

STATE WATER RESOURCES CONTROL BOARD
UTILITY WILDFIRE OPERATIONS AND MAINTENANCE ACTIVITIES CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND GENERAL WASTE DISCHARGE REQUIREMENTS

FINAL ENVIRONMENTAL IMPACT REPORT

SCH # 2022020125

August 2026

Prepared by:
State Water Resources Control Board
Division of Water Quality
1001 I Street
Sacramento, CA 95814

CALIFORNIA
Water Boards
STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

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I INTRODUCTION

I.A Background

As the lead agency in accordance with sections 15089 and 15132 of the California Environmental Quality Act (CEQA) Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), this document is the Final Environmental Impact Report (Final EIR) for the adoption of the Utility Wildfire and Similar Operations and Maintenance Activities Clean Water Act (CWA) section 401 Water Quality Certification (WQC) and General Waste Discharge Requirements (General Order). The General Order authorizes the discharge of dredged or fill material to waters of the state, including all waters of the United States (US), resulting from Utility Activities throughout California. In addition to the Water Boards' authority under CWA section 401, the State Water Board also has authority over projects that involve discharges of dredged or fill materials into waters of the state that are not within the jurisdiction of Clean Water Act under the Porter-Cologne Water Quality Control Act. The General Order also includes waste discharge requirements (WDR) authorizing the discharge of waste, not limited to the discharge of dredged or fill material, to waters of the state.

I.B Public Review of Draft EIR

The State Water Board released the Draft General Order and Draft EIR for a 78-day public comment period. In addition to the electronic availability of the Draft EIR on the State Water Board's website and at the State Clearinghouse, copies of the Draft General Order and Draft EIR were sent directly to federal agencies, state agencies, environmental groups, utilities, and consulting tribes.

The documents were released for public comment on June 28, 2024. The State Water Board staff held a public workshop to provide an overview of the Draft General Order and EIR on July 23, 2024. The State Water Board held a public hearing (virtual and in-person) to accept oral comments on the General Order and supporting EIR on August 20, 2024. On August 23, 2024, the State Water Board posted a Revised Notice of Opportunity for Public Comment to extend the end of the written comment period from August 30, 2024 to September 13, 2024. The State Water Board provided an additional comment period on only the revised Draft General Order from March 28 to April 29, 2025. The State Water Board did not accept comments on the Draft EIR during this comment period.

I.C Requirements for the Final EIR

As described in the CEQA Guidelines (Cal Code Regs., tit. 14, § 15000 et seq.), specifically sections 15088, 15089, 15090, and 15132, the State Water Board as lead agency must evaluate comments received on the Draft EIR, prepare written responses to significant environmental points raised, certify the EIR, and consider the information in the EIR before approving the project. Pursuant to CEQA Guidelines section 15132, a final EIR consists of: (a) the draft EIR or a revision of the draft EIR; (b) comments and recommendations received on the draft EIR either word for word or in summary; (c) a

list of persons, organizations, and public agencies commenting on the draft EIR; (d) the responses of the lead agency to significant environmental points raised in the review and consultation process; and (e) any other information added by the lead agency.

Section 15088(c) of the CEQA Guidelines specifies that the focus of the responses to comments shall be on the disposition of significant environmental issues. Responses are not required on comments regarding the merits of the project or on issues not related to the environmental impacts of the General Order.

I.D Changes to the Draft EIR

Although some of the response to comments have resulted in changes to the text of the Draft EIR (see Chapter 3, "Changes to the Draft EIR"), none of the changes constitute "significant new information" as defined in section 15088.5(a) of the State CEQA Guidelines, which would require recirculation of the Draft EIR. Examples of significant new information that would require recirculation include disclosures showing that:

- A significant new environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

I.E Organization of the Final EIR

The Final EIR consists of: (1) the Draft EIR and associated appendices that were distributed in June 2024, and (2) this amendment that shows changes compared to the Draft EIR, and revised appendices. The Final EIR is organized as follows:

Chapter 1 Introduction to the Final EIR provides background information and a summary of the General Order, and introduction and overview of the Draft EIR and Final EIR.

Chapter 2 Comments on the Draft EIR and Responses provides a list of commenters on the Draft EIR, contains copies of the letters received during the public comment period, and responses to those comments.

Chapter 3 Changes to the Draft EIR presents revisions to the Draft EIR text made in response to comments, or by the State Water Board to amplify, clarify, or make minor modifications or corrections. Changes to the text are signified by strikethroughs where text was removed and by underline where text was added. None of the changes required recirculation prior to adoption.

Chapter 4 References identifies the documents used as sources for the Final EIR (not initially included in the Draft EIR).

Appendices:

- **The Draft EIR released on June 28, 2024**
- **Revised Appendix A Findings and Statement of Overriding Considerations**
- **Revised Appendix B Mitigation Monitoring and Reporting Program**
- **Revised Appendix C General Order**
- **New Appendix D Response to Comments Table**

II COMMENTS ON THE DRAFT EIR AND RESPONSES

This chapter contains the copies of the letters in their entirety received on the Draft General Order and Draft EIR during the first public comment period, which concluded on September 13, 2024. Written responses are provided to comments that address environmental issues in Section 2.3, in conformance with section 15088(a) of the State CEQA Guidelines. The State Water Board also received oral comments during the August 20, 2024 public hearing. However, none of the oral comments were on the EIR itself. Therefore, a summary of the oral comments is not provided in this section.

The State Water Board did not accept comments on the EIR during the second comment period, which occurred from March 28 to April 29, 2025. Therefore, the comment letters are not included.

II.A List of Commenters

The State Water Board received a total of 16 comment letters on the Draft General Order and Draft EIR during the June 28 – September 13, 2024 comment period. The commenters included public agencies, utilities and utility associations, non-profit organizations, and the general public.

Table 1 - List of Commenters

Commenter(s)	Submitted by:
California Council for Environmental and Economic Balance	Tim Carmichael
California Department of Transportation	Jacob Hernandez
California Municipal Utilities Association Southern California Public Power Authority Northern California Power Agency Golden State Power Cooperative	Andrea Abergel Natalie Seitzman Scott Tomashefsky Jessica Nelson
Central Valley Flood Protection Board	Andrea Buckley
City of Santa Cruz	Chris Berry

General Public	Larry Landis
General Public	Robert Johnston
Golden State Power Cooperative	Jessica Nelson
Los Angeles Department of Water and Power	Katherine Rubin
PacifiCorp	Sherry Liguori
Pacific Gas & Electric Southern California Edison San Diego Gas & Electric Pacificorp California Municipal Utilities Association Northern California Power Agency Southern California Public Power Authority Golden State Power Cooperative	Richard Haywood
Pacific Gas and Electric Company	Brooke Reilly
Sacramento Municipal Utility District	Joshua Stoops Joy Mastache
San Diego Gas and Electric Company	Erica Martin
Truckee Donner Public Utility District	Brian Wright
Western Wood Preservers Institute North American Wood Pole Council Treated Wood Council	Butch Bernhardt Kevin Ragon Jeffrey Miller

II.B Comment Letters

Comment letters received during the first public comment period are provided below. Responses to comments can be found in Appendix D.

California Council for Environmental and Economic Balance
369 Pine Street, Suite 720, San Francisco, CA 94104
(415) 512-7890 | cceeb.org

Public Comment
Utility Wildfire General Order and EIR
Deadline: September 13, 2024 by noon

Submitted electronically via commentletters@waterboards.ca.gov

RECEIVED
by SWRCB Board Clerk on September 13, 2024

September 13, 2024

Ms. Courtney Tyler
Clerk to the Board
State Water Resources Control Board
1001 I Street, 15th floor
Sacramento, CA 95814

RE: Comments – Utility Wildfire General Order

Dear Ms. Tyler:

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.

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.

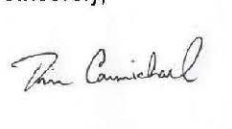
In this regard, CCEEB and its utility members recommend the following in line with our utility members' feedback:

- 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.
- 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.
- 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.
- Adjust environmental monitoring and reporting requirements under the draft General Order with particular focus on excluding the environmental monitor requirements associated with Category A projects, clarification on Water Quality 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.
- 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 who have opted in to receive project updates for this draft General Order.
- CCEEB and its members respectfully request flexibility be incorporated to allow for a programmatic or per-project basis for outreach and coordination with Tribes.
- Finally, CCEEB recommends removing the requirement for tribal coordination when a project already has an agency conducting such consultation through its established policies.

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.

Sincerely,



Tim Carmichael
President

CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, GOVERNOR

California Department of Transportation

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50 HIGUERA STREET | SAN LUIS OBISPO, CA 93401-5415
(805) 549-3101 | FAX (805) 549-3329 TTY 711
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Public Comment
Utility Wildfire General Order and EIR
Deadline: September 13, 2024 by noon

July 24, 2024

SCH #2022020125



Courtney Tyler, Clerk of the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95814

RE: Waste Discharge Requirements and CWA Section 401 WQC for the Statewide Utility Wildfire General Order DEIR

Dear Ms. Tyler:

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:

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. Future development along the State Highway that may impact Caltrans drainage systems flow may require subsequent approval and permits.

8. 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.

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.
Sincerely,

Jacob Hernandez

Jacob Hernandez
Transportation Planner
District 5 Local Development Review Coordinator

"Provide a safe and reliable transportation network that serves all people and respects the environment"









September 13, 2024 Submitted via email to: commentletters@waterboards.ca.gov

Public Comment
Utility Wildfire General Order and EIR
Deadline: September 13, 2024 by noon

Courtney Tyler, Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Subject: CMUA, NCPA, SCPPA, and GSPC Comments on Draft Electric Utility Wildfire General Order



Dear Ms. Tyler,

The California Municipal Utilities Association (CMUA)[1], Northern California Power Agency (NCPA)[2], Southern California Public Power Authority (SCPPA)[3], and Golden State Power Cooperative (GSPC)[4] (together, the "Joint Utilities") 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). 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

[1] CMUA is a nonprofit trade association that represents over 40 publicly owned electric utilities in the State of California.
[2] NCPA is a nonprofit California joint powers agency established in 1968 to construct and operate renewable and low-emitting generating facilities and assist in meeting the wholesale energy needs of its 16 members: the Cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Shasta Lake, and Ukiah, Plumas-Sierra Rural Electric Cooperative, Port of Oakland, San Francisco Bay Area Rapid Transit (BART), and Truckee Donner Public Utility District—collectively serving nearly 700,000 electric consumers in Central and Northern California.
[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.
[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".

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.

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 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.[5] Likewise, seasonal permits might be appropriate for certain areas of the state for electric utilities that perform seasonal project activities that are related.

[5] 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.

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.[6]

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.

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

[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).

state's waters. 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[7] and removing criterion "d" regarding slopes to qualify as Category A projects.

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. Lastly, to avoid ambiguity, the Draft GO should also include a definition or cross-reference a definition of what is meant by "heavy equipment."

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 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

[7] Section IV.D.5.

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.

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[8] for each specific project activity. This would limit each project activity to only those projects that disturb soil in excess of this threshold.

B. The slope and erodibility characteristics are not an appropriate determining factor for inclusion in Category A or B.

[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/utils/getfile/collection/p16021coll7/id/16844; see also NWP 12 (oil and gas pipelines), NWP 14 (linear transportation projects).

The proposed language applies two quantitative values, one of slope gradient (30%) and one of soil detachability (Kf = 0.2+), to project activity as thresholds for either enrolling under Category A or Category B.[9] 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.[10] 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.

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,[11] 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 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

[9] Section IV.E.1.d.
[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.
[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.

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).

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 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:

~~1.~~ soil disturbance greater than 1/10-acre 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.~~

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. 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.[12] ~~, 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.~~

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.

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.

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

[12] This language is borrowed from the CA Forest Practice Rules, Tile 14 California Code of Regulations §§ 914.2, 934.2, 954.2.

urban areas are often conducted on impervious surfaces.[13] 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. 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.



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.

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

[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.

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."[14]

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.

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.[15] These requirements include performing records searches, requesting sacred lands inventories, and potentially conducting a consultation 120 days prior to performing the work, among other requirements.[16] POUs 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 Categorically 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.

---

[14] State Water Resources Control Board, *State Policy for Water Quality Control: State Wetlands Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State*, 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).

[15] Section IV.E.

[16] See Section IV.G.

[17] See Public Resources Code 21080.3.

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 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.

Sincerely,
Andrea Abergel
Manager of Water Policy
California Municipal Utilities Association

Natalie Seitzman
Energy Policy Advocate
Southern California Public Power Authority

Scott Tomashefsky
Regulatory Affairs Manager
Northern California Power Agency

Jessica Nelson
General Manager
Golden State Power Cooperative

CC: Jean Bandura, State Water Resources Control Board
Paul Hann, State Water Resources Control Board
Liz Reece, State Water Resources Control Board
Serena Liu, State Water Resources Control Board

Docusign Envelope ID: 92ECC793-17B9-4AD7-9193-702A8F299CD4

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY GAVIN NEWSOM, GOVERNOR
CENTRAL VALLEY FLOOD PROTECTION BOARD
3310 El Camino Ave., Ste. 170
SACRAMENTO, CA 95821
(916) 574-0609

Public Comment
Utility Wildfire General Order and EIR
Deadline: September 13, 2024 by noon

August 19, 2024

RECEIVED
by SWRCB Board Clerk on August 19, 2024

Shawn Agarwal
Engineering Geologist
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95814
Shawn.Agarwal@Waterboards.ca.gov

Subject: Comments for the Draft Environmetal Impact Report; Waste Discharge Requirements and CWA Section 401 WQC for the Statewide Utility Wildfire General Order; SCH# 2022020125; Multiple Counties

Dear Shawn Agarwal,

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).

Responsibility of the Central Valley Flood Protection Board

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 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,

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Title 33, Section 408. The State's objectives include fulfilling the USACE's expectations pursuant to the assurances provided to the USACE.

Encroachment Permit
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 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.

Flood Impacts Analysis
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

Closing
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

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water ways. Board staff is available to discuss any questions you have regarding the above comments. Please contact Jordan Robbins at (916) 524-3454, or via email at Jordan.Robbins@CVFlood.ca.gov if you have any questions.

Sincerely,

Andrea Buckley

Andrea Buckley
Deputy Executive Officer

cc: Office of Planning and Research
State.Clearinghouse@opr.ca.gov

Public Comment
Utility Wildfire General Order and EIR
Deadline: September 13, 2024 by noon

RECEIVED
by SWRCB Board Clerk on August 23, 2024

From: Chris Berry
To: commentletters
Cc: Chris Berry
Subject: comments on Utility Wildfire General Order DEIR
Date: Friday, August 23, 2024 10:34:23 AM

Caution: External Email. Use caution when clicking links or opening attachments. When in doubt, contact DIT or use the Phish Alert Button.

To whom it may concern:

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:

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 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.

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.

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, ongoing weed removal, replanting with less fire-prone, 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.

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.

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 projects may help front load those ESA – related authorizations and ultimately help expedite in-water projects.

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.

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.

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.

Thank you for the opportunity to participate in this review. Please do not hesitate to contact me if you have any questions or concerns.

Chris Berry

Watershed Compliance Manager

City of Santa Cruz

(831) 420-5483

Public Comment
Utility Wildfire General Order and EIR
Deadline: September 13, 2024 by noon

August 2, 2024

RECEIVED
by SWRCB Board Clerk on August 9, 2024

Executive Director
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812-0100

RE: Proposed Morro Bay Power Company Battery Energy Storage System (BESS)

Dear Sir:

We are Morro Bay residents and business owners. We are concerned for the continued availability and reliability of Morro Bay's potable water supply when the proposed BESS suffers a thermal runaway and fire, requiring massive amounts of water to suppress and to fight the fire. In our responses to the Draft EIR for this project, we have asked the city of Morro Bay to deny the project. The need for large volumes of municipal water supply for firefighting and suppression is just one of our many concerns that makes the project untenable. We believe that you can help us avoid using our limited municipal water supply for non-domestic purposes.

If the city does certify the Final EIR and approve the project, we respectfully request you to issue an order consistent with §275 of the California Water Code to limit the amount of *municipal* potable water available for fire suppression and firefighting, and instead to require the BESS operator to provide sufficient resources for this purpose. (More details follow below.)

Based on recent news reports regarding Cal-Fire's efforts to suppress and extinguish the Otay Mesa BESS fire and thermal runaway, up to 20 million gallons were estimated to be required (See Attachment 1.) At least eight million gallons of water were eventually pumped over a two-week period (Attachment 2); and the Cal-Fire Public Information Office reported a maximum pumping rate of 2,000 gallons per minute for firefighting and suppression.†

Our municipal supply of potable water should NOT be ear-marked to provide such significant amounts of water on stand-by in order for the proposed BESS to operate safely. In fact, the city only has 3.5 million gallons of water tank storage capacity and typically provides approximately one million gallons daily to municipal users, with a maximum delivery rate from the State Water Project of 1,000 gallons per minute.* During times of drought, this source may not be reliable.

The occurrence of thermal runaway and fire at the proposed lithium-ion BESS is not a random risk nor idle speculation. In fact, the Executive Summary of the draft EIR indicates that the applicant is planning for this by proposing to upgrade the existing "fire water loop" to provide more water for suppression (sprinklers) and for firefighting, when a thermal runaway event and fire occur. Moreover, the scientific literature provides documentation that overheating and thermal runaway can be caused by external events that have actually occurred recently in Morro Bay, including physical shock (e.g., the 2003 San Simeon earthquake) and flooding. Fairly recent BESS fires in Monterey County and San Diego County highlight the fact that these events have occurred even when external causes such as earthquakes and flooding were absent; and the scientific literature** lists a myriad of potential causes inherent in lithium-ion batteries and their ventilation systems and shelters.

We concur with the operator that the aspiration for protecting lives and property during an emergency thermal runaway event at a BESS facility requires the availability of large volumes of water for firefighting and suppression. We respectfully suggest that this need should not rely on our municipal supply for its provision. We further note that the Basin Water Quality Control Plan lists fire protection as a beneficial use for seawater. (See Sec. 2.2.4 Industrial Service Supply, IND).

In this regard, California Water Code §106 declares that it is "the established policy of this state that the use of water for domestic purposes is the highest use of water..." [over all other uses]. Accordingly, we are requesting that the operator be required to provide water and water storage tanks sufficient to respond to a thermal runaway based on State Fire Marshal guidance, and to limit the amount of *municipal* potable water available for the proposed firefighting and suppression system, at least until the provided water supply and its replenishment system are exhausted. Depending on advance planning, threat assessment and availability, the lead fire agency would always be free to choose a water source to employ for emergency firefighting and suppression. The BESS operator should be free to obtain and store water from other non-municipal sources (e.g. seawater, desalinated seawater, water purchases, etc.), to meet the requirements of the State Fire Marshal.

Thank you for your consideration of our request. Please contact Larry Landis by SMS text, if there are questions or concerns.

Sincerely,

Larry R. Landis

Larry R. Landis
MS Environmental Engineering, USC, 1987; BS Chemistry, 1969 Fresno State
Lrlandis@my.com
Cell: (661)496-1398

(Additional signatures are attached below)

---

† Cal-Fire Public Information Officer Mike Carnet (619)590-3100, July 1, 2024.
* Data provided by Damaris Hanson, Utility Division Manager, City of Morro Bay, July 23, 2024.
** ACS Energy Lett. 2022, 7, 2725-273

Attachments:

1. Karen Velie, Cal Coast News.com, *Otay Mesa battery storage fire frightens Morro Bay residents,* May 31, 2024.
2. Rob Nikolewski, San Diego Tribune, June 20, 2024.

cc:

Office of State Fire Marshal
PO Box 944246
Sacramento, CA 94424-2460

City of Morro Bay
Planning Division
595 Harbor Street
Morro Bay, CA 93442

City of Morro Bay
Public Works Department
595 Harbor Street
Morro Bay, CA 93442

City of Morro Bay
City Manager
595 Harbor Street
Morro Bay, CA 93442

Att. 1

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Otay Mesa battery storage fire frightens Morro Bay residents

May 31, 2024



By KAREN VELIE

After more than two weeks, firefighters are still on scene at a battery storage facility fire in Otay Mesa in Southern California.

On May 15, the Otay Mesa facility erupted in flames. Because of the presence of lithium-ion batteries, firefighters were unsure how to put the fire out and how to keep it out.

"You have to put water on it to keep the fire confined, but that water damages the batteries also allowing them to arc starting another fire," said Cal Fire Capt. Brent Pascua. "We're just trying to keep the public safe and keep the fire contained to the building."

The fire is expected to consumed 15 to 20 million gallons of water. Within three hours of the fire's ignition, there were lethal amounts of Hydrogen Cyanide in the air, according to Cal Fire.

Issues with extinguishing the fire and the toxic gases released have given Morro Bay residents more reasons they do not want a battery storage facility in their city.

"The problem in Morro Bay is the location of the proposes battery storage facility," said Morro Bay resident Rachel Wilson. "It is proposed to be in the heart of a tourist area and approximately .31 miles from our high school. It is located between the tourist area and our iconic rock. If there were an incident at the facility, this community could not quickly evacuate. Those near the rock would have to drive towards the fire and the smoke could close down Highway 1, which is our only evacuation route."

Citizens for Estero Bay Preservation, a group of Morro Bay residents focused on preserving the city's coastline for the community and tourists, collected the required signatures to put a measure on the ballot to block the construction of a battery storage facility near the old power plant.

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Though relatively rare, lithium-ion batteries have experienced instances of what's called "thermal runaway," in which excessive heat leads to a chemical reaction that spreads to other batteries.

It took until May 31 at 10 a.m. for the last unit to clear the scene — nearly 17 days after the fire broke out.

Cal Fire officials estimated that crews sprayed 8 million gallons of water onto the site. The county's hazmat team tested water runoff and no toxic levels were reported. The crew also monitored smoke around the area and no dangerous levels were reported.

Opened in 2020, the Gateway facility is owned and operated by LS Power and its subsidiary, Rev Renewables.

In an email to the Union-Tribune, the company said it's still trying to figure out the precise cause of the fire and assessing the damage to the 95,000 square-foot facility that stores about 6,700 racks of batteries.

Cleanup inside the building at the fire's epicenter is expected to take several months, company officials said, and preliminary work has begun to get the facility's other six buildings up and running again.

"While this event is unfortunate, we aim to do right by all our stakeholders," the company said. "Safety is and always will be our No. 1 priority."

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KIRSTEN WOTTJE
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MARY ELAINE HART
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Richard Barrera
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Steven Sharp
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August 2, 2024
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August 2, 2024
State Water Resources Control Board

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Margret McCall
Margret McCall

Gary Kuris
GARY KURIS

Gail Johnson
Gail Johnson

Paul F. Donnelly
Paul F. Donnelly

More signatures are attached on the following pages.

S. MARTIN
S. MARTIN

Valerie Johnson
Valerie Johnson

Deborah Arnoldi
Deborah Arnoldi

Janet Sears
Janet Sears

July 29, 2024

AUG 6 2024

Courtney Tyler, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000

Re. Comments on the Draft Utility Wildfire General Order and EIR, June 28, 2024

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.

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 has been applied. It is generally not an effective investment of limited resources when compared to other wildfire mitigation actions.

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.

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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 OEIS 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 treated circuits (reported in SCE's WMPs.) Please add Digital Circuit Breakers to the list of utility activities.

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.

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.

Thanks for your attention to these Comments.



Robert A. Johnston
Professor Emeritus, University of California, Davis
PO Box 579, Pt. Reyes Sta., CA 94956

Public Comment
Utility Wildfire General Order and EIR
Deadline: September 13, 2024 by noon

Golden State Power Cooperative
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Graeagle, CA 96103
gspower.org

RECEIVED
by SWRCB Board Clerk on September 13, 2024

September 13, 2024

Courtney Tyler, Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
commentletters@waterboards.ca.gov

Re: GSPC Supplemental Comments on Draft Utility Wildfire General Order

Dear Ms. Tyler:

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.

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*.[1] Utilities across the state are already contending

[1] Cal. Pub. Util. Code (PUC), section 2776.

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.

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 permanent 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, provided however that traversing such access routes is not defined as soil disturbance. 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.~~

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.

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 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~~ 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.

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.

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 mitigation activities.

We thank staff for their patience and thoughtful engagement with California's not-for-profit electric utilities.

Sincerely,

Jessica Nelson
General Manager

Los Angeles Department of Water & Power
BUILDING A STRONGER L.A.

Karen Bass, Mayor

Board of Commissioners
Richard Katz, President
George S. McGraw, Vice President
Nurit D. Katz
Mia Lehrer
Wilma J. Pinder
Chante L. Mitchell, Secretary

Janisse Quiñones, Chief Executive Officer and Chief Engineer

Public Comment
Utility Wildfire General Order and EIR
Deadline: September 13, 2024 by noon

RECEIVED
by SWRCB Board Clerk on September 13, 2024

September 13, 2024

Ms. Courtney Tyler, Clerk to the Board
State Water Resources Control Board
1001 I Street, 15th Floor
Sacramento, CA 95814

Dear Ms. Tyler:

Subject: Comment Letter – Draft Utility Wildfire and Similar Operations and Maintenance Activities Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements General Order and Associated California Environmental Quality Act Environmental Impact Report

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 150' to 50' in alignment with the 2022 Construction Stormwater General Permit (CGP). However, LADWP still has concerns with the Draft General Order, in addition to needed clarification regarding requirements which have been added to the current draft.

111 N. Hope Street, Los Angeles, California 90012-2607 Mailing Address: PO Box 51111, Los Angeles, CA 90051-5700
Telephone (213) 367-4211 ladwp.com

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.

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.

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)."

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 [. . .]."

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.

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.

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.

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.

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.

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.

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: [. . .]"**

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..."

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.

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.

LADWP recommends that requiring replacement of vegetation for fire mitigation be removed from the Draft General Order.

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 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:

- 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.

- 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.

- 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.

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.

Sincerely,

Katherine Rubin

Digitally signed by Katherine Rubin
Date: 2024.09.13 11:47:53 -07'00'

Katherine Rubin
Director of Corporate Environmental Affairs

RY/JB:ao/ar
c: Mr. Joaquin Esquivel, Chair, SWRCB
Ms. Dorene D'Adamo, Vice Chair, SWRCB
Mr. Sean Maguire, Member, SWRCB
Ms. Laurel Firestone, Member, SWRCB
Ms. Nichole Morgan, Member, SWRCB
Ms. Paul Hann, SWRCB
Ms. Jean Bandura, SWRCB
Ms. Shawn Agarwal, SWRCB
Ms. Maria Depaz
Mr. Jared Brock
Ms. Ashley Olmeda
Ms. Robin Yamada

Public Comment
Utility Wildfire General Order and EIR
Deadline: September 13, 2024 by noon

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RECEIVED
by SWRCB Board Clerk on September 13, 2024

Lloyd Center Tower Rm 1800
825 NE Multnomah
Portland, OR 97232

September 13, 2024

VIA ELECTRONIC FILING

Courtney Tyler, Clerk to the Board
State Water Resources Control Board
1001 I Street, 15th Floor
Sacramento, CA 95814
commentletters@waterboards.ca.gov

Re: Draft Statewide Utility Wildfire General Order

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 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.

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 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.

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 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.

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 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.

Comment 3 - Streamlining Category A Activities

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 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.

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.

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 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.

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.

Respectfully,



Sherry Liguori
Environmental Director
PacifiCorp

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Attachment A – Detailed Comment Table

Comment Number	GO Section	GO Language	Comment
6	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.	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 damage of the wildfire itself. Routine operations and maintenance activities do not share these same issues.

Comment Number	GO Section	GO Language	Comment
7	II.R (pg 6)	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.	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.

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Comment Number	GO Section	GO Language	Comment
8	III. (pg 8)	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.	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.
9	III.A.1-3 (pg 8)	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.	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.

Comment Number	GO Section	GO Language	Comment
10	III.B	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.	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 is unlikely to occur as a result of herbicide application. Therefore, by following existing procedures, discharges to receiving water bodies are unlikely.
11	III.E, G, H, I, L	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.	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.
12	IV.E.2.b.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.	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.
13	IV.F.9.b.	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	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.

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Comment Number	GO Section	GO Language	Comment
14	IV.F.11	Access Route Construction, Decommission and Maintenance Activities	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".
15	IV.F.11.c	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.	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 ***where feasible.***
16	IV.F.13	Watercourse Crossings	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?

Comment Number	GO Section	GO Language	Comment
17	IV.K.1	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.	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.

Public Comment
Utility Wildfire General Order and EIR
Deadline: September 13, 2024 by noon

RECEIVED
by SWRCB Board Clerk on September 13, 2024

September 13, 2024

Courtney Tyler, Clerk to the Board
State Water Resources Control Board
1001 I Street, 15th floor
Sacramento, CA 95814

Re: California Utility Joint Comments – Utility Wildfire General Order

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 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.

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.[1] 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 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.

[1] *See* July 23, 2024, Staff Presentation available at Statewide Utility Wildfire General Order (ca.gov).

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.

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.

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 Intents (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 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.

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.].

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.

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-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.

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.

Thank you again for your consideration of these comments and we look forward to working with the Board to finalize this General Order.

Pacific Gas & Electric

Southern California Edison

San Diego Gas & Electric

PacifiCorp

California Municipal Utilities Association

Northern California Power Agency

Southern California Public Power Authority

Golden State Power Cooperative

Table 1. Joint Utility Comments: Utility Wildfire and Similar Operations and Maintenance Activities General Order

Comment Number	Section	Description	Comment	Suggested Language/Edits
1	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.	Please confirm SWRCB classifies all 3 Tiers as 'Category H' for Fee calculations.	N/A
2	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.	Projects activities located within urban areas that are also within High Fire Threat District should not be subject to this General Order.	N/A
3	III. Project Description, A. Vegetation Management 1., 2. & 3.	**A. Vegetation management**: removal of plant materials, such as leaves or tree branches, that results in: 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.	See Comment 5 below.	**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. Vegetation management activities (e.g., trimming, topping, brushing, tree removal) are not soil disturbing activities.
4	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.	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 ford crossings, concrete AZ 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.	**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. 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. This also includes placement of mats or other materials such as sandbags or sheet piles to gain access and perform work.

Comment Number	Section	Description	Comment	Suggested Language/Edits
5	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.	New and/or interset poles/structures should be included are part of the description for Project Descriptions (E, H, I, and L). **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.	**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 greater than 0.2.~~
6	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.	Same as comment 5 above.	Same comment as comment 5 above
7	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	Same as comment 5 above.	Same comment as comment 5 above

Comment Number	Section	Description	Comment	Suggested Language/Edits
8	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.	Same as comment 5 above.	Same comment as comment 5 above
9	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.	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 burden, such as allowing work to be covered under the Construction General Permit as a common plan of development.	**Recommended 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.~~

Comment Number	Section	Description	Comment	Suggested Language/Edits
10	IV. D. Administrative. 5.	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.	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 monitor would be required until the site is stabilized would not provide any protections).	**Recommended Edits:** 5. If determined necessary on a project-specific basis, ~~A~~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.
11	IV. D. Administrative. 4.	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.	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 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.	**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, annual environmental training, environmental handbooks, environmental conditions memos) to address all environmental avoidance and minimization measures applicable to the project. ~~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.~~

Comment Number	Section	Description	Comment	Suggested Language/Edits
12	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.	Utilities recommend the following revisions to the eligibility criteria. The justification behind the recommended revisions is outlined in comment 5 above.	**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. This does not include maintenance of existing fill that does not modify the character, scope, or size of existing fill or include ancillary fills. 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 with high receiving water risk. ~~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.~~
13	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.	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 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.	N/A

Comment Number	Section	Description	Comment	Suggested Language/Edits
14	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.	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.?	**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 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.
15	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.	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).	**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, to the extent feasible. The Discharger may request an extension to complete the needed work on a project specific basis.
16	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.	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.	**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 if feasible, 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.
17	IV. Conditions. E. 2.b.ii.2	2. Send an email to 58-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.	Please clarify: Is "58-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.	N/A
18	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.	Please clarify: Will the RWQCB notify the utility if the work qualifies as a Wildfire or Response Activity?	N/A

Comment Number	Section	Description	Comment	Suggested Language/Edits
19	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).	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.	**Recommended Edits:** Within ~~thirty (30)~~ 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.
20	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.	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.)	N/A
21	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.	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 on-site monitor will direct the crews in avoidance.	**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, as applicable.
22	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 ceased on any portion of the site and will not resume for a period exceeding 14 calendar days	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.	**Recommended Edits:** e. Immediately initiate stabilization of disturbed areas, using reestablishment of vegetation, ~~and~~ non-vegetative erosion controls, and/or return to original line and grade, 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

Comment Number	Section	Description	Comment	Suggested Language/Edits
23	IV. Conditions. F.7.b.	b. Only 100-percent biodegradable erosion and sediment control products that will not entrap or harm wildlife shall be use. Erosion and sediment control products shall not contain synthetic (e.g., plastic or nylon) netting. Photodegradable synthetic products are not considered biodegradable.	This presents a significant cost to the utilities. Utilities recommend including language to allow for temporary non-biodegradable 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.	**Recommended Edits:** Only 100-percent biodegradable erosion and sediment control products that will not entrap or harm wildlife shall be used for long-term, degrade in place or as permanent BMPs. Temporary, non-biodegradable erosion and 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. Erosion and sediment control products shall not contain synthetic (e.g., plastic or nylon) netting. Photodegradable synthetic products are not considered biodegradable.
24	IV. Conditions. F.9.d.	d. Implement best management practices to prevent soil compaction and rutting (i.e., place equipment and vehicles on matting).	The utilities recommend the use of tracked or rubber tracked equipment as an important practice to prevent rutting.	**Recommended Edits:** Implement best management practices to prevent soil compaction and rutting (i.e., place equipment and vehicles on matting, use of tracked equipment).
25	IV. Conditions. F.11.b.	b. Access route surfaces and shall be hydrologically disconnected from streams and stream crossings.	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 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.	**Recommended Edits:** 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.
26	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.	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.	**Recommended Edits:** c. Access route surface runoff must be designed to sufficiently disperse flows to appropriate vegetated or otherwise protected upland areas to the extent practicable to minimize or avoid erosion, rather than concentrating flows and/or discharging sediment to waters of the state.

Comment Number	Section	Description	Comment	Suggested Language/Edits
27	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 drains, shall be spaced with enough frequency to prevent concentration of access route related runoff and erosion of access route fill material.	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.	**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.
28	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.	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.	**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 or unsafe, provide justification and drainage designs that will provide for similar performance to the appropriate Water Board.
29	IV. Conditions. F.11.k.	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.	"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.	**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 to the maximum extent practicable and does not cause erosion and sediment discharge.
30	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.	Armoring may not be feasible, preferrable or needed in all locations. The utilities recommend editing as shown to provide flexibility.	**Recommended Edits:** m. Road drainage facilities (e.g., outsloping, rolling dips, water breaks) shall be fortified, as needed, 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.
31	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.	Some maintenance will always be required. The utilities recommend revising the language to provide flexibility.	**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.
32	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.	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.	**Recommended Edits:** Trees shall be felled away from waters of the state, to the maximum extent feasible ~~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 unless approved by the Water Boards in the NOA.

Comment Number	Section	Description	Comment	Suggested Language/Edits
33	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.	Recommended language revision to allow for flexibility.	**Recommended Edits:** A staging area for equipment and vehicle fueling and storage shall be designated at least 50 feet away from waters of the state, or in a location where fluids or accidental discharges cannot flow into waters of the state.
34	IV. Conditions. F.20.a	a. The discharge of bentonite, drilling muds, lubricants, or any drilling compounds into waters of the state is prohibited.	Recommended language revision to clarify the condition refers to surface waters of the state.	**Recommended Edits:** The discharge of bentonite, drilling muds, lubricants, or any drilling compounds into surface waters of the state is prohibited.
35	IV.G.2.b	Request a Sacred Lands Inventory for the project area from the Native American Heritage Commission.	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.	**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.
36	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:	1. Clarify if the results of the CHRIS record search are negative, do the utilities keep an internal documentation but no 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 Discherger 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 non-notifying 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.	**Recommended Edits:** Suggest that SWRCB update the language from 120-day notification to 30-day notification.

Comment Number	Section	Description	Comment	Suggested Language/Edits
37	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	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."	**Recommended Edits:** Native American archaeological sites or artifacts identified in a CHRIS positive result. Request affiliated Tribes to identify TCRs and if identified, Tribes will recommend ~~to consult and establish~~ Project specific ~~mitigation~~ treatment measures to ensure the protection of TCRs within the proposed project area
38	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.	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.	**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.
39	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.	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.	**Recommended Edit:** If requested by an affiliated tribe, a pedestrian survey will be conducted of undeveloped areas by a qualified archaeologist and record resources 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. ~~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 Number	Section	Description	Comment	Suggested Language/Edits
40	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 mitigation measures and why the measures would be infeasible, and alternative mitigation measures that protect the integrity of the site.	Clarify how SWRCB will resolve disagreement on mitigation measures and how project can move forward with the number of days this review will require.	N/A
41	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.	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.	**Comment:** 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.

Comment Number	Section	Description	Comment	Suggested Language/Edits
42	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:	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):	**Recommended Edits** A. Erosion and Sediment Control Plan: All Dischargers that propose soil disturbing activities and qualify as Category B projects 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 Category B projects with a Controllable Sediment Discharge Source (CSDS), as needed, shall include ~~to address the site-specific details listed below. The Erosion and Sediment Control Plan:~~
43	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 Roads[3]) 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.	Please clarify: 4) "hydrologically disconnected" applies to new construction and not for maintenance of existing access roads.	N/A
44	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:	Clarify this is not for Category A projects and pertains to Category B projects only.	**Recommended Edits:** L. Controllable Sediment Discharge Sources Monitoring and Reporting: Dischargers for Category B Projects shall conduct *Controllable Sediment Discharge Source* monitoring and reporting until the project area is stabilized as follows and as detailed in Attachment C:

Comment Number	Section	Description	Comment	Suggested Language/Edits
45	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, 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.	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.	**Recommended Edits:** Controllable Sediment Discharge Sources monitoring shall be conducted for approximately 10% of Category B activities performed each year. CSDS Monitoring would occur 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, 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.
46	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.	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.
47	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.	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.

Comment Number	Section	Description	Comment	Suggested Language/Edits
48	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. 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.	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.	N/A
49	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.	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.	N/A

Comment Number	Section	Description	Comment	Suggested Language/Edits
50	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. ...	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.	N/A
51	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.	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."	**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. 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 Number	Section	Description	Comment	Suggested Language/Edits
52	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.	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.	**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.
53	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.	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 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.	**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;~~ shall prepare and submit a Hazardous Materials Business Plan if required by CA Health and Safety Code Chapter 6.95; 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 Number	Section	Description	Comment	Suggested Language/Edits
54	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 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 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.	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.	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 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, 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 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.
55	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	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 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.	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 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, 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

		the site and shall provide documentation to the project manager upon request.		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.
Comment Number	**Section**	**Description**	**Comment**	**Suggested Language/Edits**

Public Comment
Utility Wildfire General Order and EIR
Deadline: September 13, 2024 by noon

RECEIVED
by SWRCB Board Clerk on September 13, 2024

Pacific Gas and Electric Company

September 13, 2024

Ms. Courtney Tyler
Clerk to the Board
State Water Resources Control Board
CommentLetters@waterboards.ca.gov

Re: **PG&E Comments on the Electric Utility Operations and Maintenance Activities Related to Wildfire Mitigation and Other Similar Activities: Public Draft General Order**

Dear Ms. Tyler,

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 *Electric Utility and Maintenance Activities Related to Wildfire Mitigation and Other Similar Activities* (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
5. Challenges with emergency response requirements
6. Other comments and recommended revisions

Pacific Gas and Electric Company

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.

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 concerns shared above are more concerning here, making this scenario operationally infeasible

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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.

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 collaboration between electric utilities and the State Water Board is needed to refine the General Order.

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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 non-notifying 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.

3. Opportunities for Streamlining

PG&E appreciates the State Water Board's restructuring of the General Order to include the non-notifying 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 high-risk activities and improve streamlining for low-risk activities, which are discussed in more detail on the following pages.

- **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

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

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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 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.

Remove O&M Activities with Low Risk of Discharge to Waters

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.

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.

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

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A to include additional low-risk work or maintain existing permit streamlining pathways while funneling the highest-risk activities into Category B.

- **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 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.
- **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.
- **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 non-vehicle traffic; this would apply in areas where foot traffic is the prescribed or only feasible access method.
- **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 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.

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.

- **Erosion and Sediment Control Plans**[1] – 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.
- **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 full-time 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.
- **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.

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

[1] General Order, Section IV.K
[2] General Order, Section IV.D.4
[3] General Order, Section IV.L



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.

Proposed permit language is provided in Table 1 below.

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 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.

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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 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.

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.

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Table 1. Comment Table

Permit / Document Citation	Comment
General Comment	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.
General Comment	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.
General Comment	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.
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.~~
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 ~~100~~ feet of any waters of the state.
III.C. Site Access Development/Maintenance	Modify definition of covered activity and provide exemption for non-vehicular 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. This does not include new access routes when the access route will only support foot/pedestrian access without any excavation, earthmoving, grading, blading, etc.

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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.~~
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.~~
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 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.~~
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.~~
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.~~
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.~~
III.L. Electric Utility Infrastructure Lowering, Maintenance, Replacement or Removal	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.~~

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Permit / Document Citation	Comment
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, 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.~~
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 redacted information. All information labeled "CONFIDENTIAL" will be maintained by the Water Boards in a separate, confidential file. **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: • 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.

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Permit / Document Citation	Comment
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. **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.

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Permit / Document Citation	Comment
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. This does not include 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. • 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.~~ **Comment #2**: Alternatively, PG&E suggests there is opportunity to align Category A with the definition of *Low Impact Discharges* in 23 CCR 2200(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." **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.

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Permit / Document Citation	Comment
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. **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. **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." **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 of sites where construction activities may result in impacts to or work within waters of the state."
IV.F. Project Conditions	**Comment #1.** Add definition of "Environmentally Sensitive Areas". **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.
IV.F.7. Erosion and Sediment Control for Soil Disturbing Activities	Define "disturbed areas that drain to waters of the state."

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Permit / Document Citation	Comment
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."
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. **Comment #2.** PG&E also recommends the following revisions: • 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. • Unless otherwise authorized by the Water Boards in an NOA, newly constructed access routes shall be outsloped. If outsloping is determined to be infeasible or unsafe, 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.~~ 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. • Following use, access routes shall be left in a condition that enables long-term hydrologically disconnected road drainage with minimal ~~or no~~ maintenance requirements. • 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. • ~~Culverts shall be maintained to be clear of debris.~~
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.

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Permit / Document Citation	Comment
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.
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.
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 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. **Comment #2.** Define "Accidental Discharges." The definition should not include discharges from utility assets damaged and/or destroyed during wildfire or severe storm incidents.
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. **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 condition is needed, such as the ability to use lighting work that must occur at night.

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Permit / Document Citation	Comment
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.
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.
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.
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 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.
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 after activities end, or where the adverse temporary impacts result in temporary loss of aquatic resource function(s) for more than twelve (12) continuous months, Dischargers may be required to provide compensatory mitigation to offset temporal loss of waters of the state at a ratio of 0.1:1.

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Permit / Document Citation	Comment
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 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.
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).
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 *project modifications* aligns with the definition of *material change* included in 13 CCR 2210.
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.
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-work to install BMPs, even if trace amounts are forecast. This condition does not strike a good balance between cost and resource protection.

Pacific Gas and Electric Company

Permit / Document Citation	Comment
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. **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. **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.
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.

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Permit / Document Citation	Comment
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 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 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 would develop a paleontological resource monitoring and recovery plan.
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...
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 recommends the statement regarding erosion as a means of fossil loss be removed.

Pacific Gas and Electric Company

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.

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Powering forward. Together.
Public Comment
Utility Wildfire General Order and EIR
Deadline: September 13, 2024 by noon
RECEIVED
by SWRCB Board Clerk on September 13, 2024

SMUD®

September 13, 2024

Submitted via email to: commentletters@waterboards.ca.gov

Courtney Tyler, Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: SMUD Comments on Draft Utility Wildfire General Order

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.

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.
- 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.

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- 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"[1] the "Joint Utilities,"[2] submitted September 13, 2024.

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.[3] 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. 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 underinclusion 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.

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

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[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).
[2] Submitted by CMUA, NCPA, SCPPA, and GSPC.
[3] Section II.E.

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 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.

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.

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 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).[4] 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.[5] 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.[6] Each of these requirements will delay these projects by weeks 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.

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:

- For each project activity, include a minimum soil disturbance threshold set at 1/10-acre. 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)[7], and offers a useful proxy for the potential to cause water quality impacts. The 1/10-acre threshold will eliminate coverage for many low-

[4] See Section IV.E.1.d.
[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).
[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).
[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/utils/getfile/collection/p16021coll7/id/16844; see also NWP 12 (oil and gas pipelines), NWP 14 (linear transportation projects).

risk activities, but also appropriately capture larger scale, less-frequent infrastructure projects.

- 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.
- 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.
- Remove tribal consultation requirement. Public agencies are already required to consult with tribes for projects triggering California Environmental Quality Act (CEQA) review.[8] 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.

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.[9] 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.

[8] Public Resources Code 21080.3.
[9] See Section II.Q. and Section IV.A.

SMUD appreciates the opportunity to provide these comments and looks forward to continuing to develop and refine the Draft GO.

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/s/

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cc: Corporate Files (LEG 2024-0122)

Public Comment
Utility Wildfire General Order and EIR
Deadline: September 13, 2024 by noon

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RECEIVED
by SWRCB Board Clerk on September 13, 2024

September 13, 2024

Courtney Tyler,
Clerk to the Board
State Water Resources Control Board
1001 I Street, 15th floor,
Sacramento, CA 95814
commentletters@waterboards.ca.gov

Subject: Comments – Utility Wildfire General Order

Dear Courtney:

Introduction

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 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.

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.
    - 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.

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 *soils erodibility K factors* 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 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.

- 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.

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.
- 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.

Comment #4:

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.

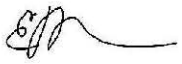
- SDG&E's Cultural Resource Program follows a comprehensive approach for reviewing operations and maintenance projects, as well as new construction, to ensure compliance with applicable laws and regulations and to avoid, minimize or mitigate impacts to cultural resources, where feasible.
- SDG&E has 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, especially for wildfire mitigation work that has tight compliance deadlines and where the scope could include a single pole replacement.

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.

Sincerely,



Erica L. Martin
Director of Environmental Services

TRUCKEE DONNER Public Utility District

Public Comment
Utility Wildfire General Order and EIR
Deadline: September 13, 2024 by noon

General Manager
Brian C. Wright

Executive Leadership Team
Chad J. Reed
Water Utility Director

Jared Carpenter
Electric Utility Director

Scott Crow
IT Director/CIO

Steven Poncelet
PIO & Strategic Affairs Director

Michael Salmon
Chief Financial Officer

Jillian Steward
Director of Human Resources and Risk Management

Board of Directors
Joseph Aguera
Jeff Bender
Christa Finn
Kim Harris
Tony Laliotis

Submitted via email to commentletters@waterboards.ca.gov



September 12, 2024

Courtney Tyler
Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Subject: Truckee Donner Public Utility District Comments - Utility Wildfire General Order

Dear State Water Resources Control Board,

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 POUs" 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 efforts, raising costs, and an impacting the safety of the communities that we serve.

11570 Donner Pass Road, Truckee, CA 96161 | (530) 587-3896 | tdpud.org

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 POUs 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:

Covered Activities Must be Narrowly Tailored to Capture Work that Discharges to WOTS: 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.

Permits were previously based on proximity to WOTS along with the physical size of the project. Under the Draft GO, *new* 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.

The Draft GO Should Define Where Activities May Threaten to Cause a Discharge of Waste to WOTS: 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 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).



Figure 1: Truckee Donner PUD Hazard Tree Removal Potentially Impacted by Draft GO

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.

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.



Figure 2: Truckee Donner PUD pole replacement in urban area that is a high fire threat area.

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.

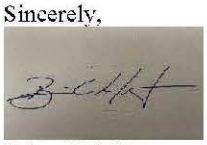
Truckee Donner PUD suggests that the final General Order clarify that groundwater is not within the scope of coverage. Groundwater goes beyond the intended scope of the Draft GO, and the text should clearly state this. Erosion control and other measures to minimize impacts on groundwater would be nonsensical. 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.

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.

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.

Sincerely,



Brian Wright
General Manager
Truckee Donner Public Utility District
brianwright@tdpud.org

CC: Andrea Abergel, CMUA (aabergel@cmua.org)
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Public Comment
Utility Wildfire General Order and EIR
Deadline: September 13, 2024 by noon

WESTERN WOOD PRESERVERS INSTITUTE
EST. 1947

WOODPOLES.ORG
North American Wood Pole Council

TREATED WOOD COUNCIL

RECEIVED

September 12, 2024

(Sent via email to commentletters@waterboards.ca.gov)

Courtney Tyler
State Water Resources Control Board
1001 I Street
Sacramento CA 95814

Re: Comments – Utility Wildfire General Order

Dear Ms. Tyler,

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, 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.

In Project Description (III), subcategory II 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 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 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.

To ensure the safety and reliability of our infrastructure and to remain material neutral, we suggest the following changes in Project Description (III), subcategory II 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: …"

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.

Respectfully Submitted,

Butch Bernhardt
Executive Director
Western Wood Preservers Institute

Jeffrey T. Miller
President & Executive Director
Treated Wood Council

Kevin W. Ragon, PhD
Executive Vice President
North American Wood Pole Council

III CHANGES TO THE DRAFT EIR

III.A Changes to Executive Summary

On pages ES-2, the following changes were made:

Project Overview
Project Activities covered under the General Order are electrical utility operation and maintenance and wildfire mitigation activities. Specifically, as detailed in Section 2.5 (Detailed Description of Project Activities), Project Activities include:

a) vegetation management,
b) herbicide application,
c) site access development and maintenance,
d) staging areas and laydown yards,
e) pole and tower repairs or replacement,
f) substation maintenance,
~~g) transmission tower maintenance,~~
g) ~~h)~~ structural conversion,
h) ~~i)~~ line reconductoring,
i) ~~j)~~ undergrounding powerlines,
j) ~~k)~~ boardwalk repairs or replacement, and
k) ~~l)~~ electric utility infrastructure lowering, maintenance, replacement, or removal.

On pages ES-11, the following changes were made:

Impact BIO-1: Would projects permitted under the General Order have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS?	Potentially Significant Impact	**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. To the extent such resources are found, a qualified biologist construction monitor may be necessary. Permit measures intended to avoid to minimize impacts could also include the requirement to develop and implement avoidance plans to protect fish and wildlife. Where nesting birds, migratory birds, or bat roosts may be affected by Project Activities, especially vegetation management, regulatory agencies may impose requirements to avoid and reduce potential impacts such as buffers, work windows, or other project-specific requirements. When Project Activities must be conducted within or adjacent to watercourses that have the potential to support anadromous salmonids, regulatory agencies may require specific work windows or other project specific requirements to avoid or minimize impacts to aquatic resources. Additionally, ~~P~~permit conditions would likely require Utility Services to install resource-specific buffers ~~in the Project Area~~ prior to ground disturbance to reduce impacts to sensitive biological resources in the Project Area. Applicable conditions may also address the potential spread of diseases and invasive aquatics and plant species that can be prevented by decontamination of equipment. Permit conditions may also avoid or minimize impacts to rare plant species and impacts to forest habitat elements. Mitigation for Utility Services' impact to sensitive biological resources could include	Less-than-Significant Impact with Mitigation

		purchasing mitigation bank credits and/or enhancing or preserving existing populations or habitat in perpetuity. 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 <u>applicable</u> local agency regulations.	

III.B Changes to Chapter 2 Project Description

The following changes were made to Section 2.4 Geographic Scope:

Urban areas[1]~~, unless designated as a CPUC High Fire Threat District~~, are excluded from the General Order's scope. The intent of some General Order conditions is to prevent erosion and sediment contributions to nearby surface waters from work that is often conducted in rural settings. This General Order is not the most appropriate permitting tool for work in urban areas which are often conducted on impervious surfaces.

~~In 2018, the CPUC adopted a fire threat map to identify areas of heightened fire risk for use by utilities in planning risk reduction activities. Developed in collaboration with the Department of Forestry and Fire Protection (CAL FIRE), the Office of Emergency Services, utilities, and stakeholders, this map breaks down the wildfire risk in a utility's service district into three tiers. Tier 1 areas show tree mortality high hazard zones near communities, roads, 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. Activities detailed in the wildfire mitigation plans include a variety of activities including vegetation management, system hardening, pole replacement, and access road improvements. To ensure that areas where wildfire mitigation plan activities are anticipated to occur, High Fire Threat Districts are covered by the General Order's scope even if the High Fire Threat District is within an urban area.~~

The following changes were made to Section 2.5 Detailed Description of Project Activities:

1. Vegetation Management – Vegetation growing along overhead electrical transmission and distribution lines presents an ongoing risk of wildfire ignition. To ensure power is delivered safely, as well as meet minimum clearances requirements (the vertical and lateral distance between the utility line and the vegetation) set forth by the CPUC, CAL FIRE, and other agencies, utilities must continually clear and maintain the areas surrounding electrical transmission and distribution lines.

   Vegetation management activities in or near riparian corridors or wetlands are typically conducted using hand-tools (e.g., string trimmers, pole saws or chainsaws). Trimming and access to trimming sites may occur on foot, climbing, by bucket truck, other mechanical lift, or helicopter, depending on site conditions and available access.

[1] ~~Urban areas represent densely developed territory, and encompass residential, commercial, and other nonresidential urban land uses. Each urban area must encompass at least 2,000 housing units or at least 5,000 people. (2020 US Census Bureau)~~ A statistical geographic entity consisting of a densely settled core created from census blocks and contiguous qualifying territory that together have at least 2,000 housing units or 5,000 persons." (87 Fed. Reg. 16706 [March 24, 2022])

This General Order covers vegetation management activities ~~that results in potential increases in surface water temperature (e.g., removal of riparian tree canopy that provides shading to the waterbody), soil disturbance~~ within 50~~100~~ feet of any waters of the state, or where the entire Project Activity results in over 0.50 acres 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.

2. Herbicide Application – Herbicide application is another tool for Utility Services to maintain vegetation clearance standards and reduce wildfire risk. Utility Services may apply herbicides in upland areas or near waters, depending on the location of electrical infrastructure or risk of wildfire from the infrastructure. Herbicides may be sprayed from a vehicle-mounted boom, a vehicle-mounted handheld sprayer, or a backpack sprayer. They can also be applied directly to target vegetation using a wick applicator.

   Herbicide application is covered by this General Order if work occurs within 50~~100~~ feet of any waters of the state. This General Order does not cover point source discharges of biological pesticides and chemical pesticides that leave a residue in waters of the United States that need a National Pollutant Discharge Elimination System permit.

3. Site access development/maintenance – Utility Services in California maintain tens of thousands of existing access routes miles annually. These access routes are essential for the maintenance, repair, and upgrade of existing electrical infrastructure to ensure grid reliability, wildfire prevention and containment activities, escape routes, and power restoration for affected communities. Access routes maintenance activities may include cleaning ditches, grading and blading the route surface, moving, and establishing berms, clearing drain inlets and overside drains, repairing culverts, clearing and establishing waterbars, and filling ruts and potholes. Culvert installation or replacement may be required to ensure safe access and reduce environmental impacts when crossing stream channels. The General Order would also authorize the construction of new access routes. Activities commonly associated with access route construction include clearing vegetation, grading (the excavation and creation of the road bench), installing culverts, and installing drainage structures.

   Access route work development/maintenance is covered by this General Order where such activity results in ~~a~~ soil disturbance within 500 feet of any waters of the state, or ~~when~~ where the entire Project Activity ~~involves work on more than~~ results in over 300 ~~100 cumulative~~ linear feet of ~~roadway~~ 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., ~~or results in a soil disturbance within 500 feet of a water of the state.~~

4. Staging Areas and Laydown Yards – Staging areas or laydown yards are essential to support Project Activities including urgent restoration of electric services to communities impacted by wildfire. Staging areas and laydown yards

are used to store project-related equipment, vehicles, and materials, and may provide space for parking, project trailers and shelter.

Construction of staging areas and laydown yards may involve the use of heavy equipment including, but not limited to, excavators, bulldozers, dump trucks, front-end loaders, chainsaws, and tractors. Where possible, staging areas would be sited in existing, open, dry, and disturbed or graded areas. When Project Activities are complete or the emergency response is finished, these staging areas would be restored to original contours and conditions, or as required by the property owner.

Development, maintenance, reconstruction, and improvements of staging areas and laydown yards is covered by this General Order ~~if the~~ where such activity ~~work~~ results in soil disturbance within 50 feet of any waters of the state or where the entire *Project Activity* results in over 0.50 acres 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.

5. Pole/Tower Repairs or Replacement – Utility Services commonly repair and replace electrical utility poles to maintain grid reliability. Poles may be replaced due to aging and deterioration, damage, updated structural requirements or post-fire mitigation. Poles may be replaced with a similar pole, or with a different size and/or material pole. Pole replacements are conducted from existing roads or in off-road locations within designated work areas. Poles can be reinforced through fiber-wrapping the pole at or below ground level with a material that has been impregnated with preservatives to retard external deterioration of the pole. Utility Services commonly restore utility pole ground-level strength through installing single or double steel trusses that are driven into the ground and secured to the pole with high-strength steel banding.

   During pole replacement, the new pole is framed (i.e., installing cross-arms, pins, insulators, grounds, bonding, markers, and other equipment) on the ground adjacent to the existing pole prior to setting the new pole into the ground. Next, the existing line is de-energized, a line truck augur drills a hole for the new pole, the new pole is inserted into the hole, the hole is backfilled and compacted, and the conductors are moved from the old pole to the new pole. The old pole is typically removed, and the old pole site is backfilled.

   Pole/tower repairs or replacement are covered if the work is within any waters of the state. ~~results in soil disturbance within 50 feet of waters of the state or in areas with slopes greater than 30% or soils with erodibility K factor greater than or equal to 0.2.~~

6. Substation Maintenance – Utility Service substations are located throughout the Project Area, some of which are located adjacent to waters of the state. Substation system maintenance tasks include repair and replacement of the transformer, switch, fuse, cutout, meter, and insulator, which typically required to be performed once per year. These maintenance activities could require use of

station property or adjacent property for construction staging, materials storage, and land management, some of which could affect the waters of the state. Utilities would avoid locating substation maintenance activities within waters if feasible; impacting waters for these activities would be infrequent. However, site topography may require the placement of fill into waters of the state to facilitate substation maintenance and develop safe temporary work areas for equipment and crews.

Substation maintenance work is covered by this General Order if it results in soil disturbance within 50 feet of <u>any</u> waters of the state. ~~or in areas with slopes greater than 30% or soils with erodibility K factor greater than or equal to 0.2~~.

~~7. Transmission Tower Maintenance – Tower maintenance activities may involve the repair, replacement, or upgrade of tower components. Typical activities include tower repairs, tower extensions, and tower replacements. Tower repairs typically involve replacement or reinforcement of one or more of the existing tower's concrete footings, as well as assembling and erecting replacement tower parts. The tower replacement methods are similar to tower repair, although new foundation(s), if required, may be installed in a different location, and assembly of the tower may require more space to stage the work for installation. Other minor repairs include painting, and replacing fuses, breakers, relays, cutouts, switches, and transformers. Tower repairs require ground disturbance at and adjacent to the base of the tower.~~

~~Tower repairs may include installation of tower extensions or otherwise strengthening the tower superstructure. Tower extensions and superstructure repairs involve installing a prefabricated extension or frame materials at the bottom, waist, or top of the tower. These repairs are typically completed using a tower lifter or crane, but also may use a helicopter. Localized grading may be needed to level the tower lifter or crane's work area. If a helicopter is used, a temporary landing zone may be needed, although the staging area often serves this function.~~

~~Other tower repairs include tower foundation repairs. Tower foundation repairs are completed by breaking away concrete from the existing footing to expose the steel reinforcements and then installing a new replacement concrete footing. Disturbance areas for tower repairs and replacement will vary depending on the type of work that is necessary. Most impacts will be temporary disturbance related to material laydown and assembly areas as well as equipment staging.~~

~~Transmission tower maintenance is covered by this General Order if it results in soil disturbance within 50 feet of a water of the state. This proximity requirement is reflective of the lower risk of impacts to water quality associated with this activity type.~~

7. ~~(8)~~ Structural Conversion – Structural conversions include converting a single pole to an H-Frame structure, tubular steel pole, or lattice steel tower. Replacing aging wood utility poles with longer lasting, fire-resistant steel poles improve

system reliability, especially in areas prone to high winds. Steel utility poles can carry thicker lines and can be spread father apart, reducing the risk of ignition during high winds and other extreme weather events. For a detailed description of utility pole replacement activities, refer above to item 6, “Pole/Tower Repairs or Replacement” of this section.

Structural conversions are covered by this General Order if the conversion is within any waters of the state. ~~results in soil disturbance within 50 feet of waters of the state. or in areas with slopes greater than 30% or soils with erodibility K factor greater than or equal to 0.2.~~

8. ~~(9)~~ Line Reconductoring – As a part of operation and maintenance, electric line reconductoring is the process of installing new conductor wires on existing towers. Utility Services have been reconductoring with heavily insulated conductor wires to help reduce the risk of ignition. Work crews install replacement conductors by temporarily splicing them to the ends of the existing conductors and pulling them through travelers (i.e., pulleys) attached to the arms of the towers or pole cross-arms. Conductor replacement begins with the installation of travelers at each tower or pole using a boom truck. Where a boom truck cannot be used, a winch is used to install the travelers. In some cases, a helicopter is necessary to install the travelers. Once the travelers are in place, the conductor is unclipped from the insulators and a hoist is used to lower the existing conductor onto the travelers. If a conductor is expected to drop below a conventional height during reconductoring activities, guard structures would be temporarily installed. Next, the existing conductor is removed from the structures, within a pull section. Once the new conductor is pulled into place, it is removed from the travelers and clipped onto the insulators. The travelers are then removed. Line reconductoring may require staging areas, work areas, temporarily guard structures, and pull sites in waters of the state.

   Reconductoring typically is done in 2-to-3-mile sections with the use of pull and tension sites (i.e., pull sites). Pull sites are temporary construction areas that are used during the removal of existing conductors and the placement of new conductors along the transmission line. Pull sites are typically located within relatively flat areas that are in line with the conductor. Several pieces of equipment are used at the pull sites, including tensioners (i.e., rope trucks) to feed out the new conductor and adjust tension, conductor reels to receive the existing conductor as it is removed, and reels of new conductors. Trailers pulled by semi-trucks, which also are parked on site, typically deliver and remote the reels. On-site cranes move the conductor reels on and off the semi-trucks. Typical guard structures are standard wood poles across which temporary netting is strung; in some cases, specifically equipped boom trucks are used instead of poles to hold the netting. Vegetation mowing and minor grading may be required to prepare pull sites for use. Mats or gravel may also be used in wet locations.

Line reconductoring is covered by this General Order if it results in soil disturbance within 50 feet of any waters of the state. ~~or in areas with slopes greater than 30% or soils with erodibility K factor greater than or equal to 0.2.~~

9. ~~(10)~~ Undergrounding Powerlines – Undergrounding is the replacement of overhead powerlines with underground powerlines. Utilities currently have initiatives to underground power lines to reduce the risk of wildfires and to reduce power service outages that might occur from high winds or heavy snow. Undergrounding methods include open-cut trenching and horizontal directional drilling (HDD). Open-cut trenching involves digging a trench into the ground, installing the utility lines within the trench, and backfilling the trench. HDD is a trenchless method that involves three main steps: 1) a small diameter pilot hole is drilled along a directional path from one surface point to another; 2) the pilot hole is enlarged to allow for installation of the utility line; 3) the utility line is pulled through the enlarged hole, creating a continuous segment of underground power lines exposed at the two initial endpoints. HDD is the preferable undergrounding method when crossing waterways because it avoids in-water work.

   Undergrounding work is covered by this General Order if it results in soil disturbance within 50 feet of any waters of the state ~~or in areas with slopes greater than 30% or soils with erodibility K factor greater than or equal to 0.2.~~

10. ~~(11)~~ Boardwalk Repairs or Replacement – Boardwalks are typically used by utilities to service transmission facilities along vegetated wetland margins and other aquatic resources. Boardwalks typically extend from existing roads or levees and provide foot access across marshes and salt ponds to transmission tower footings. As needed, the height of existing boardwalks may be raised, or the wood structures are replaced with a semi-reinforced high-density polyethylene material that has a life expectancy of 50 to 75 years. Support equipment for replacement and repair may include boats, barges, and helicopters. A staging yard located on land is often also used to store materials. All boardwalk replacement and repair activities are completed manually and require the use of generators and handheld equipment including drills, chains saws, and skill saws. Replacement pilings are pushed into the ground using a steel bar for leverage. The replacement planking is transported along the boardwalk with hand-dollies, then slid into place, drilled, and bolted. Handrails are then installed, which are wood planks that are connected to the boardwalk with support beams. Old boardwalks are removed by hand with chainsaws, and all removed materials are taken for off-site disposal.

    Boardwalk repair or replacement work is covered by this General Order if it results in soil disturbance within 50 feet of the waters of the state.

11. ~~(12)~~ Electric Utility Infrastructure Lowering, Maintenance, Replacement, or Removal – Activities under this category encompass miscellaneous activities associated with the lowering, maintenance, replacement, or removal of electric utility infrastructure that is not an activity listed above. While the bulk of Project Activities fall under the previously described categories, there may be covered

activities not explicitly described in this EIR. Activities in this category would be evaluated on a project-by-project basis.

Electric utility infrastructure lowering, maintenance, replacement, or removal work is covered by this General Order if it results in soil disturbance within 50 feet of any waters of the state or where the entire Project Activity results in over 0.50 acres of soil disturbance in areas with slopes greater than 30% or soils with erodibility K factor greater than or equal to 0.2.

The following changes were made to Section 2.6 General Order Requirements:

The General Order does not authorize, approve, or permit any particular project. The General Order will be used to authorize eligible wildfire mitigation, operation and maintenance, and wildfire response activities that may cause or threaten to cause a discharge of waste to waters including discharges of dredged or fill materials. A range of projects are eligible for coverage from large-scale post-fire response activities to replace burned infrastructure, to small-scale access route projects that require maintenance of an existing road. The General Order does not authorize wholly new electrical utility infrastructure, such as, expansion of electrical service to a new area not already served.

The enrollment process varies depending on the characteristics of the project and environmental setting in which the project is located. Certain lower risk, non-notifying Project Activities may proceed without providing notice to the Water Board but are still required to comply with all applicable General Order conditions~~, including tribal resource conditions~~. Non-notifying Project Activities are not required to comply with the Cultural Resources Conditions in the General Order. An example of a non-notifying activity is access route surface blading to improve drainage. ~~replacement of an electric line that results in soil disturbance within 50 feet of a water of the state, but is in a low gradient portion of the central valley.~~ Non-notifying activities must meet ~~all~~ one or more of the following criteria to proceed without applying:

- Project Activities will not result in a discharge of dredged or fill materials to waters except as described in Clean Water Act Section 404(f)(1)(B); ~~and no work will occur within waters;~~
- Project Activities will be limited to Vegetation Management; Herbicide Application, or Replacement; Substation Maintenance; Overhead Line Reconductoring; Undergrounding Powerlines; or Electric Utility Infrastructure Lowering, Maintenance, Replacement or Removal.
- Project Activities would be limited to certain access route maintenance activities.
- ~~Project Activities will not include use of heavy equipment on saturated soils;~~
- ~~Project Activities will not include installation of new access routes; and~~
- ~~Project Activities will not occur on slopes equal to or greater than 30% or soils where the erodibility K factor is equal to or greater than 0.2.~~

Conversely, an example of an activity that requires a Notice of Intent (a notifying activity) is the construction of a water crossing that will result in a discharge of dredged or fill materials. To apply for coverage under the General Order, a Utility Service will submit a Notice of Intent including supplemental documents as necessary, and the appropriate fee to the Water Board with jurisdiction over the project. A complete Notice of Intent and submittal provide the Water Board with specific information related to the project, including:

a) Contact person and utility name;
b) Project location;
c) Description of Project Activities;
d) Proof of payment;
e) Map of the entire Project Area that shows the planned Project Area and impact sites; ~~, land use, and water bodies;~~
f) Relevant drawings or design plans;
g) Anticipated construction start and end dates;
h) Related federal and state permits;
i) A description of the direct and indirect impacts to waters of the state;
j) Steps taken to avoid and~~,~~ minimize impacts to waters of the state;
k) Proposed restoration for projects that propose temporary impacts to waters of the state;
l) P~~p~~roposed compensatory mitigation for any permanent impacts to waters of the state;
m) An erosion and sediment control plan; ~~and~~
n) The Cultural Resources Report; and
o) Supporting documentation.

Upon receipt, the Water Board will review the information in the Notice of Intent to confirm that it met the General Order requirements. Specific project characteristics require a focused level of review. For example, any proposed permanent impacts must be offset through compensatory mitigation that satisfies No Net Loss Policy requirements. This would require submission of a compensatory mitigation plan.

All covered Project Activities (both non-notifying and notifying) are required to comply with applicable project conditions that cover a range of topic areas. Although compliance with the General Order conditions is inherently part of the reasonably foreseeable Project Activities analyzed in the EIR, each resource section describes conditions applicable to protecting that resource, including:

- **Access Route Standards** – If not properly designed and maintained, unpaved access routes can be a major source of sediment and other pollutants to surface waters. These standards ensure that access routes are designed and maintained in a manner that will minimize erosion and sedimentation. Such standards include installation of drainage structures on the route surface that hydrologically disconnect road runoff from waterbodies.

- **Construction Best Management Practices** – requires implementation of appropriate best management practices (BMPs) to prevent construction activity impacts on natural resources, including structural controls to prevent and reduce the discharge of pollutants from runoff, spillage or leaks, and waste disposal. Best management practices also include non-structural controls such as scheduling construction to avoid special status species impacts and preserving existing vegetation.
- **Dewatering** – If not properly designed and installed, temporary stream diversions and dewatering structures have the potential to alter flow and contribute pollutants to the waters of the state. Implementation of these conditions ensures dewatering and diversion activities are conducted in a manner that will have minimal impacts to aquatic life, stream flow and water quality. If a project involves installation of temporary diversions or impoundments for the purpose of dewatering the work area, a dewatering plan must be provided. The dewatering plan should include design criteria for dewatering structures, a description of appropriate BMPs, and a plan for water quality monitoring upstream and downstream of the in-water work area.
- **Environmental Awareness Training** – Before engaging in any project-related activities, all personnel including contractors, subcontractors, and consultants must complete environmental awareness training (e.g., tailgate meetings). Training materials shall be prepared by qualified individuals with expertise in applicable state and federal laws governing water quality protection, aquatic resources, special-status species, and Tribal and cultural resources relevant to the project. The training shall include the requirements of the General Order, how to comply with the General Order, how to identify resources to be protected, and BMPs necessary to prevent water quality impacts. ~~requires that someone knowledgeable about state and federal laws related to the protection of natural resources within the Project Area (i.e., water quality, special status species, and tribal cultural resources) train all onsite personnel on how to identify and protect resources in accordance with applicable General Order requirements and implement BMPs. At least one person knowledgeable about the protection of resources within the Project Area must be onsite for the duration of active construction.~~
- **Herbicide Application** – Herbicides have the potential to adversely impact non-target species and discharge to waters of the state if not properly applied. The intent of the herbicide application conditions is to ensure that herbicides are applied in a manner that would not adversely impact water quality and sensitive species. For example, the General Order prohibits herbicide application during a precipitation event ~~high winds~~ in order to prevent the spread of herbicides to non-target species.

- **Preventing Spread of Invasive Species** – ~~e~~Construction equipment and vehicles have the potential to spread invasive species from one work site to another. Related conditions ensure construction equipment and vehicles are properly inspected and cleaned prior to entering or leaving the work area to reduce the chance of spreading invasive species.
- **Restoration Plans** – Projects have the potential to adversely impact the environment even after construction activities are complete if the project site is not appropriately restored. The intent of this requirement is to ensure that Project Areas are fully restored to pre-existing conditions after construction activities are complete. Restoration includes stabilizing disturbed areas, replanting native vegetation, regrading slopes to pre-construction contours, and removing all construction equipment.
- **Vegetation Management** – Vegetation management activities have the potential to discharge waste to the waters of the state. The intent of vegetation management conditions is to ensure that vegetation management activities are conducted in manner that minimizes impacts to water quality within the Project Area. For example, using wood chips on slopes steeper than 30% within 50~~100~~ feet of waters of the state is prohibited under the General Order.

Projects that do not meet the criteria under the General Order must apply for a WDR from the applicable Water Board.

III.C Changes to Chapter 3.4 Biological Resources

On pages 3.4-19 and 3.4-20, the following changes were made:

Impacts and Mitigation Measures

For impacts 1 and 2, the following General Order requirements will avoid or minimize impacts to Biological Resources:

- **Access Route Standards** – If not properly designed and maintained, unpaved access routes can be a major source of sediment and other pollutants to surface waters. These standards ensure that access routes are designed and maintained in a manner that will minimize erosion and sedimentation. Such standards include installation of drainage structures on the route surface that hydrologically disconnect road runoff from waterbodies.
- **Construction Best Management Practices** – requires implementation of appropriate best management practices (BMPs) to prevent construction activity impacts on natural resources, including structural controls to prevent and reduce the discharge of pollutants from runoff, spillage or leaks, and waste disposal. Best management practices also include non-structural controls such as scheduling construction to avoid special status species impacts and preserving existing vegetation.

- **Dewatering** – If not properly designed and installed, temporary stream diversions and dewatering structures have the potential to alter flow and contribute pollutants to the waters of the state. Implementation of these conditions ensures dewatering and diversion activities are conducted in a manner that will have minimal impacts to aquatic life, stream flow and water quality. If a project involves installation of temporary diversions or impoundments for the purpose of dewatering the work area, a dewatering plan must be provided. The dewatering plan should include design criteria for dewatering structures, a description of appropriate BMPs, and a plan for water quality monitoring upstream and downstream of the in-water work area.
- **Environmental Awareness Training** – Before engaging in any project-related activities, all personnel including contractors, subcontractors, and consultants must complete environmental awareness training (e.g., tailgate meetings). Training materials shall be prepared by qualified individuals with expertise in applicable state and federal laws governing water quality protection, aquatic resources, special-status species, and Tribal and cultural resources relevant to the project. The training shall include the requirements of the General Order, how to comply with the General Order, how to identify resources to be protected, and BMPs necessary to prevent water quality impacts. ~~requires that someone knowledgeable about state and federal laws related to the protection of natural resources within the Project Area (i.e., water quality, special status species, and tribal cultural resources) train all onsite personnel on how to identify and protect resources in accordance with applicable General Order requirements and implement BMPs. At least one person knowledgeable about the protection of resources within the Project Area must be onsite for the duration of active construction.~~
- **Herbicide Application** – Herbicides have the potential to adversely impact non target species and discharge to waters of the state if not properly applied. The intent of the herbicide application conditions is to ensure that herbicides are applied in a manner that would not adversely impact water quality and sensitive species. For example, the General Order prohibits herbicide application during a precipitation event ~~high winds~~ in order to prevent the spread of herbicides to non-target species.
- **Preventing Spread of Invasive Species** – ~~c~~Construction equipment and vehicles have the potential to spread invasive species from one work site to another. Related conditions ensure construction equipment and vehicles are properly inspected and cleaned prior to entering or leaving the work area to reduce the chance of spreading invasive species.
- **Restoration Plans** – Projects have the potential to adversely impact the environment even after construction activities are complete if the project site is not appropriately restored. The intent of this requirement is to ensure that Project

Areas are fully restored to pre-existing conditions after construction activities are complete. Restoration includes stabilizing disturbed areas, replanting native vegetation, regrading slopes to pre-construction contours, and removing all construction equipment.

- **Vegetation Management** – Vegetation management activities have the potential to discharge waste to the waters of the state. The intent of vegetation management conditions is to ensure that vegetation management activities are conducted in manner that minimizes impacts to water quality within the Project Area. For example, using wood chips on slopes steeper than 30% within 50100 feet of waters of the state is prohibited under the General Order.

On pages 3.4-21 and 3.4-22, the following changes were made:

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. To the extent such resources are found, a qualified biologist construction monitor may be necessary. Permit measures intended to avoid to minimize impacts could also include the requirement to develop and implement avoidance plans to protect fish and wildlife. Where nesting birds, migratory birds, or bat roosts may be affected by Project Activities, especially vegetation management, regulatory agencies may impose requirements to avoid and reduce potential impacts such as buffers, work windows, or other project-specific requirements. When Project Activities must be conducted within or adjacent to watercourses that have the potential to support anadromous salmonids, regulatory agencies may require specific work windows or other project specific requirements to avoid or minimize impacts to aquatic resources. Additionally, Ppermit conditions would likely require Utility Services to install resource-specific buffers ~~in the Project Area~~ prior to ground disturbance to reduce impacts to sensitive biological resources in the Project Area. Applicable conditions may also address the potential spread of diseases and invasive aquatics and plant species that can be prevented by decontamination of equipment. Permit conditions may also avoid or minimize impacts to rare plant species and impacts to forest habitat elements. 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.

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.

III.D Changes to Chapter 3.5 Cultural Resources

On page 3.5-13, the following changes were made:

Impact CUL-2: Would projects permitted under the General Order cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? (Potentially Significant Impact)

Project Activities could be in proximity to archaeological resources that qualify as archaeological resources as defined in State CEQA Guidelines Section 15064.5 or unique archaeological resources per California PRC Section 21083.2. Project Activities could involve ground disturbance (e.g., excavation, grading, drilling). General Order requirements may avoid or minimize the impact to cultural resources. Individual projects subject to the tribal cultural resources requirements in the General Order would be required to conduct a records search to identify any potentially affected historical, archeological, and tribal cultural resources. 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~~ coordination with any of the affected tribes. During ~~consultation~~ coordination, tribes could identify potential protective measures that could avoid or minimize the impact to the tribal cultural resource. For archeological resources that are not tribal cultural resources, if there was a positive result, reasonable efforts must be made to avoid causing damages to a unique archaeological resource, including planning construction to avoid archaeological sites, creating conservation easements, or capping or covering archaeological sites with a layer of soil before building. It is expected that existing infrastructure conducted a search for cultural resources prior to construction and avoid archaeological sites whenever possible. Project Activities that authorize new construction should plan construction to avoid archaeological sites whenever feasible. If any archaeological resources, as defined in State CEQA Guidelines Section 15064.5 were affected by the General Order, the impact would be potentially significant.

III.E Changes to Chapter 3.7 Geology and Soils

On pages 3.7-21 and 3.7-22, the following changes were made:

Mitigation Measure GEO-2: Conduct General Project-Level Analysis for Paleontological Sensitive Units

Prior to breaking ground, Utility Services would be required to assess whether the proposed project occurs on a paleontologically sensitive map unit. If the proposed project occurs on a paleontologically sensitive map unit and the scope of work includes ground disturbance at a depth and/or width that would reasonably be expected to impact paleontological resources, a qualified paleontologist would develop a paleontological resource monitoring and recovery plan. A qualified paleontologist is one who possesses advanced training and education in a field of study that is relevant to paleontological assessment. 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. 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 will satisfy this requirement. 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 are being lost. If the loss of scientifically significant paleontological resources is documented, then the recovery program would be implemented.

Mitigation Measure GEO-3: Conduct Paleontological Training to Construction Crews

If after implementing mitigation measure GEO-2, the proposed project was 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, 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 a qualified paleontologist. Prior to ground disturbance, all construction personnel onsite will receive paleontological resources sensitivity training, even if they arrive 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.

III.F Changes to Chapter 3.9 Hazardous Materials

On page 3.9-14, the following changes were made:

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;~~ shall prepare and submit a Hazardous Materials Business Plan if required by CA Health and Safety Code Chapter 6.95; 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.

III.G Changes to Chapter 3.10 Hydrology and Water Quality

On page 3.10-6, the following changes were made:

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).

III.H Changes to Chapter 3.18 Tribal Cultural Resources

On page 3.18-8, the following changes were made:

Impact TCR-1: Impacts to tribal cultural resources would be considered significant if projects permitted under the General Order cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Code Section 21074 as either a size, feature, place, cultural landscape that is geographically defined in terms of the size

and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or

ii) ii) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency will consider the significance of the resource to a California Native American tribe (Potentially Significant Impact).

Project Activities could involve ground disturbance and vibration through equipment maintenance, repair, and/ or replacement; access route construction and reconstruction; and vegetation management. However, the precise locations and detailed characteristics of potential Project Activities are yet to be determined. Therefore, this analysis focuses on reasonably foreseeable changes from implementation of the types of Project Activities authorized by this General Order and qualitatively and conservatively analyzed Project Activity impacts to tribal cultural resources. The construction of access routes and minor expansion of facilities would potentially expand the ground disturbance footprint. Construction of new infrastructure or modifications to existing infrastructure could result in significant impacts on tribal cultural resources by introducing new visual elements to landscapes associated with or comprising tribal cultural resources. Construction activities and vegetation management could alter the makeup of biological communities (e.g., fishes, riparian vegetation) that comprise tribal cultural resources (e.g., traditional hunting/fishing/gathering areas). Ground-disturbing activities could result in significant impacts on tribal cultural resources through their partial or complete destruction of the resources. If existing infrastructure is near tribal cultural resources, it may not be possible to upgrade, repair, or maintain the existing infrastructure without also disrupting the tribal cultural resource. Any impacts of these construction activities on such tribal cultural resources could be significant.

Individual projects subject to the tribal cultural resources requirements in the General Order would be required to conduct a records search to identify any potentially affected tribal cultural resources and where that search yielded a positive result, consult with any of the affected tribes upon request. During ~~consultation~~ coordination, tribes could identify potential protective measures that could avoid or minimize the impact to the tribal cultural resource. Depending on the specific Project Activity, it may be possible to avoid or minimize the impact to the tribal cultural resource by, for example, avoidance of the site, confidentiality of the site location, fence off or cap-in place areas of high sensitivity, avoid ground disturbance or route around tribal cultural resource sites, and provide worker training. These requirements reduce the impact on tribal cultural resources but cannot reduce the impact to a less-than-significant level for all possible Project Activities. Project Activities may result in either a direct impact (e.g., physical

modification, damage, or destruction) or an indirect impact (e.g., alteration to setting, biological community, or visual setting) on a tribal cultural resource as defined in PRC Section 21074 may be significant. Thus, the impact would be potentially significant.

In some instances, an impact on a tribal cultural resource that the tribe would deem significant would be unavoidable. In addition, Project Activities that are necessary to restore essential public services or facilities in response to ongoing or recent wildfire activity are subject to streamlined requirements where power needs to be restored such that a potential for impacts to tribal cultural resources are possible for such projects. These impacts would not include the impacts caused by the wildfire itself but rather the Project Activities necessary to restore utility services. For projects that are necessary to restore essential public services or facilities in response to ongoing or recent wildfire activity, potential minimization measures would include a records search, ~~consultation~~ coordination and notification with the potentially affected tribe(s). Such ~~consultation~~ coordination and notification may not be possible to complete prior to beginning such projects, given the public safety urgency associated with those projects and the amount of time it typically takes to identify potential tribal cultural resources. Without the specific location, activity, and resource at issue, it is not possible to identify feasible mitigation measures that are not already included as requirements related to tribal cultural resources in the General Order. Because the extent and location of Project Activities are not known at this time, it is not possible to conclude that the General Order requirements or equally effective mitigation measures would reduce significant impacts to a less-than-significant level in all cases. Therefore, this impact would be significant and unavoidable.

III.I Changes to Chapter 4.0 Other CEQA Considerations

On page 4-23, the following change was made:

Tribal Cultural Resources

Tribal cultural resources are regionally specific and determined by local tribes. Cumulative impacts on tribal resources could result if multiple projects have a combined impact on the significance of tribal cultural resources (TCRs), which are defined in PRC Section 21074. Individual projects subject to the tribal cultural resources requirements in the General Order would be required to perform records searches to identify any potentially affected tribal cultural resources and where that search yielded a positive result, consult with any of the affected tribes upon request. During ~~consultation~~ coordination, tribes could identify potential protective measures that could avoid or minimize the impact to tribal cultural resources.

Project Activities that are necessary to restore essential public services or facilities in response to ongoing or recent wildfire activity are subject to expedited requirements where power needs to be restored, impacts to tribal cultural resources are possible. These impacts would not include the impacts caused by the wildfire itself but rather the Project Activities necessary to restore utility services. Because the extent and location of Project Activities are not known at this time, it is not possible to conclude that the

General Order requirements or equally effective mitigation measures would reduce significant cumulative impacts to a less-than-significant level in all cases. While the General Order requirements could mitigate impacts, the Project Activities authorized under the General Order could cumulatively result in significant and unavoidable impacts on tribal resources.

IV CHANGES TO CHAPTER 6 REFERENCES

Additional References:

Society of Vertebrate Paleontology Impact Mitigation Guidelines Revision Committee (SVP). 2010. *Standard procedures for the assessment and mitigation of adverse impacts to paleontological resources*. Society of Vertebrate Paleontology. Available online at https://vertpaleo.org/wp-content/uploads/2021/01/SVP_Impact_Mitigation_Guidelines.pdf. Accessed April 21, 2026.

U.S. Bureau of Land Management. 2016. Potential Fossil Yield Classification (PFYC) *System for Paleontological Resources on Public Lands* (IM 2016-124). Available online at https://www.blm.gov/sites/default/files/uploads/IM2016-124_att1.pdf. Accessed April 21, 2026.