

Issues (and Supporting Information Sources):

**VII. HAZARDS AND HAZARDOUS MATERIALS --
Would the project:**

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SETTING

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or if it has characteristics defined as hazardous by such an agency. Numerous materials used in business, commerce, manufacturing, and households are considered hazardous because of their chemical and physical properties. The California Code of Regulations (CCR) defines a hazardous material as a substance that, because of physical or chemical properties, quantity, concentration, or other characteristics, may either (1) cause an increase in mortality or an increase in serious, irreversible, or incapacitating, illness; or (2) pose a substantial

present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of, or otherwise managed (CCR, Title 22, Division 4.5, Chapter 10, Article 2, Section 66260.10).

Hazardous wastes are defined in a similar manner. Hazardous wastes are hazardous materials that no longer have practical use, such as substances that have been discarded, discharged, spilled, contaminated, or are being stored prior to proper disposal. According to Title 22 of the CCR, hazardous materials and hazardous wastes are classified according to four properties: toxic, ignitable, corrosive, and reactive (CCR, Title 22, Chapter 11, Article 3). Toxicity, ignitability, corrosivity, and reactivity are defined in the CCR, Title 22, Sections 66261.20-66261.24.

To assess the potential for the presence of existing hazardous waste or materials on any of the subject transfer properties, two Phase I Environmental Site Assessments were conducted in the past. A Phase I Environmental Site Assessment was completed for the McArthur Swamp property by IT Corporation in December 1999 and a similar assessment was completed for the Pit 3 project area by Camp Dresser & McKee in October 1997. The objective of the Phase I Environmental Site Assessment was to provide information in order to assess whether there has been or may have been a release of hazardous material, or whether a naturally occurring hazardous material is present, based on reasonably available information about the property and surrounding area. Copies of the Phase I reports are referenced herein, and are available for review at the CPUC offices. The results of the Phase I Site Assessments are described below.

BURNEY FALLS, BOWMAN DITCH, AND AHJUMAWI PROPERTY

The 1997 Phase I Environmental Site Assessment prepared for the Pit 3 area included a portion of the FERC Project 233 license boundary from the Pit 3 powerhouse to Lake Britton (October 1997). That Site Assessment was conducted in accordance with ASTM Standard E1527, and included a site visit, interviews with people associated with the site, a review of historical records, and a search of available governmental agency databases. The assessment conducted for this area identified 13 hazardous environmental conditions however, those conditions were identified for the powerhouse, switchyard, penstocks, tunnel, dam, and powerhouse support facilities, and not for the portion of the Pit 3 area which is associated with the proposed transfer. The only potential hazardous issue was identified for Camp Britton, which was constructed during an era when asbestos was a common building material, therefore any future demolition of these structures (none proposed as part of project) would be subject to the conditions of the National Emission Standards for Hazardous Air Pollutants (NESHAP), California Occupational Safety and Health Administration (Cal/OSHA), and the Shasta County Air Pollution Control District (SCAPCD). NESHAP are rules promulgated by U.S. EPA under the Clean Air Act (40 C.F.R. Section 61.140, et. seq.), and Cal/OSHA and the Contractors State License Board require using a licensed asbestos removal contractor who knows the legal requirements and has the trained staff and equipment to do the job properly for all asbestos removal as a part of renovation, remodel, repair or demolition.

Phase I Environmental Site Assessments were not conducted for Bowman Ditch and Ahjumawi properties. These two properties are undeveloped with accessibility extremely limited and a

portion of the Ahjumawi property is flooded. These lands are accessed infrequently, contain few public recreation sites, contain few or no structures, and are not used as storage sites for hazardous materials. Therefore, the existence of hazardous conditions and the exposure to hazardous materials is very unlikely (PG&E, 2000).

MCARTHUR SWAMP AND GLENBURN DREDGE SITE

As mentioned above, a Phase I Environmental Site Assessment was prepared in 1999 for the McArthur Swamp Property in accordance with ASTM Standard E1527. It included a site visit, an automobile and helicopter tour of the site and surrounding properties, interviews with people associated with the site, a review of historical records and aerial photographs, and a search of available governmental agency databases. The Phase I concluded that no hazardous environmental conditions in connection with McArthur Swamp, including the Glenburn Dredge site, were present.

As part of this subsequent CPUC analysis, current and updated database searches were conducted, and a summary of the databases searched and a list of the databases accessed by VISTA Information Solutions can be found in the administrative record for this project. A limited site reconnaissance was also performed by ESA personnel on January 23 and 24, 2001 for areas of the land transfer properties that were easily accessible by vehicle and on foot. The VISTA reports indicated that the McArthur Swamp and Glenburn Dredge Site transfer properties were not listed on any of the federal, state, regional or local agency databases searched. The limited site reconnaissance did not reveal any hazardous materials storage, generation or use, or any evidence of underground storage tanks or hazardous materials releases on the portions of the land transfer properties that were accessed. Due to inaccessibility on foot to the area where the dredge "Frances" was moored (not directly adjacent to the dredge site parcel), the dredge and immediately surrounding area was not observed at the time of the site reconnaissance.

REGULATORY SETTING

Hazardous materials are subject to numerous laws and regulations at all level of government. A summary of the most pertinent regulations and their administering agencies is provided below.

Federal

Federal regulatory agencies include the U.S. Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), the Nuclear Regulatory Commission (NRC), the Department of Transportation (DOT), and the National Institute of Health (NIH). The following represent federal laws and guidelines governing hazardous substances:

- Federal Water Pollution Control Act
- Clean Air Act
- Occupational Safety and Health Act

- Federal Insecticide, Fungicide, and Rodenticide Act
- Comprehensive Environmental Response Compensation and Liability Act
- Guidelines for Carcinogens and Biohazards
- Superfund Amendments and Reauthorization Act Title III
- Resource Conservation and Recovery Act
- Safe Drinking Water Act
- Toxic Substances Control Act

At the federal level, the principal agency regulating the generation, transport and disposal of hazardous substances is the EPA, under the authority of the Resource Conservation and Recovery Act (RCRA). The EPA regulates hazardous substance sites under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). Applicable federal regulations are contained primarily in Titles 29, 40, and 49 of the Code of Federal Regulations (CFR).

State

The California Environmental Protection Agency (Cal/EPA) and the Office of Emergency Services (OES) of the State of California establish rules governing the use of hazardous substances. The State Water Resources Control Board (SWRCB) has primary responsibility to protect water quality and supply.

The Cal/EPA was created in 1991 to better coordinate state environmental programs, reduce administrative duplication, and address the greatest environmental and health risks. Cal/EPA unifies the state's environmental authority under a single accountable, Cabinet-level agency. The Secretary for Environmental Protection oversees the following agencies: Air Resources Board, Integrated Waste Management Board, Department of Pesticide Regulation, State Water Resources Control Board, Department of Toxic Substances Control, and Office of Environmental Health Hazard Assessment.

Applicable State laws include the following:

- Porter Cologne Water Quality Act
- Public Safety/Fire Regulations/Building Codes
- Hazardous Substance Control Law
- Hazardous Substances Information and Training Act
- Hazardous Substances Release Response Plans and Inventory Act

- Air Toxics Hot Spots and Emissions Inventory Law
- Underground Storage of Hazardous Substances Act

Local

The Unified Hazardous Waste and Hazardous Management Regulatory Program (SB 1082, 1993) is a state and local effort to consolidate, coordinate, and make consistent existing programs regulating hazardous waste and hazardous materials management. Cal/EPA adopted implementing regulations for the Unified Program (CCR, Title 27, Division 1, Subdivision 4, Chapter 1) in January 1996. The Unified Program is implemented at the local level by Certified Unified Program Agencies (CUPAs).

The Shasta County Department of Resource Management, Environmental Health Division (SCEHD) is the CUPA for cities and unincorporated areas within Shasta County. SCEHD regulates the use, storage and disposal of hazardous materials by issuing permits, inspecting facilities, and investigating complaints. The SCEHD issues permits for installation and removal of underground storage tanks. The SCEHD inspects businesses for compliance with the Hazardous Waste Control Act. Hazardous waste is subject to storage time limits, disposal requirements, and labeling requirements on containers. The SCEHD also requires that businesses that handle hazardous materials and hazardous wastes submit a Hazardous Materials Business Plan. The Plan includes an inventory of hazardous materials and hazardous wastes, as well as an emergency response to incidents involving those hazardous materials and wastes.

Under a contract with the State Water Resources Control Board, the SCEHD conducts the Local Oversight Program to oversee the abatement and cleanup of releases of hazardous substances from underground storage tanks in Shasta County that do not involve chemical releases to water. The California Regional Water Quality Control Board (RWQCB) is the lead agency for chemical releases to water throughout the County.

HAZARDS AND HAZARDOUS MATERIALS IMPACT DISCUSSION

- a) The proposed land transfer project does not have the potential to result in the creation of a significant hazard to the public or the environment through the use, transport, or disposal of hazardous materials. The use of herbicides and pesticides as a hazardous material was considered as part of this analysis. First, no information has been provided that suggests pesticides or herbicides are being used at Burney Falls, Bowman Ditch or Ahjumawi and none are proposed for use as part of this project, therefore the potential impact is determined to be less than significant. Second, regarding McArthur Swamp and Glenburn Dredge site, no significant storage or use of herbicides or pesticides is proposed as part of the project, therefore a less than significant impact is expected. In addition, the proposed Grazing Lease Agreement does not allow the RMA to apply pesticides, insecticides, fungicides, herbicides, or other chemical treatments at the Ahjumawi transfer property that

will have a residual effect beyond the term of the lease, except with the prior written consent of CWA.

Finally, although the Shasta County Department of Agriculture has a noxious weed abatement program and this program may effect portions of the transfer properties, state law requires that any chemical materials applied must be state approved for the designated purpose and applied by a person licensed to handle the materials. The management of any noxious weeds through the County abatement program will be consistent with the California Food and Agriculture Code and local Agriculture Commissioner policies. Therefore, no significant adverse impact to the environment is expected to occur from any current or planned application of herbicides.

- b) Although the use of earthmoving equipment associated with the McArthur Swamp habitat enhancement activities will temporarily expose environmentally sensitive areas to hydraulic oil and fuel and a potential risk of upset exists, standard construction and spill prevention safety techniques will result in a less-than-significant impact.

Two other potential issues related to risk of upset were raised in the PEA (PG&E, 2000) regarding Camp Britton. The first was the storage of fossil fuels at the camp, and the second was the possible use of building materials containing asbestos in the construction of the structures located at Camp Britton. According to PG&E, the only fossil fuel storage at Camp Britton is an above-ground propane tank. There are no known underground fuel tanks, and only small quantities (five gallons or less) of gasoline occasionally stored for lawnmowers or other small gasoline powered equipment used to maintain the grounds (PG&E 2001). Any risk of upset presented by existing fuel storage is minimal and an existing condition.

Regarding the potential presence of asbestos, this analysis finds the following conclusion. If demolition of structures at Camp Britton is proposed in the future, asbestos testing and abatement would be completed pursuant to federal, state and local requirements. Since no demolition is proposed as part of the project, this is a less-than-significant impact.

Finally, the dredge “Frances” has been located at the Glenburn Dredge site and surrounding waterways that was used for many years by PG&E to maintain levees at or near McArthur Swamp. The dredge is to be donated by PG&E to CWA in the land transfer agreement for potential levee maintenance use in the future and because it is impractical to move the dredge due to its size. The Phase I Environmental Site Assessment for McArthur Swamp property did not identify any hazardous environmental conditions in connection with McArthur Swamp, including the Glenburn Dredge site (December 1999).

- c) There are no schools located within one-quarter mile of the land transfer properties; therefore, there is no potential for exposure of hazardous materials to schools.

- d) As a part of the past Phase I Environmental Site Assessments for the land transfer properties, a governmental agency database search was performed, which included the CORTESE database. In addition, updated record searches were conducted as part of this analysis for both transfer properties. The database searches conducted for Burney Falls, Bowman Ditch and Ahjumawi transfer properties, as well as the McArthur Swamp and Glenburn Dredge Site indicated that those transfer properties were not listed on any of the federal, state, regional or local agency databases searched, including the CORTESE database.
- e, f) A private airport is located approximately five miles from the McArthur-Burney Falls Memorial State Park, Bowman Ditch, and Ahjumawi Property. The Fall River Mills Airport is located approximately four miles from the McArthur Swamp and Glenburn Dredge properties (CalTrans 1998). Since there are no airports located within two miles of the land transfer properties, no safety hazards or potential impacts relative to airports exist.
- g) There is currently no storage or use of hazardous materials in quantities on any of the transfer properties that would require submission of a hazardous materials business plan to the Shasta County Environmental Health Division, which would include a site specific emergency response plan. In the absence of a site-specific plan, the California Office of Emergency Services (OES) coordinates overall state agency response to major disasters in support of local government. OES maintains the State Emergency Plan, which outlines the organizational structure for state management of the response to natural and manmade disasters. In addition, Shasta County has an Emergency Plan that includes regulations regarding the transport and disposal of hazardous materials and hazardous wastes. Shasta County coordinates with federal and state agencies to review and update their Emergency Plan. The project itself has no potential to interfere with adopted emergency response or evacuation plans, resulting in no impact.
- h) Due to the remote and mainly undeveloped nature of the McArthur Swamp, Glenburn Dredge, Burney Falls, Bowman Ditch, and Ahjumawi land transfer properties, the potential for wildland fires exists; however, no major urbanized areas and few intermixed residences are located directly adjacent to the properties. Therefore, the potential for a significant impact related to wildland fires is low. Should a fire occur, the combined resources of the U.S. Forest Service, California Department of Forestry, Shasta County Volunteer Fire Department, and Burney Fire Protection District would provide a response. For the above stated reasons, the potential impact is considered less than significant.

REFERENCES

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Associates request for information. February 14, 2001.

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No. 5997, Board of Supervisors January 10, 1984, as amended through October 1995,
reprinted November 1996, as amended October 1998.

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