5.9 HAZARDS, HAZARDOUS MATERIALS, AND PUBLIC SAFETY

This section describes the existing hazards, hazardous materials, and public safety concerns in the vicinity of the project and analyzes potential hazards, hazardous materials, and public safety impacts associated with the construction, operation, and maintenance of the project. This section also describes environmental and regulatory settings.

For purposes of this section, the term "hazardous materials" refers to both hazardous substances and hazardous wastes. A "hazardous material" is defined in the Code of Federal Regulations as "a substance or material that . . . is capable of posing an unreasonable risk to health, safety, and property when transported in commerce" (49 CFR 171.8). California Health and Safety Code Section 25501 defines a hazardous material as follows:

> *Hazardous material means any material that, because of its quantity, concentration, or physical, or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.*

Hazardous wastes are defined in California Health and Safety Code Section 25141(b) as wastes that:

> *Because of their quantity, concentration, or physical, chemical, or infectious characteristics, [may either] cause, or significantly contribute to an increase in mortality or an increase in serious illness [, or] pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.*

Section 25532(j) of the Health and Safety Code defines "regulated substances accident risk" to mean a potential for the accidental release of a regulated substance into the environment that could produce a significant likelihood that persons exposed may suffer acute health effects resulting in significant injury or death.

Section (j) defines "regulated substance" to mean any substance that is either of the following (20 CFR Article 2 Section 25532):

(1) A regulated substance listed in Section 68.130 of Title 40 of the CFR pursuant to paragraph (3) of subsection (r) of Section 112 of the Clean Air Act (42 U.S.C. Sec. 7412(r)(3)).

(2) An extremely hazardous substance listed in Appendix A of Part 355 (commencing with Section 355.10) of Subchapter J of Chapter I of Title 40 of the CFR that is any of the following:

   i. A gas at standard temperature and pressure.

ii. A liquid with a vapor pressure at standard temperature and pressure equal to or greater than 10 millimeters mercury.

iii. A solid that is one of the following:

I. In solution or in molten form.

II. In powder form with a particle size less than 100 microns.

III. Reactive with a National Fire Protection Association rating of 2, 3, or 4

iv. A substance that the office determines may pose a regulated substances accident risk pursuant to subclause (II) of clause (i) of subparagraph (B) or pursuant to Section 25543.3.

5.9.1 Environmental Setting

5.9.1.1 Hazardous Materials Report

The vast majority of the project would be located within the existing right-of-way of public roads; therefore, a Phase I Environmental Site Assessment of the project was not conducted. To determine existing hazardous materials along the planned conduit route the regulatory agency database search report was obtained from Environmental Data Resources, Inc. (EDR), a third-party environmental database search firm. A complete copy of the database search report, including the date that the report was prepared, the date that the information was last updated, and the definition of databases searched, is provided in Appendix F.

The EDR database was reviewed to evaluate if properties located adjacent to or in close proximity to the planned conduit route represented an environmental concern or concerns to the conduit placement. Those concerns could include the potential presence of soil, soil vapor, or groundwater impacts within the planned construction depth of 4 feet below ground surface.

The location of the listed facilities are depicted on individual Focus Maps ranging from the northern tip of the Project site on the California-Oregon border (Focus Map 1, Appendix F) to the southeastern tip on the California-Nevada border (Focus Map 79, Appendix F).

Table 5.9-1 below show the potential hazardous sites within or adjacent to the project.

Table 5.9-1 Potential Hazardous Sites Within or Adjacent to the Project Area

Listed Facility Name/Address	Database Listing	Distance to the Project	Site Type
Wayside Inn 718-710 Highway 395 Standish, CA 96128	CA UST; CA CERS; CA CUPA; CA LUST; CA Cortese	Adjacent to US 395	UST
Termo Store 713-785 Highway 395 Termo, CA 96132	CA CPS-SLIC	Approximately 20 feet from construction footprint	Water well contamination
XL Ranch Rancheria / XL Ranch – Hay Loading Area Madeline, CA 96119	Indian Reservation/ Open Dumps / CA NPDES; CA CIWQS	Adjacent to US 395	Contains an open dump
Sierra Army Depot	DOD	Adjacent to US 395, approximately 900 feet from the right-of-way	Ammunition storage
PacifiCorp – Alturas Substation Northwest Side of US Highway 395 0.3 Miles Northeast of EA Alturas, CA 96101	CA CERS	Adjacent to US 395	Chemical storage facility
Federated Community Church First and East Streets Alturas, CA 96101	CA HIST UST	Adjacent to US 395	UST
Riverside Texaco / B&B Liquor 103 East Carlos Street Alturas, CA 96101	EDR HIST Auto; CA SWEEPS UST; CA HIST Cortese	Adjacent to US 395	UST
Monitoring Station / US Forest Services 600 South Main Street Madeline, CA 96119	FINDS; CA CERS; CA HAZNET; CA HWTS; RCRA-LQG	Adjacent to US 395	Air quality monitoring station
Caltrans – Alturas 406 East Hwy 395 Alturas, CA 96101	CA AST; CA CERS	Adjacent to US 395	AST
Modoc National Forest 700 South Main Street Alturas, CA 96101	CA HAZNET; CA HWTS	Adjacent to US 395	Offsite disposal area with inorganic solid waste
Alturas Ranches – Alturas Shop 65A County Road 187 C Alturas, CA 96101	CA CERS; CA AST	Adjacent to US 395	UST

Listed Facility Name/Address	Database Listing	Distance to the Project	Site Type
Likely General Store 3260 Highway 395 Alturas, CA 96101	CA CERS	Adjacent to US 395	Above ground petroleum storage
Walter Sphar Trucking 3112 Highway 395 Likely, CA 96116	FINDS; CA AST	Adjacent to US 395	AST
Bureau of Land Management 474-000 Highway 395 Litchfield, CA 96117	CA CUPA, CA CERS	Adjacent to US 395	Chemical storage facility
Sierra Cascade Aggregate 474-315 Highway 395 Madeline, CA 96119	CA CERS; CA CUPA	Adjacent to US 395	AST
Mapes Lane Bridge 7C-02 Replacement Susanville, CA 96130	CA CIWQS; CA CERS	Adjacent to US 395	Dredge/fill site
Milford Yard 450-040 US Highway 3 Milford, CA 96121	CA CERS; CA CUPA; CA AST	Adjacent to US 395	AST – petroleum
Ross Ranch 454-175 US Highway 395 N Milford, CA 96121	CA HIST UST	Adjacent to US 395	UST
Donald Morgan 450-415 US Highway 395 Milford, CA 96121	CA HIST UST	Adjacent to US 395	UST
Milford Yard / Milford Maintenance 450-040 US Highway 395 Milford, CA 96121	FINDS; CA AST	Adjacent to US 395	AST
The Mark 445-625 Highway 395 Herlong, CA 96113	CA CERS; CA CUPA; CA AST	Adjacent to US 395	AST – petroleum
Payless Gas and Grocery / Doyle Payless Highway 395 and Rachel Drive 745-7500 Rachel Drive Doyle, CA 96130	CA HIST UST; CA SWEEPS UST; EDR HIST Auto; CA HIST UST; FINDS; CA AST; CA CERS; CA CUPA;	Adjacent to US 395	UST
02 4E4204 Bordertown 02 LAS 395 PM 0 0 5 6 02 sie 395 pm 0 0 3 1 Chilcoot, CA 96105	CA NPDES; CA CIWQS; CA CERS	Adjacent to US 395	Construction site with stormwater permit

Listed Facility Name/Address	Database Listing	Distance to the Project	Site Type
Modoc Road Department – Davis Creek Shop 41900 Hwy 395 Davis Creek, CA 96108	CA AST; CA CERS	Adjacent to US 395	AST – petroleum
Bureau of Land Management Highway 395 Ravendale, CA 96128	CA CUPA; CA CERS; CA AST	Adjacent to US 395	AST – petroleum
B&B Deli 130 Carlos Street E Alturas, CA 96101	CA LUST; CA CERS	Adjacent to US 395	UST
Heard's Market 473-525 Market Street Litchfield, CA 96117	CA LUST; CA SWEEPS UST; CA HIST UST; CA CERS	Adjacent to US 395	Release of gasoline to groundwater
Lassen County Road Department District 3 718-950 Church Street Standish, CA 96128	CA CUPA; CA CERS	Adjacent to US 395	Chemical storage facility
Sierra Landy Placer County P.O. Box 34719	CA Mines	Adjacent to US 395, approximately 100 feet west of the construction footprint	Mining operations
Hindle Pit-Modoc 202 West 4th Street	CA Mines	Adjacent to US 395, approximately 230 feet southeast of the construction footprint	Mining operations
Pozzolan Hill Pit-Reclaimed 608 SE 50th Avenue County of Lassen, CA	CA Mines	Adjacent to US 395, approximately 270 feet southeast of construction footprint	Mining operations
Surian Litchfield 707-010 Wingfield Road County of Lassen	CA Mines	Adjacent to US 395, approximately 270 feet southeast of construction footprint	Mining operations
Madeline Pit 1657 Riverside Drive County of Lassen, CA	CA Mines	Adjacent to US 395, approximately 280 feet east of the construction footprint	Mining operations
Holdorff's Recycling 605 North Court Street Altura, CA 96101	CA SWRCY	Adjacent to US 395, approximately 330 feet west of construction footprint	Recycling center
Davis Creek Transfer / Davis Creek Disposal 1 MI S Davis Creek / County Road 133B Davis Creek, CA	CA SWF/LF; CA CERS	Adjacent to US 395, approximately 400 feet east of the construction footprint	Waste collection facility

Listed Facility Name/Address	Database Listing	Distance to the Project	Site Type

Notes:

AST = aboveground storage tank

CA = California

CERS = California Environmental Reporting System

CIWQS = California Integrated Water Quality System

Cortese = California Hazardous

CPS-SLIC = Cleanup Program Sites – Spills, Leaks, Investigations, and Cleanups

CUPA= Certified Unified Program Agency

DOD = United States Department of Defense

FINDS = Facility Index System/Facility Registry System

HAZNET = Facility and Manifest Data

HIST = historical

HWTS = Hazardous Waste Tracking System

LUST= Leaking Underground storage tank

NPDES = National Pollution Discharge Elimination System

RCRA-LQG = Resource Conservation and Recovery Act – Large Quantity Generator

SWEEPS = Statewide Environmental Evaluation and Planning System

SWRCY = Recycling Facilities in California Database

SWF/LF = Solid Waste Information System / Landfill

US 395 = United States Highway 395

UST = underground storage tank

Sources:

EDR 2020, SWRCB 2020, DTSC 2020

5.9.1.2 Airports and Airport Land Use Plans

The following airports are located within 2 miles of US 395 (AirNav 2020):

- Alturas Muni Airport. This airport is a city-owned public use airport located approximately 1 mile west of the project.
- Wesinger Ranch Airport. This is a private use airport located approximately 1.5 miles west of the project.
- Bates Field Airport. This is a private use airport located approximately 1.25 miles west of the project.
- Ravendale Airport. This airport is a publicly owned public use airport located approximately 0.25 mile northeast of the project.

There are no commercial flights from these airports.

5.9.1.3 Fire Hazard

As further discussed in Section 5.20, Wildfire, the project traverses through areas with a classification of Local Responsibility Area (LRA), State Responsibility Area (SRA), and Federal Responsibility Area (FRA), which relate to the jurisdiction of wildfire response. Both the California Department of Forestry and Fire Protection (CAL FIRE) and CPUC have mapped high fire severity areas within or adjacent to the project.

5.9.1.4 Metallic Objects

There are several electrical power lines that run along US 395 adjacent to the construction area that provide regional electrical power to much of the area. Additionally, there are several pipelines that run under or adjacent to US 395, particularly in more populated areas like the City of Alturas. Since the project itself includes the placement of a fiber optic line underground within existing roadway right-of-way, it would not provide a source of alternating current. The placement of the fiber optic line would be located away from any utility lines, if present, and would not cause corrosion. Additionally, the fiber optic line would be shielded with three 3.2-centimeter-diameter HDPE, which would prevent the cable from interacting with any nearby metallic objects. Since the project is not an electrical project, metallic objects within 25 feet of the project are not identified in this PEA.

5.9.1.5 Hazardous Air Pollutants

EPA defines hazardous emissions, also known as Hazardous Air Pollutants (HAP), as those pollutants that are known or suspected to cause cancer or other serious health effects (EPA 2017). These pollutants can come from sources such as gasoline, motor oils, asbestos, and paint strippers and can be inhaled or ingested. Fuels, such as diesel and gasoline, that are required for the operation of construction equipment are considered Class 3, flammable liquid, and hazardous materials that can lead to fires or explosions if handled incorrectly. Additionally, oils and lubricants for operation of equipment are also considered Class 3 hazardous materials.

Asbestos

A review of the USGS *Reported Historic Asbestos Mines, Historic Asbestos Prospects, and Other Natural Occurrences of Asbestos in California* map indicated that there are no known occurrences of naturally occurring asbestos (NOA) or ultramafic rock formations in Modoc or Lassen Counties. Some NOA occurrences are located within Sierra County; however, these occurrences are located in the western portion of Sierra County, well outside of the project area (USGS 2011). This map is only intended for use by government agencies and private industry to inform the likelihood of NOA in particular regions of California and it is not intended as final determination of the presence or lack of presence of NOA. However, a site-specific review of the NRCS Web Soil Survey further indicated that there is no ultramafic rock present along US 395. Therefore, the likelihood of the presence of NOA within or near the project is very low to none and is not discussed or analyzed further.

5.9.1.6 Schools

The following schools are located within 0.25 mile of the project:

- State Line Elementary School. This school is located approximately 350 feet west of US 395.
- Modoc High School. This school is located approximately 60 feet east of US 395 in the City of Alturas.
- South Fork Elementary School. This school is located approximately 70 feet west of US 395.

- Madeline School. This school is located approximately 150 feet west of US 395.
- Shaffer Elementary School. This school is located approximately 80 feet north of US 365.
- Lake School. This school is located approximately 380 feet east of US 395.
- Bird Flat School. This school is located approximately 180 feet south of US 395.
- Long Valley Elementary School. This school is located approximately 200 feet east of US 395.

5.9.2 Regulatory Setting

5.9.2.1 Federal

Resource Conservation and Recovery Act / Comprehensive Environmental Response, Compensation, and Liability Act

EPA regulates hazardous substance sites under the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 regulates hazardous waste from the time that waste is generated through its management, storage, transport, and treatment, until its final disposal.

49 Code of Federal Regulations 100-185, Hazardous Materials Regulations

The U.S. Department of Transportation (USDOT) Pipeline and Hazardous Materials Safety Administration is responsible for regulating and ensuring the safe and secure movement of hazardous materials to industry and consumers by all modes of transportation. Title 49 of CFR Parts 100 through 185 addresses hazardous materials classification, packaging, hazard communication, emergency response information, and training.

Hazardous Materials Transportation Act

The transport of hazardous materials is regulated by the USDOT under the Hazardous Materials Transportation Act (HMTA). To accomplish this, the Federal Aviation Administration, Federal Motor Carrier Safety Administration, Federal Railway Administration, Pipeline and Hazardous Materials Safety Administration, and the United States Coast Guard have been given authority to enforce hazardous material transport regulations.

Occupational Safety and Health Administration

The Occupational Safety and Health Act of 1970 created the Occupational Safety and Health Administration (OSHA), which is responsible for protecting the health of workers, such as during the handling of hazardous materials. OSHA has created regulations to set federal standards of workplace safety including exposure limits, mandatory workplace training, accident and injury reporting, and safety procedures. These regulations are recorded in the CFR Title 29.

5.9.2.2 State

California Regional Water Quality Control Board

The primary responsibility for the California RWQCBs is to provide protection of water quality in California, and there are nine RWQCBs within California. The RWQCBs set policy for implementation of state and federal laws and regulations within the state. The RWQCBs adopt and implement Water Quality Control Plans (Basin Plans) that recognize regional differences in natural water quality, actual and potential beneficial uses, and water quality problems associated with human activities) (SWRCB 2020).

California Department of Toxic Substances Control

The California Department of Toxic Substances Control (DTSC) is a part of the California Environmental Protection Agency (CalEPA) and regulates the generation, handling, treatment, and disposal of hazardous wastes in California. DTSC enforces the RCRA program in California.

According to the Government Code Section 65962.5(a), DTSC "shall compile and update as appropriate, but at least annually, and submit a list of the following to the Secretary for Environmental Protection:

1. All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code

2. All land designated as hazardous waste property or border zone property pursuant to Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code"

California Environmental Protection Agency

CalEPA develops, implements, and enforces environmental laws that regulate air, water and soil quality, pesticide use and waste recycling and reduction. Senate Bill 1082 (1993) requires that CalEPA do the following (CalEPA 2020):

- Grant to either DTSC or the SWRCB and RWQCBs the sole authority to implement and enforce the requirements of Article 6 (commencing with Section 66264.90) of Chapter 14 of, and Article 6 (commencing with Section 66264.90) of Chapter 15 of, Division 4.5 of Title 22 of the California Code of Regulations (CCR) and of Article 5 (commencing with Section 2530) of Chapter 15 of Division 3 of Title 23 of the CCR.

- Develop a process for ensuring that each hazardous waste facility cleans up or abates the effects of a release of hazardous substance pursuant to Section 13304 of the Water Code, takes corrective action for a release of hazardous waste or constituents pursuant to Section 25200.10, or both. Sole jurisdiction over the supervision of these actions (meaning oversight of those corrective action activities) is vested in either DTSC or SWRCB and RWQCBs.

- Develop a unified hazardous waste facility permit issued by the department that incorporates all conditions, limitations, and requirements imposed by SWRCB or the RWQCBs to protect water quality, and incorporate all conditions, limitations, and requirements imposed by the department.

Hazards, Hazardous Materials, and Public Safety

- Develop a consolidated enforcement and inspection program that is designed to ensure effective, efficient, and coordinated enforcement of the laws implemented by DTSC or SWRCB and RWQCBs, as those laws relate to facilities conducting offsite hazardous waste treatment, storage, or disposal activities, and to facilities conducting onsite treatment, storage, and disposal activities, which are required to receive a permit under Senate Bill 1082.

Cortese List Government Code Section 65962

Government Code Section 65962 was enacted in 1985 and amended in 1992. It is used as a planning tool to comply with CEQA and requires information about locations of hazardous materials release sites. It states that through the combined efforts of the DTSC, the Department of Health Services, SWRCB, and local enforcement agencies, a list of potentially hazardous areas and sites will be compiled and will remain up to date (updated annually, at minimum). The list is consolidated by the Secretary for Environmental Protection and is distributed to each city and county where sites on the list are located. The list can be found on the DTSC's data management system known as EnviroStor, which includes information from the SWRCB GeoTracker database.

California Department of Transportation

Caltrans manages interregional transportation, including the management and construction of the California highway system. In addition, Caltrans is responsible for the permitting and regulation of state roadways and requires that permits be obtained for transportation of oversized loads and transportation of certain materials, such as hazardous materials, and for construction-related traffic disturbance.

California Public Resources Code

Public Resources Code Section 21151.4. (a) An environmental impact report shall not be certified or a negative declaration shall not be approved for any project involving the construction or alteration of a facility within one-fourth of a mile of a school that might reasonably be anticipated to emit hazardous air emissions, or that would handle an extremely hazardous substance or a mixture containing extremely hazardous substances in a quantity equal to or greater than the state threshold quantity specified pursuant to subdivision (j) of Section 25532 of the Health and Safety Code, that may pose a health or safety hazard to persons who would attend or would be employed at the school, unless both of the following occur:

1) The lead agency preparing the environmental impact report or negative declaration has consulted with the school district having jurisdiction regarding the potential impact of the Project on the school.

2) The school district has been given written notification of the Project not less than 30 days prior to the proposed certification of the environmental impact report or approval of the negative declaration.

(b) As used in this section, the following definitions apply:

> (1) "Extremely hazardous substance" means an extremely hazardous substance as defined pursuant to paragraph (2) of subdivision (g) of Section 25532 of the Health and Safety Code.
>
> (2) "Hazardous air emissions" means emissions into the ambient air of air contaminants that have been identified as a toxic air contaminant by the State Air Resources Board or by the air pollution control officer for the jurisdiction in which the Project is located. As determined by the air pollution control officer, hazardous air emissions also means emissions into the ambient air of a substance identified in subdivisions (a) to (f), inclusive, of Section 44321 of the Health and Safety Code. [Amended by Stats. 2008, Ch. 148, Sec. 1. Effective January 1, 2009]

Division of Occupational Safety and Health

The Division of Occupational Safety and Health (DOSH or CalOSHA), is responsible for enforcing workplace safety regulations and requirements in California, including hazardous materials requirements recorded under CCR Title 8. These regulations include requirements for safety training, availability of safety equipment, accident and illness prevention programs, warnings about hazardous substance exposure (such as asbestos), and preparation of emergency action and fire prevention plans.

DOSH also enforces hazard-communication program regulations that contain training and information requirements. Such requirements include procedures for identifying and labeling hazardous substances, for communicating information about hazardous substances and their handling, and for preparing health and safety plans to protect workers and employees at hazardous waste sites. Under the hazard-communication program, employers must make Safety Data Sheets available to employees and document employee information and training programs.

California Emergency Services Act

The California Emergency Services Act provides the basic authority for conducting emergency operations following a proclamation of emergency by the governor and/or appropriate local authorities. Local government and district emergency plans are considered to be extensions of the California Emergency Plan, established in accordance with the Emergency Services Act.

The California Emergency Management Agency (CAL EMA) is the state agency responsible for establishing emergency response and spill notification plans related to hazardous materials accidents. CAL EMA requires specific businesses to prepare an inventory of hazardous materials (CCR Title 19). CAL EMA is also the lead state agency for emergency management and is responsible for coordinating the state-level response to emergencies and disasters.

Fire Protection

California state fire safety regulations apply to SRAs during the time of year designated as having hazardous fire conditions. CAL FIRE has developed a fire hazard severity scale that considers vegetation, climate, and slope to evaluate the level of wildfire hazard in all SRAs. An SRA is defined as

the part of the state where CAL FIRE is primarily responsible for providing basic wildland fire protection assistance. Areas under the jurisdiction of other fire protection services are considered to be Local Responsibility Areas or on federal lands are considered Federal Responsibility Areas.

During the fire hazard season, these regulations include the following: (a) restrict the use of equipment that may produce a spark, flame, or fire; (b) require the use of spark arrestors on any 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. CAL FIRE has primary responsibility for fire protection within SRAs.

5.9.2.3 Local

Because CPUC has exclusive jurisdiction over the project's siting, design, and construction, the project is not subject to local hazard regulations or discretionary permits. This section identifies local hazards regulations, policies, and plans for informational purposes and to assist with CEQA review.

Modoc County General Plan

The Modoc County General Plan was adopted in September 1988 and includes the following policies related to hazards that are relevant to the project (Modoc County 1988, as amended):

- **Goal:** To protect the public health and safety through limitation od development in hazardous areas
    - **Policy:** Recommendations within the state Fire Safe Guide should be implemented wherever practicable in Modoc County.

Lassen County General Plan

The Lassen County General Plan was adopted in September of 1999 and includes the following goals related to hazards that are relevant to the project (Lassen County 1999, as amended):

- **Goal O-6:** To support the protection of the public from natural hazards and from threats to health and safety which could result from damage to or contamination of public resources.

Sierra County General Plan

The Sierra County General Plan was first adopted in 1996 and includes the following goals and policies related to hazards that are relevant to the project (Sierra County 1996, as amended):

- **Goal:** It is the County's goal to maintain a high level of safety for people and property by limiting the exposure of its residents to safety hazards, including seismic and geologic hazards, flooding and fire.
    - **Policy 23:** Provide for the identification, safe use, storage, transport, and disposal of hazardous materials.

Certified Unified Program Agency

A Certified Unified Program Agency (CUPA) are local agencies certified by DTSC or SWRCB or RWQCBs to conduct the Unified Program established by Senate Bill 1082 (as explained under Section 5.9.2.2, State). DTSC, the Modoc County Department of Environmental Health, the Lassen County Department of Environmental Health, and the Sierra County Department of Environmental Health are the CUPAs with jurisdiction in the vicinity of the project area.

Modoc County Department of Environmental Health

The Modoc County Department of Environmental Health had legal authority for local environmental health programs as cited in the California Health and Safety Code, CCR Titles 17 (Drinking Water) and 22 (Environmental Health), and local ordinances. As the CUPA, Modoc County conducts site inspections of hazardous materials programs (aboveground storage tanks [ASTs], underground storage tanks [USTs], hazardous waste tiered treatment, hazardous waste generators, hazardous materials management and response plans, and the California Fire Code). The county also provides permits to drill, destroy, deepen, or recondition a water well (Modoc County Environmental Health 2020).

Lassen County Department of Environmental Health

The Lassen County Department of Environmental Health is responsible for the programs designed to control or prevent disease, improve the overall environment, and enhance the general welfare and health of the community. The environmental health programs include body art, food safety, hazardous material management, liquid waste management, medical waste, recreation waters, septic systems and onsite sewage disposal, solid waste, USTs, water supply protection, water wells, water systems, and other insect and disease control programs. As the CUPA, Lassen County conducts site inspections of hazardous materials programs (ASTs, USTs, hazardous waste tiered treatment, hazardous waste generators, hazardous materials management and response plans, and the California Fire Code). The Lassen County Department of Environmental Health also provides emergency response to hazardous materials events, performing health and environmental risk assessment and substance identification (Lassen County Department of Environmental Health 2020).

Sierra County Department of Environmental Health

The Sierra County Department of Environmental Health is the local agency for implementing state and local laws affecting the public health of Sierra County. The Sierra County Department of Environmental Health response to code complaints involving surfacing sewage, food facilities, hazardous materials, public pools, water systems, noise and other un-permitted land use issues. Under the CUPA, Sierra County performs and oversees site inspections of hazardous materials programs, the California Accidental Release Prevention (CalARP) Program, the Underground Storage Tank Program, the Above-ground Petroleum Storage Act (APSA) Program, Hazardous Waste Generator and Onsite Hazardous Waste Treatment (Tiered Permitting) Programs, Area Plans for Hazardous Materials Emergencies, and the California Fire Code (Sierra County Environmental Health 2020).

Lahontan Regional Water Quality Control Board

The Lahontan RWQCB (Region 6) jurisdiction extends from the Oregon border to the northern Mojave Desert and includes all of California east of the Sierra Nevada crest. Counties under the jurisdiction include Modoc (east), Lassen (east side and Eagle Lake), Sierra, Nevada, Placer, El Dorado, Alpine, Mono, Inyo, Kern (east), San Bernardino, and Los Angeles (northeastern corner).

5.9.3 Touch Thresholds

Fiber optic cable transmits light, not electricity, and therefore does not pose a shock hazard. Electrical power would be supplied to nodes by the local power company through interconnections with adjacent distribution lines. Interconnection would occur within underground vaults that are not accessible to members of the public. In installing these interconnections, the contractor selected for the project would be required to follow all standard electrical safety and worker safety regulations for electrical equipment usage.

The National Electrical Safety Code (NESC) addresses shock hazards to the public by providing guidelines on minimum clearances to be maintained for practical safeguarding of persons during the installation, operation, or maintenance of electric power and communication utility systems.

5.9.4 Impact Questions

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐
h) Create a significant hazard to air traffic from the installation of new power lines and structures?	☐	☐	☐	☒
i) Create a significant hazard to the public or environment through the transport of heavy materials using helicopters?	☐	☐	☐	☒
j) Expose people to a significant risk of injury or death involving unexploded ordnance?	☐	☐	☐	☒
k) Expose workers or the public to excessive shock hazards?	☐	☐	☐	☒

5.9.5 Impact Analysis

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact. Temporary construction activities associated with the project would involve the transport and use of gasoline, diesel fuel, hydraulic fuel, solvents, and oils typically associated with operation of construction equipment and vehicles. These chemicals would be used and stored on the project site during construction, as well as transported along public roadways. Federal, state, and local laws governing the hauling, storage, and transport of these and other hazardous materials and spill response are discussed in Section 5.9.2, Regulatory Setting, and would be required for the storage and transport of hazardous materials for the project. These regulations are established to prevent the improper use of materials and reduce the risk of exposure to the public.

Accidental release of potentially hazardous materials during construction may cause a potentially significant impact if not properly managed. However, APM HAZ-1, Prepare and Implement a Hazardous Release Prevention Plan and Spill Prevention, Countermeasures, and Control Plan; APM HAZ-2, Worker Environmental Awareness Program for Hazardous Materials; APM HAZ-3, Accidental Release Prevention

Plan; and implementation of the SWPPP (APM HYDRO-1) would be required to ensure that potentially hazardous material releases are contained in accordance with all applicable laws and regulations and to ensure that construction workers are properly trained on the potentially hazardous conditions in the project area. APMs HAZ-1 and HAZ-2 and APM HYDRO-1 would be implemented throughout construction activities and would ensure that impacts related to the routine transport, use, or disposal of hazardous materials are reduced to a less than significant level.

Operation of the project would consist of an underground fiber optic line and would not involve the routine transport, use, or disposal of hazardous materials. Therefore, there would be no operational impacts.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less Than Significant Impact. The potential for release of hazardous materials into the environment could result from discovery of hazardous materials in the soils excavated during construction or from spills related to construction equipment and activities. Directional boring activities would use a nontoxic bentonite clay drill slurry, or "mud," which would lubricate the passage of the drill, would cool and insulate the electronics in the drill head and rods, would support the walls of the bore to prevent collapse, and would capture and transport excess soil ("cuttings") to the exit pits. In addition, the use of heavy construction equipment requires the use of small amounts of hazardous materials such as oils, fuels, and other potentially flammable substances that have the potential to be released into the environment if not handled properly. The amount of these materials needed for equipment maintenance would not be enough to cause a significant hazard to the public if released since the quantity of these hazardous materials onsite at any one given time would only amount to a refueling truck and the construction equipment. However, given the possibility of accidental release of hazardous materials during construction, APM HAZ-1, APM HAZ-2, APM HAZ-3, and APM HYDRO-1 would be required and would include measures for containment of potentially hazardous materials and spills from leaving the project site as well as a WEAP to educate construction workers on the proper identification, handling, and disposal of hazardous materials that could occur onsite. Therefore, construction of the project would result in a less than significant impact related to significant hazards to the public or the environment from the release of hazardous materials.

Operation of the project would consist of an underground fiber optic line and would not involve the potential for release of hazardous materials into the environment. Therefore, there would be no operational impact.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less Than Significant Impact. There are eight schools located within 0.25 mile of the project, including State Line Elementary School, Modoc High School, South Fork Elementary School, Madeline School, Shaffer Elementary School, Lake School, Bird Flat School, and Long Valley Elementary School. As discussed under impact questions a and b, construction of the project has the potential to emit hazardous

materials in the form of gasoline, diesel fuel, hydraulic fuel, solvents, and oils. Construction activities would occur within 0.25 mile of schools along US 395 area; however, because construction activities would be linear and would not occur in any one location for extended periods of time, potential impacts from emissions of hazardous materials near schools would be extremely temporary, likely not lasting for more than a week's time. No individual school would be exposed substantial emissions from construction activities. Additionally, PRC Section 21151.4 (Section 5.9.2, Regulatory Setting), requires that projects that are located within 0.25 mile of a school that might reasonably be anticipated to emit hazardous air emissions, that would handle an extremely hazardous substance or a mixture containing extremely hazardous substances in a quantity equal to or greater than the state threshold quantity specified pursuant to subdivision (j) of Section 25532 of the Health and Safety Code, or that may pose a health or safety hazard to persons who would attend or would be employed at the school would either need to consult with the school or give written notification to the school. The Applicant would comply with PRC Section 21151.4 and would notify the appropriate school personnel if construction activities would require work with hazardous materials or emissions within 0.25 mile of a school. Additionally, the Applicant would follow applicable rules and regulations governing transport and use of hazardous materials as discussed herein. Further, hazardous materials emissions would be minimized through APM HAZ-1 and through compliance with standard fugitive dust measures required by local and state regulations, which would prevent hazardous materials or substances from leaving the project site and impacting nearby schools. Therefore, the construction of the project would have a less than significant impact to schools with APM HAZ-1 incorporated.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less Than Significant Impact. As shown in Table 5.9-1, there are several potentially hazardous materials sites located within the construction work area and adjacent to project construction activities. A significant hazard could occur if construction activities were to result in the release of hazardous materials or further contamination associated with these sites.

Work directly within hazardous materials sites would be avoided, where possible. However, due to the proximity to some sites (which include a UST site and an underground well contamination site), and the potential of these sites occurring near the fiber optic line, potential impacts related to the release of hazardous materials to the public or the environment could occur. APM HAZ-1 and APM HAZ-2 would be implemented for construction activities that could occur in close proximity to hazardous materials sites identified in Table 5.9-1. APM HAZ-1 includes measures to test soils adjacent to hazardous materials sites prior to the start of construction activities and measures for proper containment and treatment of potentially hazardous materials should contact with these sites not be avoidable. Therefore, the potential for the construction of the project to be located on a site defined by Government Code Section 65962.5 that could result in a significant hazard to the public or the environment would be considered less than significant.

Operation of the project would consist of an underground fiber optic line and would not pose an additional hazard to the public or the environment. Therefore, there would be no operational impact.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

Less Than Significant Impact. There are several airports located within 2 miles of the project including: Alturas Mini Airport, Wesinger Ranch Airport, Bates Field Airport, and Ravendale Airport. All of these airports are small airports that do not have any commercial operations or heavy incoming and outgoing airplane use.

During construction, the project could expose construction workers to minor noise levels from these nearby airports, however, because construction of the project would consist of linear work (i.e., not located in one situated place for extended periods of time), and because the operations of these airports are minimal, construction workers would not be exposed to excessive noise. Therefore, construction of the project would result in a less than significant impact related to hazards from nearby airports.

Once constructed, the project would be located entirely underground and would not include any uses for human habitation or for permanent construction workers to conduct their daily work. Therefore, there would be no operational impact related to hazards from nearby airports.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The majority of the project would be located within the roadway right-of-way, which could potentially interfere with use of this roadway for emergency personnel accessing local or regional emergencies. Additionally, if there were a larger emergency in the area, such as a fire or earthquake, the public and emergency personnel would likely use US 395 as a major exit highway going either north or south. As such, to ensure that construction activities do not interfere with any potential emergency access or evacuations, APM TRA-1 would be implemented. APM TRA-1 would include preparation and implementation of a traffic control plan for the project, which would include notification of emergency agencies of the construction timing and location and a construction contact should coordination be required in the event of an emergency. With implementation of this mitigation measure, emergency personnel would be appropriately notified, and construction work would not interfere with any local or regional emergency or evacuation efforts on US 395. Therefore, impacts related to interference with adopted emergency response plans or emergency evacuation plans would be less than significant.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less Than Significant Impact. As discussed in Section 5.20, Wildfire, and under impact question a, construction activities could have the potential to cause sparks or release potentially flammable materials that could start a wildfire in the area, thus potentially causing risk of loss, injury, or death. Use of machinery or "hot work" (e.g., welding) or smoking onsite are particularly dangerous in terms of potentially starting a wildfire in the vicinity of construction activities. As such, compliance with local, state, and federal

regulations pertaining to fire prevention and implementation of APM FIRE-1, Construction Fire Prevention Plan would be required to ensure that workers are appropriately trained on fire prevention, and to ensure that appropriate fire prevention equipment and measures are taken onsite to reduce the potential for sparks and the spread of wildfire. Therefore, construction of the project would result in a less than significant impact.

Once constructed, the fiber optic line would be located underground and would not result in risk of loss, injury, or death involving wildland fires. Therefore, there would be no operational impact.

h) Create a significant hazard to air traffic from the installation of new power lines and structures?

No Impact. The project, once constructed, would be located entirely underground, with the exception of several ancillary facilities, and would not have the potential to interfere with any air traffic in the area. Therefore, there would be no impact related to air traffic hazards from the project.

i) Create a significant hazard to the public or environment through the transport of heavy materials using helicopters?

No Impact. Construction of the project does not involve the use of any helicopters to transport heavy materials to the area. The project would be installed underground or strung on bridges using an excavator or directional drill rig. Once constructed, the new fiber optic line would be located underground and would not involve the use of any helicopters for maintenance activities. Therefore, construction and operation of the project would not create a significant hazard to the public involving transport of heavy materials using helicopters.

j) Expose people to a significant risk of injury or death involving unexploded ordnance?

No Impact. The project area is not located in an area that is known to have unexploded ammunition. Since the project area would be made up of the existing roadway right-of-way, with the exception of some adjacent ancillary features, which is a previously disturbed area that has received traffic in the form of vehicles, bicyclists, and pedestrians, there is little to no potential for any undiscovered ammunition to occur within the area. Therefore, there would be no impact related to unexploded ordnances.

k) Expose workers or the public to excessive shock hazards?

No Impact. Fiber optic cable transmits light, not electricity, and therefore does not pose a shock hazard. Electrical power would be supplied to nodes by the local power company through interconnections with adjacent distribution lines. Interconnection would occur within underground vaults that are not accessible to members of the public. In installing these interconnections, the contractor selected for the project would be required to follow all standard electrical safety and worker safety regulations for electrical equipment usage. . Therefore, there would be no impacts related to excessive shock hazards.

5.9.6 Draft Environmental Measures

Applicant Proposed Measures

APM HAZ-1: Prepare and Implement a Hazardous Materials Release Prevention Plan and a Spill Prevention, Countermeasure, and Controls Plan

Zayo, or its chosen consultant, shall create and implement a hazardous materials release prevention plan and Spill Prevention, Countermeasure, and Control (SPCC) plan to reduce the risk of sensitive receptors from being exposed to hazards due to the handling of hazardous materials during construction. These plans shall identify control measures to prevent the release of hazardous materials, as well as a detailed action plan to respond to an incidental spill in compliance with all local, state, and federal regulations relating to the handling of hazardous materials. These plans would also be implemented in conjuncture with the Stormwater Pollution and Prevention Plan (SWPPP). Specific measures of these plans shall include the following:

- Site-specific buffers to be used if work occurs adjacent to any hazardous sites, and if not possible, remediation or containment efforts to be taken if construction activities will go through a hazardous site
- Testing of soils near known hazardous materials sites prior to the start of construction activities
- Emergency response and reporting procedures
- Proper disposal of potentially hazardous materials
- Containment of spills from construction equipment and vehicles (also required through the preparation of a SPCC), which would include the following:
    - Maintenance and inspection of all construction vehicles
    - Refueling and parking restrictions to prevent fuel from entering adjacent waterbodies
    - Specifications for the availability of spill containment and response equipment
    - Designation of responsibilities and communication and reporting procedures in the event of a spill
    - Spill response procedures

APM HAZ-2: Worker Environmental Awareness Program for Hazardous Materials

The purpose of a Worker Environmental Awareness Program (WEAP) is to educate personnel (i.e., construction workers) about the existing onsite and surrounding resources and the measures required to protect these resources and to avoid potential hazards within these sites. The WEAP, developed by Zayo or their chosen consultant, shall include materials and information on potential hazards resulting from construction within the project area, and applicable precautions personnel should take to reduce potential impacts.

The WEAP presentation shall be given to all personnel who may be exposed to site hazards. The WEAP presentation shall be given prior to the start of construction and as necessary throughout the life of the project as new personnel arrive onsite. Zayo and the contractor are responsible for ensuring that all onsite personnel attend the WEAP presentation, receive a summary handout, and sign a training attendance acknowledgement form to indicate that the contents of the program are understood and to provide proof of attendance. Each participant of the WEAP presentation shall be responsible for maintaining their copy of the WEAP reference materials and making sure that other onsite personnel are complying with the recommended precautions. The contractor shall keep the sign in sheet onsite and submit copies of the WEAP sign-in sheet to Zayo's Project Manager, who shall keep it on file at their offices.

The following information and implementation steps shall be prepared, presented, and executed prior to and during construction to prevent exposure and raise awareness of potential site hazards:

- Inform personnel about potentially hazardous sites within the project areas and how to identify hazardous materials sites. Signs of potential contamination within soils could include stained soils, discolored or oily water, previously unknown underground storage tanks, etc. Work should be stopped if any of these signs are identified within the project area, and APM HAZ-1 should be implemented before work shall resume.

APM HAZ-3: Accidental Release Prevention Plan.

To minimize the potential for an accidental release of bentonite drilling fluid caused by a fracture in the rock underlying the water body (an event known as a "frac-out"), an Accidental Release Prevention Plan will be prepared. Measures in this plan would include the following:

- Visual inspection of the bore path at all times during drilling operations
- Personnel stationed upstream and downstream of the bore path to monitor water conditions when water is flowing,
- When boring is necessary adjacent to wetlands and waterways, the bore rigs would be set back 15 ft beyond the top of waterway banks or a minimum of 75 ft from the edge of wetland vegetation,
- Specifications for availability of containment and cleanup equipment in the event of a frac-out
- Designation of responsibilities, communication protocols, and reporting procedures in the event of a frac-out

APM FIRE-1: Fire Protection Plan.

See Section 5.20, Wildfire.

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