removal:** Project designs shall avoid removal of mature riparian trees to the extent practicable, but if removal cannot be avoided, adverse effects to water quality shall be minimized and may require compensatory mitigation. Any necessary removal of riparian trees must be documented in the NOI with species, Diameter at Breast Height (DBH), and functional context (overstory/understory).
15. **Roads**: Maintenance of access roads under this Certification shall be confined to the previously existing road prism, except for minor, targeted

widening or improvements. Grading of through cut roads (any road having a running surface lower than the surrounding terrain on both sides of the road) is prohibited.

16. **Access routes**: The number of access routes, number and size of staging areas, and the total area of the activity must be limited to the minimum necessary to achieve the project goal. Routes and work area boundaries must be clearly demarcated.
17. **Armoring Facilities:** Placement of in-stream armor above streambed elevation is prohibited, except as otherwise authorized in an NOA by the applicable Water Board.
18. **Gabions:** Use of gabions ("rock gabions" and similar wire basket structures) in or along waters of the state is prohibited.
19. **Grouted Riprap:** Use of grouted riprap in waters of the state is prohibited.
20. **Geotextiles:** Gravel filters/blankets are preferred over geotextiles. If geotextiles are used, only 100% biodegradable geotextiles shall be used within waters of the state. Biodegradable geotextiles shall not contain synthetic materials, including photodegradable plastics or nylon.
21. **Hydromodification:** Dischargers that propose bank stabilization projects shall provide information analyzing potential upstream and downstream hydromodification impacts. The discussion must address potential effects on channel stability, sediment transport, and the potential to cause, worsen, or fail to reduce channel incision. If the analysis shows that the project will have significant impacts on the hydrology and geomorphology of the stream, the project is ineligible for Certification coverage.
22. **Culvert Replacement and Maintenance**

    a. Cured in Place Pipe (CIPP) is prohibited where it could cause detrimental physiological responses to human, plant, animal, or aquatic life, or cause discharges to waters of the state that do not comply with water quality objectives or goals.

    b. Replacement of culverts acting as grade control structures is prohibited. A vertical gap between the outlet of the culvert and the immediate downstream invert of the stream channel indicates that the culvert likely functions as a grade control structure.

    c. Projects proposing to replace culverts must repair any existing scour or head-cutting actively discharging sediment, caused by prior culvert design.

    d. Any replacement or existing culvert left in place by a repair or maintenance project shall be in alignment and at the same grade and orientation with the stream channel upstream and downstream of the culvert to ensure hydrologic connection of the stream channel and reduce plugging, overtopping and scour potential.

e. Replacement of a culvert with a similarly sized culvert is allowable unless there is visual indication that the existing culvert is undersized. Visual indications of undersized culverts include, but are not limited to: sediment aggradation upstream of the culvert; evidence of flow over the top of the culvert (e.g., erosional rills in dirt road surfaces or erosion of shoulders adjacent to paved road surfaces), erosion of the fill cell between the culvert and the road surface, scour pools at the culvert outlet, or erosion of creek banks immediately downstream of the culvert.

f. Culverts with solid bottoms (e.g., cylindrical culverts or box culverts) may be replaced with arch culverts or free-span bridges, if the existing culvert is not acting as a grade control structure.

g. The culvert must not be located in a meander bend of the stream channel.

h. Replacement culverts must be sized to convey a 100-year flow event with debris, without pressurizing flow passing through the culvert. The 100-year flow event should be modeled under climate change projections, if available.

23. Toxic and Hazardous Materials

a. Activities permitted under this Certification shall not discharge toxic substances in concentrations that produce detrimental physiological responses to human, plant, animal, or aquatic life.

b. Discharge of unset cement, concrete, grout, damaged concrete spoils, or water that has contacted uncured concrete or cement, or related washout to surface waters, ground waters, or land is prohibited. If concrete washout is necessary at the site, washout containment shall be used to prevent any discharge. Wastewater may only be disposed of by delivery to a sanitary waste-water collection system/facility (with authorization from the facility's owner or operator) or a properly licensed disposal or reuse facility.

c. Appropriate BMPs must be implemented throughout project activities to prevent and control potential leaks/spills/drainage of potentially hazardous materials such as: non-petroleum hydraulic fluid; epoxies; paints and other protective coating materials; cement concrete or asphalt concrete; and washings and cuttings thereof.

d. Activities permitted under this Certification 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 included in project plans provided in the NOI. 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.

iv. All on site fuel trucks or fuel containers shall be stored in an area where risk of contamination of water bodies by leaks or spills is minimized.

v. Unless approved by the Water Boards, all equipment shall be fueled, maintained, and/or parked overnight in an upland area at least 100 feet from any delineated waters of the state.

vi. Unless approved by the Water Boards, hazardous materials, including chemicals, fuels, and lubricating oils, shall not be stored within 100 feet of any delineated waters of the state, and shall be stored in appropriate containers with appropriate secondary containment.

vii. Pumps or other stationary equipment operating within 100 feet of a waterbody or wetland shall utilize appropriate secondary containment systems to prevent spills.

viii. 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.

ix. 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.

x. 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.

e. Projects that affect existing wetland areas shall be designed to include features or management measures to reduce the production of methylmercury in the wetland, including minimizing the wetting and drying of soils by keeping wetlands flooded and sediment control measures to reduce the transport of total mercury or methylmercury out of the wetland.

24. Invasive Species and Soil Borne Pathogens

a. The discharger is responsible for ensuring that all project personnel follow proper weed control practices, and that appropriate weed prevention measures are included in project plans.

b. Any straw, hay or other unprocessed plant material used for any purpose must be certified or documented as being weed free.

c. Soil borne pathogens are any nematodes, or any bacterial, protozoan, viral or fungal pathogens that can cause disease or death to native plants, agricultural crops or ornamental plants (e.g., Phytophthora ramorum, the cause of sudden oak syndrome, and Phytophthora lateralis, the cause of Port Orford cedar root disease). Any equipment entering or leaving the project area from an area of known soil borne pathogen infestation shall be thoroughly cleaned using methods appropriate for the known pathogen before entering or leaving the project area. The fungus that causes Valley Fever, Coccidioides spp., is not considered a soil borne pathogen in this Certification.

25. Work in Waters of the State

a. Work in waters of the state must not cause an exceedance of water quality objectives and comply with water quality control plans. Work in 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 in waters" means any activities in any waters of the state that are permitted under this Certification, regardless of the presence or absence of flowing or standing water.

b. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to waters of the state.

c. Except for the following conditions, equipment must not be operated in standing or flowing waters without site-specific approval in an NOA:

i. All construction activities must be effectively isolated from water flows to the greatest extent possible. This may be accomplished by working in the dry season or dewatering the work area in the wet season. When work in standing or flowing water is required, structures for isolating the in-water work area and/or diverting the water flow must not be contaminated by construction activities. All open flow temporary diversion channels must be lined with filter fabric or other appropriate liner material to prevent erosion. Structures used to isolate the in-water work area and/or diverting

the water (e.g., coffer dam, geotextile silt curtain) must not be removed until all disturbed areas are stabilized.

ii. Cofferdam and water barrier construction must be adequate to prevent seepage into or from the work area to the greatest extent feasible.

iii. Flow diversions must be conducted in a manner that prevents pollution and/or siltation and in a manner that restores pre-project flows (except for variation in flows due to seasonality, upstream diversions, etc.) upon completion of the activity. Diverted flows must be of sufficient quality and quantity, and of appropriate temperature, to support existing fish and other aquatic life both above and below the diversion. Diversions must be designed, installed, and maintained to reduce erosion. Pre-project flows must be restored to the affected surface water body upon completion of work at that location.

d. All temporary dewatering methods shall be designed to have the minimum necessary impacts to waters of the state. All dewatering methods shall be installed such that natural flow is maintained upstream and downstream of the diversion area. Any temporary dams or diversions shall be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the diversion area. All dewatering methods shall be removed immediately upon completion of activities for which diversions are needed.

e. If groundwater dewatering is required for the project, the discharger shall consult with the Water Board to determine if additional permits are required. If additional Water Board permits relating to dewatering are required, the designated Water Board staff contact identified in the project's NOA must be notified and copied on pertinent correspondence pertaining to those other required permits.

f. Temporary diversions or impoundments of water, cofferdams, or similar structures used to temporarily dewater work areas may be authorized provided that the project description submitted by the discharger in the NOI includes a draft dewatering plan and complies with the following conditions:

i. The draft dewatering plan shall describe the dewatering design, methods, and equipment; identify the location of intake and discharge points; specify the anticipated duration of dewatering activities; identify appropriate BMPs to protect water quality during installation, operation, maintenance, and removal of dewatering structures; and demonstrate compliance with Section VII.E.25.

ii. The discharger shall submit any revisions to the dewatering plan to the Water Board for acceptance at least thirty (30) days prior to any discharge to the affected water body.

iii. All temporary dewatering activities shall comply with the reporting and monitoring conditions in Section VII.H.11.

26. **Stormwater:** Dischargers that are required to enroll in the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002) shall maintain compliance with that Order. Compliance with that Order constitutes compliance with Erosion and Sediment Control Conditions 26.a.i-ii and Stormwater Management Condition 26.b.i-ii, below.

For ground disturbing activities that do not require enrollment in Order No. 2022-0057-DWQ, project plans included with the NOI shall include the appropriate erosion and sediment control and stormwater management conditions described below.

a. Erosion and Sediment Control:

i. No later than 24 hours prior to the start of a likely rain event, the discharger shall ensure that disturbed areas that drain to waters of the state are protected with correctly installed erosion control measures (e.g., jute, straw, coconut fiber erosion control fabric, coir logs, straw) or revegetated with propagules (seeds, cuttings, divisions) of locally collected native plants. The likely rain event is defined as any weather pattern that is forecast to have a fifty (50) percent or greater probability of producing precipitation in the project area, as predicted by the National Weather Service. The discharger shall obtain a copy of the precipitation forecast information (printed or electronic) daily and keep it on record for the duration of soil disturbing activities.

ii. The timing for installation of the post-construction stormwater BMP subdrains, soils, mulch, and plants shall be scheduled to ensure that the installed bioretention areas do not receive runoff from exposed or disturbed areas that have not been landscaped. The constructed post-project stormwater BMPs shall not receive site runoff until all project landscaping is planted, and effective erosion control measures implemented to ensure that the stormwater features are protected from sediment accumulation.

b. Stormwater Management:

i. Disturbed areas must be temporarily stabilized to prevent erosion and accidental discharge into waters of the state no later than 24 hours prior to any likely precipitation event. A likely precipitation

event is any weather pattern that is forecast to have a fifty (50) percent probability of producing precipitation in the project area, as predicted by the National Weather Service. If commencement of a precipitation event is predicted to begin less than 24 hours after the forecast is issued, temporary stabilization of the disturbed in-water work areas must begin immediately.

ii. No construction activity that could discharge sediment or other pollutants may be initiated if that activity and its associated erosion control measures cannot be completed prior to the onset of precipitation. After any rain event, the discharger shall inspect all sites currently under construction and all sites scheduled to begin construction within the next 72 hours for erosion and sedimentation problems and take corrective action as needed. Seventy-two-hour weather forecasts from the National Weather Service shall be consulted prior to start-up of any phase of the project that may result in sediment-laden runoff to the project site, and construction plans made to meet this condition.

27. Undergrounding and Drilling

a. The discharge of bentonite, drilling muds, lubricants, or any drilling compounds into waters of the state is prohibited.

b. An environmental monitor shall provide monitoring for compliance with the Horizontal Directional Drilling (HDD) or drilling plan throughout drilling operations under waters of the state.

c. Any HDD or other drilling operation shall be designed and implemented to minimize the risk of any spills and discharges including the frac-out release of drilling lubricants through fractures in the streambed or bank substrates. In substrates where frac-outs are likely to occur, HDD contractors shall employ all reasonable means and methods available to minimize potential for frac-out.

d. All drilling muds or compounds shall be contained and properly disposed of after drilling activities are completed.

e. If bore pits are excavated to support drilling operations, spoils shall be stored a minimum of 25 feet from waters of the state, where feasible; if site specific conditions warrant constructing pits or storing spoils less than 25 feet from waters of the state this request must be provided in the HDD or drilling plan submitted to the Water Board prior to any drilling activities with potential impacts to waters of the state. Spoils shall be stored behind a sediment barrier and covered with plastic or otherwise stabilized (i.e., tackifiers, mulch, or detention).

f. A draft HDD or drilling plan shall be prepared submitted to the Water Board for review at least 30 days before drilling activities under waters of

the state. The drilling plan must describe how compliance with Certification sections VII.E.27.a. through e. will be maintained and include:

- **i.** Release of bentonite, drilling muds, lubricants through fractures in the streambed or bank substrate during drilling is referred to as a "frac-out." Because of the potential for frac-outs to occur, the HDD or drilling plan shall include a frac-out response plan. The frac-out response plan shall specify all measures to be initiated if frac-outs should occur during HDD operations;
- **ii.** A drill path at least 10 feet below the streambed;
- **iii.** Constant monitoring of drill fluids for loss of pressure or returns;
- **iv.** Use of an onsite vacuum truck during drilling or other suitable means to capture and contain fluids that reach the surface;
- **v.** Contact information of those responsible for drilling activity monitoring;
- **vi.** Daylight hour drilling to enable visual monitoring for potential frac-outs;
- **vii.** Use of clean gravel bags instead of sandbags to contain a frac-out; and
- **viii.** For all HDD and other drilling sites, a means of containment (e.g., damming, fluming) or screening capable of capturing all of the potential discharge shall be described in the HDD plan. The downstream end of any such containment structure shall be capable of containing all bentonite or other drilling muds or debris that may be released during boring or drilling. Any drilling mud and spoils must be completely removed from the streambed prior to removal of the containment structure (e.g., dam, flume, and screen).

F. Mitigation for Temporary Impacts

1. The discharger shall restore all areas of temporary impacts to waters of the state and all project site upland areas of temporary disturbance which could result in a discharge of waters of the state as described in an approved restoration plan. The restoration plan shall be submitted with the NOI for written approval by Water Board staff. The restoration plan shall provide the following: a schedule; plans for grading disturbed areas to pre-project contours; a planting palette with plant species native to the project area; seed collection location; invasive species management; performance standards; and maintenance requirements (e.g., watering, weeding, and replanting).
2. In cases where implementation actions in the restoration plan cannot be reasonably conducted within one year, or where the adverse temporary impacts result in temporary loss of aquatic resource function(s), Dischargers may be required to provide compensatory mitigation to offset temporal loss of

waters of the state. Examples of additional mitigation include, but are not limited to, enhancement activities such as increasing the presence of native species and reducing dominance of non-native/invasive species, planting native willow cuttings, planting of native riparian vegetation and trash removal.

3. The Water Board may extend the monitoring and maintenance period beyond requirements of the restoration plan upon a determination by Water Board staff that success criteria have not been met or are not likely to be met within the monitoring period.

G. Compensatory Mitigation for Permanent Impacts to Waters of the State

1. Linear transportation activities (e.g. roads, highways, railways, trails, driveways, airport runways, and taxiways) shall provide compensatory mitigation to offset permanent impacts to waters of the state, unless the discharger has demonstrated that the project authorized by this Certification was designed to restore or improve the ecological function of the impacted aquatic resource. When compensatory mitigation is required, the discharger shall provide the following:

   a. A draft compensatory mitigation plan at a level of detail sufficient to accurately evaluate whether compensatory mitigation offsets the adverse impacts attributed to the project considering the overall size and scope of impact.

   b. Compensatory mitigation at a minimum of a one-to-one mitigation ratio, measured in area or length. The Water Board will require a higher overall mitigation ratio where necessary to ensure replacement of lost aquatic resource functions.

   c. Subject to Water Board approval, the mitigation may be satisfied using any of the following compensatory mitigation methods: restoration, enhancement, establishment, and/or preservation.

   d. Compensatory mitigation shall be provided through a mitigation bank or in-lieu fee program, where feasible. If no mitigation bank or in-lieu fee program options are available, mitigation may be provided through on-site or off-site permittee responsible mitigation, subject to Water Board approval.

   e. No discharge of dredged or fill material to waters of the state shall occur prior to Water Board approval of a final mitigation plan.

2. Oil and natural gas pipelines, electric utility lines, telecommunication lines, and associated facilities activities shall adhere to the process below for any proposed projects that would result in permanent impacts to waters of the state:

   a. By January 30 of each year, the discharger shall submit to the State Water Board a draft mitigation plan that includes elements as outlined in Dredge

or Fill Procedures, § IV.A.1.h; Appendix A: State Supplemental Dredge or Fill Guidelines, Subpart J, § 230.94(c)(5)-(6) and the following:

i. A report of permanent impacts incurred through December 31 of the previous year as detailed in Attachment D; and

ii. Proposed mitigation bank or in-lieu fee program credit purchase to offset the previous year's permanent impacts. The following mitigation ratios apply towards the purchase of establishment or reestablishment credits. If enhancement or preservation credits are proposed, mitigation ratios will be determined on an individual project basis:

1. In-kind, in watershed = 1:1 mitigation ratio

2. In-kind, outside of watershed = 2:1 mitigation ratio

3. Out-of-kind, in watershed = 3:1 mitigation ratio

4. Out-of-kind, outside of watershed = 4:1 mitigation ratio

These ratios apply only if credits are purchased within eighteen months of permanent impacts, otherwise mitigation ratios may be increased to account for temporal loss.

iii. By June 1, the discharger shall submit to the State Water Board proof of credit purchase that offset the previous year's permanent impacts.

3. Bank stabilization activities necessary for erosion control or prevention, such as vegetative stabilization, bioengineering, sills, rip rap, revetment, gabion baskets, stream barbs, and bulkheads, or combinations of bank stabilization techniques may require mitigation to offset adverse impacts to waters of the state. When using a fully bioengineered approach, including native plantings, wood habitat structures, rock and other approved materials, mitigation may not be required, upon Water Board approval. When mitigation is required, the discharger shall provide the following:

a. A draft mitigation plan at a level of detail sufficient to accurately evaluate whether mitigation offsets the adverse impacts attributed to the project considering the overall size and scope of impact.

b. No discharge of dredged or fill materials to waters of the state shall occur prior to Water Board approval of a final mitigation plan. The discharger shall implement the approved final mitigation plan.

H. 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 discharger or an authorized representative.

1. **Request for Authorization:** The NOI shall be submitted to the Regional Board for the region in which the discharge may occur. Where the discharge falls under the jurisdiction of more than one Regional Board, the NOI shall be submitted to the State Water Board. Proposed activities that may involve a FERC-licensed facility are not eligible for coverage under this Certification unless the Deputy Director for the Division of Water Rights or their designee provides written approval. Otherwise, an individual certification is necessary.
2. Dischargers shall submit an NOI for certification at least 45 days before the proposed construction start date. If the proposed activities might involve a FERC-licensed facility, the Discharger must contact the State Water Board Division of Water Rights before filing an NOI to confirm eligibility. The NOI shall describe all proposed direct project impacts and project design steps taken to first avoid, and then minimize, impacts to waters of the state to the maximum extent practicable. The NOI shall also include a jurisdictional delineation of all impact sites. The NOI must justify why the activity is energy related and provide supportive documentation. Notices of Intent for activities unrelated to energy will be excluded from enrollment. Detailed instructions for NOI submission are listed in Attachment C.
3. The NOI must also comply with the instructions set forth in Attachment C.
    a. **NOI Review Process:** NOIs will be reviewed for completeness by Water Board staff within 30 days from the NOI receipt date.
    b. Incomplete NOIs will be returned with a description of information needed to satisfy deficiency(ies).
    c. After receipt of a complete NOI, the Water Board will issue one of the following:
        i. A Notice of Exclusion (NOE) that describes the reason the project is ineligible for Certification enrollment. Dischargers that receive a NOE may not proceed with project activities until certification or WDR is obtained.
        ii. A Notice of Applicability (NOA). Dischargers may not proceed with project activities until a Notice of Applicability has been issued by the Water Board.
        iii. If the Water Board does not issue an NOA or NOE within 45 days of receiving a complete NOI, the discharger may proceed with the project according to all applicable Certification conditions.
    d. For an application to be determined complete, the following items must be provided in sufficient detail to inform a permitting decision:

i. Information required in the NOI Form (Attachment B), including applicant information, the location of the proposed project and a description of impacts;

ii. Proof of payment of the applicable fee (Section VIII.);

iii. NOI signed by the Legally Responsible Party;

iv. A delineation report; pre-project photos of the project area and proposed impact sites; maps which clearly identify the project site and proposed impacts;

v. A restoration plan for projects which propose temporary impacts (Section VII.F);

vi. Mitigation information to offset proposed permanent impacts (Section VII.G);

vii. A discussion of hydromodification impacts for bank stabilization projects (VII.E.21); and

viii. A dewatering plan for any projects which propose site dewatering (Section VII.E.25.f).

4. **Commencement of Construction:** Dischargers shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and, if applicable, corresponding Waste Discharge Identification Number (WDID) issued under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ).

5. **Annual Reporting:** Dischargers shall submit an Annual Report by June 1 of each year unless a NOA specifies a different due date for this report. Annual reporting shall continue until the Water Board issues a Notice of Project Complete to the discharger. Dischargers shall provide at least one annual report, if the event the project is completed in less than one year.

6. **Notice of Project Completion:** A request for a Notice of Project Completion shall be submitted to the Water Board within thirty (30) days following completion of all project activities including post-construction monitoring of restoration sites. Upon approval of the request, the Water Board will issue a Notice of Project Complete to the discharger. Dischargers are responsible for payment of annual fees until the Water Board issues a Notice of Project Completion. Because of the timing of the annual billing cycle, a final invoice may be issued after the Notice of Project Completion, depending on the billing date and the date of notice issuance.

7. **Transfer of Property Ownership:** Authorization by this Certification is not transferable in its entirety or in part to any person or organization except in accordance with the following terms:

   a. The discharger must notify the Water Board of any change in ownership or interest in ownership of the project area by submitting a Transfer of

Property Ownership Report. The discharger and purchaser must sign and date the notification and provide such notification to the Water Board at least fourteen (14) days prior to the transfer of ownership. The purchaser must also submit a written request to the Water Board to be named as the discharger in a revised NOA.

b. Until such time as the NOA has been modified to name the purchaser as the discharger, the discharger named on the NOI shall continue to be responsible for all requirements set forth in this Certification.

8. **Transfer of Long-Term Best Management Practices Maintenance:** If maintenance responsibility for post-construction best management practices is legally transferred, the discharger must submit to the Water Board a copy of such documentation and must provide the transferee with a copy of a Long-Term Best Management Practices Maintenance Plan that complies with manufacturer or designer specifications. The discharger must provide such notification to the Water Board with a Transfer of Long-Term Best Management Practices Maintenance Report at least fourteen (14) days prior to the transfer of best management practices maintenance responsibility.

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

   a. As soon as (A) discharger 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:

      i. First call – 911 (to notify local response agency)

      ii. Then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911

      iii. Lastly, follow the required OES procedures as set forth in:

      Summary of Laws and Regulations for Hazardous Material Spill / Release Reporting (https://www.caloes.ca.gov/wp-content/uploads/Fire-Rescue/Documents/Summary-Spill-Release-Feb2014.pdf)

   b. Following notification to OES, the discharger shall notify the Water Board as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

   c. Within seven (7) days of notification to the Water Board, the discharger must submit an Accidental Discharge of Hazardous Material Report to the Water Board.

10. **Violation of Compliance with Water Quality Standards:** The discharger shall notify the Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
    a. Examples of noncompliance events include: lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the state, and water contact with uncured concrete.
    b. This notification must be followed within four (4) days by submission of a Violation of Compliance with Water Quality Standards Report.
11. **In-Water Work**
    a. The discharger shall notify the Water Board at least forty-eight (48) hours prior to initiating work in flowing or standing water or stream diversions. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
    b. Within ten (10) days following completion of in-water work or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to the Water Board.
12. **Modifications to Project**: Project modifications may require an amendment to an enrolled project's NOA. The discharger shall provide advance notice to the Water Board if project changes, as described in the application materials, affect compliance with this Certification or the NOA, including changes that result from subsequent permit conditions imposed by any local, state or federal regulatory authority, by submitting a Modifications to Project Report.
13. **Water Quality Monitoring**
    a. **General:** If surface water is present within the project area, visual monitoring shall be conducted during active construction to detect discharge of construction related pollutants (e.g., oil and grease, sediment and earthen materials, uncured concrete).
    b. **Accidental Discharges/Noncompliance:** Dischargers shall notify the Water Board when the discharge includes hazardous materials or may cause or contribute to an exceedance of water quality objectives or water quality control plans. Water Board staff may require additional water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.
    c. **In-Water Work or Diversions**: For projects involving planned work in water or stream diversions, a water quality monitoring plan shall be submitted to the Water Board for acceptance at least 30 days in advance of any discharge to the affected water body. Water quality monitoring shall be conducted in accordance with the approved plan.

d. **Post-Construction:** If the proposed project includes ground disturbance, the discharger shall visually inspect the project site at least once during the rainy season (October 1 – April 30) until a Notice of Project Completion is issued to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the project site. If water quality pollution occurs, the discharger shall contact the Water Board staff member overseeing the project within three (3) days. The Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required for any necessary site remediation.

VIII. Application Fees

Certification enrollment is conditioned upon total payment of any fee required under California Code of Regulations, title 23. A fee calculator can be found online at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/#fees. The calculator is useful to estimate fees, but dischargers must confirm the correct fee amount through consultation with the approving Water Board. Appropriate fees will be determined by the current fee regulations at the time of NOI submittal. Dischargers should confirm the correct fee amount prior to submitting an NOI. Fees are periodically adjusted, and annual fees may apply.

IX. Public Notice

The State Water Board provided public notice of the request for certification pursuant to California Code of Regulations, title 23, section 3861, from February 19, 2026, to April 6, 2026. The State Water Board did not receive any comments during the comment period.

X. California Environmental Quality Act (CEQA)

Each covered Project must meet a California Code of Regulations, title 14, categorical exemption (e.g., §15301 Existing Facilities; §15302 Replacement of Reconstruction) to which an exception does not apply or be eligible for a statutory CEQA exemption. Because this Certification applies to only projects that are exempt from CEQA, the State Water Board has accordingly determined that the issuance of this Certification is exempt from CEQA pursuant to California Code of Regulations, title 14, section 15061. The State Water Board also concludes that no exceptions to the CEQA exemptions apply to the issuance of this Certification and will file a Notice of Exemption with the State Clearinghouse within five (5) working days from the issuance of this Certification (Cal. Code Regs., tit 14 § 15062).

XI. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this Certification in accordance with California Code of Regulations,

title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Certification. A petition regarding the issuance of an NOE or NOA may be filed pursuant to Water Code section 13330.

XII. Water Quality Certification

I hereby issue this water quality certification for the Regional General Permit 5 for Energy Emergency Activities, State Water Board I.D. No. SB26013GN, for eligible projects certifying that as long as all of the conditions listed in this Order are met, eligible projects 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). This certification also serves as waste discharge requirements in accordance with State Water Board Water Quality Order No. 2003-0017-DWQ. To the extent a project does not meet the eligibility criteria, water quality certification is denied.

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.

Phillip Crader Digitally signed by Phillip Crader Date: 2026.05.18 16:39:49 -07'00'

Water Boards

Date

Phillip Crader, Deputy Director
Division of Water Quality