

State Water Resources Control Board
Division of Water Quality --- Water Quality Certification Program

**Public Notice of Application for
Water Quality Certification**

October 3, 2014

Pursuant to federal law (Title 33, United States Code, Section 1341; Clean Water Act Section 401), applicants for a federal license or permit for activities which may discharge to waters of the United States must seek Water Quality Certification from the state or Indian Tribe with jurisdiction. Such Certification is based on a finding that the discharge will meet water quality standards and other applicable requirements. In California, Regional Water Quality Control Boards (Regional Water Boards) issue or deny Certification for discharges within their geographical jurisdiction. The State Water Resources Control Board (State Water Board) has this responsibility for projects affecting waters within two or more Regional Water Board jurisdictions.

The following information is provided in satisfaction of the public notice requirements of California Code of Regulations, title 23, section 3858, which governs the State's Certification Program.

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

Applicant Contact: Ms. Susan Clark
Phone: (916) 557-7666
Email: Susan.S.Clark@usace.army.mil

Project Name: Regional General Permit (RGP) for Repair and Protection Activities in Emergency Situations (Project)

File Numbers: State Water Resources Control Board file no. SB14007IN
U.S. Army Corps of Engineers file no. SPK-1999-00652

Project Description: The Sacramento District (District) of the US Army Corps of Engineers is proposing to reauthorize its RGP for emergency actions authorizing structures or work in or affecting navigable waters of the United States and the discharge of dredged or fill material in waters of the United States, including wetlands, for necessary repair or protection of existing structures, facilities or fills where an imminent threat to life or property exists due to unforeseen events during an emergency incident. An emergency incident is an occurrence that presents a clear, sudden, unexpected, and imminent threat to life or property demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property or essential public services (i.e., an incident that could potentially result in an unacceptable hazard to life or significant loss of property if corrective action requiring a permit is not undertaken immediately).

The RGP was developed to provide an expedited process to address emergency situations caused by generally unanticipated events or circumstances typically related to, but not limited to, weather-related phenomena. The Corps observed that emergencies resulting from weather-related events often require an immediate response that is not readily available under existing regulations implementing emergency permit procedures (33 CFR Part 325.2(e)(4)). Incidents not related to weather may require an immediate response as well, including, but not limited to,

flood control and water storage structural failure, wastewater treatment systems failures, substance spills or pipeline breaks, and discharge of fills related to firefighting during a wildfire incident.

Activities Authorized by the RGP: Emergency repair and rehabilitation of previously authorized, currently serviceable, structures or fills, including, but not limited to bank stabilization, utility and wastewater systems, flood control structures and features, roads, and bridges damaged by generally unanticipated events (e.g., fire, flood, storm, earthquake, land subsidence, landslide), in which the Corps determines that an emergency action is necessary, provided that the project is initiated within seven (7) days of the damage occurring, and the activities meet the identified terms and conditions. Complete replacement of previously authorized, currently serviceable, structures or fills is generally not authorized by this RGP, unless it would result in very minor additional impacts to waters of the United States, is limited to in-kind replacement, and the Corps determines that complete reconstruction is necessary to reduce the potential for future failure. This RGP does not authorize upgrades to existing facilities, unless it is determined by the Corps that the upgrades are necessary to control the threats to life and/or property emergency action are required to meet current construction and safety standards, and would result in very minor additional impacts to waters of the United States.

Project Location and Affected Counties: In any jurisdictional waters of the United States throughout the Sacramento District of the U.S. Army Corps of Engineers in: all of Sacramento, Modoc, Shasta, Lassen, Plumas, Tehama, Butte, Glenn, Sierra, Yuba, Colusa, Lake, Yolo, Sutter, Placer, El Dorado, Amador, Calaveras, Alpine, Nevada, San Joaquin, Tuolumne, Stanislaus, Merced, Mariposa, Madera, Fresno, Kings, and Tulare counties; eastern portions of Alameda, Contra Costa, and Solano counties; north-western portion of Kern County, and northern portion of Mono County.

Public Review Period: State Board staff are proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act authority. In addition, staff will consider all comments submitted in writing and received at this office by email or mail during a 21-day comment period that begins on October 3rd, 2014 and ends at 5:00 p.m. on October 24th, 2014. Written comments should be submitted to the following address:

State Water Resources Control Board Staff Contact:

Brian Dailey, Environmental Scientist
Division of Water Quality
401 Certification and Wetlands Unit
State Water Resources Control Board
1001 I Street, 15th Floor, #57B
Sacramento, CA 95814

Telephone: (916) 341-5462

Fax: (916) 341-5584 (ATTN: *Brian Dailey*)

Email: Brian.Dailey@waterboards.ca.gov

Note: No regulatory decision on the application is implied or intended in this public notice.

KEEP INFORMED OF PROJECT MILESTONES

To be informed of milestones in the development of this proposed Water Quality Certification, any interested persons should enroll in the State Water Board's 401 Program e-mail notification service. Click the SUBSCRIBE button under the "Quick Links" section of the 401 Program Webpage at: http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml

Select "CWA 401 Certification and Wetlands Program." By enrolling in this list, you will receive notices for all current 401 project applications, including the project announced in this notice. You will need a valid e-mail address to use this service. If you do not have internet access or do not wish to participate in the Lyris list, contact the staff person named in the notice to express your interest in receiving notices by other means.

You can enroll or un-enroll at any time. The State Water Board will not disclose your name or e-mail information to any outside parties, and will not use this information for any other purpose.