

APPENDIX A REGULATORY SETTING

A.1 AESTHETICS

A.1.1 Federal

There are no federal laws, regulations, or policies pertaining to aesthetics that are potentially applicable to the Project.

A.1.2 State

A.1.2.1 California Scenic Highway Program (California Streets and Highways Code, Sections 260 through 263)

The purpose of California's Scenic Highway Program, which was created by the Legislature in 1963 and is managed by the California Department of Transportation (Caltrans), is to preserve and protect scenic highway corridors from change which would diminish the aesthetic value of lands adjacent to highways. State highways identified as scenic, or eligible for designation, are listed in the Streets and Highways Code Section 263. A highway's status changes from eligible to officially designated when a local governmental agency has implemented a corridor protection program for an eligible highway that meets the standards of an official scenic highway.

A.2 AGRICULTURE STATE AND FEDERAL REGULATIONS

A.2.1 Federal

No federal plans or policies concerning agriculture and forestry resources apply to the Project.

A.2.2 State

A.2.2.1 California Farmland Mapping and Monitoring Program

The California Department of Conservation's FMMP provides a classification system for farmland based on technical soil ratings and current land use (DOC 2022b). The minimum land use mapping unit is 10 acres unless specified; smaller units of land are incorporated into the surrounding map classifications.

For the purposes of this environmental analysis, the term "Farmland" refers to the FMMP map categories *Prime Farmland*, *Unique Farmland* and *Farmland of Statewide Importance* (hereafter collectively referred to as "Farmland"). Generally, any conversion of the land from one of these categories to a less

quality category or a non-agriculture use would be considered to be an adverse impact. These map categories are defined as follows (DOC 2022b).

Prime Farmland: Land which has the best combination of physical and chemical features able to sustain long term agricultural production. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the 4 years prior to the mapping date.

Unique Farmland: Farmland of less quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the 4 years prior to the mapping date.

Farmland of Statewide Importance: Land that is similar to *Prime Farmland* but with minor shortcomings, such as greater slopes or less ability to hold and store moisture. Land must have been used for irrigated agricultural production at some time during the 4 years prior to the mapping date.

A.2.2.2 California Land Conservation Act of 1965 (Williamson Act)

The California Land Conservation Act of 1965 (Williamson Act; Government Code Section 51200 et seq.) is the state's primary program aimed at conserving private land for agricultural and open space uses. The Williamson Act provides a mechanism through which private landowners can contract with counties and cities to voluntarily restrict their land to agricultural and compatible open-space uses. In return, Williamson Act contracts offer tax incentives by ensuring that land is assessed for its agricultural productivity rather than its highest and best (i.e., most remunerative) use. Contracts typically restrict land use for a period of 10 years; however, some jurisdictions exercise the option to extend the term for up to 20 years. Contracts automatically renew unless the landowner or county serves notice of non-renewal (in which case the contract ends at the close of the current renewal period). Additionally, the landowner can petition for cancellation of a contract (DOC 2022a).

A.2.2.3 California Public Resources Code

Section 12220(g) of the California Public Resources Code defines forest land as "land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife,

biodiversity, water quality, recreation, and other public benefits." "Timberland" is defined by Public Resources Code Section 4526 as "land, other than land owned by the federal government..., which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees."

A.2.2.4 California Government Code

Chapter 6.7 of the Government Code (Sections 51100–51155) regulates timberlands within the state. "Timberland production zone" is defined in Section 51104(g) as an area that has been zoned pursuant to Government Code Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses. In this context, "compatible uses" include any use that "does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber" (Government Code Section 51104(h)). Watershed management, grazing, and the erection, construction, alteration, or maintenance of electric transmission facilities are examples of compatible uses. The general plans of cities and counties may use the term "timberland preserve zone," which Government Code Section 51104(g) defines as equivalent to "timberland production zone."

Chapter 7 of the Government Code (Section 51238 et seq.) defines compatible uses for Agricultural Preserves, i.e., land under a Williamson Act contract. Compatible uses that were defined at the time a contract was originally signed determine which uses are presently compatible under the contract.

A.3 AIR QUALITY

A.3.1 Federal

The USEPA is responsible for implementing programs established under the federal CAA such as establishing and reviewing the NAAQS and judging the adequacy of State Implementation Plans (SIPs). It has delegated the authority to implement many of the federal programs to the states while retaining an oversight role to ensure that the programs continue to be implemented.

A.3.2 State

The California Air Resources Board (CARB) is responsible for establishing and reviewing the state standards, compiling the California SIP and securing approval of that plan from USEPA, conducting research and planning, and

identifying TACs. CARB also regulates mobile sources of emissions in California, such as construction equipment, trucks, and automobiles, and oversees the activities of California's air quality districts, which are organized at the county or regional level. County or regional air quality management districts are primarily responsible for regulating stationary sources at industrial and commercial facilities within their geographic areas and for preparing the air quality plans that are required under the federal CAA and California CAA.

A.3.2.1 California's Diesel Risk Reduction Plan/Diesel Fuel Regulations

As part of California's Diesel Risk Reduction Plan, CARB has issued numerous regulations to reduce diesel emissions from vehicles and equipment that are already in use. Combining these retrofit regulations with new engine standards for diesel fueled vehicles and equipment, CARB intended to reduce DPM emissions by 85 percent from year 2000 levels by 2020. California Diesel Fuel Regulations (13 CCR Sections 2281–2285; 17 CCR Section 93114) provide standards for diesel motor vehicle fuel and non-vehicular diesel fuel.

CARB has also adopted a regulation for in-use off-road diesel vehicles that is designed to reduce emissions from diesel-powered construction and mining vehicles by imposing idling limitations on owners, operators, renters, or lessees of off-road diesel vehicles. The regulation requires an operator of applicable off-road vehicles (self-propelled diesel-fueled vehicles 25 horsepower and up that were not designed to be driven on-road) to limit idling to no more than 5 minutes.

A.4 BIOLOGICAL RESOURCES

A.4.1 Federal

A.4.1.1 Endangered Species Act of 1973, as amended (16 USC 1531-1543)

The federal Endangered Species Act (FESA) and subsequent amendments provide guidance for the conservation of endangered and threatened species as well as the conservation of designated critical habitat required for the survival and recovery of these listed species. Section 7 allows USFWS and the other federal agency to authorize, fund, or execute federal actions that do not jeopardize the existence of federally-listed species or adversely modify designated critical habitat. Through this regulatory mechanism, the involved federal agencies evaluate potential impacts on regulated resources and may allow for take of listed species or habitat. Section 9 lists actions prohibited under the FESA. The definition of “take” includes to harass, harm, pursue, hunt, shoot, wound, kill, trap,

capture, or collect, or to attempt to engage in any such conduct. Take may be allowed when it is incidental to an otherwise legal activity.

A.4.1.2 Migratory Bird Treaty Act MBTA (16 USC 703-711)

The Migratory Bird Treaty Act (MBTA) of 1918 is the domestic law that affirms and implements a commitment by the U.S. to four international conventions (with Canada, Mexico, Japan, and Russia) for the protection of a shared migratory bird resource. Unless and except as permitted by regulations, the MBTA makes it unlawful at any time, by any means, or in any manner to intentionally pursue, hunt, take, capture, or kill migratory birds anywhere in the United States. The law also applies to disturbance and removal of nests occupied by migratory birds or their eggs during the breeding season, whether intentional or incidental.

A.4.1.3 Bald and Golden Eagle Protection Act of 1940 (16 USC 668)

The federal Bald and Golden Eagle Protection Act of 1940 protects bald and golden eagles by prohibiting the taking, possession, and commerce of such birds and establishes civil penalties for violation of this act. Take of bald and golden eagles includes to “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb” (16 USC 668c). “Disturb” means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available: (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior (72 FR 31132; 50 CFR 22.3).

A.4.1.4 Clean Water Act, Section 404

The U.S. Army Corps of Engineers (USACE) administers Section 404 of the Clean Water Act (CWA). Section 404 regulates activities in wetlands and “other waters of the United States.” Wetlands are a subset of “waters of the United States” that are defined in the Code of Federal Regulations (CFR) (33 CFR 328.3[a]; 40 CFR 230.3[s]) as:

1. All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide.
2. All interstate waters including interstate wetlands. (Wetlands are defined by the federal government [33 CFR 328.3(b), 1991] as those areas that are inundated or saturated by surface or groundwater at a

frequency and duration sufficient to support, and that under normal circumstances support, a prevalence of vegetation typically adapted for life in saturated soil conditions).

3. All other waters—such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds—the use, degradation, or destruction of which could affect interstate or foreign commerce. This includes any waters with the following current or potential uses:
 - That are or could be used by interstate or foreign travelers for recreational or other purposes,
 - From which fish or shellfish are or could be taken and sold in interstate or foreign commerce, or
 - That are used or could be used for industrial purposes by industries in interstate commerce.
4. All impoundments of waters otherwise defined as waters of the United States under the definition.
5. Tributaries of waters identified in paragraphs (1) through (4).
6. Territorial seas.
7. Wetlands next to waters identified in paragraphs (1) through (6).
8. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding the Clean Water Act jurisdiction remains with the U. S. Environmental Protection Agency (328.3[a][8] added 58 CFR 45035, August 25, 1993).

Impacts to federally regulated waters subject to the jurisdiction of the USACE would require a permit from the USACE.

A.4.2 State

A.4.2.1 California Endangered Species Act (Fish and Game Code Section 2050 et seq.)

The California Endangered Species Act (CESA) establishes the policy of the state to conserve, protect, restore, and enhance threatened or endangered species and their habitats. The CESA mandates that state agencies should not approve

projects that would jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. For projects that would affect a listed species under both the CESA and the FESA, compliance with the FESA would satisfy the CESA if CDFW determines that the federal incidental take authorization is “consistent” with the CESA under Fish and Game Code Section 2080.1. Before a project results in take of a species listed under the CESA, a take permit must be issued under Section 2081 (b).

A.4.2.2 Fish and Game Code Sections 3503, 3503.5, and 3513

Under these sections of the Fish and Game Code, a project operator is not allowed to conduct activities that would result in the taking, possessing, or destroying of any birds of prey; the taking or possessing of any migratory nongame bird; the taking, possessing, or needlessly destroying of the nest or eggs of any raptors or nongame birds; or the taking of any nongame bird pursuant to Fish and Game Code Section 3800, whether intentional or incidental.

A.4.2.3 Fish and Game Code Sections 1600–1616

Sections 1600–1616 of the Fish and Game Code describe habitats potentially under the regulatory jurisdiction of CDFW. Fish and Game Code Section 1602 requires an entity to notify CDFW prior to commencing any activity that may (1) substantially divert or obstruct the natural flow of any river, stream or lake; (2) substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or (3) deposit debris, waste or other materials that could pass into any river, stream or lake. A Lake and Streambed Alteration Agreement (LSAA) covers activities that would result in the modification of the bed, bank, or channel of a stream, river, or lake, including water diversion and damming and removal of vegetation from the floodplain to the landward extent of the riparian zone (the top-of-bank). It governs both activities that modify the physical characteristics of the stream and activities that may affect fish and wildlife resources that use the stream and surrounding habitat (i.e., the riparian vegetation or wetlands). A Section 1602 LSAA will often require mitigation, such as revegetation or replanting of riparian trees or other compensatory mitigation for impacts to these resources.

A.4.2.4 Native Plant Protection Act (NPPA) (Fish and Game Code Sections 1900–1913)

California's NPPA requires all state agencies to use their authority to carry out programs to conserve endangered and rare native plants. Provisions of the NPPA prohibit the taking of endangered or rare plants from the wild and require notification of CDFW at least 10 days in advance of any change in land use in areas that support listed plants.

Vascular plants that are identified as “rare” by the CDFW, but which may have no designated status or protection under federal or State endangered species legislation, are defined as follows:

- **Rank 1A:** Plants Presumed Extinct.
- **Rank 1B:** Plants Rare, Threatened, or Endangered in California and elsewhere.
- **Rank 2:** Plants Rare, Threatened, or Endangered in California, but more numerous elsewhere.
- **Rank 3:** Plants about Which More Information is Needed – A Review List.
- **Rank 4:** Plants of Limited Distribution – A Watch List.

In general, plants appearing on CRPR 1A, 1B, or 2 are considered to meet the criteria of CEQA Guidelines Section 15380 and effects to these species are considered “significant”. Additionally, plants identified as CRPR 1A, 1B or 2 meet the definition of Section 1901, Chapter 10 (Native Plant Protection Act) and Sections 2062 and 2067 (California Endangered Species Act) of the FGC.

A.4.2.5 Porter Cologne Water Quality Act

The State Water Resources Control Board (State Water Board), through its nine Regional Water Quality Control Boards (RWQCB), regulates waters of the State through the California Clean Water Act (i.e., Porter-Cologne Act). The RWQCB also administers permits for discharges into waterways under the Clean Water Act Section 401 Water Quality Certification and Wetlands Program.

If the Corps determines wetlands or other waters to be isolated waters and not subject to regulation under the federal CWA, the RWQCB may choose to exert jurisdiction over these waters under the Porter-Cologne Act as waters of the State.

A.4.2.6 CEQA Guidelines Section 15380

Although threatened and endangered species are protected by specific federal and State statutes, CEQA Guidelines Section 15380(b) provides that a species not listed on the federal or State list of protected species may be considered rare or endangered if the species can be shown to meet certain specific criteria. These criteria have been modeled after the definition of FESA and the section of Fish and Game Code discussing rare or endangered plants or animals. This section was included in the CEQA Guidelines primarily for situations in which a public agency is reviewing a project that may have a significant effect on a candidate species that has not yet been listed by CDFW or USFWS. CEQA provides the ability to protect species from potential project impacts until the respective agencies have the opportunity to designate the species protection.

CEQA also specifies the protection of other locally or regionally significant resources, including natural communities or habitats. Although natural communities do not presently have legal protection, CEQA requires an assessment of such communities and potential project impacts. Natural communities that are identified as sensitive in the CNDDDB are considered by CDFW to be significant resources and fall under the CEQA Guidelines for addressing impacts. Local planning documents such as general and area plans often identify natural communities.

A.5 CULTURAL RESOURCES

A.5.1 Regulatory Setting

A.5.1.1 National Register of Historic Places

The National Historic Preservation Act (NHPA) of 1966, as amended (U.S. Code Title 54, Section 306108), and its implementing regulations established the National Register of Historic Places (National Register) as a comprehensive inventory of known historic resources throughout the United States. The National Register is administered by the National Park Service under the direction of the Secretary of the Interior. It includes buildings, structures, sites, objects, and districts that possess historic, architectural, archaeological, engineering, or cultural significance. A property is considered significant if it meets the criteria for listing in the National Register at Code of Federal Regulations Title 36, Section 60.4 (36 CFR 60.4).

A.5.1.2 California Environmental Quality Act (CEQA) and California Register of Historical Resources

CEQA requires regulatory compliance for projects involving historic resources throughout the State. Under CEQA, public agencies must consider the effects of their actions on historic resources (Public Resources Code, Section 21084.1). The CEQA Guidelines define a significant resource as any resource listed in or determined to be eligible for listing in the California Register of Historical Resources (California Register) [see Public Resources Code, Section 21084.1 and CEQA Guidelines Section 15064.5 (a) and (b)].

The California Register is “an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC Section 5024.1 (a)). Certain resources are determined by law to be automatically included in the California Register, including California properties formally determined eligible for, or listed in, the National Register.

A.5.1.3 Secretary of the Interior’s Standards and Guidelines

The Secretary of the Interior’s Standards for the Treatment of Historic Properties (Standards) outline four specific approaches to the treatment of historic properties: preservation, restoration, rehabilitation, and reconstruction. CEQA references these standards when considering the significance of project impacts, or mitigation of said impacts on historic structures.

A.5.1.4 Native American Heritage Commission

The Native American Heritage Commission (NAHC) was created by statute in 1976, is a nine-member body appointed by the Governor to identify and catalog cultural resources (i.e., places of special religious or social significance to Native Americans and known graves and cemeteries of Native Americans on private lands) in California. The Commission is responsible for preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintaining an inventory of Native American sacred sites located on public lands, and reviewing current administrative and statutory protections related to these sacred sites.

A.5.1.5 California Public Resources Code Sections 5097.98 and 5097.99

PRC Section 5097.98 (reiterated in CEQA Guidelines Section 15064.5(e)) identifies steps to follow in the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery. PRC Section 5097.99 prohibits obtaining or possessing any Native American artifacts or human remains that are taken from a Native American grave or cairn (stone burial mound).

A.5.1.6 California Health and Safety Code Section 7050.5

California Health and Safety Code Section 7050.5 protects human remains by prohibiting the disinterment, disturbance, or removal of human remains from any location other than a dedicated cemetery.

A.6 TRIBAL CULTURAL RESOURCES

A.6.1 Federal

There are no federal laws or regulations specifically related to tribal cultural resources. Section 106 of the National Historic Preservation Act considers historic properties, which also include traditional cultural properties.¹ Section B.5, *Cultural Resources Regulatory Setting* provides a summary of Section 106 of the National Historic Preservation Act.

A.6.2 State

A.6.2.1 Public Resources Code Sections 21074, 21080, and 21083 (Assembly Bill 52)

In September 2014, the California Legislature enacted Assembly Bill (AB) 52, which added provisions to the Public Resources Code regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, AB 52 requires lead agencies to analyze project impacts on tribal cultural resources (PRC Sections 21074 and 21083.09). The law defines tribal cultural resources in a new section, PRC Section 21074. AB 52 also requires lead agencies to engage in

¹ A Traditional Cultural Property is a property that is eligible for inclusion in the National Register of Historic Places based on its associations with the cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a living community.

additional consultation procedures with respect to California Native American tribes (PRC Sections 21080.3.1, 21080.3.2, and 21082.3).

PRC Section 21084.3 addresses mitigation for tribal cultural resources impacts as follows:

- a) Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.
- b) If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in Section 21080.3.2, the following are examples of mitigation measures that, if feasible, may be considered to avoid or minimize the significant adverse impacts:
 - 1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - 2) Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - A. Protecting the cultural character and integrity of the resource.
 - B. Protecting the traditional use of the resource.
 - C. Protecting the confidentiality of the resource.
 - 3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - 4) Protecting the resource.

A.7 ENERGY

A.7.1 Federal

A.7.1.1 Energy Policy Act of 2005

The Energy Policy Act of 2005 seeks to reduce reliance on non-renewable energy resources and provide incentives to reduce current demand on these resources. For example, consumers and businesses can obtain federal tax credits for purchasing fuel-efficient appliances and products, including buying hybrid vehicles, building energy-efficient buildings, and improving the energy efficiency of commercial buildings. Additionally, tax credits are available for the installation of qualified fuel cells, stationary microturbine power plants, and solar power equipment.

A.7.2 State

A.7.2.1 California Integrated Energy Policy

In 2002, the Legislature passed Senate Bill 1389, which required the CEC to develop an integrated energy plan every 2 years for electricity, natural gas, and transportation fuels, for the California Energy Policy Report. The plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators in implementing incentive programs for zero emission vehicles and their infrastructure needs, and encouragement of urban designs that reduce vehicle miles traveled and accommodate pedestrian and bicycle access.

The CEC has adopted the 2019 Integrated Energy Policy Report, which assesses major energy trends and issues facing the state's electricity, natural gas, and transportation fuel sectors and provides policy recommendations to conserve resources, protect the environment, ensure reliable, secure, and diverse energy supplies, enhance the state's economy, and protect public health and safety. The 2019 Integrated Energy Policy Report covers a broad range of topics, including energy efficiency, building energy efficiency standards, achieving 60 percent renewables by 2030, and the California Energy Demand Forecast (CEC 2020).

A.7.2.2 Construction Equipment Idling

The California Air Resources Board (CARB) has adopted a regulation (13 CCR Section 2449 et seq.) for in-use off-road diesel vehicles that is designed to reduce emissions from diesel-powered construction and mining vehicles by imposing idling limitations on owners, operators, renters, or lessees of off-road diesel vehicles. The regulation requires an operator of applicable off-road vehicles (self-propelled diesel-fueled vehicles 25 horsepower and up that were not designed to be driven on-road) to limit idling to no more than 5 minutes.

A.8 GEOLOGY, SOILS, AND PALEONTOLOGICAL RESOURCES

A.8.1 Federal

A.8.1.1 Clean Water Act

The federal Clean Water Act (CWA) and subsequent amendments, under the enforcement authority of the U.S. Environmental Protection Agency (USEPA), was enacted “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” The purpose of the CWA is to protect and maintain the quality and integrity of the nation’s waters by requiring states to develop and implement state water plans and policies. The CWA gave the USEPA the authority to implement pollution control programs such as setting wastewater standards for industry. In California, implementation and enforcement of the National Pollutant Discharge Elimination System (NPDES) program is conducted through the California State Water Resources Control Board (State Water Board) and the nine Regional Water Quality Control Boards (RWQCBs). The CWA also sets water quality standards for surface waters and established the NPDES program to protect water quality through various sections of the CWA, including Sections 401 through 404 and 303(d) that are implemented and regulated by the State Water Board and the nine RWQCBs. Section 402 of the CWA would apply to the Project because the Project would be required to control discharges of pollutants from point sources, as discussed below.

Section 402

The 1972 amendments to the Federal Water Pollution Control Act established the NPDES permit program to control discharges of pollutants from point sources (Section 402). The 1987 amendments to the CWA created a new section of the CWA devoted to stormwater permitting (Section 402[p]). The USEPA has granted the State Water Board primacy in administering and enforcing the provisions of CWA and NPDES through the local RWQCBs. NPDES is the primary federal

program that regulates point-source and non-point-source discharges to waters of the United States.

A.8.1.2 National Pollutant Discharge Elimination System (NPDES) Permit

The NPDES permit system was established in the CWA to regulate municipal and industrial point discharges to surface waters of the U.S. Each NPDES permit for point discharges contains limits on allowable concentrations of pollutants contained in discharges. Section 402 of the CWA contain general requirements regarding NPDES permits.

The CWA was amended in 1987 to require NPDES permits for non-point source (i.e., stormwater) pollutants in discharges. Stormwater sources are diffuse and originate over a wide area rather than from a definable point. The goal of NPDES stormwater regulations is to improve the quality of stormwater discharged to receiving waters to the “maximum extent practicable” through the use of structural and non-structural Best Management Practices (BMPs). BMPs can include the development and implementation of various practices including educational measures (workshops informing public of what impacts results when household chemicals are dumped into storm drains), regulatory measures (local authority of drainage facility design), public policy measures, and structural measures (filter strips, grass swales and detention ponds). The NPDES permits that apply to activities in Sonoma County are described under State regulations below.

A.8.2 State

A.8.2.1 Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to protect structures for human occupancy from the hazard of surface faulting. In accordance with the act, the State Geologist has established regulatory zones—called earthquake fault zones—around the surface traces of active faults, and has published maps showing these zones. Buildings for human occupancy cannot be constructed across surface traces of faults that are determined to be active. Because many active faults are complex and consist of more than one branch that may experience ground surface rupture, earthquake fault zones extend approximately 200 to 500 feet on either side of the mapped fault trace. This act does not apply to the Project because no active faults cross the Project site.

A.8.2.2 Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act was passed in 1990 following the Loma Prieta earthquake to reduce threats to public health and safety and to minimize property damage caused by earthquakes. This act requires the State Geologist to delineate various seismic hazard zones, and cities, counties, and other local permitting agencies to regulate certain development projects within these zones. For projects that would locate structures for human occupancy within designated Zones of Required Investigation, the Seismic Hazards Mapping Act requires project applicants to perform a site specific geotechnical investigation to identify the potential site-specific seismic hazards and corrective measures, as appropriate, prior to receiving building permits. The *CGS Guidelines for Evaluating and Mitigating Seismic Hazards in California* (Special Publication 117A) provides guidance for evaluating and mitigating seismic hazards (CGS 2008).

A.8.2.3 California Building Code

The California Building Code (CBC), which is codified in Title 24 of the California Code of Regulations, Part 2, was promulgated to safeguard the public health, safety, and general welfare by establishing minimum standards related to structural strength, means of egress to facilities (entering and exiting), and general stability of buildings. The purpose of the CBC is to regulate and control the design, construction, quality of materials, use/occupancy, location, and maintenance of all buildings and structures within its jurisdiction. Title 24 is administered by the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. Under State law, all building standards must be centralized in Title 24 or they are not enforceable. The provisions of the CBC apply to the construction, alteration, movement, replacement, location, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout California.

The 2019 edition of the CBC is based on the 2018 International Building Code (IBC) published by the International Code Council, which replaced the Uniform Building Code (UBC). The code is updated triennially, and the 2019 edition of the CBC was published by the California Building Standards Commission on July 1, 2019, and took effect starting January 1, 2020. The 2019 CBC contains California amendments based on the American Society of Civil Engineers (ASCE) Minimum Design Standard ASCE/SEI 7-16, Minimum Design Loads for Buildings and Other Structures, provides requirements for general structural design and includes means for determining earthquake loads as well as other loads (such as wind loads) for inclusion into building codes. Seismic design provisions of the building

code generally prescribe minimum lateral forces applied statically to the structure, combined with the gravity forces of the dead and live loads of the structure, which the structure then must be designed to withstand. The prescribed lateral forces are generally smaller than the actual peak forces that would be associated with a major earthquake. Consequently, structures should be able to (1) resist minor earthquakes without damage; (2) resist moderate earthquakes without structural damage but with some nonstructural damage; and (3) resist major earthquakes without collapse, but with some structural as well as nonstructural damage. Conformance to the current building code recommendations does not constitute any kind of guarantee that significant structural damage would not occur in the event of a maximum magnitude earthquake; however, it is reasonable to expect that a structure designed in accordance with the seismic requirements of the CBC should not collapse in a major earthquake.

The earthquake design requirements take into account the occupancy category of the structure, site class, soil classifications, and various seismic coefficients, all of which are used to determine a seismic design category (SDC) for a project. The SDC is a classification system that combines the occupancy categories with the level of expected ground motions at the site; SDC ranges from A (very small seismic vulnerability) to E/F (very high seismic vulnerability and near a major fault). Seismic design specifications are determined according to the SDC in accordance with CBC Chapter 16. CBC Chapter 18 covers the requirements of geotechnical investigations (Section 1803), excavation, grading, and fills (Section 1804), load-bearing of soils (Section 1806), as well as foundations (Section 1808), shallow foundations (Section 1809), and deep foundations (Section 1810). For Seismic Design Categories D, E, and F, Chapter 18 requires analysis of slope instability, liquefaction, and surface rupture attributable to faulting or lateral spreading, plus an evaluation of lateral pressures on basement and retaining walls, liquefaction and soil strength loss, and lateral movement or reduction in foundation soil-bearing capacity. It also addresses measures to be considered in structural design, which may include ground stabilization, selecting appropriate foundation type and depths, selecting appropriate structural systems to accommodate anticipated displacements, or any combination of these measures. The potential for liquefaction and soil strength loss must be evaluated for site-specific peak ground acceleration magnitudes and source characteristics consistent with the design earthquake ground motions.

Requirements for geotechnical investigations are included in Appendix J, CBC Section J104, Engineered Grading Requirements. As outlined in Section J104,

applications for a grading permit are required to be accompanied by plans, specifications, and supporting data consisting of a soils engineering report and engineering geology report. Additional requirements for subdivisions requiring tentative and final maps and for other specified types of structures are in California Health and Safety Code Sections 17953 to 17955 and in 2013 CBC Section 1802. Testing of samples from subsurface investigations is required, such as from borings or test pits. Studies must be done as needed to evaluate slope stability, soil strength, position and adequacy of load-bearing soils, the effect of moisture variation on load-bearing capacity, compressibility, liquefaction, differential settlement, and expansiveness.

A.8.2.4 NPDES Construction General Permit

Construction associated with the Project would disturb more than one acre of land surface affecting the quality of stormwater discharges into waters of the U.S. The Project would, therefore, be subject to the *NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities* (Order 2009-0009-DWQ, NPDES No. CAS000002; as amended by Orders 2010-0014-DWQ and 2012-006-DWQ). The Construction General Permit regulates discharges of pollutants in stormwater associated with construction activity to waters of the U.S. from construction sites that disturb one acre or more of land surface, or that are part of a common plan of development or sale that disturbs more than one acre of land surface. The permit regulates stormwater discharges associated with construction or demolition activities, such as clearing and excavation; construction of buildings; and linear underground projects, including installation of water pipelines and other utility lines.

The Construction General Permit requires that construction sites be assigned a Risk Level of 1 (low), 2 (medium), or 3 (high), based both on the sediment transport risk at the site and the receiving waters risk during periods of soil exposure (e.g., grading and site stabilization). The sediment risk level reflects the relative amount of sediment that could potentially be discharged to receiving water bodies and is based on the nature of the construction activities and the location of the site relative to receiving water bodies. The receiving waters risk level reflects the risk to the receiving waters from the sediment discharge. Depending on the risk level, the construction projects could be subject to the following requirements:

- Effluent standards;
- Good site management “housekeeping;”
- Non-stormwater management;

- Erosion and sediment controls;
- Run-on and runoff controls;
- Inspection, maintenance, and repair; or
- Monitoring and reporting requirements.

The Construction General Permit requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that includes specific best management practices (BMPs) designed to prevent sediment and pollutants from contacting stormwater from moving off site into receiving waters. The BMPs fall into several categories, including erosion control, sediment control, waste management and good housekeeping, and are intended to protect surface water quality by preventing the off-site migration of eroded soil and construction-related pollutants from the construction area. Routine inspection of all BMPs is required under the provisions of the Construction General Permit. In addition, the SWPPP is required to contain a visual monitoring program, a chemical monitoring program for non-visible pollutants, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment.

The SWPPP must be prepared before the construction begins. The SWPPP must contain a site map(s) that delineates the construction work area, existing and proposed buildings, parcel boundaries, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project area. The SWPPP must list BMPs and the placement of those BMPs that the applicant would use to protect stormwater runoff. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for “non-visible” pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Examples of typical construction BMPs include scheduling or limiting certain activities to dry periods, installing sediment barriers such as silt fence and fiber rolls, and maintaining equipment and vehicles used for construction. Non-stormwater management measures include installing specific discharge controls during certain activities, such as paving operations, vehicle and equipment washing and fueling. The Construction General Permit also sets post-construction standards (i.e., implementation of BMPs to reduce pollutants in stormwater discharges from the site following construction).

In the Project area, the Construction General Permit is implemented and enforced by the San Francisco Bay Regional Water Quality Control Board, which

administers the stormwater permitting program. Dischargers must electronically submit a notice of intent and permit registration documents to obtain coverage under this Construction General Permit. Dischargers are to notify the San Francisco Bay Regional Water Quality Control Board of violations or incidents of non-compliance, and submit annual reports identifying deficiencies in the BMPs and explaining how the deficiencies were corrected. The risk assessment and SWPPP must be prepared by a State Qualified SWPPP Developer, and implementation of the SWPPP must be overseen by a State Qualified SWPPP Practitioner. A legally responsible person, who is legally authorized to sign and certify permit registration documents, is responsible for obtaining coverage under the permit.

A.9 GREENHOUSE GAS EMISSIONS

A.9.1 Federal

A.9.1.1 Clean Air Act

In 2007, in *Massachusetts v. USEPA* (549 US 497), the Supreme Court found that GHGs are air pollutants covered by the Clean Air Act. In 2009, the USEPA Administrator signed proposed “endangerment” and “cause or contribute” findings for GHGs under Section 202(a) of the Clean Air Act. The USEPA found that six GHGs, taken in combination, endanger both the public health and the public welfare of current and future generations. Pursuant to Code of Federal Regulations (CFR) Title 40, Part 52, Proposed Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule, USEPA has mandated that Prevention of Significant Deterioration (PSD) and Title V requirements apply to facilities whose stationary-source CO₂e emissions exceed 100,000 tons per year. The Project would not trigger PSD or Title V permitting under this regulation because it would generate less than 100,000 tons of CO₂e emissions per year.

A.9.2 State

A variety of statewide rules and regulations mandate the quantification and, if emissions exceed established thresholds, the reduction of GHGs. The California Environmental Quality Act (CEQA) requires lead agencies to evaluate project-related GHG emissions and the potential for projects to contribute to climate change and to provide appropriate mitigation in cases where the lead agency determines that a project would result in a significant addition of GHGs to the atmosphere.

A.9.2.1 California Renewable Energy Programs

In 2002, California initially established its Renewables Portfolio Standard (RPS), with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent by 2017. State energy agencies recommended accelerating that goal, and California Executive Order S-14-08 (November 2008) required California utilities to reach the 33 percent renewable electricity goal by 2020, consistent with the AB 32 Scoping Plan. In April 2011, Senate Bill 2 of the First Extraordinary Session (SB X1-2) was signed into law. SB X1-2 expressly applied the new 33 percent RPS by December 31, 2020, to all retail sellers of electricity and established renewable energy standards for interim years prior to 2020. In 2018, SB 100, the California Clean Energy Act of 2017, was signed into law. This bill established a target to supply the state with 100 percent renewable and zero-carbon energy resources by 2045.

A.9.2.2 Assembly Bill 32

California Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, required the California Air Resources Board (CARB) to establish a statewide GHG emissions cap for 2020 based on 1990 emissions levels. AB 32 required CARB to adopt regulations that identify and require selected sectors or categories of emitters of GHGs to report and verify their statewide GHG emissions, and CARB is authorized to enforce compliance with the program. Under AB 32, CARB also was required to adopt a statewide GHG emissions limit equivalent to the statewide GHG emissions levels in 1990, which had to be achieved by 2020. CARB established this limit in December 2007 at 427 million metric tons of CO₂e. This is approximately 30 percent below forecasted “business-as-usual” emissions of 596 million metric tons of CO₂e in 2020, and about 10 percent below average annual GHG emissions during the period 2002 through 2004 (CARB 2008). In the interest of achieving the maximum technologically feasible and cost-effective GHG emission reductions, AB 32 permits the use of market-based compliance mechanisms and requires CARB to monitor compliance with and enforce any rule, regulation, order, emissions limitation, emissions reduction measure, or market-based compliance mechanism that it adopts.

Climate Change Scoping Plan (AB 32 Scoping Plan)

In 2008, CARB approved the AB 32 Scoping Plan, outlining the State of California's strategy to achieve the 2020 GHG emissions limit. The Scoping Plan estimates a reduction of 174 million metric tons CO₂e (about 191 million tons) from the transportation, energy, agriculture, forestry, and high-climate-change-potential

sectors, and proposes a comprehensive set of actions designed to reduce overall GHG emissions in California, improve the environment, reduce dependence on oil, diversify California's energy sources, save energy, create new jobs, and enhance public health. The Scoping Plan must be updated every 5 years to evaluate the mix of AB 32 policies to ensure that California is on track to achieve the 2020 GHG reduction goal. CARB released its second Scoping Plan Update in November 2017 (CARB 2017), and the third update, known as the 2022 Scoping Plan, is currently in progress and expected to be finalized Fall of 2023. The second update outlines the proposed framework of action for achieving the 2030 GHG target of 40 percent reduction in GHG emissions relative to 1990 levels (CARB 2017). The 2017 Scoping Plan Update identifies key sectors of the implementation strategy, which includes improvements in low carbon energy industry, transportation sustainability, a statewide 2030 emissions limit of 260 million metric tons CO_{2e}, and further commitments that will need to be made to achieve an additional reduction of 50 million metric tons CO_{2e} beyond current policies and programs. There are no recommended actions identified in the Scoping Plan or subsequent updates that are directly applicable to the Project.

A.9.2.3 Senate Bill 97

In 2007, the California Legislature passed SB 97, which required amendment of the CEQA Guidelines to incorporate analysis and mitigation of GHG emissions from projects subject to CEQA. The amendments took effect March 18, 2010. The amendments added Section 15064.4 to the CEQA Guidelines, specifically addressing the potential significance of GHG emissions. Section 15064.4 calls for a "good faith effort" to "describe, calculate or estimate" GHG emissions and indicates that the analysis of the significance of any GHG impacts should include consideration of the extent to which projects would:

- Increase or reduce GHG emissions;
- Exceed a locally applicable threshold of significance; or
- Comply with "regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions."

The CEQA Guidelines also state that a project may be found to have a less-than-significant impact related to GHG emissions if it complies with an adopted plan that includes specific measures to sufficiently reduce GHG emissions (14 CCR Section 15064(h)(3)). Importantly, however, the CEQA Guidelines do

not require or recommend a specific analytical methodology or provide quantitative criteria for determining the significance of GHG emissions.

A.9.2.4 Senate Bill 32

SB 32 (Amendments to California Global Warming Solutions Act of 2006: Emission Limit) codified the 2030 target in Executive Order B-30-15, establishing a new climate pollution reduction target of 40 percent below 1990 levels by 2030. The 2030 target is intended to ensure that California remains on track to achieve the goal set forth by Executive Order B-30-15 to reduce statewide GHG emissions by 2050 to 80 percent below 1990 levels. SB 32 states the intent of the legislature to continue to reduce GHGs for the protection of all areas of the state and especially the state's most disadvantaged communities, which are disproportionately impacted by the deleterious effects of climate change on public health.

A.10 HAZARDS AND HAZARDOUS MATERIALS

A.10.1 Federal

The primary federal agencies with responsibility for hazardous materials management include the U.S. Environmental Protection Agency (USEPA), U.S. Department of Labor Occupational Safety and Health Administration (Fed/OSHA), and the U.S. Department of Transportation (USDOT). Federal laws, regulations, and responsible agencies are summarized in Table 1.

State and local agencies often have either parallel or more stringent rules than federal agencies. In most cases, state law mirrors or overlaps federal law and enforcement of these laws is the responsibility of the state or of a local agency to which enforcement powers are delegated. For these reasons, the requirements of the law and its enforcement are discussed under either the State or local agency section.

Table 1. Federal Laws and Regulations Related to Hazardous Materials Management

Classification	Law or Responsible Federal Agency	Description
Hazardous Materials Management	Community Right-to-Know Act of 1986 (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA))	Imposes requirements to ensure that hazardous materials are properly handled, used, stored, and disposed of and to prevent or mitigate injury to human health or the environment in the event that such materials are accidentally released.
Hazardous Waste Handling	Resource Conservation and Recovery Act of 1976 (RCRA)	Under RCRA, the USEPA regulates the generation, transportation, treatment, storage, and disposal of hazardous waste from “cradle to grave.”
	Hazardous and Solid Waste Act	Amended RCRA in 1984, affirming and extending the “cradle to grave” system of regulating hazardous wastes. The amendments specifically prohibit the use of certain techniques for the disposal of some hazardous wastes.
Hazardous Materials Transportation	USDOT	USDOT has the regulatory responsibility for the safe transportation of hazardous materials. The USDOT regulations govern all means of transportation except packages shipped by mail (49 CFR).
	U.S. Postal Service (USPS)	USPS regulations govern the transportation of hazardous materials shipped by mail.
Occupational Safety	Occupational Safety and Health Act of 1970	Fed/OSHA sets standards for safe workplaces and work practices, including the reporting of accidents and occupational injuries (29 CFR 1910).

A.10.2 State

The primary State agencies with responsibility for hazardous materials management in the region include the DTSC and the RWQCB within the California Environmental Protection Agency (Cal EPA), California Occupational Safety and Health Administration (Cal/OSHA), California Department of Public Health (CDPH), California Highway Patrol (CHP), and the California Department of Transportation (Caltrans). State laws, regulations, and responsible agencies are summarized in Table 2.

Table 2. State Laws and Regulations Related to Hazardous Materials Management

Classification	Law or Responsible State Agency	Description
Hazardous Materials Management	Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program); CUPA (Health and Safety Code Sections 25404 et seq)	In January 1996, Cal EPA adopted regulations, which implemented a Unified Program at the local level. The agency responsible for implementation of the Unified Program is called the Certified Unified Program Agency (CUPA), which for Petaluma is the Petaluma Fire Department.
	California Fire Code, Title 24, Chapter 9 of the California Code of Regulations	The California Fire Code regulates the storage and handling of hazardous materials, including the requirement for secondary containment, separation of incompatible materials, and preparation of spill response procedures.
Hazardous Waste Handling	California Hazardous Materials Release Response Plan and Inventory Law of 1985; CUPA	The California Hazardous Materials Release Response Plan and Inventory Law of 1985 (Business Plan Act) requires that businesses that store hazardous materials onsite prepare a Hazardous Materials Business Plan (HMBP) and submit it to the local CUPA, which in this case is the Petaluma Fire Department.

Table 2. State Laws and Regulations Related to Hazardous Materials Management

Classification	Law or Responsible State Agency	Description
	California Hazardous Waste Control Act; DTSC	Under the California Hazardous Waste Control Act, California Health and Safety Code, Division 20, Chapter 6.5, Article 2, Section 25100, et seq., DTSC regulates the generation, transportation, treatment, storage, and disposal of hazardous waste in California. The hazardous waste regulations establish criteria for identifying, packaging, and labeling hazardous wastes; dictate the management of hazardous waste; establish permit requirements for hazardous waste treatment, storage, disposal, and transportation; and identify hazardous wastes that cannot be disposed of in landfills. DTSC is also the administering agency for the California Hazardous Substance Account Act. California Health and Safety Code, Division 20, Chapter 6.8, Sections 25300 et seq., also known as the State Superfund law, providing for the investigation and remediation of hazardous substances pursuant to State law.
Hazardous Materials Transportation	Titles 13, 22, and 26 of the California Code of Regulations	Regulates the transportation of hazardous waste originating in and passing through the state, including requirements for shipping, containers, and labeling.
	CHP and Caltrans	These two state agencies are primary responsibility for enforcing federal and state regulations and responding to hazardous materials transportation emergencies.

Table 2. State Laws and Regulations Related to Hazardous Materials Management

Classification	Law or Responsible State Agency	Description
Occupational Safety	Cal/OSHA	Cal/OSHA has primary responsibility for developing and enforcing workplace safety regulations in California. Because California has a federally approved OSHA program, it is required to adopt regulations that are at least as stringent as those found in Title 29 of the Code of Federal Regulations (CFR). Cal/OSHA standards are generally more stringent than federal regulations.
	Cal/OSHA regulations (Title 8 CCR)	Concerning the use of hazardous materials in the workplace require employee safety training, safety equipment, accident and illness prevention programs, hazardous substance exposure warnings, and emergency action and fire prevention plan preparation.
Construction Storm Water General Permit (Construction General Permit; Order 2009-0009-DWQ, NPDES No. CAS000002; as amended by Orders 2010-0014-DWQ and 2012-006-DWQ)	RWQCB	Dischargers whose project disturbs one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the <i>NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities</i> (Construction General Permit; Order 2009-0009-DWQ, NPDES No. CAS000002; as amended by Orders 2010-0014-DWQ and 2012-006-DWQ). Construction activity subject to this permit includes clearing, grading, grubbing, and other disturbances to the ground such as excavation and stockpiling, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of a facility. The

Table 2. State Laws and Regulations Related to Hazardous Materials Management

Classification	Law or Responsible State Agency	Description
		<p>Construction General Permit requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that includes specific Best Management Practices (BMPs) designed to prevent sediment and pollutants from contacting stormwater from moving offsite into receiving waters. The BMPs fall into several categories, including erosion control, sediment control, waste management and good housekeeping, and are intended to protect surface water quality by preventing the off-site migration of eroded soil and construction-related pollutants from the construction area.</p>
Underground Infrastructure	California Code of Regulations Section 4216-4216.9	<p>Section 4216-4216.9 "Protection of Underground Infrastructure" requires an excavator to contact a regional notification center (e.g., Underground Services Alert or Dig Alert) at least two days prior to excavation of any subsurface installations. Any utility provider seeking to begin a project that could damage underground infrastructure can call Underground Service Alert, the regional notification center for southern California. Underground Service Alert will notify the utilities that may have buried lines within 1,000 feet of the project. Representatives of the utilities are then notified and are required to mark the specific location of their facilities within the work area prior to the start of project activities in the area.</p>

A.11 HYDROLOGY AND WATER QUALITY

A.11.1 Federal

A.11.1.1 Clean Water Act

The federal Clean Water Act (CWA) and subsequent amendments, under the enforcement authority of the U.S. Environmental Protection Agency (USEPA), was enacted “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” The purpose of the CWA is to protect and maintain the quality and integrity of the nation’s waters by requiring states to develop and implement state water plans and policies. The CWA gave the USEPA the authority to implement pollution control programs such as setting wastewater standards for industry. In California, implementation and enforcement of the National Pollutant Discharge Elimination System (NPDES) program is conducted through the California State Water Resources Control Board (State Water Board) and the nine Regional Water Quality Control Boards (RWQCBs). The CWA also sets water quality standards for surface waters and established the NPDES program to protect water quality through various sections of the CWA, including Sections 401 through 404 and 303(d) that are implemented and regulated by the State Water Board and the nine RWQCBs. Section 402 of the CWA would apply to the Project because the Project would be required to control discharges of pollutants from point sources, as discussed below.

Section 402

The 1972 amendments to the Federal Water Pollution Control Act established the NPDES permit program to control discharges of pollutants from point sources (Section 402). The 1987 amendments to the CWA created a new section of the CWA devoted to stormwater permitting (Section 402[p]). The USEPA has granted the State Water Board primacy in administering and enforcing the provisions of CWA and NPDES through the local RWQCBs. NPDES is the primary federal program that regulates point-source and non-point-source discharges to waters of the United States.

A.11.1.2 National Pollutant Discharge Elimination System (NPDES) Permit

The NPDES permit system was established in the CWA to regulate municipal and industrial point discharges to surface waters of the U.S. Each NPDES permit for point discharges contains limits on allowable concentrations of pollutants

contained in discharges. Section 402 of the CWA contain general requirements regarding NPDES permits.

The CWA was amended in 1987 to require NPDES permits for non-point source (i.e., stormwater) pollutants in discharges. Stormwater sources are diffuse and originate over a wide area rather than from a definable point. The goal of NPDES stormwater regulations is to improve the quality of stormwater discharged to receiving waters to the “maximum extent practicable” through the use of structural and non-structural Best Management Practices (BMPs). BMPs can include the development and implementation of various practices including educational measures (workshops informing public of what impacts results when household chemicals are dumped into storm drains), regulatory measures (local authority of drainage facility design), public policy measures, and structural measures (filter strips, grass swales and detention ponds). The NPDES permits that apply to activities in Sonoma County are described in Section 3.11, Hydrology and Water Quality.

A.11.2 State

A.11.2.1 Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Water Code Division 7, Section 13000 et seq.) is the primary water quality control law in California. Porter-Cologne established the State Water Resources Control Board and divided the state into nine regional basins, each overseen by a RWQCB. The nine RWQCBs have the primary responsibility for the coordination and control of water quality within their respective jurisdictional boundaries. The Porter-Cologne Act requires the RWQCBs to establish water quality objectives while acknowledging that water quality may be changed to some degree without unreasonably affecting beneficial uses. Water quality objectives are limits or levels of water quality constituents or characteristics established for the purpose of protecting beneficial uses. Designated beneficial uses, together with the corresponding water quality objectives, also constitute water quality standards under the federal CWA. Therefore, the water quality objectives form the regulatory references for meeting state and federal requirements for water quality control. Designated beneficial uses for water bodies in the study area are described in the regional regulatory section.

A.11.2.2 Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA) of 2014, effective January 1, 2015, authorizes local agencies to manage groundwater in a sustainable manner and allows limited state intervention when necessary to protect groundwater resources. SGMA defined “sustainable groundwater management,” established a framework for local agencies to develop plans, and implement strategies to sustainably manage groundwater resources, established basin prioritization (ranked from very low to high priority), and set a 20-year timeline for implementation. Basins are prioritized under the SGMA by the California Department of Water Resources (DWR). The San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan) was adopted by the California Regional Water Quality Control Board, San Francisco Bay Region and has been amended as of 2019.

A.12 LAND USE AND PLANNING

There are no federal or state regulations pertaining to land use and planning that are relevant to the Project.

A.13 MINERAL RESOURCES

There are no federal or state regulations pertaining to mineral resources that are relevant to the Project.

A.14 NOISE

A.14.1 Federal

A.14.1.1 Federal Transit Administration and Federal Railroad Administration Standards

Although the Federal Transit Administration (FTA) standards are intended for federally funded mass transit projects, the impact assessment procedures and criteria included in the *Transit Noise and Vibration Impact Assessment Manual* (FTA 2018) are routinely used for projects under review by local jurisdictions that have not adopted their own vibration impact standards. The FTA and Federal Railroad Administration have published guidelines for assessing the impacts of groundborne vibration associated with rail projects, which have been applied by other jurisdictions to other types of projects. The FTA’s threshold of architectural damage for structures of conventional construction from groundborne vibration is 0.2 inches per second (in/sec) PPV or 94 VdB (dB units of 1 microinch per

second). The FTA threshold for human annoyance at residential uses is 72 VdB for “Frequent Events,” or more than 70 vibration events of the same kind per day.

A.14.1.2 Occupational Safety and Health Act

Under the Occupational Safety and Health Act of 1970 (U.S. Code Title 29, Section 651 et seq.), the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) adopted regulations (Code of Federal Regulations Title 29, Section 1910.95) designed to protect workers against the effects of occupational noise exposure. These regulations list limits on noise exposure levels as a function of the amount of time during which the worker is exposed. The regulations further specify requirements for a hearing conservation program (Section 1910.95(c)), a monitoring program (Section 1910.95(d)), an audiometric testing program (Section 1910.95(g)), and hearing protection (Section 1910.95(i)). There are no federal laws governing community noise.

Although no federal noise regulations exist, the U.S. Environmental Protection Agency (USEPA) has published noise guidelines (USEPA 1974). The USEPA guideline recommends a DNL of 55 dBA to protect the public from the effect of broadband environmental noise outdoors in residential areas and farms, and other outdoor areas where people spend widely varying amounts of time, and other places in which quiet is a basis for use (USEPA 1974).

A.14.2 State

Government Code Section 65302 encourages counties and cities to implement a noise element as part of the general plan. In addition, the California Governor’s Office of Planning and Research has developed guidelines for preparing noise elements, which include recommendations for evaluating the compatibility of various land uses as a function of community noise exposure.

The California Occupational Safety and Health Administration (Cal-OSHA) has published Occupational Noise Exposure Regulations (California Code of Regulations Title 9, Sections 5095–5099) that set employee noise exposure limits. These standards are equivalent to the federal OSHA standards described above.

A.15 POPULATION AND HOUSING

There are no federal or state regulations pertaining to population and housing that are relevant to the Project.

A.16 PUBLIC SERVICES

There are no federal or state regulations, or policies related to public services that are relevant to the Project.

A.17 RECREATION

A.17.1 Federal

No federal regulations related to recreation are applicable to the Project.

A.17.2 State

A.17.2.1 Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It specifies provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

A.18 TRANSPORTATION

A.18.1 Federal

No federal statutes, regulations, or policies apply to the transportation analysis for the Project.

A.18.2 State

A.18.2.1 California Department of Transportation

The California Department of Transportation (Caltrans) has jurisdiction over state highways and sets maximum load limits for trucks and safety requirements for oversized vehicles that operate on highways. Sonoma County is under the jurisdiction of Caltrans District 4. The following Caltrans regulations apply to potential transportation and traffic impacts of the Project:

California Vehicle Code, Division 15, Chapters 1 through 5 (Size, Weight, and Load). Includes regulations pertaining to licensing, size, weight, and load of vehicles operated on highways.

California Streets and Highways Code, Sections 660–711 and 670–695.

Requires permits from Caltrans for any roadway encroachment during truck transportation and delivery, includes regulations for the care and protection of state and county highways and provisions for the issuance of written permits, and requires permits for any load that exceeds Caltrans weight, length, or width standards for public roadways.

A.19 UTILITIES AND SERVICE SYSTEMS

A.19.1 Federal

No federal regulations pertaining to utilities and service systems apply to the Project.

A.19.2 State

A.19.2.1 2016 California Green Building Standards Code

The provisions of the 2016 California Green Building Standards Code apply to the planning, design, operation, construction, use and occupancy of every newly constructed building or structure, unless otherwise indicated in the code, throughout the state of California. Section 5.408, Construction Waste Reduction, Disposal, and Recycling, of the 2016 California Green Building Standards Code requires nonresidential development to meet a local construction and demolition waste management ordinance or recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with one of the following:

- **Construction waste management plan.** The construction waste management plan must identify the construction and demolition waste materials to be diverted and how they will be sorted, the amount of construction and demolition waste materials diverted (calculated by weight or volume), and diversion facilities where construction and demolition waste materials will be taken.
- **Waste management company.** A waste management company that can provide verifiable documentation that the percentage of construction and demolition waste material diverted from the landfill complies with this section may be utilized.
- **Waste stream reduction alternative.** The combined weight of new construction disposal that does not exceed two pounds per square foot of

building area may be deemed to meet the 65 percent minimum requirement as approved by the enforcing agency.

A.19.2.2 The California Integrated Waste Management Act

The Integrated Waste Management Act was enacted in 1989 as AB 939 and codified in Public Resources Code Section 40050 et seq. The act required all California cities, and unincorporated portions of counties, counties, and approved regional solid waste management agencies, to divert a minimum of 25 percent of solid waste from landfills by 1995 and 50 percent by 2000. Cities and counties were required to maintain the 50 percent diversion specified by AB 939 past 2000. Diversion includes waste prevention, reuse, and recycling. The act resulted in the creation of the California Integrated Waste Management Board, now known as the California Department of Resources Recycling and Recovery (CalRecycle). Under the Integrated Waste Management Act, jurisdictions also must submit solid waste planning documentation to CalRecycle. The act set into place a comprehensive statewide system of permitting, inspections, and maintenance for solid waste facilities, and authorized local jurisdictions to impose fees based on the types and amounts of waste generated.

A.19.2.3 California Health and Safety Code Section 25150.7(d)(1)

The Integrated Waste Management Act of 1989, also known as AB 939, mandates that California's jurisdictions divert 50 percent of their solid waste from landfills. CalRecycle is under the umbrella of the California Environmental Protection Agency (CalEPA) and is responsible for the implementation of AB 939.

A.19.2.4 Title 22 California Code of Regulations Division 4.5

California Code of Regulations (CCR) Title 22 discusses an array of requirements with respect to the disposal and recycling of hazardous and universal wastes. Specific standards and requirements are included for the identification, collection, transport, disposal, and recycling of hazardous wastes. Additional standards are included for the collection, transport, disposal, and recycling of universal wastes. Universal wastes are defined as those wastes identified in 22 CCR Section 66273.9, including batteries, electronic devices, mercury-containing equipment, lamps, cathode ray tubes, and aerosol cans. Requirements include recycling, recovery, the return of spent items to the manufacturer, or disposal at an appropriately permitted facility. Division 4.5 of Title 22 also provides restrictions and standards relevant to waste destination facilities and provides authorization requirements for various waste handlers.

Title 22 includes California's Universal Waste Rule, as well as other additional waste handling and disposal requirements.

A.19.2.5 California Code of Regulations (Title 27)

CCR Title 27 defines regulations for the treatment, storage, processing, and disposal of solid waste. The State Water Resources Control Board (State Water Board) maintains and regulates compliance with CCR Title 27. The Project's compliance would be enforced by the Central Valley Regional Water Quality Control Board (RWQCB) (Region 5).

A.19.2.6 California Government Code

Section 4216 of the California Government Code protects underground structures during excavation. Under this law, excavators are required to contact a regional notification center at least two days prior to excavation of any subsurface installations. In the Project area, USA is the regional notification center. USA notifies utility providers with buried lines within 1,000 feet of the excavation, and those providers are required to mark the specific location of their facilities prior to excavation. The code also requires excavators to probe and expose existing utilities, in accordance with state law, before using power equipment. CCR Title 20 (2014) contains statutes relating to power plant siting and certification.

A.19.2.7 California Public Utilities Commission General Order 131-D

The California Public Utilities Commission (CPUC) regulates services and utilities and assures California's access to safe and reliable utility infrastructure and services. The essential services regulated include electric, natural gas, telecommunications, water, railroad, rail transit, and passenger transportation companies. The CPUC implements CEQA for utility construction by PG&E and the other public utilities under its jurisdiction, and regulates the location and relocation of power lines by investor-owned utilities, such as PG&E. Section XIV B. of General Order 131D clarifies that local jurisdictions acting pursuant to local authority are preempted from regulating electric power line projects, distribution lines, substations, or electric facilities constructed by public utilities subject to CPUC jurisdiction (CPUC 1995).

A.19.3 Local

A.19.3.1 Local Enforcement Agency

The Local Enforcement Agency program operates under the authority of CalRecycle and is responsible for ensuring the solid waste generated within Sonoma County is transported, handled, processed, and disposed of using methods which will not create environmental, health, safety, or nuisance conditions.

The Local Enforcement Agency program activities include:

- Composting and transfer facilities;
- Inspecting landfills, transfer stations, composting facilities, and refuse collection vehicles and yards;
- Investigating complaints and mitigating problems associated with illegal dumping, disposal, or storage of solid wastes;
- Monitoring disposal facilities to exclude hazardous wastes, medical wastes or liquid wastes;
- Permitting solid waste disposal; and
- Providing information to the public and industry regarding the proper disposal of solid wastes.

A.20 WILDFIRE

A.20.1 Federal

A.20.1.1 North American Electric Reliability Corporation Standards

The North American Electric Reliability Corporation (NERC) is a not-for-profit international regulatory authority comprising 10 regional reliability councils. The overarching goal of NERC is to ensure the reliability of the bulk power system in North America. To achieve its goal, NERC develops and enforces reliability standards, monitors the bulk power systems, and educates, trains, and certifies industry personnel. In order to ensure that both the natural gas and electric systems remain secure and reliable during normal and emergency conditions, NERC developed a set of guidelines in 2021 to provide a set of principles and strategies that may be adopted should a Regional Entity require close coordination due to increased natural gas dependency. The guidelines focus on the areas of preparation, coordination, communication, and gathering and

sharing information that may be applied in order to coordinate natural-gas-electric utility operations and minimize reliability-related risk (NERC 2021).

A.20.2 State

A.20.2.1 Fire Protection in California Fire Code and Public Resources Code

The California Fire Code is contained within Title 24, Chapter 9 of the California Code of Regulations. Based on the International Fire Code, the California Fire Code is created by the California Buildings Standards Commission and regulates the use, handling, and storage requirements for hazardous materials at fixed facilities. Similar to the International Fire Code, the California Fire Code and the California Building Code use a hazards classification system to determine the appropriate measures to incorporate to protect life and property.

The California Public Resources Code includes fire safety provisions that are deemed necessary by the director or agency with primary responsibility for fire protection in the area. During the fire hazard season, these regulations restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on equipment that has an internal combustion engine; specify requirements for the safe use of gasoline-powered tools in fire hazard areas; and specify fire-suppression equipment that must be provided on-site for various types of work in fire-prone areas.

A.20.2.2 California Public Utilities Commission General Orders

General Order 94

CPUC GO94 applies to work conducted by PG&E including the construction and operation of gas holders and vessels, with holders being structures at least 500 cubic feet for storage and vessels being structures with capacity of at least 200 gallons not for transporting purposes.

The CPUC has promulgated various rules to implement the fire safety requirements of GO 94 (CPUC 1970), including:

- Rule a, Holders or vessels should not be erected within 500 feet of public schools or other public assembly buildings with a seating capacity of over one hundred persons.
- Rule 3b, which requires that lines be inspected frequently and thoroughly;

- Rule 4a.1. The operation and maintenance of all gas holders and storage vessels shall be under the supervision of competent engineers or supervisors designated by the responsible operating official.

General Order 112F

GO 112F (CPUC 2015) describes rules governing the design, construction, testing, maintenance, and operation of gas gathering, transmission, and distribution piping systems. Section 144.3, Clearance between gas pipelines and other subsurface structures, contains the following relevant requirements:

- (a) All natural gas transmission pipelines must be installed in conformance with the requirements of 49 CFR, Part 192, §192.325.
- (b) All natural gas distribution pipelines (main and service) must be installed in conformance with the requirements of 49 CFR, Part 192, §192.325 and the following:
 - (1) Independently Installed: Gas pipelines, when independently installed, shall be separated, where practicable from electrical supply systems, water, oil, communication, or other pipe systems or other foreign substructures, by a clearance of at least 12 inches when paralleling and by at least 6 inches when crossing. New gas pipelines inserted within, and utilizing as conduit, pipeline facilities installed prior to the effective date of this rule are exempt from the paralleling requirements of this paragraph but not the requirements related to crossings.
 - (2) Concurrently Installed: Gas pipeline, when concurrently installed with electrical supply systems, water, oil, communication, other pipe systems, or other foreign substructures, shall be installed with the separation required by paragraph 1 of this section, except that by mutual agreement between all of the parties involved there may be less separation for duct systems for supply cables of 0 - 750 volts. (For additional information, please consult Commission General Order 128, Rule 31.4.)
- (c) In all instances where the required separations cannot be maintained, it is the responsibility of the party last installing facilities to confer with the utility and ensure that the reduced separations do not adversely impact the integrity of the gas pipeline facilities, which includes any cathodic protection that may be applied to the gas pipeline facilities.

CPUC General Order 166, Standard 1 and PG&E Company Emergency Response Plan

GO 166, Standard 1 requires that utilities prepare an emergency response plan (CPUC 2021). PG&E's Emergency Response Plan, prepared in compliance with Standard 1 describes and formalizes PG&E's in-place plans and protocols for responding to emergencies. The plan identifies potential hazards, available resources to respond to emergencies, internal communication protocols, and operational structure. Additionally, PG&E's Wildfire Safety Operations Center operates 24-hours per day during wildfire season.

A.20.2.3 PG&E Wildfire Mitigation Plan

On February 25, 2022, PG&E submitted its 2022 Wildfire Mitigation Plan (WMP) in compliance with California SB 901, AB 1054, and direction from the CPUC Wildfire Safety Division. The 2022 WMP provides updated details on PG&E's comprehensive Community Wildfire Safety Program, incorporates lessons learned from the 2020 and 2021 wildfire seasons, and outlines the additional programs planned to continue to reduce the risk of catastrophic wildfires. PG&E's updated WMP has three overarching goals: (1) reducing wildfire potential, (2) reducing the impact of Public Safety Power Shutoff (PSPS) and Enhanced Powerline Safety Settings (EPSS) events, and (3) improving wildfire risk situational awareness. The updated 2022 WMP benefits from both historical data (weather patterns, detailed information on previous ignitions, outages and other risk events, etc.) as well as state-of-the-art tools such as fire-spread technology that shows the locations where specific infrastructure failures can lead to ignitions that have the highest consequences for specific communities. Wildfire mitigation workstreams, system hardening, and enhanced vegetation management is the main focus for the updated 2022 WMP in higher risk circuit segments and in fire rebuild areas (PG&E 2022c).

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