

## State Water Resources Control Board

### **WATER QUALITY ORDER WQ 2023-0061-DWQ CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR REGIONAL GENERAL PERMIT 8 FOR EMERGENCY REPAIR AND PROTECTION ACTIVITIES**

**Effective Date:** Upon Deputy Director's Signature

**Project:** Regional General Permit 8 for Emergency Repair and Protection Activities

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

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**Attachment A:** RGP 8 Area Map

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**Attachment F:** Compliance with 40 CFR § 121.7

## **I. Summary**

This Clean Water Act (CWA) section 401 certification action (Order), which includes attachments A through F, is issued at the request of the U.S. Army Corps of Engineers, Sacramento District (Corps), for Certification of Regional General Permit (RGP) 8 for Emergency Repair and Protection Activities. This Order is for the purpose described in the public notice issued by the Corps for the reissuance of RGP 8 on May 23, 2023.

## **II. Findings**

- A.** This Order is adopted pursuant to section 401 of the Clean Water Act and the California Porter-Cologne Water Quality Control Act (Wat. Code § 13000, et seq.). Notwithstanding any determinations made by the U.S. Army Corps or other federal agency, dischargers must comply with the entirety of this Order because the Order 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 Water Code section 13385.
- 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 NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ until September 1, 2023, and thereafter Order No. 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 & 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 Order, the Enrollee 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 Enrollee is responsible for meeting all requirements of the applicable endangered species act for the project authorized under this Order.

- G.** This Order includes monitoring and reporting requirements pursuant to Water Code sections 13383 and 13267. The burden of preparing these reports, including costs, is 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 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. Scope of Order**

- A.** The purpose of RGP 8 is described in the public notice issued by the Corps on May 23, 2023. RGP 8 serves as the federal Clean Water Act section 404 and/or section 10 of the Rivers and Harbor Act of 1899 permit authorizing structures or work in or affecting navigable waters of the United States and the discharge of dredged or fill material into waters of the United States, including wetlands, necessary for repair or protection measures associated with an emergency situation. An emergency situation, as determined by the Corps, is one which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a Department of the Army permit is not undertaken within a time period less than the normal time to process the request under standard processing procedures.
- B.** Activities covered under RGP 8 consist of permanent or temporary work or structures in navigable waters of the U.S., and/or the permanent or temporary discharge of dredged and/or fill material into waters of the U.S., including wetlands, for repair or protection activities for which the Corps has determined that an emergency situation exists. Typical activities authorized under this RGP include but are not limited to bank stabilization; restoration of damaged areas; temporary fills for staging, access, and dewatering; and repair, replacement, or rehabilitation of existing structures and/or fills (i.e., roads, bridges, utility pipelines and flood control structures, including attendant features, irrigation pumps or intakes, and other existing structures located in waters of the U.S.).
- C.** This Order is limited to emergency actions where the Water Board has determined that the action is an emergency as defined in this Order. Emergency actions authorized by this Order are actions where CEQA is suspended under the California Emergency Services Act or actions that meet the CEQA definition of an “emergency.” CEQA defines “emergency” in Public Resources Code, section 21060.3, as follows:

*A sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. “Emergency” includes*

*such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.*

Emergency actions must meet the CEQA definition of an “emergency” and demonstrate an imminent threat or be eligible for a CEQA suspension under the California Emergency Services Act to qualify for enrollment under this Order. For actions that do not qualify for enrollment under this Order, the discharger must contact either the State Water Board or the appropriate Regional Water Board to apply for an individual or other suitable general water quality certification or waste discharge requirements.

- D.** This Order is limited to projects where CEQA is suspended under the California Emergency Services Act, or projects that satisfy one or more of the following exemption criteria, as defined by the CEQA Guidelines (Cal. Code Reg., tit. 14, § 15269):
- 1.** Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of the Public Resources Code.
  - 2.** Emergency repairs to publicly or privately-owned service facilities necessary to maintain services essential to the public health, safety, or welfare. Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency.
  - 3.** Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply (1) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare, or (2) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.
  - 4.** Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This exemption does not apply to highways designated as official State scenic highways, nor any project undertaken, carried out, or approved by a public agency to expand or

- widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.
5. Seismic work on highways and bridges pursuant to section 180.2 of the Streets and Highways Code, section 180 et seq.
- E. This Order is limited only to sudden, unexpected emergency situations that: (1) have occurred, or (2) have a high probability of occurring in the short term as a result of recently discovered factors or events not related to known or expected conditions.
- F. This Order cannot be used to authorize projects resulting from deferred maintenance (except as specified in section VI.A.3).

#### **IV. Location**

In any jurisdictional waters of the U.S. 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 Order.

#### **V. Impact and Receiving Waters Information**

Individual projects authorized under this Order 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). Receiving waters and groundwater 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/) ([http://www.waterboards.ca.gov/plans\\_policies/](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 D.

#### **VI. Conditions**

Enrollees may proceed with projects in accordance with the following terms and conditions.



## **A. General Conditions**

1. Emergency repairs and construction must commence within fourteen (14) calendar days of receiving a Notice of Applicability (NOA) from the Water Boards unless an extension is granted by the Corps and agreed to, in writing, by the appropriate Regional Water Board.
2. Authorized work in waters shall be completed within 180 days of the enrollment date. If it is anticipated that work will not be completed prior to the expiration of enrollment, the Enrollee shall request an extension at least thirty (30) days prior to the expiration date. The request shall include justification for the extension.
3. All repairs and construction shall be kept to the minimum necessary to alleviate the immediate emergency and limited to in-kind replacement or refurbishment of on-site features. Minor upgrades, even if deferred maintenance contributed to the emergency situation, may be authorized in the NOA if the Enrollee uses bioengineered, biotechnical, or other environmentally sensitive solutions. For upgrades resulting from deferred maintenance, the Enrollee may be required to submit a plan prior to termination of coverage describing future or long-term actions and authorizations to prevent repeated future emergencies at the project site.
4. Permanent restoration work other than that performed as an associated part of the emergency operations, including any minor upgrades, shall not be performed without prior approval and authorization by the Water Board. Temporary or permanent work that includes hardscape may be required to be removed after the emergency circumstances have passed if alternative ecologically appropriate solutions are deemed feasible by the Water Board.
5. Except as specified in condition VI.A.7, 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 State Water Board water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
6. The Enrollee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted with the NOI and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Enrollee submittals.
7. **Projects located within the Carson River, Lake Tahoe, Little Truckee River, Truckee River, or Walker River Hydrologic Units must work with Regional Water Board staff to ensure that the following**

**criteria are satisfied in order to be exempted from waste discharge prohibitions:**

- a. There is no feasible alternative to the project that would comply with the Basin Plan prohibitions, and
- b. All applicable control and mitigation measures that are practicable have been incorporated to minimize potential adverse impacts to water quality and beneficial uses.

**B. Administrative Conditions**

1. Signatory requirements for all document submittals required by this Order are presented in Attachment C of this Order.
2. The Corps and/or the Enrollee 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:
  - a. Enter upon the project or compensatory mitigation site(s) 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. A copy of this Order and the subsequent NOA must be available at the project site(s) for the duration of the project.
4. A copy of this Order and the subsequent NOA shall be provided to any consultants, contractors, and subcontractors working on the project. All personnel performing work on the project shall be familiar with the content of this Order and be aware of where a copy is available at the project site. The Enrollee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.

**C. Construction Conditions**

1. At all times, appropriate types and sufficient quantities of materials shall be maintained on site to contain and clean up any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the state. Construction personnel must know how to use appropriate containment and clean up materials.



2. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment must not result in a discharge to any waters of the state, and shall be located outside of waters of the state in areas where accidental spills will not enter or affect such waters.
3. If construction related materials reach surface waters, appropriate spill response procedures must be initiated as soon as the incident is discovered. In addition, Water Board staff at the appropriate Regional Board must be notified via email and telephone within twenty-four (24) hours of occurrence.
4. Construction materials and debris from all construction work areas shall be removed from the site and disposed of properly following completion of individual projects enrolled under this Order.
5. Water diversion activities must not result in the degradation of beneficial uses or exceedances of water quality objectives of any of the receiving waters, unless authorized in the NOA as specified in condition VI.A.7. Any temporary dam or other constructed obstruction must only be built from materials which will cause little or no siltation (e.g., clean gravel). Normal flows must be restored to the affected water immediately upon completion of work at that location.
6. Effective best management practices (BMPs) must be implemented to control erosion and runoff from areas associated with the emergency project, this includes access roads.

#### **D. Mitigation Conditions**

1. A sequence of actions must be taken to first avoid and then to minimize adverse impacts to aquatic resources. Compensatory mitigation may be required to offset any remaining unavoidable adverse impacts to aquatic resources. Enrollees may be required to submit a compensatory mitigation plan describing how the mitigation will offset permanent adverse impacts. If the Enrollee is required to provide compensatory mitigation, the compensatory mitigation requirements shall be set forth in the NOA.
  - a. For projects that require compensatory mitigation, the Enrollee shall submit a compensatory mitigation plan for Water Board staff approval within forty-five (45) days of completion of construction. The mitigation plan will identify the mitigation type (e.g., habitat establishment, rehabilitation, etc.), location, acreage, design, and implementation schedule. The mitigation plan shall be implemented prior to termination of coverage.
2. Factors that the Water Board staff will consider when determining the suitability of appropriate and practicable mitigation will include, but are not limited to: (1) the approximate functions and values of the aquatic resource being impacted, such as habitat value, aquifer recharge, sediment conveyance or retention and flood storage; (2) the permanence of the

project's impacts on the resource; and (3) the potential long-term effects of the action on remaining functions and values of the impacted aquatic resource.

3. Compensatory mitigation may be required for temporary impacts that result in temporal loss of aquatic resource functions.

#### **E. Restoration of Temporary Impacts**

1. Enrollees must restore temporary impacts to pre-project conditions as soon as practicable. Enrollees may be required to submit a restoration plan to describe actions to restore areas of temporary impacts to pre-project conditions.
2. For projects that require a restoration plan, the Enrollee shall submit a restoration plan for Water Board staff approval in writing within forty-five (45) days of completion of construction that outlines design, implementation, assessment, and maintenance for restoring areas of temporary impact to pre-project conditions. The level of detail in the restoration plan shall be sufficient to accurately evaluate whether the restoration addresses the adverse temporary impacts attributed to the project. The restoration plan shall be implemented prior to termination of coverage.

#### **F. 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, or uncured concrete).

Additional water quality monitoring (e.g., pH, dissolved oxygen), or inspections may be required during or post-construction, such as a daily log with photos during in-water work, revegetation monitoring, and sedimentation and erosion monitoring. Requirements for additional monitoring, sampling, or inspections shall be set forth in the NOA.

2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Water Board staff may require additional water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

#### **G. 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 Attachments B, D, and E, 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 B, which must be signed by the Enrollee or an authorized representative.

## **1. Notice of Intent and Fee Requirements**

- a. Except as set forth in section G.1.b below, the prospective Enrollee must notify the appropriate Regional Water Board<sup>1</sup> and the State Water Board as early as possible, and no less than forty-eight (48) hours prior to initiating the emergency project.

Notification may be via telephone, e-mail, written notice, or other verifiable means. A staff directory that includes contact information for State and Regional Program Managers is found at the State Water Board's [Dredge or Fill Program Staff Directory](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wqc_staffdir.pdf)

([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/wqc\\_staffdir.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wqc_staffdir.pdf)). A map of Regional Board boundaries is included in Attachment A and an interactive version is on the State Water Board's [Regional Board Map website](https://www.waterboards.ca.gov/waterboards_map.html) ([https://www.waterboards.ca.gov/waterboards\\_map.html](https://www.waterboards.ca.gov/waterboards_map.html)).

### **Electronic Submittal:**

- i. Send an email to [SB-401Application@waterboards.ca.gov](mailto:SB-401Application@waterboards.ca.gov), and the appropriate "Region Program Manager" from the staff directory linked above.
  - ii. Include "Attention – Emergency RGP 8 Notice of Intent" in the subject line.
- b. If forty-eight (48) hour prior notice to the appropriate Regional Water Board and the State Water Board is not possible, then the Enrollee must notify the appropriate Regional Water Board and the State Water Board within one (1) business day of initiation of the emergency project.
  - c. In all cases, if not included as part of the initial notification to the Water Boards, the Enrollee must submit all the information in the Notice of Intent (NOI) form provided in Attachment D within three (3) business days of the notification.
  - d. The Enrollee must provide the appropriate fee to the Regional Water Board in accordance with California Code of Regulations, title 23, section 2200 with the NOI documents or the project may be ineligible for enrollment in this Order. Note that fees are adjusted annually.

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<sup>1</sup> Prospective Enrollees with a proposed project that involves one or more of the following activities should submit their Notice of Intent to the Division of Water Rights: 1) an appropriation of water, 2) a hydroelectric facility, or 3) any other diversion of water for domestic, irrigation, power, municipal, industrial, or other beneficial use. Water Rights contact information is in the Staff Directory in section VI.G.1.a.

Enrollees should confirm the correct fee amount prior to submitting payment.

- e. Once the appropriate Regional Water Board receives a complete NOI and the correct fee from the Enrollee, the Regional Water Board will transmit a NOA to the Enrollee verifying enrollment in this Order.

## **2. Project Status Notifications**

- a. The Enrollee must provide the appropriate Regional Water Board and State Water Board copies of all correspondence and reports that are submitted to the Corps to satisfy the requirements of RGP 8. In addition, the Enrollee must file the Notice of Completion (NOC) form provided in Attachment E.
- b. A completed NOC must be submitted to the appropriate Regional Water Board and State Water Board within 45 calendar days of completion of any actions conducted under this Order.

## **3. Conditional Notifications and Reports:** Instructions for submitting reports and conditional notifications are in Attachment B of this Order.

- a. Annual or Monthly Reporting: If required by the NOA, the Enrollee shall submit an Annual Report each year on the anniversary of the date that the individual project is authorized under this Order, unless another date is specified in the NOA. Monthly reporting may also be required. Reporting shall continue until a Notice of Project Complete Letter is issued to the Enrollee.

### **b. Accidental Discharges of Hazardous Materials<sup>2</sup>:**

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

- i. As soon as (A) Enrollee 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:

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<sup>2</sup> "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 & Safety Code, Section 25501.)

- 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/wp-content/uploads/Fire-Rescue/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf) ([https://www.caloes.ca.gov/wp-content/uploads/Fire-Rescue/Documents/CalOES-Spill\\_Booklet\\_Feb2014\\_FINAL\\_BW\\_Acc.pdf](https://www.caloes.ca.gov/wp-content/uploads/Fire-Rescue/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)).
- ii. Following notification to OES, the Enrollee 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 five (5) business days of notification to the Water Board, the Enrollee must submit an Accidental Discharge of Hazardous Material Report.

**c. Modifications to Project**

The Enrollee shall provide advance notice to Water Board staff if project implementation as authorized in the NOA 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 as described in Attachment B. Project modifications shall not be performed without prior approval and authorization by the Water Board.

- 4. Violation of Water Quality Standards:** The Enrollee shall notify the appropriate Regional Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, email, 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 three (3) business days by submission of a Violation of Water Quality Standards Report.
- 5. Transfer of Property Ownership:** Authorization under this Order is not transferable in its entirety or in part to any person or organization except after notice to the appropriate Regional Water Board in accordance with the following term:
- a. The Enrollee 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 Enrollee and purchaser must sign and date the notification and provide such notification to the Water Board at

least 10 days prior to the transfer of ownership. The purchaser must also submit a written request to the Water Board to be named as the Enrollee in a revised Order.

- 6. Transfer of Long-Term BMP Maintenance:** If maintenance responsibility for post-construction BMPs is legally transferred, the Enrollee must submit to the appropriate Regional Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Enrollee must provide such notification to the Water Board with a Transfer of Long-Term BMP Maintenance Report at least ten (10) days prior to the transfer of BMP maintenance responsibility.

#### **H. 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.
3. Enrollment under this Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations.

#### **VII. Public Notice**

The State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from June 12, 2023, to July 27, 2023. The State Water Board did not receive any comments during the comment period.

#### **VIII. California Environmental Quality Act (CEQA)**

The State Water Board has determined that the issuance of this Order is exempt by statute pursuant to California Code of Regulations, title 14, section 15061. Specifically, the issuance of this Order and the activities described herein are exempt by statute pursuant to Public Resources Code section 21080, subsections (b)(2)-(4).

The State Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) business days from the issuance of this Order. (California Code of Regulations, Title 14, section 15062).



## **IX. Petitions for Reconsideration**

Any person aggrieved by the issuance of this Order may petition the State Water Board to reconsider this Order 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 Order.

## **X. Fees Received**

The application fee amount for individual projects authorized under this Order is determined as required by California Code of Regulations, title 23, sections 3833(b)(3), and is calculated as category F – Emergency Projects authorized by a Water Board Order (fee code 85). Note that fees are periodically adjusted. Dischargers should confirm the correct fee amount prior to submitting payment.

## **XI. Water Quality Certification**

I hereby issue this water quality certification for the Regional General Permit 8 for Emergency Repair and Protection Activities, State Water Board I.D. No. SB23037GN, 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). This certification also serves as waste discharge requirements in accordance with State Water Board Water Quality General Order No. 2003-0017-DWQ.

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.

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Date

**Karen Mogus**  Digitally signed by Karen Mogus  
Date: 2023.08.01 14:59:16 -07'00'  
Karen Mogus, Deputy Director  
Division of Water Quality

## REGIONAL WATER QUALITY CONTROL BOARDS WITHIN THE US ARMY CORPS OF ENGINEERS SACRAMENTO DISTRICT



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## Reports and Notification Requirements

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### **I. Reports and Notifications Requirements**

Copies of this form: In order for staff to identify your Project, it is necessary to include a copy of the Project specific Report and Notification Cover Sheet (end of this attachment) with your report; please retain this document for your records. You may also obtain a copy of the cover sheet as follows:

- A. Download directly from the [State Water Board's General Orders webpage](#)<sup>1</sup>; or
- B. Request a copy by emailing or calling the Water Board staff noted on the first page of your Notice of Applicability (NOA), or as found in the [Program Staff Directory](#)<sup>2</sup>.

### **II. Report Submittal Instructions**

Step 1: Check the box on the Report and Notification Cover Sheet (end of this attachment) next to the report or notification you are submitting. Refer to the Project NOA for specific reports required for your Project.

#### **Types of Reports:**

- A. Part A: Annual or Monthly Report: Submit this report monthly, annually, or both as required by the Project Reporting section in this attachment and in your Project's NOA until the Water Board issues a Notice of Project Complete Letter.
- B. Part B: Project Status Notifications: Submit notifications to notify the Water Board of the status of the Project schedule that may affect Project billing.
- C. Part C: Conditional Notifications and Reports: Submit these items as needed to notify the Water Board of accidental discharges of hazardous materials, violation of water quality standards, status of in-water work, or other reports as required by your NOA.

Step 2: Sign the Report and Notification Cover Sheet and attach all information required for the Report Type checked on the Cover Sheet.

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<sup>1</sup> [https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/generalorders.html](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html)

<sup>2</sup> [https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/wqc\\_staffdir.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wqc_staffdir.pdf)

Step 3: Submit the completed report electronically to Water Board staff assigned to your Project (noted on the NOA) and copy the State Water Board (email below).

- A. Submit the signed Report and Notification Cover Sheet and required information via email to the assigned Regional Board staff and copy the State Water Board at: stateboard401@waterboards.ca.gov.
- B. Include in the subject line of the email: "ATTN: [*staff name*], RGP 8, and Reg Measure ID 452974 Report."

### **III. Definition of Reporting Terms**

Active Discharge Period: The active discharge period begins on the effective date of the NOA (or the date the project commenced, whichever is earlier) and ends the date the Enrollee receives a Notice of Completion of Discharges Letter, or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The active discharge period includes all construction-related elements of the Project, including site construction and restoration, and any Enrollee responsible compensatory mitigation construction.

Notice of Completion: See Attachment E for the Notice of Completion Form. Enrollee submittal of a Notice of Completion (NOC) to Water Board staff pertains to projects that have either completed post-construction monitoring and achieved performance standards, or have no post-construction monitoring requirements and no further Project activities are planned. Water Board staff will review the NOC and send a Notice of Project Complete Letter to the Enrollee upon approval. Invoices for projects are issued annually, between December and January of each year. Projects active for any portion of the fiscal year (July 1 – June 30) are subject to an annual fee, therefore projects issued a Notice of Project Complete Letter may be subject to an additional annual fee after the letter is issued by Water Board staff.

Post-Discharge Monitoring Period: The post-discharge monitoring period begins on the date of the Notice of Completion of Discharges Letter and ends on the date of the Notice of Project Complete Letter issued by Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.

Effective Date: The effective date is the date of NOA issuance; refer to NOA "Effective Date" on the first page of your NOA, or if unavailable, the date the NOA was signed by the authorized Water Board representative.

Best Management Practices (BMPs): BMPs are management practices and structural controls used to prevent or reduce the discharge of pollutants from runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage to

waters of the state. BMPs include scheduling of activities, prohibitions of practices, operation and maintenance procedures, treatment, and vegetated infiltration basins amongst other practices.

#### **IV. Map/Photo Documentation Information**

##### **A. Map Format Information**

Preferred map formats are of at least 1:24000 (1" = 2000') detail (listed in order of preference):

- GIS shapefiles: The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD83) in the California Teale Albers projection in feet.
- Google KML files saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Other electronic format (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Aquatic resource maps marked on paper USGS 7.5-minute topographic maps or Digital Orthophoto Quarter Quads (DOQQ) printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

##### **B. Photo-Documentation**

Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

## **V. Part A. Project Reporting: Report Content**

### **A. Report Type 1: Monthly Report**

1. Report Purpose: Notifies Water Board staff of the Project status and environmental compliance activities on a monthly basis.
2. When to Submit: If required by the NOA, monthly on the date specified in the NOA until a Notice of Project Complete Letter is issued to the Enrollee.
3. Report Contents:
  - a. Construction Summary: Describe Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction stormwater Best Management Practices (BMPs). BMPs is a term used to describe a type of water pollution or environmental control. If construction has not started, provide an estimated start date.
  - b. Event Summary: Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.
  - c. Photo Summary: Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, cardinal directions, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.
  - d. Compliance Summary:
    - i. List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.
    - ii. List associated monitoring reports for the reporting period.
    - iii. Summarize observed incidences of non-compliance with the NOA, compliance issues, minor problems, or occurrences.
    - iv. Describe each observed incident of non-compliance in detail. List monitor name and organization, date, location, type of incident, maintenance performed, or corrective action taken (if any), status, and resolution.



## **B. Report Type 2: Annual Report**

1. Report Purpose: Notify the Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
2. When to Submit: If required by the NOA, annual reports shall be submitted each year on the anniversary of the date the project was enrolled under the Order, unless another date is specified in the NOA, until a Notice of Project Complete Letter is issued to the Enrollee.
3. Report Contents: The contents of the annual report shall include the topics indicated below for each project period, as applicable. Report contents are outlined in Annual Report Topics below.
  - a. During the Active Discharge Period include the following report topics:
    - i. Topic 1: Construction Summary
    - ii. Topic 2: Restoration of Temporary Impacts Status
    - iii. Topic 3: Compensatory Mitigation for Permanent Impacts Status
  - b. During the Post-Discharge Monitoring Period include the following report topics:
    - i. Topic 2: Restoration of Temporary Impacts Status
    - ii. Topic 3: Compensatory Mitigation for Permanent Impacts Status
    - iii. Topic 4: Post-Construction Monitoring
4. Annual Report Topic 1: Construction Summary
  - a. When to Submit: Submit with the annual report during the Active Discharge Period.
  - b. Report Content: Include Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction stormwater best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay.
    - i. Map showing general Project progress.
    - ii. Summary of Conditional Notification and Report Types 6 and 7 (Part C below), if applicable.

5. Annual Report Topic 2: Restoration of Temporary Impacts Status

- a. When to Submit: Submit with the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
- b. Report Contents:
  - i. Planned date of initiation and map showing locations of restoration of temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state.
  - ii. If restoration of temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.

6. Annual Report Topic 3: Compensatory Mitigation for Permanent Impacts Status

- a. When to Submit: With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
- b. Report Contents: \*If not applicable report N/A.
  - i. Part A. Enrollee Responsible Mitigation:
    - Status of actions taken to obtain permits required for completion of mitigation (i.e., list of applications submitted, status of each application, etc.) and agency contact information for each permit being obtained.
  - ii. Part B. Mitigation Bank or In-Lieu Fee (ILF) Mitigation:
    - Status or proof of purchase of credit types and quantities,
    - Include the name of bank/ILF Program and contact information, and
    - If ILF, location of project and type if known.

7. Annual Report Topic 4: Post-Construction Monitoring

- c. When to Submit: Submit with the annual report during the Active Discharge Period and Post-Discharge Monitoring Period.
- d. Report Content: Include description of monitoring activities identification of maintenance needs and effectiveness.
  - iii. Map showing monitoring progress.

- iv. Summary of monitoring activities including effectiveness and identification of maintenance needs. Should maintenance needs be identified, include proposed corrective actions.

## **VI. Part B. Project Status Notifications**

### **C. Report Type 3: Request for Notice of Completion of Discharges Letter**

1. Report Purpose: Notify Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and Enrollee responsible compensatory mitigation, is complete.
2. When to Submit: Must be received by Water Board staff within forty-five (45) days following completion of all Project construction activities.
3. Report Contents:
  - a. Status of Construction Stormwater General Permit Notice of Termination(s), if applicable.
  - b. Status of post-construction stormwater BMP installation.
  - c. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge or fill/excavation was authorized.
  - d. Summary of discharge quantities compared to initial authorized impacts to waters of the state, if applicable.
  - e. Description of any project modifications and documentation of Water Board approval of such modifications.
  - f. An updated monitoring schedule for restoration of temporary impacts to waters of the state and Enrollee responsible compensatory mitigation during the post-discharge monitoring period, if applicable.

### **D. Report Type 4: Submittal of Notice of Completion Form**

1. Report Purpose: Notify Water Board staff that construction or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
2. When to Submit: Must be received by Water Board staff within forty-five (45) days following completion of all Project activities.

3. Report Contents: refer to Notice of Completion (NOC) form in Attachment E for a list of report contents.

## **VII. Part C – Conditional Notifications and Reports**

### **A. Report Type 5: Accidental Discharge of Hazardous Material Report**

1. Report Purpose: Notifies Water Board staff that an accidental discharge of hazardous material has occurred.
2. When to Submit: Within five (5) business days following the date of an accidental discharge. Continue reporting as required by Water Board staff.
3. Report Contents:
  - a. The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e., location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted.
  - b. If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites.
  - c. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

### **B. Report Type 6: Violation of Water Quality Standards Report**

1. Report Purpose: Notifies Water Board staff that a violation of water quality standards has occurred.
2. When to Submit: The Enrollee shall report any event that causes a violation of water quality standards within three (3) business days of the noncompliance event notification to Water Board staff.
3. Report Contents: The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Water Board staff.

**C. Report Type 7: In-Water Work and Diversions Water Quality Monitoring Report**

1. Report Purpose: Notifies Water Board staff of the completion of in-water work.
2. When to Submit: Within three (3) business days following the completion of in-water work. Continue reporting in accordance with the approved water quality monitoring plan.
3. Report Contents: As required by the approved water quality monitoring plan.

**D. Report Type 8: Modifications to Project Report**

1. Report Purpose: Notifies Water Board staff if the Project, 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.
2. When to Submit: 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.
3. Report Contents: A description and location of any alterations to Project implementation. Identification of any Project modifications that will interfere with the Enrollee's compliance with the NOA.

**E. Report Type 9: Transfer of Property Ownership Report**

1. Report Purpose: Notifies Water Board staff of change in ownership of the Project or Enrollee-responsible mitigation area.
2. When to Submit: At least ten (10) business days prior to the transfer of ownership.
3. Report Contents:
  - a. A statement that the Enrollee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts:
    - i. The Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and
    - ii. Responsibility for compliance with any long-term BMP maintenance plan requirements in this Order. Best Management

Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

- b. A written request submitted to the Water Board by the purchaser to be named as the Enrollee in a revised NOA.
- c. Both the Enrollee and the purchaser must sign and date the Transfer of Property Ownership Report.

**F. Report Type 10: Transfer of Long-Term BMP Maintenance Report**

- 1. Report Purpose: Notifies Water Board staff of transfer of long-term BMP maintenance responsibility.
- 2. When to Submit: At least 10 business days prior to the transfer of BMP maintenance responsibility.
- 3. Report Contents: A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

*Remainder of page intentionally left blank*



## **Report and Notification Cover Sheet**

### *Regional General Permit 8: Emergency Repair and Protection Activities*

Project:  
Enrollee:  
WDID/ File Number:  
Reg Measure ID:  
Place ID:

### **Report Type Submitted**

#### **A. Part A – Project Reporting**

Report Type 1    ☐ Monthly Report  
Report Type 2    ☐ Annual Report

#### **B. Part B – Project Status Notifications**

Report Type 3    ☐ Request for Notice of Completion of Discharges Letter  
Report Type 4    ☐ Submittal of Notice of Completion Form (submit this Cover  
Sheet with your Notice of Completion (NOC) Form)

#### **C. Part C – Conditional Notifications and Reports**

Report Type 5    ☐ Accidental Discharge of Hazardous Material Report  
Report Type 6    ☐ Violation of Water Quality Standards Report  
Report Type 7    ☐ In-Water Work/Diversions Water Quality Monitoring Report  
Report Type 8    ☐ Modifications to Project Report  
Report Type 9    ☐ Transfer of Property Ownership Report  
Report Type 10   ☐ Transfer of Long-Term BMP Maintenance Report

**Report and Notification Cover Sheet,**  
*page 2*

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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**Print Name <sup>3</sup>**

**Affiliation and Job Title**

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**Signature**

**Date**

I hereby authorize [ ] to act in my behalf as my representative in the submittal of this report, and to furnish upon request, supplemental information in support of this submittal.

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**Enrollee's Signature**

**Date**

**\*This Report and Notification Cover Sheet must be signed by the Enrollee (Legally Responsible Person) or a duly authorized representative and included with all written submittals.**

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<sup>3</sup> Include a STATEMENT OF AUTHORIZATION if authorization has changed since application was submitted.

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## Signatory Requirements

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### **I. SIGNATORY REQUIREMENTS**

All documents submitted in compliance with this Order shall meet the following signatory requirements:

**A. All applications, reports, or information submitted to the Water Board must be signed and certified as follows:**

1. For a corporation, by a responsible corporate officer of at least the level of vice-president.
2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

**B. A duly authorized representative of a person designated in items I.A.1 through I.A.3 above may sign documents if:**

1. The authorization is made in writing by a person described in items I.A.1 through I.A.3 above.
2. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
3. The written authorization is submitted to the Water Board Staff Contact prior to submitting any documents listed in item A above.

**C. Any person signing a document under this section shall make the following certification:**

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

## **NOTICE OF INTENT (NOI) FORM ENROLLMENT UNDER REGIONAL GENERAL PERMIT (RGP) 8 FOR REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS**

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**(Attach fee check or proof of online payment here.)**

### **Instructions for Notice of Intent**

The prospective Enrollee must notify the State Water Board and the applicable Regional Water Board<sup>1</sup> as early as possible, and no less than forty-eight (48) hours prior to initiating the emergency project, except as set forth below (and in Order section VI.G.1). Notification must be via telephone, e-mail, written notice, or other verifiable means. If not included as part of the notification, **the notification must be followed within three (3) business days by electronic or written submission of all of the information in this Notice of Intent (NOI).**

**Step 1:** Find the Regional Water Quality Control Board your emergency project is located in by accessing the [State and Regional Water Boards Map](https://www.waterboards.ca.gov/waterboards_map.html) ([https://www.waterboards.ca.gov/waterboards\\_map.html](https://www.waterboards.ca.gov/waterboards_map.html)).

**Step 2:** Using the regional information from Step 1, locate the contact information for the appropriate “**Region Program Manager**” from the [Staff Telephone and Address Directory for the 401 Certification and Wetlands Program](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wqc_staffdir.pdf) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/wqc\\_staffdir.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wqc_staffdir.pdf))

**Step 3:** Send the NOI to the appropriate Regional Water Board and copy the State Water Board’s application submittal email address:

- For notification by email (preferred), send the NOI to the Region Program Manager and copy the email address [SB-401Application@waterboards.ca.gov](mailto:SB-401Application@waterboards.ca.gov). Include in the subject line: “Attention – RGP 8 Notice of Intent.”
- For notification by phone, call the appropriate Region Program Manager using the contact information from Step 2.
- All information in the NOI, including fees, must be submitted in writing (electronically or on paper copy) within 3 business days of the notification.

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<sup>1</sup> Prospective Enrollees with a proposed project that involves one or more of the following activities should submit their Notice of Intent to the Division of Water Rights: 1) an appropriation of water, 2) a hydroelectric facility, or 3) any other diversion of water for domestic, irrigation, power, municipal, industrial, or other beneficial use. Water Rights contact information is in the Staff Directory linked on page 1 of this Attachment D.

**Step 4:** Submit fees with the NOI. Prospective Enrollees must provide the appropriate fee to the appropriate Regional Water Board for review and processing of the notification in accordance with California Code of Regulations, title 23, section 2200. If the fee is paid by check, attach a cover letter with the payment that includes the Enrollee's contact information and project name and location.

The fee amount is calculated using the "**Emergency Projects authorized by a Water Board General Order**" fee category within the **Dredge and Fill Fee Calculator** located at the [401 Water Quality Certification and Wetlands Program web page](https://www.waterboards.ca.gov/water_issues/programs/cwa401/) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/](https://www.waterboards.ca.gov/water_issues/programs/cwa401/)). Note that fees are adjusted periodically. Enrollees should confirm the correct fee amount prior to submitting an NOI.

### Notice of Intent

**Contact Information:** Review section *Legally Responsible Person (LRP)* eligibility and signature requirements at the end of the Notice of Intent before completing this form.

PROSPECTIVE ENROLLEE (LEGALLY RESPONSIBLE PERSON)	
Name:	
Phone Number:	
Mailing Address:	
City:	
State:	
ZIP Code:	
Contact Person:	
Email:	
Billing Address (If different from above)	
Name:	
Phone Number:	
Mailing Address:	
City:	
State:	
ZIP Code:	
Email:	

<b>DULY AUTHORIZED REPRESENTATIVE (if different from Enrollee)</b>	
Name:	
Phone Number:	
Mailing Address:	
City:	
State:	
ZIP Code:	
Contact Person:	
Email:	

<b>PROJECT SITE LOCATION</b>	
Project Name or Title:	
Street (include address, if any) :	
Nearest Cross Streets:	
County:	
Total size of project site (acres) :	
Photos Attached? (yes/no)	
Map Attached? (yes/no)	
Latitude:	
Longitude:	

Note: Latitude/Longitude (Center of Discharge Area) in degrees/minutes/seconds (DMS) to the nearest ½ second OR decimal degrees (DD) to four decimals (0.0001 degree)



DISCHARGE INFORMATON
Name(s) of receiving water(s):
Receiving water type(s):
<input type="checkbox"/> Lake/Reservoir <input type="checkbox"/> Ocean/Estuary/Bay <input type="checkbox"/> River/Streambed <input type="checkbox"/> Riparian Area <input type="checkbox"/> Vernal Pool <input type="checkbox"/> Wetland
Emergency project description:
Proposed solution to emergency:
Erosion and sediment control measures proposed:

Description of how emergency definition is satisfied (e.g., unexpected, potential loss of life or property):
List other agencies contacted, or other permits being sought:
Are you also seeking coverage under the Statewide General WDR for Discharges of Dredged or Fill Material from Emergency Repair and Protection Activities?
<input type="checkbox"/> Yes <input type="checkbox"/> No

**Which of these criteria does the project satisfy? (Check all that apply)**

- ☐ Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of Public Resources Code.
- ☐ Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety, or welfare. Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency.
- ☐ Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply (1) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare, or (2) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.
- ☐ Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This does not apply to highways designated as official State scenic highways, nor any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.
- ☐ Seismic work on highways and bridges pursuant to section 180.2 of the Streets and Highways Code, section 180 et seq.
- ☐ Emergency activity where CEQA is suspended under the California Emergency Services Act.

**Fill and Excavation Discharges:**

For each aquatic resource type listed below indicate in acres, cubic yards, and linear feet the discharges to waters of the state.

**Temporary Fill/Excavation Impacts**

**Lake/Reservoir**

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

**Stream Channel**

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

**Ocean/Bay/Estuary**

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

**Vernal Pool**

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

**Riparian Zone**

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

**Wetland**

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

**Permanent Fill/Excavation Impacts:**

**Lake/Reservoir**

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

**Stream Channel**

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

**Ocean/Bay/Estuary**

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

**Vernal Pool**

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

**Riparian Zone**

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

**Wetland**

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

**Legally Responsible Person Attestation and Optional Duly Authorized Representative Assignment**

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The attestation below must be signed by the Legally Responsible Person (LRP)

**1) LRP eligibility is as follows:**

- a. For a corporation: by responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
  - i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function; or
  - ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with

environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively
- c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. This includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of the U.S. EPA).

### Legally Responsible Person Attestation

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

\_\_\_\_\_

Print Legally Responsible Person's Name

X

\_\_\_\_\_  
Legally Responsible Person's Signature

### 2) DAR assignment is as follows (optional):

- a. The authorization shall specify that a person designated as a DAR has responsibility for the overall operation of the regulated facility or activity, such as a person that is a manager, operator, superintendent, or another position of equivalent responsibility, or is an individual who has overall responsibility for environmental matters for the company.

**Optional Duly Authorized Representative (DAR) Assignment**

I hereby authorize [ ] to act on my behalf as the DAR in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.

\_\_\_\_\_

Print Legally Responsible Person's Name (not DAR)

\_\_\_\_\_

X

\_\_\_\_\_

Legally Responsible Person's Signature

## Notice of Completion Form

### Instructions for Notice of Completion Form

Enrollees must submit this Notice of Completion (NOC) form to the appropriate Regional Water Board within 45 calendar days of completion of any action conducted under the Order.

**Step 1:** Complete NOC Form (below).

**Step 2:** Submit completed NOC form, along with the **Report and Notification Cover Sheet** found in Attachment B of this Order via email to the Water Board staff assigned to your Project (noted on the NOA issued for the Project). Include in the subject line of the email "ATTN: [staff name], Regional General Permit 8, and Reg Measure ID 452974 Notice of Completion Report."

ENROLLEE (LEGALLY RESPONSIBLE PERSON)	
Name:	
Phone Number:	
Mailing Address:	
City:	
State:	
ZIP Code:	
Contact Person:	
Email:	

PROJECT SITE LOCATION	
Project Name or Title:	
Street (include address, if any):	
Nearest Cross Streets:	
County:	
Total size of project site (acres):	
Photos Attached? (Yes/No)	
<b>Attach a map of at least 1:24000 (1" = 2000') detail of the impact site(s).</b>	
Latitude/Longitude (Center of Discharge Area) in degrees/minutes/seconds (DMS) to the nearest ½ second OR decimal degrees (DD) to four decimals (0.0001 degree)	
Latitude:	
Longitude:	



**Fill and Excavation Discharges:**

For each aquatic resource type listed below indicate in acres, cubic yards, and linear feet the discharges to waters of the state.

**Temporary Fill/Excavation Impacts**

**Lake/Reservoir**

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

**Stream Channel**

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

**Ocean/Bay/Estuary**

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

**Vernal Pool**

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

**Riparian Zone**

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

**Wetland**

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

### Permanent Fill/Excavation Impacts

#### Lake/Reservoir

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

#### Stream Channel

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

#### Ocean/Bay/Estuary

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

#### Vernal Pool

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

#### Riparian Zone

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

#### Wetland

<b>Acres</b>	
<b>Cubic Yards</b>	
<b>Linear Feet</b>	

<b>COMPENSATORY MITIGATION</b>
Required? (Yes/No):
Mitigation Method (i.e., mitigation bank, in-lieu fee, or permittee responsible):
Photos Attached? (Yes/No):
Compensatory Mitigation Description (include aquatic resource type, acres, and linear feet, contact information for mitigation bank or in-lieu fee program, and proof of purchase (e.g., bill of sale) or transfer of credits, if applicable):

<b>MITIGATION SITE LOCATION</b>	
Street (include address, if any):	
Nearest Cross Street(s):	
County:	

<b>Attach a map of at least 1:24000 (1"= 2000') detail of the impact site(s).</b>
<b>Indicate the map format used</b> (listed in order of preference):
<input type="checkbox"/> <b>GIS shapefiles.</b> The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the aquatic resource type. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection. <input type="checkbox"/> <b>Google KML files</b> saved from Google Maps: My Maps (free) or Google Earth Pro (not free). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted.*

<b>POST-CONSTRUCTION STORMWATER BMPs</b>
Date of Construction Stormwater General Permit Notice of Termination(s), if any:
Status and functionality of all post-construction BMPs, including photographs:

**SIGNATORY**

Signature of Enrollee / Legally Responsible Person:

X

\_\_\_\_\_  
Legally Responsible Person's Signature

Title: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

## **Attachment F - Compliance with 40 CFR § 121.7**

The purpose of Attachment F is to comply with Title 40, Code of Federal Regulations (CFR) sections 121.7(d)(2), which requires all general certifications to provide an explanation of why each condition is necessary to assure that any discharge authorized by the certification will comply with water quality requirements, and a citation to federal, state, or tribal law that authorizes the condition.

Notwithstanding any determinations by the U.S. Army Corps or other federal agency made pursuant to 40 CFR section 121.9, Enrollees must comply with the entirety of this Order because the Order also serves as waste discharge requirements in accordance with State Water Board Water Quality Order No. 2003-0017-DWQ.

### **Certification Conditions and Compliance with Title 40, CFR section 121.7(d)(2)**

Attachment F uses the same organizational structure as Order section VI, and the statements below correspond with the conditions set forth in subsections A through H. Sections I through V, and VII through XI are not “conditions” as used in 40 CFR section 121.7.

Attachment F includes citations to some sources of authority that are applicable to all conditions. These sources are specifically identified where they are most relevant but are also generally applicable to the conditions below. California Code of Regulations, title 231, Chapter 28 sets forth regulations pertaining to water quality certifications. As set forth in section 3861, the State Water Board may issue a general certification for discharges for a class or classes of activities only if those activities will not individually or cumulatively result in significant adverse impacts or violations of water quality objectives. Accordingly, the State Water Board imposes the conditions set forth in this Order to assure that the discharge complies with water quality objectives adopted or approved under Sections 13170 or 13245 of the Water Code.

These conditions are also generally required to comply with the state’s Anti-Degradation Policy (State Board Resolution No. 68-16), which requires that for any “activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the state will be maintained.” All Regional Board Water Quality Control Plans incorporate the state’s Anti-Degradation Policy by reference. The state’s Anti-Degradation Policy incorporates the federal Antidegradation Policy (40 CFR Part 131.12 (a)(1)), which requires “[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.” According to U.S. EPA, for dischargers of dredged or fill material comply with the federal Antidegradation Policy by complying with U.S. EPA’s section 404(b)(1)

Guidelines. The State Water Boards adopted a modified version of U.S. EPA's section 404(b)(1) Guidelines in the Dredge or Fill Procedures (State Supplemental Guidelines).

### **Order Section VI.A General Conditions**

- **Conditions 1-2.** These conditions are necessary to ensure that the Water Boards know when impacts to waters of the United States and/or state are occurring. The Water Boards have the authority to investigate the quality of any waters of the state within its region under California Water Code sections 13267 and 13383.
- **Conditions 3-6.** These conditions are necessary to protect water quality by ensuring that discharges do not violate water quality standards. California Water Code section 13264 prohibits any discharge that is not specifically authorized in the Order. These conditions are also required to assure that the discharge complies with water quality objectives adopted or approved under Sections 13170 or 13245 of the Water Code, and with the state's Anti-Degradation Policy (State Board Resolution No. 68-16), which requires that for any "activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the state will be maintained." All Regional Board Water Quality Control Plans incorporate the state's Anti-Degradation Policy by reference.
- **Condition 7.** This condition is required pursuant to the Water Quality Control Plan for the Lahontan Region, sections 4.1 and 5.2, which prohibit discharges of waste or deleterious material to surface waters in certain Hydrologic Units. Section 13243 of the Water Code gives Regional Boards, in Basin Plans (i.e., Water Quality Control Plans) or waste discharge requirements, authority to "specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted."

### **Section VI.B Administrative Conditions**

- **Condition 1.** This condition is authorized by Water Code section 13267, which requires any person discharging waste that could affect the quality of waters to provide the Water Boards, under penalty of perjury, any technical or monitoring program reports as required by the Water Boards. The signatory requirements are consistent with 40 CFR section 122.22.
- **Condition 2.** Conditions related to site access requirements are authorized pursuant to the Water Boards' authority to investigate the quality of any waters of the state within its region under Water Code section 13267. Water Code section 13267(c) provides that "the regional board may inspect the facilities of any

person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with.”

- **Conditions 3-4.** These conditions protect water quality by requiring that all construction personnel are familiar with the contents of this Order and that the Order must be kept at Project sites for easy access and reference. Being familiar with the Order and having it on site will allow the personnel to complete work in accordance with the conditions of the Order. (Wat. Code, § 13263.)

### **Section VI.C Construction Conditions**

- **Conditions 1-6.** These conditions are necessary to prevent the discharge of toxic and hazardous pollutants into waters of the United States and/or state that impact beneficial uses and exceed compliance with water quality standards. (Clean Water Act sections 301 and 402, California Water Code sections 13370 and 13260).

### **Sections VI.D (Mitigation Conditions) and VI.E (Restoration of Temporary Impacts):**

- **Conditions in sections VI.D (conditions 1-3) and VI.E (conditions 1-2).** These conditions are required pursuant to California Code of Regulations, section 3861(d), which requires the inclusion of conditions to avoid and mitigate all project impacts, and to assure that the discharge complies with water quality objectives adopted or approved under Sections 13170 or 13245 of the Water Code.

### **Sections VI.F (Water Quality Monitoring) and VI.G (Reporting and Notification Requirements)**

- **Conditions in sections VI.F (conditions 1-2) and IV.G (conditions 1-6).** These conditions are required pursuant to California Code of Regulations, section 3861(c)(3), which requires the inclusion of “appropriate monitoring and agency-reporting requirements for all activities subject to federal licenses and permits issued in reliance on such certification.” These monitoring and reporting requirements are also consistent with the Water Boards’ authority to investigate the quality of any waters of the state within its region under Water Code section 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 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.

Conditions related to the accidental discharge of hazardous materials are necessary to assure that discharges comply with any water quality objectives



adopted or approved under sections 13170 or 13245 of the Water Code. Conditions related to notification and reporting requirements in the event of an accidental discharge of hazardous materials are required pursuant to section 13271 of the Water Code, which requires immediate notification of the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the state toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.16) of Chapter 7 of Division 1 of Title 2 of the Government Code.

These conditions are also necessary to assure that 1) the discharge shall not adversely affect the beneficial uses of the receiving water or cause a condition of nuisance; 2) the discharge shall comply with all applicable water quality objectives; and 3) treatment and control of the discharge shall be implemented to assure that pollution and nuisance will not occur and the highest water quality is maintained. (Water Quality Control Plan for the North Coast Region, section 4.1.8; Water Code section 13267; Dredge or Fill Procedures section IV. A.2(c); Water Quality Control Plan for the San Francisco Bay region, section 3.3.12 (sediment).)

#### **Section VI.H Standard Conditions**

- **Conditions 1-3.** These conditions “shall be included as conditions of all water quality certification actions.” (Cal. Code of Regs., section 3860.) They are necessary to assure that any discharge authorized under the Order will comply with water quality requirements. Water quality requirements include state regulatory requirements for point source discharges into waters of the United States.