

1.7 COMMENT SET D



Linda S. Adams
Secretary for
Environmental Protection

Department of Toxic Substances Control

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Arnold Schwarzenegger
Governor

July 31, 2008

Mr. Steve Mindt
California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, California 95825

DRAFT MITIGATED NEGATIVE DECLARATION (ND) FOR AT&T FIBER OPTIC
CABLE PROJECT (SCH# 2008071076)

Dear Mr. Mindt:

The Department of Toxic Substances Control (DTSC) has received your submitted document for the above-mentioned project. As stated in your document: "The purpose of the proposed project is to replace of approximately 35 miles of direct bury fiber optic cable, with a four and a half inch bundle of three conduits and ancillary support facilities, in existing rights-of-way between the California State line and Victorville, California".

Based on the review of the submitted document DTSC has the following comments:

- 1) The ND should identify and determine whether current or historic uses at the project area may have resulted in any release of hazardous wastes/substances.
- 2) The document states that the ND would identify any known or potentially contaminated sites within the proposed project area. For all identified sites, the ND should evaluate whether conditions at the site may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:
 - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
 - Site Mitigation Program Property Database (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control.

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- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
 - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.
 - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
 - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 3) The ND should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If hazardous materials or wastes were stored at the site, an environmental assessment should be conducted to determine if a release has occurred. If so, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state laws, regulations and policies.
- 4) The project construction may require soil excavation and soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, properly dispose of it rather than placing it in another location. Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project proposes to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.

D-2

D-3

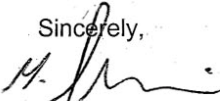
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- 5) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site overseen by the appropriate government agency might have to be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment. | **D-5**
- 6) If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the ND should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight. | **D-6**
- 7) If weed abatement occurred, onsite soils may contain herbicide residue. If so, proper investigation and remedial actions, if necessary, should be conducted at the site prior to construction of the project. | **D-7**
- 8) In future CEQA documents, please provide the following additional contact information: contact person title and e-mail address. | **D-8**

If you have any questions regarding this letter, please contact me at (714) 484-5472 or "ashami@DTSC.ca.gov".

Sincerely,



Al Shami
Project Manager
Brownfields and Environmental Restoration Program - Cypress

cc: Governor's Office of Planning and Research
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CEQA #2250

1.8 RESPONSE TO COMMENT SET D

1.8.1 Comment D-1

The EA/MND addresses Comment D-1 on page 4.9-1. According to the San Bernardino County General Plan, the Proposed Project area does not have a history of hazardous materials being present or a history of land uses that would involve the use or storage of hazardous materials. In addition, field surveys conducted in 2007 by the Chambers Group, Inc. confirmed that there is no evidence of hazardous or solid waste materials in the Proposed Project area.

1.8.2 Comment D-2

A comprehensive search of appropriate databases for potentially contaminated sites in the Proposed Project area has been conducted. The result of this search has been verified through field reconnaissance. Because the Proposed Project construction activities will occur within an existing ROW, the likelihood of encountering contaminated sites not covered by previous database searches is low.

1.8.3 Comment D-3

As discussed in Section 4.9.1.3, the Spill Prevention and Control Plan (Appendix G) includes measures to be taken in the event that unknown hazardous materials are uncovered and includes emergency response special handling procedures.

1.8.4 Comment D-4

No soil will be imported or disposed of.

1.8.5 Comment D-5

No demolition will occur during construction of the Proposed Project. Applicant-proposed measures and mitigation measures have been included in the Section 4.7 Air Quality of the EA/MND in order to control the release of fugitive dust due to Proposed Project construction. Appendix G – Spill Prevention and Contingency Plan contains procedures for preventing the release of hazardous materials and cleaning up any potential spills during construction activities.

1.8.6 Comment D-6

If contamination is suspected, construction in the area would cease immediately and the appropriate procedures would be taken to ensure that construction could continue safely. As discussed in Section 4.9.1.3, the Spill Prevention and Control Plan (Appendix G) includes measures to be taken in the event that unknown hazardous materials are uncovered and includes emergency response special handling procedures.

1.8.7 Comment D-7

We disagree with the recommendations in Comment D-7. The existing ROW is located within a roadway and is heavily disturbed and maintained by multiple entities. Investigation or remedial activities are not warranted prior to construction.

1.8.8 Comment D-8

Comment acknowledged.