

Responses to Comments on the Draft Utility Wildfire General Order -Appendix D

The following responses address public comments received during the comment period. Since the comment letters are not posted on the Water Board's website, they are provided below in full for the reader's convenience, including introductory salutations and closing statements that may not contain permit change recommendations.

Letter Number	Comment Number	Commenter	Comment	Response
1	1.1	CCEEB	On behalf of the California Council for Environmental & Economic Balance (CCEEB), I appreciate the State Water Resources Control Board's (SWRCB) consideration of the following comments and recommendations regarding the draft Utility Wildfire and Similar Operations and Maintenance Activities Clean Water Act Section 401 Certification and Waste Discharge Requirements General Order (General Order) and supporting Environmental Impact Report (EIR). CCEEB is a coalition of business, labor, and public leaders that works together to advance strategies to achieve a sound economy and a healthy environment. Founded in 1973, CCEEB is a non-profit and non-partisan organization. We are pleased to support our impacted utility members in submission of these comments and appreciate the time and receptivity of Board staff related to their perspectives thus far in the public process. CCEEB's comments are offered with the intent of providing feedback and recommendations to further refine and improve the General Order with particular focus on the importance of agency oversight and the protection of the State's water resources. Such feedback is intended support streamlining of the permitting processes and ensuring CCEEB's utility members are able to continue with critical wildfire mitigation and restoration efforts needed to ensure safe and reliable operation of utility infrastructure statewide.	Comment noted.

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1	1.2	CCEEB	Importantly, the genesis for the draft General Order under SB 901 (Dodd, 2018) was to respond to the increasing frequency and intensity of California's wildfires. While the General Order is intended to provide for an expedited process for permit coverage of related utility activity associated with critical wildfire prevention and mitigation activities, CCEEB and its members are concerned that there could be unintended consequences associated with the draft General Order that may impact the ability for its utility members to implement important upgrades and repairs in a timely manner while also protecting water quality.	Comment noted. The General Order is intended to establish clear water quality protection measures while ensuring efficient processes that support critical wildfire prevention and response activities.
1	1.3	CCEEB	Avoid regulation of low-risk activities unlikely to impact Waters of the State. Instead, the SWRCB should focus the General Order on high-risk activities performed by utilities that could have the greatest impacts on Waters of the State. Further, CCEEB recommends staff refine the draft General Order to avoid creating significant and unreasonable impact on utility operations affecting projects that do not impact waters subject to permitting.	The General Order was revised to better focus applicability to higher risk activities. Specifically, it establishes soil disturbance size thresholds, targeting larger scale earthmoving activities that pose a higher risk of impacts to waters of the state. The Order applies to activities based on factors including soil disturbance area, slope, and soil erodibility (K factor). Additionally, the Order includes a non-notifying category for lower-risk activities to reduce administrative burdens related to application submission and reporting.
1	1.4	CCEEB	Streamline, clarify and reduce the requirements and determinations between general 401 certifications or WDRs and this draft General Order by allowing work to be covered under the Construction General Permit as a common plan of development. Notably, many utility projects obtain coverage under the Construction General Permit which includes Storm Water Pollution Prevention Plans whereby the obligations under that permit and under this draft General Order add additional complexity and layers for projects and associated permitting that may be unnecessary and duplicative.	The General Order was revised to clarify applicability for projects that may need coverage under the Construction General Stormwater Permit. The General Order is not an NPDES permit and does not replace or exempt compliance with the Construction General Permit (CGP). To minimize overlap, Section IV.A.3. of the General Order delineates conditions applicable to projects that are fully or partially addressed through coverage under the CGP. Projects covered under the CGP are considered to have met these specific General Order requirements.

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				In cases where the General Order and the CGP overlap, only a subset of General Order conditions apply to prevent duplication of CGP requirements. For example, a CGP-covered staging area that temporarily fills an ephemeral stream channel would only be subject to the in-water work provisions of the General Order. Such activities are not subject to certain overlapping reporting and monitoring requirements, such as sediment and erosion control plan development or sediment monitoring, which are already addressed under the CGP. Specifically, activities excluded from CGP coverage that are within the same project area as CGP covered activities do not need to comply with the General Order requirements in Sections IV.F.1 through 4, 9 through 12; 23; 25; Section IV.K; Section IV.L; and Section IV.R.1.f. General Order activities exempt from CGP coverage, such as access routes located near a CGP-covered staging area, must comply with relevant road design and drainage conditions specified in the General Order.
1	1.5	CCEEB	Revisit the various timelines associated with the draft General Order, considering the fact that projects that would be in scope for the draft General Order are often emergencies and may not provide for multi-week or even multi-day notices, reviews, permitting timelines, consultations and more.	The General Order was not revised in response to this comment because the Order already includes a subcategory for Response Activities with expedited permitting timelines. For emergency projects, dischargers should seek enrollment under one of the Emergency General Orders, such as the state certifications of the US Army Corps of Engineers' Regional General Permits 5, 8, and 63, or the Statewide Emergency WDR.
1	1.6	CCEEB	Monitoring and monitoring and reporting requirements for Controllable Sediment Discharge Sources. The draft General Order should focus environmental monitoring on activities that present a real discharge potential rather than projects with little to no discharge potential.	Monitoring and reporting requirements are necessary to ensure that best management practices (BMPs) function effectively and that potential sediment discharges are identified and addressed. Inspections play a critical role in detecting BMP failures or erosion from project activities that could transport sediment to receiving waters. The General Order was revised to focus coverage on activities near waters and larger-scale projects with a greater potential for water

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				quality impacts. BMPs are installed to control sediment and erosion, and once a site is stabilized, ongoing inspections are no longer required. Additionally, for Category A projects, only 5% of activities within each category must be inspected, reducing the burden for low-risk projects while maintaining adequate oversight.
1	1.7	CCEEB	Revise Tribal Consultation requirements for IOUs that are infeasible for these utilities to undertake. Instead, CCEEB recommends the SWRCB provide IOUs with a list of Tribes to contact	The General Order was revised to provide an option for utilities to access a Tribal contact list maintained by the Water Boards for use in Tribal outreach.
1	1.8	CCEEB	CCEEB and its members respectfully request flexibility be incorporated to allow for a programmatic or per-project basis for outreach and coordination with Tribes.	The General Order was revised to include an option for consolidated enrollment for eligible Category B activities. If applicable, a Tribal and Cultural Resources Report is required for each activity in the consolidated enrollment notification, but the overall administrative burden is reduced. The General Order was also revised to allow use of a Tribal contact list provided and maintained by the Water Board, specific to the county level. Use of the Water Board Tribal contact list will expedite Tribal outreach and coordination efforts and provide utilities increased flexibility in complying with Tribal resource conditions.
1	1.9	CCEEB	Finally, CCEEB recommends removing the requirement for Tribal coordination when a project already has an agency conducting such consultation through its established policies.	The General Order was revised to not require Tribal coordination for projects where there is already an agency conducting consultation with a similar scope.
1	1.10	CCEEB	CCEEB and its members appreciate your consideration of these comments and suggested revisions, which are intended to align with and support our utility members' comments and recommended edits to the draft General Order. If you have any questions or wish to discuss the content of the letter further, please contact CCEEB's Water, Chemistry & Waste Project Manager Dawn Koepke with McHugh Koepke Padron at (916) 606-5309 or dkoepke@mchughgr.com. Thank you.	Comment noted.

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2	2.1	DOT	The California Department of Transportation (Caltrans) appreciates the opportunity to review the DEIR for the Waste Discharge Requirements and CWA Section 401 WQC for the Statewide Utility Wildfire General Order, which set to protect water quality in California, support the mandate of Senate Bill 901, streamline the permitting process for wildfire mitigation and operation and maintenance activities, and increase the consistency of Project Activity regulation. Caltrans supports local development that is consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. Caltrans offers the following comments in response to the DEIR:	Comment Noted
2	2.2	DOT	Please be aware that any future work that is completed in, on, under, over, or affecting the State highway right-of-way is subject to a Caltrans encroachment permit and must be done to our engineering and environmental standards and at no cost to the State. The conditions of approval and the requirements for the encroachment permit are issued at the sole discretion of the Permits Office, and nothing in this letter shall be implied as limiting those future conditions and requirements. For more information regarding the encroachment permit process, please visit our Encroachment Permit Website at: https://dot.ca.gov/programs/traffic-operations/ep .	The General Order was not revised in response to this comment. Section III of the General Order states that this General Order does not replace or excuse compliance with any other applicable local, state, or federal requirement.
2	2.3	DOT	Depending on the complexity of the project improvements requiring an encroachment permit, Caltrans Oversight may be the more appropriate avenue for project review and approval by Caltrans. The District Permit Engineer has been granted authority by Caltrans to make this decision. Please consult with the appropriate District Permit Engineer to determine the most appropriate Caltrans project permitting system.	The General Order was not revised in response to this comment. Section III of the General Order states that this General Order does not replace or excuse compliance with any other applicable local, state, or federal requirement.

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2	2.4	DOT	The lead agency should work with Caltrans to repair any damage to the State Highway caused by construction traffic and to prepare a traffic management plan to maintain safe and efficient traffic operations.	Section III of the General Order states that this General Order does not replace or excuse compliance with any other applicable local, state, or federal requirement.
2	2.5	DOT	Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, visit: https://dot.ca.gov/programs/traffic-operations/transportation-permits .	The General Order was not revised in response to this comment. Section III of the General Order states that this General Order does not replace or excuse compliance with any other applicable local, state, or federal requirement.
2	2.6	DOT	General Basis of Horizontal and Vertical Control - Caltrans datums shall be used and observed for the construction of the proposed improvements. All plans shall be in US feet and follow the datums as follows: • Vertical Basis: NAVD 88 • Horizontal: NAD83 Zone 3 Santa Cruz County, Zone 4 Monterey and San Benito County, and Zone 5 San Luis Obispo and Santa Barbara County. At least two recorded, Caltrans Monuments must be referenced in the surveying basis.	The General Order was not revised in response to this comment. Attachment B2, Notice of Intent Instructions, requires the datum to be specified and recommends using the North American Datum of 1983 (NAD 83) in the California Teale Albers projection (feet), if possible. Applicants may use the Caltrans required datum without the need to generate new or additional geospatial data for General Order coverage.
2	2.7	DOT	All non-operational or vacated pipes shall be removed under ordinary circumstances. However, exceptions can be made regarding abandoned in-place pipes within the State right off way. The appropriate District Permit Engineer can grant waivers to this requirement based on an engineering or environmental evaluation. Plans shall conform to the Caltrans Plans Preparation Manual and Encroachment Permit Construction Plan Set outline. Verification will be needed to ensure the abandoned pipeline will not incur future expenses on any highway project.	The General Order was not revised in response to this comment. Aside from conduits associated with undergrounding of lines, pipeline installation and removal are not activities covered under this General Order. Additionally, Section III of the General Order clarifies that it does not replace or exempt compliance with any other applicable local, state, or federal requirements. If an encroachment permit is required, the project proponent is responsible for coordinating with Caltrans to ensure compliance with applicable engineering and environmental standards, which falls outside the scope of the General Order.

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2	2.8	DOT	Future development along the State Highway that may impact Caltrans drainage systems flow may require subsequent approval and permits.	The General Order was not revised in response to this comment. Section III of the General Order states that this General Order does not replace or excuse compliance with any other applicable local, state, or federal requirement.
2	2.9	DOT	All future documents will be subject to additional evaluation and approval at the time of their review. As part of future evaluation, issues involving or impacting the State right-of-way may require additional mitigation due to pertinent issues such as cultural resources, environmental justice, water quality, hydrology, etc.	The General Order was not revised in response to this comment. Section III of the General Order states that this General Order does not replace or excuse compliance with any other applicable local, state, or federal requirement.
2	2.10	DOT	Thank you for the opportunity to review and comment on the proposed project. If you have any questions or need further clarification on the items discussed above, please contact me at (805) 835-6543 or email Jacob.m.Hernandez@dot.ca.gov .	Comment noted.
3	3.1	CMUA	The California Municipal Utilities Association (CMUA)[footnote 1: CMUA is a nonprofit trade association that represents over 40 publicly owned electric utilities in the State of California.], Northern California Power Agency (NCPA)[footnote 2: , Southern California Public Power Authority (SCPPA)[footnote 3: SCPPA is a joint powers authority whose members include the cities of Anaheim, Azusa, Banning, Burbank, Cerritos, Colton, Glendale, Los Angeles, Pasadena, Riverside, and Vernon, and the Imperial Irrigation District. SCPPA members collectively deliver electricity to over two million customers throughout Southern California, spanning an area of 7,000 square miles]. , and Golden State Power Cooperative (GSPC)[footnote 4: GSPC is the statewide trade association representing California's three Electrical Cooperatives, as well as one rural public utility district: Anza Electric Cooperative, Plumas-Sierra Rural Electric Cooperative (PSREC), Surprise Valley Electric, and Trinity Public Utility District. California's electric cooperatives are organized for the purpose of transmitting or distributing electricity exclusively to its consumers "at cost"] (together, the "Joint Utilities") appreciate the opportunity to comment on the State Water Resources Control Board (State Water Board) Draft Utility	Comment noted.

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			Wildfire and Similar Operations and Maintenance Activities General Order Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements (Draft GO). Collectively, CMUA, SCPPA, and NCPA represent publicly owned electric utilities (POUs) that provide power to 25% of the State. GSPC represents all of the state's electric cooperatives, which serve just over 400 gigawatt-hours (GWh) of electricity in California, accounting for less than 0.1% of California's total electricity use. We appreciate the additional time allowed for public comment because it has given our members additional time to fully assess the potential impacts of the Draft GO. POUs in California are governed by locally elected or appointed governing boards and are directly accountable to the members of their communities. Similarly, electric cooperatives are private, independent electric utilities owned by the members they serve and governed by locally elected boards. POUs and electrical cooperatives share the objective of providing safe, reliable, and affordable electric services to businesses and residents in their service territories while doing so in an environmentally responsible manner. Importantly, POUs and electrical cooperatives do not generate a profit and are restricted to charging rates at the cost of service. We note these distinctions as POUs and electric cooperatives are concerned with the overall increased administrative burden, strain on resources, and potential impacts to rate affordability that would result from the implementation of the Draft GO as drafted.	
3	3.2	CMUA	I. Addressing Administrative Burden and General Suggestions In addition to the requests included in this letter, we urge the State Water Board to address the substantial administrative burdens the Draft GO will place on electric utilities, particularly for activities that have no or negligible impacts on water quality. Excessive administrative responsibilities may have disproportionate impacts on POUs and electric cooperatives due to limited resources, and	The General Order was revised to reduce costs by excluding lower-threat projects located over 50 feet from state waters and disturbing less than 0.5 acre of soil, establishing a non-notifying process for low-risk Category A projects, and allowing consolidated enrollment with programmatic documents for multiple projects. Additionally, the General Order simplifies permitting for utility wildfire mitigation projects by reducing the need for individual permits, with many requirements

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			increased costs may force difficult choices, potentially resulting in the deferral of critical projects or forcing further upward pressure on utility rates. These increased administrative burdens will have resulting financial implications, as additional resources will be needed to ensure compliance. These additional costs will need to be borne by the POU customers and electric cooperative customer-owners, drawing valuable resources away from broader wildfire mitigation and other critical activities. Wildfire mitigation (including vegetation management) and system maintenance (including replacement of aging or damaged poles) are continuous responsibilities for electric utilities. Onerous permitting and reporting requirements that slow down the process, even in power outage situations, result in reducing the amount of mitigation work a utility can complete in a timely and financially. We encourage the State Water Board to reevaluate its risk-based conclusions regarding the scope of the Draft GO and incorporate additional ways to minimize the administrative burden on electric utilities imposed under the Draft GO by narrowing the scope of the Draft GO to capture just those activities that will result in impacts to waters of the state (as discussed below). We additionally encourage the State Water Board to allow single permits to be issued for the full scope of a project in the final General Order. [footnote5: For context, utilities may break up their service territory into vegetation management zones and then address the work to be done in each zone all at once. Some zones may require annual treatment, while lower-threat zones may be visited less frequently. Since every utility's needs and territories are different, utilities should have autonomy in determining the boundaries of a project for which they are seeking permits, including both the area and timeframe for the work.] Likewise, seasonal permits might be appropriate for certain areas of the state for electric utilities that perform seasonal project activities that are related.	aligning with existing utility practices. For further discussion of costs, see the cost consideration section at the end of this document. See responses to comments 3.3 and 3.7 for a detailed discussion of the scope and notification changes. See response to comment 3.14 for a response to the comment on High Fire Threat Districts. See response to comment 3.15 for a response to the comment on the scope of groundwater coverage.

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			The Joint Utilities appreciate the opportunities that State Water Board staff has given stakeholders to provide comments and feedback on the Draft GO. Our respective members have participated in the monthly stakeholder calls and engaged with staff directly on specific issues. We appreciate the incorporation of the Joint Utilities' feedback on the May 2023 Administrative Draft as reflected in the Draft GO. While the Draft GO is improved in several ways over the Administrative Draft, we continue to have concerns about the expansive scope of the Draft GO and the impacts that it will have on the wildfire mitigation and restoration efforts, as well as regular maintenance operations, of the POUs and electric cooperatives. We offer the following comments that are intended to improve the Draft GO so that electric utilities can practically and feasibly implement the conditions therein. Additionally, we share similar concerns to the collective investor-owned utilities (IOUs) and echo the suggested redline revisions submitted by the California Utilities.[footnote 6: Comments submitted by Pacific Gas & Electric Company (PG&E), Southern California Edison (SCE), San Diego Gas and Electric (SDG&E), PacifiCorp, California Municipal Utilities Association (CMUA), Northern California Power Agency (NCPA), and Southern California Public Power Authority (SCPPA).] Our comments request the following: • Specific changes to refine the Category A list to exclude low-risk activities. • Specific changes to narrowly tailor the covered activities in Category B and include more activities within Category A instead. • Exclude urban areas completely from the Draft GO scope, including the high-fire threat district overlay. • Explicitly exclude groundwater from the scope of the Draft GO. • Remove the requirements for Tribal Consultation for operations and maintenance activities, as POUs already perform Tribal consultation under Assembly Bill 52.	

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3	3.3	CMUA	II. Category A Should be Refined to Exclude Low-Risk Activities and Include More Activities Currently Qualifying as Category B The Joint Utilities support the creation of Category A, which allows critical work to begin without prior notification because those project activities will not result in a discharge of dredge or fill materials to waters of the state (WOTS). However, the Joint Utilities believe that the Draft GO would result in expansively covering low-risk activities in upland areas that will have no or negligible risk to water quality. Those activities should be excluded entirely from the scope of the General Order. For example, maintenance activities on existing roads (blading, grading, graveling, brushing) occur within an existing footprint and do not result in new impacts to WOTS. As such, maintenance activities in these areas are “low-risk” for impacts to water quality. The Joint Utilities suggest refining the requirements for Category A to remove low-risk activities so the General Order is better suited to address the high-risk activities that present a risk to the state’s waters.	The General Order was revised in several ways to focus the scope on activities that present higher risks to water quality. For example, The criteria to qualify as a non-notifying project was expanded to cover specific lower-risk upland activities such as pole replacements, vegetation management, and beneficial access route maintenance activities. In addition, the slope and soil erodibility criteria was removed from Category A eligibility requirements. The Order’s scope also was refined to include a soil disturbance size threshold and remove the slope and soil erodibility criteria for certain activities listed in Section III. With these revisions, the General Order effectively excludes many low-risk activities in upland areas that pose minimal risk to water quality (e.g. single pole replacements). Regarding maintenance on existing roads, while these activities may not create new impacts to waters of the state, they can still pose water quality risks if appropriate BMPs are not implemented.
3	3.4	CMUA	The Joint Utilities also support the specific changes proposed by the California Utilities, which include clarifying that the “knowledgeable person” and environmental awareness training conditions are only applicable to Category B projects [footnote 7: Section IV.D.5.] and removing criterion “d” regarding slopes to qualify as Category A projects.	The General Order’s requirement for Environmental Awareness training applies to both Category A and Category B projects; however, the condition was revised to allow for a “train the trainer” model. The training materials must be developed by an expert, but anyone can provide the training. In addition, the term “knowledgeable person” was removed from the condition. Lastly, the slope and soil erodibility K factor was removed from Category A eligibility and replaced with activity specific criteria.
3	3.5	CMUA	For administrative burden purposes, the Joint Utilities also request the Draft GO be revised to include a timeframe for record retention of no longer than five (5) years after project completion to reduce administrative burden.	The General Order was revised to include a records retention of three years.

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3	3.6	CMUA	Lastly, to avoid ambiguity, the Draft GO should also include a definition or cross-reference a definition of what is meant by “heavy equipment.”	The General Order was not revised in response to this comment. “Heavy equipment” is a common term that describes heavy-duty vehicles (equipment, machinery, earthmovers, construction vehicles, or construction equipment) designed to execute construction tasks, most frequently involving earthwork operations.
3	3.7	CMUA	III. The Scope of Covered Activities Should be Narrowly Tailored Based on Impacts to Waters of the State The critical criterion that should be considered in scoping the Draft GO is the impact of activities on water quality. We support the changes from the Administrative Draft that removed onerous conditions and notice requirements for all types of maintenance activities as a positive step toward feasibility for electric utilities. While the Draft GO includes limitations based on the type of activity, distance from WOTS, slope and geographic features, and erodibility of the soil, the Joint Utilities remain concerned that the Draft GO would significantly expand the scope of the State Water Board’s oversight and impair completion of critical projects due to increased electric utility compliance mandates and costs. The Draft GO provides twelve “project activities” that are potentially subject to coverage. Most project activities are covered by the Draft GO if they cause “soil disturbance” within a specific distance from a WOTS, or in areas with certain slope and soil erodibility characteristics regardless of distance from a WOTS. If a project activity is covered, it may be assigned to either Category A for “non-notifying” projects or Category B, which requires submission of a Notice of Intent (NOI). Both Category A and Category B projects require adherence to numerous conditions, monitoring and reporting requirements. The Joint Utilities recommend that the categories be refined as discussed herein. The Draft GO must be tailored to capture only the project activities that pose a reasonable risk to water quality. As a practical matter, many of the maintenance activities that electric utilities perform have not required State Water Board permitting either because those activities	The scope of the General Order has been significantly refined to focus on activities near waters of the state, large-scale soil-disturbing activities, and access route construction and maintenance. The General Order is designed to regulate soil-disturbing activities that have the potential to cause sedimentation and degrade water quality, whether or not they occur directly within or adjacent to waters of the state. Soil disturbance from activities such as access road construction, vegetation management, and wildfire mitigation can contribute sediment to surface waters through runoff, even in areas not immediately adjacent to waters, and regardless of whether the activity is conducted for wildfire mitigation or infrastructure maintenance. In areas with erodible soils or steep slopes, the risk of sedimentation and associated water quality impacts increases. Even low-risk activities can have cumulative impacts that result in significant water quality impacts. The General Order applies to activities associated with wildfire mitigation, wildfire response, and maintenance, providing utilities with clearer compliance expectations and a more predictable permitting framework. This approach reduces review times, minimizes administrative inefficiencies, and lowers compliance costs while ensuring that all regulated activities adhere to consistent best management practices. By applying uniform standards statewide, the General Order enhances transparency and mitigates the risk of water quality impacts resulting from cumulative soil disturbance and other

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			are not in-water, do not result in or threaten a discharge to WOTS, do not fit the parameters of an existing general order, or otherwise have been exempted. Further, utilities already conduct environmental review of projects, implement best management practices, and minimize and avoid water quality impacts where feasible. Expanding regulatory oversight further upland will capture many low-risk projects with a very slight chance of water quality impacts. For example, utilities regularly engage in vegetation management activities, but often very minimal soil disturbance is required for trimming and removing brush. These activities could nonetheless be required to comply with voluminous conditions imposed by Category A, as the magnitude of "soil disturbance" is undefined. Further, these routine vegetation management projects could fall into Category B, requiring the submission of a Notice of Intent due solely to slope and erodibility characteristics where the project is located, irrespective of the distance from WOTS. As a result, regular vegetation management activities may see significant delays related to permitting requirements, require environmental training and/or monitors to be present, and require annual reporting, among other requirements, which would also result in significant cost increases. To correct this, the scope of the Draft GO must be defined to only include wildfire mitigation and restoration activities that are likely to impact water quality. Simply because these tasks occur as part of a utility's wildfire mitigation or restoration efforts does not mean that they are de facto higher risk to the WOTS. Draft GO coverage must be determined by assessing the impact of listed project activities on water quality, considering a variety of factors, including the type of activity, distance from WOTS, slope and geographic features, and erodibility of the soil.	discharges of waste. For further clarification on the scope, see the response to Comment 3.3. Vegetation management activities are covered under the General Order when they occur within 50 feet of waters. Vegetation in close proximity to waters plays a key role in maintaining functional waterbody health, including providing shade, stabilizing banks, filtering pollutants, and reducing erosion. While certain vegetation management activities, such as minor trimming, may have limited individual impacts, more extensive vegetation removal, including cutting plants down to their roots, can significantly alter riparian function. Given the pace and scale at which wildfire mitigation activities are being conducted, even minor, recurring vegetation management activities can have cumulative effects on nearby waters. Also see the cost consideration discussion at the end of this document.

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3	3.8	CMUA	A. The Draft GO should include a minimum soil disturbance threshold. As explained above, the Draft GO covers twelve project activities, with most triggered by soil disturbance within a specific distance from WOTS or soil disturbance in areas with enumerated slope and erodibility characteristics. While determining the potential for water quality impacts can involve many complex factors, one effective proxy for screening out low-risk activities is to establish a minimum soil disturbance threshold. For example, during the August 20 public hearing, the utility presentation provided an example of a pole replacement involving minimal soil disturbance and existing processes that ensured that soil was graded and compacted following the completion of the pole replacement. Due to the location of this project, it would be classified as Category B and require submission of an NOI, monitoring, and reporting. Utility and regional board staff time is better used by focusing on higher risk activities. The Joint Utilities suggest using a minimum soil disturbance threshold to exclude these low-risk projects from coverage. Specifically, the Draft GO should incorporate a soil disturbance threshold of 1/10 acre[footnote 8: See Nationwide Permit (NWP) 51 (discharges of dredge or fill material into waters of the United States for construction, expansion, or modification of land-based renewable energy product facilities) available at https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll7/id/16844; see also NWP 12 (oil and gas pipelines), NWP 14 (linear transportation projects)] for each specific project activity. This would limit each project activity to only those projects that disturb soil in excess of this threshold.	The General Order was not revised in response to this comment. Section III of the Order now includes a minimum soil disturbance size threshold of 0.50 acre for activities A, D and K, and a 300 linear foot length threshold for activity C. The comment references the 0.1-acre threshold from the Army Corps nationwide permits; however, this threshold is for impacts to waters and therefore would not be an appropriate threshold for soil disturbance area.
3	3.9	CMUA	B. The slope and erodibility characteristics are not an appropriate determining factor for inclusion in Category A or B. The proposed language applies two quantitative values, one of slope gradient (30%) and one of soil detachability ($K_f = 0.2+$), to project activity as thresholds for either enrolling under Category A or Category	The General Order has been revised to consider slope and erodibility characteristics for three categories: Vegetation Management, Staging Areas, and Electric Utility Infrastructure Lowering, Maintenance, Replacement, or Removal. Slope and erodibility are only considered to determine eligibility for these activities when they result in more than

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			B.[footnote 9: Section IV.E.1.d.] The slope and K factor thresholds are too broad and would cause over-enrollment of activities in Category B. Assuming these slope and soil conditions, without consideration of the project site within the physical position of a watershed, would threaten the discharge of waste to waters is incorrect. The presence of 30% slopes and K factors 0.2+ do not accurately predict sediment delivery potential without also considering the slope segment, vegetation, and other geomorphic influences on sediment movement through a watershed.[footnote 10: For example, many project areas in the west slope Sierra Nevada area could occur on convex shoulder slopes or back slopes 30% or greater, with soils classified as having K factors =0.2+, but have hundreds or thousands of feet of slope distance between the Project and WOTS. In another example, there are San Joaquin valley soils in 0% - 2% slope classes with K factors 0.37 and higher. While the soils, such as sand or silt loams, have high K factor values based on particle detachment potential, there could be no hydrologic connectivity at the site.] Slope changes, benches, vegetative buffers, changes in soil type, or other factors could all influence how sediment is attenuated between the project site and waters. Using slope and soil characteristics as a dispositive test for requiring Category B enrollment will result in broad misclassification of low-risk projects in a higher regulatory oversight category with little, if any, benefit to water quality.	0.5 acres of soil disturbance. While activities throughout the watershed can affect water quality and potentially discharge pollutants, the enrollment criteria focuses the General Order on activities that pose a higher water quality risk. Given the complexities of the natural environment, modeling the movement and transport of pollutants from each construction activity is costly. Although hydrologic transport models can assess the water quality risks of a proposed construction project in a specific area, evaluating each site individually is not feasible. Instead of relying on site-specific models, the enrollment criteria focus on ensuring consistent implementation of the General Order across the state, identify water quality risks, and use available data or information from the current permitting process. While the General Order uses a site's proximity to water bodies to set enrollment criteria for certain activities, distance alone is not a reliable predictor of all water quality impacts. For example, staff have observed increases in stream channel turbidity from access route construction more than 400 feet upslope of the affected stream. This is why coverage is required for activities on moderately erodible soils. Erosion is a complex process influenced by factors like climate, soil type, topography, and land use. While slope and soil characteristics alone may not fully capture sediment delivery risks, they are key determinants of erosion potential. The soil erodibility K factor, used in the Revised Universal Soil Loss Equation (RUSLE), reflects a combination of the soil's detachability, runoff potential, and the transportability of the eroded sediment. Online GIS maps showing K factor values in California are readily available online. Two other RUSLE factors were also considered: rainfall erosivity (R) and slope length (LS). These factors are used in the Construction Stormwater Permit to assess sediment risk. However, incorporating

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				additional factors would increase the administrative burden of the General Order by requiring more data collection and calculations. The comment also notes that the slope and K factor thresholds do not account for slope segments, vegetation, or other geomorphic influences on sediment movement through a watershed. For project sites with multiple slope segments, the average slope and K factor will be used. While the average does not fully capture the complexities of the natural environment, relying on slope and K factor provides a practical threshold based on available data, offering a clear indication of an activity's potential water quality risk. Slope was chosen for its ease of assessment on project sites, avoiding the need for complex mapping or calculations. By using established criteria such as slope, K factor, and proximity to water bodies, the General Order offers a practical, data-driven framework that can be consistently applied statewide.
3	3.10	CMUA	C. The draft Environmental Impact Report (“draft EIR”) does not support selecting soil K factor 0.2 as an impact threshold. The draft EIR fails to explain the rationale and methodology for selecting soil K factor 0.2 as an impact threshold. There is no mention of K factor selection in Section 3.7.4. The only reference material included in Section 6.7 is the National Soil Survey Manual,[footnote 11: U.S. Department of Agriculture, Soil Science Division Staff. 2017. Soil survey manual. C. Ditzler, K. Scheffe, and H.C. Monger (eds.). USDA Handbook 18. Government Printing Office, Washington, D.C.] which briefly discusses soil K factors and its relation to erodibility. However, there is no mention of K factor values in relation to erosion hazard and resulting potential to discharge or threaten to discharge waste to receiving waters or why a value of 0.2 would be significant in defining a compliance threshold with the intent of this Order. A soil K factor is the	The EIR and Order were not revised in response to this comment. As described in response to comment 3.9, although not a predictor, soil K factor provides an indicator of water quality risk and facilitates General Order implementation. Although RUSLE was originally used to predict soil loss for agriculture it can be applied to nonagricultural conditions such as construction sites [Renard K.G., G.R. Foster, G.A. Weesies, D.K. McCool, and D.C. Yoder, coordinators. 1997. Predicting Soil Erosion by Water: A Guide to Conservation Planning with the Revised Universal Soil Loss Equation (RUSLE). U.S. Department of Agriculture, Agriculture Handbook No. 703, 404 pp.] Soil K factor was selected for use in the General Order to be consistent with the Construction General Permit, which also uses RUSLE to determine sediment risk from construction sites.

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			standard measure of soil particle's detachability. Its relative usefulness in predicting erosion hazard is as a computational value in the Universal Soil Loss Equation (USLE) and Revised Universal Soil Loss Equation (RUSLE). The USLE/ RUSLE is an empirical equation that does not consider or predict interrill/soil detachment, nor landform depositional processes in the computation of loss but only considers soil detachment and movement through sheet and rill erosion processes and the resulting effect of loss on agricultural productivity. The common and most utilized application of the equation is to determine T values (Tolerable erosion) in agricultural soils. The selection of a 0.2+ K factor as a condition or threshold in the Draft GO lacks both rationale and context in the supporting impacts assessment. Compared to using soil K factor in combination with slope, newer process-based models, such as the Water Erosion Prediction Program, consider more dynamic site influences on soil erosion and movement within a watershed environment. The process-based models include dynamic inputs such as stochastic weather generation, infiltration theory, hydrology, soil physics, plant science, hydraulics, and erosion mechanics. More importantly, newer process-based models account for and predict the deposition potential of hill slope segments, vegetation, and the size and type of disturbance to provide a more accurate range of actual sediment delivery to a point of interest (surface waters).	The EIR and Order were not revised to require use of the Water Erosion Prediction Program (WEPP). Use of a process-based model such as WEPP requires additional data and analysis, would be inconsistent with other Water Board permits, and would increase the administrative burden of complying with the Order.
3	3.11	CMUA	D. The Draft GO should remove the slope and erodibility trigger for low-risk activities and limit its application for remaining activities. Draft GO should remove the slope and erodibility as a project activity coverage criterion for all low-risk activities, like those that are upslope and not proximate to WOTS. Failure to do so will result in the inclusion of projects with very minimal soil disturbance in Draft GO coverage and within Category B without a meaningful connection between the soil	The General Order was revised and includes a slope and erodibility trigger for activities A, D, and K only. In addition, a soil disturbance size threshold of 0.50 acre was included for activities A, D and K as explained in the response to comment 3.7. A 0.50-acre size threshold will exclude small-scale projects with minimal soil disturbance.

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			disturbance and water quality impacts. The Draft GO and supporting documents do not explain how minimal soil disturbance, potentially hundreds or thousands of feet from water features, can impact water quality. Moreover, as discussed in the prior sections, slope and erodibility factors in themselves do not sufficiently predict sediment delivery to waters. For the following low-risk activities, the slope and erodibility characteristic trigger for Draft GO coverage should be removed: A. Vegetation Management (A.3.), E. Pole/Tower Repairs or Replacement (E.2), H. Structural Conversion (H.2.), I. Line Reconductoring (I.2.), L. Electric Utility Infrastructure Lowering, Maintenance, Replacement or Removal (L.2.). For these low-risk activities, the new criteria would be the following: E. Pole/Tower Repairs or Replacement: repair, replacement, or upgrade of poles and towers that results in: 4. soil disturbance <u>greater than 1/10-acre within 50 feet of any waters of the state, or</u> ~~2. soil disturbance in locations with slopes equal to or greater than 30% and soils having erodibility K factor equal to or greater than 0.2.~~ For the remaining project categories, the Draft GO should utilize the following criterion: F. Substation Maintenance: repair or replacement of transformers, switches, fuses, cutouts, meters, and insulators that results in: 1. <u>soil disturbance greater than 1/10-acre within 50 feet of any waters of the state, or soil disturbance greater than 1/10 acre within 150 feet of a water of the state where slopes which lead without flattening to sufficiently dissipate water flow and trap sediment before it reaches a water of the state. Or, all locations and disturbance areas on slopes 50% or greater which lead without flattening to sufficiently dissipate water flow and trap sediment before it reaches a water of the state.</u> [Footnote12: This language is borrowed from the CA Forest Practice Rules, Title 14 California Code of Regulations §§ 914.2, 934.2, 954.2.] , or	

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			~~2. soil disturbance in locations with slopes equal to or greater than 30% and soils having erodibility K factor equal to or greater than 0.2.~~	
3	3.12	CMUA	E. The 100-foot distance listed in Section III.C should be deleted. The State Water Board should remove the 100-foot distance proposed for activities listed in Section III. C. Site Access Development/Maintenance. The 100-foot roadway threshold is unnecessary and creates an overbroad area inclusion for the application of this section. Utilities would already be enrolling road maintenance activities within 500 feet of WOTS, where hydrologic connectivity potential is assumed to be highest; this implies that the 100-foot threshold would apply to areas outside of that 500-foot buffer. This requirement would include large geographic areas where no hydrologic connectivity may be present, and no threat of discharge is present.	The General Order was revised to remove the original Section IV.F.11.k. referenced in the comment. Additionally, Section IV.F.15.b was revised to clarify requirements for hydrologically disconnected roads: <i>"Access route surfaces shall be hydrologically disconnected from streams and stream crossings to the extent feasible. If hydrologic disconnection is impracticable, the NOI must describe why this standard cannot be met and identify alternative drainage features to prevent channels from forming within the road prism. For Category A project activities, Dischargers shall retain a justification for why these conditions cannot be met, which will be made available to Water Board staff upon request."</i> This revision provides flexibility in cases where hydrologic disconnection is impracticable due to site constraints. The General Order applies to certain activities on both new and existing access routes. While the range of alternatives for achieving hydrologic disconnection may be more limited for existing access routes, it remains important to consider the objectives of disconnection. In cases where full disconnection is impracticable, reasonable alternatives should be implemented to minimize road surface degradation and erosion. These alternatives may include upsizing culverts and installing drainage structures, such as cross drains culverts, waterbars, sediment traps, or rolling dips, and managing road runoff. Implementing these measures can help direct road runoff away from streams, reducing sediment transport and water quality impacts, even in steep or constrained areas.

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				The General Order was also revised to require coverage for access routes that result in more than 300 cumulative linear feet of soil disturbance. Activities exceeding this threshold require General Order coverage, even if they are located outside the 500-foot buffer from waters. Research has shown that access roads can be hydrologically connected to watercourses through direct pathways, such as roadside ditches, or through indirect means over longer distances, such as ditch relief culverts leading to incised gullies [Wemple, B. C., Jones, J. A., & Grant, G. E. (1996). Channel network extension by logging roads in two basins, Western Cascades, Oregon1. JAWRA Journal of the American Water Resources Association, 32(6), 1195–1207. https://doi.org/10.1111/j.1752-1688.1996.tb03490.x]. Local conditions, including topography and soil type, influence the degree of hydrologic connectivity. Given this inherent risk to water quality, the length trigger was not removed but was increased to focus on projects with higher risk to waters.

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3	3.13	CMUA	IV. The Draft GO Should Define Where Activities May Threaten to Cause a Discharge of Waste to Waters According to the text of the Draft GO, it is to apply “where the activities may cause or threaten to cause a discharge of waste to waters including discharges of dredged or fill materials.” The Draft GO, however, does not provide a definition of threatened activities, nor does it explain why activities would be included in the scope without a direct nexus to impacts on WOTS. As drafted, the Draft GO would apply to listed activities, particularly wildfire mitigation and restoration, but which have a very slight likelihood of discharging waste into WOTS. The Draft GO should include a definition for activities that “threaten to cause discharge” that definitively links covered activities to potential discharge into waters. The mere fact that the activities are related to or of a similar type as a utility’s wildfire mitigation plan or occur within a California Public Utilities Commission High Fire Threat District (HFTD) is not enough to warrant inclusion within the scope of the permitting requirements.	The General Order was revised to refer to discharges and proposed discharges. The Water Boards have the authority to regulate the discharge or proposed discharge of waste pursuant to Water Code section 13260. Proposing to discharge waste includes a person who has undertaken actions that could cause a potential discharge of waste to occur that may affect state surface waters or groundwater.
3	3.14	CMUA	V. Urban Areas Should be Completely Excluded from the Scope of the GO and Not Limited Inclusion in a High Fire Threat Area We support the exclusion of Urban Areas from the Draft GO. The intent of the Draft GO is to capture work that might have or will have impacts on WOTS. Most work within urban areas will not have such impacts, as noted in the Draft EIR, which observed that utility work performed in urban areas are often conducted on impervious surfaces.[footnote 13: State Water Resources Control Board Statewide Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification for the Statewide Utility Wildfire General Order, Draft Environmental Impact Report SCH # 2022020125 (June 2024) at 2-3] Soil disturbance is less likely in urban areas, irrespective of whether an HFTD overlays that urban area, which greatly reduces potential impacts to WOTS. There are several areas in the state where an HFTD overlays an urban area, which would pull unnecessary activities within	The General Order was not revised in response to this comment. The 2020 US Census defines Urban Areas as those that “encompass at least 2,000 housing units or have a population of at least 5,000” (Urban and Rural (https://www.census.gov/programs-surveys/geography/guidance/geo-areas/urban-rural.html), 2020). Some urban areas in High Fire Threat Districts (HFTDs) overlap with rural areas and share similar characteristics. This definition includes many smaller communities with sizeable wildland-urban interface areas within the town or city limits, (Wildland Urban Interface - Overview (https://www.arcgis.com/home/item.html?id=a4985d64969743db8feddf01c96c9435), 2019). These areas often have watercourses in or near them (California Streams - Overview (https://www.arcgis.com/home/item.html?id=92b18d9e091d469fa69d2

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			the scope of the Draft GO. Two examples of such areas are shown in the images below. As is apparent in the photos, since this permit is focused on rural areas, some of the requirements within the Draft GO do not translate for the urban environment. [photographs: These Crescenta Highlands (left) and Glenoaks Canyon (right) locations are both within Tier 2 HFTDs. Utility activities managing the overhead power lines in these images would potentially be captured by the requirements of the Draft GO.] We do not believe that including urban HFTDs serves the purpose and intent of the Draft GO as expressed by staff. The objective is to cover activities that impact WOTS and not activities simply because they are located in HFTDs or associated with wildfire mitigation activities. Without an independent risk analysis that shows a greater likelihood of impact on waters from wildfire mitigation and restoration activities simply because they are located in an HFTD, it does not make sense to include those areas within the scope of the Draft GO. As such, Urban Areas should be excluded without limitation from the scope of the Draft GO. If not, there may be scenarios where utility activities that do not impact or threaten to impact WOTS would trigger unnecessary coverage under this permit, needlessly requiring additional utility and State Water Board resources. The Draft GO properly excludes Urban Areas, but the exclusion should apply regardless of any overlying HFTD.	56fb395b946), 2023), meaning project activities in Urban Areas can still impact water quality. Many urban areas dominated by impervious services (e.g., developed areas paved in concrete or asphalt) would be excluded from General Order coverage, since activities aside from vegetation management and herbicide application within 50 feet from waters require soil disturbance before General Order coverage is required. Satellite imagery shows areas of pervious surfaces within Wildland Urban Interfaces. The natural, unbuilt environment that is within city limits but still contains watercourses, are the areas that this provision intends to capture. Excluding urban areas unconditionally would reduce opportunities for expediting approval of work within urban areas and would exclude significant areas where there is a likelihood of impacts to waters resulting from activities covered under this order. See also response to comment 3.3 for additional scope changes that will reduce the likelihood for overlap with highly developed urban areas.
3	3.15	CMUA	VI. The Draft GO Should Clarify that all Waters of the State are Included with the Exception of Groundwater The Draft GO covers activities that have the potential to discharge waste to waters of the state. Waters of the state, as defined in the State Water Board's Procedures for Discharges of Dredged or Fill Material to Waters of the State is defined to include "any surface water or groundwater, including saline waters, within the boundaries of the state." [footnote 14: State Water Resources Control Board, <i>State Policy for Water Quality Control: State Wetlands Definition and Procedures</i>	The General Order regulates discharges to surface waters of the state and does not authorize discharges of waste to groundwater. In response to this comment, the General Order Project Description (Section III) was revised to clarify the permit applies to "<i>surface</i> waters of the state." Applicants with proposed projects with discharges of waste to groundwater should consult with Water Board staff to determine if additional permits are required.

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			<i>for Discharges of Dredged or Fill Material to Waters of the State</i>, Revised April 6, 2021, available at https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wrapp/dredge_and_fill_draft_procedures_fact_sheet_1_3_19_fnl_fnl.pdf (emphasis added). The scope, descriptions, and conditions of the Draft GO appear to focus only on surface water. Application of the Draft GO contents to groundwater seems improbable without significant revision. Additionally, staff has stated that the intent of the General Order is not to cover groundwater, and the Joint Utilities agree that groundwater should be excluded from the scope. The discrete delineations of surface water are ascertainable to determine whether a particular activity is within the scope of the Draft GO. The distance buffers embedded within the descriptions of project activities assist with determining whether permit coverage is necessary. However, groundwater is less easily ascertainable. We suggest that the final General Order clarify that groundwater is not within the scope of coverage. Groundwater goes beyond the intended scope of the Draft GO, and the text should clearly state this. Erosion control and other measures to minimize impacts on groundwater would be nonsensical. In addition, the conditions that would need to be developed to address groundwater would be burdensome for electric utilities. Should groundwater remain within the scope of the Draft GO, we request that State Water Board staff clarify how electric utilities should measure the potential or actual impacts to groundwater from the project activities.	
3	3.16	CMUA	VII. The Draft GO Should Remove the Requirement for Tribal Consultation for POUs and Cooperatives The Draft GO requires both Category A and Category B projects to comply with Tribal Cultural Resource requirements.[footnote 15: Section IV.E.] These requirements include performing records searches, requesting sacred lands inventories, and potentially	The General Order was revised to require notification to Tribes as early as possible and at least 60 days prior to commencing work. Additionally, the Order was revised to allow utilities to obtain a list of Tribal contacts from the Water Boards Tribal Affairs webpage for the county or counties in which the project will occur, further reducing the timeline and administrative burden of the Tribal notification process.

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			conducting a consultation 120 days prior to performing the work, among other requirements.[footnote 16: See Section IV.G] POU's already have a Tribal consultation obligation when projects trigger California Environmental Quality Act (CEQA) review. ¹⁷ This consultation typically occurs for the construction of new and larger-scale projects. It is inappropriate to extend this requirement to operations and maintenance projects with limited scope and impact that are Categorical Exempt under CEQA. Additionally, requiring such consultation for all the project activities covered by the Draft GO, which will number in the thousands per year, will require near-constant Tribal consultation. This will impose a significant delay and expense on all project activities, as well as a significant demand on representatives from any identified Tribes.	The Order was also revised to allow use of previously conducted (within the past 10 years) CHRIS records searches, Sacred Lands file searches, and pedestrian surveys, allowing utilities to use previous Tribal outreach efforts to satisfy the Order's Tribal cultural resources conditions. These revisions allow greater flexibility for utilities to achieve compliance with the Order's conditions while maintaining consistent and ongoing communication with Tribes regarding utility activities with the potential to impact Tribal cultural resources.
3	3.17	CMUA	VIII. Conclusion We thank staff for engaging with our associations while developing the General Order. We will remain engaged to be a resource for staff. We urge staff to consider additional public processes and engagement. While staff offered stakeholder calls to refine the scope of the Draft GO prior to the release of the draft, the version released in June 2024 largely differed from prior versions, including the Administrative Draft from May 2023. The current public comment period, even as extended, is insufficient time for electric utilities to fully assess the potential impacts of the Draft GO and provide meaningful input to the State Water Board regarding these impacts and resulting consequences on utility operations. Before adoption, staff should hold additional public workshop(s) during a State Water Board meeting to allow for thoughtful public input and for the Board members to hear discrete concerns from the electric utility community. We also encourage additional public comment opportunities for electric utilities to provide written feedback on changes. Without such additional public engagement, the Board risks adopting a General Order that would inevitably result in a significantly increased administrative burden, hampering utility	The State Water Board is committed to a robust stakeholder engagement process. An additional written comment period is being held, and coordination between the Water Boards and utilities will continue to support the successful implementation of the General Order.

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			operations and leading to higher utility costs for customers while resulting in no added benefits to the preservation of water quality. If you have any questions regarding these comments, please contact Andrea Abergel at (916) 841-4060 or aabergel@cmua.org.	
4	4.1	CVFPB	The Central Valley Flood Protection Board (Board) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the proposed Waste Discharge Requirements and CWA Section 401 WQC for the Statewide Utility Wildfire General Order. Please consider including the following text in Section 3.10.2 Regulatory Setting: California Code of Regulations Title 23, Division 1 defines the Central Valley Flood Protection Board's authority and procedures, including permit requirements for any project that may encroach upon, improve, alter or affect adopted plans of flood control (including federal/State flood control systems, regulated streams and designated floodways under the Central Valley Flood Protection Board's jurisdiction). <u>Responsibility of the Central Valley Flood Protection Board</u> The Board is the State's regulatory agency responsible for enforcing appropriate standards for the construction, maintenance, and operation of the flood control system that protects life, property, and habitat in California's Central Valley. The Board serves as the State coordinator between local flood management agencies and the federal government, with the goal of providing the highest level of flood protection possible to California's Central Valley. The Board operates under authorities as described in California Water Code (Water Code), which requires the Board to oversee future modifications or additions to facilities of the State Plan of Flood Control (SPFC). In addition, pursuant to assurances provided to the United States Army Corps of Engineers (USACE) by the Board on behalf of	The EIR's Hydrology and Water Quality section's regulatory setting was revised in response to this comment to describe the Central Valley Flood Protection Board's jurisdiction. State Water Board staff is committed to continued engagement and collaboration with other regulatory agencies to ensure successful implementation of the Order. Note that Section III of the General Order states that this General Order does not replace or excuse compliance with any other applicable local, state, or federal requirement.

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			the State, the USACE Operation and Maintenance Manuals, Code of Federal Regulations, Title 33, Section 208.10, and United States Code, Title 33, Section 408, the Board is responsible for the operation and maintenance of the SPFC facilities. The USACE requires the Board to serve as the lead non-Federal sponsor for projects to improve or alter facilities of the SPFC pursuant to Code of Federal Regulations, Title 33, Section 408. The State's objectives include fulfilling the USACE's expectations pursuant to the assurances provided to the USACE. <u>Encroachment Permit</u> Per California Code of Regulations, Title 23, Waters, Division 1 (Title 23), Section 6, approval by the Board is required for all proposed work or uses, including the alteration of levees within any area for which there is an Adopted Plan of Flood Control within the Board's jurisdiction. In addition, Board approval is required for all proposed encroachments within a floodway, on adjacent levees, and within any Regulated Stream identified in Title 23, Table 8.1. Specifically, Board jurisdiction includes the levee section, the waterward area between project levees, a minimum 10-foot-wide strip adjacent to the landward levee toe, the area within 30 feet from the top of bank(s) of Regulated Streams, and inside Board's Designated Floodways. Activities outside of these limits which could adversely affect Federal-State flood control facilities, as determined by Board staff, are also under the Board's jurisdiction. Permits may also be required for existing unpermitted encroachments or where it is necessary to establish the conditions normally imposed by permitting, including where responsibility for the encroachment has not been clearly established or ownership or uses have been changed. Federal permits, including USACE Section 404 and Section 10 regulatory permits and Section 408 Permission, in conjunction with a Board permit, may be required for the proposed project. In addition to	

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			federal permits, state and local agency permits, certification, or approvals may also be required. State approvals may include, but are not limited to, California Department of Fish and Wildlife's Lake and Streamed Alteration Agreement and Central Valley Regional Water Quality Control Board's Section 401 Water Quality Certification and/or Waste Discharge Requirement. The Applicant must obtain all authorizations that the proposed project may require. <u>Flood Impacts Analysis</u> Pursuant to Section 15 of Title 23, the Board may deny an encroachment permit if the proposed project could: • Jeopardize directly or indirectly the physical integrity of levees or other works • Obstruct, divert, redirect, or raise the surface level of design floods or flows, or the lesser flows for which protection is provided • Cause significant adverse changes in water velocity or flow regimen • Impair the inspection of floodways or project works • Interfere with the maintenance of floodways or project works • Interfere with the ability to engage in flood fighting, patrolling, or other flood emergency activities • Increase the damaging effects of flood flows • Be injurious to, or interfere with, the successful execution, functioning, or operation of any adopted plan of flood control • Adversely affect the State Plan of Flood Control, as defined in the California Water Code <u>Closing</u> The potential risks to public safety, including increased flood risks, need to be considered when developing proposed projects that seek to modify flood control works or the hydrology of the water ways. Board staff is available to discuss any questions you have regarding the above comments. Please contact Jordan Robbins at (916) 524-3454,	

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			or via email at Jordan.Robbins@CVFlood.ca.gov if you have any questions.	
5	5.1	City of Santa Cruz	The City of Santa Cruz Water Department provides drinking water to almost 100,000 people in the greater Santa Cruz area. Most of the City's water supply is from surface sources which are extremely vulnerable to wildfire, but also vulnerable to operation, maintenance and rehab activities like those included in the description for this project. Furthermore, many of the City's drinking water source watersheds provide habitat for special-status listed species including, but not limited to, Central California Coast coho salmon, Central California Coast steelhead, California red-legged frog, western pond turtle, tidewater goby (as well as many upland species) that may be affected by the activities covered by this DEIR. Unfortunately, City staff has observed vegetation management operations performed by PGE contractors in the past that have been detrimental to these values. Therefore, we are very interested in this particular environmental review process and development of the Utility Wildfire General Order. As such, we would appreciate responses to the following issues in the Final Environmental Impact Report:	Comment noted.
5	5.2	City of Santa Cruz	1. As currently described, there is no mention of HCPs other than those of the electrical utilities covered by this order. However, there may be impacts on other regulated parties who also have HCPs. The City of Santa Cruz has two approved Habitat Conservation Plans currently being implemented and one Habitat Conservation Plan that	The EIR and General Order were not revised in response to this comment. The EIR assesses the potential impacts of the General Order on a programmatic level and does not include an analysis of impacts from individual projects. Analysis of specific HCPs may be appropriate for project-specific environmental review. Additionally, the

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			will likely be approved by the time this environmental review process is finalized. Given that Utility Wildfire General Order activities may affect the numerous species covered by the City's HCPs, there should be acknowledgement of these HCPs in the FEIR at a minimum and, preferably, specific analysis about how the order will affect the species covered by them and their potential for recovery. Alternatively, this analysis may also be appropriate for project-specific environmental review associated with order enrollment.	General Order does not replace or excuse compliance with any other applicable local, state, or federal requirement, including compliance with Habitat Conservation Plans (HCPs).
5	5.3	City of Santa Cruz	2. Further on the topic of special-status species, we are aware that PGE received a multi-species HCP and related Endangered Species Act (ESA) section 10 permit recently. However, that HCP did not cover aquatic special-status species or activities that occur near water. Given that the current order does cover activities near/in water, it seems to be a safe assumption that there will be effects on special-status species that are not otherwise covered by existing Endangered Species Act permits and that will require future take authorization under either the state of federal Endangered Species Acts (or both) as well as the state Fish and Game Code. In related matters, there is no mention of the National Marine Fisheries Service (NMFS) in the DEIR in spite of the fact that some of the activities included in the project being evaluated potentially having impacts on special-status species that NMFS has jurisdiction over. Recognition of NMFS role in authorizing elements of this project seems appropriate.	See response to comment 5.2
5	5.4	City of Santa Cruz	3. Development and implementation of long-term vegetation management plans around electrical infrastructure will be of critical importance to project success. Vegetation maintenance around electrical infrastructure can actually increase potential for fire starts and catastrophic wildfire if long-term maintenance and holistic vegetation management plans are not thoughtfully implemented. For example, removing potentially hazardous trees adjacent to powerlines will, in many cases, result in a subsequent explosive growth of weedy ladder fuels. Requirements for the development of shaded fuel breaks,	The General Order and EIR were not revised in response to this comment. The General Order does not mandate specific wildfire mitigation activities for utilities to undertake. Instead, utilities that implement wildfire mitigation activities listed in General Order Section III are required to enroll under the General Order, to ensure that water quality is protected from the activity. Wildfire mitigation plans are developed by the utilities and reviewed by the Office of Energy Infrastructure Safety and other local agencies.

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			ongoing weed removal, replanting with less fireprone, native species that present fewer potential hazards to electrical infrastructure and related strategies should also be included in the order, not only to prevent the potential for fire starts, but also to protect biodiversity, reduce erosion and related potential project impacts.	
5	5.5	City of Santa Cruz	4. Any environmental review of the use of herbicides should acknowledge and include mitigation for the potential effects of herbicides on municipal drinking water and special-status aquatic species. Furthermore, we are aware that there are several water quality objectives (some specifically relevant to the analysis of herbicide impacts on beneficial uses) in the Region 3 RWQCB basin plan (and perhaps in other regions as well) that are not considered by NMFS be protective of the aforementioned special status species. Beyond the importance of having protective water quality objectives, having consistency in the regulatory approach between different agencies will facilitate compliance and reduce the regulatory burden on the regulated community.	The EIR was not revised in response to this comment. The EIR evaluates impacts at a programmatic level, as project-specific location information and other necessary details to assess site-specific risks to special-status species are not available. The General Order includes conditions that require herbicide applications to be conducted in accordance with label requirements and all applicable laws and regulations. If additional site-specific protections are necessary to safeguard special-status species, utilities remain responsible for complying with wildlife agency requirements. Additionally, this General Order is not an NPDES permit and does not authorize point source discharges of pollutants to waters of the United States. Point source discharges requiring an NPDES permit, such as discharges of algacides and aquatic herbicides registered for use in California, are regulated under the Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for Residual Aquatic Pesticide Discharges to Waters of the United States from Algae and Aquatic Weed Control Applications (Water Quality Order 2013-0002-DWQ) and are not covered under this General Order.
5	5.6	City of Santa Cruz	5. Given the need for ESA compliance, further review of the alternatives provided may be appropriate. The rationale for Alternative 5 not being preferred is that it would not adequately streamline permitting processes for this work. However, if ESA (or other related) permitting needs to occur in parallel with enrollment in the order, it's not readily apparent that the preferred alternative would be any more expeditious than Alternative 5. Furthermore, having a two tiered system that has different standards for in-water and out-of-water	The EIR was not revised in response to this comment. The commenter's recommendation presumes the applicability of the ESA, which is speculative given the programmatic nature of this analysis. The streamlining discussed in the alternatives focuses on Water Board authorizations. It is not clear how the structure of the Water Board authorizations would expedite other required authorizations as the Order does not replace or excuse compliance with any other applicable local, state, or federal requirement.

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			projects may help front load those ESA – related authorizations and ultimately help expedite in-water projects.	
5	5.7	City of Santa Cruz	6. Further on the topic of alternatives, infrastructure modernization is obviously costly and has its own suite of impacts but addresses the fire safety concern that is driving this order in a manner that is much more forward – thinking and protective of natural resources and public safety over the long term. An alternative which includes such activities would support a more rigorous environmental review and potentially be more manageable and less costly to implement over the long term.	The EIR was not revised in response to this comment. The Water Boards does not mandate specific wildfire mitigation activities for utilities to undertake. Instead, utilities that implement wildfire mitigation activities listed in General Order Section III are required to enroll under the General Order to ensure that water quality is protected from the activity. Accordingly, the EIR did not include an alternative that weighed the comparative advantages of various infrastructure hardening options or the associated costs. Concerns about utility wildfire mitigation plan effectiveness on reducing wildfires should be directed to the utilities or the Office of Energy Infrastructure Safety, which are responsible for developing and approving such plans.
5	5.8	City of Santa Cruz	7. While there are great opportunities for improving environmental conditions with mitigation-related riparian vegetation planting for the preferred alternative as proposed – particularly in watersheds like the San Lorenzo where riparian disturbance can be significant and where other regulated parties like the City of Santa Cruz may be enthusiastic partners – the practical reality of mitigation on the scale required by the currently proposed preferred alternative may be very challenging to develop and manage. This may be worth further consideration in the FEIR as it may make an alternative that includes less in-water (or adjacent) work more attractive. Similarly, other elements of the order may also be very difficult for utilities to implement and SWRCB management of this relatively substantial new program may be extremely challenging and burdensome. Further consideration of other potential mitigation implementation hurdles and how compliance with the order can be ensured seem fundamental to its success and, ultimately, protection of the beneficial uses of water potentially affected by utility wildfire prevention and mitigation activities.	The General Order and EIR were not revised in response to this comment. The General Order does not mandate specific wildfire mitigation activities for utilities to undertake. Instead, utilities that implement wildfire mitigation activities listed in General Order Section III are required to enroll under the General Order to ensure that water quality is protected from the activity. General Order covered activities that may be considered infrastructure modernization would be outlined in wildfire mitigation plans. Wildfire mitigation plans are developed by the utilities and reviewed by the Office of Energy Infrastructure Safety and other local agencies. The Vegetation Management Impact Offset Plan was intentionally structured to have sufficient flexibility to fit into different watersheds and work for the full range of involved parties.

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5	5.9	City of Santa Cruz	8. Finally, while maintenance of electrical infrastructure is obviously of particular importance when it comes to fire safety and resiliency, other types of utilities may require similar work. For example, water utilities often have pump stations located in fire-prone wildland areas and have ongoing needs for vegetation maintenance needs very similar to those analyzed for electrical utilities in this DEIR. Fire safety and broader utility reliability would be greatly facilitated were the order to be inclusive of these other utilities' operations.	The General Order was not revised in response to this comment. The General Order was in part developed a response to SB 901, which centers on wildfire mitigation activities conducted by electrical utilities. Other types of utility infrastructure maintenance, for example water conveyance pipelines which often require trenching activities, would require considerations beyond those listed in the General Order and would be evaluated under a different permitting authorization. Including other types of utility activities is outside the Order scope and could delay General Order issuance.
5	5.10	City of Santa Cruz	Thank you for the opportunity to participate in this review. Please do not hesitate to contact me if you have any questions or concerns.	Comment noted.
6	6.1	Robert Johnston (Public)	Board Members: I am a retired professor of Environmental Planning from UC Davis. I taught CEQA practice from 1972 through 2005 and helped to get mitigation monitoring added to the Act in 1989 with research showing that local governments were not implementing mitigation requirements. In my comments here I suggest ways to improve the value of the DEIR, especially to the CPUC and OEIS staffs and boards who regulate these utilities.	Comment noted.
6	6.2	Robert Johnston (Public)	1. The DEIR Is Missing a Significant Adverse Impact Sec. 3.20, Wildfire Impacts, omits an assessment of the adverse impacts that tree removals have on wildfire ignitions. Removing large trees that could someday endanger powerlines often results in opening up corridors to more sunlight, which dries out the forest floor and increases the probability of wildfire ignition. This is important since powerlines are often next to roadways and sometimes travelers throw flammable objects out of vehicles. In addition, vegetation management is ineffective in many situations. PG&E's data in their Wildfire Mitigation Plans (WMPs) show very small reductions in wildfire ignitions, around 10%, in circuits where veg mgmt	The EIR was not revised in response to this comment. The EIR focuses on assessing the programmatic impacts of wildfire mitigation activities, as described in the General Order, on waters of the state. This assessment compares the General Order's impacts to an existing baseline of ongoing utility wildfire mitigation activities. The General Order does not require utilities to remove large trees or manage vegetation; rather, it ensures that water quality is protected when utilities carry out wildfire mitigation activities enrolled under the General Order. The purpose of wildfire mitigation is to reduce the risk of wildfire ignition. The environmental analysis does not address the effectiveness of utility wildfire mitigation plans on reducing wildfires, as this falls outside the scope of the Water Board, the General Order, and

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			has been applied. It is generally not an effective investment of limited resources when compared to other wildfire mitigation actions.	the EIR. Concerns about utility wildfire mitigation plan effectiveness on reducing wildfires should be directed to the utilities or the Office of Energy Infrastructure Safety, which are responsible for developing and approving such plans.
6	6.3	Robert Johnston (Public)	2. The DEIR Lacks a ranking of impacts. The adverse impacts of all of the utility actions should be identified in detail, so the reader and Lead Agency can decide whether to require mitigation of each impact. The baseline should be zero impacts, not existing levels of impacts. Most of the utility activities on the list have potential adverse impacts on wildfire ignitions. Herbicide application will reduce plants, drying out the forest floor and so have impacts similar to veg mgmt in some places. Site Access, Staging Areas, and other activities on this list increase vehicular travel, which is a cause of wildfire ignitions. Using the Existing Environment as the baseline to determine if an impact is significant is incorrect in this DEIR, since the utility activities being assessed are intended to reduce wildfire starts from past levels. The objective imposed by the CPUC and GEIS is to eliminate wildfire starts. The analysis baseline should be zero wildfire ignitions per year, for all powerline circuits. Some of the actions on the list are normal maintenance and are not intended to reduce wildfires. Others are intended to "harden" the overhead equipment and should be discussed separately and in more detail. For example, some actions on the list are very effective in reducing wildfire ignitions, such as Undergrounding and Line Reconductoring (Insulating powerlines). Another important method of "hardening" powerlines is Digital Networked Circuit Breakers. These are computerized monitoring devices that detect unusual powerline signals and shut off the circuit in about a half second, before a broken line hits the ground. SCE installed these on several circuits a few years ago and they essentially eliminated wildfire ignitions in the areas of the	See response to comment 6.2.

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			treated circuits (reported in SCE's WMPs.) Please add Digital Circuit Breakers to the list of utility activities.	
6	6.4	Robert Johnston (Public)	3. Do a Tiered EIR on the Wildfire Mitigation Activities? No. Adding an improved assessment of the impacts of all of these utility activities could be done in this EIR, without having to go to a subsequent Tiered EIR. A Tiered EIR could focus on only the four above-listed forms of "hardening" powerlines and adjacent equipment. This would be Veg. Mgmt., Line Reconductoring (Insulating Lines), Undergrounding Powerlines, and I would add Digital Networked Circuit Breakers, due to their high effectiveness and low cost. The reason for doing this tiered EIR is that these four utility activities are critical to reducing wildfires. Wildfires cause vegetation loss, soil erosion, and sedimentation. This document needs to be focused better onto water quality. Viewed this way, it is a secondary impact of these four activities which impact wildfire starts in various ways. Then we can get focused onto the four activities that reduce wildfires and therefore secondary water pollution.	See response to comment 6.2.
6	6.5	Robert Johnston (Public)	I recommend that you improve the existing assessment by categorizing these four activities as Hardening Methods and adding basic data on wildfire hazard reduction. You should add Cost/Mile in this analysis as this affects utility adoption rates. Hazard reduction should be defined as for the Life of the Assets, meaning the equipment. Only a 60- or 80-year analysis will bring out the fact that slow powerline improvements like undergrounding allow for 40 to 50 years of additional wildfires, when compared to rapidly implemented activities such as Reconductoring and Digital Breakers.	The EIR and General Order were not revised in response to this comment. The CPUC, and not the Water Board, is the primary authority responsible for utility upgrade cost analyses. See also response to comment 6.2.

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7	7.1	Golden State Power Cooperative	The Golden State Power Cooperative (GSPC) is a signatory to the Joint Utilities' Comments with CMUA, NCPA, and SCPPA, as well as the California Utilities' Comments and urge the State Water Resources Control Board (State Board) to revise Draft Utility Wildfire and Similar Operations and Maintenance Activities General Order Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements (Draft GO) consistent with the recommendations therein. In these supplemental comments, GSPC, the statewide association representing California's three Electrical Cooperatives: Anza Electric Cooperative (AEC), Plumas-Sierra Rural Electric Cooperative (PSREC), Surprise Valley Electrical Corporation (SVEC), highlights additional impacts that the Draft GO, as proposed, would place on the state's most rural utilities.	Comment noted.
7	7.2	Golden State Power Cooperative	The cooperatives provide electric service to their member-customers living in rural communities that were previously unserved or underserved by for-profit investor-owned utilities. Cooperatives are owned and governed by local, member-elected boards representing the communities they serve, and who have the cooperative's mission and purpose in mind: to provide safe, affordable, and reliable electric service in rural California. Curtailing costs while carrying out the mission is critically important for the GSPC members, as by law, the cooperatives are not-for-profit and are organized for the purpose of transmitting or distributing electricity exclusively to their members at cost.[footnote 1: Cal. Pub. Util. Code (PUC), section 2776] Utilities across the state are already contending with many rising demands on electricity rates from clean energy mandates and wildfire mitigation costs. GSPC urges the Water Board to be mindful of the added costs associated with compliance under the Draft GO, and work with the utilities to ensure that the rule can be crafted in a manner that does not hinder the ability of the utilities to implement their wildfire mitigation activities, nor put needless upward pressure on rates, while still ensuring the protection of the state's waters.	The General Order was not revised in response to this comment. The activities covered under the General Order pose similar risks to water quality, regardless of who performs them. For further discussion of costs, see the cost consideration section at the end of this document.

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7	7.3	Golden State Power Cooperative	A. Soil Disturbance Should Not Include Utilizing Access Routes in Rural Areas The State Board should clarify that utility vehicles traversing unpaved access routes does not constitute a soil disturbance. GSPC understands that the State Board does not intend for driving on roads to be deemed a soil disturbance but is concerned that the proposed text does not clearly reflect that intent. GSPC members are located in the most rural parts of the state. Almost all of the rights-of-way access routes throughout their service territories are unpaved roads, much of it located on federal land. The electric cooperatives routinely use these access routes to patrol remote areas, monitor vegetation, and inspect for hazard trees. As these access routes are “off road,” primarily hard-packed dirt, any use, even for the non-maintenance and construction activities noted above, would trigger applicability of the General Order without clearly defining soil disturbance to exclude the “100 feet of roadway” trigger. Further, the Draft GO should clarify that soil disturbance excludes vehicles traversing access routes not in proximity to waters of the state, as well as access routes located in rural areas. GSPC recommends the following changes to Section III.3.C: Site access development/maintenance: construction, reconstruction, maintenance, or <u>permanent</u> improvements ~~(e.g., grading, blading, graveling, brushing) of~~ to access routes used to access electric utility facilities where such activity ~~involves more than 100 feet of roadway, or that~~ results in soil disturbance within 500 feet of waters of the state, <u>provided however that traversing such access routes is not defined as soil disturbance</u>. This includes but is not limited to road grading, maintenance and replacement of drainage crossings, culverts, ditches and side drains. ~~This also includes placement of mats or other materials such as sandbags or sheet piles to gain access and perform work.~~	The General Order was not revised to include the suggested language in this comment. The Order does not classify driving on existing unpaved access roads as soil disturbance. To clarify this, the Glossary in Attachment G defines “soil disturbance” and excludes such driving.

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7	7.4	Golden State Power Cooperative	B. Soil Disturbance Should be Defined by Minimum Thresholds With the revisions to Section III.C noted above, much routine maintenance can – and properly should – be removed from the purview of the General Order. GSPC recommends clarifications that include minimum thresholds for soil disturbance, and excluding vehicles utilizing access routes from that threshold. The rule should clarify that routine maintenance and low-risk activities not located in proximity to waters of the state and which are unlikely to cause any discharge into such waters would not come within the purview of the General Order regardless of possible soil disturbance. Such tasks include routine pole replacements or repairs. Should such activities require compliance with the General Order, the electric cooperatives would face significant resource challenges, both in terms of monetary and staffing constraints. In order to effectuate the stated intent of streamlining possible permitting, the Draft GO should be revised accordingly.	Section III of the General Order was revised to add a soil disturbance size threshold for activities that require coverage based on soil disturbance on steep slopes and erodible soils. See responses to comments 3.3 and 3.7 for a description of additional scope revisions. For further discussion of costs, see the cost consideration section at the end of this document.
7	7.5	Golden State Power Cooperative	C. Notifications for Wildfire and Response Activities Should Not be Required Until the Conclusion of the Event As customer-owned utilities located in rural and less populated areas of the state, the electrical cooperatives provide electricity to vast service territories in remote areas. Much of those service territories are in high fire threat areas of the state, including on National Forests. Wildfires in these areas can burn for months before they are 100% extinguished. Once a fire is out, the electric cooperatives will commit 100% of their resources to repairs and restoration as expeditiously as possible. Requiring notices and extensive paperwork to be submitted prior to commencing such activities is not only time consuming, but also detracts from the ability of the electric cooperatives to restore service in these remote locations. The same is true for response activities, like pole restoration in the event of a severe winter storm. For such activities that would fall within Category B, the Draft GO should be revised to allow for notifications to the State Board after the	The General Order has been revised to narrow the scope of covered activities. Many activities referenced by the commenter, such as pole restoration, now only require coverage when they are located within 50 feet of waters. Refer to the response to comment 3.3 for more details on scope changes. The notification period for Urgent Response activities has been changed to 48 hours before project initiation. After the fact notification is not permitted. The intent of the General Order is to ensure the efficient permitting of urgent, non-emergency, activities. For situations where delaying a response could pose an immediate threat to life or property, the use of the Water Boards' emergency permits remains the most appropriate mechanism to expedite critical restoration activities. This allows utilities to address immediate threats without delay.

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			conclusion of the wildfire or restoration activity. Ensuring that electrical worker safety and power restoration is the top priority. Underscoring the importance of power restoration is the fact that in many rural parts of the state served by the electric cooperatives, restoration of electricity is needed even for water pumping. In these instances, when the utility is focused on the response to wildfire or response activities, the utilities should be required to notify the State Board of the activities at the conclusion of the event, as even providing notice within 24-hours of commencing work may be impractical for a small workforce. It is important that the Draft GO prioritize public safety and the provision of essential utility services over the administrative task of notification. As such, the notifications for wildfire and response activities should be provided as soon as practicable after the end of a wildfire or restoration event, but no later than 3 days after the conclusion of the emergency event. GSPC recommends the following changes to Section IV.E.2.B.i: Wildfire and Response Activities Dischargers shall notify the appropriate Regional Water Board and the State Water Board as early as possible, and no less than seventy-two (72) hours prior to initiating the project. If seventy-two (72) hour notification is not possible, the Discharger shall notify the appropriate Regional Water Board and the State Water Board ~~within one (1) business day of initiation of the project~~ <u>as soon as practicable after the end of a wildfire or restoration event, but no later than 3 days after the conclusion of the emergency event.</u>	The timeline for containing wildfires, which can often take weeks or months, provides sufficient opportunity for utilities to meet the permit's requirement to provide readily available information to the Water Boards (project coordinates, the project name, a brief description of planned activities and a point of contact) at least 48 hours prior to starting work. The 48 hour notice ensures that necessary coordination occurs while balancing the urgency of restoration activities. A Notice of Intent is due 30 days after initiating the activity. The scope of activities covered under the General Order have been carefully defined to prioritize efficiency and minimize administrative burdens where possible. Many repair activities that remain within the General Order's scope fall under Category A, which does not require notification to the Water Board. This category is specifically designed for lower-complexity projects that do not require extensive coordination with the Water Boards, allowing utilities to proceed without undue delay. Category B, by contrast, is reserved for projects requiring additional coordination to address more complex situations. In these cases, collaboration between utilities and the Water Boards prior to initiating work is critical to ensure that restoration activities can proceed in a manner that addresses both operational needs and environmental considerations. Restoring power promptly in rural areas is important, especially given the reliance on electricity for essential services such as water pumping. To balance these operational needs with the goals of the General Order, the notification process has been structured to facilitate timely communication while prioritizing public safety and service restoration.

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7	7.6	Golden State Power Cooperative	D. The Draft GO Should Clarify and Limit the Use of Monitors The draft GO includes monitoring and reporting requirements pursuant to Water Code sections 13383 and 13267. The State Board finds that the “burden of preparing these reports, including costs, is reasonable to the need and benefits of obtaining the reports” and that “the anticipated costs are minimal as the reporting obligations require only visual monitoring and notification reporting.” (Section II.R) As identified in the California Utilities’ comments, there are many instances where the monitoring requirements are excessive, expensive, or unnecessary, and GSPC urges the State Board to modify those requirements. The costs of monitoring is not at all negligible for electric cooperatives member-consumers. GSPC urges the State Board to review the monitoring requirements and refine the Draft GO to ensure that the use of monitors is limited to just the highest risk new construction projects or activities, or removed altogether.	The daily onsite monitor condition (General Order Section IV.D.6) was revised to remove the requirement for an onsite professional in state and federal laws related to water quality, aquatic resources, special-status species, and Tribal and cultural resources. Instead, the Order requires at least one designated point of contact onsite to monitor compliance with permit conditions. This change means the monitor does not need to be an environmental professional and could be a construction foreman or field engineer that would likely already be at the site during normal working hours. Therefore, hiring an outside environmental consultant or having an in-house environmental professional at the site would not be necessary. Based on the assumptions above, the costs of monitoring would be reasonable given the benefits of such monitoring include identifying BMP failure quickly, and allowing for prompt corrective measures. For further discussion of costs, see the cost consideration section at the end of this document
7	7.7	Golden State Power Cooperative	E. Request for Additional Consideration for the Administrative Burdens This Draft GO Will Place on Small, Rural Electric Utilities In addition to the above recommendations to the Draft GO, GSPC requests additional consideration for the administrative burdens the Draft GO will place on small, rural electric utilities. The increased administrative burdens will draw valuable resources away from broader wildfire mitigation activities. Wildfire mitigation activities, including vegetation management, are continuous responsibilities for rural electric utilities. Onerous permitting and reporting requirements that slow down the process result in reducing the amount of mitigation work a small utility can complete. GSPC members maintain over 5,000 miles of power line and serve an average of less than 5 customers per mile of line. Less population density equates to less revenue per mile of infrastructure. Due to the higher cost of service, especially in high fire threat areas, our member-consumers are disproportionately impacted by new costs. We ask for your consideration to minimize administrative requirements and support in prioritizing and expediting wildfire	The General Order was revised to reduce costs by excluding lower-threat projects (see response to comments 1.3, 3.3 and 3.7), establishing a non-notifying process for low-risk Category A projects, and allowing consolidated enrollment with programmatic documents for multiple projects. Additionally, the General Order simplifies permitting for utility wildfire mitigation projects by reducing the need for individual permits, with many requirements aligning with existing utility practices. For further discussion of costs, see the cost consideration section at the end of this document.

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			mitigation activities. We thank staff for their patience and thoughtful engagement with California's not-for-profit electric utilities.	
8	8.1	LADWP	The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to comment on the Draft General Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Utility Wildfire and Similar Operations and Maintenance Activities (Draft General Order). LADWP is the largest municipal owned utility in the nation providing water and power to over four million residents and businesses in the City of Los Angeles (City) and portions of the Owens Valley and Eastern Sierra. LADWP owns over 4,000 miles of overhead transmission lines, 15,000 transmission towers, and 130 miles of underground transmission cable. In addition, LADWP also owns over 260,000 poles, 7,200 miles of overhead distribution lines, and 3,700 miles of underground distribution cables to provide 26 million megawatt hours of electricity a year for the City and portions of the Owens Valley and Eastern Sierra. Therefore, the Draft General Order has the potential to affect LADWP's ongoing Wildfire Mitigation Plan work to maintain and protect the critical electrical infrastructure as well as the potential to affect restoring critical electrical services that may be needed after unpredictable events that occur outside of LADWP's control. Comments were provided by LADWP on the staff administrative draft of the General Order (General Order Staff Draft) in July 2023. LADWP would like to thank the State Water Resources Control Board (SWRCB) for addressing several of those comments in the current Draft General Order, including the Draft Environmental Impact Report (Draft EIR) being provided and the shortening of the buffer of proximity to waterways from 150ft to 5ft in alignment with the 2022 Construction Stormwater General Permit (CGP). However, LADWP still has	Comment noted.

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			concerns with the Draft General Order, in addition to needed clarification regarding requirements which have been added to the current draft.	
8	8.2	LADWP	LADWP respectfully submits the following comments for the Draft General Order for the SWRCB consideration: 1. Draft General Order, Section IV.Q and Draft General Order, Attachment D, Part A - Annual Report Due Date The Draft General Order Section IV.Q states that the annual report is due on September 1 for the previous reporting period from July 1 through June 30 of each year unless a Notice of Applicability specifies a different due date for this report. However, in Attachment D, Part A, it states that the annual report is due on June 1. Due to the Construction Stormwater General Permit (CGP) annual reports already having a due date of September 1 of each year, it would be less of a burden to select a different report due date due. LADWP recommends the reporting year to be May 1 through April 30 with the annual report due on June 1.	The General Order was revised, and requires an Annual Report by June 1, reporting from May 1 through April 30 of each year, consistent with Attachment E (which was Attachment D in the prior draft).
8	8.3	LADWP	2. Draft General Order, Attachment E, Section A.3 – “For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official” LADWP recommends that the Legally Responsible Person (LRP) designation also include any other authorized public employees with managerial responsibility over the project activities (including but not limited to project manager, project superintendent, or resident engineer). This definition would be consistent with the CGP and would prevent delays in obtaining permits and submitting the necessary documentation. For larger municipalities, such as LADWP, the process for principal executive officers to review and sign documents is lengthy. Critical wildfire mitigation work can be delayed if the principal executive officer needs to sign every application before designating a duly authorized representative for each permit.	The General Order was not revised in response to this comment. Attachment F (previously, Attachment E), Section A.3 describes common Water Board requirements for submitting applications, reports, or information to the Water Board, and Section B already allows for delegation of signature authority to duly authorized representatives such as those suggested by the commenter.

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			LADWP recommends the definition in Attachment E, Section A.3 to state “For municipality, or state, federal, or other public agency, by either a principal executive officer, ranking elected official, city manager, council president, or any other authorized public employee with managerial responsibility over the project activities (including but not limited to, project manager, project superintendent, or resident engineer).”	
8	8.4	LADWP	3. Draft General Order Section IV.L.2.b and IV.L.2.c - Monitoring shall be conducted at the following frequency to evaluate the efficacy of implemented management measures [...] within 48 hours of a precipitation event that produces at least 1.5 inches of precipitation in 24 hours between October 1 and January 15 [...] within 48 hours of a precipitation event that produces at least 1.5 inches of precipitation in 24 hours between January 1 and May 1.” Completing a site visit within 48 hours of 1.5 inches of precipitation in 24 hours may not be feasible due to safety concerns for accessing remote, mountainous locations. LADWP recommends adding the following language to allow for site visits to be conducted after 48 hours if there are safety issues with site access: “Within 48 hours, or when it is safe to access the site, following a precipitation event that produces at least 1.5 inches of precipitation in 24 hours [...].”	The General Order was not revised in response to this comment. Order Section IV.L.1. already specifies that monitoring should only be conducted when the site is safe to access. “Monitoring will be conducted when the site can be accessed without contributing to significant environmental effects or risking the safety of the monitor. If the project site is inaccessible due to road closures, hazardous weather conditions or other extenuating circumstances, the Discharger shall restart the monitoring when the site becomes accessible. Category B Dischargers shall notify the Water Boards of the need for a change in the monitoring schedule below or as required in an NOA.”

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8	8.5	LADWP	4. Draft General Order Section IV.E.1 - Non-Notifying Eligibility Criteria (Category A) The Draft General Order Section IV.E.1.a states that to qualify for Category A coverage, project activities will not result in discharge of dredged or fill materials to Waters of the State (WOTS). Pole replacements disturb a relatively small footprint (approximately a five-foot diameter around the existing pole) and are stabilized immediately after work is finished. Preparing a Notice of Intent (NOI) and performing subsequent monitoring for low threat projects would be an administrative burden due to the vast number of poles LADWP owns, as stated above. Pole replacement is a large portion of the wildfire mitigation work, and it is beneficial to streamline the permitting process for activities that have a low threat to discharges of dredged or fill material to WOTS. LADWP recommends that Category A also include project activities with low threat of discharges of dredged or fill material, such as pole replacements, which are currently listed as Category B.	The scope of the General Order was revised to cover fewer projects in total and focus on the projects with the threat of higher impacts to waters. For pole replacements, General Order coverage is now only triggered within 50 feet of waters. The notification criteria has also been revised and now notification is only required for work within waters. Pole replacements within 50 feet of waters that do not result in a discharge of dredge or fill materials are now covered under Category A, which eliminates the application requirement for these projects. The General Order continues to require notification for all projects that discharge dredged or fill material, i.e., in water work, because such projects require more project-specific coordination with the Water Boards, such as the plan for restoration of temporary impacts and compensatory mitigation.
8	8.6	LADWP	Additionally, vegetation management, such as tree trimming, is a large part of wildfire mitigation and maintenance of electrical infrastructure. LADWP monitors vegetation clearance from electrical infrastructure for approximately 360,000 trees; and approximately 185,000 trees are trimmed each year for line clearance. This Draft General Order has the potential to delay LADWP's vegetation management operations if soil disturbance occurs within 100 feet of WOTS or in an upland area with slopes equal to or greater than 30 percent and soils having erodibility factor equal to or greater than 0.2. As a result, LADWP would be required to submit an NOI and all associated documentation prior to beginning vegetation management operations. Vegetation management is time sensitive, requiring real-time clearance to meet North American Electric Reliability Corporation (NERC) wildfire mitigation guidelines.	For vegetation management activities, the General Order was revised to cover activities that require any vegetation management activity within 50 feet of waters, and for activities over 50 feet from waters, the General Order was revised to include vegetation management that involves 0.50 acre of soil disturbance in uplands with slopes equal to or greater than 30 percent and soils having erodibility factor equal to or greater than 0.2. Soil disturbance does not include vegetation management activities unless the activity requires the removal of tree roots or where equipment travel has created unconsolidated soil, ruts, over-steepened areas, or other conditions which have potential to concentrate runoff and deliver sediment to waters of the state. In addition, the General Order was revised to place vegetation management activities outside of waters within Category A. With these revisions, the scope of covered vegetation management activities has been reduced, and many activities will not require submittal of an NOI.

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				However, vegetation management activities that meet the criteria listed in Section IV.M.1. must notify the Water Boards to determine if a Vegetation Management Impact Offset Plan is required.
8	8.7	LADWP	Similar to pole replacement and vegetation management, substation maintenance, transmission tower maintenance, structural conversion, line reconductoring, and electric utility infrastructure, lowering, maintenance, replacement or removal activities have a low threat of discharges due to the limited amount of soil disturbance which occurs for a relatively short duration of time. Therefore, LADWP recommends that these project activities with low threat of discharges of dredged or fill material be moved to Category A as non-notifying project activities.	The General Order was revised in response to this comment. The following activities were moved to Category A, which is non-notifying, as long as they do not result in a discharge of dredged or fill material: Pole/Tower Replacements, Substation Maintenance, Structural Conversion, Overhead Line Reconductoring, Undergrounding Powerlines, Boardwalk Repairs or Replacement and Electric Utility Infrastructure Lowering, Maintenance, Replacement, or Removal. Listed activities that result in a discharge of dredged or fill material remain classified as Category B activities and require the submittal of a Notice of Intent. Attachment A provides a summary of coverage triggers and non-notifying Category A eligibility criteria. The General Order continues to require notification for all projects that discharge dredged or fill material, i.e., in water work, because such projects require more project-specific coordination with the Water Boards, such as the plan for restoration of temporary impacts and compensatory mitigation.
8	8.8	LADWP	5. Draft General Order, Section III.C –“Site access development/maintenance: construction, reconstruction, maintenance, or improvements [. . .] where such activity involves more than 100 feet of roadway, or that results in soil disturbance within 500 feet of waters of the state.” The Draft General Order requires coverage for construction, reconstruction, maintenance, or improvement activities that involve more than 100 feet of roadway within 500 feet of WOTS, which has the potential to affect many maintenance projects beyond the Draft General Order’s intended scope. LADWP requests clarification on whether the linear threshold is calculated as linear feet of continuous roadway or total linear feet of roadway for the entire project.	The General Order was revised to clarify coverage for site access development and maintenance. Coverage is required if the activity results in 300 cumulative linear feet of soil disturbance, which equates to approximately 0.10 acre of soil disturbance for a 15-foot-wide road, or occurs within 500 feet of waters. A five-mile threshold would allow for over nine acres of soil disturbance before coverage is required. Additionally, it is unlikely that nine miles of road construction would avoid crossing waters, which would trigger the need for dredge or fill permitting. Access route work may pose a significant risk to water quality due to the large area of exposed soil which can lead to increased erosion and

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			LADWP recommends that the roadway activities be calculated for continuous roadway and that the threshold is increased to five miles of roadway. In alignment with the goal to streamline permitting for these types of activities, increasing the threshold to five miles of roadway within 100 feet of WOTS would decrease the administrative burden for the Regional Water Quality Control Board (RWQCB) and Dischargers while still protecting the threat to water quality by including work within 100 feet of a WOTS.	sedimentation. The increase in the linear feet threshold allows for longer access route development or maintenance without triggering coverage for work over 500 feet from waters.
8	8.9	LADWP	6. Draft General Order, Section IV.D.5 – “At least one person who is knowledgeable about state and federal laws regarding the protection of water quality, aquatic resources and related special-status species, and Tribal and cultural resources that are applicable to the project shall be onsite, during normal working hours, until all project areas are stabilized.” Draft General Order Section IV.D.4 requires environmental awareness training to be completed by all individuals participating in any project activity. Therefore, having the knowledgeable person on-site to protect water quality, aquatic resources, and Tribal and cultural resources is an additional staff burden for sites that have a low threat to water quality or sensitive resources. Since LADWP is ratepayer-funded and must consider cost-effectiveness for implementing the Draft General Order requirements. LADWP recommends that the knowledgeable person only be required to be on-site for project activities that have a threat to water quality, sensitive status species and/or Tribal and cultural resources.	The General Order was revised to clarify that the designated point of contact can be a person that would already be onsite during normal working hours such as foreman or field engineer. Hiring an outside environmental professional to monitor compliance during normal working hours is not required.
8	8.10	LADWP	7. Draft General Order, Section IV.G.2. – “b. Request a Sacred Lands Inventory for the project area from the Native American Heritage Commission; c. In the event of a positive CHRIS results or identification of an archaeological site, as early as possible and at least 120 days prior to commencing work, provide all Tribes identified in steps a and b above with: [...]”	The General Order was revised to require Tribal outreach for all Category A and Category B projects, and to clarify that coordination is only required in the event of a positive CHRIS result or Sacred Lands file search. Utilities may use one of two processes to identify potentially affected Tribes in accordance with the General Order’s conditions:

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			Section IV.G.2.b of the Draft General Order states that a Sacred Lands Inventory for the project area must be requested; however, Section IV.G.2.c states that in the event of a positive CHRIS result or identification of an archeological site, Dischargers need to provide information to Tribes. It is unclear whether a positive Sacred Lands File Search results also warrants following the Tribal cultural resources evaluation procedures and mitigation measure development in Section IV.G.2 of the Draft General Order. LADWP recommends the following italicized language be added to Section IV.G.2.c to provide clarity: "In the event of a positive Sacred Lands file search and a positive CHRIS result or identification of an archaeological site..."	1) Conduct a CHRIS records search and a Sacred Lands File search, then contact Tribes identified in these searches to ensure they have the opportunity to develop treatment measures to protect cultural resources. 2) Conduct a CHRIS records search and, instead of waiting for the results of a Sacred Lands File search, rely on the State Water Board's list of Tribes, coordinating with all potentially affected Tribes based on the county in which the project is located. This approach ensures Tribal engagement while providing utilities with flexibility in meeting outreach requirements.
8	8.11	LADWP	8. Draft EIR, Appendix B, Table 1, Mitigation Measure GEO-2 - Conduct General Project- Level Analysis for Paleontological Sensitive Units Mitigation Measure GEO-2 in Appendix B of the Draft EIR states that if a proposed project occurs on a paleontological sensitive map unit, a qualified paleontologist needs to develop a paleontological resource monitoring and recovery plan. LADWP requests clarification if a paleontological plan for each individual activity will be required or if a general paleontological plan can be developed that covers all potential applicable activities. In the interest of maintaining the effort to streamline the process for the critical wildfire mitigation work, LADWP recommends that a general paleontological plan be developed that covers all potential applicable activities.	In response to this comment, EIR Mitigation Measure GEO-2 (EIR Section 3.7 Geology and Soils: Impacts and Mitigation Measures) was revised to expressly allow for the development and implementation of a general paleontological impact mitigation plan that covers all potential applicable activities and identification of paleontological sensitive map units within the service area.
8	8.12	LADWP	12. Draft General Order, Section IV.M - Felled Trees and Vegetation Management Impacts Offset Vegetation management is conducted around electric infrastructure for fire mitigation and safe access to infrastructure. Requiring replacement of vegetation that has been removed is counterproductive to the goal of maintaining vegetation clearance to minimize fire hazards.	The General Order was not revised in response to this comment. Vegetation removal as part of vegetation management programs can lead to bare soil which can, in turn, lead to increased erosion and sedimentation. To offset these potential impacts, Vegetation Management Impact Offset Plans may require establishment of utility-compatible vegetation. Utility-compatible vegetation is defined in the

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			LADWP recommends that requiring replacement of vegetation for fire mitigation be removed from the Draft General Order.	order as, "Plant species that, at maturity, will not grow to a height that encroaches the Federal Energy Regulatory Commission, California Public Utilities Commission General Order 95, Rule 35 and PRC 4293...and other regulatory clearance standards"(Glossary, Attachment F). As such, the requirement to establish such vegetation is designed to ensure that the planted vegetation does not interfere with efforts to minimize fire hazards. In addition, compatible vegetation may not be required in all situations, such as at sites where no utility-compatible vegetation can be established. Establishing alternative enhancement projects within the same watershed (Section IV.M.2.b) may be used in lieu of establishing utility-compatible vegetation. Vegetation Management Impact Offset Plans are not required in all cases. Water Board staff have the discretion to concur that replacement vegetation is not feasible in a given area; for example, it may be infeasible to replant areas with an unvegetated fire break. To determine if the plan is required, utilities conducting vegetation management activities within 50 feet of waters that are impaired for sediment, nutrients, temperature and other sediment related impairments, and activities that could increase bank instability; loss of shading; loss of riparian ecosystem services or adverse impacts to beneficial uses within 50 feet of Class I and Class II waters, are required to notify the appropriate Regional Water Board 30 days before conducting work.
8	8.13	LADWP	13. General Streamlining Comment LADWP is interested in streamlining the permitting process for wildfire mitigation activities and other similar maintenance work that may impact waterways or threaten to impact water quality. Wildfire mitigation activities and other similar maintenance work are important to maintaining LADWP's critical electric grid and ability to provide safe, reliable, and cost-effective power to their customers. LADWP appreciates SWRCB's efforts in developing this Draft General Order to support utilities' need for completing this critical work in a timely	The General Order has been revised to reduce the administrative requirements and narrow the scope of projects covered.

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			manner while protecting water quality. However, LADWP believes that some requirements in the Draft General Order do not achieve the objective of streamlining the permitting process. Therefore, LADWP recommends the following to further streamline the Draft General Order:	
8	8.14	LADWP	Low threat discharge activities should be placed in Category A to reduce the administrative burden for activities that typically have a low threat to water quality, as mentioned in comment 4. Low threat discharge activities disturb a small amount of soil, the project activities are short in duration, or the project activities are completed in an upland area.	The General Order was revised so that activities that disturb a small amount of soil, are short duration and are completed in upland areas fall under Category A. See response to Comment 8.7 for additional details about the expansion of the Category A non-notifying eligibility criteria.
8	8.15	LADWP	Removal of the criteria of slopes equal to or greater than 30 percent and soil with erodibility factor equal to or greater than 0.2 as a qualifying criteria for Category A and all project activities. Based on this criterion, work in upland areas could be greater than 50 feet from a WOTS but still be required to obtain coverage under the Draft General Order. This will result in more activities requiring coverage under the Draft General Order without a known threat to water quality due to the distance from a waterway. LADWP recommends that the risk to water quality be determined by the location if the project is within a watershed that is impaired for sediment as determined by the Clean Water Act Section 303(d) list.	The slope and soil erodibility K factor criteria was removed from the Category A eligibility criteria and also removed from the coverage trigger for the following activities: Pole/Tower Replacements, Substation Maintenance, Structural Conversion, Overhead Line Reconductoring, and Undergrounding Powerlines. However, the slope and soil K factor remains for Vegetation Management, Staging and Laydown Yards, and Electrical Utility Infrastructure Lowering, Maintenance, Replacement or Removal. Attachment A provides a summary of the coverage triggers and the non-notifying eligibility criteria. Activities requiring coverage only within 50 feet of waters are those that typically result in small, localized disturbances. In contrast, Activity K (Electric Utility Infrastructure Lowering, Maintenance, Replacement or Removal) encompasses a broader range of activities, that are more likely to involve larger areas of soil disturbance. Due to the increased risk of discharge from disturbances exceeding 0.5 acre on steep slopes and highly erodible soils, the scope of coverage ensures that Water Board staff are notified of such activities to facilitate appropriate oversight.

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8	8.16	LADWP	Controllable Sediment Discharge Sources (CSDS) monitoring should not be required for all Category A projects. The purpose of Category A is to streamline the permit to provide low threat project activities with Best Management Practices to implement without requiring notification to the RWQCBs. Dischargers are required to maintain a list of projects and locations for Category A activities. If Category A is meant to streamline the permit and these types of projects have a low threat to water quality, all Category A projects should not be required to conduct CSDS monitoring. This adds administrative burden to a category that is meant to reduce it by not requiring NOIs or annual reporting. LADWP recommends that visual monitoring should be required only when a knowledgeable person, as defined in Section IV.D.5, is present on-site for projects covered by Category A. LADWP previously recommended in Comment 7 that a knowledgeable person should only be required to be onsite for projects that have been determined to pose a threat to water quality, sensitive status species, and/or Tribal and cultural resources.	The General Order was revised to require inspections of 5% of active Category A projects in each activity type category. Inspections on a subset of projects ensures that erosion control measures, commonly referred to as best management practices, are properly installed and effectively prevent unauthorized discharges from disturbed areas into waters. These inspections also provide data to improve best management practices for other disturbed areas.
8	8.17	LADWP	LADWP appreciates the opportunity to provide comments on the Draft General Order and looks forward to working with SWRCB staff to further develop the Final General Order. If you have any questions, please contact, Ms. Maria Depaz, Manager of Wastewater Quality and Compliance, at (213) 367-6702.	Comment noted.
9	9.1	PacifiCorp	PacifiCorp appreciates the opportunity to provide comments on the State Water Resources Control Board's (SWRCB or the Board) Draft General Clean Water Act Section 401 Water Quality certification and Waste Discharge Requirements for Utility Wildfire and Similar Operations and Maintenance Activities (General Order). The comments contained in this letter are PacifiCorp-specific. However, PacifiCorp also supports the Joint Utility comments (including PG&E, SCE, SDG&E, LADWP, SMUD, CMUS, GSEC, NLPA, and PacifiCorp) that	Comment noted. See the responses to the Joint Utility comment letter 10.

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			have been filed for the Board's consideration. PacifiCorp appreciates the Board's efforts to date in addressing appropriate wildfire mitigation and water quality protection controls. To better align the Board's work with California utility operations generally (and PacifiCorp specifically), and to reduce administrative burden and costs that will result from the current Board proposals, PacifiCorp respectfully requests the Board consider the incremental recommendations below. The Company looks forward to additional coordination and discussions with the Board and stakeholders as we develop appropriate and workable solutions to these important issues.	
9	9.2	PacifiCorp	I. Comments and Recommendations As background, PacifiCorp serves approximately two million customers in six western states (California, Idaho, Oregon, Utah, Washington, and Wyoming). The Company also operates two balancing authority areas (BAA), PacifiCorp East (PACE) and PacifiCorp West (PACW), that are both outside the California Independent System Operator's (CAISO) system. PacifiCorp has approximately 49,000 retail customers in California, amounting to less than 2% of PacifiCorp's total retail sales. PacifiCorp understands the General Order is intended to provide coverage for wildfire mitigation and response activities as well as other similar routine operations and maintenance (O&M) activities. The General Order's coverage would include activities that discharge dredged or fill material within waters of the state, currently regulated/permitted by the Board under Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act, as well as work outside of waters (i.e., within upland areas) not previously permitted that has the potential to impact water quality within those waters. Coverage under the General Order is intended to reduce risks to water quality from such activities. PacifiCorp understands and agrees with the need to protect water quality from activities that pose such risks. However, as currently written coverage under the General Order would be required for many	Comment noted. Please see below for more detailed responses.

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			routine, low-risk O&M activities, resulting in a significant administrative burden and delaying important activities that are essential for wildfire mitigation and service reliability for customers. The comments in this letter primarily focus on suggested revisions to the General Order that would more effectively protect water quality from wildfire mitigation activities, which PacifiCorp understands to be the primary goal of the General Order. Comments 1 through 5 below focus on overarching themes that PacifiCorp has identified as critically important to create a functional and effective General Order. Detailed comments, including suggested text revisions are provided in Attachment A of this letter. The comments in Attachment A do not duplicate the comments provided in the Joint Utility Comments, but do complement them.	
9	9.3	PacifiCorp	Comment 1 - Wildfire Mitigation Plan Commitments and Consistency with Senate Bill (SB) 901 In accordance with SB 901, California has taken a comprehensive approach to mitigating and creating greater resilience against wildfire risks, including the requirement of electric utilities to develop annual wildfire mitigation plans (WMPs) to prevent and respond to wildfires within their service territories. California Public Utilities Code (PUC) § 8386, identifies statutorily prescribed content addressing a list of specific issues that utilities must include in their WMPs. As part of PacifiCorp's WMP that has been filed with the Office of Energy Infrastructure and Safety (OEIS), PacifiCorp has identified vegetation management initiatives, or activities, including routine vegetation maintenance and off-cycle maintenance, with targeted completion dates. PacifiCorp's compliance to the OEIS approved plan is dependent on the ability to execute and deliver these initiatives within the timeframes identified. PacifiCorp's WMP also includes mileage commitments for wildfire hardening projects by year. Specifically, for 2025 PacifiCorp has committed to 120 miles of wildfire hardening on its distribution assets. PacifiCorp has received or is in the process of	The General Order was revised to place vegetation management activities conducted outside of waters of the states, within Category A (non notifying). However, vegetation management activities that meet the criteria listed in Section IV.M.1. must notify the Water Boards to determine if a Vegetation Management Impact Offset Plan is required. The implementation of wildfire mitigation plans by utilities in compliance with SB 901 is necessary to reduce and prevent wildfire ignition risk. However, given the extensive scale of wildfire mitigation efforts across the state, establishing conditions that ensure water quality protection while allowing utilities to perform this critical work is essential. SB 901 explicitly acknowledges that wildfire mitigation activities must be conducted in a manner that safeguards water quality and complies with the Porter-Cologne Water Quality Control Act. The General Order provides a structured framework that streamlines regulatory oversight by categorizing most activities under non-notifying Category A. Large-scale or more complex projects that present a higher risk of impacting water quality fall under Category B. To facilitate compliance, Category B projects may be enrolled programmatically

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			obtaining permits and clearances for the projects planned to meet 2025 commitments. PacifiCorp's progress and completion of these critical initiatives are audited and tracked by OEIS. As written, the General Order will impose time and resource-intensive requirements on PacifiCorp's routine and off-cycle vegetation management activities that are generally not considered soil disturbing activities and are de minimis in nature. This would negatively impact PacifiCorp's ability to deliver vegetation management initiatives within timeframes identified in its WMP and therefore diminish effectiveness of initiatives' purpose, which is to minimize risk of wildfire ignition. Additionally, the General Order would impose additional requirements that will likely delay many of the planned 2025 projects and impede PacifiCorp's ability to meet those commitments, posing unintentional public safety risks. For the General Order to be better effective, it is important to strike an appropriate balance between water quality protection, administrative reviews and timeframes, and allowing essential wildfire mitigation activities to occur within the timeline required to be most effective. The comments that follow in this letter and Attachment A provide recommendations on how to achieve that balance.	through the consolidated enrollment option. Utilities with approved programmatic erosion and sediment control plans and, if applicable, vegetation management impact offset plans, may obtain coverage by submitting a limited set of project-specific details, including location, duration, a brief project description, and site-specific best management practices (BMPs). Furthermore, as outlined in response to comment 3.7, the establishment of consistent compliance expectations under the General Order will reduce the administrative burden for covered activities. This approach improves regulatory efficiency by establishing uniform Clean Water Act Section 401 standards, ensuring clarity, consistency, and strong water quality protections.
9	9.4	PacifiCorp	Comment 2 - Focus the General Order on High-Risk Activities As written, the General Order focuses heavily on activities in uplands by using slope and soil stability as a criterion, independent of proximity to waters. PacifiCorp recommends that the Board modify the General Order so that risk to waters is commensurate with the potential for impact, recognizing that current criteria under the General Order would pose significant effort, cost and resource impacts to utilities, customers, and the Board for activities that are unlikely to impact waters. PacifiCorp acknowledges larger projects in uplands may pose higher risks to water quality; however, small, short duration projects with minimal ground disturbance such as pole replacements and	See responses to comments 3.3 and 9.3.

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			routine vegetation management work pose little risk to water quality, particularly when performed in uplands. To re-focus regulation on high-risk activities, PacifiCorp recommends removing routine vegetation management activities from the Project Description (Section III), removing the soil disturbance and slope criteria from low-risk activities described in Section III, and expanding the activities that would qualify for Category A based on the risk they pose to water quality. More specific comments on this overarching issue, including suggested text revisions, are included in Attachment A as well as in the joint comment letter.	
9	9.5	PacifiCorp	<i>Comment 3 - Streamlining Category A Activities</i> Non-notifying (Category A) activities inherently pose little risk to water quality when appropriate BMPs are applied. Due to thousands of Category A activities estimated annually from all California utilities, further streamlining of Category A is essential to avoid significant burdens on utilities from a time, cost, and resource perspective that are not commensurate with the benefit they would provide. PacifiCorp suggests the Board incorporate the following streamlining opportunities into the General Order. More specific comments on this overarching issue, including suggested text revisions, are included in Attachment A as well as in the joint comment letter. Reliance on programmatic Erosion and Sediment Control Plans (ESCPs). Site-specific ESCP details should only be required for Category B activities where Controllable Sediment Discharge Sources (CSDSs) are identified. All Category A activities and Category B activities lacking CSDSs can adequately be covered by programmatic ESCPs that include menus and picklists for selecting appropriate BMPs based on project specifics. Reduce number of CSDS inspections by implementing a risk-based approach. As currently written, the General Order requires a minimum of four (4) inspections per year for both Category A and B work – resulting in tens of thousands of monitoring events annually	The General Order was revised to clarify that programmatic erosion and sediment control planning is encouraged. Applicants must still identify which Best Management Practices (BMPs) will be implemented from a predefined list within the programmatic plan. This ensures proper planning and documentation. The General Order was revised to require Erosion Control Plan inspections for only 5% of Category A activities. For both Category A and B activities that require inspections, it is likely that no more than two inspections will be necessary. Two of the four potential inspections are only required when rainfall exceeds 1.5 inches in 48 hours. Once a site is stabilized, inspections are no longer required. These inspections help ensure that BMPs are properly installed and functioning as intended to control erosion and prevent sediment from reaching surface waters. The General Order recognizes the value of leveraging existing best practices, including utilities' internal environmental review processes, to ensure effective resource protection. In many instances, on-site training requirements align with standard business operations, ensuring that personnel maintain a baseline awareness of water resources and regulatory requirements. The General Order is designed

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			throughout the State, many for activities that are small, short duration, and distant from a waterway. Monitoring efforts should focus on high-risk activities and act as a QA/QC for BMPs. Leveraging utilities' existing environmental review processes. PacifiCorp implements an internal environmental review process on maintenance projects. Operations staff receive annual environmental training, including regulatory requirements, best management practices, and company environmental procedures. Potentially impactful operations and maintenance activities, including vegetation management, are screened against resource databases for potential presence of sensitive resources, including wetlands and waters, cultural resources, and sensitive species and habitat to identify the need for resource protection. Allowing utilities to continue to follow their internal environmental processes, rather than imposing burdensome requirements on low-risk activities, will achieve adequate protection of sensitive resources.	to complement, rather than duplicate, existing efforts, ensuring that low-risk activities are not subject to unnecessary regulatory burdens while maintaining water quality standards.
9	9.6	PacifiCorp	Comment 4 - Consistent Data Sources Utilities will need to develop a geospatial screening tool to determine whether a specific activity is covered by the General Order and subject to its requirements. PacifiCorp recommends the State provide utilities with the spatial data that defines the permit or constraint areas. If that is not feasible, a secondary option is for the State to provide utilities with the data sources to use in defining the constraints.	The General Order was not revised in response to this comment. Data sources for Urban Areas and High Fire Threat Districts are provided in the General Order footnotes. Dischargers may obtain slope and erodibility data using field measurements or through the dataset of their choice.
9	9.7	PacifiCorp	Comment 5 – Grace Period for General Order Implementation PacifiCorp will require significant time and resources to develop systems and processes needed for compliance, once the General Order is finalized. Screening tools that target the final General Order constraints must be developed. Internal and external (contractor) training materials and programs must be developed and implemented. Consultants may need to be vetted and hired to prepare for the significant increase in compliance activities. Sophisticated tracking systems will need to be developed and tested to ensure all covered	The State Water Board will accept an additional round of written comments on the revisions to the General Order. The effective date will be determined by the State Water Board upon adoption.

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			projects and associated requirements are identified, project status tracked, and documentation retained and appropriately filed for later retrieval if necessary. To be adequately prepared to comply with the General Order, PacifiCorp requests the General Order to become effective no earlier than January 1, 2026 or a minimum of six months from the finalization of the General Order, whichever is later. This will enable PacifiCorp to meet 2025 WMP commitments and also allow time to make necessary internal process adjustments to comply with the General Order.	
9	9.8	PacifiCorp	II. Conclusion We appreciate the opportunity to provide these comments to the Board, and look forward to additional collaboration on these issues. Please contact Emily Newell, PacifiCorp Environmental Manager, with specific questions on these comments at Emily.Newell@pacificorp.com or (541) 633-2478.	Comment noted
9	9.9	PacifiCorp	GO Language Section II.J. (pg 5) Because many utility operations and maintenance activities are similar in method and potential for waste discharge as activities to prevent wildfire, this General Order proposes to cover such operations and maintenance activities even when they are not directly related to wildfire mitigation because those activities are also needed to ensure grid reliability while wildfire mitigation activities are conducted. These discharges require the same treatment standards, such as erosion and sediment control, to protect beneficial uses. Comment PacifiCorp respectfully disagrees with this assessment. Activities should be included in the General Order because of the impact they could have, not the benefit they serve. Routine operations and maintenance activity are often small scale, and short duration and have minimal impacts to waters. As mentioned in Section II.E of the order, the most severe impacts to water quality would occur after a wildfire due to extensive exposure of unstable soils resulting from the	The General Order was not revised in response to this comment. Routine operations and maintenance activities involve soil disturbance, require access road construction, and can impact water quality. Soil-disturbing construction activities related to wildfire mitigation (prevention), wildfire response, or operation and maintenance generally have similar impacts on water quality, regardless of the project's purpose. Although wildfire response and wildfire prevention activities may take place in different settings, the relevant best management practices to prevent or minimize impacts to water quality are the same. The inclusion of similarly situated operations and maintenance projects was designed to make streamlining under the General Order available to a broader range of utility activities without the need to document and explain project purpose when project purpose does not affect which best management practices will protect water quality. While post-fire impacts to waters can be severe, they do not eliminate the potential impacts of routine operations and maintenance. The General Order provides requirements and

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			damage of the wildfire itself. Routine operations and maintenance activities do not share these same issues.	conditions proportionate to their risk level to ensures water quality protection while avoiding unnecessary burdens on lower-risk projects.
9	9.10	PacifiCorp	<u>GO Language Section II.R. (pg 6)</u> 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 (BMPs) required under this General 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. <u>Comment</u> PacifiCorp does not agree costs would be reasonable due to the volume of reporting needed. Additional monitoring would require four trips per year to locations that are difficult to access, and at times, may require miles of hiking. These areas typically pose very low risk, since they would involve a small disturbance footprint. Additionally, Category B activities would require a minimum of seven reports per year, resulting in tens of thousands of submittals to the Board annually from the utilities as the GO is currently written. Costs impacts to the utilities to comply and also to the Board to sufficiently staff up to review all submittals within a timely manner that does not impact implementation of important wildfire mitigation work would not be commensurate with the benefit. Conversely, the risk of not meeting wildfire mitigation targets due to extended reporting and review timeframes would present cost and liability risks to utilities.	The General Order was revised to reduce costs by excluding lower-threat projects (see response to comments 1.3, 3.3 and 3.7), establishing a non-notifying process for low-risk Category A projects, and allowing consolidated enrollment with programmatic documents for multiple projects. Additionally, the General Order simplifies permitting for utility wildfire mitigation projects by reducing the need for individual permits, with many requirements aligning with existing utility practices. For further discussion of costs, see the cost consideration section at the end of this document. Regarding the Category B reporting requirements, most of the reports listed in Attachment E are already required under individual 401 Water Quality Certifications. Attachment E includes eight report types: Annual Report (Report Type 1), Commencement of Construction (Report Type 2), Request for Notice of Project Complete Letter (Report Type 3), Erosion and Sediment Control Plan Inspections Form (Report Type 4), Accidental Discharge of Hazardous Material Report (Report Type 5), Violation of Compliance with Water Quality Standards Report (Report Type 6), In-Water Work and Diversions Water Quality Monitoring Report (Report Type 7) and Modifications to Project Report (Report Type 8). Only Report Types 1 through 4 are required for every project, while Report Types 5 through 8 are conditional and required only on a case-by-case basis in response to an unexpected event that expands the original scope of the activity or when dewatering is necessary.. To streamline the reporting requirements, the General Order allows utilities to consolidate reports for multiple projects rather than submitting individual reports for each project. Additionally, the General Order was revised to reduce required inspections for Category A projects from all activities to 5% of active

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				projects within each activity category. Conducting inspections on a subset of projects ensure that erosion control measures, commonly referred to as best management practices, are properly installed and effectively prevent unauthorized discharges from disturbed areas into waters. These inspections also provide data to improve best management practices for other disturbed areas. For further discussion of costs, see the cost consideration section at the end of this document.
9	9.11	PacifiCorp	<u>GO Language Section III. (page 8)</u> This General Order does not cover project activities within an Urban Area as defined by the 2020 U.S. Census unless that activity is also within a California Public Utilities Commission (CPUC) High Fire Threat District. <u>Comment</u> Urban areas should not require coverage under the GO if they are within High Fire Threat Districts. The requirement for coverage should be the level of impact expected, not the necessity of the activity. This requirement is counterproductive because it uses the urgency/necessity of an activity (the fact that it is within a High Fire Threat District) as a reason to regulate it, which would essentially delay work critical to mitigation fire risk solely because it is needed to mitigate fire risk.	See response to comment 3.14. Activities within a High Fire Threat District are included in the scope of the General Order because work in these areas has the potential to impact waters. Many of these areas contain watercourses that provide critical ecological functions, including groundwater recharge, sediment transport, and habitat connectivity. Vegetation management and other wildfire mitigation activities, while necessary for fire risk reduction, can result in soil disturbance, increased runoff, and sediment delivery to surface waters. Without appropriate safeguards, these impacts can degrade water quality, disrupt aquatic ecosystems, and contribute to long-term watershed instability. Additionally, water quality certifications are likely to be issued for projects in these areas, and excluding them from coverage would create regulatory inconsistencies statewide. By including High Fire Threat Districts within the General Order's scope, utilities can implement wildfire mitigation measures while adhering to best management practices that protect water resources and minimize cumulative impacts on aquatic resources. Furthermore, Dischargers will not have to obtain, separate, individual Water Quality Certifications for projects within those areas, which reduces the administrative burden.

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9	9.12	PacifiCorp	<u>GO Language Section III.A.1-3 (pg 8)</u> Vegetation management: removal of plant materials, such as leaves or tree branches, that results in: potential increases in surface water temperature, soil disturbance within 100 feet of any waters of the state, or soil disturbance in locations with slopes equal to or greater than 30% and soils having erodibility K factor equal to or greater than 0.2. <u>Comment</u> PacifiCorp recommends excluding routine vegetation management from the list of covered activities in the GO. Routine vegetation management occurs on an established cycle and includes pruning, pole clearing, and removal of hazard trees dispersed along the ROW and typically does not include a large number of tree removals in any one area and therefore impacts to water quality would be negligible. This work is critical to maintain safe, reliable power and reduce ignition potential and making this work subject to the requirements of the GO would hinder important work from being performed with negligible benefit to water quality. PacifiCorp does not dispose of vegetative debris in waters as part of standard procedures. Additionally, vegetation management work is subject to the Company's internal environmental processes to screen for and avoid/minimize impacts.	The General Order's scope and requirements for vegetation management activities were revised. The Order's vegetation management coverage triggers (distance to waters and project size) were designed to capture vegetation management activities that pose a higher threat to water quality. The General Order's Non-Notifying Category (Category A) covers lower risk vegetation management activities and streamlines requirements to help utilities complete urgent work efficiently, while still being protective of water quality.
9	9.13	PacifiCorp	<u>GO Language Section III.B.</u> Herbicide Application: application of herbicide to vegetation for the purposes of maintaining clearance requirements as required by PRC § 4292, or otherwise reducing the risk of wildfire (such as the creation of defensible space as required by PRC § 4291) within 100 feet of any waters of the state. <u>Comment</u> PacifiCorp recommends removing herbicide application from the list of activities requiring coverage under the GO. PacifiCorp only uses herbicides near waters where allowed per label instructions to prevent drift, runoff, and application to non-target species. Ground disturbance	The General Order was not revised in response to this comment. Use of herbicides, if improperly applied, poses a risk of discharge to waters due to drift and runoff. The herbicide requirements ensure proper usage to prevent discharge. Herbicide application is non-reporting and only requires adherence to label instructions such that compliance, especially if utilities are already adhering to label instructions, should impose no additional burdens.

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			is unlikely to occur as a result of herbicide application. Therefore, by following existing procedures, discharges to receiving water bodies are unlikely.	
9	9.14	PacifiCorp	<u>GO Language Section III.E.G,H,I,L</u> Each of these categories includes “soil disturbance in locations with slopes equal to or greater than 30% and soils having erodibility K factor equal to or greater than 0.2” as an “or” criteria for inclusion in the GO. <u>Comment</u> PacifiCorp recommends removing “soil disturbance in locations with slopes equal to or greater than 30% and soils having erodibility K factor equal to or greater than 0.2” as an “or” criteria for inclusion in the GO. The main soil disturbing element of these activity types is pole or tower replacement which on its own has minimal ground disturbance and poses little risk to water quality when performed in uplands.	The General Order was revised to eliminate slope and erodibility criteria, except for the Electric Utility Infrastructure Lowering, Maintenance, Replacement, or Removal. Activities in this category that occur on steep slopes or erodible soils require coverage if they disturb more than 0.5 acre of soil because unlike the discrete, localized impacts associated with activity types where slope and soil erodibility are no longer considered (e.g., pole replacements), this category covers a broader range of activities that are more likely to have sizeable impacts. Larger soil disturbances on steep slopes and erodible soils pose a higher threat to water quality.
9	9.15	PacifiCorp	<u>GO Language Section IV.E.2.b.iii</u> Unless the Water Board determines that the project does not qualify for a Wildfire or Response Activity designation, the Discharger may proceed seventy-two (72) hours after initial notification. <u>Comment</u> Because wildfire response activity typically needs to be performed as soon as possible to mitigate unsafe conditions and restore power to customers, 72-hours of advance notice will be difficult to achieve in most cases. PacifiCorp assumes the clause in IV. E.2.b.iii would not apply in such cases.	The General Order was revised to reduce the amount of time before a discharger may proceed with the project after initial notification. See response to Comment 7.5
9	9.16	PacifiCorp	<u>GO Language Section IV.F.9.b.</u> Unless authorized by the Water Boards in an NOA, the use of heavy equipment on 1) slopes that exceed a 50 percent grade and soils where the erodibility K factor is equal to or greater than 0.2 or 2) saturated soils is prohibited	The General Order was revised to remove this restriction on heavy equipment use.

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			<u>Comment</u> PacifiCorp requests for the General Order to define “heavy equipment” by pounds per square foot that should allow tracked equipment and spider excavators. Prohibiting all “heavy equipment” could prevent building and maintaining lines in many critical areas by any means other than hand dig helicopter sets.	
9	9.17	PacifiCorp	<u>GO Language Section IV.F.11.</u> Access Route Construction, Decommission and Maintenance Activities <u>Comment</u> The title of this section includes “maintenance” but most if not all of the conditions contained in the section would require complete reconstruction to be met, which would result in far greater impacts than simply performed as-needed maintenance. Road decommissioning has its own section under IV.E.12, therefore PacifiCorp suggests retitling this section “Access Road Construction”.	The General Order was not revised in response to this comment. For efficiency, the General Order combines access route construction, decommission, and maintenance activities into one section. Most access route conditions apply to both maintenance and re/construction, except for certain new road requirements like full bench construction.
9	9.18	PacifiCorp	<u>GO Language Section IV.F.11.e.</u> Dischargers shall prioritize locating the outflow of the access route surface drainage structures towards well-vegetated, stable areas to ensure road related discharges do not negatively impact waters of the state. <u>Comment</u> This may be difficult to achieve in fire affected areas. PacifiCorp suggests revising the text as follows (suggested text additions in bold italics): Dischargers shall prioritize locating the outflow of the access route surface drainage structures towards well-vegetated, stable areas to ensure road related discharges do not negatively impact waters of the state <u>where feasible</u>.	This condition in the General Order was revised and allows for flexibility in locating outflows. The General Order states that, “Access route surface runoff and drainage structure outflow must be designed to sufficiently disperse flows to appropriate vegetated or otherwise protected upland areas to minimize or avoid erosion, rather than concentrating flows or discharging sediment to waters of the state.” (Section IV.F.15). This condition encourages installation of access route drainage features that minimize erosion, sediment transport, and potential impacts to water quality, without imposing rigid requirements that may not be suitable for all project conditions. In some cases, prioritizing well-vegetated, stable areas for outflow placement may not be feasible. For example, in areas with steep terrain, rocky outcrops, or limited vegetative cover, there may be no stable, well-vegetated areas available to receive drainage. Additionally, in regions with highly compacted soils or impervious surfaces, infiltration and natural dispersion of runoff may be limited, requiring alternative drainage

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				solutions such as energy dissipation structures or engineered sediment basins to prevent concentrated flow from reaching waters of the state.
9	9.19	PacifiCorp	<u>GO Language Section IV.F.13.</u> Watercourse Crossings <u>Comment</u> PacifiCorp requests clarity on the Board's definition of "watercourse". Is this to be synonymous with a "water of the state" or is it intended to be a waterway that typically has flowing water?	The General Order was not revised in response to this comment. General Order references to waters or waterways, including watercourses, refer to waters of the state.
9	9.20	PacifiCorp	<u>GO Language Section IV.K.1.</u> The Erosion and Sediment Control Plan shall include: A description of the 1) project activity type(s) and construction methods; 2) project activity start and end-point locations; 3) acreage of proposed: ground disturbance, temporary impacts to waters of the state, and permanent impacts to waters of the state; 4) the volume of planned fill for each activity; and 5) BMPs implemented in the project area. <u>Comment</u> The information required in the Erosion and Sediment Control Plan listed in IV.K.1 is redundant with the NOI. PacifiCorp suggests deleting this section.	The General Order was not revised in response to this comment. The information required for an Erosion and Sediment Control Plan (ESCP) is critical and should be included in both the NOI and ESCP. The ESCP would be available to contractors, inspectors and workers during active construction while the NOI may only be available to Water Board staff and the Discharger.
10	10.1	Joint Utilities	The California utilities (PG&E, SCE, SDG&E, PacifiCorp, CMUA, GSPC, NCPA, and SCPPA) appreciate the opportunity to provide comments on the State Water Resources Control Board's (SWRCB or the Board) Draft Utility Wildfire and Similar Operations and Maintenance Activities (General Order) and look forward to working with the Board as it finalizes the General Order. The utilities conducted a comprehensive assessment of the draft, and the resulting comments provide actionable recommendations in support of further improvements to the General Order. This will ensure appropriate agency oversight and the protection of the State's water resources while streamlining the permitting process and ensuring that utilities are	Comment noted.

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			able to carry out the vitally important wildfire mitigation and restoration activities needed to ensure safe and reliable operation of their infrastructure. Furthermore, individual utilities will offer additional remarks to address or emphasize concerns or suggestions unique to them. The utilities also appreciate the Board's availability to discuss and provide clarification throughout the review period, including public workshop, two utility Q&A sessions, and the opportunity to provide public comments at the Board Hearing on August 20, 2024. Following the Board's review and consideration of these comments the utilities request additional opportunities for further discussion to ensure the focus and intent of the comments and recommendations are understood, and to get feedback on any potential concerns or conflicts that may arise in relation to these comments.	
10	10.2	Joint Utilities	Executive Summary The draft General Order was developed to protect water quality, support the pace and scale of wildfire work to address the increasing intensity and frequency of wildfires, provide statewide consistency, and to expedite the permitting process for electrical utility wildfire mitigation activities.[footnote1: See July 23, 2024, Staff Presentation available at Statewide Utility Wildfire General Order (ca.gov)] All of these goals are interrelated, as the timely execution of critical public safety work by the utilities will greatly reduce wildfire risk and the substantial impacts wildfires have on water quality. The draft General Order's coverage includes activities that discharge dredged or fill material within waters of the State, as well as soil disturbing work and vegetation management activities outside of waters (i.e., in upland areas) that have the potential to impact water quality within those waters. While the utilities and the Board have substantial experience permitting work occurring within waters of the State, assessing and permitting work in upland areas presents new challenges and substantial increases in workload for both the Board and the utilities. As outlined in the more detailed comments below, the utilities have identified aspects of the	Comment noted.

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			draft General Order that have the potential to hinder the timely execution of critical utility activities and have proposed changes to address those concerns while remaining protective of water quality.	
10	10.3	Joint Utilities	Comments and Recommendations Table 1. below provides detailed comments and, where appropriate, recommended revisions. In addition to these detailed comments, we have highlighted several components of the draft General Order, which are broad-reaching and have the potential to significantly impact utility operation, and offer potential solutions.	Comment noted. See below for more detailed responses.
10	10.4	Joint Utilities	Focus High-Risk Activities – Avoid Regulation of Low-Risk Activities Unlikely to Impact Waters of the State The utilities recommend focusing the General Order on the high-risk activities performed by electric utilities. The current draft would regulate a significant volume of upland work (on terrain with slopes equal to or exceeding 30% and K factor equal to or exceeding 0.2) that has little or no potential for discharges to waters of the State, including routine pole/infrastructure maintenance and replacement activities as well as routine vegetation management. In a utility presentation to the State Board on August 20th, SCE detailed an upland pole replacement project classified as a covered activity under the General Order, which also fell into the notifying work category, Category B. This case study exemplifies the low-risk activities that utilities propose should be excluded from the General Order's scope. The utilities argue that these revisions would more effectively balance the administrative burden with water quality protection.	The General Order was revised in several ways to focus the scope on activities that present higher risks to water quality. For example, Category A non-notifying criteria was expanded to cover specific lower risk upland activities such as pole replacements, vegetation management, and beneficial access route maintenance activities. In addition, the slope and soil erodibility criteria were removed from Category A eligibility requirements. The Order's scope also was refined to include a soil disturbance size threshold, and remove the slope and soil erodibility criteria for certain activities listed in Section III. With these revisions, the General Order effectively excludes many lower-risk activities in upland areas that have little risk to water quality (e.g. single pole replacements).
10	10.5	Joint Utilities	Expansion of Category A The utilities recommend expanding the inclusivity of the Non-Notifying Eligibility Criteria (Category A) [IV.E.1.]. As written, the eligibility criteria in the draft General Order will require Notice of Intent (NOIs) for a significant number of project types within uplands that involve small impact areas and pose little to no threat of discharge to waters of the state. The utilities recommend that these types of activities be	The General Order was revised to expand Non-Notifying Category A eligibility. As described in Response to Comment 10.4, Category A criteria was refined to cover specific lower risk upland activities such as pole replacements, vegetation management, and beneficial access route maintenance activities. In addition, the slope and soil erodibility criteria were removed from Category A eligibility requirements. These

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			considered for Category A, rather than Category B. The required permitting of these projects will create a significant and unreasonable impact on utilities' operations and is expected to result in hundreds to thousands of upland projects that pose no actual threat of impact to waters. Revising the draft General Order to expand the definition of Category A to remove those upland and other activities that do not pose a threat to waters will focus Category B on the highest risk activities and activities that pose an actual threat of impact on waters. Recommended revisions to this section of the draft General Order include modifying the eligibility criteria to, at a minimum, allow more electric utility work to fall into the non-notifying Category A. This will reduce permitting workload for both the Regional Boards and the utilities. Another modification includes creating a distinction between routine maintenance activities and new construction or heavy repairs/reconstruction activities. While routine maintenance may involve soil disturbance, these activities occur within already disturbed/developed footprints and with the implementation of appropriate BMPs, as needed, are not reasonably expected to pose a threat of a new discharge to waters. This change will reduce the need for permitting of routine maintenance on existing facilities with little to no threat of impacts and allow for a greater focus of resources on new construction and other projects that result in new soil disturbing impacts.	revised Category A eligibility criteria will alleviate the administrative burden for many routine maintenance activities.
10	10.6	Joint Utilities	Focused Use of Monitors The utilities recommend revising environmental monitoring and reporting requirements in the draft General Order. This includes the exclusion of the environmental monitor requirements from Category A projects [Administrative conditions IV.D.4, and IV.D.5], clarification on Water Quality Monitoring [IV.H.] and monitoring and reporting requirements for Controllable Sediment Discharge Sources [IV.L.].	The daily onsite monitor condition (General Order Section IV.D.6) was revised to remove the requirement for an onsite professional in state and federal laws related to water quality, aquatic resources, special-status species, and Tribal and cultural resources. Instead, the Order requires at least one designated point of contact onsite to monitor compliance with permit conditions. This change means the monitor does not need to be an environmental professional. However, since Category A projects can still threaten water quality, the on-site monitor

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			As written, some of these conditions do not clearly differentiate between Category A and Category B projects, nor do they provide any flexibility to the utilities to employ monitors when appropriate, based on site conditions or work activities occurring at the time. The draft General Order currently requires utilities to implement environmental monitoring on all covered activities regardless of discharge potential, burdening projects with little or no discharge potential with an obligation to have full-time oversight from environmental monitors. The utilities understand that the State Water Board's quality assurance intent of this condition, but feel there are alternative methods for providing quality assurance and quality control of work activities. For this reason, the utilities recommend revising the draft General Order where appropriate throughout the draft to clarify that monitors should be employed on Category B projects only. In addition, further revisions are recommended, as outlined in the table below, to provide more flexibility to the utilities on when to use monitors during work activities.	requirement applies to both Category A and Category B projects, ensuring compliance with the General Order. The Water Quality Monitoring Requirements are limited to projects that include in-water work and non-compliance events and do not apply to Category A projects. The inspection requirements in Section IV.L. were revised to differentiate between Category A and Category B projects. Category A Dischargers are only required to inspect 5% of active projects in each activity type category (IV.L.1.a).
10	10.7	Joint Utilities	Tribal Cultural Resources The draft General Order requires Tribal consultation for Category A or B projects, except Wildfire or Response Activities, located within a Tribal Cultural Resource. The investor-owned utilities are regulated by the CPUC and are therefore, not an agency capable of government-to-government consultation with Native American Tribes. Utilities often coordinate with Tribes on projects and want to work proactively with Tribes and Native American representatives to avoid impacting Tribal Cultural Resources on a programmatic level. Additionally, many utilities employ Tribal Liaisons and provide Tribes the opportunity to meet with utilities about our operations and present their concerns. However, the draft General Order contains infeasible requirements and timelines to achieve wildfire mitigation projects. Most of these operations and maintenance (O&M) type projects are exempt from the California Environmental Quality Act (CEQA), Assembly Bill 52, and Section 106 of the National Historic Preservation Act. Investor-	The General Order was revised to allow utilities to use a Tribal contact list maintained by the Water Boards for Tribal outreach. Existing language in the General Order allows for consolidated enrollment for eligible Category B projects, allowing one Tribal Cultural Resources Report to be submitted with the consolidated enrollment notification. The General Order was revised to reduce the notification period for Tribes prior to commencing work, from 120 days to 60 days. The General Order was not revised to eliminate per-project approval of mitigation measures. This requirement ensures Tribes are properly notified and cultural resources are identified. Annual notification after project completion, as proposed by the Joint Utilities, could lead to irreparable damage to Tribal cultural resources, especially if mitigation measures were not developed in coordination with Tribes.

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			owned utilities cannot conduct consultation as described in the SWRCB's Tribal Consultation Policy, nor does the policy extend to other entities other than the SWRCB staff. Asking utilities to engage and develop mitigation measures with multiple Native American Tribes may put utilities in a difficult position where Tribes offer varying viewpoints or have differing requests for treatment measures because the utilities are not the appropriate arbiter of those positions or measures. Furthermore, without changes, the volume of permitting requests would be very high and could be unmanageable for the Tribes, the Board, and the utilities. The proposed requirements in the draft General Order will increase the amount and time of project reviews. Instead of expediting or streamlining wildfire mitigation projects, the required reviews will add a substantial amount of time to the review and approval process. All Category A and B projects, except Wildfire or Response Activities, require a Sacred Lands File Search (SLFS) with the Native American Heritage Commission (NAHC). For applicable Category A and B projects that are within an archaeological site, there would be a minimum 120-day notification to Tribes prior to the start of work. This timeline begins after the record search, SLFS, and a survey, if required, have all been completed; this process may take up to 90 days. Additionally, the draft General Order requires a report to be approved by SWRCB staff, however, there are no timelines for staff to provide such approval. Utilities cannot know how long reviews of these projects will take, but it may be approximately 200 days or more. This is a long time to approve wildfire mitigation projects, and particularly those Category A projects that are described in the draft General Order as non-notifying activities with a low potential to impact water quality and aquatic resources. Such an outcome goes against the stated purpose of the Draft General Order which is to expedite utilities' wildfire mitigation work.	The General Order was revised to specify that if at least 30 days have passed following a request for coordination, and the coordinating Tribe has not provided utilities with recommended treatment measures for any Tribal cultural resources identified in the project area, no further coordination by the utilities is required. The General Order was revised to allow waiver of Tribal coordination for projects where there is already an agency conducting consultation with a similar scope. All projects seeking enrollment must comply with Section IV.G Tribal Cultural Resources conditions and timeframes and document compliance with related conditions in a Tribal Cultural Resources Report that must be retained for three years for non-notifying activities and submitted to the Water Board for notifying activities.

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			Recommendations: • Remove the requirement for SLFSs due to the amount of time it may take. Completing a SLFS on a programmatic scale would not be helpful due to the size of the utilities' service territories. • In line with the SWRCB's Tribal Consultation Policy, the utilities request that SWRCB give the utilities a list of Tribes to contact that have opted in to receive project updates for this General Order; this could possibly be the list of Tribes that responded to the General Order. • The utilities appreciate SWRCB's recommendations on the way utilities could conduct outreach to Tribes. We request that flexibility for a programmatic or per project approach remain in the General Order on how to complete coordination. • Remove the 120-day requirement to notify Tribes before work begins as this is not feasible for compliance deadlines; it should be kept to 30 days. • Remove the requirement for SWRCB to approve mitigation measures and approve a per project report. Instead, there could be an annual report summarizing Tribal notification efforts. • Remove requirement for Tribal coordination when a project already has an agency conducting consultation; for example, Army Corps of Engineers or CPUC.	
10	10.8	Joint Utilities	Thank you again for your consideration of these comments and we look forward to working with the Board to finalize this General Order.	Comment noted.
10	10.9	Joint Utilities	Section/Description: II. Findings. B. Tier 1 areas show tree mortality high hazard zones near communities, road, and utility lines that are a direct threat to public safety. Tier 2 areas have a higher risk of utility related wildfires, and Tier 3 areas have an extreme risk. These areas are known as High Fire Threat Districts. Comment: Please confirm SWRCB classifies all 3 Tiers as 'Category H' for Fee calculations.	Under the fee schedule currently in effect for the 24-25 fiscal year, all three High Fire Threat District tiers are considered when determining fees for Category H.

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			Suggested Language/Edits: N/A	
10	10.10	Joint Utilities	Section/Description: III. Project Description This General Order does not cover project activities within an Urban Area as defined by the 2020 U.S. Census unless that activity is also within a California Public Utilities Commission (CPUC) High Fire Threat District. Comment: Projects activities located within urban areas that are also within High Fire Threat District should not be subject to this General Order. Suggested Language/Edits: N/A	See response to comment 3.14.
10	10.11	Joint Utilities	Section/Description: III. Project Description, A. Vegetation Management 1., 2. & 3. Comment:. See Comment 5 below. Suggested Language/Edits: Recommended Edits: 1. potential increases in surface water temperature 2. soil disturbance within 100 feet of any waters of the state, or 3. ~~soil disturbance in locations with slopes equal to or greater than 30% and soils having erodibility K factor equal to or greater than 0.2.~~ 4. <u>Vegetation management activities (e.g., trimming, topping, brushing, tree removal) are not soil disturbing activities.</u>	The General Order was revised to require coverage for all vegetation management activities within 50 feet of waters. The definition of soil disturbance was revised to state that vegetation management activities are not considered soil disturbing activities except where it includes the removal of tree roots or where equipment travel has created unconsolidated soil, ruts, over-steepened areas, or other conditions which have potential to concentrate runoff and deliver sediment to waters of the state. The General Order requires coverage for soil disturbance activities that cumulatively exceed 0.5 acre in locations with slopes equal to or greater than 30% and soils with an erodibility K factor of 0.2 or higher. While activities like trimming, topping, and brushing generally do not disturb soil, vegetation removal can impact vegetation corridors and harm watershed function. Tree removal often disturbs soil. While erosion is an immediate consequence of removal, reducing vegetation cover can lead to long-term water quality issues. Vegetation corridors along aquatic resources provide critical hydrologic and ecological functions, including groundwater recharge, stream bank stability, allochthonous material contributions and connectivity to downstream resources. Increased solar exposure due to vegetation removal can disrupt thermal regimes, accelerating evaporation and altering water availability, and increasing surface water temperature,

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				which in turn affects aquatic organisms, macroinvertebrate populations, and overall aquatic resource health and function. Riparian vegetation also plays a critical role in stabilizing banks, filtering pollutants, and regulating hydrologic processes, all of which are necessary to maintain the integrity of water resources. The requirement for vegetation management activities comply with General Order conditions ensures that such activities are evaluated and managed to minimize adverse impacts to water quality, bank stability, especially given the scale and pace of vegetation removal activities across the state.
10	10.12	Joint Utilities	Section/Description: III. Project Description, C. Site access development/maintenance: C. Site access development/maintenance: construction, reconstruction, maintenance, or improvements (e.g., grading, blading, graveling, brushing) of access routes used to access electric utility facilities where such activity involves more than 100 feet of roadway, or that results in soil disturbance within 500 feet of waters of the state. This includes but is not limited to road grading, maintenance and replacement of drainage crossings, culverts, ditches and side drains. This also includes placement of mats or other materials such as sandbags or sheet piles to gain access and perform work. Comment: Maintenance activities on existing roads (blading, grading, graveling, brushing, or the like for like replacement of culverts), occurs within the existing footprint and typically results in no or nominal impacts within undisturbed areas outside of that existing footprint. These activities that do not increase the size of a road's footprint should be classified as Category A projects because the work involves no increase in road footprint/no new impacts to waters of the state. Alternatively, new road construction or reconstruction*, including significant road repair grading, the installation, repair, or replacement of hardened crossings (e.g., rock fjord crossings, concrete AZ	The General Order was revised, so that the access route maintenance activities listed in Section IV.E.1.b. are eligible for coverage under non-notifying Category A, including beneficial activities like adding gravel to existing road surfaces and surface blading to maintain or improve drainage. Access route construction and reconstruction activities are not eligible for Category A because they often result in a greater amount of soil disturbance than maintenance activities.

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			crossing) or the installation, repair, replacement, increases in size of other infrastructure (e.g., culverts, side drains) result in greater impacts and commonly required soil disturbance beyond an existing road footprint. * 'Reconstruction' should be defined by the Board but is generally considered to be the rebuilding of, or heavy repairs to a road or road segment that been lost due to extensive damage (i.e., road is no longer there due to storm damage, severe erosion, slumps or landslides, etc.), or damaged so heavily it must be rebuilt. Suggested Language/Edits: Recommended Edits C. Site access development/maintenance: construction, reconstruction, ~~maintenance~~, or improvements (~~e.g., grading, blading, graveling, brushing~~) of access routes used to access electric utility facilities where such activity involves more than 100 feet of roadway, or that results in soil disturbance within 500 feet of waters of the state. This includes but is not limited to road grading, maintenance and replacement of drainage crossings, culverts, ditches and side drains. <u>Site access route maintenance that includes maintenance grading, blading, graveling, brushing of existing access routes that occurs within the existing access route footprint and does not increase the size of that footprint where such activity involves more than 5 miles of roadway or that results in soil disturbance within 100 feet of waters of the state.</u> This also includes placement of mats or other materials such as sandbags or sheet piles to gain access and perform work.	
10	10.13	Joint Utilities	Section/Description: III. Project Description, E. Pole/Tower Repairs or Replacement Pole/Tower Repairs or Replacement: repair, replacement, or upgrade of poles and towers that results in: 1. soil disturbance within 50 feet of any waters of the state, or ~~2. soil disturbance in locations with slopes equal to or greater than 30% and soils having erodibility K factor equal to or greater than 0.2.~~ Comment:. New and/or interspersed poles/structures should be included are part of the description for Project Descriptions (E, H, I, and L).	The General Order was revised to remove the slope and soil erodibility K factor criteria from the Pole/Tower Repairs, Maintenance or Replacement, Overhead Line Reconductoring, Undergrounding Powerlines, and Electric Utility Infrastructure Lowering, Maintenance, Replacement or Removal (activities E, H, I, and K).

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			GLOBAL COMMENT Project Description (E., H., I., and L.): Identifying areas with slopes equal to or greater than 30% and K factor >0.2 is extremely problematic to the utilities for the following reasons: 1. All utilities combined repair and replace hundreds of thousands of poles/towers per year and inclusion of these upland facilities based on these slope and K Factor criteria will equate to potentially thousands of projects per year subject to coverage as well as needing to be permitted under Category B project requirements. This represents a massive increase in workload both for the utilities as well as for the Regional Boards needing to permit these types of projects. 2. These types of infrastructure projects typically involve small areas of soil disturbance (e.g., less than 10' x 10' area), and short duration construction (e.g., less than one day to a few weeks) to complete. These factors equate to activities that present no to a low threat of discharge to a water of the state. 3. The utilities currently conduct standard environmental reviews on all projects, and these reviews are supported through customized internal systems capable of handling the volume of projects. Changes to these systems necessary to accommodate this new review criteria will require significant time and resources to complete and will not be quickly available for use. This is exacerbated by uncertainty on specific data sources the SWRCB will accept for this use. 4. The utilities will require increases to staff and consultant resources to support the necessary environmental reviews and subsequent permitting necessary. While the utilities rely on automated systems for initial project reviews, the final reviews, necessary field surveys, reporting and permit application preparation and processing requires staffing resources, currently not needed. Suggested Language/Edits: Recommended Edits Recommended Edits: Project Description (E., H., I., and L.): 1. soil disturbance within 50 feet of any waters of the state, or ~~2. soil disturbance in locations with slopes equal to or greater than 30% and soils having erodibility K factor equal to or~~	The Order was also revised to include installation of interspersed poles in activity E. Since the General Order does not cover activities providing new or expanded service, installation of new poles/towers was not included in the Project Descriptions.

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			~~greater than 0.2.~~	
10	10.14	Joint Utilities	Section/Description: III. Project Description. H. Structural Conversion Structural Conversion: structural conversions; for example, conversion of a single pole to an H-Frame structure, tubular steel pole or lattice steel tower that results in: 1. soil disturbance within 50 feet of any waters of the state, or 2. soil disturbance in locations with slopes equal to or greater than 30% and soils having erodibility K factor equal to or greater than 0.2. Comment: Same as comment 5 above. Suggested Language/Edits: Same as comment 5 above	See response to comment 10.13.
10	10.15	Joint Utilities	Section/Description: III. Project Description. I. Line Reconductoring Line Reconductoring: reconductoring of overhead electric utility lines to replace existing conductors with new conductors, along existing circuits; includes splicing and tensioning of electric lines that results in: 1. soil disturbance within 50 feet of any waters of the state, or 2. soil disturbance in locations with slopes equal to or greater than 30% and Comment: Same as comment 5 above Suggested Language/Edits: Same as comment 5 above	See response to comment 10.13.
10	10.16	Joint Utilities	Section/Description: III. Project Description L. Electric Utility Infrastructure Lowering, Maintenance, Replacement or Removal Electric Utility Infrastructure Lowering, Maintenance, Replacement or Removal: electric utility infrastructure sections which are lowered, raised, maintained, replaced, or removed due to age, size, design, condition, and that results in: 1. soil disturbance within 50 feet of any waters of the state, or 2. soil disturbance in locations with slopes equal to or greater than 30% and soils having erodibility K factor equal to or greater than 0.2. Comment: Same as comment 5 above Suggested Language/Edits: Same as comment 5 above	See response to comment 10.13.

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10	10.17	Joint Utilities	Section/Description: IV. A. Compliance With Other Water Board Authorities. 3. If project activities qualify for enrollment under another certification or WDR regulating the discharge of dredged or fill material, authorization under that certification or WDR must be obtained, and coverage under this General Order for those project activities is not required. 3. Projects that are not covered under the NPDES general Permit for Storm Water discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ or 2022-0057-DWQ) (Construction General Permit) may need to obtain coverage under this General Order for eligible activities. If the Project is required to obtain coverage under the Construction General Permit for only part of its land disturbance activities and other portions of the project are eligible for enrollment in this General Order, compliance with the Construction General Permit constitutes compliance with Sections IV.F.1 through 8; 17; 19; K; L; and R.1.f; all other conditions in this General Order apply. Comment: The utilities recognize the approach of keeping existing general orders (general 401 certifications or WDRs) in place, however this seems to create unnecessary complexity in the permitting process where there is overlap of activities in the General Order's Project Description and overall coverage. This seems inefficient and doesn't provide for CEQA coverage that is part of this General Order. Furthermore, many utility projects get coverage under the Construction General Permit, which was designed to protect water quality from land development activities with more than 1 acre of ground disturbance whereas the General Order seeks to regulate much smaller and less impactful soil disturbing activities. When utility projects are covered by a Storm Water Pollution Prevention Plan under the Construction General Permit, utilities believe requiring compliance with the General Order would add additional complexity to the regulatory landscape. Utilities request the State Water Board to seriously consider additional streamlining between these two permits to reduce administrative	The General Order was not revised in response to this comment. Since the referenced Water Quality Certifications are already in effect, this General Order does not override or replace those approvals. For further details on alignment with the Construction General Permit, see the response to Comment 1.4.

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			burden, such as allowing work to be covered under the Construction General Permit as a common plan of development. Suggested Language/Edits: 3. Projects that are ~~not~~ covered under the NPDES general Permit for Storm Water discharges Associated with Construction and Land Disturbance Activities (Order No. 2009- 0009-DWQ or 2022-0057-DWQ) (Construction General Permit) ~~may~~ do not need to obtain coverage under this General Order for eligible activities, except for dredge and fill activities performed within waters of the State. ~~If the Project is required to obtain coverage under the Construction General Permit for only part of its land disturbance activities and other portions of the project are eligible for enrollment in this General Order, compliance with the Construction General Permit constitutes compliance with Sections IV.F.1 through 8; 17; 19; K; L; and R.1.f; all other conditions in this General Order apply.~~	
10	10.18	Joint Utilities	Section/Description: IV. D. Administrative. 5. At least one person who is knowledgeable about state and federal laws regarding the protection of water quality, aquatic resources and related special-status species, and Tribal and cultural resources that are applicable to the project shall be onsite, during normal working hours, until all project areas are stabilized. Comment: As written, this condition applies to all Category A and Category B Projects. The utilities recommend clarifying language that this condition is for Category B projects only or to simplify the language to be determined on a project-specific basis and to apply this condition as appropriate for the activity. The term 'person knowledgeable' implies the requirement for a qualified environmental monitor. It is infeasible and unreasonable to require an environmental monitor to provide training and monitor all Category A and B projects. Category A projects present no threat of discharge to waters of the state or to water quality. The sheer number of projects makes this requirement unworkable. "Stabilized", while defined in the glossary is subjective. This presents a potential significant cost on projects for little to no value (e.g., a cultural	The General Order was revised. The condition requiring "a person knowledgeable about state and federal laws related to water quality, aquatic resources, special-status species, and Tribal and cultural resources" to be onsite was revised to require on-site at least one designated point of contact responsible for monitoring compliance with permit conditions (General Order Section IV.D.6). The Order does not require the on-site monitor to be an environmental professional. Since Category A projects, despite being lower risk, can still pose a threat to water quality or state waters, on-site monitors are required for both Category A and Category B projects.

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			monitor would be required until the site is stabilized would not provide any protections). Suggested Language/Edits: Recommended Edits: 5. <u>If determined necessary on a project-specific basis, at least one person who is knowledgeable about state and federal laws regarding the protection of water quality, aquatic resources and related special-status species, and Tribal and cultural resources that are applicable to the project shall be onsite, as needed during normal working hours when potentially impactful activities are occurring, until all project areas are stabilized. Utilities shall determine when a person knowledgeable in pertinent resources is needed on site and identify the applicable monitoring requirements in the NOI.</u>	
10	10.19	Joint Utilities	Section/Description: IV. D. Administrative. 4. Environmental Awareness Training: Prior to participating in any project activity, all personnel (e.g., contractors, subcontractors, and consultants) shall participate in environmental awareness training (e.g., tail-gate meetings) conducted by a person knowledgeable about state and federal laws regarding the protection of water quality, aquatic resources, related special-status species, and Tribal and cultural resources that are applicable to the project. Comment: As written, this condition applies to all Category A and Category B Projects. The utilities recommend clarifying language that this condition is for Category B projects only or to simplify the language to be determined on a project-specific basis and to apply this condition as appropriate for the activity. The term 'person knowledgeable' implies the requirement for a qualified environmental trainer or monitor. It is infeasible and unreasonable to require an environmental monitor to provide training for all Category A and B projects. Category A projects present no threat of discharge to waters of the state or to water quality. The sheer number of projects makes this requirement unworkable. The utilities provide mandatory environmental training to all field personnel on a regular (e.g., annual or greater) frequency. This training provides	The General Order was not revised in response to this comment. The General Order requires Environmental Awareness Training for both Category A and Category B projects. While Category A projects pose lower risks, they can still result in discharges. Training ensures all site personnel understand the General Order's requirements. The General Order was revised to expressly allow for a "train-the-trainer" model. While an expert must develop training materials, any designated person can conduct the training using the prepared materials. Additionally, the term "knowledgeable person" was removed to further reduce administrative burden. The purpose of this requirement is to ensure that all on-site personnel receive basic environmental awareness training on avoiding impacts to and protecting water resources. The condition does not mandate in-person training and can be fulfilled through written materials. These revisions provide flexibility while ensuring all personnel receive appropriate training to minimize environmental risks.

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			the field personnel with the knowledge and tools needed to employ avoidance and minimization measures that are appropriate on low threat projects, as well as information to provide context on projects where more extensive environmental requirements, (e.g., permitted projects or non-permitted projects where environmental monitors are required by the utility) are needed. Suggested Language/Edits: Recommended Edits: 4. Environmental Awareness Training: Prior to participating in any project activity, all personnel (e.g., contractors, subcontractors, and consultants) shall participate in environmental awareness training (e.g., tail-gate meetings, <u>annual environmental training, environmental handbooks, environmental conditions memos</u>) to address all <u>environmental avoidance and minimization measures applicable to the project</u>. ~~Training should be conducted by a person knowledgeable about state and federal laws regarding the protection of water quality, aquatic resources, related special status species, and Tribal and cultural resources that are applicable to the project.~~	
10	10.20	Joint Utilities	Section/Description: IV. Conditions. E. Coverage Categories. 1.d. Non-Notifying Eligibility Criteria (Category A): To qualify for Category A coverage, the following eligibility criteria must be met: a. Project activities will not result in a discharge of dredge or fill materials to waters of the state; and no temporary diversions or impoundments of water, cofferdams, or similar structures installed for the purpose of temporary dewatering work areas are planned within the project area. b. Project activities will not include the use of heavy equipment on saturated soil conditions. c. Project activities will not include installation of new access routes. d. Project activities will not occur on 1) slopes equal to or greater than 30% and 2) soils where the erodibility K factor is equal to or greater than 0.2.	The General Order was partially revised in response to this comment. Other recommended revisions were not made as explained below. 1. Replacement of in-kind infrastructure does not always provide appropriate water quality protections. For example, undersized culverts should not be used to replace existing undersized culverts. 2. Heavy equipment use on saturated soils was removed from Category A eligibility criteria. 3. The high risk receiving watershed criteria was not included because this would place a large number of projects within Category B thus increasing the number of NOI submittals. Most waters in the North Coast and San Francisco Bay Regional Water Boards already have high receiving water risks as defined by the Construction General Permit.

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			Comment: Utilities recommend the following revisions to the eligibility criteria. The justification behind the recommended revisions is outlined in comment 5 above. Suggested Language/Edits: Recommended Edits: Non-Notifying Eligibility Criteria (Category A): To qualify for Category A coverage, the following eligibility criteria must be met: a. Project activities will not result in a discharge of dredge or fill materials to waters of the state, and no temporary diversions or impoundments of water, cofferdams, or similar structures installed for the purpose of temporary dewatering work areas are planned within the project area. <u>This does not include maintenance of existing fill that does not modify the character, scope, or size of existing fill or include ancillary fills.</u> b. Project activities will not include the use of heavy equipment on saturated soil conditions within 50 feet from waters of the state. c. Project activities will not include installation of new access routes in watersheds <u>with high receiving water risk.</u> ~~d. Project activities will not occur on 1) slopes equal to or greater than 30% and 2) soils where the erodibility K factor is equal to or greater than 0.2.~~	4. The slope and soil erodibility K factor criteria were removed from Category A eligibility criteria. For further discussion of scope and notifying revisions, please see responses to comments 3.3 and 3.7.
10	10.21	Joint Utilities	Section/Description: IV. Conditions. E. 1. f. f. Dischargers shall maintain a list of Category A project activity coordinates and if applicable, activity dates. This list shall be provided to Water Boards staff within ten business days of request. Comment: The utilities understand the purpose of this condition, however the implementation of the condition will require new project tracking metrics and changes to current internal tracking systems. Changes in these systems and processes represent a significant administrative burden on the utilities and will require time to be completed and as such, the ability to track projects as required will not be possible immediately upon adoption of the General Order. The utilities are requesting a deferred effective date of this General Order to	The General Order has been revised to include a three-year record retention period. The General Order requires retention of project-level details, including the location and duration of completed Category A activities, as well as documentation of compliance with Tribal cultural resource conditions. Retaining these records provides auditable evidence of compliance with the General Order. The effective date of the General Order will be established at the time of adoption.

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			allow for these system and process updates. The utilities also recommend the General Order state the records retention requirement should be aligned with the CGP of 3 years. Suggested Language/Edits: N/A	
10	10.22	Joint Utilities	Section/Description: IV. Conditions. E. 2.a.i. i. Wildfire Activities: Wildfire Activities are defined in this General Order as an unexpected action taken to maintain, cleanup, repair, demolish, or replace infrastructure necessary to maintain or restore essential public services or facilities in response to recent wildfire activity. Wildfire activities may be initiated at any time between the start of the wildfire and 90 days of the wildfire being 100% contained; wildfire recovery activities that begin over 90 days from the wildfire being 100% contained shall submit NOIs in compliance with Section IV.E.4 below. Comment: Please clarify: Does this mean that any newly identified work started after 90 days follows the 'standard' NOI process (i.e., there is the 45-day period prior to start of work)? Post-fire recovery efforts are often a process of discovery, and damage may not be identified for months until the crews are able to get to an area. In addition, the utilities must face seasonal access limitations or species avoidance periods. Recommend removing this language and instead allowing for additional expedited notification for work related to the same fire as previously authorized or extending timeframe to 180 days. Please clarify: There is no IV.E.4 as referenced in the condition. Should this be IV.E.2.c.i.1.a.? Suggested Language/Edits: Recommended Edits: i. Wildfire Activities: Wildfire Activities are defined in this General Order as an unexpected action taken to maintain, cleanup, repair, demolish, or replace infrastructure necessary to maintain or restore essential public services or facilities in response to recent wildfire activity. Wildfire activities may be initiated at any time between the start of the wildfire and ~~90~~ 180 days of the wildfire being 100% contained; wildfire	The General Order was revised in response to this comment. It now includes the proposed 180-day timeframe, recognizing that it may take months for crews to safely access burned areas before post-fire response repairs can be made. Additionally, the section reference was corrected to specify that the Notice of Intent (NOI) is due within 30 days of initiating urgent response activities and 45 days before work begins for non-urgent response activities.

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			recovery activities that begin over ~~90~~ 180 days from the wildfire being 100% contained shall submit NOIs in compliance with Section ~~IV.E.4~~ IV.E.2.c.i.1.a. below.	
10	10.23	Joint Utilities	Section/Description: IV. Conditions. E. 2.a.ii. ii. Response Activities Response activities occur when unpredictable weather, or another event outside of the Discharger's control, results in the need to implement a project within two weeks to restore or maintain electric service and construction will be completed within two weeks of the start date. Comment: The utilities work to complete these types of urgent or response work as soon as possible, however two weeks is not always a feasible time to complete the necessary work. Logistical constraints (e.g., material delays, crew availability, more urgent response priorities etc.) may cause delays. Please clarify: How does this aligns with or replaces the following certifications? This is for emergency response or emergency prevention that would likely be covered under one of the following certifications: USACE RGP 63/RGP 8 for Emergency Repair and Protection (Order WQ 2023-0095- DWQ/Order WQ 2023-0061-DWQ), or RGP 10 for Wildfire Mitigation (Order No. 2023-0055-DWQ), or the SWRCB Emergency General WDR (Order No. 2023-0058-DWQ). Suggested Language/Edits: Recommended Edits: Response Activities Response activities occur when unpredictable weather, or another event outside of the Discharger's control, results in the need to implement a project within two weeks to restore or maintain electric service and construction will be completed within two weeks of the start date, <u>to the extent feasible. The Discharger may request an extension to complete the needed work on a project specific basis.</u>	The General Order was revised in response to this comment. The Discharger may request a one-time, two-week, extension to complete work if delays occur due to circumstances beyond the Discharger's control. For further discussion of urgent response activities and alignment with General Orders that authorize emergency activities, see the response to comment 7.5.

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10	10.24	Joint Utilities	Section/Description: IV. Conditions. E. 2.b.i. i. Wildfire and Response Activities Dischargers shall notify the appropriate Regional Water Board and the State Water Board as early as possible, and no less than seventy-two (72) hours prior to initiating the project. If seventy-two (72) hour notification is not possible, the Discharger shall notify the appropriate Regional Water Board and the State Water Board within one (1) business day of initiation of the project. Comment: For urgent or emergency activities, the 72-hour prior to being able to commence activities may be too long and place life and property at risk. Need to recommend language to avoid the application of the 72-hours and commence activities as needed. Utilities should be allowed to start work prior receiving approval or waiting for no response is not feasible. Suggested Language/Edits: Recommended Edits: i. Wildfire and Response Activities Dischargers shall notify the appropriate Regional Water Board and the State Water Board as early as possible, and <u>if feasible</u>, no less than seventy-two (72) hours prior to initiating the project. For projects that are urgent (emergency), ~~if seventy-two (72) hour notification is not possible~~, the Discharger shall notify the appropriate Regional Water Board and the State Water Board within one (1) business day of initiation of the project.	See response to comment 7.5.
10	10.25	Joint Utilities	Section/Description: IV. Conditions. E. 2.b.ii.2 2. Send an email to SB-Utility Wildfire General Order and the appropriate "Region Program Manager" from the staff directory linked above. Include "Attention: Wildfire or Response Activity" in the subject line. Comment: Please clarify: Is "SB-Utility Wildfire General Order" an email address? It is unclear who a notification would go to. Please provide contact information in the Final General Order. Suggested Language/Edits: N/A	This General Order was revised to include Regional and State Water Board contact information and provide the correct email address for the State Water Board.

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10	10.26	Joint Utilities	Section/Description: IV. Conditions. E. 2.b.iii iii. Unless the Water Board determines that the project does not qualify for a Wildfire or Response Activity designation, the Discharger may proceed seventy-two (72) hours after initial notification. Comment: Please clarify: Will the RWQCB notify the utility if the work qualifies as a Wildfire or Response Activity? Suggested Language/Edits: N/A	The State or Regional Water Board will not issue a notification if the project qualifies as a Wildfire or Response Activity. If the Discharger does not receive notice that the project is ineligible for urgent response activity coverage, the Discharger may proceed with the project according to applicable General Order conditions.
10	10.27	Joint Utilities	Section/Description: IV. Conditions. E. 2.c.i.1 IV. Conditions. E. 2.c.ii.1. 1. Unless a Wildfire and Response Activity, Category B Dischargers shall submit an NOI for enrollment under this General Order at least 45 days before any planned project activity. a. Wildfire and Response Dischargers shall submit an NOI within thirty (30) days of initiating the activity. ii. Notice of Intent Review Process: 1. Within thirty (30) days from the NOI receipt date, incomplete NOIs will be returned with a description of information needed to satisfy the deficiency(ies). Comment: The utilities recommend reduced NOI review timeframes, and reduced issuance timeframes for NOE and NOA. This is confusing as it relates to IV. Conditions. E. 2.a.i. for wildfire response activities (pre- and post-90 days from 100% containment), see Comment 15 above. Suggested Language/Edits: Recommended Edits: Within ~~thirty (30)~~ <u>seven (7)</u> days from the NOI receipt date, incomplete NOIs will be returned with a description of information needed to satisfy the deficiency(ies). <u>Within seven (7) days of receiving a complete NOI, Water Boards will determine whether a project is ineligible for General Order enrollment and issue a Notice of Exclusion as appropriate. If the Water Board does not issue an NOA within thirty (30) days of receiving a complete NOI, the Discharger may proceed with the project according to all applicable General Order conditions.</u>	The General Order was not revised in response to this comment. Category B review time of NOIs for completeness is set at 30 days in order to ensure that staff have adequate time to review NOIs and make informed determinations in compliance with the Permit Streamlining Act (Gov. Code, § 65920, et seq). Furthermore, the 45 day issuance period is consistent with other permits and ensures sufficient time for NOI review, public notice, document drafting, and management review

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10	10.28	Joint Utilities	Section/Description: IV. Conditions. E. 2.c.ii.1.c. c. If the Water Board does not issue an NOA or Notice of Exclusion within forty-five (45) days of receiving a complete NOI, the Discharger may proceed with the project according to all applicable General Order conditions. Comment: Please clarify: Will the RWQCB issue an "OpLaw" letter, or if no response would be expected? Typo: This should be Section IV. Conditions. E. 2.c.ii.2.c. (not 1.c.) Suggested Language/Edits: N/A	No "OpLaw" letter would be issued if the Water Board did not issue a Notice of Applicability or Notice of Exclusion within 45 days.
10	10.29	Joint Utilities	Section/Description: IV. Conditions. F.2. 2. Environmentally sensitive areas and environmentally restricted areas, including any avoided waters of the state, must be clearly identified 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 soil has been stabilized. Comment: Please clarify: Does 'clearly identified' mean physical markings (e.g., signage, flagging, etc.) or by any means (e.g., verbal direction)? The placement of signage or stakes is unnecessary and excessive for smaller projects. These activities have discrete work areas and utilities place restrictions on crews as needed to simply avoid adjacent features or an onsite monitor will direct the crews in avoidance. Suggested Language/Edits: Recommended Edits: Environmentally sensitive areas and environmentally restricted areas, including any avoided waters of the state, must be clearly identified ~~in the field~~ or by other means for exclusion from disturbance prior to the start of project activities. Such identification must be properly maintained until construction is completed and the soil has been stabilized, <u>as applicable</u>.	The General Order was not revised in response to this comment. The language "clearly identified" in the Order means physical markings such as signage, flagging or some other physical identifier. The project proponent may choose which type of identification they want to use based on site conditions and preference. Clear identification (through flagging or another similar method) is required due to the potential for inadvertent impacts to environmentally sensitive areas that may occur without proper identification. Verbal direction is more likely to be forgotten or less clear regarding locations. This requirement is consistent across Water Board permits and across many other agencies.
10	10.30	Joint Utilities	Section/Description: IV. Conditions. F.6.d. d. Immediately initiate stabilization of disturbed areas, using reestablishment of vegetation and non-vegetative erosion controls, whenever earth disturbing activity has permanently ceased on any portion of the site, or temporarily	In response to this comment, the condition was revised to include the suggested language "return to original line and grade."

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			ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Comment: Please clarify: Soil compaction is a means of stabilization (e.g., laydown yard that won't be used for >14 days can be compacted, with appropriate perimeter BMPs in place). Due to wildfire restrictions Pole brushing in a 10' radius around the pole base is required. Brushing removed all vegetation down to mineral soils, and revegetation is not option. Also, there should be the option to return to original line and grade for pole installations. Suggested Language/Edits: Recommended Edits: e. Immediately initiate stabilization of disturbed areas, using reestablishment of vegetation, ~~and~~ non-vegetative erosion controls, <u>and/or return to original line and grade</u>, whenever earth disturbing activity has permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days	
10	10.31	Joint Utilities	Section/Description: IV. Conditions. F.7.b. b. Only 100-percent biodegradable erosion and sediment control products that will not entrap or harm wildlife shall be used. Erosion and sediment control products shall not contain synthetic (e.g., plastic or nylon) netting. Photodegradable synthetic products are not considered biodegradable. Comment: This presents a significant cost to the utilities. Utilities recommend including language to allow for temporary nonbiodegradable erosion and sediment control products (e.g., silt fencing) - for use during construction and removed immediately after construction. These temporary BMPs are often reusable. Long-term, degrade in place, or permanent BMPs should be biodegradable. All temporary BMPs must be approved to not entrap or harm wildlife. Suggested Language/Edits: Recommended Edits: Only 100-percent biodegradable erosion and sediment control products that will not entrap or harm wildlife shall be <u>used for long-term, degrade in place or as permanent BMPs. Temporary, non-biodegradable erosion and</u>	The General Order was not revised in response to this comment. The condition requiring the use of 100-percent biodegradable erosion and sediment control products aims to minimize environmental impacts and protect wildlife. However, the condition does not prohibit the use of temporary measures like silt fences, provided they are designed and installed in a way that ensures they will not entrap or harm wildlife. Non-biodegradable materials, including silt fences, must meet the requirement that they do not contain synthetic netting or features that could cause entrapment. Additionally, these temporary measures must be removed promptly after construction to minimize long-term environmental impacts. While some temporary non-biodegradable BMPs may be reusable and removed after construction, their potential to fragment or persist in the environment poses risks. Plastic netting and synthetic erosion control

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			<u>sediment control products may be used during work activities but must be removed immediately after construction and replaced with long-term BMPs, as applicable. Temporary BMPs to be used would not cause entrapment or harm wildlife.</u> Erosion and sediment control products shall not contain synthetic (e.g., plastic or nylon) netting. Photodegradable synthetic products are not considered biodegradable.	materials, even if labeled as photodegradable, can entrap wildlife and contribute to microplastic pollution. To address cost concerns while maintaining environmental protection, utilities are encouraged to use biodegradable alternatives that meet the required performance standards. These products are commercially available and provide effective erosion and sediment control while eliminating the need for costly removal and disposal.
10	10.32	Joint Utilities	Section/Description: IV. Conditions. F.9.d. d. Implement best management practices to prevent soil compaction and rutting (i.e., place equipment and vehicles on matting). Comment: The utilities recommend the use of tracked or rubber tracked equipment as an important practice to prevent rutting. Suggested Language/Edits: Recommended Edits: Implement best management practices to prevent soil compaction and rutting (i.e., place equipment and vehicles on matting, <u>use of tracked equipment</u>).	In response to this comment, the condition was revised to include the suggested language “use of tracked equipment.”
10	10.33	Joint Utilities	Section/Description: IV. Conditions. F.11.b. b. Access route surfaces and shall be hydrologically disconnected from streams and stream crossings. Comment: Please clarify: Is this for new access routes only? Existing utility access roads have been present in many cases for 30 to 50+ years. These existing roads occur in the terrain of their associated transmission line corridors, which is often remote and commonly mountainous. Similarly, new transmission lines are expected to be located within similarly remote and mountainous terrain. These transmission corridors are established through other state and federal regulations and are determined through a thorough licensing process. Access roads constructed in these types of terrain are often located on steep slopes with little to no relatively flat upland areas. As such, natural stream flows, including road runoff, must be managed to	See response to comment 3.12.

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			minimize road surface degradation and erosion by controlling natural run-on from upgradient surface flows, and directing these flows to down slope areas off of the road. Creating hydrologically disconnected extremely problematic to impossible in many locations with steep terrain, and on hillsides where all flows drain to the valley below. Suggested Language/Edits: Recommended Edits: <u>Unless otherwise authorized in an NOA, new access ~~Access~~ route surfaces and shall be hydrologically disconnected from streams and stream crossings to the maximum extent practicable. The Discharger shall provide justification for why this design standard is not applicable or infeasible in the project's NOI.</u>	
10	10.34	Joint Utilities	Section/Description: IV. Conditions. F.11.c. c. Access route surface runoff must be designed to sufficiently disperse flows to appropriate vegetated or otherwise protected upland areas to minimize or avoid erosion, rather than concentrating flows and/or discharging sediment to waters of the state. Comment: The utilities recommend revising the language to provide flexibility. Out sloping road design creates a significant safety hazard in locations with steep slopes and areas with high clay content soils. In addition, utility access roads are typically built and maintained to have road berms along either side. These berms are a safety feature of these roads as well as part of the road drainage design to control runoff. Suggested Language/Edits: Recommended Edits: c. Access route surface runoff must be designed to sufficiently disperse flows to appropriate vegetated or otherwise protected upland areas <u>to the extent practicable</u> to minimize or avoid erosion, rather than concentrating flows and/or discharging sediment to waters of the state.	The General Order was not revised in response to this comment. To clarify, this condition does not specifically require outsloping of access routes and does not prohibit the use of road berms. The Order allows implementation of alternative methods to disperse surface flows if outsloping is infeasible (e.g., due to safety concerns), as long as justification is provided in the NOI.
10	10.35	Joint Utilities	Section/Description: IV. Conditions. F.11.d. d. Unless authorized by the Water Boards in an NOA, Dischargers shall incorporate drainage structures according to Table 1 spacing parameters. Functional ditch relief, including culverts, rolling dips, inboard ditches, and crossroad	The drainage structure spacing requirements in Table 1 are from the California Forest Practice Rules and these standards should generally be followed to prevent concentration of access route related runoff and erosion of access route fill material. The General Order was revised to

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			drains, shall be spaced with enough frequency to prevent concentration of access route related runoff and erosion of access route fill material. Comment: The utilities recommend revising the language to provide flexibility. Many on-site drainage structures are 'field designed' based on existing conditions encountered along the road. The placement of these structures may not correspond to the spacing requirements outlined in the General Order. Suggested Language/Edits: Recommended Edits: d. Unless authorized by the Water Boards in an NOA, Dischargers shall incorporate drainage structures according to Table 1 spacing parameters to the maximum extent practicable. Functional ditch relief, including culverts, rolling dips, inboard ditches, and crossroad drains, shall be spaced with enough frequency to prevent concentration of access route related runoff and erosion of access route fill material.	more clearly outline how a Discharger could request a deviation from these spacing requirements. If these spacing parameters are impracticable, the Discharger must state why these parameters cannot be met and propose alternative spacing. If the project is a non-notifying Category A project, the discharger shall retain a record including the justification and provide that justification to the Water Board upon request.
10	10.36	Joint Utilities	Section/Description: IV. Conditions. F.11.f. f. Unless authorized by the Water Boards in an NOA, newly constructed access routes shall be outsloped. If outsloping is determined to be infeasible, provide justification and drainage designs that will provide for similar performance to the appropriate Water Board. Comment: The utilities recommend revising the language to provide flexibility. Out sloping road design creates a significant safety hazard in locations with steep slopes and areas with high clay content soils. In addition, utility access roads are typically built and maintained to have road berms along either side. These berms are a safety feature of these roads as well as part of the road drainage design to control runoff. Suggested Language/Edits: Recommended Edits: Unless authorized by the Water Boards in an NOA, newly constructed access routes shall be outsloped. If outsloping is determined to be infeasible <u>or unsafe</u>, provide justification and drainage designs that will provide for similar performance to the appropriate Water Board.	In response to this comment, the General Order was revised to include suggested language "or unsafe" in Section F.15.e.

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10	10.37	Joint Utilities	Section/Description: IV. Conditions. F.11.k. Access routes shall be constructed to ensure proper stability of cut and fill slopes and ensure drainage and runoff generated from access routes is hydrologically disconnected from receiving waters and does not cause erosion and sediment discharge. Comment: “Hydrologically disconnected” roads may not always be feasible on the landscape due to prevailing slopes, drainage patterns, physical constraints and the road’s location. The utilities recommend revising the language to provide flexibility. Suggested Language/Edits: Recommended Edits: k. Access routes shall be constructed to ensure proper stability of cut and fill slopes and ensure drainage and runoff generated from access routes is hydrologically disconnected from receiving waters <u>to the maximum extent practicable</u> and does not cause erosion and sediment discharge.	See response to comment 3.12.
10	10.38	Joint Utilities	Section/Description: IV. Conditions. F.11.m. m. Road drainage facilities (e.g., outsloping, rolling dips, water breaks) shall be fortified to endure the duration of planned use and shall prevent sediment discharges to waterbodies. If utilizing rock armoring to fortify drainage structures, the armoring must be appropriately sized and installed for anticipated flow conditions and must extend to completely cover unprotected fill slopes. Comment: Armoring may not be feasible, preferable or needed in all locations. The utilities recommend editing as shown to provide flexibility. Suggested Language/Edits: Recommended Edits: m. Road drainage facilities (e.g., outsloping, rolling dips, water breaks) shall be fortified, <u>as needed</u>, to endure the duration of planned use and shall prevent sediment discharges to waterbodies. If utilizing rock armoring to fortify drainage structures, the armoring must be appropriately sized and installed for anticipated flow conditions and must extend to completely cover unprotected fill slopes.	The General Order was not revised to include the suggested language. To clarify, Section IV.F.15.j (previously Section IV.F.11.m) does not specifically require rock armoring of drainage structures. This condition only requires that rock armoring must be appropriately sized if used for armoring. To provide additional clarity in the condition, the word “fortified” was replaced with “constructed” to give more flexibility in locations where fortification may not be needed.

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10	10.39	Joint Utilities	Section/Description: IV. Conditions. F.11.n. n. Following use, access routes shall be left in a condition that enables long-term hydrologically disconnected road drainage with minimal or no maintenance requirements. Comment: Some maintenance will always be required. The utilities recommend revising the language to provide flexibility. Suggested Language/Edits: Recommended Edits: Following use, access routes shall be left in a condition that enables long-term hydrologically disconnected road drainage with minimal ~~or~~ ~~no~~ maintenance requirements.	The General Order was revised in response to this comment by removing the “or no” from the condition.
10	10.40	Joint Utilities	Section/Description: IV. Conditions. F.16.a. a. Trees shall be felled away from waters of the state, unless approved by the Water Boards for the purpose of aquatic habitat restoration. If a tree is accidentally felled into, or across, a water of the state, it must be removed and placed outside of and away from waters of the state to the farthest distance practicable, immediately. Comment: Utilities recommend revising this language. Trees may be felled towards waters of the state for various reasons, such as to protect adjacent structures, circuits, roads, etc. Suggested Language/Edits: Recommended Edits: Trees shall be felled away from waters of the state, <u>to the maximum extent feasible</u> ~~unless approved by the Water Boards for the purpose of aquatic habitat restoration~~. If a tree is ~~accidentally~~ felled into, or across, a water of the state, it must be removed and placed outside of and away from waters of the state to the farthest distance practicable, immediately <u>unless approved by the Water Boards in the NOA</u>.	The General Order was changed in response to this comment. The language now reads “felled outside of waters of the state” rather than “felled away from waters of the state” to clarify terminology of direction vs. location.
10	10.41	Joint Utilities	Section/Description: IV. Conditions. F.17.c.vi. vi. A staging area for equipment and vehicle fueling and storage shall be designated at least 50 feet away from waters of the state, in a location where fluids or accidental discharges cannot flow into waters of the state. Comment: Recommended language revision to allow for flexibility. Suggested Language/Edits: Recommended Edits:	The General Order was not revised in response to this comment. Staging areas must be located at 50-foot minimum distance <u>and</u> at a location where fluids cannot discharge into waters of the state in order to fully protect water quality.

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			A staging area for equipment and vehicle fueling and storage shall be designated at least 50 feet away from waters of the state, <u>or</u> in a location where fluids or accidental discharges cannot flow into waters of the state.	The 50-foot buffer distance provides a clear and measurable standard that minimizes risks to water quality and ensures consistent application across all projects.
10	10.42	Joint Utilities	Section/Description: IV. Conditions. F.20.a a. The discharge of bentonite, drilling muds, lubricants, or any drilling compounds into waters of the state is prohibited. Comment: Recommended language revision to clarify the condition refers to surface waters of the state. Suggested Language/Edits: Recommended Edits: The discharge of bentonite, drilling muds, lubricants, or any drilling compounds into <u>surface</u> waters of the state is prohibited.	The General Order was not revised in response to this comment. The discharge of bentonite, drilling muds, lubricants or any drilling compounds into all waters of the state (including groundwater) is prohibited.
10	10.43	Joint Utilities	Section/Description: IV.G.2.b Request a Sacred Lands Inventory for the project area from the Native American Heritage Commission. Comment: This is a 30–90-day process. A large influx of projects to the NAHC may add even more review time. Adding on additional review time to projects goes against the objectives of this General Order to streamline/expedite wildfire mitigation plan projects. Tribes cannot be notified until after the results of the Sacred Lands File Search are received, so this adds additional time to project reviews. Suggested Language/Edits: Recommended Edits: Suggest that SWRCB add language to provide utilities a contact list per County for only those Tribes that are interested in receiving notifications and remove the requirement for a Sacred Lands File Search.	The General Order was revised to reduce the notification period for Tribes prior to commencing work, from 120 days to 60 days. The General Order was revised to allow utilities to use a Tribal contact list maintained by the Water Boards for Tribal outreach, which will lessen the administrative burden, and shorten the time needed to conduct outreach. If a utility chooses to use the Water Boards Tribal contact list for outreach, a Sacred Lands file search is not required.
10	10.44	Joint Utilities	Section/Description: IV.G.2.c. In the event of a positive CHRIS result or identification of an archaeological site, as early as possible and at least 120 days prior to commencing work, provide all Tribes identified in steps a and b above with: Comment: 1. Clarify if the results of the CHRIS record search are negative, do the utilities keep an internal documentation but no	The General Order was revised to clarify that Tribal coordination is required regardless of the results of a California Historical Resources Information System records search. The results of a CHRIS records search or sacred lands file search will be provided to coordinating Tribes for context. See response to comments 10.7 and 10.43 for concerns regarding mitigation review and administrative burdens.

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			notification is needed? Documentation required by the utilities should not be needed because this creates a burden on utilities. 2. Clarify that if the CHRIS record search is negative but the NAHC Sacred Lands File Search is positive, we do not need to notify Tribes? 3. Confirm if Tribes should be notified if the CHRIS record search is positive for a historic period archaeological site? Page 3.5-13 of the DEIR states: “Where that search yielded a positive result for a Tribal cultural resource, as described in section 3.18, the General Order requires the Discharger to offer consultation with any of the affected Tribes.” Otherwise, archaeological sites could also include historic sites, such as can scatters. The text should likely read a Tribal cultural resource. 4. This requires Tribes to be notified 120 days before work can begin. Before the notification, a CHRIS record search, Sacred Lands File Search, and possibly a survey must be completed. After the notification, there will also be additional time needed for discussion, meetings, etc. Additionally, the SWRCB must approve the mitigation measures and no timeline for review is given. This means that nonnotifying projects will have 200 days or more of review time required potentially. Adding additional review time goes against the intention of this General Order to streamline/expedite Wildfire Mitigation Plan work. Suggest to change the 120 day timeline to 30 days and to remove SWRCB's approval of mitigation and reporting. There could be an annual report submitted. Suggested Language/Edits: Recommended Edits: Suggest that SWRCB update the language from 120-day notification to 30-day notification.	
10	10.45	Joint Utilities	Section/Description: IV.G.2.c.ii Native American archaeological sites or artifacts identified in a CHRIS positive result to consult and establish Project specific mitigation measures to ensure the protection of TCRs within the proposed project area.	The General Order was not revised in response to this comment. The EIR refers to Public Resource Code (PRC) section 21074 to define Tribal cultural resources, consistent with language in the CEQA Impact Analysis. General Order Section IV.G.1.a includes this definition and further defines Tribal cultural resources to include sites, features,

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			Comment: Clarify if consultation and mitigation is required only if the archaeological sites or artifacts are a TCR as defined in PRC section 21074. Page 3.5-13 of the DEIR states: "Where that search yielded a positive result for a Tribal cultural resource, as described in section 3.18, the General Order requires the Discharger to offer consultation with any of the affected Tribes." Suggested Language/Edits: Recommended Edits: Native American archaeological sites or artifacts identified in a CHRIS positive result. <u>Request affiliated Tribes to identify TCRs and if identified, Tribes will recommend to consult and establish</u> Project specific <u>mitigation treatment</u> measures to ensure the protection of TCRs within the proposed project area.	places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are listed in a private Tribal register. This more inclusive definition is consistent with PRC 21080.3.1(a), which acknowledges that California Native American Tribes traditionally and culturally affiliated with a geographic area may have expertise concerning their Tribal cultural resources. The Tribal Cultural Resources conditions in the General Order provide a process that acknowledges Tribes as the experts regarding Tribal cultural resources.
10	10.46	Joint Utilities	Section/Description: IV.G.2.c.iii Tribal consultation expectations. Provide a 30-day opportunity for the Tribe(s) to request consultation. In cases where Tribe(s) are consulting, mitigation measures will be developed by the Discharger in cooperation with the consulting Tribe(s) and submitted to the Water Board for approval. Comment: 1. Investor-owned utilities are regulated by the CPUC and are, therefore, not an agency capable of government-to-government consultation with Native American Tribes. We cannot conduct consultation as described in the SWRCB's Tribal Consultation Policy, nor does the policy extend to other entities other than the SWRCB staff. The utilities will be in a difficult position as a non-agency if there are varying viewpoints and requests in overlapping traditional use areas. Additionally, Tribes may not want to be notified of a new, large volume of CEQA-exempt projects from a non-agency. 2. Suggest that submittal and approval of mitigation measures to SWRCB is not needed unless there is a disagreement. Utilities could prepare an annual report. Otherwise, provide details about how to submit mitigation measures to the SWRCB and how long the approval will take.	The General Order was revised to refer to Tribal outreach and coordination rather than consultation. The requirement for Tribal coordination is not intended to constitute formal government-to-government consultation in all instances but serves to initiate communication and collaboration between utilities and Tribes on projects that may impact Tribal cultural resources. In the past, coordination with Tribes has been insufficient. Tribes have expressed a strong interest in increased engagement on soil-disturbing activities and herbicide applications that could affect cultural resources. The State Water Board can evaluate this requirement and consider potential revisions in future updates to the General Order if notifications are too numerous for the tribes to respond to. If Tribes and utilities are unable to reach an agreement on appropriate treatment measures, Water Board staff will collaborate with tribal liaisons to review the utility's good faith explanation of why the Tribe's requested measures were deemed infeasible and may facilitate continued conversations between the Tribe and the utilities. In most cases, utilities and Tribes are expected to reach an agreement on

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			Suggested Language/Edits: Recommended Edits: Remove the requirement to consult with Tribes and develop mitigation measures since many utilities are not an agency or able to conduct government-government consultation. Suggest utilities contact Tribes that have opted in to receive notifications and ask them to recommend treatment measures.	appropriate measures. So long as there is mutual agreement regarding appropriate measures, the measures should be submitted to the Water Boards, but the Water Boards will retain the measures for enforcement purposes but will not be conducting a review for approval and no further action is required.
10	10.47	Joint Utilities	Section/Description: IV.G.2.c.iv If requested by an affiliated Tribe, a pedestrian survey will be conducted by a qualified archaeologist to identify and record resources. Affiliated Tribes must be given the opportunity to accompany the archaeologist during the pedestrian survey or to visit the site and assess impacts to previously recorded sites. Comment: Please clarify text to add surveys will be conducted in undeveloped areas if no recent survey (within 10 years) has been completed. Many areas have numerous affiliated Tribes throughout our service territories and inviting every interested Tribe on a survey is not feasible for timing and cost of the project. Propose revision to share survey results with interested Tribe. Suggested Language/Edits: Recommended Edit: If requested by an affiliated Tribe, a pedestrian survey will be conducted of <u>undeveloped areas</u> by a qualified archaeologist and record resources <u>if a survey has not been performed in the last 10 years. The results of the survey will be shared with affiliated Tribes upon request.</u> ~~Affiliated Tribes must be given the opportunity to accompany the archaeologist during the pedestrian survey or to visit the site and assess impacts to previously recorded sites.~~	In response to this comment, the General Order was revised to allow the requirement for conducting pedestrian surveys to be satisfied by using the results of a previous pedestrian survey conducted within the last 10 years for the specific parcel or parcels where the project activities are proposed. This change aligns with the General Order's goal of expediting permitting for critical fire safety work by allowing the use of a pedestrian surveys completed within the last 10 years. Nonetheless, limiting Tribe's ability to request a pedestrian survey to undeveloped areas assumes that prior disturbance determines the presence of Tribal cultural resources, which is not true for all resources. To address this, Section IV.G.2.c.v of the General Order allows for Tribes to request a pedestrian survey if they have been identified as culturally or geographically affiliated with the project area through a California Historical Resources Information System (CHRIS) search, a Sacred Lands File Search, or through a Tribal contact list obtained from the Water Boards Tribal affairs webpage.
10	10.48	Joint Utilities	Section/Description: IV.G.2.c.v If the Discharger and the consulting Tribe(s) are unable to agree on appropriate mitigation measures, the Discharger will complete the following: 1. The Discharger shall provide to the applicable Water Board a Tribal and Cultural Resources Report detailing the Discharger's attempt to consult with Tribe(s) in good faith, a description of Tribe requested	If Tribes and utilities are unable to reach an agreement on appropriate treatment measures, Water Board staff will collaborate with tribal liaisons to review the utility's good faith explanation of why the Tribe's requested measures were deemed infeasible and may facilitate continued conversations between the Tribes and the utilities.

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			mitigation measures and why the measures would be infeasible, and alternative mitigation measures that protect the integrity of the site. Comment: Clarify how SWRCB will resolve disagreement on mitigation measures and how project can move forward with the number of days this review will require. Suggested Language/Edits: N/A	
10	10.49	Joint Utilities	Section/Description: IV.G.2.c.viii Provide a Tribal and Cultural Resources Report to the applicable Water Board that shows either 1) no TCRs were identified within the project area; 2) the appropriate mitigation and conservation measures developed in consultation with the affected California Native American Tribe when the survey and research reveal a TCR or a Sacred Lands Inventory positive result; or 3) documentation that shows that affected California Native American Tribes were contacted and did not respond to the opportunity to consult within 30 days. Comment: SWRCB is requiring a report previously not required and some of the reporting will be required for non-notifying activities. Additional costs for increased reporting are anticipated. Consider making the Tribal Cultural Resources requirements (Section IV.G.) applicable to only Category B Notice of Intent projects or consider allowing utilities to prepare an annual report. Clarify that the report is being submitted but no approval or response is required. Suggested Language/Edits: Utilities would like to explore additional opportunities to establish an effective process that leverages utility processes that protect Tribal and Cultural Resources to streamline these requirements for Category A projects. Please refer to the Recommendations in the comment letter, above. The utilities request additional opportunities to meet with the State Board to develop revised permit language to protect cultural resources while allowing the electric utilities wildfire mitigation work in an efficient and timely fashion.	The General Order was not revised in response to this comment. Eligibility for Category A enrollment (non-notifying) is based on a project's lower risk to water quality, as determined by a variety of criteria (detailed in General Order Attachment A: Comparison of General Order Coverage and Non-Notifying Submission Requirements). These water quality criteria do not necessarily indicate a lower risk to Tribal cultural resources; therefore, non-notifying Category A projects are not exempted from complying with Tribal resource conditions. The Discharger will retain the Tribal Cultural Resources report for non-notifying Category A projects and shall provide the report to Water Board staff only upon request.

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10	10.50	Joint Utilities	Section/Description: IV. Conditions. K. A. Erosion and Sediment Control Plan: All Dischargers that propose soil disturbing activities shall develop and implement an Erosion and Sediment Control Plan for proposed project activities. Category B projects must submit the Erosion and Sediment Control Plan with the NOI unless the discharger has a programmatic Erosion and Sediment Control Plan that was previously approved by the applicable Water Board. If a programmatic plan is used, supplemental site-specific information must be included with the NOI, as needed, to address the site-specific details listed below. The Erosion and Sediment Control Plan shall include: Comment: The utilities assume this means Category A projects do not need to submit an Erosion and Sediment Control Plan, or develop a plan, other than the utility's programmatic plan. Additionally, there are likely to be Category B activities that don't pose a risk of pollutant discharge to a Water of the State and those activities should also not be required to submit an Erosion and Sediment Control Plan, or develop a plan, beyond the utility's programmatic plan. Utilities recommend adding the following text for clarity (suggested text addition in bold italics): Suggested Language/Edits: Recommended Edits A. Erosion and Sediment Control Plan: All Dischargers that propose soil disturbing activities and <u>qualify as Category B projects</u> shall develop and implement an Erosion and Sediment Control Plan for proposed project activities. Category B projects must submit the Erosion and Sediment Control Plan with the NOI unless the discharger has a programmatic Erosion and Sediment Control Plan that was previously approved by the applicable Water Board. If a programmatic plan is used, supplemental site-specific information must be included with the NOI for <u>Category B projects with a Controllable Sediment Discharge Source (CSDS)</u>, as needed, shall include: ~~to address the site-specific details listed below. The Erosion and Sediment Control Plan:~~ 43	The General Order was not revised in response to this comment. Both Category A and Category B projects must develop an ESCP. Only Category B projects need to submit an ESCP. Existing or newly created programmatic or activity-specific ESCPs can be used for Category A projects and Category B projects under the consolidated enrollment option provided they include the information listed in Section IV.K.1.

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10	10.51	Joint Utilities	Section/Description: IV. Conditions. K.2. 2. For access route work activities , also detail the 1) number of proposed newly constructed and/or reconstructed watercourse crossings; 2) standards (e.g. Handbook for Forest, Ranch, and Rural Roads⁸) and 100-year storm flows design accommodations (including the standards for the maximum and minimum rock sizes for fill prim (e.g. bank) armoring); 3) culvert size; and 4) hydrologically disconnected drainage structure types, including critical dips and roadside ditches, and their respective spacing distances. Comment: Please clarify: 4) "hydrologically disconnected" applies to new construction and not for maintenance of existing access roads. Suggested Language/Edits: N/A	The General Order was not revised in response to this comment. Access road maintenance often involves the installation or repair of drainage features. If road maintenance activities include modifications to drainage features or other earthmoving activities, such as ensuring that stream flows do not form within the road prism, the applicable Erosion and Sediment Control Plan should be updated or supplemented as necessary. However, if the utility has a programmatic Erosion and Sediment Control Plan that already documents drainage structure types, and the maintenance activity is solely restoring the site to its previously documented condition, then no modifications to the plan are required in relation to item 4. Also see response to comment 3.12.
10	10.52	Joint Utilities	Section/Description: IV. Conditions. L. L. Controllable Sediment Discharge Sources Monitoring and Reporting: Dischargers shall conduct Controllable Sediment Discharge Source monitoring and reporting until the project area is stabilized as follows and as detailed in Attachment C: Comment: Clarify this is not for Category A projects and pertains to Category B projects only. Suggested Language/Edits: Recommended Edits: L. Controllable Sediment Discharge Sources Monitoring and Reporting: Dischargers for <u>Category B Projects</u> shall conduct Controllable Sediment Discharge Source monitoring and reporting until the project area is stabilized as follows and as detailed in Attachment C:	The General Order was not revised in response to this comment. Both Category A and Category B projects must conduct inspections. However, the General Order was revised to only require Category A Dischargers to inspect 5% of active projects as explained in Section IV.L.1.a.
10	10.53	Joint Utilities	Section/Description: IV. Conditions. L.2. 2. Controllable Sediment Discharge Sources monitoring shall be conducted at the following frequency to evaluate the efficacy of implemented management measures (watercourse crossings, disconnected drainage structures, access route banks, etc.) and BMPs to prevent sediment discharge,	The General Order was revised so that Category A dischargers are required to monitor 5% of active projects to ensure proper installation of erosion and sediment control best management practices (BMPs) and to address any failed BMPs. Inspecting a small sample of Category A projects will enhance BMP effectiveness across all sites, as

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			identify CSDS occurrences, and resolve the CSDS occurrences as soon as feasible. Additional monitoring and reporting may be required by the Water Board in the NOA: a. An initial survey shall be conducted once between September 1 and October 1. b. Within 48 hours of a precipitation event that produces at least 1.5 inches of precipitation in 24 hours between October 1 and January 15. c. Within 48 hours of a precipitation event that produces at least 1.5 inches of precipitation in 24 hours between January 15 and May 1. d. A survey shall also be conducted between May 1 and June 15. Comment: Clarify this is not for Category A projects. The survey requirements / timeline is not feasible, as many projects will likely be approved and constructed and stabilized prior to all outlined timeframes (a. through d.). In addition, conditions "a." and "d." are somewhat arbitrary in relation to a project's start/end dates. The level of effort and cost to perform monitoring for all Category A and B activities would be significant and not commensurate with the water quality benefit that would result. Many projects would have small footprints with minor disturbances, requiring significant time to access (e.g., many locations can only be accessed by foot). The utilities recommend revising the CSDS monitoring requirements to focus on high-risk activities where it would be beneficial to gauge BMP effectiveness. Suggested Language/Edits: Recommended Edits: Controllable Sediment Discharge Sources monitoring shall be <u>conducted for approximately 10% of Category B activities performed each year. CSDS Monitoring would occur at the</u> following frequency to evaluate the efficacy of implemented management measures (watercourse crossings, disconnected drainage structures, access route banks, etc.) and BMPs to prevent sediment discharge, identify CSDS occurrences, and resolve the CSDS occurrences as soon as feasible. Additional monitoring and reporting may be required by the Water Board in the NOA: a. An initial survey shall be conducted once	data is collected on the performance of measures implemented at various locations. If a disturbed site is fully stabilized after the initial soil disturbance, but before the applicable inspection timelines, an Erosion and Sediment Control Plan inspection will not be necessary. For further discussion of costs, see the cost consideration section at the end of this document.

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			between September 1 and October 1. b. Within 48 hours of a precipitation event that produces at least 1.5 inches of precipitation in 24 hours between October 1 and January 15. c. Within 48 hours of a precipitation event that produces at least 1.5 inches of precipitation in 24 hours between January 15 and May 1. d. A survey shall also be conducted between May 1 and June 15.	
10	10.54	Joint Utilities	Section/Description: IV. Conditions. M.1. 1. Where riparian vegetation management activities meet the conditions below, Category B Dischargers will, upon request by the applicable Water Board, provide a Vegetation Management Impact Offset Plan for Water Board approval. A plan for multiple sites that is generally applicable may be submitted in advance. Suggested Language/Edits: Implementation of mitigation within utility rights-of-way is often not feasible due to access, maintenance, and land ownership concerns, restricting locations where utilities can perform compensatory mitigation. Utilities would like to investigate opportunities to implement a programmatic approach to mitigation, which is something larger utilities already do pursuant to Habitat Conservation Plans. Programmatic mitigation can provide more meaningful conservation, enhancement, or creation of resources compared to implementing smaller, discontinuous mitigation areas throughout the landscape. Comment: Utilities would like to explore additional opportunities to consider potential programmatic mitigation strategies or alternatives with the State Board.	The General Order was not revised in response to this comment. One benefit of the requirement to notify the appropriate Regional Water Board in advance of vegetation management activities that may require a Vegetation Management Impact Offset Plan is to facilitate discussions on potential programmatic mitigation approaches. This process allows for consideration of alternatives that effectively offset functional losses specific to the impacted water resource, ensuring that mitigation efforts are appropriately tailored to maintain or enhance ecological function. Vegetation Management Impact Offset Plans are not required in all cases. Water Board staff have the discretion to concur that replacement vegetation is not feasible in a given area; for example, it may be infeasible to replant areas with an unvegetated fire break. For an additional discussion on the Vegetation Management Impact Offset Plan, see response to comment 8.12. Programmatic offset can provide a more ecologically meaningful approach by consolidating site specific efforts into larger, strategically planned areas rather than implementing smaller, fragmented enhancement. Utilities considering this approach should engage with Water Board staff early in the permitting process to determine whether their proposal is suitable for the specific projects involved. This early coordination helps ensure that offset measures adequately offset for

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				site-specific functional losses and contribute to broader watershed health and resilience. If a programmatic offset plan has already been approved, utilities may proceed without submitting separate activity-specific notices for related vegetation management activities.
10	10.55	Joint Utilities	Section/Description: IV. Conditions. M.d. d. The Discharger shall propose alternative enhancement projects (e.g., large wood augmentation, planting additional willow cuttings) within the impacted watershed, to minimize long term impacts identified in Section IV.M.1.b, above. Comment: Implementation of mitigation within utility rights-of-way is often not feasible due to access, maintenance, and land ownership concerns, restricting locations where utilities can perform compensatory mitigation. Utilities would like to investigate opportunities to implement a programmatic approach to mitigation, which is something larger utilities already do pursuant to Habitat Conservation Plans. Programmatic mitigation can provide more meaningful conservation, enhancement, or creation of resources compared to implementing smaller, discontinuous mitigation areas throughout the landscape. Suggested Language/Edits: Comment: Utilities would like to explore additional opportunities to consider potential programmatic mitigation strategies or alternatives with the State Board.	See response to comment 10.54.
10	10.56	Joint Utilities	Section/Description: Draft EIR 3.1.4 Impact AES- 1 The replacement and repair of aboveground structures would have relatively small footprints and would be consistent with existing overhead utilities. Mats may be used as temporary work areas for facilities in waters of the state. The use of mats would be a minor and temporary visual change. Construction crews would implement the mats in such a way to minimize damage to vegetation and thus limit visual damage.	The General Order was not revised in response to this comment. See the response to comment 10.13.

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			Some Project Activities would not build new infrastructure, but instead upgrade preexisting equipment, such as reinforcing or upgrading wooden utility poles with light-duty steel poles. Upgraded light-duty steel poles would result in a permanent, but minor visual change in the landscape because they are a more reflective surface than wooden poles. These permanent changes have a minor influence on the scenic vistas. These facilities were already present in the said scenic vista but may have an increase in glare from higher performing equipment. Comment: Since interset poles were described elsewhere, the analysis should be clarified to account for new overhead structures along existing lines/ROW instead of just repair, replacement, or upgrade of existing structures. See first part of Comment 5, above. Suggested Language/Edits: N/A	
10	10.57	Joint Utilities	Section/Description: Draft EIR 3.1.4 Impact AES- 2 Scenic highways extend throughout the Project Area. Since 1972, the CPUC has prohibited the installation of overhead distribution facilities within 1,000 feet of officially designated state or county scenic highways per California Public Utilities Code Section 320 (CPUC 2018). Similar to Impact AES-1, Project Activities consist of the construction of new access roads, and operation and maintenance of existing utility infrastructure. Vegetation management could remove vegetation that contributes to a scenic highway's aesthetic value. Impacts from vegetation management would compromise the scenic value of state scenic highways. Given the CPUC's prohibition of building overhead facilities within 1,000 feet of state or county scenic highways, it is not anticipated that many access roads would be constructed through scenic resources. However, if a new access route was needed to reach other electrical utility infrastructure within 1,000 feet of state scenic highways, Project Activities could impact trees, rock outcroppings, and historic buildings.	The EIR was not revised in response to this comment. The analysis in EIR 3.1.4: Impact AES-2 evaluates whether projects permitted under the General Order could substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. California Public Utilities Code Section 320 requires that, whenever feasible and not inconsistent with sound environmental planning, the undergrounding of all future electric and communication distribution facilities which are proposed to be erected in proximity to any highway designated a state scenic highway. PUC § 320 refers to distribution facilities, not transmission facilities, and there is a deviation request process by which utilities can apply for an exemption from compliance. This distinction does not change the analysis contained in the EIR. Should a project permitted under the General Order result in an impact to scenic resources within 1,000 feet of a state scenic highway, the impact would be potentially significant. The impact would remain potentially significant whether it was the result of an allowable change to a transmission facility, or the result of an approved deviation request.

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			Comment: PUC Section 320 doesn't seem to be described accurately. It does require undergrounding new electric distribution facilities located within 1,000 feet of a designated state scenic highway. The analysis implies the CPUC prohibits all overhead facilities, but it shouldn't apply to transmission facilities. Also, the CPUC has a deviation process. Suggested Language/Edits: N/A	
10	10.58	Joint Utilities	Section/Description: Draft EIR 3.4.4 Impact BIO-1 Mitigation Measure BIO-1: Agency Consultation, Permitting, and Mitigation If sensitive biological resources occur or have potential to occur in the Project Area, the Utility Service would be required to consult with the applicable regulating agency or agencies to acquire permits, implement mitigation, and coordinate to avoid conflict with existing Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans. The regulatory agencies would likely require protocol surveys to qualify and quantify the extent of the sensitive biological resources in the Project Area. Permit conditions would likely require Utility Services to install resource-specific buffers in the Project Area prior to ground disturbance. Mitigation for Utility Services' impact to sensitive biological resources could include purchasing mitigation bank credits and/or enhancing or preserving existing populations or habitat in perpetuity. Comment: Use of "sensitive biological resources" seems too broad for this mitigation measure. Utilities recommend that the Board consider narrowing mitigation requirements down to protected resources (e.g., listed and candidate species, nesting birds and certain rare plants). Also, even if a protected resource occurs or has potential to occur, agency consultation may not be required if avoidance measures are being implemented. Suggested Language/Edits: N/A	The General Order and EIR were not revised in response to this comment. The General Order does not replace or excuse compliance with any other applicable local, state, or federal requirement. The use of "sensitive biological resources" is consistent with CEQA's requirements for evaluation of potential impacts to species.

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10	10.59	Joint Utilities	Section/Description: Draft EIR 3.4.4 Impact BIO-1 Mitigation Measure BIO-1: Agency Consultation, Permitting, and Mitigation ... Utility Services would be required to acquire a habitat conservation plan and incidental take permit under federal ESA Section 10(a) or a federal interagency consultation for an incidental take permit under ESA Section 7 from USFWS for impacts to federally listed species. Utility Services would be required to acquire an incidental take permit pursuant to Fish and Game Code 2081 from CDFW for impacts to state listed species. Utility Service impacts to waters of the US could require a CWA Section 404 permit from the US Army Corps and a Section 401 WQC from the State or Regional Water Board. Project Activity impacts to aquatic resources that are only under state jurisdiction could require Utility Services to acquire waste discharge requirements (WDR) from the State or Regional Water Board. Project Activity impacts to streambeds and lakes could require Utility Services acquire a Lake and Streambed Alteration Agreement from CDFW. Utility Services could be required to acquire a Coastal Development Permit from the CCC or local government managing the Local Coastal Program for Project Activities in the coastal zone. Project Activities in the Bay Area could require Utility Services acquire permits from the San Francisco Bay Conservation and Development Commission. Utility Services would be subject to applicable local agency regulations. Comment: It is not clear why Section 401 WQC and WDR are referenced in this mitigation measure since the General Order should cover those requirements. Also, SCE may not be subject to all local agency regulations. I suggest indicating subject to “applicable local agency regulations.” Suggested Language/Edits: Recommended Edits: Utility Services would be required to acquire a habitat conservation plan and incidental take permit under federal ESA Section 10(a) or a federal interagency consultation for an incidental take permit under ESA Section 7 from USFWS for impacts to federally listed species.	The EIR 3.4.4 Impact BIO-1 Mitigation Measure BIO-1: Agency Consultation, permitting, and Mitigation was revised to remove the reference to 401 Water Quality Certification and Waste Discharge Requirements. Mitigation Measure BIO-1 was further revised to add the term “applicable” to local agency regulations.

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			Utility Services would be required to acquire an incidental take permit pursuant to Fish and Game Code 2081 from CDFW for impacts to state listed species. Utility Service impacts to waters of the US could require a CWA Section 404 permit from the US Army Corps. ~~and a Section 401 WQC from the State or Regional Water Board. Project Activity impacts to aquatic resources that are only under state jurisdiction could require Utility Services to acquire waste discharge requirements (WDR) from the State or Regional Water Board.~~ Project Activity impacts to streambeds and lakes could require Utility Services acquire a Lake and Streambed Alteration Agreement from CDFW. Utility Services could be required to acquire a Coastal Development Permit from the CCC or local government managing the Local Coastal Program for Project Activities in the coastal zone. Project Activities in the Bay Area could require Utility Services acquire permits from the San Francisco Bay Conservation and Development Commission. Utility Services would be subject to applicable local agency regulations.	
10	10.60	Joint Utilities	Section/Description: Draft EIR 3.4.4 Impact BIO-6 For Project Activities that would occur in a plan area of an adopted Habitat Conservation Plan or Natural Community Conservation Plan, an eligible applicant could acquire an Incidental Take Permit through voluntary participation if plan coverage and permit issuance is available; for proposed Project Activities that are not covered by the plan, the Utility Service would need to pursue individual project permitting. Therefore, without proper consultation Project Activities could have a significant impact on biological resources protected by approved Habitat Conservation Plans, Natural Community Conservation Plans, and similar plans for conservation of biological resources. Comment: Permit coverage should only be required when take is expected. The second clause of the first sentence isn't completely clear that individual project permitting would only be required if take is anticipated when the project activity is located within a plan area.	The EIR was not revised in response to this comment. It does not require utilities to obtain an Incidental Take Permit unless one is already required under existing laws and regulations.

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			Suggested Language/Edits: Recommended Edits: For Project Activities that would occur in a plan area of an adopted Habitat Conservation Plan or Natural Community Conservation Plan, an eligible applicant could acquire an Incidental Take Permit through voluntary participation if plan coverage and permit issuance is available and if take is anticipated; for proposed Project Activities that are not covered by the plan, the Utility Service would need to pursue individual project permitting if take is anticipated. Therefore, without proper consultation Project Activities could have a significant impact on biological resources protected by approved Habitat Conservation Plans, Natural Community Conservation Plans, and similar plans for conservation of biological resources.	
10	10.61	Joint Utilities	Section/Description: Draft EIR 3.9.4 Impact HAZ- 1 Mitigation Measure HAZ-1: Compliance with Applicable Laws, Regulations, and Ordinances Utility Services would be required to comply with applicable state, federal, and local laws, regulations, and requirements pertaining to hazardous materials and hazardous wastes. Relevant regulations include the Toxic Substances Control Act, CWA, Solid Waste Disposal Act, Resource Conservation and Recovery Act, and the Comprehensive Environmental Response, Compensation, and Liability Act. In addition, Utility Services storing hazardous materials that meet or exceed the state thresholds (i.e., 55 gallons for liquids, 500 pounds for solids, and 200 cubic feet for gasses) are required to prepare a Hazardous Materials Management Plan; the plan would detail BMPs to minimize the effects to incidental releases, and ensure proper handling, storage, and disposal of hazardous and nonhazardous waste. These regulations establish legal requirements for hazardous materials storage, transportation and handling, and agency oversight. Comment: This measure likely means Hazardous Materials Business Plan and not Hazardous Materials Management Plan. There are specific exemptions that allow us to not file an HMBP every time the	In response to this comment, EIR Mitigation Measure HAZ-1 (EIR Section 3.9 Hazards and Hazardous Materials: Impacts and Mitigation Measures) was revised to require a Hazardous Materials Business Plan, if required by CA Health and Safety Code Chapter 6.95 for Utility Services storing hazardous materials that meet or exceed the state thresholds (i.e. 55 gallons for liquids, 500 pounds for solids, and 200 cubic feet for gasses). Language referring to a Hazardous Materials Management Plan was removed.

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			listed thresholds are met. As written, those exemptions would be removed, and preparation of a plan would be required any time those thresholds are exceeded regardless of the exemptions being available. Suggested Language/Edits: Recommended Edits: Mitigation Measure HAZ-1: Compliance with Applicable Laws, Regulations, and Ordinances Utility Services would be required to comply with applicable state, federal, and local laws, regulations, and requirements pertaining to hazardous materials and hazardous wastes. Relevant regulations include the Toxic Substances Control Act, CWA, Solid Waste Disposal Act, Resource Conservation and Recovery Act, and the Comprehensive Environmental Response, Compensation, and Liability Act. In addition, Utility Services storing hazardous materials that meet or exceed the state thresholds (i.e., 55 gallons for liquids, 500 pounds for solids, and 200 cubic feet for gasses) ~~are required to prepare a Hazardous Materials Management Plan;~~ <u>shall prepare and submit a Hazardous Materials Business Plan if required by CA Health and Safety Code Chapter 6.95;</u> the plan would detail BMPs to minimize the effects to incidental releases, and ensure proper handling, storage, and disposal of hazardous and nonhazardous waste. These regulations establish legal requirements for hazardous materials storage, transportation and handling, and agency oversight.	
10	10.62	Joint Utilities	Section/Description: DEIR (Impact GEO-6); MMRP GEO-2 Prior to breaking ground, Utility Services would be required to assess whether the proposed project occurs on a paleontological sensitive unit. If the proposed project occurs on a paleontological sensitive map unit, a qualified paleontologist would develop a paleontological resource monitoring and recovery plan. The paleontological resource monitoring and recovery p11.72 lan would detail monitoring protocols for ground disturbance proposed in sediment with a moderate to high paleontological sensitivity. The monitoring and recovery plan would be designed and led by a qualified paleontologist to determine the extent of fossiliferous sediment being	In response to this comment, EIR Mitigation Measure GEO-2 (EIR Section 3.7 Geology and Soils: Impacts and Mitigation Measures) was revised to clarify that projects occurring in locations with a sensitivity rating of moderate or higher according to the Bureau of Land Management's Potential Fossil Yield Classification System and the scope of work includes ground disturbance at a depth and/or width that would reasonably be expected to impact paleontological resources and be conducive to monitoring and recovery, will be subject to a paleontological resource monitoring and recovery plan.

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			exposed and affected by erosion and determine whether paleontological resources are being lost. If the loss of scientifically significant paleontological resources is documented, then the recovery program would be implemented. If mitigation measure GEO-2 determines the project occurs on a paleontological sensitive unit, mitigation measure GEO-3 below would also be implemented. Comment: Please add an amount of soil disturbance and/or depth when this measure would be required. Paleontological resources are unlikely to be discovered during projects with limited ground disturbance such as minor surface disturbance or work with a small diameter like pole replacements. For example, if excavation was small (like a pole hole) or on the surface only, developing a monitoring plan would be excessive and costly when monitoring would likely not be recommended by a Qualified Paleontologist. The impact analysis text also agrees that paleontological resources are not anticipated at existing facilities (page 3.7-21). The amount of review, training, monitoring, and plan preparation is excessive for the scope and scale of many of the projects, for example a single pole replacement. Suggested Language/Edits: Prior to breaking ground, Utility Services would be required to assess whether the proposed project occurs on a paleontological sensitive unit. If the proposed project occurs on an area with high or moderate paleontological sensitivity <u>and the scope of work includes ground disturbance at a depth and width that would reasonably expected to impact paleontological resources and be conducive to monitoring and recovery</u>, a qualified paleontologist would develop a paleontological resource monitoring and recovery plan. The paleontological resource monitoring and recovery plan would detail monitoring protocols for ground disturbance proposed in sediment with a moderate to high paleontological sensitivity. The monitoring and recovery plan would be designed and led by a qualified paleontologist to determine the extent of fossiliferous sediment being exposed and affected by erosion and determine whether paleontological resources	

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			are being lost. If the loss of scientifically significant paleontological resources is documented, then the recovery program would be implemented. If mitigation measure GEO-2 determines the project occurs on a paleontological sensitive unit, mitigation measure GEO-3 below would also be implemented.	
10	10.63	Joint Utilities	Section/Description: DEIR (Impact GEO-6); MMRP GEO-3 If after implementing mitigation measure GEO-2, the proposed project was determined to occur in a location with moderate to high paleontological sensitivity, a qualified paleontologist shall prepare paleontological resources sensitivity training materials prior to ground disturbance for use during project worker environmental training. This training shall be conducted by an environmental professional under the supervision of the qualified paleontologist. Prior to ground disturbance, all construction personnel onsite will receive the paleontological resources sensitivity training, even if they arrived after initial ground disturbance begins. The paleontological resource sensitivity training shall report the types of resources that could be encountered within the project site and the procedures to follow if they are found; if paleontological resources are detected, all work within at least 100 feet should be halted until a qualified paleontological resources specialist evaluates the item for its significance and records the item. Project proponents and/or project contractors shall retain documentation demonstrating that all construction personnel attended the paleontological resource sensitivity training before the start of work on the site and shall provide documentation to the project manager upon request. Comments: Please add an amount of soil disturbance and/or depth when this measure would be required. Paleontological resources are unlikely to be discovered during projects with limited ground disturbance such as minor surface disturbance or work with a small diameter like pole replacements. For example, if excavation was small (like a pole hole) or on the surface only, developing a monitoring plan	In response to this comment, EIR Mitigation Measure GEO-3 (EIR Section 3.7 Geology and Soils: Impacts and Mitigation Measures) was revised to clarify that if the proposed project has been determined to occur in a location with moderate to high paleontological sensitivity and the scope of work includes ground disturbance at a depth and/or width that would reasonably be expected to impact paleontological resources and be conducive to monitoring and recovery, a qualified paleontologist shall prepare paleontological resources and sensitivity training.

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			would be excessive when monitoring would likely not be recommended by a Qualified Paleontologist. The impact analysis text also agrees that paleontological resources are not anticipated at existing facilities (page 3.7-21). The amount of review, training, monitoring, and plan preparation is excessive for the scope and scale of many of the projects, for example a single pole replacement. Implementation of Mitigation Measure GEO-3 as they currently stand would be burdensome, add costs, and create more administrative tracking than is currently required for CEQA exempt projects. Suggested Language/Edits: If after implementing mitigation measure GEO-2, the proposed project was determined to occur in a previously undisturbed location with moderate to high paleontological sensitivity <u>and the scope of work includes ground disturbance at a depth and width that would reasonably expected to impact paleontological resources and be conducive to monitoring and recovery</u>, a qualified paleontologist shall give paleontological resources sensitivity training materials prior to ground disturbance for use during project worker environmental training. This training shall be conducted by an environmental professional under the supervision of the qualified paleontologist. Prior to ground disturbance, all construction personnel onsite will receive the paleontological resources sensitivity training, even if they arrived after initial ground disturbance begins. The paleontological resource sensitivity training shall report the types of resources that could be encountered within the project site and the procedures to follow if they are found; if paleontological resources are detected, all work within at least 100 feet should be halted until a qualified paleontological resources specialist evaluates the item for its significance and records the item. Project proponents and/or project contractors shall retain documentation demonstrating that all construction personnel attended the paleontological resource sensitivity training before the start of work on the site and shall provide documentation to the project manager upon request.	

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11	11.1	PG&E	This letter provides comments from Pacific Gas and Electric Company (PG&E) on the State Water Resources Control Board's (State Water Board or Board) Public Draft of the proposed statewide general order for <i>Electric Utility and Maintenance Activities Related to Wildfire Mitigation and Other Similar Activities</i> (General Order) and associated Draft Environmental Impact Report (EIR). In addition to this individual comment letter from PG&E, we are also party to a joint comment letter prepared collaboratively with other investor-owned and publicly-owned utilities in California. PG&E is the largest utility in California, providing energy services to approximately 5.5 million households throughout its 70,000-square-mile service area in northern and central California. The service area stretches from Eureka in the north to Bakersfield in the south, and from the Pacific Ocean in the west to Sierra Nevada in the east. There are over 100,000 circuit miles of electric distribution lines and over 18,000 circuit miles of interconnected electric transmission lines. There are hundreds of thousands of substations, towers, poles, and other appurtenant facilities that interconnect and support these distribution and transmission lines. These facilities require maintenance and wildfire mitigation work to ensure continuous operation and delivery of safe and reliable energy to our customers. PG&E appreciates the opportunity to provide comments to the State Water Board on the Administrative and Public Drafts. PG&E offers these comments to assist Board Staff in refining the contents and structure of the General Order to achieve permit streamlining goals for important grid reliability and safety work and ensure water quality protection without significant cost increases for our customers. Our comments on the General Order include: 1. Volume of electric utility work 2. Geographic scope 3. Opportunities for streamlining 4. Challenges with electric utility access road requirements	Comment noted. See below for more detailed responses.

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			5. Challenges with emergency response requirements 6. Other comments and recommended revisions	
11	11.2	PG&E	1. PG&E's Volume of Projects PG&E's largest concern about the General Order as currently drafted are the many tens of thousands of electric utility emergency response and routine operations and maintenance (O&M) activities that may require coverage under the General Order. PG&E's analysis indicates approximately 95,000 O&M activities annually would be required to comply with the procedures and conditions established in the General Order when they discharge or threaten to discharge materials into waters of the State, slowing down critical wildfire prevention work the General Order seeks to streamline and facilitate. Of the twelve (12) categories of covered activities, the most numerous that PG&E performs annually are vegetation management and utility pole replacements. The draft General Order may require coverage for many of these activities despite no or very low risk of discharge to waters. To understand the extent to which the General Order would regulate PG&E's electric O&M activities, we spatially analyzed work executed in 2023 as a proxy to quantify the volume of work that may require coverage under the General Order. PG&E used National Hydrography Dataset, State Water Resources Control Board K factor (soil erodibility) dataset, publicly available Digital Elevation Models, and 2020 census-defined urban areas in relation to 2023 executed work to understand permit eligibility criteria and applicability. These substantial estimates do not reflect several important workstreams, such as electric transmission tower replacements, North American Electric Reliability Corporation (NERC) compliance-driven work, long linear electric transmission and distribution projects, staging areas, and laydown yards, which could drive up the total volume of covered activities by hundreds to thousands annually.	The scope of the General Order has been revised, reducing the number of projects that will require coverage, particularly for pole replacements. Additionally, eligibility criteria for non-notifying Category A projects have been updated, and the General Order now includes an option for consolidated enrollment for eligible Category B activities. While a Tribal and Cultural Resources Report is required for each activity included in a consolidated enrollment notification, the overall administrative burden is reduced. See responses to comments 3.3 and 3.7 for further discussion on scope and notification changes. To further streamline Tribal outreach and coordination, the General Order now allows utilities to use a Tribal contact list provided and maintained by the Water Board at the county level. This change is intended to expedite Tribal coordination efforts while increasing flexibility in complying with Tribal resource conditions. The General Order was also revised to include a definition of soil disturbance. Additionally, vegetation management activities now require coverage only if they result in more than 0.5 acre of soil disturbance or occur within 50 feet of waters of the state. For further discussion of costs, see the cost consideration section at the end of this document.

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			This high volume of potentially covered activities (95,000) is estimated to result in thousands of Notices of Intent (NOI) annually. The actual quantity of NOIs that PG&E might need to prepare under the General Order is difficult to predict and depends on many factors, including inspection schedules, engineering and design, urgency of work, and ability to delay work to bundle activities into comprehensive permit packages. PG&E explored two operational scenarios to see what they might look like: 2,500 and 5,000 NOIs per year. • 2,500 NOIs. The basis of this scenario is PG&E bundling all covered activity types on a single electric distribution or transmission circuit into a single NOI. Developing such a comprehensive package would require synchronicity among numerous inspection, engineering, land, environmental, and construction management teams, and likely others, within PG&E to identify, plan, permit, and execute work. It is also likely to result in delays for tens of thousands of PG&E's activities annually while covered activities accumulate before getting bundled into NOIs. Furthermore, PG&E does not have the staff resources capable of handling such as high permitting workload; the Regional Water Boards likely do not have the capacity either. This estimate also does not consider emergency work that may need to be permitted throughout the year. PG&E believes this scenario is operationally infeasible. At this scale, the administrative and reporting requirements would cost PG&E customers more than \$200 million per year. • 5,000 NOIs. The basis of this scenario is bundling covered activity types on a single electric distribution or transmission circuit into two (2) NOIs per year, or an average of ten (10) bundled routine O&M activities, such as pole replacements and tree removals, in an NOI. The benefits of this scenario are increased operational flexibility and fewer delays to work execution, but at the expense of requiring many more NOIs. For this reason, the scheduling, workload, and staffing	

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			concerns shared above are more concerning here, making this scenario operationally infeasible as well. Administrative and reporting costs for PG&E customers would likely exceed more than \$400 million per year. PG&E believes further work is needed to balance the benefits of protecting water quality, timely completion of work that protects our customers from wildfire risk, and the administrative burden of complying with the General Order. Vegetation management is a significant driver behind this high volume of covered activities. PG&E performs vegetation management (i.e., trimming, pruning or removing) on approximately one (1) million trees per year. PG&E assumed that all tree removals could result in soil disturbance due to the need for skidding, decking, and other wood management activities. As a result, this work comprises approximately 95% of the covered activities conducted in 2023 that could be regulated by the General Order. About half are estimated to require an NOI, and of these approximately 85% are in uplands more than 100 feet from waters where no regulatory permitting schema currently applies. Only 15% are located within 100 feet from waters. If the buffer around waters of the state were reduced from 100 feet to 50 feet and the upland criteria for slope and soil erodibility were removed, the volume of work would decrease by about 70%, from 89,000 to about 25,000 tree removals per year. However, PG&E has concerns that 50 feet may still be too broad. Nevertheless, this is an example of why PG&E believes focusing on activities performed near waters of the State, rather than uplands meeting the 30% slopes and erodible soils criteria, may provide a better balance between water quality protection, defending our hometowns from wildfires, and administrative burden for our respective organizations.	

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			The General Order would administratively burden other work types as well. For example, the Regional Water Boards may be expected to permit approximately 5,000 routine utility pole replacements annually. PG&E's entire access road, undergrounding, and system hardening portfolios may also require permitting under the General Order. While these portfolios represent only about 5% of PG&E's activities potentially regulated by the General Order, it is important to keep in mind that this still represents nearly 6,000 activities performed annually with a potentially huge impact on vital wildfire prevention work the General Order is intended to streamline. PG&E reiterates its recommendation to focus the General Order on activities that discharge or threaten to discharge only when performed in proximity to waters of the State, and not simply because they are located on slopes of 30% or greater with erodible soils. For example, this would reduce the volume of covered pole replacement activities by approximately 50%, from roughly 5,000 to 2,500 pole replacements annually. Again, PG&E has concerns that using 50 feet as the basis for pole replacements, undergrounding, and similar activities to require enrollment under the General Order may be too broad. Timely and efficient execution of utility O&M work such as vegetation management, undergrounding, and pole replacements, which comprise many of PG&E's Wildfire Mitigation Plan commitments, are vital to reducing wildfire risk. PG&E believes this work should not be substantially slowed by a new permitting schema unless there is a high-risk of impacting water quality. Further, the administrative and practical requirements of the General Order have significant cost implications for our customers at a time of increasing affordability concerns. While the conditions of the General Order seem reasonable on face value, the monitoring, reporting, and other administrative requirements of the General Order become infeasible to implement at the scale required. For these reasons, PG&E believes further	

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			collaboration between electric utilities and the State Water Board is needed to refine the General Order.	
11	11.3	PG&E	2. Geographic Scope of General Order In July 2023, PG&E provided comments to the State Water Board on the Administrative Draft of the General Order. Most of those comments were high-level focusing on the project description and structure of the General Order and sought to reduce the administrative burden of the General Order. Specifically, these comments were intended to narrow the geographic scope of the permit via waterway buffer reductions as well as shifting more routine, high-volume, and low-risk activities into a nonnotifying classification with a programmatic approach to regulatory compliance and annual reporting. PG&E acknowledges that the Public Draft of the General Order does contain, in most cases, reduced waterway buffers and has been significantly restructured to include a non-notifying category of low-risk work. However, the geographic scope of the General Order has expanded significantly into uplands, well beyond the 150-foot waterway buffer in the Administrative Draft. Specifically, the incorporation of the criteria for inclusion of activities that result in soil disturbances on slopes greater or equal to 30% and with K factors greater or equal to 0.2 expands the geographical scope of the General Order to include many activities with very low or no threat of discharge to waters of the State.	See response to comment 3.3.
11	11.4	PG&E	3. Opportunities for Streamlining PG&E appreciates the State Water Board's restructuring of the General Order to include the nonnotifying Category A. However, additional streamlining and efficiencies must be found to compensate for the high-volume of covered activities due to the expanded geographic scope of the General Order. PG&E identified the following options that, when combined, would refocus the General Order on highrisk activities and improve streamlining for low-risk activities, which are discussed in more detail on the following pages.	Comment noted. Responses to each specific comment topic are below.

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			Focusing Project Description on High-Risk Activities Exclude routine O&M activities from enrollment under the General Order Exclude activities with low risk of discharge to waters Expanding Category A Eligibility Criteria Remove slope/soil erodibility criteria to trigger Category B Consider how to incorporate additional Revised Universal Soil Loss Equation (RUSLE) variables to qualify the K factor Consider receiving water risk, as used in the Construction General Permit (CGP), in determining work category Revising Category A Conditions to Improve Programmatic Approaches to Compliance Perform environmental reviews following existing utility processes Utilize programmatic plans (i.e., Erosion and Sediment Control Plans without site specific modifications) Avoid use of site-specific planning documents Implement inspection program for QA/QC instead of full-time monitoring Compliance with Other Water Board Authorities Allow the CGP to regulate upland land disturbances	
11	11.5	PG&E	Exclude Routine O&M Activities PG&E understands the rationale for including routine O&M activities into the General Order, as they are substantially similar to the activities performed by electric utilities to replace or repair infrastructure burned by a wildfire. However, a nuance that may be lost in the General Order is that wildfire rebuilding operations tend to be larger efforts than routine O&M work. During a wildfire, an entire electric distribution or transmission circuit may be burned, warranting the replacement of dozens to hundreds of poles and long lengths of electrified conductor. However, PG&E's routine O&M programs are inspection-based, where inspectors identify discrete assets requiring repair or replacement, such as a single pole or single span of conductor. For this reason, PG&E believes routine O&M work has lower risk to water quality given the scale of the work, especially considering that routine work is generally not performed on landscapes destabilized by wildfire where risk of erosion are greater. Timely and efficient execution of routine O&M work is needed to	Impacts to water quality from a discharge are related to the nature of the work, not the purpose for which the work is performed. The water board agrees that many types of utility operations have lower risks to water quality. However, instead of distinguishing whether work is operation and maintenance, revision to the order have instead focused on refining order applicability to activities that pose a higher risk to water quality. See also response to comments 1.3, 3.3, and 3.7.

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			ensure public safety and grid reliability, reduce wildfire ignition potential, and provide affordable electricity. Therefore, PG&E recommends the Water Board to strongly consider removing routine O&M activities from the General Order.	
11	11.6	PG&E	<i>Remove O&M Activities with Low Risk of Discharge to Waters</i> The General Order would require coverage for activities performed by electric utilities in high volumes. Many of these activities pose no or little threat of discharge to waters of the State. A dominant factor affecting PG&E's ability comply with the General Order as currently drafted is the extreme number of these high-volume, low-risk activities that would be unnecessarily burdened by compliance with the General Order. PG&E has specifically identified utility pole replacements and vegetation management as high-volume but low-risk activities that need additional streamlining within the General Order. Pole and anchor replacements require less than 10 square feet of ground-disturbance, and vegetation management work results in limited ground disturbance when managing downed woody debris. For many years, PG&E has been effectively implementing Activity Specific Erosion and Sediment Control Plans for these activities. These plans cover all portions of the maintenance activity from site access, site preparation, dismantling existing facilities, wood/debris management, excavation, staging, etc. and prescribe specific Best Management Practices (BMP) needed to control erosion and sedimentation and avoid discharges into waters of the State. Considering these protection measures, when pole/anchor/tree work is performed in locations distant from waters of the State, including on slopes of 30% or greater with erodible soils, there is limited potential for downslope movement of sediment into a receiving water from these activities alone.	The General Order was revised to focus on activities that present higher risks to water quality. Activities that require coverage based on the slope and soil erodibility criteria must now disturb more than 0.5 cumulative acres of soil disturbance before coverage is required. Pole replacements and five other activity categories require coverage only when soil disturbance occurs within 50 feet of waters of the state. Attachment A provides a summary of coverage requirements and non-notifying eligibility criteria. Category A was refined to cover specific low risk upland activities such as pole replacements, vegetation management, and beneficial access route maintenance activities. Additionally, the slope and soil erodibility criteria was removed from Category A eligibility requirements. With these revisions, the General Order effectively excludes many high volume, lower-risk activities in upland areas.

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			Additional electric utility maintenance activities included in the Project Description of the General Order are substantively the same as pole and anchor replacement work, including structural conversion (a form of pole replacement), infrastructure lowering, maintenance, replacement, or removal (involves adjusting the height of conductors by installing taller or shorter poles, or removing existing poles), and line reconductoring (often includes pole replacements to support new, often heavier, conductors). PG&E recommends that these activities should not be regulated by the General Order when they meet the slope/soil erodibility criterion alone. Rather, PG&E suggests all of these activities are more appropriately regulated by the General Order only when performed near waters of the State and will discharge or have a threat of discharge. Proposed permit language is provided in Table 1 below.	
11	11.7	PG&E	Expanding Category A Eligibility Criteria When coupled with the proposed revisions to the project description above, expanding Category A eligibility criteria would funnel the highest-risk activities into Category B and allow low-risk work to proceed while protecting water quality. PG&E identified the following opportunities to expand Category A to include additional low-risk work or maintain existing permit streamlining pathways while funneling the highest-risk activities into Category B.	The General Order was revised to expand the number of projects eligible for non-notifying Category A. See response to comment 11.6 above for explanation of how Category A Eligibility Criteria was expanded.
11	11.8	PG&E	Clean Water Act 404(f) Exemption – The Clean Water Act Section 404(f) exemption for maintenance of existing serviceable fill is a valuable streamlining tool. Electric utility work that meets this exemption can include pole and anchor replacements. PG&E plans this work to remain in compliance with the exemption, often by avoiding the use of heavy equipment on saturated soils (instead relying on the use of helicopters to deliver materials and equipment), performing work during dry conditions to avoid soil disturbance and ancillary fills (e.g., cofferdams), and using hand tools to execute the	The permit has been modified to provide that projects that qualify for federal 404(f)(1)(B) exemptions are included as Category A, non-notifying projects. Because 404(f) is limited to determining whether there is a dredge or fill discharge that is regulated under the Clean Water Act it does not address the potential for other discharges of waste, nor whether a dredge or fill activity requires waste discharge requirements under California law. The Dredge or Fill procedures do include similar exemptions, but only for individual projects where the project details are well understood. Given the broad range of activities

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			work. For these reasons, PG&E believes work that meets Clean Water Act 404(f) exemption criteria within waters of the United States and waters of the State should fall into Category A. PG&E believes this would protect water quality while maintaining existing streamlining.	that are often included under the category of maintenance, and that the permit is targeted at sources of pollution other than dredge or fill activities, outright exemption of 404(f) activities from this permit is not appropriate. Including the activities as non-notifying achieves the efficiency goals expressed by the commenter while ensuring protection of water quality.
11	11.9	PG&E	Use of Heavy Equipment – The General Order has many restrictions for utility work performed in uplands, which have low risk of discharging to waters. PG&E recommends revising this Category A definition to only trigger Category B when heavy equipment is used within waters of the state.	The General Order was revised in response to this comment. The <i>no heavy equipment use on saturated soils</i> was removed from the Category A criteria.
11	11.10	PG&E	Installation of New Access Roads – PG&E understands that the State and Regional Water Boards have concerns with discharges of sediment to waters of the State from utility access road projects. However, the General Order would effectively cause all of PG&E's road projects to fall into Category B. Therefore, PG&E is offering the following suggestions: PG&E recommends focusing Category B on access road work performed in watersheds with high receiving water risk. PG&E requests including an exemption for access routes created or maintained for nonvehicle traffic; this would apply in areas where foot traffic is the prescribed or only feasible access method.	The General Order was not revised in response to this comment. High receiving water risks was not included as a notifying (Category B) criterion for access road work. Additionally, compared to the scope revisions, this approach would pull more projects into Category B. Regarding exempting creating or maintaining nonvehicular access routes from coverage, it is likely that such activities would not be covered under the General Order based on the revised language. If the development of non-vehicular access routes does not include soil disturbing activities such as excavation, earthmoving, grading, or blading, it is unlikely that either of the 300 linear feet or 0.5 acre soil disturbance triggers would be met. Therefore, no such activities would be covered. If either trigger is met, coverage would still be required. Dischargers must evaluate, on a project and location-specific basis, if soil disturbance would result from the development of pedestrian access routes and seek coverage accordingly.
11	11.11	PG&E	Removing Slope/Soil Erodibility Criteria - The General Order would regulate upland activities that threaten to discharge sediment into waters of the State but include no anticipated or planned discharge. The State Water Board has interpreted activities that “threaten” discharges to waters of the State to be soil disturbances on slopes	Section III of the General Order was revised to include a slope and soil erodibility K factor trigger only for activities A, D, and K. The slope and soil erodibility K factor was removed from the Category A eligibility criteria. In addition, the phrase “activities that may cause or threaten to cause a discharge of waste” was removed from the Project description.

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			equal to or greater than 30% with a K factor equaling or exceeding 0.2. PG&E understands the rationale behind this interpretation and appreciates the State Water Board's efforts to define this threat quantitatively and in a manner that is easy to interpret and incorporate into desktop review methods. However, these criteria have a profound impact on the volume of NOIs that PG&E would be required to file under the General Order, placing a large burden on Regional Boards, utilities, and utility ratepayers. For this reason, PG&E proposes removing this as a factor for how to categorize work in the General Order. Proposed permit language is provided in Table 1 below.	These changes will help to reduce the volume of Notices of Intent submitted under the General Order.
11	11.12	PG&E	Revise Category A Conditions to Improve Programmatic Approaches to Compliance As stated above, PG&E appreciates the State Water Board for including a non-notifying compliance pathway within the General Order, referred to as Category A work, as well as a notifying compliance pathway that requires approval from the Regional Water Board prior to performing work, referred to as Category B work. While Category A will allow more critical wildfire prevention and routine operations and maintenance work to proceed in a timely manner, Category A still provides administrative and staffing challenges for compliance. In some cases, Category A work, which is meant to capture low risk utility work and require less administrative effort, is treated the same as Category B work, which is higher risk and requires thoughtful and considerate planning to achieve compliance. PG&E recommends relying on programmatic approaches to compliance and existing utility standard operating procedures within the Category A framework, as summarized below, reserving limited utility resources for higher risk Category B activities.	Responses to each specific comment topic are below.

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11	11.13	PG&E	Erosion and Sediment Control Plans – Low-risk Category A work should leverage existing or newly created programmatic or activity erosion and sediment control plans (ESCP), rather than site-specific plans requiring development by a water quality professional. Site-specific erosion and sediment control plans should be reserved for higher risk (Category B) activities.	Existing or newly created programmatic or activity specific ESCPs can be used for Category A projects provided they include the information listed in Section IV.K.1.
11	11.14	PG&E	Daily Full-time Monitoring ² – The State Water Board has indicated that the intent of this General Order requirement is to provide quality assurance that covered activities are complying with the General Order. This requirement presents staffing challenges and unnecessary cost to utilities and our customers for activities with low risk of discharges to waters of the State. To meet the intent of providing quality assurance to Water Boards, PG&E recommends an inspection-based quality control program to identify the effectiveness and implementation of BMPs for Category A project activities. PG&E's recommendation is that these inspections should be performed at the discretion of utility environmental specialists at a specified quantity, such as the percentage of Category A work performed. Furthermore, PG&E's position is that daily fulltime monitoring should be reserved only for certain Category B activities. Utilities should be given the flexibility to propose monitoring as a protection measure in the NOI based on site conditions and risk to water quality, and Regional Boards can review and include the requirement in the NOA when appropriate.	See response to comment 8.9.
11	11.15	PG&E	Controllable Sediment Discharge Sources (CSDS) Monitoring and Reporting ³ – As described above, low-risk Category A work should rely on inspections performed by environmental professionals to perform quality control and quality assurance of BMP implementation and effectiveness, when determined to be necessary by a utility environmental specialist. CSDS monitoring and reporting should be reserved for higher risk (Category B) activities, and PG&E recommends only subjecting a percentage of Category B work with a CSDS to this monitoring and reporting requirement.	The General Order was not revised in response to this comment. Both Category A and Category B projects must conduct inspections. However, the General Order was revised to only require Category A Dischargers to inspect 5% of active projects as explained in Section IV.L.1.a. Inspections on a subset of projects ensures that erosion control measures, commonly referred to as best management practices, are properly installed and effectively prevent unauthorized discharges from

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				disturbed areas into waters. These inspections also provide data to improve best management practices for other disturbed areas.
11	11.16	PG&E	Compliance with Other Water Board Authorities PG&E is requesting additional streamlining between the General Order and other Water Board authorities. As described above, PG&E is requesting the Water Board to consider incorporating Clean Water Act 404(f) exemption criteria into the definition of Category A. This would find efficiencies in regulatory permitting for utility work by replacing a project-by-project Waste Discharge Requirement (WDR) permitting requirement with a programmatic application of the General Order. PG&E feels there is additional opportunity to align the General Order with the CGP. Larger utility projects generally have coverage under the CGP and a Storm Water Pollution Prevention Plan (SWPPP). These projects can include Wildfire Mitigation Plan commitments, like undergrounding powerlines and upgrading our infrastructure or delivering electricity to new customers. It would be an administrative burden for these projects to have another layer of complex permitting in addition to the CGP. The CGP was designed to be protective of larger ground disturbing activities (more than 1 acre), and in many ways is a more robust permit compared to the General Order. PG&E's preference would be that any project with a SWPPP/CGP should only be required to comply with the General Order when it is issued to a project as a Clean Water Act Section 401 Water Quality Certification. PG&E believes these recommendations are an important streamlining opportunity for the Water Boards. These two revisions would provide utilities with a consistent suite of protection measures to use while maintaining existing fill in waters of the State while minimizing the administrative and financial burden on Water Boards, utilities, and utility ratepayers.	The permit has been modified to include 404(f) activities in the list of activities that qualify for Category A (see response to comment 11.8) For a discussion of alignment between this General Order and the Construction General Permit, see response to comment 1

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			Proposed permit language is provided in Table 1 below.	
11	11.17	PG&E	4. Challenges for Access Road Management PG&E utilizes more than 25,000 miles of roads to access assets within our 70,000 square mile territory. PG&E electric facilities are located on a wide variety of public and private lands with access roads that are not generally owned or used exclusively by PG&E. Other entities and the public use many of these access roads. PG&E rarely holds exclusive control on roads used to access our facilities, nor do we have the land rights to exercise such control over property owner's roads. In some cases, these roads are decades old and constructed and maintained by people or entities to standards that are no longer current. These facts complicate the implementation of standards and conditions that the General Order places upon road construction and reconstruction. Moreover, many of the conditions included in the General Order concerning road work will significantly increase costs without a corresponding benefit to water quality. PG&E is concerned that many of the measures in the General Order are impractical or infeasible to implement; three such examples follow. First, the General Order places obligations of continued maintenance of drainage features on utilities. It would be nearly impossible to ensure maintenance of all drainage features on all roads PG&E may use in the execution of its work due to our vast network of access roads and various land rights. Second, it is also not always feasible to design roads to be hydrologically disconnected from waterways because of the age and location of access roads. When it rains, ephemeral stormwater moves with slopes and on a path of least possible resistance, PG&E cannot revise the design for previously existing roads to meet this standard nor can many new roads meet this standard. Third, in some cases, redesigning and replacing existing culverts to 100-year flood event could increase the area of disturbance	See response to comment 3.12 for a discussion on hydrologically disconnecting access routes. The General Order does not require utilities to address legacy road issues and acknowledges the complexities of ownership on shared-use roads. Compliance with access route-related conditions is triggered only when utilities propose maintenance or construction of roads that fall within the scope of the order. This means utilities must have access to perform the work, and ensuring that road work is conducted in accordance with the General Order's conditions is necessary to protect water quality. Regarding culvert replacements for 100-year storm flood flow, replacing infrastructure in-kind does not always provide adequate water quality protection. Undersized culverts should not be replaced with similarly undersized infrastructure, as this can perpetuate existing drainage and sedimentation issues.

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			to waters of the state when a like-for-like size exemption would be more appropriate for site conditions. PG&E recognizes the concerns that the State Water Board has about discharges coming from utility access roads and looks forward to continuing to work collaboratively to find ways to better protect water quality. However, PG&E feels that given the existing constraints in our access road system, flexibility in available options and measures will be extremely important. Proposed permit language is provided in Table 1 below.	
11	11.18	PG&E	5. Category B Notifications for Urgent Wildfire Work PG&E appreciates the framework within the General Order that allows utilities to provide post-work notifications for wildfire and similar emergency response operations. Additionally, PG&E specifically supports how the General Order would streamline permitting for urgent work that does not meet emergency definitions; however, further refinement is needed on the requirements for wildfire and similar response work. PG&E performs immediate emergency response activities during and after wildfires and other emergency response situations. PG&E is concerned with the requirement for utilities to notify the Regional Water Board at least 72 hours prior to performing covered activities and waiting for 72 hours to initiate those activities; we do not believe this is in the best interest of public safety or for our customers. PG&E understands the General Order also allows for notification to the Regional Water Boards within one (1) business day after initiating wildfire and other response activities. In practice, PG&E will aim to provide notifications within one (1) business day after initiating these activities given the challenges with providing pre-work notifications; however, complying with the “one (1) business day after” notification requirement will still be a difficult benchmark to meet. PG&E recommends updating the timeline to allow for a 72-hour post-work	The 72 hour notification has been changed to 48 hours. See comment 7.5 for more information. The State Water Board understands the complexities of post-fire response operations and shares the commitment to ensuring worker safety. As participants in post-fire response teams, the Water Boards are acutely aware of the challenges associated with identifying and protecting water quality resources in these dynamic and often unpredictable situations. At the same time, it is reasonable and necessary to expect that utility companies develop the capacity to respond to wildfires in a manner that is protective of water quality. Protecting these resources is a critical component of recovery efforts and helps prevent longer-term environmental and public health impacts. Crews working in these areas should be equipped with the training and tools needed to identify sensitive aquatic resources or have access to suitably trained experts who can support their efforts. This approach ensures that restoration activities can proceed efficiently while safeguarding the environment. Real-time field delineation of aquatic resources can be challenging, particularly in areas affected by fire where indicators may have been destroyed. Utilities are encouraged to utilize a combination of

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			notification. This will allow utilities to focus on implementing first response work while also providing a more-practical timeline for communicating with regulators. Moreover, post-fire restoration work happens very quickly to restore power and allow customers to return home. PG&E understands the State Water Board would like to ensure water quality is protected during these operations. However, linemen and other electric utility first responders are not experts at identifying aquatic resources, nor does PG&E think it appropriate to distract our first responders working in dangerous and urgent situations by requiring them to identify aquatic resources. Additionally, PG&E believes sending monitors that can assist first responders with identifying aquatic resources, many of whom have little or no special training in first response or firefighting, into emergency situations is not a safe practice. Rather than rely on real-time field delineations performed by linemen or monitors during emergency situations, PG&E believes there is an opportunity to incorporate existing GIS resources into a desktop review to triage where emergency response work could potentially impact water quality. While existing datasets do not include all waters of the State, using these resources to identify where known waters occur would provide a safe method for avoiding or minimizing impacts to known aquatic resources during emergencies, especially considering that indicators required to identify aquatic resources may be destroyed during a fire. PG&E is requesting further collaboration and coordination with the State Water Board to further refine the emergency response requirements in the General Order to strike a better balance between safety, emergency response, and protecting water quality.	strategies, including existing GIS resources, to conduct desktop reviews and prioritize areas where emergency response work could potentially impact water quality. This approach, coupled with appropriate training and oversight, provides a practical and safe method to identify and protect sensitive resources while maintaining worker safety. The Water Board values further collaboration and coordination on this project and is committed to ongoing stakeholder engagement, including an additional 30-day written comment period.

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11	11.19	PG&E	6. Additional Comments and Concerns In addition to the primary opportunities to revise the General Order discussed above, PG&E compiled the following table (Table 1) with proposed revisions to permit language, as well as other opportunities for streamlining and clarification.	See responses to specific table comments below.
11	11.20	PG&E	Implementation Timeline – PG&E requests a sufficient time between adoption and the effective date of the General Order for change management, potential additional staffing, and the development of guidance and tools needed for compliance. The General Order has potentially far-reaching implications for utility business operations (i.e., not just limited to environmental reviews), and utilities will need time to change processes to support compliance with the General Order. PG&E requests no less than 6-months to perform this change management.	The effective date would be set by the State Water Board at the time of adoption.
11	11.21	PG&E	Annual Fee Adjustments – PG&E requests the Water Board to consider alternative ways to assess filing fees/annual fees and how programmatic solutions to fee payments may be incorporated into the General Order. PG&E suggests electronic billing or reimbursing balancing accounts.	The General Order relies on the existing fee structure for dredged and fill discharges and WDRs. Comments on the annual fee process should be provided to the Division of Administrative Services Unit. Please sign up for Fee Stakeholder updates and announcements of fee stakeholder meetings at the State Water Boards's webpage (https://www.waterboards.ca.gov/resources/fees/stakeholder/docs/2024/fy2425-wq-feeschedule.pdf) at https://www.waterboards.ca.gov/resources/fees/stakeholder/ . Electronic invoices may be available upon request.
11	11.22	PG&E	Reporting Requirements – With the General Order's reporting requirements, a minimum of nine (9) reports will need to be completed (with no channel/in-water work) per project and projects will be held open at least a year to be tested through at least one wet season. PG&E recommends reducing, wherever possible, the number of submittals required for each covered activity.	The General Order was not revised in response to this comment. There are currently a total of eight reports listed in Attachment E Reporting and Notification requirements of the General Order. Only four reports (Report Type 1 through 4) are required for every Category B project. Report Types 5 through 8 are conditional and therefore submittal of these report types may not be required. In order to help streamline the reporting requirements, the General Order allows for the Utilities to consolidate to report on many activities at the same time

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				instead of sending individual project reports. For further discussion on how the General Order scope was reduced, please refer to the response to comment 3.3.
11	11.23	PG&E	III.A. Vegetation Management: Reduce waterway buffer and strike eligibility criteria for slope/k factor. PG&E is recommending 50 feet below, but we are concerned that still may be too broad. Our proposed revisions follow: • ~~potential increases in surface water temperature,~~ • soil disturbance within 50 ~~100~~ feet of any waters of the state, or ~~soil disturbance in locations with slopes equal to or greater than 30% and soils having erodibility K factor equal to or greater than 0.2~~	The General Order was revised to reduce the scope of Vegetation Management Activities. Vegetation management activities require General Order coverage when they occur within 50 feet of water or result in more than 0.5 acres of soil disturbance in location with slopes greater than or equal to 30% and soil erodibility K factor equal to or greater than 0.2.
11	11.24	PG&E	III.B. Herbicide Application: Reduce waterway buffer. PG&E is recommending 50 feet below, but we are concerned that still may be too broad. Our proposed revision follows: application of herbicide to vegetation for the purposes of maintaining clearance requirements as required by PRC § 4292, or otherwise reducing the risk of wildfire (such as the creation of defensible space as required by PRC § 4291) within 50 ~~400~~ feet of any waters of the state.	The General Order was not revised in response to this comment. Herbicide application near water bodies pose potential risks from drift and runoff. A 50-foot coverage width does not adequately account for these risks, as riparian vegetation may extend beyond 50 feet from the water. Research, including guidance from the U.S. EPA on riparian and forested buffer zones [US EPA. (n.d.). Riparian/Forested Buffer. NPDES: Stormwater Best Management Practice, Riparian/Forested Buffer. https://www.epa.gov/system/files/documents/2021-11/bmp-riparian-forested-buffer.pdf], shows that a broader buffer is essential for capturing the full range of impacts on water quality. Additionally, the removal of vegetation from these areas can lead to future erosion, as the loss of plant cover and their root systems reduces the soil's natural stabilization. On steeper slopes, applying herbicides beyond 50 feet from waters further increases the potential for runoff entering water bodies. While the optimal buffer distance may vary with factors such as stream size and flood plain topography, adopting a single, fixed distance oversimplifies the complexities inherent in protecting water quality and may not effectively address all conditions.

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11	11.25	PG&E	III.C. Site Access Development/Maintenance: Modify definition of covered activity and provide exemption for nonvehicular access routes. Our proposed revisions follow: • construction, reconstruction, maintenance, or improvements (e.g., grading, blading, graveling, brushing) of access routes used to access electric utility facilities where such activity ~~involves more than 100 feet of roadway, or that~~ results in soil disturbance within 50 ~~500~~ feet of waters of the state. This includes but is not limited to road grading, maintenance and replacement of drainage crossings, culverts, ditches and side drains. This also includes placement of mats or other materials such as sandbags or sheet piles to gain access and perform work. <u>This does not include new access routes when the access route will only support foot/pedestrian access without any excavation, earthmoving, grading, blading, etc.</u>	See response to comment 8.8. Activities that do not involve excavation, earthmoving, grading, or blading are not covered under the General Order, as coverage is only required when soil disturbance occurs. If non-vehicular access route development does not include these activities, it is unlikely that either soil disturbance threshold would be met, and coverage would not be required. However, if either trigger is met, dischargers must seek coverage. Dischargers are responsible for evaluating, on a project- and location-specific basis, whether soil disturbance would result from pedestrian access route development and must obtain coverage accordingly.
11	11.26	PG&E	III.E. Pole/Tower Repairs or Replacement: Reduce waterway buffer and strike eligibility criteria for slope/k factor. PG&E is recommending 50 feet below, but we are concerned that still may be too broad. Our proposed revisions follow: soil disturbance within 50 feet of any waters of the state, or ~~soil disturbance in locations with slopes equal to or greater than 30% and soils having erodibility K factor equal to or greater than 0.2.~~	The General Order was revised to remove the slope and soil erodibility K factor criteria from Pole/Tower Repairs or Replacement activities.
11	11.27	PG&E	III.F. Substation Maintenance: Reduce waterway buffer and strike eligibility criteria for slope/k factor. PG&E is recommending 50 feet below, but we are concerned that still may be too broad. Our proposed revisions follow: soil disturbance within 50 feet of any waters of the state, or ~~soil disturbance in locations with slopes equal to or greater than 30% and soils having erodibility K factor equal to or greater than 0.2.~~	The General Order was revised to remove the slope and soil erodibility K factor criteria from Substation Maintenance activities.
11	11.28	PG&E	III.G. Transmission Tower Maintenance: Reduce waterway buffer and strike eligibility criteria for slope/k factor. PG&E is recommending 50 feet below, but we are concerned that still may be too broad. Our proposed revisions follow: soil disturbance within 50 feet of any waters	The General Order was revised and Transmission Tower Maintenance was removed from the activities list in Section III.

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			of the state, or ~~soil disturbance in locations with slopes equal to or greater than 30% and soils having erodibility K factor equal to or greater than 0.2.~~	
11	11.29	PG&E	III.H. Structural Conversion: Reduce waterway buffer and strike eligibility criteria for slope/k factor. PG&E is recommending 50 feet below, but we are concerned that still may be too broad. Our proposed revisions follow: soil disturbance within 50 feet of any waters of the state, or ~~soil disturbance in locations with slopes equal to or greater than 30% and soils having erodibility K factor equal to or greater than 0.2.~~	The General Order was revised to remove the slope and soil erodibility K factor criteria from Structural Conversion activities.
11	11.30	PG&E	III.I. Line Reconductoring: Reduce waterway buffer and strike eligibility criteria for slope/k factor. PG&E is recommending 50 feet below, but we are concerned that still may be too broad. Our proposed revisions follow: soil disturbance within 50 feet of any waters of the state, or ~~soil disturbance in locations with slopes equal to or greater than 30% and soils having erodibility K factor equal to or greater than 0.2.~~	The General Order was revised to remove the slope and soil erodibility K factor criteria from Overhead Line Reconductoring activities.
11	11.31	PG&E	R III.J. Undergrounding Powerlines: Reduce waterway buffer and strike eligibility criteria for slope/k factor. PG&E is recommending 50 feet below, but we are concerned that still may be too broad. Our proposed revisions follow: soil disturbance within 50 feet of any waters of the state, or ~~soil disturbance in locations with slopes equal to or greater than 30% and soils having erodibility K factor equal to or greater than 0.2.~~	The General Order was revised to remove the slope and soil erodibility K factor criteria from Undergrounding Powerlines activities.
11	11.32	PG&E	III.L. Electric Utility Infrastructure Lowering, Maintenance: Reduce waterway buffer and strike eligibility criteria for slope/k factor. PG&E is recommending 50 feet below, but we are concerned that still may be too broad. Our proposed revisions follow: soil disturbance within 50 feet of any waters of the state, or ~~soil disturbance in locations with slopes equal to or greater than 30% and soils having erodibility K factor equal to or greater than 0.2.~~	The General Order was revised to include a soil disturbance threshold of 0.5 acre to the slope and soil erodibility K factor criteria for Electric Utility Infrastructure Lowering, Maintenance activities.

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11	11.33	PG&E	IV.A. Compliance with Other Water Board Authorities: Larger utility projects generally have coverage under the Construction General Permit and a Storm Water Pollution Prevention Plan (SWPPP). It would be an unnecessary burden to add another layer of complex permitting to have the work also be required to comply with the General Order. PG&E's preference would be that any project that has a SWPPP would only need to comply with the SWPPP/CGP. Suggested revisions to the General Order are provided below: Projects that are ~~not~~ covered under the NPDES general Permit for Storm Water discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ or 2022-0057- DWQ) (Construction General Permit) ~~may~~ do not need to obtain coverage under this General Order for eligible activities, <u>except when it is issued to a project as a Clean Water Act Section 401 Water Quality Certification. If the Project is required to obtain coverage under the Construction General Permit for only part of its land disturbance activities and other portions of the project are eligible for enrollment in this General Order, compliance with the Construction General Permit constitutes compliance with Sections IV.F.1 through 8; 17; 19; K; L; and R.1.f; all other conditions in this General Order apply.</u>	The General Order was not revised in response to this comment. See response to comment 1.4 for a discussion of General Order alignment with the CGP.
11	11.34	PG&E	IV. Site Access: Comment #1. PG&E interprets this to mean that the general public may have access to all documents regarding the project. PG&E has concerns regarding the exposure of confidential information, which is exempt from disclosure to 3rd parties under the Public Records Act. PG&E suggests the following language adapted from the Industrial General Permit: Dischargers may redact trade secrets. Dischargers who certify and submit redacted information must include a general description of the redacted information and the basis for the redaction. Dischargers must submit complete and un-redacted versions of the information that are clearly labeled "CONFIDENTIAL" to the Regional Water Board within 30 days of the submittal of the	The General Order was not revised in response to this comment. The routine application and review processes already accommodate the approach described by the commenter. Utilities may designate certain information as confidential if necessary. If essential information required to determine application completeness is marked as confidential, Water Board staff will contact the utility during the review process to address any issues.

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			redacted information. All information labeled “CONFIDENTIAL” will be maintained by the Water Boards in a separate, confidential file.	
11	11.35	PG&E	IV. Site Access: Comment #2. PG&E interprets this to mean that Water Boards and Tribes may have rights to access utilities’ customers’ properties. If required, site access by agency and Tribal personnel may require additional permissions to enter. PG&E recommends including the following text into this condition: <u>Additional permissions to enter, monitor, and sample project sites may be required for Water Board Staff and Representatives where the discharger is not the property owner.</u>	The General Order was revised in response to specify that site access shall be granted to Water Board staff. Dischargers can only give permission to the extent they are able to. If additional permissions are necessary to obtain, Water Board staff would seek those approvals and may engage with the Dischargers to help facilitate obtaining approval.
11	11.36	PG&E	IV. Environmental Awareness Training: Comment #1. Category A projects: Instead of full-time monitoring, implement a risk-based QA/QC inspection program. Inspectors to QC field execution and work with field crew to address any deficiencies as a QA measure for Water Boards. Quantity of inspections based on % of Category A work.	The General Order was revised in response to this comment. Category A monitoring requirements were revised to require utilities to inspect 5% of active projects in each Category A activity type category as explained in Section IV.L.1.a.
11	11.37	PG&E	IV. Environmental Awareness Training: Comment #2. Category B projects: PG&E requests that daily full-time monitoring only be required when working in close proximity to waters of the State (i.e., within buffer distances identified in Section III, Project Description) AND when identified by utilities as an avoidance and minimization measure in the NOI OR by the Water Boards in the NOA. PG&E also recommends including a caveat that would allow for a reduction in monitoring when field observations indicate plans are being followed and there is low or no potential for discharges, sediment transport, or other impacts to waters of the State.	The General Order was not revised in response to this comment. Having a designated point of contact on-site is necessary to ensure General Order compliance during construction. The General Order does not specify the credentials of the daily monitor, therefore, it is acceptable the daily monitor be a construction foreman or field engineer.
11	11.38	PG&E	IV.E. Coverage Categories Comment #1: PG&E’s proposed permit language for Category A eligibility criteria: Project activities will not result in a discharge of dredge or fill materials to waters of the state, and no temporary diversions or impoundments of water, cofferdams, or similar structures installed for the purpose of temporary dewatering work areas are planned within the project area. <u>This does not include</u>	The permit has been modified to include similar activities to those suggested by the comment in Category A. See also response to comment 11.8.

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			<u>project activities that will not modify the character, scope, or size of existing serviceable fill or include ancillary fills. Project activities will not include the use of heavy equipment on saturated soil conditions within waters of the State.</u> -Project activities will not include installation of new access routes in watersheds with high receiving water risk. ~~Project activities will not occur on 1) slopes equal to or greater than 30%, and 2) soils where the erodibility K factor is equal to or greater than 0.2.~~	
11	11.39	PG&E	IV.E. Coverage Categories: Comment #2: Alternatively, PG&E suggests there is opportunity to align Category A with the definition of <i>Low Impact Discharges</i> in 23 CCR2200(a)(4). For example, Category A eligibility criteria could be aligned with the discharge sizes (i.e., the discharge size is less than all of the following:(a) for fill, 0.1 acre, and 300 linear feet, and (b) for dredging, 25 cubic yards) since compliance with the conditions of the General Order would avoid or minimize impacts and compensate for unavoidable impacts. Or, the General Order can provide the following set of conditions for low-risk work:• " (a) all practicable measures will be taken to avoid impacts; (b) where unavoidable temporary impacts take place, waters and vegetation will be restored to pre-project conditions as quickly as practicable; and (c) where unavoidable permanent impacts take place, there will be no net loss of wetland, riparian area, or headwater functions, including onsite habitat, habitat connectivity, floodwater retention, and pollutant removal."	The General Order scope was revised to expand non-notifying Category A. The Low Impact Discharge definition in 23 CCR2200(a)(4) is used for fee purposes. See response to comments 3.3 and 3.7 for a description of additional scope revisions.
11	11.40	PG&E	IV.E. Coverage Categories: Comment #3: PG&E understands a list of all Category A projects must be provided to the Water Board within 10 days of a request. PG&E has questions about the retention expectations associated with this request. For example, should utilities expect this request spanning back many years, or just for the current or previous calendar year? A retention policy of 3 years would be consistent with the CGP.	The General Order was revised to include a three-year retention period.

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11	11.41	PG&E	IV.E.2. Notifying Activities: (Category B): Comment #1. PG&E understands an NOI is required at least 45 days before start of work. PG&E requests a smaller window, for example 30 days, to minimize potential delays with work execution.	The General Order was not revised in response to this comment. The 45 day window is consistent with other existing permits and is necessary to provide Water Board staff with sufficient time to review all materials and make an informed decision for each project. The General Order has also been revised to allow for batch enrollment of certain eligible Category B projects. This option includes a 30 day review window, which lessens the potential delays.
11	11.42	PG&E	IV.E.2. Notifying Activities (Category B): Comment #2. Regarding timeline for reviewing NOIs. PG&E recommends the following to reduce delays in work execution due to regulatory permitting:• Within seven (7) days from the NOI receipt date, incomplete NOIs will be returned with a description of information needed to satisfy the deficiency(ies). Within seven (7) days of receiving a complete NOI, Water Boards will determine whether a project is ineligible for General Order enrollment and issue a Notice of Exclusion as appropriate.• If the Water Board does not issue an NOA within thirty (30) days of receiving a complete NOI, the Discharger may proceed with the project according to all applicable General Order conditions.	See response to comment 10.27.
11	11.43	PG&E	IV.E.2. Notifying Activities (Category B): Comment #3. Regarding wildfire and other response activities: Strike "may proceed seventy-two (72) hours after initial notification" and replace with "proceed as needed for emergency response and notify Water Board within 72 hours."	The General Order was revised. Dischargers performing Urgent Response Activities shall now notify the Water Board no less than 1 business day before work begins. For further details, see response to comment 7.5.
11	11.44	PG&E	IV.E.2. Notifying Activities: Comment #4. Additionally, many natural resources and or habitats are destroyed during a fire and cannot be accurately identified after a fire. If an assessment of waters of the State is required within a burn scar, surface and subsurface indicators of an aquatic resource may not be present or representative of typical conditions. In addition, it is unclear whether the SWRCB has any formal guidance to identify for waters of the State after a wildfire. PG&E suggests the following revision: • "If feasible and if site conditions are adequate, the NOI should also include an assessment	The General Order was not revised in response to this comment. Even in post-fire environments, critical indicators, such as hydric soil layers, pre-fire hydrology patterns, and the potential for regrowth of wetland vegetation, can often be identified with careful investigation and the use of supplemental tools such as historical imagery or remote sensing data. Wetlands should be delineated consistent with the definition and delineation procedures in sections II and III of the State Wetland

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			of sites where construction activities may result in impacts to or work within waters of the state.”	Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures). Procedures section III refers to three delineation manuals that may be used, modified in accordance with the definition of wetlands in section II (lack of vegetation does not preclude the determination of such an area that meets the definition of wetland). The manuals noted in section III include the U.S. Army Corps of Engineers wetland delineation manuals and regional supplements, such as those for the Arid West and Western Mountains, Valleys, and Coast regions, which provide specific guidance on conducting wetland delineations in disturbed or atypical conditions, including post-fire environments. These resources outline methodologies to identify hydrology, vegetation, and soil indicators even when typical conditions are absent. For example, historical hydrology data, soil profiles below disturbed layers, and remnants of hydrophytic vegetation can provide crucial information to determine the presence of wetlands. Non-wetland water features should be delineated according to standard industry practices, and may also include using the US Army Corps of Engineers Ordinary High Water Mark Field Delineation Manual for Fields and Streams (2022). More information about delineation methods can be found on the Army Corps’ website. Separate from delineation, the Water Code defines “waters of the state” broadly to include “any surface water or groundwater, including saline waters, within the boundaries of the state.” Wetland waters of the state are defined in Procedures section II. Regarding the suggested revision, the phrase "if feasible and if site conditions are adequate" could unintentionally limit the requirement to assess impacts to waters of the State in post-fire areas. This could create gaps in compliance and environmental protection, as assessments are a necessary component of understanding the broader impacts of covered activities, even in challenging conditions.

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11	11.45	PG&E	IV.F. Project Conditions: Comment #1. Add definition of "Environmentally Sensitive Areas".	The General Order was not revised in response to this comment. Including a specific definition of "environmentally sensitive areas" would be inappropriate because the definition varies depending on the type of resource being protected. For example, it may be appropriate to use perimeter fencing to ensure construction crews avoid disturbing a water feature where no impacts have been authorized. In other instances, perimeter fencing may be infeasible, but signs reminding crews to avoid disturbing sensitive vegetation, such as coastal sage scrub, during project activities may be appropriate.
11	11.46	PG&E	IV.F. Project Conditions: Comment #2. PG&E recommends that for certain low-risk and short-duration projects, that pre-construction tailboards and worker environmental awareness training or a monitor can provide direction to crews to avoid sensitive areas rather than relying on physical barriers/Best Management Practices. Installing physical delineators (i.e., flagging, ESA fence) could create wildlife entrapment risks, generate significant additional costs for compliance, and high quantities of synthetic material waste requiring disposal.	The General Order was not revised in response to this comment. Using physical delineators is necessary to protect environmentally sensitive areas regardless of a project's risk level or duration. The General Order does not specifically require the use of fencing. As noted in response to the previous comment, other physical delineators such as signage can be used if there are concerns about wildlife entrapment.
11	11.47	PG&E	IV.F.7. Erosion and Sediment Control for Soil Disturbing Activities: Define "disturbed areas that drain to waters of the state."	The General Order was revised in response to this comment. "Disturbed areas that drain to waters of the state" was removed from the condition. The condition now requires disturbed areas to be protected with erosion and sediment control BMPs during precipitation events, eliminating the need for utilities to model drainage patterns to determine BMP placement. Separately, a definition for soil disturbance was added to the Glossary.
11	11.48	PG&E	IV.F.10. Topsoil Preservation: PG&E recommends the following revision: "Where feasible due to site conditions, dischargers shall preserve the top six to 12 inches of soil within waters of the state. Dischargers shall stockpile reserved topsoil within the project area and use the soil to restore disturbed areas."	The General Order was not revised in response to this comment. This condition only applies to work within waters of the state. Stockpiling the top layer of soil removed from waters of the state is a standard practice to prevent permanent impacts. Topsoil contains a complex ecosystem of microorganisms, nutrients, seed bank, and organic matter. Without stockpiling, the likelihood of restoration success diminishes.

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11	11.49	PG&E	IV.F.11. Access Route Construction, Decommission and Maintenance Activities: Comment #1. PG&E recommends separating the conditions for construction of new access routes from access route maintenance/decommissioning activities into two separate sections. By separating these two work types, it will be easier to apply permit conditions based on the scope of work.	The General Order was not revised in response to this comment. Most conditions in this section apply to all construction, decommission and maintenance access route activities except for certain new road requirements like full bench construction.
11	11.50	PG&E	IV.F.11. Access Route Construction, Decommission and Maintenance Activities: Comment #2. PG&E also recommends the following revisions: <u>Unless otherwise authorized by the Water Boards in an NOA, access route surfaces shall be hydrologically disconnected from streams and stream crossings to the extent feasible. The NOI should describe justification for why this design standard is not applicable or infeasible.</u> Unless otherwise authorized by the Water Boards in an NOA, newly constructed access routes shall be outsloped. If outsloping is determined to be infeasible <u>or unsafe</u> , provide justification and drainage designs that will provide for similar performance to the appropriate Water Board. ~~Cut or bladed sediment or other material shall not be side-cast or otherwise pushed off the roadway and left unstabilized such that it is subject to erosion or in a manner that threatens to discharge sediment to a water of the state.~~ <u>Side-cast of cut or bladed sediment or other material shall be minimized to the extent feasible. If sediment or material is side-cast or otherwise pushed off the roadway, it shall be stabilized if located within 100 feet from waters of the state.</u> Following use, access routes shall be left in a condition that enables long-term hydrologically disconnected road drainage with minimal ~~or no~~ maintenance requirements. <u>Unless otherwise authorized by the Water Boards in an NOA, new construction and reconstructed watercourse crossings shall be sized and designed to accommodate 100-year storm flood flow (including transport of debris and sediment). The NOI should describe justification for why this design standard is not applicable or infeasible.</u> ~~Culverts shall be maintained to be clear of debris.~~	The General Order and NOI form was revised to allow for a justification if hydrologic disconnect is impracticable. See response to comment 3.12 The additional revisions were not made to the General Order.

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11	11.51	PG&E	IV.F.14. Work in Waters of the State: Regarding the washing of equipment. This condition will be difficult to implement when a crew is working along a corridor and moves through multiple locations in a single day sometimes in challenging terrain. PG&E requests the Water Board to consider limiting the washing equipment as follows: to work performed in areas with known invasive weed infestations or pathogens, as required by other land management agencies or organizations, if applicable, or when entering a new watershed from a paved road.	The conditions related to washing equipment to prevent spread of invasive weed species were removed from the General Order. A new condition (Section IV.F.8.) was added that requires equipment to be cleaned of material that may harbor invasive plant seeds or invasive pests before starting a new project in a different watershed.
11	11.52	PG&E	IV.F.15. Vegetation Management Conditions: PG&E requests the Water Board to revisit the prohibitions on using wood chips and slash to stabilize disturbed areas and requirements to keying slash into the soil. In some cases, using these materials for stabilization reduces waste by allowing utilities to recycle materials generated through O&M activities.	The General Order was revised in response to this comment. The use of wood chips as a stabilization method is prohibited on slopes steeper than 30% and within 50 feet of waters. Wood chips are permitted in other areas when they are sized and placed according to applicable Section IV.F.21 Vegetation Management Conditions.
11	11.53	PG&E	IV.F.16. Felled Trees and Vegetation Management Impacts: Regarding Condition A and the removal of felled trees from waterways: This might not be practical in remote locations where access by heavy equipment is infeasible, would cause further resource impacts or additional soil disturbance, or other constraints that restrict felling operations. PG&E recommends allowing felled trees to remain in waters of the state or bridging waters of the state if approved by the Water Boards in an NOA and if other permits are acquired.	No change was made in response to this comment. Felled trees must be removed to the furthest distance practicable. If the location makes it impractical to remove the felled tree, no removal is necessary.
11	11.54	PG&E	IV.F.17. Toxic and Hazardous Materials : Comment #1. Prompt treatment of spills or leaks (or releases) of hazardous materials, chemicals, fuels, lubricants, or any other potential pollutants may be delayed due to conditions specified in the General Order. Cleaning up spills and releases of materials may require excavation of impacted soil, which could potentially be qualified as soil disturbance. If there is a spill in close proximity to waters of the State, prompt treatment of the spill has a benefit to water quality from containment of the material. PG&E is concerned that this type of activity could be regulated by the	The General Order was not revised in response to this comment. Nothing in the order prevents or delays cleanup activities, which should be initiated immediately in response to a spill. Cleanup of hazardous material spills is not covered under this General Order, and therefore, no Notice of Intent is required. However, the Discharger must notify the Water Board of such discharges in accordance with the General Order's conditions. Notification of a non-compliance event is a standard procedure that ensures Water Board staff remain informed about activities that may impact water quality.

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			General Order and become delayed by the NOI process. The General Order in all pertinent sections should be revised to expedite or exempt spill/release response activities necessary to protect waters and the environment.	
11	11.55	PG&E	IV.F.17. Toxic and Hazardous Materials: Comment #2 Define "Accidental Discharges." The definition should not include discharges from utility assets damaged and/or destroyed during wildfire or severe storm incidents.	The General Order was not revised in response to this comment. The Accidental Discharge Notification requirement applies to waste discharges from activities permitted under this General Order. The General Order states "Activities permitted under this General Order shall not discharge waste classified as 'hazardous'. Dischargers shall implement best management practices to prevent a discharge of hazardous waste to waters of the state..." (Section IV.F.23.c). Wildfire and severe storm response activities are typically covered under Emergency General Orders rather than this General Order, so this condition would not apply to those activities. If an accidental discharge occurs while utilities are conducting a covered activity, the notification requirement would apply.
11	11.56	PG&E	IV.F.20. Undergrounding and Drilling: Comment #1. PG&E does not believe that discharges of drilling mud should be prohibited from entering into waters of the state from frac-outs for projects with coverage under this General Order, provided that no additives are included in the mixture and all of the other conditions of the General Order are met, including the development and implementation of a Horizontal Directional Drilling (HDD)/Drilling Plan (i.e., Frac-Out Plan). PG&E requests the Water Board to reconsider this prohibition.	The General Order was not revised in response to this comment. Although drilling mud is often non-toxic, drilling mud has the potential to impact aquatic habitats and wildlife if discharged to waters in significant quantities.
11	11.57	PG&E	IV.F.20. Undergrounding and Drilling: Comment #2. Regarding horizontal directional drilling during daylight only: in certain cases, utilities cannot stop a drilling operation, resulting in work that must occur 24/7 until the bore is completed. Additionally, some agencies have restrictions for daytime/nighttime work, such as Caltrans. PG&E understands the rationale for this requirement, but at times may conflict with safety, engineering, and other agency standards. Flexibility in this	The General Order was revised in response to this comment. The following condition was added to the HDD requirements to allow nighttime drilling if necessary: "Drilling during daylight hours to allow for visual monitoring of potential frac outs is preferred. If night drilling is necessary, Dischargers shall use sufficient lighting to detect frac outs." (Section IV.F.26.f.).

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			condition is needed, such as the ability to use lighting work that must occur at night.	
11	11.58	PG&E	IV.H. Water Quality Monitoring: Strike all notification procedures of this provision due to potential conflicts with other state and federal requirements. Replace with: Dischargers shall make all required notifications and reporting to appropriate State and Federal agencies as required by regulation and statute regarding the discharge and/or release of hazardous materials and waste.	The General Order was not revised in response to this comment. Section III of the General Order states that it does not replace or exempt compliance with any other applicable local, state, or federal requirements. Additionally, the procedures in the Discharges of Hazardous Materials Section (Section IV.I) outline standard emergency response protocols.
11	11.59	PG&E	IV.K. Erosion and Sediment Control Plan: The General Order requires erosion and sediment control plans on all covered activities, even where programmatic plans are applicable. This is due to the requirement for providing site-specific information even if programmatic plans are used. PG&E recommends relying on programmatic plans for Category A only; providing site-specific information eliminates benefits for programmatic approaches to compliance.	The General Order was not revised in response to this comment. While programmatic erosion and sediment control plans provide a framework that describes all best management practices (BMPs) that may apply to an activity, site-specific information remains necessary to ensure that BMPs are appropriately tailored to the conditions of each project location. For Category A projects, requiring site-specific information ensures that implementation aligns with actual field conditions and enables effective auditing to verify compliance. The level of effort required to document site-specific BMPs from the programmatic plan should be minimal, as utilities would primarily need to identify which pre-approved measures will be applied at each site.
11	11.60	PG&E	IV.L. Controllable Sediment Discharge Sources Monitoring and Reporting: "Controllable Sediment Discharge Sources" is a nebulous term that is not clearly defined in the General Order. There are large implications for reporting requirements if the definition is not clear and targeted. PG&E requests the State Water Board to provide more clarity on the definition of this term.	The General Order was revised in response to this comment. The term <i>Controllable Sediment Discharge Source (CSDS)</i> was removed from the General Order and replaced with Erosion and Sediment Control Plan (ESCP). Although the CSDS term was removed, inspections are still required to monitor evidence of BMP failure or erosion as described in General Order Section IV.L.
11	11.61	PG&E	IV.M. Felled Trees and Vegetation Management Impacts Offset: Planting vegetation and alternative enhancement projects within utility rights-of-way is generally not feasible or impractical. PG&E does not always have adequate land rights to perform this type of work within our rights of- way. Furthermore, PG&E performs vegetation	The General Order was not revised in response to this comment. The General Order does not require planting vegetation where it is not practicable, and it provides flexibility for alternative enhancement

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			management along nearly one (1) million trees per year, and PG&E does not believe it appropriate to require utilities to plant vegetation within their rights-of way to compensate for this work and create additional vegetation requiring management in the future. Even lower growing willows can be incompatible with utility lines and require annual trimming due to vigorous growth. PG&E recommends specifically allowing for a programmatic approach to compensatory mitigation, in line with what we are doing under our Habitat Conservation Plans. Rather than implement mitigation on a project-level within a specific watershed, we implement fewer but larger-scale mitigation that often provides higher quality environmental resources when compared to small mitigation areas distributed throughout the landscape. PG&E requests additional flexibility to implement programmatic mitigation under the General Order.	projects to offset the functional loss resulting from vegetation management activities on a watershed scale. Vegetation Management Impact Offset Plans are not required in all cases. Water Board staff have the discretion to concur that replacement vegetation is not feasible in a given area; for example, it may be infeasible to replant areas with an unvegetated fire break. The General Order allows for the consideration of programmatic solutions to offset the impacts of vegetation management, particularly for large-scale operations. Programmatic approaches may be appropriate and preferable in certain cases, as they can provide higher-quality environmental benefits when implemented across larger areas, rather than focusing on small, project-level efforts. Given that the appropriate offset should be determined based on the vegetative community and water resources affected, utilities are encouraged to engage directly with the relevant Regional Water Board to develop an offset plan that is tailored to the specific needs of the affected watershed.
11	11.62	PG&E	IV.N. Restoration of Temporary Impacts to Waters of the State: PG&E recommends the following revisions: In cases where implementation actions in the restoration plan cannot be conducted within one year <u>after activities end</u> , or where the adverse temporary impacts result in temporary loss of aquatic resource function(s) for more <u>than twelve (12) continuous months</u> , Dischargers may be required to provide compensatory mitigation to offset temporal loss of waters of the state <u>at a ratio of 0.1:1</u> .	The General Order was not revised in response to this comment. The current General Order language provides flexibility in determining the timing and extent of compensatory mitigation necessary to address temporal loss of aquatic functions. Since aquatic resource functions vary based on site-specific conditions, it is inappropriate to limit the loss of functions to those that last more than 12 continuous months or to apply a uniform compensation ratio across all projects.
11	11.63	PG&E	IV.O. Compensatory Mitigation for Permanent Impacts to Waters of the State: Implementing compensatory mitigation for waters within utility rights-of way is generally not feasible or impractical, and large parts of our service territory are not supported by mitigation banks or in-lieu fee programs. Additionally, PG&E does not always have	The General Order was not revised in response to this comment. The General Order does not prohibit programmatic mitigation proposals. Dischargers considering this approach should consult with Water Board staff early in the permitting process to determine if their proposal is suitable for the specific projects involved.

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			adequate land rights to perform permittee-responsible mitigation within our rights-of-way. Moreover, creating sensitive habitat areas within our rights-of-way complicates operations and maintenance work we need to perform in the future. PG&E recommends specifically allowing for a programmatic approach to compensatory mitigation, in line with what we do for species mitigation under our Habitat Conservation Plans. Rather than implement mitigation on a project-level within a specific watershed, we implement fewer but larger-scale mitigation that often provides higher quality environmental resources when compared to small mitigation areas distributed throughout the landscape. PG&E requests additional flexibility to implement programmatic mitigation under the General Order.	
11	11.64	PG&E	IV.S. In-water Work and Diversions: Clarify whether this report is required on a watercourse basis or a project basis. There may be many waters of the state within the boundaries of a long linear project, so additional clarity as to when this report is required would be helpful. PG&E recommends limiting this report to a project-level basis (i.e., a single 48-hour pre-work notification and a single In-Water Work and Diversions Water Quality Monitoring Report within 7 days of completing work within waters of the State).	The General Order was not revised in response to this comment. The in-water work report must be submitted before starting work within waters of the state. For projects involving multiple watercourses, only one report is required before the first instance of in-water work.
11	11.65	PG&E	IV.T. Project Modifications; As currently written, this condition requires the submittal of a report for any project modifications. PG&E requests that the Board clarify that the definition of <i>project modifications</i> aligns with the definition of <i>material change</i> included in 13 CCR 2210.	The General Order was revised to require a Modifications to Project Report when the activity includes in-water work and the modifications “render avoidance, minimization, or mitigation of impacts to waters of the state infeasible.”
11	11.66	PG&E	VII. Dispute Resolution: There is a 30-day time limit established for the discharger to dispute Water Board decisions, but there is no time limit for the Water Boards to respond to disputes. PG&E recommends including additional timeline for Water Boards to respond to disputes.	The dispute resolution process in the General Order was revised to include a time frame for Executive Director response.
11	11.67	PG&E	General Order, Glossary: Regarding definition of precipitation event: suggest including a qualifying precipitation event that is consistent with CGP. As currently written, ANY precipitation event will require stop-	The General Order was not revised in response to this comment. While the term “qualifying precipitation event” (QPE) is used in the Construction General Permit, it is included as a trigger for inspections,

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			work to install BMPs, even if trace amounts are forecast. This condition does not strike a good balance between cost and resource protection.	and not as a trigger for BMP installation. It is important for BMPs to be installed during any precipitation event since runoff may still occur even with small amounts of rain and weather forecasts can quickly change.
11	11.68	PG&E	EIR, Tribal and Cultural Resources : Comment #1. Investor-owned utilities, like PG&E, are not able to perform the government-to-government consultation required by Assembly Bill 52, while municipal or publicly owned utilities can. PG&E is not legally able to perform the required consultation that the State Water Board initiated during their environmental review.	The General Order and EIR were revised to refer to Tribal outreach and coordination rather than consultation.
11	11.69	PG&E	EIR, Tribal and Cultural Resources: Comment #2. Furthermore, PG&E notes that the eight (8) Tribes that have requested AB 52 consultation with the State Board are the Tribes that have “opted in” for further consultation with the State Board and coordination with the utilities on the General Order. PG&E’s understanding is that other Tribes should be allowed to “opt in” to the required notifications and consultations under the General Order.	The General Order was revised to allow utilities to use a Tribal contact list maintained by the Water Boards for use in Tribal outreach. The Tribal contact list was developed in coordination with Tribes that requested to be notified of Water Boards’ CEQA lead projects. In the past, coordination with Tribes has been insufficient, and Tribes have expressed a strong interest in increased engagement on soil-disturbing activities and herbicide applications that could affect cultural resources. The State Water Board can evaluate this requirement and consider potential revisions in future updates to the General Order if notifications are too numerous for the tribes to respond to.
11	11.70	PG&E	EIR, Tribal and Cultural Resources: Comment #3. To strike a balance between administrative burden and recognizing Tribes’ role in protecting Tribal Cultural Resources, PG&E requests the State Board to explore data-sharing and programmatic opportunities between utilities and Tribes to streamline Tribal notifications required by the General Order. The General Order only require notifications to Tribes when utility work is performed in areas with known sensitivities, rather than requiring notifications to Tribes for all utility work, which would be an administrative burden for utilities and Tribes. PG&E believes there are opportunities for collaboration between the State Board, Tribes, and utilities to find a solution that adequately protects resources while streamlining administration of the General Order.	Tribes are the acknowledged experts regarding Tribal cultural resources. Not all Tribal cultural resources are contained to those areas with known sensitivity, making ongoing coordination with Tribes necessary on a per-project basis. See also Response to Comment 11.69.

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11	11.71	PG&E	EIR, Section 3.7.4, Mitigation Measure GEO-2; Paleontological mitigation is guided by a variety of guidelines and standards. The Draft EIR does not identify which of these is being used to establish a “qualified paleontologist”, which paleontological sensitivity scale is being used, or the qualifications of the entity that will conduct the initial paleontological resources assessment for qualifying projects. The use of “moderate” and “high” in reference to paleontological sensitivity is problematic, as the SVP (2010) scale does not include a rank of “moderate” and while the Bureau of Land Management’s (BLM) Potential Fossil Yield Classification (PFYC) system does include a rank of moderate (PFYC 3), it also includes a rank of very high (PFCY 5), which is not included here. These are the two most used ranking systems. PG&E recommends specifying which standards are used and revising language to match that standard. These changes would improve the ability to consistently implement this mitigation measure and reduce confusion.	In response to this comment, EIR Section 3.7 Geology and Soils: Mitigation was revised to define a qualified paleontologist as one who possesses advanced training and education in a field of study that is relevant to paleontological assessment. The EIR was further revised to clarify that a paleontological sensitive map unit will be determined using the Bureau of Land Management (BLM) Potential Fossil Yield Classification System or another similar paleontological sensitivity scale recognized by the paleontological community such as the Society of Vertebrate Paleontology (SVP 2010). A unit will be considered a paleontological sensitive map unit if it is classified as moderate or higher according to the BLM Potential Fossil Yield Classification System. In response to this comment, EIR Mitigation Measure GEO-2 and GEO-3 (EIR Section 3.7 Geology and Soils: Impacts and Mitigation Measures) were revised to clarify that locations with a sensitivity classification of moderate or higher according to the Bureau of Land Management’s Potential Fossil Yield Classification System will be considered a paleontological sensitive unit and subject to the mitigation measures.
11	11.72	PG&E	EIR, Section 3.7.4, Mitigation Measure GEO-2: The paleontological assessment does not include a review of the likelihood of the planned activity to cause a significant impact to paleontological resources. The draft General Order includes a wide variety of activities, some of which may pose impacts to paleontological resources and some of which would not. Listed activities that might pose impacts to paleontological resources are those that involve ground disturbance into fossiliferous geologic units or surface activities on fossiliferous geologic units. Activities in or on topsoil, unfossiliferous units, or previously disturbed areas are unlikely to pose impacts to paleontological resources. Furthermore, some ground disturbing activities are not conducive to monitoring. For example, horizontal directional drilling does not	See response to comment 10.62

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			produce spoils or observable cuts and so is not conducive to monitoring or recovery. PG&E recommends the language of MM GEO-2 be amended to include assessment of the specific activities involved in any given project, in combination with the paleontological sensitivity of the geologic units involved. For example: Prior to breaking ground, Utility Services would be required to assess whether the proposed project occurs on a paleontological sensitive unit. If the proposed project occurs on an area with high or moderate paleontological sensitivity <u>and the scope of work includes ground disturbance at a depth and/or width that would reasonably be expected to impact paleontological resources and be conducive to monitoring and recovery</u> , a qualified paleontologist would develop a paleontological resource monitoring and recovery plan	
11	11.73	PG&E	EIR, Section 3.7.4, Mitigation Measure GEO-3: To find consistency with proposed revisions to Mitigation Measure GEO-2, PG&E recommends the following revision to Mitigation Measure GEO-3: If after implementing mitigation measure GEO-2, the proposed project was determined to occur in a location with moderate to high paleontological sensitivity or width that would reasonably be expected to impact paleontological resources and be conducive to monitoring and recovery, a qualified paleontologist shall give paleontological resources sensitivity training...	See response to comment 10.63
11	11.74	PG&E	EIR, Section 3.7.4, Mitigation Measure GEO-2: The reference to erosion in MM GEO-2 is irrelevant to the implementation of monitoring as a means of impact reduction or avoidance. Monitoring is conducted to identify and provide appropriate treatment for fossils that might be encountered during project activities, such that fossils meeting criteria for scientific importance (i.e., unique paleontological resources in CEQA terminology) can be salvaged for curation and are not destroyed or damaged by the activities. Erosion is not of concern during the implementation of a paleontological monitoring program. PG&E	In response to this comment, EIR Mitigation Measure GEO-2 (EIR Section 3.7 Geology and Soils: Impacts and Mitigation Measures) was revised to remove reference to fossiliferous sediment being exposed and affected by erosion.

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			recommends the statement regarding erosion as a means of fossil loss be removed.	
11	11.75	PG&E	PG&E appreciates the continued opportunities to collaborate with the State Water Board on the statewide General Order. Please contact me if you have further questions.	Comment noted.
12	12.1	SMUD	The Sacramento Municipal Utility District (SMUD) appreciates this opportunity to comment on the State Water Resources Control Board's (SWRCB) Draft General Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Utility Wildfire and Similar Operations and Maintenance Activities (Draft GO). SMUD takes significant effort to maintain its electrical infrastructure in a safe and reliable manner, while also upholding a commitment to its community to minimize environmental impact. SMUD is supportive of the Draft GO's intent to streamline the permitting process for needed wildfire mitigation activities but is concerned that the current language is not striking the appropriate balance between the needs for grid maintenance and protecting water quality.	The General Order was revised to increase streamlining in a number of areas, including revising the scope of covered activities and expanding non-notifying project eligibility. For additional details, please see response to comment 3.3.
12	12.2	SMUD	SMUD offers the following comments on the Draft GO and respectfully requests that the SWRCB staff engage in further process, potentially including public workshops and additional drafts of the proposed general order, prior to adoption of the general order. This additional process can provide needed utility input, insight into alternatives considered by SWRCB staff, and ultimately, refinement of the general order to achieve water quality objectives without hindering wildfire mitigation activities and other utility safety and reliability efforts. SMUD's comments offer the following recommendations: • Reevaluate the scope of activities captured by the Draft GO to avoid risking unintended consequences such as increasing energy costs, creating barriers to electric service reliability, slowing electric utility infrastructure and maintenance work, and increasing the risk of wildfire.	The General Order was revised. For a discussion of scope and notification changes to focus coverage on activities that pose a higher risk to water quality, see comments 3.3 and 3.7. For a discussion on cost see the discussion on considerations at the end of the document. State Water Board staff are committed to a robust stakeholder engagement process. An additional written comment period is being held, and coordination between the Water Boards and utilities will continue to support the successful implementation of the General Order.

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			• Refine the Draft General Order to more appropriately balance the need for regulatory oversight and not impede utility wildfire mitigation and maintenance activities. More specifically, SMUD recommends: ○ For each project activity, include a minimum soil disturbance threshold set at 1/10-acre. ○ Remove slope/erodibility criteria for low-risk activities and remove slope/erodibility criteria to determine classification in Category A or B. Refine slope/erodibility criteria for remaining activities. ○ Remove Tribal consultation requirement. SMUD further supports the comments and recommendations of the “California Utilities”[footnote 1: Submitted by Pacific Gas & Electric Company (PG&E), Southern California Edison (SCE), San Diego Gas and Electric (SDG&E), PacifiCorp, California Municipal Utilities Association (CMUA), Northern California Power Agency (NCPA), Southern California Public Power Authority (SCPPA) and Golden State Power Cooperative (GSPC)] the “Joint Utilities,”[footnote 2: Submitted by CMUA, NCPA, SCPPA, and GSPC. submitted September 13, 2024.]	
12	12.3	SMUD	1. The Draft General Order risks increasing costs, creating barriers to electric service reliability, slowing electric utility infrastructure and maintenance work, and increasing the risk of wildfire The Draft GO correctly notes the severe wildfire impacts to a variety of biological and environmental resources, including water quality.[footnote 3: Section II.E.] SMUD agrees with the Draft GO’s intent to facilitate and streamline the permitting process for wildfire prevention work and that some standard project conditions may be appropriate for infrastructure and maintenance work that poses a high-risk to water quality. However, it is critical that the Draft GO does not create regulatory barriers to performing necessary infrastructure and maintenance work that poses little to no risk to water quality.	The General Order was revised to minimize costs by excluding lower-threat projects located over 50 feet from state waters and disturbing less than 0.5 acre of soil, establishing a non-notifying process for low-risk Category A projects, and allowing consolidated enrollment with programmatic documents for multiple projects. Additionally, the General Order simplifies permitting for utility wildfire mitigation projects by reducing the need for individual permits, with many requirements aligning with existing utility practices. For further discussion of costs, see the cost consideration section at the end of this document. For further details on changes to the General Order’s scope, see the response to comment 3.3.

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			Overinclusion of low-risk activities will result in increased costs to both utilities and regional water quality control boards. Increased costs borne by utilities may impact rate affordability and force utilities to make difficult choices about reliability, rates, and wildfire prevention. The Draft GO's conditions, particularly for low-risk projects, will delay completion of necessary safety and reliability projects. Such delays may increase, rather than mitigate, the risk of wildfire with associated risk to water quality. Thus, overbroad regulation poses a substantial risk to water quality, the reliability and safety of the grid, and by extension to our communities. Recognizing that overinclusion presents the same risks as under inclusion highlights the importance of finding the right scope and coverage for the Draft GO, which must be informed by electric utility experience. Several proposed language changes are provided in the California Utilities' and Joint Utilities' comments and SMUD urges the SWRCB to incorporate those changes into the Draft GO.	
12	12.4	SMUD	2. The Draft General Order is overly broad and needs further refinement to more appropriately balance the need for regulatory oversight and utility wildfire mitigation and maintenance activities. SMUD currently seeks Waste Discharge Requirement (WDR) permits or Section 401 Certifications when any utility maintenance activity will occur in waters of the state (WOTS). For SMUD, these projects are typically pole or tower maintenance replacements, or culvert repair and replacement. In a typical year, SMUD performs less than ten projects requiring coverage by WDRs or Section 401 Certifications. Additionally, SMUD has an existing environmental review process for assessing and identifying projects that require environmental permits. If an activity may result in discharge of dredge or fill materials to WOTS, a WDR or Section 401 Certification is obtained. The Draft GO significantly expands the scope of activities subject to SWRCB's permitting oversight by including wildfire mitigation and	The General Order's scope and notification criteria were revised to focus on activities that pose a higher risk to water quality. See responses to comments 3.3 and 3.7 for a discussion of scope and notification changes. The Water Boards have the authority to regulate the discharge or proposed discharge of waste pursuant to Water Code section 13260. Waste is not limited to the discharge of dredged or fill material. Waste may also include sediment, oil and grease, and uncured concrete from activities that occur outside waters. The failure to obtain waste discharge requirements for some utility work outside of waters has led to the failure to implement best management practices and avoidable water quality impacts. See response to comment 3.14 for a discussion on the General Order's coverage of soil-disturbing activities. Aside from vegetation

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			regular maintenance work in upland areas with no direct impacts to WOTS. As provided in the Draft GO, twelve project activities would be regulated if the project occurs within a specified distance from WOTS or in areas with certain slope and erodibility characteristics. This would vastly increase the number of projects that require permitting.	management and herbicide application within 50 feet from waters, activities require soil disturbance before General Order coverage is required.
12	12.5	SMUD	SMUD used Geographic Information System (GIS) mapping to estimate the infrastructure that would be included within the scope of the Draft GO. While preliminary, SMUD provides the following estimates of the potential impact from the Draft GO: Based on proximity to waters of the state: • 5,600 distribution poles • 130 transmission poles • 7 substations • 320 subsurface structures • 600 circuit miles of conductor Based on slope/erodibility conditions: • 650 distribution poles • 40 substructures • 220 circuit miles of conductor The GIS mapping exercise was unable to estimate potential impacts to SMUD's vegetation management activities (including herbicide application). However, SMUD's vegetation management staff estimates the Draft GO would necessitate substantial upfront and ongoing investments to develop information technology (IT) platforms for tracking and reporting data and to hire additional inspectors, staff, environmental consultants, and outside vendors.	The scope of the General Order has been revised.
12	12.6	SMUD	As evidenced by the above estimates, SMUD expects that the Draft GO will substantially impact pole replacements and vegetation management activities. While these are the most impacted activities, they are also the projects that are least likely, based on utility experience, to cause sediment discharge or impacts to water quality. It is important that the Draft GO is crafted in a way that excludes such	The General Order was revised to cover pole replacements within 50 feet of waters, reducing the number of activities subject to the General Order. For further details on changes to the General Order's scope, see the response to comment 3.3.

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			routine projects that have minimal potential for creating discharges into WOTS. Distribution pole replacements provide a useful example of the impact of the Draft GO to utility operations. As illustrated by the utility presentation during the August 20 public hearing, pole replacements cause minimal soil disturbance. SMUD estimates that pole replacements typically involve direct soil disturbance of approximately 100 square feet of soil (i.e., 10 feet by 10 feet), which includes a temporary soil stockpile during the project, refilling the existing hole, and regrading. Steps are taken following pole replacements to restore the area to pre-project conditions; the vast majority of these projects are completed in less than a day. Based on the above estimates, SMUD anticipates that annually the Draft GO would cover 24-64 of its existing distribution pole projects based on proximity to WOTS (primarily Category A) and 3-7 pole replacements would be covered based on slope/erodibility conditions (primarily Category B).[footnote 4: See Section IV.E.1.d.] While difficult to develop precise estimates, SMUD anticipates similar or additional challenges for vegetation management projects. Category A projects may require additional environmental training and an environmental monitor to be on-site, environmental marking prior to work, Tribal consultation, and sediment monitoring and reporting, among other requirements.[footnote 5: See Sections IV.D. (environmental training and monitoring), IV.F.2. (field marking) IV.G. (Tribal consultation), and IV.L (controllable sediment discharge sources monitoring and reporting)]. Category B projects additionally require the preparation and submission of the Notice of Intent, annual reporting, submission of a commencement of construction report and notice of project complete letter, and payment of fees. [footnote 6: See Sections IV.E.2. (Notice of Intent), IV.P. (Commencement of Construction Report), IV.Q. (Annual Reporting), IV.R. (Request for Notice of Project Complete Letter), V. (Fees)]. Each of these requirements will delay these projects by weeks	The General Order scope for vegetation management activities was also revised to cover activities within 50 feet of waters of the state or cumulatively results in over 0.50 acre of soil disturbance in locations with slopes equal to or greater than 30% and soils having erodibility K factor equal to or greater than 0.2. In addition, vegetation management activities outside of waters automatically fall under Category A.

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			to months and require additional staff to ensure compliance with the general order conditions increasing overall project costs and reducing the number of projects that can be completed with available funds.	
12	12.7	SMUD	SMUD encourages the SWRCB and staff to carefully consider ways to revise the scope of the Draft GO to streamline the permitting process for activities that present a low risk to water quality. It is important to refocus the Draft GO on activities that cause substantial soil disturbance and present a clearer risk to water quality. These larger scale construction activities, which are less frequent and numerous, present a more established nexus to water quality protection and more appropriately fit with the objectives of the Draft GO. SMUD supports the proposals submitted by the California Utilities and the Joint Utilities that seek to right-size the scope and scale of the Draft GO, which include the following recommendations:	Comment noted, also see response to comment 3.3. The scope of the General Order was revised to focus on activities with higher risk to water quality. For additional details, please see response to comment 3.3.
12	12.8	SMUD	<u>For each project activity, include a minimum soil disturbance threshold set at 1/10-acre.</u> If the risk to water quality is related to sediment discharge and there is minimal potential for sediment discharge associated with a project, such a project should not be required to comply with permitting requirements and conditions. The SWRCB should consider a minimum soil disturbance threshold for each project activity. SMUD suggests using 1/10-acre, since this is consistent with the pre-construction notification requirements for United States Army Corps of Engineers (USACE)[footnote 7: See Nationwide Permit (NWP) 51 (discharges of dredge or fill material into waters of the United States for construction, expansion, or modification of land-based renewable energy product facilities) available at https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll7/id/16844 ; see also NWP 12 (oil and gas pipelines), NWP 14 (linear transportation projects)], and offers a useful proxy for the potential to cause water quality impacts. The 1/10-acre threshold will eliminate coverage for many low- risk activities, but also appropriately capture larger scale, less-frequent infrastructure projects.	The General Order was revised to establish a minimum soil disturbance threshold for activities that rely on this criterion to determine coverage. Activities classified under A, D, and K now require coverage if they disturb 0.5 acre or more of soil. However, Category C, Site Access, does not include a soil disturbance acreage threshold. Instead, it applies a 300 cumulative linear feet threshold, which is approximately 0.1 acre for a road that is 15 feet wide. For additional details, see the response to Comment 3.3.

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12	12.9	SMUD	Remove slope/erodibility criteria for low-risk activities. and remove slope/erodibility criteria to determine classification in Category A or B. Inclusion of the slope/erodibility criteria in the project activity triggers will result in overly broad application and should be removed entirely for low-risk project activities. Similarly, using the slope/erodibility criteria to determine classification of projects as Category A or B will lead to overinclusion of low-risk activities in Category B. This criterion should not be used in either situation.	The General Order was revised to remove slope and erodibility criteria from many activity types. For activities where these factors remain relevant, a 0.5-acre soil disturbance threshold has been established to ensure that only projects with a potential for higher water quality impacts require coverage. Additionally, slope and erodibility are no longer used to determine classification under Category A or B. For further details, see the response to Comment 3.9.
12	12.10	SMUD	Refine slope/erodibility criteria for remaining activities. As provided in the Joint Utilities' letter, retaining the slope/erodibility criteria for remaining activities may be appropriate but must include distance from WOTS and consider whether sediment has the potential to reach WOTS.	The General Order was revised to refine the application of slope and erodibility criteria for activities that still rely on those criteria. A 0.5-acre soil disturbance threshold has been established to ensure that only activities with a potential for greater water quality impacts require coverage. Additionally, distance from waters of the state is a factor in determining coverage, with many activities requiring coverage within 50 feet. The potential for sediment transport was also considered in determining where these criteria remain applicable. Also, see response to comment 12.8, above.
12	12.11	SMUD	Remove Tribal consultation requirement. Public agencies are already required to consult with Tribes for projects triggering California Environmental Quality Act (CEQA) review.[footnote 8: Public Resources Code 21080.3.] SMUD currently conducts monthly Tribal consultations, which focus on new and larger scale projects. Requiring additional Tribal consultation for projects with more limited scope and impact than required by statute is inappropriate. For pole replacement and vegetation management work alone, it is likely that this requirement would obligate screening hundreds of projects per year and a significant increase in consultations, straining the resources of the utilities and possibly the Tribes.	The General Order was revised to state that Tribal coordination for projects is not required where there is already an agency conducting consultation with a similar scope. The General Order was also revised to allow utilities to obtain a list of Tribal contacts from the Water Boards Tribal Affairs webpage for the county or counties in which the project will occur, further reducing the timeline and administrative burden of the Tribal notification process.

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12	12.12	SMUD	Finally, SMUD complies with several conditions contained in Section 401 Certifications associated with Federal Energy Regulatory Commission licenses for hydroelectric projects referred to as the Upper American River Project (UARP) and Chili Bar Project. SMUD understands that this Draft GO is not meant to displace existing permits or require enrollment for any activities covered by existing permits.[footnote 9: See Section II.Q. and Section IV.A.] SMUD's existing certifications identify certain facilities, like transmission poles and conductor, and requires development of plans, like a Transportation System Management Plan. SMUD's interpretation is that projects involving existing facilities identified and plans required by Section 401 Certifications would not be required to seek coverage under this Draft GO; only if the facilities or activities covered by the existing Section 401 Certifications changed such that a new or amended Section 401 Certification were required, would the Draft GO potentially cover such project activities. SMUD looks forward to working with SWRCB staff to confirm that this interpretation is correct and, if not, clarifying the Draft GO to ensure consistent understanding.	The General Order was not revised in response to this comment. Existing Clean Water Act Section 401 Water Quality Certifications may still be used to cover activities within the scope of this General Order, and coverage under this General Order is not required for those activities.
12	12.13	SMUD	SMUD appreciates the opportunity to provide these comments and looks forward to continuing to develop and refine the Draft GO.	Comment noted.
13	13.1	SDGE	We appreciate the opportunity to comment on the Draft Utility Wildfire and Similar Operations and Maintenance Activities Clean Water Act Section 401 Certification and Waste Discharge Requirements General Order (Draft General Order). We also acknowledge the time and effort that has been put into the development of this Draft General Order and the purpose of providing a more consistent and expedited permitting process. After review of the Draft General Order, San Diego Gas and Electric Company (SDG&E) has the following comments for the State Water Resources Control Board (SWRCB) to consider when	Comment noted.

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			preparing the Final General Order. SDG&E has also collaborated with a Joint Utility Group to review and provide comments on the Draft General Order. SDG&E supports the response letter and recommendations provided by the Joint Utility Group.	
13	13.2	SDGE	Comment #1 Regarding Section III. Project Description (Pages 8-10 of the Draft General Order), we have the following comment: - SDG&E requests that the distance of soil disturbance from project activities to waters of the State be removed as a trigger for compliance with this General Order because it is unnecessary and would result in a significant burden for utility projects. SDG&E already utilizes best management practices to avoid discharges and protect waters of the State. - This inclusion results in significantly more projects requiring compliance with the General Order and oversight by SWRCB. Soil disturbance activities occurring within 500 feet (for access road improvements), 100 feet (for vegetation management), and 50 feet (for all other O&M activities) of waters of the State should not be a determining factor for authorization under the General Order. - Additionally, there is a requirement to include road work of more than 100 feet no matter the roads' proximity to water. This requirement is infeasible to track under Category A and may not even be related to potential impacts to waters of the State. SDG&E maintains 1,400 miles of access roads annually. The work includes maintaining the existing road prism with light grading. Access road maintenance of existing roads outside of waters of the State should be removed from the General Order.	Please see responses to each individual point below: - The distance thresholds to waters of the state are necessary to protect water quality. Project activities closer to waters have a higher potential to impact water quality, making these thresholds an essential safeguard. - The access route length threshold has been increased to 300 feet. Access route activities can affect water quality over long distances, so maintaining a length threshold is necessary regardless of proximity to waters. - Creating a list of Category A project coordinates, construction timeframes, and the Tribal cultural report requires significantly less staff time than providing the full list of details required for Category B projects. Since the scope of the General Order was revised to cover higher-risk activities, this auditing tool is an appropriate mechanism for documenting compliance and enhancing Water Board transparency. Utilities may be able to use existing project tracking systems to maintain this information. For further discussion on costs, see the cost discussion at the end of this document. - The General Order was revised to include certain beneficial access route maintenance activities under Category A, along with other refinements to scope and notification criteria, to focus on projects with a higher risk to water quality. These revisions help reduce the administrative burden while ensuring an appropriate balance between permitting requirements and water quality protection.

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			- SDG&E understands that these activities would likely be covered under Category A and would not require a Notice of Intent, however, as discussed further in our Comment#2 below, this still requires a significant workload by the utility companies to maintain a single list of all projects covered under Category A. - Utilities are also required to comply with additional requirements and reporting for Category A projects, such as Section IV.G. Tribal Cultural Resources, which adds time and cost to project reviews. - SDG&E risks not meeting compliance deadlines for our maintenance activities set forth by the California Public Utilities Commission's General Orders, such as General Order 95 and General Order 165, with the increased workload and review times.	
13	13.3	SDGE	Comment #2 Regarding Section IV. E.1. Non-Notifying Eligibility Criteria (Category A) (Page 14 of the Draft General Order), we have the following two comments: - Section IV.E.1.d requires the need to evaluate slope percentage and <i>soils erodibility K factors</i> in order to determine if a project is eligible for Category A or Category B. - SDG&E requests that this requirement be removed from the Draft General Order. While we understand the need to protect water quality, utility companies already implement standard best management practices to prevent sedimentation and erosion from occurring downslope of activities. SDG&E does not believe that a project should trigger the need to notify the SWRCB and	The General Order was revised to remove the slope and K factor as a criteria for Category A. Please refer to response to comment 8.15 for further details on the revisions.

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			obtain a Notice of Applicability based on this condition alone. In San Diego County, approximately 42% of the non-urban County has a slope equal to or great than 30% or a K factor greater or equal to 0.2. Over 14,000 of our poles fit into these criteria. Including this in Category B will create more onerous review requirements, higher rate payer costs, and delays to wildfire mitigation work.	
13	13.4	SDGE	Section IV.E.1.f requires the Discharger to maintain a list of projects that qualify for Category A. While SDG&E agrees that the SWRCB should not require a Notice of Intent submittal to SWRCB for Category A projects, the requirement to maintain an administrative record of all projects conducted under Category A creates an unfair burden on the utility companies when it has been acknowledged by the SWRCB during meetings that the likelihood for requesting this information is low. Due to the volume of operation and maintenance projects performed by SDG&E on a regular basis, SDG&E does not currently have enough staff or resources necessary to maintain this administrative task. To do so would require additional costs that would be passed on to rate payers. SDG&E requests that this condition of maintaining a comprehensive list of all projects under Category A be removed.	The General Order was not revised in response to this comment. The requirement to maintain a list of coordinates and activity dates for Category A projects provides transparency and compliance with the General Order. Without this basic record-keeping requirement, Water Board Staff would have limited ability to ensure compliance with the General Order, potentially leading to more frequent regulatory inquiries or additional reporting requirements in the future. Maintaining this list provides a balanced approach that supports both regulatory efficiency and operational feasibility. Regarding the concern that maintaining this list would require additional costs and staff resources, this requirement is designed to minimize administrative burden by aligning with standard project tracking practices that utilities likely already perform for internal management, safety, and operational purposes.
13	13.5	SDGE	Comment #3: SDG&E requests clarification that if a project or activity is covered by an existing General Order or permit then additional coverage under this General Order would not be required. Projects with existing Storm Water coverage should not be applicable. In Section IV.A.3, if all project activities are covered by a Storm Water Pollution Prevention Plan, does a project need coverage under this General Order? It is not explicitly stated in the Draft General Order text.	The General Order was not revised in response to this comment. The Order does not provide coverage under any NPDES permit, including the Construction General Permit (CGP). Section IV.A.3. of the General Order lists requirements that are satisfied for those projects in which CGP coverage is required for part of its land disturbing activities. Although the MS4 permit may have similar conditions to those listed in Section IV of the General Order, an MS4 permit applies to the municipality. Furthermore, certain Order activities may not be subject to

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			- For all other projects outside of waters of the State, we note that the SDG&E service territory is within the California Regional Water Quality Control Board San Diego Region, which adopted Order R9-2013-0001(amended by Order Nos. R9-2015-0001 and R9-2015-0100) a Regional Phase I MS4 Permit (MS4 Permit). The MS4 Permit already subjects SDG&E to local stormwater requirements, including erosion and sediment control, post-construction stormwater management, and monitoring/reporting obligations. These local MS4 requirements impose conditions similar to or identical to those listed throughout Section IV in the Draft General Order, leading to overlapping regulatory burdens. - To streamline compliance and avoid unnecessary duplication, SDG&E requests that the Draft General Order provide clear exemptions or acknowledge compliance with local MS4 permits as sufficient to meet the conditions outlined in the Draft General Order where projects are already subject to MS4 permit requirements.	the MS4 permit requirements. Therefore, dual coverage under both permits may be necessary to ensure the protection of water quality.
13	13.6	SDGE	Regarding Section IV.G. Tribal Cultural Resources, SDG&E is concerned about the amount of time added to project reviews to comply with the Draft General Order's requirements when SDG&E is already conducting reviews and informal coordination with Tribes and Tribal Representatives as needed. The letter prepared by the Joint Utility Group incorporates SDG&E's additional comments on the Tribal Cultural Resources section. Here, SDG&E provides background of its existing program and high-level concerns. SDG&E's Cultural Resource Program follows a comprehensive approach for reviewing operations and maintenance projects, as well as new construction, to ensure compliance with applicable laws and regulations and to avoid, minimize or mitigate impacts to cultural resources, where feasible.	Comment noted. The General Order was revised to expedite the Tribal notification process, see Response to Comment 11.69. A Sacred Lands file search is no longer required if the Water Board Tribal contact list is used. The General Order was also revised to reduce the notification time from 120 days to 60 days prior to project commencement.

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			• SDG&E has developed standard practices and implemented various procedures that are expressly designed to protect cultural resources throughout SDG&E's service area. • Among other things, SDG&E uses an internal review system to intake, screen, and document the necessary measures that must be implemented at the project site once a project has been released to construction from SDG&E's Cultural Resources Staff. • SDG&E employs Cultural Resource Specialists who, along with appropriately qualified contractors and consultants, work with Federal, State and Local Agency staff to obtain applicable permits or authorizations to conduct cultural resource investigations on Public Lands to ensure compliance with Federal, State and Local laws and regulations. • To build strong partnerships with Tribal communities and help meet their needs for clean, safe, and reliable energy, SDG&E created a role of Tribal Relations Manager. This position is responsible for meeting regularly with Tribal governments to address concerns or answer questions about SDG&E's projects, programs, and services. SDG&E's Tribal Relations Manager also provides guidance and important communications to Tribal communities. • If Tribes contact the Tribal Relations Manager or Cultural Resource Specialists with cultural resources concerns, SDG&E listens to these concerns and treats the information as confidential to the extent allowed under applicable law. • SDG&E's Cultural Resource Specialists develop and maintain working relationships with Native American communities throughout SDG&E's service area. With these best management practices in place, it is not feasible to conduct a Sacred Lands File Search and formal Tribal outreach 120 days before releasing a project on hundreds of small projects per year,	

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			especially for wildfire mitigation work that has tight compliance deadlines and where the scope could include a single pole replacement.	
13	13.7	SDGE	Conclusion SDG&E appreciates the SWRCB's consideration of these comments, and we look forward to further collaboration with the SWRCB staff to further refine the General Order.	Comment noted.
14	14.1	Truckee Donner PUD	The Truckee Donner Public Utility District (Truckee Donner PUD) appreciate the opportunity to comment on the State Water Resources Control Board (State Water Board) Draft Utility Wildfire and Similar Operations and Maintenance Activities General Order Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements (Draft GO). Truckee Donner PUD also support the efforts and comments from the California Municipal Utilities Association (CMUA), Southern California Public Power Authority (SCPPA), Northern California Power Agency (NCPA), and Golden State Power Cooperative (GSPC), together the "Joint POU's" who collectively represent publicly owned electric utilities (POUs), including Truckee Donner PUD, that provide power to 25% of the State. The Truckee Donner PUD appreciates the opportunities that State Water Board staff has given stakeholders to provide comments and feedback on the Draft GO and we have participated directly in meetings with staff and stakeholders. While we appreciate many of the changes made to the Draft GO as compared to the Administrative Draft released May 2023, we continue to have serious concerns about the expansive scope of the Draft GO and the impacts that it will have on the Truckee Donner PUD's wildfire mitigation and restoration efforts. Truckee Donner PUD is a community owned, not-for-profit, and locally governed public electric and water utility. Truckee Donner PUD offers the following comments that are intended to improve the Draft GO so that electric utilities can appropriately protect Waters of the State without negatively impacting critical electric utility wildfire mitigation	Comment noted

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			efforts, raising costs, and an impacting the safety of the communities that we serve.	
14	14.2	Truckee Donner PUD	The Scope of Covered Activities Should be Determined Based on Impacts to Waters of the State (WOTS): The critical criterion that should be considered in scoping the Draft GO is the impact of activities on water quality. The Joint POU's previously commented that the GO should be modified to align with the intent of providing a streamlined permitting scheme for electric utilities conducting wildfire-related activities. The current Draft GO does not accomplish the streamlined permitting goal and, in contrast, would introduce many new permitting requirements and significant administrative burden. Specifically: <i>Covered Activities Must be Narrowly Tailored to Capture Work that Discharges to WOTS:</i> The Truckee Donner PUD remains concerned that the Draft GO would expand the scope of the State Water Board's authority. The Draft GO must be tailored to capture only that work that may affect water quality. However, the Draft GO as proposed significantly expands the criteria for waste discharge permits by introducing an overly expansive scope and new criteria. This would place an onerous administrative burden on Truckee Donner PUD and negatively impact our wildfire mitigation efforts and our efforts to keep our communities safe. Simply stated, many of the maintenance activities that Truckee Donner PUD performs have not been within the scope of State Water Board permitting either because those activities are not in-water, do not fit the parameters of an existing permit, or otherwise have been exempted. The Draft GO, however, attempts to change this by explicitly including maintenance activities in addition to a long list of project activities, mandating new permitting and reporting for the majority of work that Truckee Donner PUD performs, irrespective of the actual impacts such work will have on WOTS.	The General Order was revised in several ways to focus the scope on activities that present higher risks to water quality. For example, the Category A criteria was refined to cover specific low risk upland activities such as pole replacements, vegetation management, and beneficial access route maintenance activities. In addition, the slope and soil erodibility criteria was removed from Category A eligibility requirements. The Order's scope also was refined to include a soil disturbance size threshold, and remove the slope and soil erodibility criteria for certain activities listed in Section III. With these revisions, the General Order effectively excludes many low-risk activities in upland areas that have little risk to water quality (e.g. single pole replacements in upland areas).

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			Permits were previously based on proximity to WOTS along with the physical size of the project. Under the Draft GO, <i>new</i> criteria of infiltration and slope could trigger a new State Water Board permit regardless of impacts to WOTS. The Joint POUs, in their comment letter dated September 13, 2024, have provided the following request which Truckee Donner PUD fully supports: • Specific changes to refine the Category A list to exclude low-risk activities; and • Specific changes to narrowly tailor the covered activities in Category B.	
14	14.3	Truckee Donner PUD	<i>The Draft GO Should Define Where Activities May Threaten to Cause a Discharge of Waste to WOTS:</i> The Draft GO does not provide a definition of threatened activities, nor does it explain why wildfire mitigation plan activities would be included in the scope without a direct nexus to impacts on waters of the state. As drafted, the Draft GO would apply to activities that may be part of wildfire mitigation and restoration, but which have a very slight likelihood of discharging waste into waters of the state. The Draft GO should include a definition for activities that “threaten to cause discharge” that definitively links those activities to potential discharge into waters. The mere fact that the activities are tied to a utility’s wildfire mitigation plan or occur within a California Public Utilities Commission High Fire Threat District (HFTD) is not enough to warrant inclusion within the scope of the permitting requirements. As a specific example for Truckee Donner PUD, the electric utility recently hosted a stop on NCPA’s annual State/Federal Legislative Staff Tour was attended by over 30 State/Federal legislative staff and which visited Truckee on July 18, 2024. This included a tour of some activities of Truckee Donner PUD’s SB 901 Wildfire Mitigation Plan including the removal of a few large hazard trees that were in proximity to our overhead electric power line. This wildfire safety project today does not require a water discharge permit as the project area is below	The General Order was revised to refer to discharges and proposed discharges. The Water Boards have the authority to regulate the discharge or proposed discharge of waste pursuant to Water Code section 13260. Proposing to discharge waste includes a person who has undertaken actions that could cause a potential discharge of waste to occur that may affect state surface waters or groundwater. The scope of the General Order is not limited to only those activities described in a wildfire mitigation plan or in a high fire threat district. Instead, the General Order identifies a number of other criteria, including distance from waters and size combined with slope and erodibility considerations to focus on discharges that pose a higher threat to water quality.

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			the current project area thresholds, the project area is nowhere close to WOTS, and is located in a forested area with the closest manmade feature downhill from the project being six lanes of Interstate 80 and urban areas. However, only because the work was conducted on a hillside with access by a dirt road, this project may require a new permit with no obvious benefit to WOTS (see Figure 1). [Photograph, Figure 1: Truckee Donner PUD Hazard Tree Removal Potentially Impacted by Draft GO]	
14	14.4	Truckee Donner PUD	Urban Areas Should be Completely Excluded and Not Limited by Proximity in a High Fire Threat Area: We support the exclusion of Urban Areas from the Draft GO. The intent of the Draft GO is to capture work that might have or will have impacts on WOTS. Most work within urban areas will not have such impacts, as noted in the Draft EIR, which observed that utility work performed in urban areas are often conducted on impervious surfaces. Soil disturbance is less likely in urban areas, irrespective of whether an HFTD overlays that urban area, which greatly reduces potential impacts to WOTS. There are several areas in the state where an HFTD overlays an urban area, which would pull unnecessary activities within the scope of the Draft GO. State Water Board staff have stated that the intent of the Draft GO is to focus on rural areas but the inclusion of HFTD areas is inconsistent with this stated goal. Truckee Donner PUD does not believe that including urban HFTDs serves the purpose and intent of the Draft GO as expressed by staff. The objective is to cover activities that impact WOTS and not activities simply because they are located in HFTDs or associated with wildfire mitigation activities. Without an independent risk analysis that shows a greater likelihood of impact on waters from wildfire mitigation and restoration activities simply because they are located in an HFTD, it does not make sense to include those areas within the scope of the Draft GO. As such, Urban Areas should be excluded without limitation from the scope of the Draft GO.	See response to comment 3.14.

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			As a specific example for Truckee Donner PUD, the electric service territory is roughly 4 x 10 miles and is considered an urban area with ~2/3 being in a high fire threat area. While a small portion of the electric utility service territory is in high fire threat areas adjacent to Waters, the vast majority is in forested mountainous areas with storm water controls as required in urban areas. Truckee Donner PUD has an extensive overhead electric distribution system that we access on paved roads, but which are in a high fire threat area. One example is provided in Figure 2. [Photograph, Figure 2: Truckee Donner PUD pole replacement in urban area that is a high fire threat area.]	
14	14.5	Truckee Donner PUD	The Draft GO Should Clarify that all Water of the State are Included Except for Groundwater: The Draft GO covers activities that have the potential to discharge waste to WOTS. WOTS, as defined in the State Water Board's Procedures for Discharges of Dredged or Fill Material to Waters of the State is defined to include "any surface water or groundwater, including saline waters, within the boundaries of the state." The scope, descriptions, and conditions of the Draft GO appear to focus only on surface water. Application of the Draft GO contents to groundwater seems improbable without significant revision. Additionally, staff has stated that the intent of the Draft GO is not to cover groundwater, and the Truckee Donner PUD agrees that groundwater should be excluded from the scope. The discrete delineations of surface water are ascertainable to determine whether a particular activity is within the scope of the Draft GO. The distance buffers embedded within the descriptions of project activities assist with determining whether permit coverage is necessary. However, groundwater is less easily ascertainable. Truckee Donner PUD suggests that the final General Order clarify that groundwater is not within the scope of coverage. Groundwater goes beyond the intended scope of the Draft GO, and the text should clearly state this. Erosion control and other measures to minimize impacts on	See response to comment 14.5.

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			groundwater would be nonsensical. In addition, the conditions that would need to be developed to address groundwater would be burdensome for electric utilities. Should groundwater remain within the scope of the Draft GO, we request that State Water Board staff clarify how electric utilities should measure the potential or actual impacts to groundwater from the project activities.	
14	14.6	Truckee Donner PUD	We request additional consideration for the administrative burdens this Draft GO will place on electric utilities: Aside from the specific requests included in this letter, Truckee Donner PUD requests additional consideration for the administrative burdens the Draft GO will place on electric utilities. The increased administrative burdens will have resulting financial implications, as additional resources will be needed to ensure compliance. These additional costs will need to be borne by the POU customers and electric cooperative customer-owners, drawing valuable resources away from broader wildfire mitigation activities. Wildfire mitigation activities, including vegetation management, are continuous responsibilities for electric utilities. Onerous permitting and reporting requirements that slow down the process result in reducing the amount of mitigation work a utility can complete.	Please see the cost consideration discussion at the end of this document.
14	14.7	Truckee Donner PUD	We thank staff for engaging with Truckee Donner PUD and the Joint POUs to address our concerns while working to develop a workable General Order. We will remain engaged to be a resource for staff. If you have any questions regarding these comments, please contact Steven Poncelet at (530) 582-3951 or stevenponcelet@tdpud.org .	Comment noted.
15	15.1	Western Wood Preservers Institute (WWPI), North American	The Western Wood Preservers Institute (WWPI), North American Wood Pole Council (NAWPC), and Treated Wood Council (TWC) are pleased to provide background information in response to the Utility Wildfire and Similar Operations and Maintenance Activities, proposed by the California State Water Resources Control Board. Our organizations believe that the Utility Wildfire General Order is not neutral on material type. The proposal favors steel over wood products,	Comment noted.

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		Wood Pole Council (NAWPC), and Treated Wood Council (TWC)	which continues to outperform steel. As we explain below, there is no evidence to support the assumption or conclusion that the use of a different material type other than wood will perform better in a wildfire or natural disaster. We propose the following changes to maintain neutrality. WWPI is a non-profit trade association founded in 1947 to serve the interests of the preserved wood industry in western North America, including California. WWPI is a resource that works with federal, state, and local agencies, as well as designers, contractors, and users over the entire preserved wood life cycle. NAWPC represents the treated-wood utility pole industry in North America. NAWPC member companies produce industrial preservative-treated sustainable wood pole structures that are critical to the North America's electrical, transportation, and industrial infrastructure. TWC is an international trade association, serving the treated wood industry with more than 560 member organizations, including those with 25 headquarters and/or facilities in California [Anderson, Arbuckle, Arcata, Bakersfield, Burney, Chinese Camp, Eureka, Fontana (2), Fullerton, Lincoln, Morgan Hill, Quincy, Riverbank, Sacramento (2), Santa Rosa, Scotia, Shasta Lake, Sonora, Ukiah (2), Weaverville, Weed, and Woodland]. Together our member companies manufacture more than 98% of all treated wood utility poles, and therefore, are very concerned about the proposed Utility Wildfire and Similar Operations and Maintenance Activities. We support the hardening of power and telecommunications systems to prevent and minimize the impact of wildfires and other natural disasters.	
15	15.2	Western Wood Preservers Institute (WWPI),	In Project Description (III), subcategory H Structural Conversion, the example provided incorrectly assumes that a steel pole or lattice tower is stronger than a wooden pole or lattice tower, yet the example is material-type neutral for H-frames which can also be built with wood. Steel, wood and any other materials appropriate for building utility	The General Order was not revised in response to this comment. The General Order does prescribe which alternative construction materials dischargers should considered or used in infrastructure replacement projects, provided they comply with all water quality protection requirements.

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		North American Wood Pole Council (NAWPC), and Treated Wood Council (TWC)	systems all have structural properties with defined values which allow any of these materials to be used to engineer and build structures which are equally capable of carrying the required loads. No one material is any “stronger” than another in this context. That said, when it comes to over-loading (applying a greater load to the structure than what it was designed to carry), wood structures are significantly less likely to fail than structures made of steel or other non-wood materials. This is because the structural capabilities of non-wood materials are relatively precise, whereas wood has a much broader coefficient of variation due to the range of its natural characteristics. That is, the structural capabilities of a given wood pole might vary by as much as 20% while steel, prestressed concrete and composite fiberglass wood poles will vary by only 5% or less. Knowing that wood has high variability from piece to piece, its design values are conservatively set at the low end of the range. As a result, any given wood pole might be capable of carrying loads that are 20% (or more) greater than the maximum load the pole is designed to carry. Extrapolated across an entire overhead system, this high coefficient of variation makes wood substantially more likely to remain upright even when severe conditions result in loadings above rated capacities that engineers had anticipated. (Unique Overload Capacity of Wood Poles). For overall reliability, wood should be the material of choice. If utilities plan to harden their systems, the use of wood poles designed to the higher loads – rather than alternate material poles – will result in a more reliable system due to the greater inherent overload capacity of wood poles. Regarding wildfire, no materials are impervious to damage from fire; wood poles can burn while poles of other materials simply lose structural capacity when exposed to the heat of a wildfire. For fire protection, new technologies have been developed to protect wood poles from burning. Pole wraps have emerged as an effective and economical way to protect poles against fire. These wraps can be	

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			applied to new poles as well as those already in the field. Wraps can be applied using common tools and the labor required to protect the poles is minimal compared to the labor required for undergrounding. Pole wraps consist of a wire or fiberglass mesh covered with an intumescent coating. When exposed to heat, the intumescent coating expands to create a protective, insulating barrier between the fire and the wood. The wraps are durable once installed and can withstand extreme weather. You can read more about this fire protection in the newest NAWPC's Technical Bulletin Wildfire Mitigation: Materials Science & Wood Pole Protection. NAWPC's website, www.WoodPoles.org houses a technical library filled with valuable resources regarding resilience of overhead systems. A publication worth noting is the Technical Bulletin - Sustainable Wood Pole Design for Overhead Systems, which presents alternatives to sustainably improve overhead system resiliency. In conclusion, there is no evidence to support the assumption or conclusion that the use of a different material type other than wood will perform better in a wildfire or natural disaster.	
15	15.3	Western Wood Preservers Institute (WWPI), North American Wood Pole Council (NAWPC), and Treated Wood Council (TWC)	To ensure the safety and reliability of our infrastructure and to remain material neutral, we suggest the following changes in Project Description (III), subcategory H Structural Conversion to the following: "H. Structural Conversion: structural conversions; for example, conversion of a single pole to an H-Frame structure, ~~tubular-steel-pole~~ or lattice ~~steel~~ tower that results in: ..."	See response to comment 15.2

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15	15.4	Western Wood Preservers Institute (WWPI), North American Wood Pole Council (NAWPC), and Treated Wood Council (TWC)	If you have any questions about this information or our suggestions, please contact the WWPI Director of Government Relations, Mr. Ryan Pessah, at (619) 889-1666 or ryan@wwpi.org.	Comment noted.

Cost Consideration Discussion

Introduction

The General Order covers electric utility wildfire risk mitigation, response, and cleanup activities that discharge or propose to discharge waste into waters of the state. Unless projects qualify for existing Water Quality Certifications (WQC) and/or Waste Discharge Requirements (WDR), like the General Order WQ 2021-0048-DWQ for NWP 12, 57, and 58, Utilities must secure costly and time-intensive individual permits when conducting these activities.

This analysis evaluates the General Order's increased cost of compliance relative to current Water Board requirements (i.e., current Water Board requirements are not analyzed). The General Order was designed to complement the National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (CGP) and avoid duplicative or conflicting requirements. As a result, this cost analysis does not include the existing CGP compliance costs. In addition, projects enrolled in the CGP are not required to prepare the General Order's Erosion and Sediment Control Plan or conduct the associated inspections because the CGP's Stormwater Pollution Prevention Plan satisfies the requirement.

Costs of Compliance

Utility enrollment in the General Order would result in additional costs that are not required by other WQC and/or WDRs. However, this analysis assumed Utilities already implement standard operating procedures comparable to the General Order's conditions. The additional costs include an upfront adaptation of internal processes to the streamline General Order use. After

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adaptation, those costs would be minimized and/or negligible. Listed below are assumptions about Utility standard operating procedures, an outline of the upfront administrative adaptation, and finally the potential additional new costs not typically required by the standard WQCs and/or WDRs.

Assumptions

1. Utilities currently track their future and active projects.
2. Utilities currently conduct tailgate meetings that include discussion of compliance with environmental regulations, which can be used to satisfy the General Order's Environmental Awareness Training (IV.D.5) and designated on-site compliance monitor (IV.D.6).
3. Utilities have conducted Environmental Awareness Training and have applicable resources for different areas in their region. As a result, there are templates for training documents and materials available.
4. Utilities currently implement at least some erosion and sediment control best management practices for some projects as a standard process and these methods can be used for the development of Erosion and Sediment Control Plans.
5. Utilities have conducted projects (e.g., in-water work or updating exiting water crossings) in compliance with U.S. Army Corps of Engineers Section 404 permitting and/or Water Board Dredge and Fill Procedures, which include conditions to prevent discharge from uplands.

How the General Order Changes Current Utility Practices

Upfront Administrative Costs:

1. Develop automated analyses to determine project eligibility using geospatial information readily available.
2. Aggregate all eligible projects into a single list to be updated with each new project.
3. Update internal erosion and sediment control guidelines to be used for the programmatic Erosion and Sediment Control Plans and individual project template purposes.
4. Accumulate Utility's restoration documents, required by prior permits, to use as source material for the General Order's Vegetation Management Offset Plans.

Additional Ongoing Costs for Utility Order Enrollment:

1. Submit Category A project list to Water Board Staff upon request.
2. Adapt internal erosion control procedures and previously permitted restoration plans to specific projects.
3. Inspections and reporting for Erosion and Sediment Control Plans and/or Vegetation Management Offset Plans
4. Implement the General Order's conditions for access route drainage structure design and installation.
5. Remove felled trees from waters of the state.
6. Tribal Cultural Resources Coordination
 - a. Records search
 - b. Coordination with Tribes
 - c. Monitoring and mitigation measures
7. Enrollment of upland projects triggered by the General Order that don't propose the in-water work normally requiring a Section 404 permit.

Cost Variability

The Water Board recognizes there will be a high variability in costs for projects covered under the General Order. Cost variability factors include: 1) activity category; 2) size and location; 3) construction schedule and duration; 4) types of impacts to waters of the state; 5) Construction General Order overlap; and 6) Utility size and service area. Below is a more in-depth discussion of each variable and their impact on overall cost for implementation of the General Order.

1. **Activity Category**

Generally, projects enrolled under Category A (non-notifying) cost less than those under Category B (NOI required). Additional costs for Category B projects include preparation of the NOI and supplemental documents, monitoring and reporting, application and project fees, and Tribal and cultural resource report submission.

2. **Size and location**

The size (area) and location of the project significantly influences cost. Larger projects generally have greater soil disturbance and therefore require a greater quantity of erosion and sediment control Best Management Practices (BMPs), which increase cost. Projects located in remote areas will have higher travel costs for compliance monitoring and material transport. In addition, projects located along steep mountain slopes will also require a greater quantity of erosion and sediment control BMPs.

3. **Construction schedule and duration**

Projects with a longer duration will have greater costs associated with staffing, monitoring, and reporting. Projects with work scheduled during the rainy season will also have increased costs due to additional erosion and sediment control BMPs.

4. **Types of impacts to waters of the state**

The amount and type of impacts to waters of the state will influence project costs. For example, projects with permanent impacts to waters of the state will require compensatory mitigation which may include the purchase of mitigation bank credits. In addition, since Category B fees are based on discharge area, projects with larger area of impacts to waters of the state will have higher fees. Also, in-water work and other projects with a greater threat of discharge require water quality monitoring.

5. **Construction General Permit overlap**

Projects covered under the CGP for all or part of the activities, are exempt from certain requirements under the General Order such as preparing an Erosion and Sediment Control Plan and conducting the associated inspections.

6. **Utility Size and Service Area**

The Utility's internal size, number of customers, and the span of the service area will affect General Order enrollment and implementation cost. Smaller publicly owned utilities and electric cooperatives located in rural areas could be disproportionally impacted by the General Order as compared to larger, privately owned Utilities.

Conclusion

The General Order is designed to streamline permitting for Utility wildfire mitigation projects by avoiding individual permits. While it introduces some new costs, particularly for upland activities and Tribal consultation, many requirements align with existing Utility practices. Additionally, as Utilities invest in upfront adaptations to implement the General Order (e.g., project tracking, automated geospatial analyses, and template development from existing projects), many administrative and reporting costs will be subsequently negligible and/or minimized.

Utility comments did not provide sufficient cost details for the Water Board to fully attribute costs or confirm the projected number of projects accurately reflects the scope of the General Order. The provided cost estimates also appeared to not account for conditions that are routinely imposed as part of section 401 certifications or WDRs regulating dredged or fill material that prevent discharges to waters from out-of-water work. Importantly, the General Order was revised such that the projected number of covered projects will likely need to be

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adjusted and the associated costs revised. As a result, the Water Board can only offer a general discussion at this time. Staff plan to reassess the number of covered activities one year after implementation, using collected data to evaluate potential scope refinements.

Through collaboration with Utilities, the General Order was revised to reduce implementation costs by including: a non-notifying process for low-risk Category A projects, consolidated enrollment with programmatic documents for multiple projects, and excluding lower-threat projects (i.e., projects more than 50 feet from waters of the state and disturbing less than 0.5 acre of soil). Furthermore, absent this General Order, Utilities would need to obtain individual certifications and/or WDRs, which would be more costly because of the time it would take to apply for and obtain such authorizations and the uncertainty associated with individual authorizations. When a Utility fails to obtain WQCs/WDRs, it faces substantial enforcement fines, along with the internal proceedings and time required to address these penalties. Consequently, the opportunity cost of non-enrollment underscores the cost savings associated with enrolling in the General Order, as these penalties often exceed the cost of compliance. By enrolling, Utilities can minimize financial risk, streamline regulatory compliance, and ensure continued operations without enforcement-related disruption.