
APPENDIX B

Abridged List of Major Federal and State Laws, Regulations, and
Policies Potentially Applicable to the
PRC 421 Decommissioning Project
(Updated: March 2022)

Frequently Used Abbreviations

(see also List of Abbreviations and Acronyms in Table of Contents)

Abbreviation	Definition
§	Section
AB	Assembly Bill
Cal. Code Regs.	California Code of Regulations
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CO ₂ ; CO _{2e}	Carbon Dioxide; Carbon Dioxide Equivalent
CSLC	California State Lands Commission
EO	Executive Order
Fed. Reg.	Federal Register
GHG	Greenhouse Gas
MOU	Memorandum of Understanding
NMFS	National Marine Fisheries Service
NO _x	Nitrogen Oxide
NPDES	National Pollutant Discharge Elimination System
P.L.	Public Law
Pub. Resources Code	Public Resources Code
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SWRCB	State Water Resources Control Board
U.S.C.	United States Code
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service

Appendix B in this Environmental Impact Report identifies the major federal and state laws, regulations and policies (local or regional are presented for each California Environmental Quality Act (CEQA) Guidelines Appendix G¹ resource area in Section 4 of the MND) potentially applicable to the PRC 421 Decommissioning Project.

MULTIPLE ENVIRONMENTAL ISSUES

Federal

Coastal Zone Management Act (CZMA) (42 U.S.C. § 4321 et seq.)

The CZMA recognizes a national interest in coastal zone resources and in the importance of balancing competing uses of those resources, giving full consideration to aesthetic, cultural and historic, ecological, recreational, and other values as well as the needs for compatible economic development. Pursuant to the Act, coastal states develop and implement comprehensive coastal management programs, authorities and enforceable policies, and coastal zone boundaries, among other elements. The Act also gives state coastal management agencies regulatory control ("federal consistency" review authority) over federal activities and federally licensed, permitted or assisted activities, if the activity affects coastal resources; such activities include military projects at coastal locations and outer continental shelf oil and gas leasing, exploration and development. The California Coastal Commission (CCC) coordinates California's federally approved coastal management programs and federal consistency reviews within their respective jurisdictions.

State

California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.)

CEQA requires state and local agencies to identify significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. A public agency must comply with CEQA when it undertakes an activity defined by CEQA as a "project" that must receive some discretionary approval (i.e., the agency has authority to deny the requested permit or approval) which may cause either a direct physical change, or a reasonably foreseeable indirect change, in the environment.

¹ Environmental issue areas are found in State California Environmental Quality Act Guidelines Appendix G (http://califaep.org/docs/2019-Appendix_G_Checklist.pdf).

California State Lands Commission (CSLC) and the Common Law Public Trust

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways, as well as certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust. As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the U.S. in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the ordinary high-water mark as generally shown by the mean high tide line, except for areas of fill or artificial accretion. The CSLC's jurisdiction also includes a section of tidal and submerged land 3 nautical miles wide adjacent to the coast and offshore islands, including bays, estuaries, and lagoons; the waters and underlying beds of more than 120 rivers, lakes, streams, and sloughs; and 1.3 million acres of "school lands" granted to the State by the federal government to support public education. The CSLC also has leasing jurisdiction, subject to certain conditions, over mineral extraction from state property owned and managed by other state agencies (Pub. Resources Code, § 68910, subd. (b)) and is responsible for implementing a variety of state regulations for activities affecting these State Trust Lands, including implementation of CEQA.

CSLC Oil & Gas provisions (Pub. Resources Code, div. 6; Cal. Code Regs., tit. 2, div. 3, ch. 1)

The CSLC issues and administers oil and gas leases covering tide and submerged lands in accordance with Public Resources Code, division 6 (e.g., see § 6829 [methods of operation and standard requirements for conducting operations properly; prevention of waste; protection of worker safety and health; and liability of lessees for personal injuries and property damage], § 6829.2 [possible arresting or amelioration of land subsidence]; §§ 6873.2 and 6873.5 [carrying out CEQA requirements]). CSLC regulations pertaining to oil and gas leases, exploration permits, and operating requirements on tide and submerged lands under the CSLC's jurisdiction include the following:

Articles 3.3 and 3.4 apply to operations conducted from mobile rigs, fixed offshore structures, and upland locations serving these leases. Article 3.3 provisions include prevention and elimination of any contamination or pollution of the ocean and tidelands, prevention of waste, regulations on wellhead equipment, surface and subsurface safety valves, remedial and well maintenance work, supervision and training, anomalous casing annulus pressure, subsurface injection, conversion of a well to fluid injection, waste disposal, pressure relief

GREENHOUSE GAS EMISSIONS

Federal

FCAA (42 U.S.C. § 7401 et seq.)

In 2007, the U.S. Supreme Court ruled that CO₂ is an air pollutant as defined under the Federal Clean Air Act (FCAA), and that the US Environmental Protection Agency (USEPA) has authority to regulate Greenhouse Gas (GHG) emissions.

Mandatory Greenhouse Gas Reporting (74 Fed. Reg. 56260)

On September 22, 2009, the USEPA issued the Mandatory Reporting of Greenhouse Gases Rule, which requires reporting of GHG data and other relevant information from large sources (industrial facilities and power plants that emit more than 25,000 metric tons of carbon dioxide– equivalent (MTCO₂e) emissions per year) in the U.S. The purpose of the Rule is to collect accurate and timely GHG data to inform future policy decisions. The Rule is referred to as 40 Code of Federal Regulations Part 98 (Part 98). Gases covered by implementation of Part 98 (GHG Reporting Program) are: CO₂, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and other fluorinated gases including nitrogen trifluoride and hydrofluorinated ethers.

Kyoto Protocol and Paris Climate Agreement

On March 21, 1994, the Kyoto Protocol, the first international agreement to regulate GHG emissions, was signed. The Kyoto Protocol was a treaty made under the United Nations Framework Convention on Climate Change. If the commitments outlined in the Kyoto Protocol are met, global GHG emissions would be reduced by 5 percent from 1990 levels during the commitment period of 2008 to 2012. The U.S. was a signatory to the Kyoto Protocol; however, Congress has not ratified it and the U.S. is not bound by the Protocol's commitments.

In December 2015, the Paris Climate Agreement was endorsed and adopted by 195 countries including the U.S. (which has since withdrawn from the Agreement). The overarching goal was to reduce pollution levels so that the rise in global temperatures is limited to no more than 2o Celsius (3.6o Fahrenheit). The Agreement included voluntary commitments to cut or limit the growth of their GHG emissions and provide regular and transparent reporting of every country's carbon reductions.

State

California Global Warming Solutions Act of 2006 (AB 32, Stats. 2006, ch. 488)

Under Assembly Bill (AB) 32, the California Air Resources Board (CARB) is responsible for monitoring and reducing GHG emissions in the state and for establishing a statewide GHG emissions cap for 2020 based on 1990 emissions levels. CARB has adopted the AB 32 Climate Change Scoping Plan (Scoping Plan), initially approved in 2008 and updated in 2014, which contains the main implementation strategies for California to

reduce CO₂e emissions by 169 million metric tons (MMT) from the state's projected 2020 emissions level of 596 MMT CO₂e under a business-as-usual scenario. The Scoping Plan breaks down the amount of GHG emissions reductions CARB recommends for each emissions sector of the state's GHG inventory, but does not directly discuss GHG emissions generated by construction activities.

California Global Warming Solutions Act of 2006: emissions limit (SB 32, Stats. 2016, ch. 249)

The update made by SB 32 requires a reduction in statewide GHG emissions to 40 percent below 1990 levels by 2030 to meet the target set in EO B-30-15. The 2017 Climate Change Scoping Plan provides a path to meet the SB 32 GHG emissions reduction goals and provides several GHG emissions reduction strategies to meet the 2030 interim GHG emissions reduction target including implementation of the Sustainable Freight Action Plan, Diesel Risk Reduction Plan, Renewable Portfolio Standard (50 percent by 2030), Advanced Clean Cars policy, and Low Carbon Fuel Standard.

Clean Energy and Pollution Reduction Act (SB 350; Stats. 2015, ch. 547)

This Act requires that the amount of electricity generated and sold to retail customers from renewable energy resources be increased to 50 percent by December 31, 2030, and that statewide energy efficiency savings in electricity and natural gas by retail customers be doubled by January 1, 2030.

SB 97 (Stats. 2007, ch. 185)

Pursuant to SB 97, the State Office of Planning and Research prepared, and the Natural Resources Agency adopted amendments to the state CEQA Guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions. Effective as of March 2010, the revisions to the CEQA Environmental Checklist Form (Appendix G) and the Energy Conservation Appendix (Appendix F) provide a framework to address global climate change impacts in the CEQA process; state CEQA Guidelines section 15064.4 was also added to provide an approach to assessing impacts from GHGs.

As discussed in state CEQA Guidelines section 15064.4, the determination of the significance of GHG emissions calls for a careful judgment by the lead agency, consistent with the provisions in section 15064. Section 15064.4 further provides that a lead agency should make a good-faith effort, to the extent possible, on scientific and factual data, to describe, calculate, or estimate the amount of GHG emissions resulting from a project.

A lead agency shall have discretion to determine, in the context of a particular project, whether to:

- Use a model or methodology to quantify GHG emissions resulting from a project, and determine which model or methodology to use. The lead agency has discretion to select the model or methodology it considers most

appropriate provided it supports its decision with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use; and/or

- Rely on a qualitative analysis or performance-based standards.

Section 15064.4 also advises a lead agency to consider the following factors, among others, when assessing the significance of impacts from GHG emissions on the environment: the extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting; whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

Other Legislation

- **AB 1493** (Stats. 2002, ch. 200) required CARB to develop and implement regulations (stricter emissions standards) to reduce automobile and light truck GHG emissions beginning with model year 2009.
- **AB 2800** (Stats. 2016, ch. 580) requires, in part, that state agencies, until 2020, take into account current and future climate change impacts when planning, designing, building, operating, maintaining, and investing in infrastructure.
- **SB 1383** (Stats. 2016, ch. 395) requires CARB to approve and begin implementing its Short- Lived Climate Pollutant Reduction Strategy by January 1, 2018, to achieve a 40 percent reduction in methane, 40 percent reduction in hydrofluorocarbon gases, and 50 percent reduction in anthropogenic black carbon by 2030, relative to 2013 levels.

Executive Orders (EOs)

- **EO B-30-15** (Governor Brown, 2015) established a new interim statewide GHG emission reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030 to ensure California meets its target to reduce GHG emissions to 80 percent below 1990 levels by 2050. State agencies with jurisdiction over sources of GHG emissions to implement measures were also directed pursuant to statutory authority, to achieve GHG emissions reductions to meet the 2030 and 2050 targets.
- **EO S-21-09** (Governor Schwarzenegger, 2009) directed CARB to adopt a regulation consistent with the goal of EO S-14-08.
- **EO S-13-08** (Governor Schwarzenegger, 2008) directed state agencies to take specified actions to assess and plan for impacts of global climate change, particularly sea-level rise.

- **EO S-01-07** (Governor Schwarzenegger, 2007) set a low carbon fuel standard for California, and directed the carbon intensity of California's transportations fuels to be reduced by at least 10 percent by 2020.
- **EO S-3-05** (Governor Schwarzenegger, 2005) directed reductions in GHG emissions to 2000 levels by 2010, 1990 levels by 2020, and 80 percent below 1990 levels by 2050.

HAZARDS AND HAZARDOUS MATERIALS

Federal

Safe Drinking Water Act

The US Environmental Protection Agency (USEPA)'s authority under the Safe Drinking Water Act sets federal limits for drinking water contaminants. Water suppliers must provide water that meets these standards, called maximum contaminant levels.

Hazardous Materials Transportation Act (HMTA) (49 U.S.C. § 5901)

The HMTA delegates authority to the U.S. Department of Transportation to develop and implement regulations pertaining to the transport of hazardous materials and hazardous wastes by all modes of transportation. The USEPA's Hazardous Waste Manifest System is a set of forms, reports, and procedures for tracking hazardous waste from a generator's site to the disposal site. Applicable regulations are contained primarily in CFR Titles 40 and 49.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C., Ch. 103)

CERCLA, commonly known as Superfund, provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites, provides for liability of persons responsible for releases of hazardous waste at these sites, and establishes a trust fund to provide for cleanup when no responsible party could be identified. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.

Emergency Planning and Community Right-to-Know Act (EPCRA).

Under the Emergency Planning and Community Right-to-Know Act (EPCRA), or Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), the EPA requires local agencies to regulate the storage and handling of hazardous materials and requires development of a plan to mitigate the release of hazardous materials. Businesses that handle any of the specified hazardous materials must submit to government agencies (i.e., Environmental Health Services Department), an inventory of the hazardous materials, and emergency response plan, and an employee training program. These business plans must provide a description of the types of hazardous

materials/waste onsite and the location of these materials. The information in the business plan can then be used in the event of an emergency to determine the appropriate response action, the need for public notification, and the need for evacuation.

National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR 300)

Authorized under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA: 42 U.S.C. § 9605), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA: Pub. L. 99-499); and by Clean Water Act section 311(d), as amended by the Oil Pollution Act (Pub. L. 101-380), the NCP outlines requirements for responding to oil spills and hazardous substance releases. It specifies compliance, but does not require preparation of a written plan, and provides a comprehensive system for reporting, spill containment, and cleanup. Per 40 CFR 300.175 and 40 CFR 300.120, the U.S. Coast Guard has responsibility for oversight of regional response for oil spills in “coastal zones.”

Occupational Safety and Health Act of 1970

Congress created the California Division of Occupational Safety and Health (Cal/OSHA) to assure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance. Cal/OSHA has entered into an agreement with California under which California regulations covers all private sector places of employment within the state with certain exceptions.

Oil Pollution Act (OPA) of 1990 (33 U.S.C. § 2712)

The OPA requires owners and operators of facilities that could cause substantial harm to the environment to prepare and submit, and maintain up-to-date, plans for responding to worst- case discharges of oil and hazardous substances and for facilities and vessels to demonstrate that they have sufficient response equipment under contract to respond to and clean up a worst-case spill. The passage of the OPA motivated California to pass a more stringent spill response and recovery regulation and the creation of the Office of Spill Prevention and Response to review and regulate oil spill plans and contracts. The OPA includes provisions to expand prevention and preparedness activities, improve response capabilities, provide funding for natural resource damage assessments, ensure that shippers and oil companies pay the costs of spills that do occur, and establish an expanded research and development program.

Pursuant to a Memorandum of Understanding established to divide areas of responsibility, the U.S. Coast Guard is responsible for tank vessels and marine terminals, the USEPA for tank farms, and the Research and Special Programs Administration for pipelines; each of these agencies has developed regulations for its area of responsibility. In addition, the Secretary of Interior is responsible for spill prevention, oil-spill contingency plans, oil-spill containment and clean-up equipment,

financial responsibility certification, and civil penalties for offshore facilities and associated pipelines in all federal and state waters.

Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6901 et seq.)

The RCRA authorizes the USEPA to control hazardous waste from “cradle-to-grave” (generation, transportation, treatment, storage, and disposal). RCRA Hazardous and Solid Waste Amendments from 1984 include waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. The Department of Toxic Substances Control is the lead state agency for corrective action associated with RCRA facility investigations and remediation.

Toxic Substances Control Act (TSCA) (15 U.S.C. § 2601–2692)

The TSCA authorizes the USEPA to require reporting, record-keeping, testing requirements, and restrictions related to chemical substances and/or mixtures. It also addresses production, importation, use, and disposal of specific chemicals, such as polychlorinated biphenyls (PCBs), asbestos-containing materials, lead-based paint, and petroleum.

Other Relevant Laws, Regulations, and Recognized National Codes and Standards

- **33 CFR, Navigation and Navigable Waters** regulates aids to navigation, vessel operations, anchorages, bridges, security of vessels, waterfront facilities, marine pollution financial responsibility and compensation, prevention and control of releases of materials (including oil spills) from vessels, ports and waterways safety, boating safety, and deep-water ports
- **40 CFR Parts 109, 110, 112, 113, and 114 – The Spill Prevention Countermeasures and Control (SPCC)** plans covered in these regulatory programs apply to oil storage and transportation facilities and terminals, tank farms, bulk plants, oil refineries, and production facilities, and bulk oil consumers (e.g., apartment houses, office buildings, schools, hospitals, government facilities). These regulations include minimum criteria for developing oil removal contingency plans, prohibit discharge of oil such that applicable water quality standards would be violated, and address oil spill prevention and preparation of SPCC plans. They also establish financial liability limits and provide civil penalties for violations of the oil spill regulations.
- Clean Water Act (see Hydrology and Water Quality)
- Hazardous Materials Transportation Act (see Transportation/Traffic)

State

California Occupational Safety and Health Act (Cal/OSHA) of 1973 and California Code of Regulations, title 8

California employers have many different responsibilities under the CalOSHA Regulations. The following represents several requirements:

- Establish, implement and maintain an Injury and Illness Prevention Program and update it periodically to keep employees safe.
- Inspect workplace(s) to identify and correct unsafe and hazardous conditions.
- Make sure employees have and use safe tools and equipment and properly maintain this equipment.
- Provide and pay for personal protective equipment.
- Use color codes, posters, labels or signs to warn employees of potential hazards.

Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (OSPRA) (Gov. Code, § 8670.1 et seq., Pub. Resources Code, § 8750 et seq., and Rev. & Tax. Code, § 46001 et seq.)

The OSPRA and its implementing regulations seek to protect state waters from oil pollution and to plan for the effective and immediate response, removal, abatement, and cleanup in the event of an oil spill. The Act requires applicable operators to prepare and implement marine oil spill contingency plans and to demonstrate financial responsibility, and requires immediate cleanup of spills, following the approved contingency plans, and fully mitigating impacts on wildlife. The Act assigns primary authority to the Office of Spill Prevention and Response (OSPR) within the California Department of Fish and Wildlife (CDFW) to direct prevention, removal, abatement, response, containment, and cleanup efforts with regard to all aspects of any oil spill in the marine waters of the state; the California State Lands Commission is also provided with authority for oil spill prevention from and inspection of marine facilities and assists OSPR with spill investigations and response. Notification is required to the State Office of Emergency Services, which in turn notifies the response agencies, of all oil spills in the marine environment, regardless of size. The Act also created the Oil Spill Prevention and Administration Fund and the Oil Spill Response Trust Fund. Pipeline operators pay fees into the first of these funds for pipelines transporting oil into California across, under, or through marine waters.

Coastal Act Chapter 3 policies (see also Multiple Environmental Issues)

Section 30232 of the Coastal Act addresses hazardous materials spills and states that “Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided

for accidental spills that do occur.”

Other Relevant Laws, Regulations, and Standards

- **Hazardous Waste Control Act (Health & Saf. Code, ch. 6.5 & Cal. Code Regs., tit. 22 and 26)** establishes criteria for defining hazardous waste and its safe handling, storage, treatment, and disposal (law is designed to provide cradle-to-grave management of hazardous wastes and reduce the occurrence and severity of hazardous materials releases).
- **Hazardous Material Release Response Plans and Inventory Law** (Health & Saf. Code, ch. 6.95) is designed to reduce the occurrence and severity of hazardous materials releases. This state law requires businesses to develop a Release Response Plan for hazardous materials emergencies if they handle more than 500 pounds, 55 gallons, or 200 cubic feet of hazardous materials. In addition, the business must prepare a Hazardous Materials Inventory of all hazardous materials stored or handled at the facility over the above thresholds, and all hazardous materials must be stored in a safe manner.
- **California Code of Regulations, title 8, division 1** sets forth the Permissible Exposure Limit, the exposure, inhalation or dermal permissible exposure limit for numerous chemicals. Included are chemicals, mixture of chemicals, or pathogens for which there is statistically significant evidence, based on at least one study conducted in accordance with established scientific principles, that acute or chronic health effects may occur in exposed employees. Title 8 sections 5191 and 5194 require a Hazard Communication Plan to ensure both employers and employees understand how to identify potentially hazardous substances in the workplace, understand the associated health hazards, and follow safe work practices.
- **California Code of Regulations, title 19, division 2** establishes minimum statewide standards for Hazardous Materials Business Plans.
- **California Code of Regulations, title 22, division 4.5** regulates hazardous wastes and materials by implementation of a Unified Program to ensure consistency throughout the state in administration requirements, permits, inspections, and enforcement by Certified Unified Program Agencies (CUPAs).
- **California Code of Regulations, title 24, part 9** (Fire Code regulations) – state hazardous materials should be used and storage in compliance with the state fire codes.
- **Porter-Cologne Water Quality Control Act** (see Hydrology and Water Quality)
- **Seismic Hazards Mapping Act/Regulations** (see Geology and Soils)

- **California State Lands Commission Oil and Gas provisions and regulations** (see Multiple Environmental Issues)

HYDROLOGY AND WATER QUALITY

Federal

Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.)

The CWA is comprehensive legislation (it generally includes the Federal Water Pollution Control Act of 1972, its supplementation by the CWA of 1977, and amendments in 1981, 1987, and 1993) that seeks to protect the nation's water from pollution by setting water quality standards for surface water and by limiting the discharge of effluents into waters of the U.S. These water quality standards are promulgated by the USEPA and enforced in California by the State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs). Relevant CWA sections include:

- **Section 303(d) (33 U.S.C. § 1313)** requires states to list waters that are not attaining water quality standards, which is known as the 303(d) List of impaired waters. These requirements have led to the development of total maximum daily load (TMDL) guidance at the state level through the SWRCB and various RWQCBs.
- **Section 305(b) (33 U.S.C. § 1315)** requires states to assess and report on the water quality status of waters within the states.
- **Section 401 (33 U.S.C. § 1341)** specifies that any applicant for a federal permit or license to conduct any activity which may result in any discharge into the navigable waters of the U.S. to obtain a certification or waiver thereof from the state in which the discharge originates that such a discharge will comply with established state effluent limitations and water quality standards. ACOE projects are required to obtain this certification.
- **Section 402 (33 U.S.C. § 1342)** establishes conditions and permitting for discharges of pollutants under the National Pollutant Discharge Elimination System (NPDES). Under the NPDES Program, states establish standards specific to water bodies and designate the types of pollutants to be regulated, including total suspended solids and oil; all point sources that discharge directly into waterways are required to obtain a permit regulating their discharge. NPDES permits fall under the jurisdiction of the SWRCB or RWQCBs when the discharge occurs within state waters (out to 3 nautical miles).
- **Section 403 (33 U.S.C. § 1343)** provides permit issuance guidelines for ocean discharge. Section 403 provides that point source discharges to the territorial seas, contiguous zone, and oceans are subject to regulatory requirements in addition to the technology- or water quality-based

requirements applicable to typical discharges. These requirements are intended to ensure that no unreasonable degradation of the marine environment will occur as a result of the discharge and to ensure that sensitive ecological communities are protected.

- **Section 404 (33 U.S.C. § 1344)** authorizes the U.S. Army Corps of Engineers to issue permits for the discharge of dredged or fill material into waters of the U.S., including wetlands, streams, rivers, lakes, coastal waters or other water bodies or aquatic areas that qualify as waters of the U.S. Rivers and Harbors Act (33 U.S.C. § 401).

This Act governs specified activities in “navigable waters” (waters subject to the ebb and flow of the tide or that are presently used, have been used in the past, or may be susceptible for use to transport interstate or foreign commerce). Section 10 provides that construction of any structure in or over any navigable water of the U.S., or the accomplishment of any other work affecting the course, location, condition, or physical capacity of such waters, is unlawful unless the U.S. Army Corps of Engineers approves the work and issues a Rivers and Harbors Act section 10 Permit (which may occur concurrently with Clean Water Act section 404 permits).

Other Relevant Laws and Regulations

- **Marine Plastic Pollution Research and Control Act** prohibits the discharge of plastic, garbage, and floating wood scraps within 3 nautical miles of land. Beyond 3 nautical miles, garbage must be ground to less than 1 inch, but discharge of plastic and floating wood scraps is still restricted. This Act requires manned offshore platforms, drilling rigs, and support vessels operating under a federal oil and gas lease to develop waste management plans.
- **Oil Pollution Act (OPA)** (see Hazards and Hazardous Materials)

State

Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) (Porter-Cologne)

Porter-Cologne is the principal law governing water quality in California. The Act established the SWRCB and nine RWQCBs, which have primary responsibility for protecting water quality and beneficial uses of state waters. Porter-Cologne also implements many provisions of the federal Clean Water Act, such as the NPDES permitting program. Pursuant to Clean Water Act section 401, applicants for a federal license or permit for activities that may result in any discharge to waters of the U.S. must seek a Water Quality Certification from the state in which the discharge originates; such Certification is based on a finding that the discharge will meet water quality standards and other appropriate requirements of state law. In California, RWQCBs issue or deny certification for discharges within their jurisdiction. The SWRCB has this

responsibility where projects or activities affect waters in more than one RWQCB's jurisdiction. If the SWRCB or a RWQCB imposes a condition on its Certification, those conditions must be included in the federal permit or license. Plans that contain enforceable standards for the various waters they address include the following:

- **Basin Plan.** Porter-Cologne (see § 13240) requires each RWQCB to formulate and adopt a Basin Plan for all areas within the region. Each RWQCB must establish water quality objectives to ensure the reasonable protection of beneficial uses, and an implementation program for achieving water quality objectives within the basin plan. In California, the beneficial uses and water quality objectives are the state's water quality standards.
- **California Ocean Plan (see § 13170.2)** establishes water quality objectives for California's ocean waters and provides the basis for regulating wastes discharged into ocean and coastal waters. The plan applies to point and non-point sources. In addition, the Ocean Plan identifies applicable beneficial uses of marine waters and sets narrative and numerical water quality objectives to protect beneficial uses. The SWRCB first adopted this plan in 1972, and it reviews the plan at least every 3 years to ensure that current standards are adequate and are not allowing degradation to indigenous marine species or posing a threat to human health.

RWQCBs also oversee on-site treatment of "California Designated, Non-Hazardous Waste" and enforce water quality thresholds and standards set forth in the Basin Plan. Applicants may be required to obtain a General Construction Activities Storm Water Permit under the NPDES program, and develop and implement a Storm Water Pollution Prevention Plan (SWPPP) that includes best management practices to control erosion, siltation, turbidity, and other contaminants associated with construction activities. The SWPPP would include best management practices to control or prevent the release of non-storm water discharges, such as crude oil, in storm water runoff.

California Anti-Degradation Policy.

In 1968, as required under the federal anti-degradation policy, the SWRCB adopted Resolution No. 68-16 a "Statement of Policy with Respect to Maintaining High Quality of Waters in California." Resolution 68-16 states that the disposal of wastes into state waters shall be regulated to achieve the highest water quality standard with maximum benefit to the people of the state and to promote the peace, health, safety, and welfare of the people of the state. The Policy prohibits discharges of wastes that will lower the quality of surface or groundwater so that the water is available for the maximum benefit of future residents.

California Water Code.

The State Water Resources Control Board is the umbrella agency with jurisdiction over water quality issues in the State of California. In addition to standards and regulations established by the Federal NPDES program, California adopted a number of other,

more stringent legislative acts in order to further strengthen State water quality standards. These acts include the Porter- Cologne Water Quality Act, California Water Code, and Title 23 of the California Code of Regulations. Within California, the State Water Resources Control Board is responsible for developing and implementing water quality control policy. State Water Resources Control Board is the agency designated by the Environmental Protection Agency for administering applicable Federal Clean Water Act and Safe Drinking Water Act programs, which include adopting water quality standards for State waters.

The Central Coast Regional Water Quality Control Board is responsible for water quality permitting in Santa Barbara County. The Central Coast Regional Water Quality Control Board adopted the Central Coast Basin Plan, which designates beneficial uses and establishes water quality objectives for groundwater and surface water along the Central Coast.

Coastal Act Chapter 3 policies (see also Multiple Environmental Issues)

Section 30231 states that the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Construction Storm Water Regulations.

Construction projects are required to comply with the statewide National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activity (General Construction Permit) (Order No. 99-08-DWQ, Permit No. CAS000002).

Under this program, construction activities that would result in earth disturbance of one or more acres are required to file a Notice of Intent to obtain a General Construction Permit. The applicant is required to develop a Storm Water Pollution Prevention Plan, which provides best management practices (BMPs) to manage storm water runoff from the Project site. BMPs include erosion and sediment control devices, scheduling of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollutant of waters of the United States

Marine Life Management Act

The Marine Life Management Act of 1999 is a plan for managing fisheries and other marine life in the state.

Marine Life Protection Act (MLPA) (Fish & G. Code, §§ 2850–2863)

Pursuant to this Act, the California Department of Fish and Wildlife (CDFW) established

and manages a network of Marine Protected Areas (MPAs) to, among other goals, protect marine life and habitats and preserve ecosystem integrity.

Other Relevant Laws

- **Lake and Streambed Alteration Program** (Fish & G. Code, §§ 1600-1616) (see Biological Resources section)
- **Water Code section 13142.5** provides marine water quality policies stating that wastewater discharges shall be treated to protect present and future beneficial uses, and, where feasible, to restore past beneficial uses of the receiving waters. The highest priority is given to improving or eliminating discharges that adversely affect wetlands, estuaries, and other biologically sensitive sites; areas important for water contact sports; areas that produce shellfish for human consumption; and ocean areas subject to massive waste discharge.

LAND USE AND PLANNING

Federal

Coastal Zone Management Act (see Multiple Environmental Issues)

State

Submerged Lands Act

The State of California owns tide and submerged lands waterward of the ordinary high watermark. state law gives primary responsibility for determination of the precise boundary between these public tidelands and private lands, and administrative responsibility over state tidelands, to the CSLC. Access and use of state shoreline areas can be obtained through purchase or lease agreements.

Coastal Act Chapter 3 policies (see also Multiple Environmental Issues)

- **Section 30220** – Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.
- **Section 30221** – Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.
- **Section 30222** – The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or

coastal-dependent industry.

- **Section 30223** – Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.
- **Section 30224** – Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water- dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

MINERAL RESOURCES

Federal

There are no major federal laws, regulations, and policies potentially applicable to this project.

State

Surface Mining and Reclamation Act (SMARA) (Pub. Resources Code, §§ 2710-2796).

The California Department of Conservation is the primary agency tasked with mineral resource protection. The Department, which is charged with conserving earth resources (Pub.Resources Code, §§ 600-690), has five program divisions: California Geological Survey (CGS); Division of Oil, Gas, and Geothermal Resources (DOGGR); Division of Land Resource Protection; State Mining and Geology Board (SMGB); and Division of Mine Reclamation.

SMGB develops policy direction regarding the development and conservation of mineral resources and reclamation of mined lands. In accordance with SMARA, CGS classifies the regional significance of mineral resources and assists in designating lands containing significant aggregate resources. Four Mineral Resource Zones (MRZs) are designated to indicate the significance of mineral deposits.

- **MRZ-1** – Areas where adequate information indicates that no significant mineral deposits are present or where it is judged that little likelihood exists for their presence.
- **MRZ-2** – Areas where adequate information indicates significant mineral deposits are present, or where it is judged that a high likelihood exists for their presence.
- **MRZ-3** – Areas containing mineral deposits the significance of which cannot be evaluated from available data.

- **MRZ-4** – Areas where available information is inadequate for assignment to any other MRZ.

The Warren-Alquist Act

This act was adopted in 1974 to encourage conservation of non-renewable energy resources.

NOISE

Federal

Noise Control Act (42 U.S.C. § 4910) and NTIS 550\9-74-004, 1974

The Noise Control Act required the USEPA to establish noise emission criteria and noise testing methods (40 CFR Chapter 1, Subpart Q). These criteria generally apply to interstate rail carriers and to some types of construction and transportation equipment. In 1974, the USEPA provided guidance in National Technical Information Service (NTIS) 550\9-74-004 (“Information on Levels of Environmental Noise Requisite to Protect Health and Welfare with an Adequate Margin of Safety;” referenced as the “Levels Document”) that established a Day Night Average Sound Level (Ldn) of 55 dBA as the requisite level, with an adequate margin of safety, for areas of outdoor uses including residences and recreation areas. The recommendations do not consider technical or economic feasibility (i.e., the document identifies safe levels of environmental noise exposure without consideration for achieving these levels or other potentially relevant considerations), and therefore should not be construed as standards or regulations.

State

Land Use Compatibility Guidelines from the now defunct California Office of Noise Control

State regulations for limiting population exposure to physically and/or psychologically significant noise levels include established guidelines and ordinances for roadway and aviation noise under the California Department of Transportation and the now defunct California Office of Noise Control. Office of Noise Control land use compatibility guidelines provided the following:

- For residences, an exterior noise level of 60 to 65 dBA Community Noise Equivalent Level (CNEL) is considered "normally acceptable;" a noise level of greater than 75 dBA CNEL is considered "clearly unacceptable."
- A noise level of 70 dBA CNEL is considered "conditionally acceptable" (i.e., the upper limit of "normally acceptable" for sensitive uses [schools, libraries, hospitals, nursing homes, churches, parks, offices, commercial/professional businesses]).

Other Relevant Regulation

California Code of Regulations, title 24 establishes CNEL 45 dBA as the maximum allowable indoor noise level resulting from exterior noise sources for multi-family residences.

POPULATION AND HOUSING

Federal and State

There are no major federal or state laws, regulations, and policies potentially applicable to this project.

PUBLIC SERVICES

Federal

CFR Title 29

- **29 CFR 1910.38** requires an employer, when required by a California Division of Occupational Safety and Health (Cal/OSHA) standard, to have an Emergency Action Plan that must be in writing, kept in the workplace, and available to employees for review.
- **29 CFR 1910.39** requires an employer to have a Fire Prevention Plan.
- **29 CFR 1910.155, Subpart L**, Fire Protection requires employers to place and keep in proper working order fire safety equipment within facilities.

State

California Code of Regulations, title 19 (Public Safety)

California State Fire Marshal regulations establish minimum standards for the prevention of fire and for protection of life and property against fire, explosion, and panic.

RECREATION

Federal

There are no major federal laws, regulations, and policies potentially applicable to this project.

State

Coastal Act Chapter 3 policies (see also Multiple Environmental Issues)

- **Section 30210** – In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously

posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

- **Section 30220** – Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.
- **Section 30221** – Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.
- **Section 30222.5** – Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.

Other Relevant Regulations

- **California Ocean Sport Fishing Regulations.** Each year, the Fish and Game Commission issues regulations on the recreational fishing within state marine waters. These regulations specify season, size and bag limits, gear restrictions, as well as licensing requirements.

Following the development of the MPAs, a section on fishing restrictions within the MPAs was also included.

TRANSPORTATION / TRAFFIC

Federal

Hazardous Materials Transportation Act (HMTA) (49 U.S.C. § 5901)

The HMTA delegates authority to the U.S. Department of Transportation to develop and implement regulations pertaining to the transport of hazardous materials and hazardous wastes by all modes of transportation. The USEPA's Hazardous Waste Manifest System is a set of forms, reports, and procedures for tracking hazardous waste from a generator's site to the disposal site. Applicable regulations are contained primarily in CFR Titles 40 and 49.

Title 23 (Highways), CFR, Section 450.220

Requires each state to carry out a continuing, comprehensive, and intermodal statewide transportation planning process. This planning process must include the development of a statewide transportation plan and transportation improvement program that facilitates the efficient, economic movement of people and goods in all areas of the state.

State

California Vehicle Code

Chapter 2, article 3 defines the powers and duties of the California Highway Patrol, which enforces vehicle operation and highway use in the state. The California Department of Transportation is responsible for the design, construction, maintenance, and operation of the California State Highway System and the portion of the Interstate Highway System within state boundaries.

Caltrans has the discretionary authority to issue special permits for the use of California State highways for other than normal transportation purposes. Caltrans also reviews all requests from utility companies, developers, volunteers, nonprofit organizations, and others desiring to conduct various activities within the California Highway right of way. The Caltrans Highway Design Manual, prepared by the Office of Geometric Design Standards (Caltrans 2012), establishes uniform policies and procedures to carry out the highway design functions of Caltrans. Caltrans has also prepared a Guide for the Preparation of Traffic Impact Studies (Caltrans 2002). Objectives for the preparation of this guide include providing consistency and uniformity in the identification of traffic impacts generated by local land use proposals.

UTILITIES AND SERVICE SYSTEMS

Federal

CFR Title 29 (see Public Services)

State

California Integrated Waste Management Act (AB 939; Stats. 1989, ch. 1095)

Assembly Bill (AB) 939 mandates management of non-hazardous solid waste throughout California. Its purpose includes: reduce, recycle, and reuse solid waste generated in the state to the maximum extent feasible; improve regulation of existing solid waste landfills; ensure that new solid waste landfills are environmentally sound; streamline permitting procedures for solid waste management facilities; and specify local government responsibilities to develop and implement integrated waste management programs. AB 939 policies preferred waste management practices include the following. The highest priority is to reduce the amount of waste generated at its source (source reduction). Second is to reuse, by extending the life of existing products and recycling those wastes that can be reused as components or feed stock for the manufacture of new products, and by composting organic materials. Source reduction, reuse, recycling and composting are jointly referred to as waste diversion methods because they divert waste from disposal. Third is disposal by environmentally safe transformation in a landfill. All local jurisdictions, cities, and counties must divert 50 percent of the total waste stream from landfill disposal by the year 2000 and each year

thereafter (with 1990 as the base year).

California Code of Regulations, title 19 (Public Safety)

Title 19 sets standards for the prevention of fire and protection of property and life by the Seismic Safety Commission, Office of Emergency Services, and Office of the Fire Marshall. It also contains guidelines and standards for general fire, construction, explosives, emergency management, earthquakes, and fire.

Coastal Act Chapter 3 policies (see also Multiple Environmental Issues)

- **Section 30254** – New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

WILDFIRE

Federal

There are no major federal laws, regulations, and policies potentially applicable to this project.

State

State Responsibility Area (SRA)

The California Public Resources Code (Section 4101 et seq.) includes fire safety requirements for which the Department of Forestry and Fire Protection (CAL FIRE) has adopted regulations (for example, Chapters 6 and 7 of Chapter 1.5 of 14 CCR) that apply to state responsibility areas (SRAs). As the name implies, SRAs are areas where CAL FIRE has primary responsibility for fire protection. During the fire hazard season, these regulations: (a) restrict the use of equipment that may produce a spark, flame, or fire; (b) require the use of spark arrestors on equipment that has an internal combustion engine; (c) specify requirements for the safe use of gasoline-powered tools in fire hazard areas; and (d) specify fire-suppression equipment that must be provided onsite for various types of work in fire-prone areas.

Very High Fire Hazard Severity Zones (AB337)

As a result of the Oakland Hills Fire (Tunnel Fire) of 1991, the Bates Bill (337) was passed in 1992 requiring CAL FIRE to work with local governments to identify high fire hazard severity zones within local responsibility areas throughout each county in the state. Over the years CAL FIRE has updated the maps and provided new recommendations to local governments.

Following the Bill, CAL FIRE periodically gathers new data and updates the mapping. This is a massive project requiring policy and procedure staff, prevention and planning staff, and the technical geographic information system (GIS) skills of CAL FIRE's Fire and Resource Assessment Program.