

Electric Utility Operations and Maintenance Activities Related to Wildfire Mitigation and Other Similar Activities (General Order)

Staff Administrative Draft



Board of Forestry Management Committee, June 13, 2023

Presentation Overview

- Scope and Covered Activities
- Application and Review Process
- Conditions and Requirements
- Related Federal and State Water Board Permits
- Schedule and Next Steps

Current Stakeholder Outreach



- Outreach to Focus Stakeholders on Administrative Draft
- Relay what we are proposing in the General Order
- Provide an opportunity to answer questions
- Receive stakeholder input on staff working proposal

General Order Purpose



SB 901 (Dodd, 2018)

Increases pace and scale of wildfire mitigation activities



Wildfire Mitigation Plans

Electrical utility plans to reduce the risk of facility wildfire ignition



Plan activities have the potential to discharge waste that could impact water quality



The State Water Board values the critical public safety work completed by the utilities and wants to ensure our permit supports this critical work

Guiding Principles

- Support wildfire mitigation and post-fire response
- Protect water quality
- Streamline approach
- Minimize the number of permits necessary, clear transition between permits, avoid conflicting requirements
- Limit administrative workload, where possible

Regional Water Boards Map



Proposed Scope and Covered Activities

- Statewide Scope
- Activities with a potential to discharge a waste to waters and in-water work are required to enroll
 - Vegetation Management
 - System Hardening
 - Dredge or Fill Discharges
 - Some Operation and Maintenance Activities
- Regulatory Authority/Combined WDR/401

Proposed Covered Activities (page 2)

A variety of electric utility activities take place throughout the State and are proposed for General Order inclusion:

- | | |
|--|--|
| A. Vegetation management | H. Transmission Tower Maintenance |
| B. Herbicide Application | I. Structural Conversion |
| C. Post-fire response | J. Line Reconductoring |
| D. Site access development/maintenance | K. Undergrounding Powerlines |
| E. Staging Areas and Laydown Yards | L. Boardwalk Repairs or Replacement |
| F. Pole/Tower Repairs or Replacement | M. Electric Utility Infrastructure Lowering, Maintenance, Replacement or Removal |
| G. Substation Maintenance | |

Proposed General Order Contents

- Main Order
- Attachment A1: Notice of Intent Form
- Attachment A2: Notice of Intent Instructions
- Attachment B: Tribal Resource Conditions
- Attachment C: Controllable Sediment Discharge Sources Monitoring Form
- Attachment D: Reporting and Notification Requirements
- Attachment H: Glossary

Proposed Application Process



Application Form

Notice of Intent (NOI) Required
for Enrollment



Submit NOI

Submit NOI and Fee Payment
to Appropriate Regional Water
Board

Proposed Activity Categories (page 23)

Category Description	Utility Notification	Water Board Response
Urgent Wildfire Response or Cleanup Activities (Category A)	<ul style="list-style-type: none"> • 48 hour notification • NOI required within two weeks of work 	<ul style="list-style-type: none"> • 48 hour opportunity to assert that project is not urgent • NOA required
Lower Threat Activities (Category B)	<ul style="list-style-type: none"> • NOI required 30 days prior to work 	<ul style="list-style-type: none"> • No NOA issued
Remaining Activities (Category C)	<ul style="list-style-type: none"> • NOI required 45 days prior to work 	<ul style="list-style-type: none"> • 30 day completeness review • NOA issued within 45 days of complete NOI receipt

Proposed Category A: Urgent Wildfire Response or Cleanup Activities (page 24)

Urgent/Category A: Unexpected action to **maintain or restore essential public services** in response to fire

- Does not include: long-planned for projects, actions needed prior to emergency, or post-wildfire response initiated after restoration of services
- Must be completed within 90 days of wildfire containment

Proposed Category B: Lower Threat Wildfire Mitigation and Operation and Maintenance Activities (page 25)

- Plan to address all controllable sediment discharge sources
- No tribal cultural resources within the project area
- No dredge or fill discharges to waters of the state (no in water work)
- No vegetation management discharge to a water that is listed as impaired for sediment, nutrients or temperature; and activities within 100 feet of a Class I or Class II watercourse will not cause or contribute to
 - bank instability;
 - increased temperatures in fish bearing streams;
 - loss of allochthonous material or other riparian ecosystem services; or
 - adverse impacts to beneficial uses

Proposed Notice of Intent (NOI) Information

- Project Specific Information
 - Maps, Drawings and Design Plans and BMPs
- Aquatic Resources Delineation Report
 - When work is proposed with 150 feet of waters of the state
 - Temporary Impact Restoration Plan (Offset Temporary Impacts)
 - Compensatory Mitigation Plan (Offset Permanent Impacts)
- Additional Project Specific Plans (activity dependent)
 - Tribal Mitigation Measures
 - Erosion Control Plan
 - Horizontal Directional Drilling Plan
 - Dewatering Plan

Proposed General Order Conditions

- Project Conditions (begin on page 7)
 - Stormwater and Erosion Control BMPs, Heavy Equipment and Topsoil Replacement
 - Access Routes, Watercourse Crossings and Surface Drainages
 - Vegetation Management
 - Toxic Materials
 - Herbicide application
 - Horizontal Directional Drilling



Access Route Construction and Reconstruction

Proposed Access Routes Related Conditions



- Goal: hydrologic disconnection and site stabilization
- Erosion and sediment control plan
- Seasonal deactivation
- BMP effectiveness monitoring
- Programmatic option

Proposed Vegetation Management Conditions (page 17)

A 150-foot buffer is established for many activities

- Heavy Equipment
- Ground Disturbance
- Woodchip and Slash Placement

Tree felling and riparian canopy retention

- Fell away from waters of the state
- Remove felled trees and woody debris
- Preserve canopy and understory in riparian area

Proposed Vegetation Management Impact Offset Plan (page 18)

Vegetation Management Activities that discharge to a water that is listed as impaired for sediment, nutrients or temperature; and activities within 100 feet of a Class I or Class II watercourse that will cause or contribute to:

- bank instability;
- increased temperatures in fish bearing streams;
- loss of allochthonous material or other riparian ecosystem services; or
- adverse impacts to beneficial uses

shall restore the impacted area and implement a project that offsets the functional loss of the impacted waters and riparian area

Proposed Restoration and Mitigation for Impacts to Waters (page 22)

- **Restoration** for temporary impacts
 - Grading to pre-project contours
 - Native planting palette
 - Performance standards
 - Monitoring protocol and timeline
- **Compensatory mitigation** for permanent impacts
 - Minimum 1:1 ratio

Related Federal and State Permits

- Certification of the Corps' Wildfire Regional General Permit
- Nationwide Permit 57
- Emergency RGPs
- Construction General Permit



Tentative Schedule



Thank You!

For additional information, please contact:

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