

1 **3.3.7 Hazards and Hazardous Materials**

VII. HAZARDS AND HAZARDOUS MATERIALS: Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2 **3.3.7.1 Environmental Setting**

3 The DCPD is located within an area of moderate to high fire hazard; however, the
 4 onshore portion of the Project is located in a nearshore area with little vegetation or
 5 other wildfire hazard characteristics. The Project area is not located within an airport
 6 influence area, as the San Luis Obispo Regional Airport is located approximately 22.5
 7 km (14.0 mi) to the east.

8 There have been no documented releases of hazardous waste at the DCPD facility and
 9 no active corrective action operations are occurring. There are hazardous materials and

1 hazardous waste materials associated with nuclear power generation within the DCCP.
2 These materials are situated within the DCCP site reactor units and waste storage
3 areas, and are remote from the onshore activities of the Project. The Project would not
4 affect the operation of any existing hazardous material or waste management facilities
5 or activities.

6 Offshore areas near the DCCP are used for commercial and recreational fishing.
7 Further offshore, marine traffic use designated shipping lanes that vary in distance from
8 shore based on the cargo being carried and generally parallel the coastline.

9 3.3.7.2 Regulatory Setting

10 This section identifies selected regulations and policies that are administered by federal,
11 state, and local agencies and that pertain to the reduction of hazards and the
12 management of hazardous materials.

13 **Federal**

14 **Clean Water Act of 1972.** The CWA is a comprehensive piece of legislation that
15 generally includes reference to the Federal Water Pollution Control Act of 1972, its
16 substantial supplementation by the CWA of 1977, and subsequent amendments in
17 1981, 1987, and 1993. Overall, the CWA seeks to protect the nation's water from
18 pollution by setting water quality standards for surface water and by limiting the
19 discharge of effluents into waters of the U.S. These water quality standards are
20 enforced by the EPA. The CWA also provides for development of municipal and
21 industrial wastewater treatment standards and a permitting system to control
22 wastewater discharges to surface waters.

23 **International Navigational Rules Act of 1977.** The international rules and regulations
24 governing operations at sea were formalized at the Convention on the International
25 Regulations for Preventing Collisions at Sea in 1972 and became effective on July 15,
26 1977. Congress adopted these rules and regulations as the International Navigational
27 Rules Act of 1977, commonly called 72 COLREGS. These rules, with 1989
28 amendments, identify all the regulations that govern operations on U.S. navigable
29 waters. The rules are administered and enforced by the USCG.

30 **Oil Pollution Act of 1990.** The OPA 90 (33 USC § 2712) requires owners and
31 operators of facilities that could cause substantial harm to the environment to prepare
32 and submit plans for responding to worst-case discharges of oil and hazardous
33 substances. The passage of OPA 90 motivated the State of California to pass a more
34 stringent spill response and recovery regulation and the creation of the OSPR to review
35 and regulate oil spill plans and contracts.

36 **State**

37 **Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (OSPRA).**
38 OSPRA established the OSPR division of the CDFG to provide protection of California's
39 natural resources from petroleum discharges. OSPRA covers all aspects of marine oil

1 spill prevention and response in California. It established an Administrator who is given
 2 broad powers to implement the provisions of the Act.

3 **Porter-Cologne Water Quality Control Act of 1969** (Cal. Water Code, § 13000 et
 4 seq.). This act mandates that the waters of the State shall be protected, such that
 5 activities, which may affect waters of the State, shall be regulated to attain the highest
 6 quality. This Act established the SWRCB as the principal state agency for coordinated
 7 and controlling water quality in California. The SWRCB provides regulations mandating
 8 a “non-degradation policy” for state waters, especially those of high quality. The
 9 SWRCB is divided into local regional boards.

10 **Local. San Luis Obispo County** is responsible for enforcing the state regulations for
 11 hazardous substance generators, hazardous substance storage, and underground
 12 storage tanks (including inspections, enforcement, and removals) within the Project
 13 area. The San Luis Obispo County Environmental Health Division (EHD) regulates the
 14 use, storage, and disposal of hazardous substances in the county by issuing permits,
 15 monitoring regulatory compliance, investigating complaints, and other enforcement
 16 activities. The EHD reviews technical aspects of hazardous substance site cleanups
 17 and oversees remediation of contaminated sites resulting from leaking underground
 18 storage tanks. It is also responsible for providing technical assistance to public and
 19 private entities seeking to minimize the generation of hazardous substances.

20 **3.3.7.3 Impact Analysis**

21 Two factors can be used to determine the significance of impacts potentially resulting
 22 from an upset condition: criticality and frequency. Criticality classifications, which range
 23 from negligible to disastrous, are defined in Table 3.3.7-1. Frequency classifications,
 24 which range from extraordinary to frequent, are defined in Table 3.3.7-2. When
 25 evaluated together, these two factors define a threshold of significance. This is shown in
 26 Table 3.3.7-3 where the shaded areas in the matrix represent significant impacts.

27 The DCPD is a nuclear-powered facility that generates electricity. The Project would not
 28 alter any existing power generation or associated operations at the facility. Hazardous
 29 material use that would result from the implementation of the Project would generally be
 30 limited to hydrocarbons associated with fueling and maintenance of equipment and
 31 vessels.

32 **Table 3.3.7-1. Criticality Classification**

Classification	Description of Hazard
Negligible	No significant risk to the public, with no minor injuries
Minor	Small level of risk to the public, with at most a few minor injuries
Major	Major level of public risk, with up to 10 severe injuries
Severe	Severe public risk, with up to 100 severe injuries or up to 10 fatalities
Disastrous	Disastrous public risk involving more than 100 severe injuries or more than 10 fatalities

1 **Table 3.3.7-2. Frequency Classification**

Classification	Frequency per Year	Event Occurrence
Extraordinary	Less than once in 1,000,000 years	Never occurred but could occur
Rare	Between once in 10,000 years and once in 1,000,000 years	Has occurred on a worldwide basis, but only a few times
Unlikely	Between once in 100 years and once in 10,000 years	Is not expected to occur during the Project lifetime
Likely	Between once in 1 year and once in 100 years	Would probably occur during the Project lifetime
Frequent	Greater than once a year	Would occur once a year on average

2
3 **Table 3.3.7-3. Definition of Significant Impact**

Frequency of Occurrence	Severity of Consequence				
	Negligible	Minor	Major	Severe	Disastrous
Frequent					
Likely					
Unlikely					
Rare					
Extraordinary					

Note: The shaded areas in the matrix represent significant impacts.

4
5 **a) Would the project create a significant hazard to the public or the**
6 **environment through the routine transport, use, or disposal of hazardous**
7 **materials?**

8 See response below.

9 **b) Would the project create a significant hazard to the public or the**
10 **environment through reasonably foreseeable upset and accident conditions**
11 **involving the release of hazardous materials into the environment?**

12 Although unlikely, the release of petroleum or other substance into the marine
13 environment from the construction vessel or equipment could result in potentially
14 significant impacts to marine biota, particularly avifauna and early life stage forms of fish
15 and invertebrates, which are sensitive to those effects. Refined products (i.e., diesel and
16 gasoline) are more toxic than heavier crude or Bunker-type products and, in the event of
17 a spill during refueling or maintenance activities, could cause coating of organisms and
18 alteration of habitat should heavier oil attach to rocky substrate. The potential for a
19 Project-related release of diesel fuel, gasoline or other hazardous substance would be
20 substantially reduced because vessel fueling would only occur at an approved docking
21 facility, and no cross vessel fueling would occur. Due to the short, one-week Project-
22 related construction duration, the potential for a release of hazardous materials in that

1 period is very low. Onboard spill response equipment and contracted services would
2 also be provided and sufficient to contain and recover a petroleum product spill. Impacts
3 of an accidental release would be further reduced through the implementation of the Oil
4 Spill Contingency Plan (OSCP) maintained by the *MV Michael Uhl* (Appendix B).
5 OSCPs are standard requirements for the offshore construction industry and provide
6 detailed measures to prevent spills and dispose of hazardous materials. Implementation
7 of the OSCP and APMs will reduce the potential for and consequences of a hazardous
8 material release to a less than significant level. No mitigation measures are required.

9 ***c) Would the project emit hazardous emissions or handle hazardous or***
10 ***acutely hazardous materials, substances, or waste within one-quarter mile***
11 ***of an existing or proposed school?***

12 No Project-related operations would occur within one-quarter mile of a school.

13 ***d) Would the project be located on a site which is included on a list of***
14 ***hazardous materials sites compiled pursuant to Government Code Section***
15 ***65962.5 and, as a result, would it create a significant hazard to the public or***
16 ***the environment?***

17 No Government Code section 65962.5-compiled hazardous materials or waste sites are
18 at or near the Project location.

19 ***e) For a Project located within an airport land use plan or, where such a plan***
20 ***has not been adopted, within two miles of a public airport or public use***
21 ***airport, would the Project result in a safety hazard for people residing or***
22 ***working in the Project area?***

23 See response below.

24 ***f) For a Project within the vicinity of a private airstrip, would the Project result***
25 ***in a safety hazard for people residing or working in the Project area?***

26 The Project would not affect operations at a public or private airport or airstrip.

27 ***g) Would the project impair implementation of or physically interfere with an***
28 ***adopted emergency response plan or emergency evacuation plan?***

29 Construction activities would occur over a short period of time and would not generate a
30 substantial increase in vehicular traffic. Therefore, the Project would not have an impact
31 on emergency evacuation procedures that have been established for the DCP.

32 ***h) Would the project expose people or structures to a significant risk of loss,***
33 ***injury or death involving wildland fires, including where wildlands are adjacent***
34 ***to urbanized areas or where residences are intermixed with wildlands?***

35 Most Project-related construction activities would occur offshore, and onshore
36 construction activities would not occur in or near areas with substantial vegetation that
37 would contribute to potential wildfire hazard impacts. As a result, the Project would have
38 no impact related to an increase in wildfire risk.

1 3.3.7.4 Mitigation and Residual Impacts

2 **Mitigation.** Implementation of existing regulations, standard offshore construction
3 industry standards for the containment and recovery of spills (the OSCP is maintained
4 by the *MV Michael UhI*), and the implementation of the APMs below would reduce the
5 potential for an accidental release of petroleum or other hazardous material products to
6 a less than significant level. No hazardous material release mitigation measures are
7 required. The Project would have no impact related to airport operations, wildfire risk,
8 evacuation planning, or other hazardous material-related impacts.

9 **APM-1** Vessel fueling shall only occur at an approved docking facility. No cross
10 vessel fueling shall be allowed. Marine vessels generally will contain
11 petroleum products within tankage that is internal to the hulls of the vessels.

12 **APM-2** Project installation schedule shall be limited to June-July to avoid gray whale
13 migration periods and when weather conditions are conducive to expeditious
14 and safe vessel operations.

15 **APM-4** All operations shall be completed during the daytime hours; no nighttime
16 operations are proposed.

17 **APM-5** Onboard spill response equipment and contracted services shall be sufficient
18 to contain and recover the worst-case scenario spill of petroleum products.

19 **Residual Impacts.** The Project would have less than significant impacts related to the
20 potential for an accidental release of hazardous materials, and no impact related to
21 airport operations, wildfire risk, evacuation planning, or other hazardous material-related
22 impacts. No significant residual impacts would occur.