1. Introduction

As the Lead Agency under the California Environmental Quality Act (CEQA), the County of San Luis Obispo (County) prepared this Environmental Impact Report (EIR) to evaluate the potential impacts associated with Pacific Gas and Electric Company's (PG&E) application to decommission the Diablo Canyon Power Plant (DCPP). This EIR provides agencies and the public with detailed information about the effect the DCPP Decommissioning Project (Proposed Project or Project) would have on the environment, lists ways in which the significant effects might be avoided or substantially reduced, and identifies a reasonable range of potentially feasible alternatives to the Project. In addition, this document represents only one of the information sources used by the County in making its decision on the Proposed Project.

On March 24, 2021, PG&E submitted a Development Plan (DP) / Coastal Development Permit (CDP) and Conditional Use Permit (CUP) application package to the County for decommissioning of the DCPP. A revised application package was submitted to the County on July 8, 2021. DCPP is in an unincorporated area of San Luis Obispo County, under the jurisdiction of the County's Coastal Zone Land Use Ordinance and Inland Land Use Ordinance. The coastal portions of the DCPP site are also located within the jurisdiction of the California Coastal Commission (CCC) and California State Lands Commission (CSLC). Furthermore, the US Nuclear Regulatory Commission (NRC) has exclusive jurisdiction and regulatory authority over the radiological aspects of decommissioning of nuclear power plants in the United States.

On September 2, 2022, California Governor Gavin Newsom signed Senate Bill (SB) 846 into law, providing PG&E a path to continue operations at the DCPP, provided the site and the Applicant qualify for specific amounts of federal and State funding (Dodd, 2022). The legislation requires PG&E to seek external funding sources (including but not limited to the Federal Department of Energy's Civil Nuclear Credit Program and legislatively-approved funding from the California Department of Water Resources); conduct updated seismic studies; obtain State permits in a timely manner; and request NRC approval of continued operations. SB 846 also requires multiple state agencies to act swiftly to accommodate the potential path for DCPP's continued operations and includes several deadlines the Applicant must meet. If not met, PG&E would continue with decommissioning of DCPP as proposed in the existing DP/CDP and CUP Application to the County, and as evaluated in this EIR. Therefore, the County has continued processing PG&E's application for decommissioning while awaiting guidance from the State and federal agencies that are overseeing the potential for continued operations pursuant to SB 846.

1.1. Project Location and Objectives

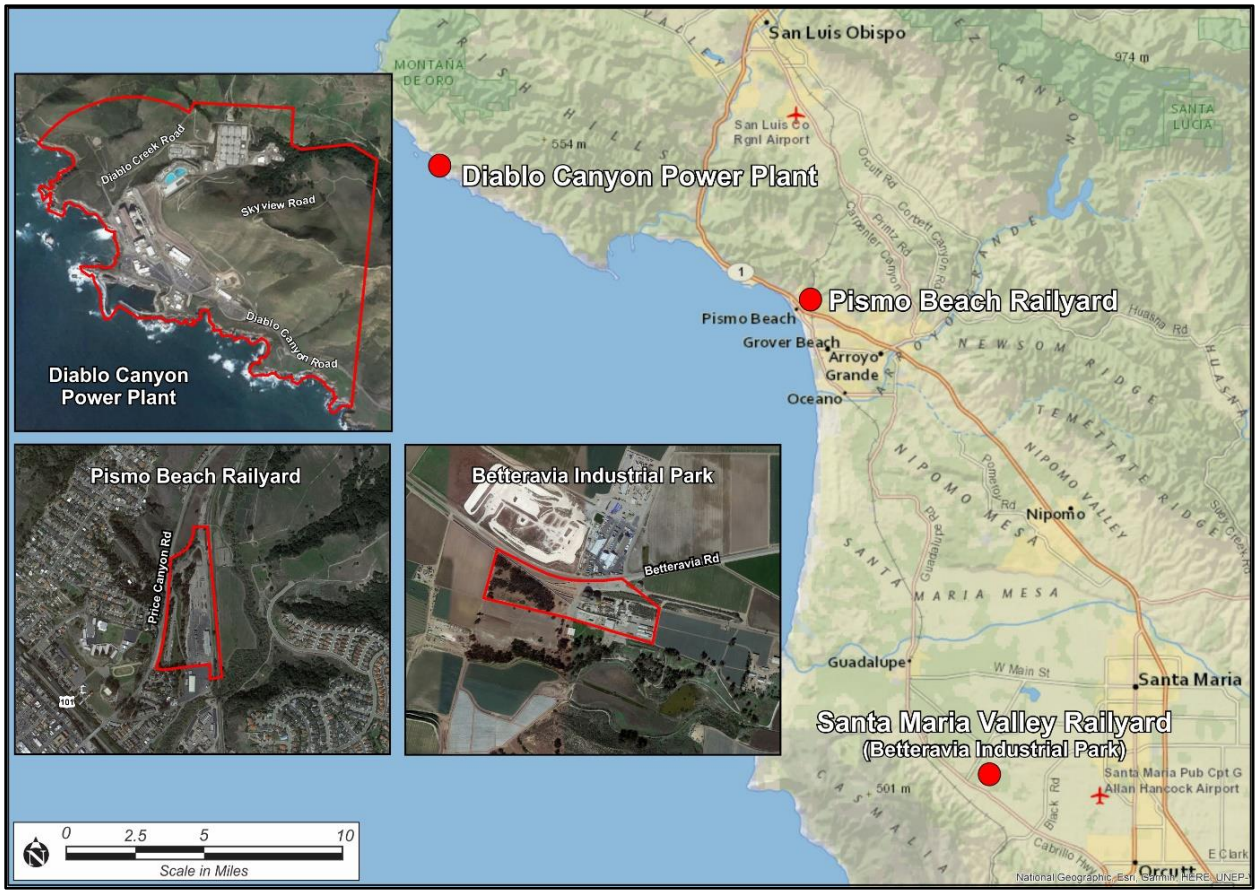
The Proposed Project involves three sites: (1) the DCPP site; (2) the Pismo Beach Railyard (PBR; contingency site); and (3) a Santa Maria Valley Railyard (SMVR) facility site known as Betteravia Industrial Park (SMVR-SB) (see Figure 1-1). The DCPP site is on the coast of San Luis Obispo County, California, approximately 7 miles northwest of the unincorporated community of Avila Beach. The DCPP facility site comprises a 750-acre high-security zone, which contains the developed 585-acre Parcel P owned by Eureka Energy Company (Eureka), a wholly owned subsidiary of PG&E, and the 165-acre area owned by PG&E. The DCPP is surrounded by approximately 12,000 acres of land, owned by either PG&E or Eureka, which extends from the southern border

of Montaña de Oro State Park in the north to the northern edge of Port San Luis in the south. The PG&E-owned PBR site is located off Price Canyon Road in the City of Pismo Beach in San Luis Obispo County, approximately 13 miles southeast of the DCPP site (see Figure 1-1). The SMVR facility site is within the County of Santa Barbara at Betteravia Industrial Park (SMVR-SB), approximately 30 miles southeast of the DCPP site (see Figure 1-1). Local regulation of the SMVR-SB site is preempted pursuant the Interstate Commerce Commission Termination Act (ICCTA) of 1995, which gives the federal Surface Transportation Board exclusive jurisdiction over transportation by rail carriers.[1] Accordingly, a local land use permit is not required for the improvements and use of the SMVR-SB site. With regard to CEQA, mitigation measures imposed on a rail site may not burden, prevent, or interfere with the railroad's operations. In the case of PG&E's use of the SMVR-SB site, both the landowner and SMVR have voluntarily agreed to allow PG&E to implement the mitigation measures identified in this EIR applicable to the SMVR-SB site in order to mitigate impacts.

The Proposed Project involves the decommissioning (withdraw from service and make inoperative) and dismantlement (break apart, decontaminate, and remove) of the existing DCPP as described further below. The Proposed Project would occur in two phases: (1) Phase 1: Preplanning and Decommissioning Project Activities (2024 through 2031), and (2) Phase 2: Completion of Soil Remediation, Final Status Surveys, and Final Site Restoration (2032 through 2039). The details of these phases are described in Section 2, *Project Description (Phases 1 and 2)*. Waste generated from decommissioning activities would be transported off site utilizing a blended approach, primarily consisting of ocean barging, as well as trucking and rail transport to out-of-state waste disposal facilities. DCPP facilities that would remain in place for PG&E use following completion of Phases 1 and 2, as shown in Figure 1-2, include: primary and secondary access roads; internal roads; 230 and 500 kilovolt switchyards; Independent Spent Fuel Storage Installation (ISFSI) (previously approved, not part of Proposed Project – see Section 1.1.2); and raw water reservoirs. The Proposed Project includes construction of a new Security Building, Firing Range, Storage Buildings, and Greater Than Class C (GTCC) Waste Storage Facility (all built in Phase 1). In addition, PG&E proposes to retain the existing Eastern and Western Breakwaters and Intake Structure, which would allow for potential future use of the Marina by a third party (the permitting of which is not part of the Proposed Project). Marina improvements are addressed in this EIR at a project-level consistent with the description of improvements assumed by PG&E. Additional CEQA analysis may be needed once a third party is actively seeking permits and a lease, and more is known about the specific modifications and anticipated Marina reuse activities. Any application for reuse would be evaluated for consistency with the assumptions presented in this EIR as part of the CEQA determination for a land use permit.

[1] *See* 49 United States Code (USC) §10101 et seq., and 49 USC §10501(b)(2).

Figure 1-1. Project Site Locations



Source: PG&E, 2021a – Figure 2.2.2-3; Google Earth Pro, 2021a, 2021b.

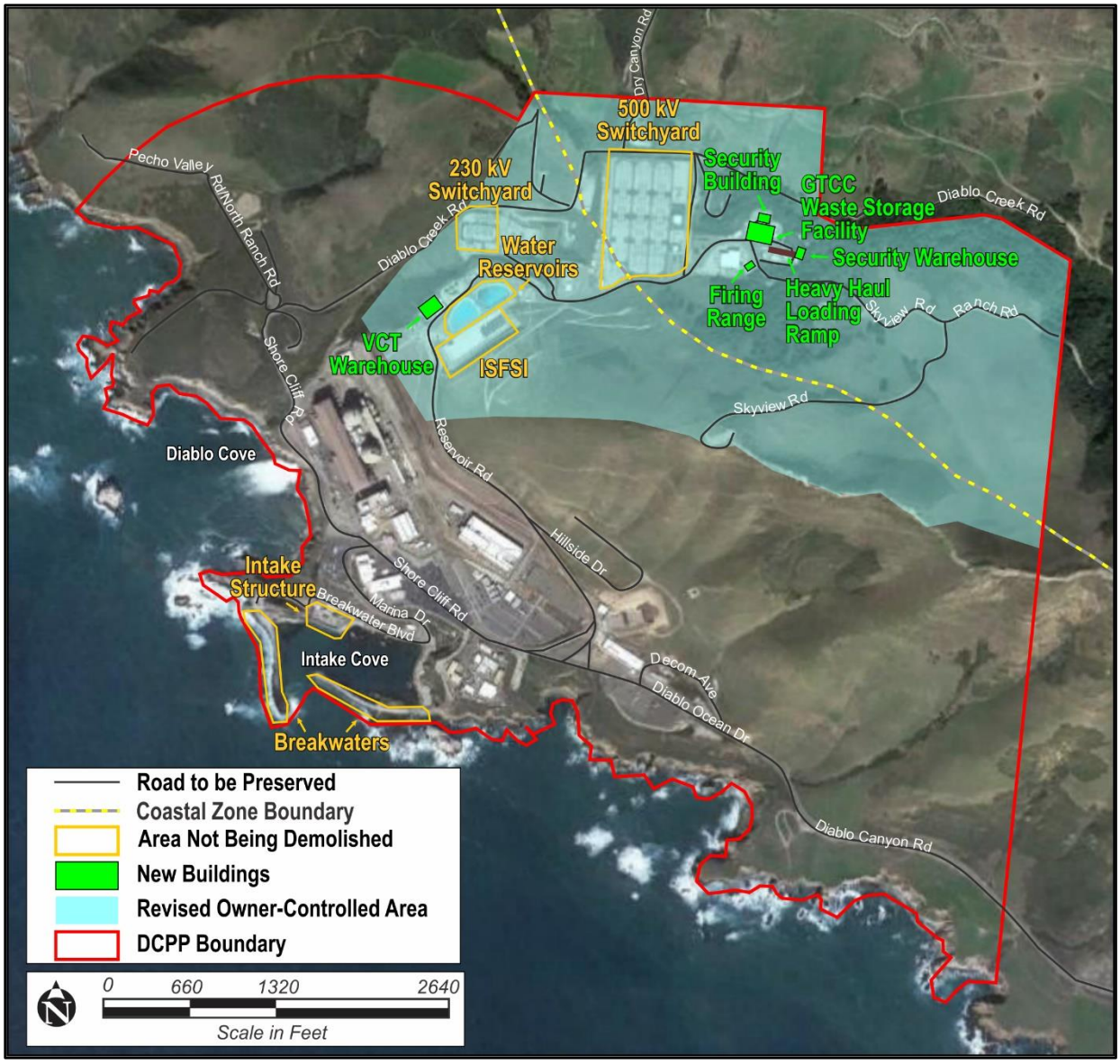
The existing Owner-Controlled Area (OCA), where access is limited by PG&E, would be reduced to encompass the remaining facilities, with the exception of the Eastern and Western Breakwaters and Intake Structure, once decommissioning of the DCPP is complete (see Figure 1-2). PG&E activities at the DCPP site following decommissioning would be limited to ISFSI (not part of the Proposed Project) and GTCC Waste Storage Facility operations until an off-site interim storage facility or permanent repository is available. Identification of an off-site repository for long-term storage of spent nuclear fuel (SNF) and GTCC waste is a concern both for DCPP and for nuclear power facilities across the nation and awaits resolution by the federal government.

After the closure of DCPP, the power-generating facility, appurtenant structures, and infrastructure would be decommissioned or repurposed in accordance with federal, state, and local requirements, and portions of the DCPP site returned to natural conditions (see Section 2.4.4, *Grading and Landscaping (Final Site Restoration)*). The following objectives have been identified by PG&E to ensure the Project is implemented in a safe, timely, and cost-efficient manner:

- Retain existing energy-infrastructure (e.g., switchyards, transmission lines, etc.) to meet customer needs
- Reduce radioactivity on the DCPP site in accordance with NRC regulations for unrestricted use
- Commence the Project to promptly complete radiological decontamination of the DCPP site

- Dismantle and remove facility infrastructure that is not to be repurposed in a manner that is least impactful to the environment
- Implement the Project in a manner that maximizes efficiencies (including weekend and nighttime work) and retains flexibility to respond to future conditions, including repurposing of existing infrastructure and/or new development at the DCPP site
- Create marine/harbor opportunities while protecting ecological resources through repurposing of the breakwater, Intake Structure, and associated harbor area
- Terminate the Part 50 NRC licenses for Unit 1 and Unit 2
- Complete the Project in a manner that ensures prudent use of customer funds set aside for the DCPP Decommissioning Plan

Figure 1-2. DCPP Site with Retained Facilities Following Decommissioning



Source: PG&E, 2021a – Figure 2.3.14-1; PG&E, 2021d – Appendix C, Revised Owner-Controlled Area; ERM, 2023.

1.2 Project Background

This section provides background information on PG&E's decision to not pursue renewal of the existing licenses to operate the DCPP reactors (Section 1.2.1) and information regarding the previous approval of the ISFSI and cask design approval processes (Section 1.2.2).

1.2.1 DCPP License Expiration and Retirement

The DCPP is a two-unit nuclear-powered electrical generating station that began commercial operation in 1985 for Unit 1 and 1986 for Unit 2 and is the last nuclear power plant still operating in California. The two reactor units are licensed by the US Nuclear Regulatory Commission (NRC) to operate until November 2, 2024 (Unit 1) and August 26, 2025 (Unit 2). Between 2009 and 2016, PG&E pursued efforts to renew these licenses, which would have allowed for the continued operation of DCPP until 2044 (Unit 1) and 2045 (Unit 2). The initial license renewal application was submitted to the NRC for Diablo Canyon's two reactors in November 2009. Between 2009 and 2016, PG&E progressed through different stages of license renewal for DCPP, including hearings, public meetings, audits, a safety evaluation report, and an environmental report with the DCPP's severe accident mitigation analysis. In 2016, however, PG&E decided to forgo efforts to renew its licenses to operate DCPP and reached an agreement (Joint Proposal Agreement [JPA]) with labor and environmental organizations to retire DCPP at the expiration of the existing operating licenses. This agreement also included replacement of DCPP power with a cost-effective, greenhouse gas (GHG)-free portfolio of energy efficient renewables and energy storage projects jointly proposed and supported by the parties of the JPA (PG&E, 2016; PG&E et al., 2016) with the retirement of DCPP and contingent on approval from the CPUC. The JPA included a commitment by PG&E to a 55 percent renewable energy target by 2031.

In January 2018, the CPUC Decision Approving Retirement of Diablo Canyon Nuclear Power Plant was issued (CPUC, 2018). The CPUC decision included approval of the retirement of DCPP Units 1 and 2, authorized PG&E to recover costs in rates for DCPP employee retraining and NRC license termination costs, and stated that PG&E's plans to purchase power to replace the DCPP should be addressed in CPUC Integrated Resource Planning (IRP) proceedings. The IRP proceedings were launched in February 2013, when the CPUC, the California Energy Commission, and the California Independent System Operator, committed to a joint-agency process for long-term power procurement planning. As a result, the CPUC directed all CPUC-jurisdictional Load Serving Entities (LSEs) (i.e., a company or utility that supplies electricity to a customer) to submit Integrated Resource Plans. After the approval of the retirement of DCPP in January 2018, the CPUC required all LSEs to include procurement of their share of replacement power for the retirement of the DCPP. SB 1090 (Monning, 2018) requires this replacement power to be sourced from non-GHG emitting resources.

To address "mid-term" reliability (2023-2026) and to specifically establish the emissions profile for the replacement capacity for DCPP's retirement, on June 24, 2021, the CPUC issued a decision requiring procurement of 2,500 megawatts (MW) from firm, zero-emitting resources by 2024, and assigned procurement responsibility to all LSEs based on their share of peak demand (CPUC, 2021a).

Since the announcement of the planned closure in 2016, PG&E has been planning for the decommissioning of DCPP by developing comprehensive technical studies to inform Project planning. These studies, along with extensive past studies completed at the DCPP site and surrounding lands, inform aspects of the DCPP decommissioning project. Upon final shutdown of the reactor units and assuming all permit conditions are acceptable, PG&E intends to transition DCPP immediately from an operating status into a decommissioning status (known as DECON). If permits are not issued in a timely fashion, PG&E would need to pursue a SAFSTOR Alternative. SAFSTOR is a method of decommissioning in which a nuclear facility is placed and maintained in a condition that allows the facility to be safely stored and subsequently decontaminated (deferred decontamination) to levels that permit release for unrestricted use. See Section 5.4, *Alternatives Evaluated in this EIR*, for further discussion. Under NRC regulations, license holders utilizing SAFSTOR have 60 years to complete decommissioning after the cessation of operations.

1.2.2 ISFSI Approval and Cask Design

In December 2001, PG&E submitted an application to the NRC requesting a site-specific license to build and operate an ISFSI to be located on the site of DCPP. On March 22, 2004, the NRC issued Materials License No. SNM 2511, pursuant to 10 CFR Part 72, authorizing PG&E to receive, possess, store, and transfer SNF resulting from the operation of DCPP in an ISFSI at the site for a term of 20 years (expires March 2024).

PG&E applied for its ISFSI CDP with the County on November 5, 2001. On April 20, 2004, the County conditionally approved CDP No. D010153D for construction and operation of the ISFSI. Several parties appealed (Mothers for Peace, the Santa Lucia Chapter of the Sierra Club, and Commissioners Nava and Wan) and on July 15, 2004, the CCC found the appeal raised substantial issues with respect to the grounds on which they were filed and opened a public de novo hearing. The CCC substantial issue determination transferred jurisdiction of the ISFSI project and any future permitting of the ISFSI project to the CCC. The key issues over which the CCC raised substantial issue were public access and geologic hazards. The CCC approved, as conditioned, the ISFSI project and subsequently issued a CDP (No. A 3 SLO 04 035) on December 8, 2004, for construction and operation of the ISFSI in perpetuity. Construction of the ISFSI began shortly thereafter. The ISFSI consists of seven storage pads containing space for 20 fuel storage casks each (140 total; 138 casks plus 2 spare spaces), which were expected to be adequate to hold all the spent nuclear fuel created during the licensed plant life. PG&E began transferring spent fuel to the ISFSI in 2009.

In March 2022, PG&E filed a License Renewal Application (LRA) for the ISFSI with the NRC, which by regulation must be submitted two years prior to license expiration. PG&E is requesting a 40-year ISFSI license renewal, with the option to renew in 20-year increments; however, current regulations only allow the original license and a license renewal duration of 40 years each. PG&E has developed Aging Management Programs that use periodic inspections to ensure the dry storage system components perform their functions properly. To support the LRA, PG&E conducted pre-application inspections that included seven times as many components compared to the industry standard of one to two components. These inspections confirmed there are no unique aging effects taking place at the ISFSI and help to ensure all potential aging effects are identified in the LRA. The NRC will independently review the inspection findings as it relates to

long-term aging management during its review of the LRA. The Aging Management Programs are expected to be incorporated as NRC requirements stemming from the LRA process. The NRC's decision on the ISFSI LRA is anticipated within 24 months and should occur before March 2024, when the current ISFSI license expires. (PG&E, 2022)

The dry cask storage system analyzed in the County's 2004 EIR for the Diablo Canyon ISFSI (MRS, 2004) and currently in use, after final approval of the ISFSI CDP by the CCC, is the Holtec International (Holtec) HI-STORM 100 System. The HI-STORM 100 System is comprised of three elements: (1) a multi-purpose canister capable of holding 32 fuel assemblies (MPC-32), (2) the HI-TRAC 125D transfer cask, and (3) the HI-STORM 100SA storage overpack (or storage cask). The HI-STORM 100SA storage overpack is a shortened and anchored version of the standard HI-STORM 100 System overpack. The anchored version (i.e., HI-STORM 100A and SA) has been certified by the NRC for general use at applicable on-site ISFSIs operated by a 10 CFR 50 license holder (NRC Docket Number 72-1014). A total of 58 Holtec canisters of SNF (each containing 32 SNF assemblies) are currently stored at the ISFSI, with each canister packed in its own storage cask. This inventory at the ISFSI would remain unchanged until the remaining SNF is transferred to the ISFSI as described below.

As part of the CPUC decision adopting the settlement agreement approving PG&E's 2018 Nuclear Decommissioning Cost Triennial Proceeding application (CPUC Decision 21-09-003), PG&E agreed to pursue procurement of a dry cask storage system which could enable the transfer of SNF to the ISFSI within four years of plant shutdown (CPUC, 2021b). To that end, PG&E held an informational meeting on February 22, 2019, to present information from three dry cask manufacturers (Orano, Holtec, and GNS) (Diablo Canyon Decommissioning Engagement Panel [DCDEP], 2021).

In April 2022, PG&E announced the selection of Orano's NUHOMS dry cask system for storage of the remaining SNF. The proposed Orano system would enable all of the SNF to be transferred from the Spent Fuel Pool to the ISFSI 23 months after Unit 2 is shutdown (DCDEP, 2022). Use of any new cask design at DCPP requires approval by the NRC based on the site-specific ISFSI license and DCPP site-specific conditions, including seismic design requirements (DCDEP, 2021). The NRC must also approve the enhanced thermal capabilities of the proposed system (DCDEP, 2022), which would enable PG&E to transfer hotter SNF to the ISFSI, allowing for earlier dismantlement of the SNF pools.

In addition, CCC CDP A 3 SLO 04 035, Special Condition 2 for the ISFSI states:

> ***Decommissioning or Changes to the ISFSI****: This permit does not authorize development activities associated with potential decommissioning of the ISFSI or changes to the ISFSI not described in permit submittals. The Permittee shall submit a new coastal development permit application or amendment to this permit if such activities are proposed.*

In March 2023, PG&E filed an application with the CCC to amend its CDP permit for the DCPP ISFISI to use the Orano system. On May 12, 2023, the CCC approved the amendment specifically allowing the use of the Orano system and making the site improvements to accommodate the system. Because construction and operation of the ISFSI serves an independent purpose and was

approved as part of a separate process, this EIR does not include an evaluation of the operation of the ISFSI or any modifications to the NRC license or CCC permitting/compliance requirements that may be required for its continued operations.

After permanent shutdown, regardless of approval or implementation of the Proposed Project, a total of 1,261 SNF assemblies from Unit 1 and 1,281 SNF assemblies from Unit 2 would be stored in the Spent Fuel Pools. These assemblies would be transferred to the ISFSI using about 69 SNF canisters which would be inserted into separate concrete Horizontal Storage Modules (HSM) (i.e., SNF casks). The HSMs would be placed side by side on the existing concrete ISFSI pad. Two rows of HSMs would be placed back-to-back. The transfer of the SNF canisters would occur from approximately 2025 through 2029. The Orano HSMs and canisters would be placed adjacent to the Holtec canisters on the existing concrete pads. Once all transfers of SNF have been made to the ISFSI, approximately 127 (58 Holtec and 69_Orano) storage casks would require management.

Typically, GTCC waste is placed into casks similar to those used for dry cask storage and, in some cases, stored with the SNF casks at the ISFSI. However, the DCPP ISFSI site-specific license (SNM 2511) does not include GTCC waste material as part of the allowed contents of the ISFSI. As such, a new GTCC Waste Storage Facility is proposed as part of the DCPP Decommissioning Project. PG&E would need NRC approval to amend its ISFSI license or apply for a new license to enable GTCC storage on the DCPP site. The GTCC Waste Storage Facility would also utilize the Orano NUHOMS dry cask system.

1.3 Legal and Governmental Authority

1.3.1 Local

1.3.1.1 County of San Luis Obispo

The County of San Luis Obispo (County) Planning and Building is the County agency responsible for reviewing PG&E's application for decommissioning of the DCPP and, as CEQA Lead Agency, for evaluating potential environmental impacts from the Project. The County's jurisdiction covers the coastal and inland portions of the DCPP site. The County's certified Local Coastal Program (LCP) authorizes the County to regulate land use activities within the County's LCP jurisdiction, which is from the mean high-tide line to the inland boundary of the coastal zone at the DCPP site. The County also has jurisdiction over the inland portions of the DCPP through the Inland Land Use Ordinance.

Title 23 of the Coastal Zone Land Use Ordinance (CZLUO) applies to all "development" (including demolition, soil remediation and site grading as defined),within the unincorporated areas of the County that are located within the California coastal zone as established by the California Coastal Act of 1976 and outside of the CCC's original (i.e., retained) jurisdiction. Section 23.02.034 of the CZLUO requires a DP/CDP to enable public review of significant land use proposals and ensure the proper integration into the community. Unincorporated areas located outside of the California coastal zone are regulated by the standards found in Land Use Ordinance (LUO) Title 22. The County will require a DP/CDP for the Project for "development" within the County's LCP

jurisdiction (activities above mean high-tide line to the inland boundary of the coastal zone) and pursuant to Section 22.62.060 of the County's LUO, a CUP for any decommissioning activity that involves a significant new use outside the coastal zone. Figure 1-3 shows the County's jurisdiction at the DCPP site; other agency jurisdictions including the NRC, CCC, and CSLC are also shown on the figure.

Other County departments have jurisdiction over different and focused areas of the Project and have provided input on PG&E's application and this EIR. These departments include the Building Division, County Fire Department, Environmental Health, Parks, and Public Works, as examples. Some of these County departments will require ministerial permits, including grading permits, building permits, and demolition permits. These ministerial permits will be issued after a final decision on the CDP/CDP and CUP for the Project.

1.3.1.2 Other Local Agencies and Districts

The Project includes railyards that are outside the jurisdiction of the County and/or the State. The policies and requirements of the City of Pismo Beach and County of Santa Barbara have been reviewed and considered in the development of this EIR and to address all potential environmental impacts associated with the Project. The City of Pismo Beach may also issue land use and other permits for use of the PG&E-owned PBR site as part of the Proposed Project. The SMVR-SB railyard site is federally preempted from local regulatory oversight (see Section 1.3.3.2, *Surface Transportation Board*). Construction and operation of the SMVR-SB site and operation of rail lines are not subject to local land use regulation because the local and state agencies' regulatory authority is preempted by the ICCTA.[2] Courts have determined that, when the activity at issue is performed by a rail carrier, ICCTA preempts state or local regulation.[3]

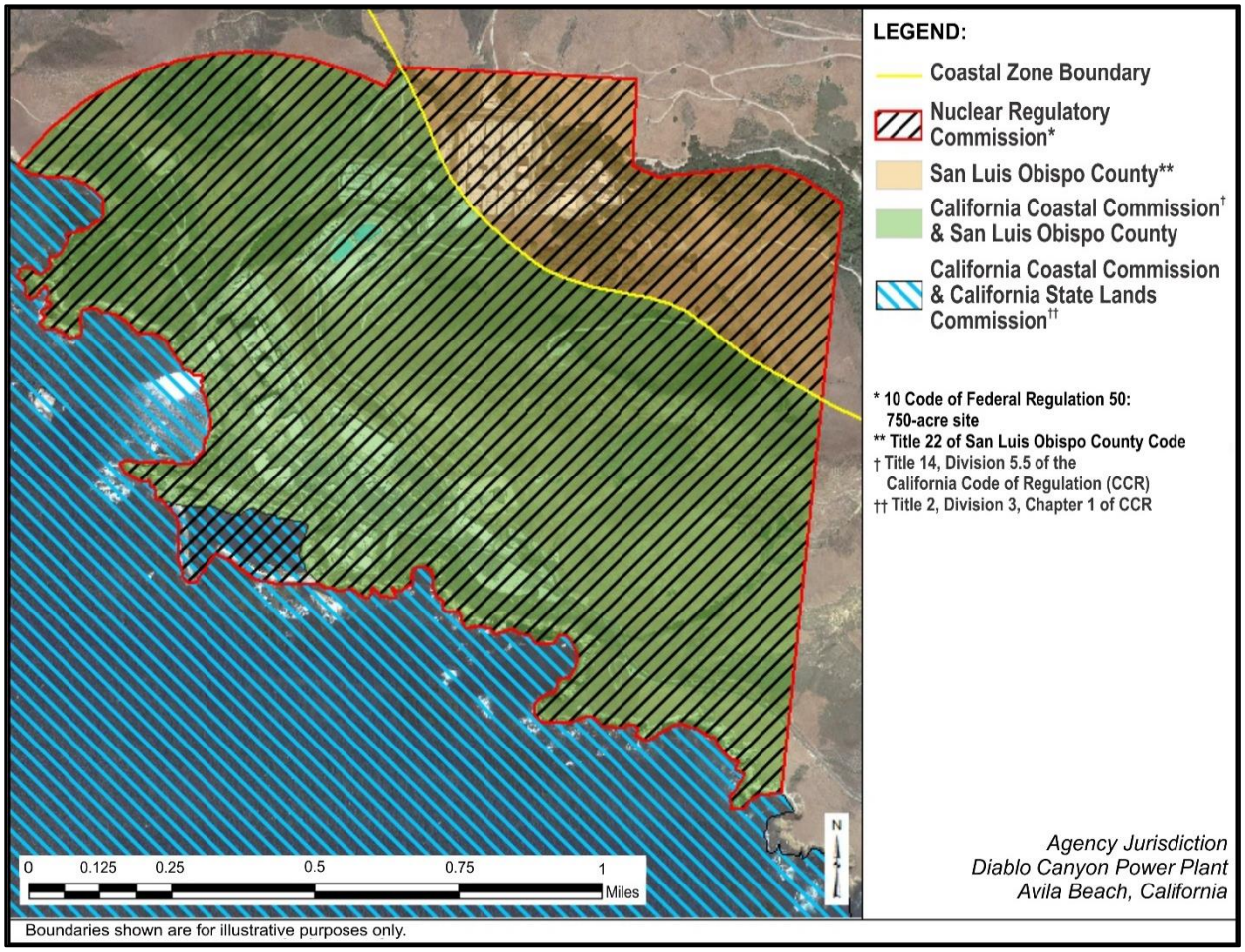
In addition, the County has coordinated with the San Luis Obispo Air Pollution Control District (SLOAPCD) regarding the air and GHG emissions associated with the DCPP site and the Pismo Beach railyard. The SLOAPCD would evaluate the Proposed Project for consideration of any air quality-related permits. For the railyard in unincorporated Santa Barbara County (SMVR-SB), the Santa Barbara APCD was also contacted regarding development within the railyard. The Santa Barbara APCD would have evaluated the Proposed Project for consideration of Authority to Construct permits, except for the ICCTA's preemption of state and local regulatory authority. Therefore, the County's coordination with Santa Barbara APCD has been more collaborative than CEQA-related.

Table 1-1 includes all local and regional agency permits and authorizations anticipated in support of the Proposed Project.

[2] *See* 49 USC §10501(b)(1).

[3] *People v. Burlington N. Santa Fe R.R*. (2012) 209 Cal.App.4th 1513, 1528, and *New York & Atlantic Railway Co. v. Surface Transportation Board* (2nd Circuit Court, 2011) 635 F. 3d at pages 66 and 72

Figure 1-3. Agency Jurisdictions at the DCPP Site



Source: PG&E, 2021d – PD-1/Appendix A.

1.3.2 State

1.3.2.1 California Coastal Commission

The entire 750-acre DCPP site lies within unincorporated San Luis Obispo County, with approximately two-thirds of the DCPP site within the California coastal zone, as defined by the California Coastal Act of 1976, and the remaining approximate one-third outside the California coastal zone.

The CCC will require a CDP for the Proposed Project for activities within the CCC's original jurisdiction (activities below mean high tide line, see Figure 1-3), pursuant to the California Coastal Act (Pub. Resources Code, § 30000 et seq.) and may conduct a consistency review under the federal Coastal Zone Management Act (CZMA) for NRC and any other federally authorized actions related to decommissioning. The CDP will serve as the primary state development permit required for any decommissioning activity that constitutes development within the CCC's original jurisdiction of the California coastal zone at the DCPP site. The segment of the DCPP site within

the California coastal zone is also within the appeal jurisdiction of the CCC. The following is a summary of existing permits from the CCC for DCPP:

- In 1983 CCC approved CDP No. A-4-82-593 for the Training/Simulator Building at the DCPP
- In 2004, CCC approved CDP No. A-3-SLO-04-035 for the construction and operation in perpetuity of the ISFSI at the DCPP site (refer to Section 1.2.2, *ISFSI Approval and Cask Design*)
- In 2006, CCC approved CDP No. E-06-011 and A-3-SLO-06-017 for the Steam Generator Replacement Project

The PBR is located entirely within the incorporated City limits of Pismo Beach; a small portion of the southwestern corner of the PBR occurs within the coastal zone. The SMVR-SB site is located outside the coastal zone. As previously noted, the rail yard sites were evaluated cooperatively by the City of Pismo Beach and the County of Santa Barbara; however, any construction at, or operations at, the SMVR-SB site is under the jurisdiction of the federal Surface Transportation Board, pursuant to 49 USC §10501 et seq. and 49 USC §20106 et seq.[4]

1.3.2.2 California State Lands Commission

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. Pursuant to the common law Public Trust Doctrine, the State holds these lands for the benefit of all people of the State for statewide Public Trust purposes and needs that include, but are not limited to, waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. Uses that do not fit squarely into the traditional, judicially recognized Public Trust purposes, but that do not substantially interfere with the trust upon which such lands and resources are held, and otherwise are in the best interests of the State, may be deemed to not substantially interfere with the common law Public Trust Doctrine and the CSLC's responsibilities, as trustee, under that doctrine. The CSLC will make the final determination as to effects on State-owned sovereign lands. See Section 7.4, *State Tide and Submerged Lands Possessing Significant Environmental Values*.

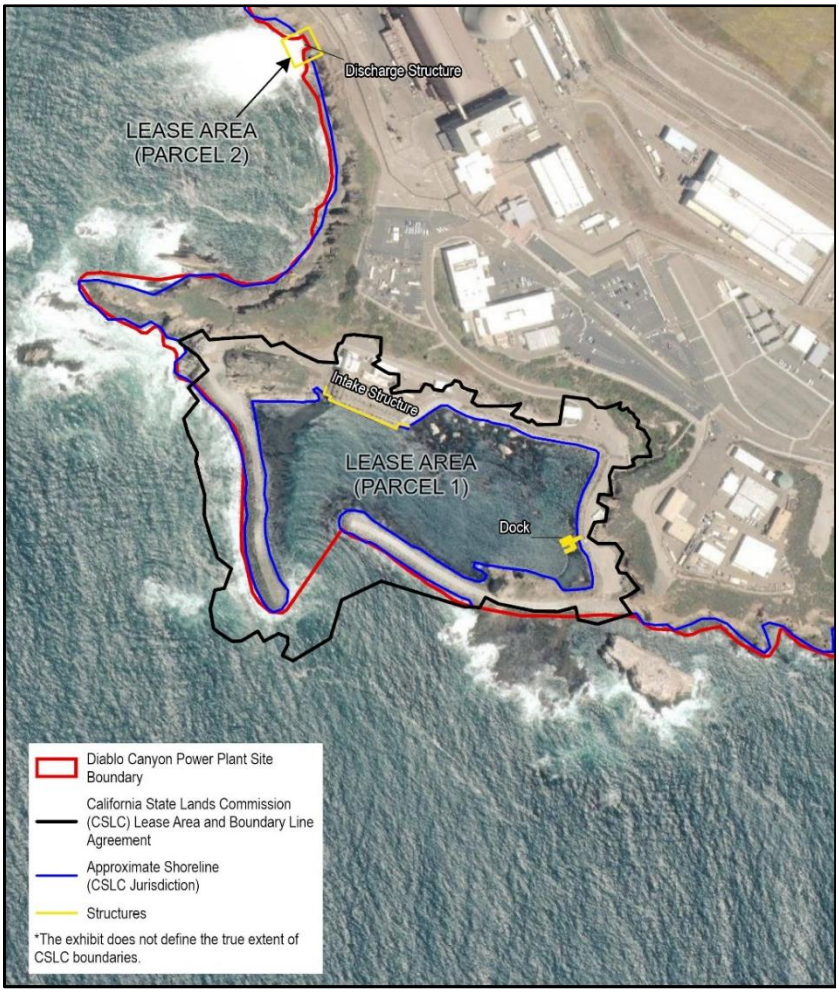
The CSLC has jurisdiction over the offshore portions of State-owned sovereign land adjacent to the DCPP site, which includes portions of the facility that extend on to filled and unfilled tide and submerged lands of the Pacific Ocean. Additional upland areas are also within the CSLC jurisdiction as denoted by the black line in Figure 1-4, which denotes the area covered by a

[4] 49 USC §10501 et seq (the ICCTA) categorically preempts states or local governments from intruding into regulation of matters directly regulated by the Surface Transportation Board, such as rates for railroad services, operational services, construction of railroads and rail yards, or abandonment of rail facilities. Further, the Federal Railroad Safety Act (49 U.S.C. § 20101 et seq.) establishes a broad scope of federal control related to railroad safety and laws, regulations, and orders related to railroad security, which must be nationally uniform to the extent practicable. Specifically, it states that "A State may adopt or continue in force a law, regulation, or order related to railroad safety or security until the Secretary of Transportation (with respect to railroad safety matters), or the Secretary of Homeland Security (with respect to railroad security matters), prescribes a regulation or issues an order covering the subject matter of the state requirement." (49 U.S.C. § 20106(a)(2).) The law's exceptions provide for a State to enforce or adopt more stringent requirements related to railroad safety only if the regulation(s) is(are) necessary to eliminate or reduce a local hazard and/or will not "unreasonably burden interstate commerce."

Boundary Line Agreement established between CSLC and PG&E when the Intake Structure and Breakwaters were constructed (CSLC, 2022a).

Facilities within the CSLC jurisdiction at the DCPP site include the Discharge Structure, Intake Structure, Breakwaters, Marina (includes the boat dock and rip rap along the shore of the Marina), storage facility, office facilities, intake electrical room, intake maintenance shop, equipment storage pad, and spare tri-bar storage.

Figure 1-4. CSLC Jurisdiction at the DCPP Site



Source: PG&E, 2021c; CSLC, 2020; CSLC 2022b.

On June 28, 2016, CSLC authorized lease PRC 9347.1 for continued use and maintenance of these facilities. The current lease states in Section 2, Paragraph 5(i), that upon expiration or termination of the lease the "Lessee [PG&E] must remove all or any Improvements, together with the debris and all parts of any such Improvements at its sole expense and risk, in accordance with a decommissioning and restoration plan under Section 3, Paragraph 13(a)(3), regardless of whether Lessee actually constructed or placed the Improvements on the Lease Premises. Lessor may waive all or any part of this obligation in its sole discretion if doing so is in the best interests of the State." (CSLC, 2016)

As summarized above, the Proposed Project includes removal of the Discharge Structure as part of Phase 1 and retention of the Breakwaters and Intake Structure for potential future permitting and reuse by a third party. A new lease or amendment to lease PRC 9347.1 will be required for the disposition of the Discharge Structure and other facilities within CSLC jurisdiction, as part of decommissioning and for retention and repurposing of the Breakwaters and Intake Structure. Furthermore, restoration of marine habitats will be necessary following the demolition of the discharge structure.

1.3.2.3 California Department of Toxic Substances Control

The California Department of Toxic Substances Control (DTSC) regulates the hazardous component of mixed waste or combined waste (waste containing both hazardous and low-level

radioactive materials). The radioactive component is regulated by the NRC. The following is a summary of existing and anticipated permits from DTSC for the DCPP facility and Proposed Project activities (PG&E, 2021a):

- In 2006, DTSC issued a Resource Conservation and Recovery Act (RCRA) Equivalent Waste Treatment Storage & Disposal (TSDF) Permit (No. CAD077966349) for the operation of a hazardous waste facility at DCPP. This permit was renewed on September 26, 2018 and expires on September 26, 2028.
- The Proposed Project will utilize the existing RCRA TSDF Permit throughout the Decontamination and Dismantlement phases of decommissioning. PG&E will seek an extension of the existing RCRA TSDF prior to the expiration date on September 26, 2028.

1.3.2.4 Other State Jurisdiction

Additional state agencies have authority over specific components of ongoing operations at DCPP and/or the PBR site, such as the California Department of Fish and Wildlife (CDFW) and Central Coast Regional Water Quality Control Board (CCRWQCB), among others. All anticipated state permits, authorizations, and required consultation anticipated in support of the Proposed Project are summarized in Table 1-1.

1.3.3 Federal

1.3.3.1 US Nuclear Regulatory Commission

The NRC has regulatory authority over the decommissioning of nuclear power plants in the United States. During decommissioning and until a facility's NRC operating license is terminated, the NRC is also responsible for on-going inspection and monitoring of all liquid and airborne radiological releases; any such releases must be maintained below the same radiological limits as when the plant was in operation. Pursuant to NRC regulations, decommissioning of the DCPP must be completed within 60 years after operations permanently cease, unless the NRC approves an extension. Specifically, the NRC (NRC, 2017) states:

> *When a power company decides to close a nuclear power plant permanently, the facility must be decommissioned by safely removing it from service and reducing residual radioactivity to a level that permits release of the property and termination of the operating license. The Nuclear Regulatory Commission has strict rules governing nuclear power plant decommissioning, involving cleanup of radioactively contaminated plant systems and structures, and removal of the radioactive fuel. These requirements protect workers and the public during the entire decommissioning process and the public after the license is terminated.*

In 2002, the NRC prepared, pursuant to the National Environmental Policy Act (NEPA), a Final Generic Environmental Impact Statement (GEIS) on Decommissioning of Nuclear Facilities Supplement (2002 GEIS Supplement; NUREG-0586) to analyze environmental impacts associated with the decommissioning of nuclear power plants throughout the United States (NRC, 2002). Prior to conducting any major decommissioning activity, a licensee must demonstrate in a Post Shutdown Decommissioning Activities Report (PSDAR) that the environmental impacts associ-

ated with its particular nuclear power plant decommissioning effort are bounded by (i.e., fall within) the impacts evaluated in the NRC's 2002 GEIS Supplement or other previously issued environmental assessment or Environmental Impact Statement (EIS), or additional NEPA review would be necessary. The environmental impacts described in the NRC's 2002 GEIS Supplement supersede those described in the prior GEIS prepared in 1988 (1988 GEIS). The NRC's 2002 GEIS Supplement is considered a stand-alone document such that readers should not need to refer to the 1988 GEIS.

The status of DCPP's PSDAR is discussed below.

- On December 4, 2019, PG&E submitted the DCPP PSDAR (PG&E, 2019a) to the NRC. The PSDAR included the plans and schedule to decommission DCPP reactor Units 1 and 2, compared potential environmental impacts of DCPP Decommissioning Plan activities to the NRC's 2002 GEIS Supplement and other EISs, and concluded that, except for the PBR modifications (which have since been reduced to installation of approximately 1,000 feet of track, wood railroad ties, and adding gravel), these impacts are bounded by the NRC's 2002 GEIS Supplement and other EISs (i.e., GEIS in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities, NUREG-1496 [1997]; the Final Environmental Statement related to the Nuclear Generating Station Diablo Canyon Units 1 and 2 [1973]; and the Addendum to the Final Environmental Statement for the Operation of the Diablo Canyon Nuclear Plant Units 1 and 2 [1976]) (PG&E, 2019a).
- PG&E also submitted an Irradiated Fuel Management Plan (IFMP) for Units 1 and 2 that summarized the plans for managing SNF on site pending eventual transfer of the SNF for interim storage or permanent disposal (PG&E, 2019b).
- In October 2021, PG&E notified the NRC of changes to its PSDAR related to the retainment of the Intake Cove and structures associated with it, and modifications to its strategy for transporting radioactive and other waste from the site. PG&E committed to providing the NRC with an updated PSDAR within six months of filing each Nuclear Decommissioning Cost Triennial Proceeding with the California Public Utilities Commission, but it has not yet filed an updated PSDAR with the NRC. (PG&E, 2021e)
- As part of the review process, the NRC held an in-person and on-line meeting on July 21, 2022 to take public comments from the local community on PG&E's PSDAR and IFMP. The comment period extended through October 19, 2022 (San Luis Obispo, 2022).

Federal Preemption. The NRC's exclusive jurisdiction over the radiological aspects of decommissioning preempts states and local jurisdictions from imposing any regulatory requirements related to radiation hazards or nuclear safety (see Pacific Gas and Electric Company v. State Energy Commission, 461 U.S. 190, 103 S.Ct. 1713 [1983]). PG&E is required by its NRC operating license to implement detailed plans and procedures to ensure that radiological releases are minimized or avoided. Due to federal preemption requirements, these plans and procedures are outside the County's and State of California's authority. Further, federal preemption applies to issues concerning the handling, storage, transport, disposal, and monitoring of SNF and high-level radioactive waste (HLW). For example, the Nuclear Waste Policy Act of 1982, as amended (42 United States Code [U.S.C.] chapter 108), in part:

- establishes federal policy for a schedule for the siting, construction, and operation of repositories "that will provide a reasonable assurance that the public and the environment will be adequately protected from the hazards posed by high-level radioactive waste and such spent nuclear fuel as may be disposed of in a repository" (42 U.S.C. § 10131 (b)(1));
- establishes the federal responsibility, and a definite federal policy, for the disposal of SNF and HLW; and
- defines the relationship between the federal and state governments with respect to the disposal of SNF and HLW.

1.3.3.2 Surface Transportation Board

By adopting the ICCTA, the United States Congress preempted many options for state and local governments to exercise control over railroads. Specifically, the federal Surface Transportation Board has exclusive jurisdiction over "transportation by rail carriers" including any "construction, acquisition, operation, abandonment, or discontinuance of [rail] spur[s]… even if the tracks are located, or intended to be located, entirely in one State." Because Proposed Project activities at the SMVR-SB site would be related to operations of tracks by a rail carrier, the ICCTA's preemption over state and local jurisdiction applies to the construction at and operation of the SMVR-SB site for the purposes of the decommissioning project. For the PG&E-owned PBR site, since PG&E is not a railroad operator, construction at and operation of the PBR site is not federally preempted.

1.3.3.3 US Environmental Protection Agency

The NRC and the US Environmental Protection Agency (EPA) both oversee the remediation of sites that have potential radiological contamination. In 1999, the US House of Representatives Appropriations Committee directed the two federal agencies to adopt a memorandum of understanding to clarify EPA's involvement at NRC-regulated sites (i.e., nuclear power generation facilities). EPA has historically contended that, once a site's NRC license has been terminated, EPA's standards should apply to the site. EPA's guidance for implementing the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) suggests each radiological site should be remediated to 15 mrem/y of potential annual exposure (EPA, 1997).

In 2002, the NRC and the EPA signed a Memorandum of Understanding agreeing that the NRC has jurisdiction over decommissioning nuclear power plant sites, but in instances where a site may exceed the CERCLA remediation thresholds, the NRC shall seek the EPA's assistance in reviewing the license termination plan. EPA further agreed to only resolve any CERCLA issues that are outside of the NRC's jurisdiction at NRC-licensed sites. That includes any chemical or hazardous wastes that may have been used or created at the site, pursuant to the Federal Resource Conservation and Recovery Act. (EPA and NRC, 2002)

1.3.3.4 Other Federal Jurisdiction

The NRC, EPA, US Department of Energy (DOE), and US Department of Defense (DOD) created a joint Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM) in August 2000, which provides information about how to conduct final radiological status surveys (NRC, EPA, DOE, DOD, 2000). The MARSSIM aims to provide a consistent approach across Federal agencies responsible for overseeing radiological cleanup to ensure an effective use of staff and licensee

resources while also meeting federally established criteria for site release and license termination.

The DOE was obligated by law to begin taking possession of, and permanently disposing of, spent nuclear fuel by January 31, 1998 (42 USC §10101 et. Seq. (1982), 42 USC §10222(a)(5)(B) and 10 CFR §961.11, Article II (1996)). PG&E has suggested to the NRC that its post-shutdown decommissioning costs assume the federal government will start initiating transfer of spent nuclear fuel from DCPP in 2038, and complete transfer of the site's spent fuel stockpile to a federal repository by 2067 (PG&E, 2019c). However, these dates are dependent upon the DOE identifying a site for a federal repository and its schedule for receiving spent fuel from other decommissioned nuclear facilities. In 2013, the DOE issued a report titled "Strategy for the Management and Disposal of Used Nuclear Fuel and High-Level Radioactive Waste," which suggests the federal government may establish a temporary storage facility by 2025 and identify a permanent repository by 2048 (DOE, 2013).

The DOE is now pursuing a consent-based siting process for the interim storage of SNF and HLW. Through this process, the DOE will work with interested communities to determine whether hosting an interim storage facility aligns with a community's interests and goals and follows a process that includes funding opportunities for interested communities (DOE, 2017).

Additional federal agencies may have authority over specific components of ongoing operations at DCPP, PBR, or SMVR-SB sites, such as Department of Interior, Bureau of Land Management (BLM), and National Marine Fisheries Service, among others. All federal permits, authorizations, and required consultation anticipated in support of the Proposed Project are summarized in Table 1-1.

1.3.4 Anticipated Permits and Approvals

As stated in CEQA, an EIR shall identify the ways in which the lead and responsible agencies would use the document in their approval or permitting processes (State CEQA Guidelines, § 15124, subd. (d)). The County, as the CEQA Lead Agency preparing this EIR, is responsible for considering the effects of all reasonably foreseeable activities involved in the Proposed Project; each responsible agency is responsible for considering the effects of those activities that it is required by law to carry out or approve (Pub. Resources Code, § 21002.1, subd. (d)). The information provided in this EIR, if certified, will assist the County in its decision on the Proposed Project. Table 1-1 provides a list of the anticipated permits and approvals for the DCPP Decommissioning Project.

Table 1-1. Anticipated Approvals and Authorizations for DCPP Decommissioning

Agency	Permit / Approval / Consultation	Covered Activity	Phase(s)
Local/Regional			
San Luis Obispo County Planning and Building Department	CDP	Any decommissioning activity that involves "development" in the coastal zone. Covers onshore facilities to the Eastern Coastal Zone (approx. to the western edge of 500kV switchyard).	1, 2
	CUP	Any decommissioning activity that involves a new use outside the coastal zone.	1, 2
	Major Grading Permit	For grading or excavations >5,000 cubic yards (CY).	1, 2
	Grading Permit	Minor grading permits for grading or excavations >50 CY and <5,000 CY.	1, 2
	Demolition Permit	Demolition of one or more structures.	1, 2
	Building Permit	Construction of one or more structures.	1, 2
San Luis Obispo County Environmental Health Department	Permit to Operate (PTO)	Operation of underground and above ground petroleum storage tanks, hazardous materials handling, hazardous waste generation, Spill Prevention Control and Countermeasure Plan, or Hazardous Materials Business Plan.	1, 2
San Luis Obispo Air Pollution Control District (SLOAPCD)	Authority to Construct (ATC)	Any activity that may cause the release of air contaminants. Construction of the Rad Wastewater Processing Facility and Waste Management Facility.	1, 2
	PTO	Use of any article, machine, equipment, or other project, the use of which may cause, increase, eliminate, reduce or control the release of air contaminants. Contaminated soil management and operation of diesel-powered construction equipment.	1, 2
	National Emission Standards for Hazardous Air Pollution (NESHAP) Notification	Demolition of any kind of structure or asbestos-containing material disturbance. Includes demolition of concrete structures, buildings, thermal insulation, pipelines, etc.	1, 2
San Luis Obispo County Public Health Department	Non-Community Drinking Water System Permit	Authorization to Operate Non-Community Drinking and Domestic Water System.	1, 2
San Luis Obispo County Public Works	Transportation	Heavy haul or oversize loads on County roads.	1, 2
	Encroachment Permit	Work within County roads.	1, 2
Santa Barbara County Public Works	Transportation	Heavy haul or oversize loads on County roads.	1
	Encroachment Permit	Work within County roads.	1
	Electrical Permit	Electrical improvements at SMVR-SB site.	
City of Santa Maria Public Works	Transportation	Heavy haul or oversize loads on City roads.	1
	Encroachment Permit	Work within City roads.	1
	Electrical Permit	Electrical improvements at SMVR-SM site.	
San Luis Obispo Fire Marshal's Office	Plan review	Decommissioning activities, including building demolition and fire protection, comply with all fire protection requirements, including California Fire Code.	1, 2
Port San Luis Harbor District	Land Use Permit	For any use of waters, lands, and facilities under ownership and jurisdiction of Port San Luis Harbor District.	1

Table 1-1. Anticipated Approvals and Authorizations for DCPP Decommissioning

Agency	Permit / Approval / Consultation	Covered Activity	Phase(s)
State			
CCC	License Termination, CZMA Review, Application and Certification Through CCC	Federal review required for local actions to determine consistency with CZMA Plans.	1, 2
	CDP	Any decommissioning activity that involves "development" in the coastal zone.	1, 2
CSLC	New Lease or Lease Amendment	A new lease or amendment to lease No. PRC 9347.1 would be required for the disposition of the Discharge Structure as part of decommissioning and for retention and repurposing of the Breakwaters and Intake Structure. Furthermore, restoration of marine habitats would be necessary following demolition of the Discharge Structure.	1, 2
California Air Resources Board	Portable Equipment Registration Program	Any plan that involves use of portable equipment over 50 horsepower.	1, 2
California Office of Historic Preservation	Section 106 Consultation pursuant to the National Historic Preservation Act	Any plan that involves earth work near an archeological site or may affect a historic building or property.	1, 2
California Department Toxic Substances Control (DTSC)	RCRA Permit, Consultation on final site Remediation Plan	Cleanup pursuant to Voluntary Cleanup Agreement or Corrective Action pursuant to RCRA. Any plan that involves hazardous material remediation.	1, 2
California State Water Resources Control Board (SWRCB)	Once-through Cooling (OTC) Policy	OTC policy – Oversight of impingement and entrainment issues.	1, 2
Central Coast Regional Water Quality Control Board (CCRWQCB)	Waste discharge requirements	Discharges of waste to water on land that could affect the quality of waters of the state.	1, 2
	National Pollutant Discharge Effluent System permit	Discharges of waste to surface waters deemed waters of the United States.	1, 2
	Construction storm water general permit	Ground disturbance of one or more acres.	1, 2
	Section 401 Water Quality Certification	Any activity that would result in impacts to State waters. Required if a 404 permit is required from the USACE.	1
California Department of Fish and Wildlife (CDFW)	Streambed Alteration Agreement	Activities that would substantially divert or obstruct the natural flow of a stream; substantially change or use any material from the bed, channel or bank of a stream; or deposit debris, waste or other material.	1
	License for Kelp Removal	Surface canopy kelp harvesting.	1, 2
	Special Use Permit	Removal of Benthic Kelp from the DCPP Intake Cove Exclusion Zone. Activities potentially impacting the Point Buchon Marine Protected Area.	1, 2
	Incidental Take Permit	Take of California Listed Species.	1
California Department of Transportation (DOT)	Transportation permit for state highways	Heavy haul or oversize loads.	1, 2

Table 1-1. Anticipated Approvals and Authorizations for DCPP Decommissioning

Agency	Permit / Approval / Consultation	Covered Activity	Phase(s)
California Highway Patrol (CHP)	CHP Escort	For transport requiring a CHP escort, depending on width of load and route taken.	1, 2
California Division of Occupational Safety and Health (Cal OSHA)	Cal-OSHA General Construction Activities Permit	Construction or demolition of structures greater than 36 feet in height, or to erect and place scaffolding, vertical shoring, or falsework intended to be more than 36-feet-high when completed	1, 2
Out of State Trans-portation Permits	As Applicable	Any transportation permits required for out of state transportation (waste disposal, etc.)	1, 2
Federal			
United States Environmental Protection Agency (USEPA)	Review of site remediation plans	Concurrence on license termination plan under specific circumstances defined in the NRC/USEPA.	1, 2
	Lead Notification	Submittal of notification of lead abatement activities.	1, 2
United States Army Corps of Engineers (USACE)	Section 404 Permit	Any activity that might result in a discharge of excavated or fill material into wetlands, streams, rivers, and other federal jurisdictional waters.	1
	Section 10 Rivers and Harbors Act Permit	Any activity that might result in an obstruction or alteration of any navigable water of the U.S. that is under USACE jurisdiction.	1
United States Fish and Wildlife Service (USFWS)	Endangered Species Act (ESA) Section 7 Consultation	Any plan or activity that is impacting federally listed plants, animals, or their habitat.	1, 2
National Marine Fisheries Service (NMFS)	Consultation – ESA, Marine Mammal Protection Act and Essential Fish Habitat Assessment	Activity would adversely affect critical habitat for listed anadromous fish species and essential fish habitat. Any plan that is impacting a federally listed plant or animal or their habitat or direct impacts to federally listed anadromous species. Essential Fish Habitat Assessment required for issuance of other federal authorizations. Potential for Incidental Take Authorization under the Marine Mammal Protection Act	1
Department of Interior – Bureau of Land Manage-ment (BLM)	Right-of-Way-Sundry	Right-of-way for construction and maintenance of breakwaters and construction of the coffer dam for removal of the Intake Structure under the Intake Structure Removal Alternative.	1, 2
U.S. Coast Guard	Notice to Mariners and Removal of Navigational Buoys	Transport of hazardous and non-hazardous mater-ials by water. Marine vessel movements associated with intake and discharge structure demolition activities.	1, 2
U.S. Department of Transportation	Hazardous Materials Safety Permit from Federal Motor Carrier Safety Administration	Transport of radioactive materials on highways.	1, 2
Union Pacific Railroad	Right-of-Entry	Projects involving temporary use of railroad property.	1, 2

Source: PG&E, 2021a (Table 1.8-1); PG&E, 2021b (PD-13); PSLHD, 2022.

1.4 Overview of the Environmental Review Process

1.4.1 Project Context with Respect to CEQA

The actions proposed by PG&E are subject to CEQA. Pursuant to State CEQA Guidelines section 15378, the County must review "the whole of [the] action that has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." For the Proposed Project, this includes onshore and offshore areas, not just lands under the County's jurisdiction. With limited exceptions, CEQA requires the County, before approving a project over which it has discretionary authority, to consider the environmental consequences of the project. CEQA establishes procedural and substantive requirements that agencies must satisfy to meet CEQA's "basic purposes", which are (State CEQA Guidelines, §15002):

- Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities
- Identify the ways that environmental damage can be avoided or significantly reduced
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved

Other key requirements include carrying out specific noticing and distribution actions to maximize public involvement in the environmental review process. CEQA §21002 also states in part that it is the State's policy that public agencies:

> *"… should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."*

County staff determined that the Proposed Project could result in significant environmental impacts and that an EIR is required to analyze the Proposed Project and potentially feasible alternatives. The purpose of an EIR is not to recommend either approval or denial of a project. The EIR is an informational document that assesses potential environmental effects of a project and identifies mitigation measures and project alternatives that could reduce or avoid significant environmental impacts (State CEQA Guidelines, §15121). Consistent with CEQA requirements, the County has engaged in a good faith, reasonable effort towards full public disclosure of the potential effects of the Proposed Project. Prior to any decision on whether to approve the Proposed Project under a DP/CDP and CUP, the County must certify that (State CEQA Guidelines, §15090):

- The Final EIR has been completed in compliance with CEQA.

- The Final EIR was presented to the County in a public hearing and the County reviewed and considered the information contained in the Final EIR prior to taking action on the Project.
- The Final EIR reflects the County's independent judgment and analysis.

The County must also adopt a plan to implement and monitor any identified mitigation measures. State CEQA Guidelines Section 15121, subdivision (b) further requires public agencies, before Project approval, to prepare written findings of fact for each significant environmental impact identified in an EIR. Possible findings are (State CEQA Guidelines, §15091):

- The project has been changed (including adoption of mitigation measures) to avoid or substantially reduce the significant environmental effect
- Changes to the project that would lessen the significant environmental effect are within another agency's jurisdiction and have been or should be required by that agency
- Specific economic, legal, social, technological, or other considerations make the mitigation measures or alternatives identified in the EIR infeasible

Under CEQA, if the County finds that the above considerations make identified mitigation measures or alternatives infeasible and that implementation of the Proposed Project would cause one or more significant effects to occur, the County can only approve the Proposed Project if it prepares a written statement that the DP/CDP and CUP and the Proposed Project's benefits (including economic, legal, social, technological, or other region- or statewide benefits) outweigh the unavoidable adverse environmental effects. This "statement of overriding considerations" must state specific reasons for the decision supported by substantial evidence in the record (State CEQA Guidelines, §15093).

1.4.2 Project Context with Respect to National Environmental Policy Act

As discussed in Section 1.3, Legal and Governmental Authority, the NRC prepared a Final GEIS Supplement (NUREG-0586) in 2002 that analyzed environmental impacts associated with the decommissioning of nuclear power plants throughout the country. NRC is currently gathering public input in its process to determine if the Proposed Project would require additional review under NEPA. If additional review is needed under NEPA, it would be conducted at a later date and likely use the information in this document and/or the supporting Project technical studies for this separate NEPA review.

1.4.3 Public Scoping (2021)

On October 28, 2021, pursuant to Public Resources Code section 21080.4 and State CEQA Guidelines Section 15082, subdivision (a), the County issued the Notice of Preparation (NOP) of a Draft EIR for the Proposed Project to responsible and trustee agencies and other interested parties. The NOP was mailed and posted in the New Times on November 25, 2021, and December 2, 2021, and the Santa Maria Times on November 30, 2021, and December 3, 2021. An informational video was sent to KSBY, KCOY, the SLO Tribune, American General Radio stations, and Dimes Media. The video was also posted to the County's Facebook page on November 6, 2021. Through the NOP, the County solicited written and verbal comments on the EIR's scope during a 40-day comment period and provided information on forthcoming virtual public scoping

meetings held on November 9, 2021 (10:00 a.m. and 6:00 p.m.), December 1, 2021 (10:00 a.m. and 6:00 p.m.), and December 4, 2021 (2:00 p.m.), to solicit verbal comments on the scope of the EIR. Meeting transcripts are provided in Appendix B. A total of 90 attendees were present at the virtual public scoping meetings, and 25 attendees provided verbal comments. Eleven agencies, 10 organizations, and 18 individuals submitted written comment letters or emails. Verbal questions were answered during the virtual public scoping meetings, and verbal and written scoping comments were noted and addressed in the EIR based on topic. Table 1-2 lists the NOP commenters.

Table 1-2. NOP Commenters – Agencies and Organizations

Local/Regional Agency/Entity	Avila Valley Advisory Council City of Pismo Beach City of San Luis Obispo City of Santa Maria Port San Luis Harbor District San Luis Obispo County Air Pollution Control District Santa Barbara County Air Pollution Control District Santa Barbara County Energy Minerals Compliance Division
State Agency	California Department of Fish and Wildlife California Department of Transportation California Public Utilities Commission US Fish and Wildlife Service
Tribal member	No comment letters/emails received during scoping
Non-Governmental Organization	Californians for Green Nuclear Energy Santa Lucia Sierra Club and Surfrider Foundation San Luis Obispo Mothers for Peace

1.4.4 Availability of the EIR

The Draft EIR is available for review on the County's Planning Department website (electronic), at County Department of Planning & Building, 976 Osos Street, Rm 200, San Luis Obispo (hard copy); and at local libraries in San Luis Obispo County (hard copy at San Luis Obispo Library and electronic (USB) at all other County libraries: Morro Bay, Los Osos, Cayucos, Santa Margarita, Arroyo Grande, Nipomo, Oceano, Shell Beach, Creston, Paso Robles, Atascadero, San Miguel, and Santa Margarita), Santa Maria and Guadalupe (hard copy and electronic [USB] at Santa Maria Public Library and Guadalupe Branch Library). The Notice of Availability was distributed to agencies, organizations, and residents regarding the availability of the EIR and the 60-day review period.

Notices were also placed in local newspapers and distributed to media outlets. The notices included information on the location and address of where a hard copy of the EIR could be reviewed and the project website for reviewing the document online.

To access the EIR on the County's website go to: **www.slocounty.ca.gov/DCPPDecom**.

1.5 Scope of the EIR

This EIR is intended to provide the County with information required to exercise its jurisdictional responsibilities with respect to the approval of the Proposed Project under a DP/CDP and CUP (to be considered at a noticed public hearing). Responsible agencies are expected to use the information in the certified EIR to exercise their jurisdictional or regulatory responsibilities related to the Proposed Project.

1.5.1 Potential Impacts and Summary of Alternatives Evaluated

This EIR identifies potential impacts of the Proposed Project on the environment and indicates if and how impacts can be avoided or reduced by mitigation measures or alternatives. As described in Section 6.3, *Effects Found Not to be Significant*, the following resource areas would not be impacted by the Proposed Project: Mineral Resources and Population and Housing.

The Proposed Project could have a significant impact on the following resource areas:

- Aesthetics
- Air Quality
- Biological Resources - Terrestrial
- Biological Resources - Marine
- Cultural Resources - Archeology and Built Environment
- Cultural Resources - Tribal Cultural Resources
- Energy
- Geology, Soils, and Coastal Processes
- Greenhouse Gas Emissions
- Hazardous and Radiological Materials
- Hydrology and Water Quality
- Land Use, Planning, and Agriculture
- Noise
- Public Services and Utilities
- Recreation and Public Access
- Transportation (Land and Marine)
- Wildfire

This EIR is prepared consistent with the California Supreme Court decision in *California Building Industry Association v. Bay Area Air Quality Management District* ((2015) 62 Cal. 4th 369, 386), in which the Court held that "CEQA generally does not require an analysis of how existing environmental conditions will impact a project's future users or residents." With limited exceptions, the Court concluded that the impacts of existing environmental hazards only need to be analyzed if a proposed project risks exacerbating those hazards or conditions. Therefore, this EIR does not identify hazards presented by earthquakes, tsunamis, or other existing hazardous conditions as impacts of the Proposed Project, but rather describes these hazards as part of the environmental setting.

Pursuant to State CEQA Guidelines Section 15126.6, an EIR must describe and evaluate a range of reasonable alternatives that could feasibly attain most of a project's basic objectives and could avoid or substantially lessen any of the significant impacts of a project as proposed. The State CEQA Guidelines also state that the range of alternatives required to be evaluated in an EIR is governed by the "rule of reason" (§15126.6, subd. (f))—that is, an EIR needs to describe and evaluate only those alternatives necessary to permit a reasoned choice and to foster informed decision making and public participation. Table 1-3 identifies the potential alternatives considered but not carried forward for detailed analysis in this EIR and those alternatives to the Proposed Project that are analyzed in greater detail (see Section 5.0, *Alternatives Analysis (Phases 1 and 2)*).

Table 1-3. Potential Alternatives to the Proposed Project

Alternatives Eliminated from Consideration	Alternatives Evaluated in EIR
▪ Intake Structure Removal ▪ Breakwater Removal ▪ Full Removal of Onshore Subsurface Structures ▪ Partial Discharge Structure Removal ▪ Discharge Structure Leave-in-Place/Bulkhead ▪ Less Than 25 mrem Remediation Threshold ▪ Santa Maria Valley Railyard – Santa Maria (SMVR-SM) Site	▪ SAFSTOR Alternative ▪ CSLC No Project Alternative ▪ Minimum Demolition Alternative ▪ Firing Range Minimum Earthwork Alternative ▪ Firing Range Partial Backfill Alternative ▪ No Waste by Rail Alternative ▪ Delayed Decommissioning Alternative ▪ CSLC Full Removal Alternative

1.5.2 Cumulative Impact Analysis

An EIR must discuss the cumulative impacts of a project when the project's incremental effect is "cumulatively considerable" (State CEQA Guidelines, §15130). A cumulative impact is an impact that is created through a combination of a project being analyzed in the EIR and other projects in the area causing related impacts. Section 3.3, Cumulative Projects, defines the applicable geographic scope of the cumulative analysis ("Cumulative Projects Study Area") and lists future planned and approved projects to be included in the cumulative environment.

1.5.3 Potential Site Reuse Concepts (Phase 3)

The EIR includes a discussion of potential site reuse concepts that could be developed on the DCPP site after decommissioning. Although not a part of PG&E's Proposed Project, potential future site reuse concepts are included for discussion purposes and to provide the public with information on the type of projects that could be developed at the DCPP site. Potential future site reuse concepts are discussed in Section 8, *Potential Site Reuse Concepts (Phase 3)*. The eight reuse concepts include a clean-tech innovation park, desalination plant, recreation uses, energy storage system, energy research, off-shore wind area, institutional use, and cultural and historical preservation.

1.6 Organization of the EIR

The EIR is presented in nine sections.

- Section 1.0 – Introduction provides background on the Proposed Project and the CEQA process.
- Section 2.0 – Project Description (Phases 1 and 2) describes the Project setting, history of the Project sites, Proposed Project elements and activities, the decommissioning process, and decommissioning schedule.
- Section 3.0 – Assessment Methodology (Phases 1 and 2) describes the impact analyses methodology and identifies the EIR's approach to the cumulative impact analysis.
- Section 4.0 – Environmental Setting and Impact Analysis (Phases 1 and 2) describes existing environmental conditions, Proposed Project-specific impacts, mitigation measures, and residual effects for multiple environmental issue areas, and evaluates cumulative impacts for each issue area with identified impacts.

- Section 5.0 – Alternatives Analysis (Phases 1 and 2) describes the alternatives screening methodology, alternatives rejected from full consideration, alternatives carried forward for full analysis, and then analyzes the impacts of each alternative carried forward.
- Section 6.0 – Other Required CEQA Sections (Phases 1 and 2) addresses other required CEQA elements, including significant and irreversible environmental effects, significant irreversible changes caused by the Project, growth-inducing impacts of the Proposed Project, and known areas of controversy and unresolved issues.
- Section 7.0 – Other Considerations (Phases 1 and 2) presents information relevant to other responsible agencies such as the CCC and CSLC, including climate change and sea-level rise considerations, commercial fishing, environmental justice, and a discussion of State Tide and Submerged Lands possessing significant environmental values.
- Section 8.0 – Potential Site Reuse Concepts (Phase 3) describes eight potential future DCPP site reuse concepts that could be developed after DCPP decommissioning. This section is for illustrative purposes only.
- Section 9.0 – Report Preparation Team and References provides a list of the personnel involved in preparing the EIR and the reference materials used.

The appendices to this EIR are summarized below.

- Appendix A contains the Draft EIR distribution list.
- Appendix B includes public scoping documents, such as a copy of the NOP and comment letters received in response to the NOP.
- Appendix C contains an abridged list of major federal and state laws, regulations, and policies potentially applicable to the Proposed Project organized by issue area.
- Appendix D contains the criteria pollutant and GHG emission calculations.
- Appendix E contains supplemental terrestrial biological resources information, including the Aquatic Resources Delineation conducted on the DCPP site.
- Appendix F contains the Historic Resources Evaluation Report that evaluates the buildings and structures on the DCPP site that are 50 years or older.
- Appendix G contains several appendices related to radiological hazards and environmental review of nuclear power facilities.
  - Appendix G1: Baseline Conditions for the Management, Storage, Transportation, and Disposal of Spent Nuclear Fuel and High-Level Waste at Diablo Canyon Power Plant provides background information on management, storage, transportation, and disposal of SNF and HLW.
  - Appendix G2: Radioactive Materials Transportation Experience and Risk Assessments provides background information on transportation of SNF, HLW, and radioactive materials generally.

- Appendix G3: US Nuclear Regulatory Commission Environmental Impact Evaluation provides background information on federal environmental review of the decommissioning of nuclear facilities.
- Appendix G4: Radiation Basics provides background information on basic radiation concepts and human health.
- Appendix G5: US DOT Radioactive Material Regulations Review provides DOT hazardous materials regulations for packaging and shipment of radioactive material.

  The topics addressed in Appendix G are not directly related to analysis of the Proposed Project and are provided as background information to inform the public given the highly technical and high-profile nature of nuclear power plant decommissioning. As discussed in Section 1.3, *Legal and Governmental Authority*, the NRC has exclusive jurisdiction over the radiological aspects of decommissioning. In addition, as discussed in Section 1.2.2, *ISFSI Approval and Cask Design*, operation and maintenance of the ISFSI and storage and transportation of SNF are already approved and are not part of the Proposed Project.

- Appendix H: Noise and Vibration Calculations presents the background (input) for the estimated noise and vibration levels used in the noise and vibration analysis for the railyard sites.
- Appendix I: Vehicle Miles Traveled (VMT) Calculations provides the results of the VMT calculations conducted for the Transportation analysis.