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## Public Notice of Request for Water Quality Certification for U.S. Army Corps of Engineers' Regional General Permit 5 for Emergency Repairs

State Water Resources Control Board  
Division of Water Quality  
Water Quality Certification Program  
**Date Posted: July 08, 2024**

**Project Name:** Regional General Permit 5 for Emergency Repairs

**Affected Counties:** All counties within the U.S. Army Corps of Engineers San Francisco District boundaries – Del Norte, Humboldt, Siskiyou, Trinity, Mendocino, Sonoma, Napa, San Francisco, Concord, Solano, Alameda, San Mateo, Santa Clara, San Benito, Monterey

The following information is provided in satisfaction of the public notice requirements of Section 3861, Title 23, of the California Code of Regulations, which govern the State's Water Quality Certification Program.

The State Water Resources Control Board (State Water Board) is proposing to certify Regional General Permit 5 for Emergency Repairs pursuant to Section 401 of the Clean Water Act (33 USC 1341) and the Porter-Cologne Water Quality Control Act. **The State Water Board will consider all comments submitted in writing and received by the contact listed below during a 45-day comment period that begins on the date of issuance of this notice (July 08, 2024) and ends at 5:00 p.m. on August 22, 2024.** Electronic submittals are strongly encouraged.

**State Water Board Contact:**

Ashley Powell, Environmental Scientist  
Wetlands Permitting and Planning Unit, Division of Water Quality  
State Water Resources Control Board  
1001 I Street, 15th Floor  
Sacramento, CA 95814  
Email: [Ashley.Powell@waterboards.ca.gov](mailto:Ashley.Powell@waterboards.ca.gov)

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

**Background:** On June 26, 2024, the U.S. Army Corps of Engineers (USACE), San Francisco District, issued a public notice for reissuance of Regional General Permit 5 for Emergency Repair. On July 5, 2024, the USACE San Francisco District submitted a request for water quality certification under Section 401 of the Clean Water Act to the State Water Board.

Pursuant to federal law Clean Water Act Section 401, applicants for a federal license or permit for activities which may discharge to waters of the United States must seek Water Quality Certification from the state or Indian tribe with jurisdiction. Such certification is based on a finding that the discharge will meet water quality standards and other applicable requirements. In California, Regional Water Quality Control Boards (Regional Water Boards) issue or deny Certification for discharges within their geographical jurisdiction. The State Water Board has responsibility for projects affecting waters within multiple Regional Water Board jurisdictions.

**Project Description:** The USACE San Francisco District proposes to reissue Regional General Permit 5 to authorize necessary emergency repair and protection measures in waters of the United States. These activities are proposed to be reauthorized pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899, where there is a sudden, unexpected occurrence involving a clear and imminent threat to life or property (such as those situations that could potentially result in an unacceptable hazard to life or a significant loss of property if corrective action requiring a permit is not undertaken immediately) demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services.

Applicant: United States Army Corps of Engineers, San Francisco District  
Applicant Contact: Frances P. Malamud-Roam

Email: [Frances.P.Malamud-Roam@usace.army.mil](mailto:Frances.P.Malamud-Roam@usace.army.mil)

View the [USACE Public Notice for Regional General Permit 5 dated June 28, 2024](#)<sup>1</sup>

### ***KEEP INFORMED OF PROJECT MILESTONES***

To be informed of milestones in the development of this proposed water quality certification, any interested persons should enroll in the State Water Board's 401 Program e-mail notification service.

Click the "Subscribe to the 401 Water Quality Certification and Wetlands Program Email List" button on the [401 Program Webpage](#) at:

[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml)

By enrolling in this list, you will receive notices for future 401 applications. You will need a valid e-mail address to use this service. If you do not have internet access or do not

<sup>1</sup><https://www.spn.usace.army.mil/Missions/Regulatory/Public-Notices/Article/3818228/spn-2003-282180-regional-general-permit-5-rgp-5-for-emergency-repairs/>

wish to participate in the email list, contact the staff person named in the notice to express your interest in receiving notices by other means. You can enroll or un-enroll at any time.