

Notice of Exemption

To: Office of Planning and Research
PO Box 3044, Room 113
Sacramento, CA 95812-3044

From: City of Lakeport
225 Park Street
Lakeport, CA 95453

County Clerk
County of Lake
255 N. Forbes Street
Lakeport, CA 95453

PROJECT TITLE: **CLMSD Sodium Hypochloride Project**

PROJECT APPLICANT: **Paul Harris, Public Works Utilities Director, City of Lakeport**

PROJECT LOCATION - Specific: **795 Linda Lane, Lakeport CA 95453
APN: 005-035-06**

PROJECT LOCATION - City: **Lakeport** COUNTY: **Lake**

DESCRIPTION OF NATURE,
PURPOSE AND BENEFICIARIES OF
PROJECT:

The Proposed Project will support the City of Lakeport Municipal Sewer District's (CLMSD's) WWTP transition from chlorine gas to hypochlorite, which has fewer human and environmental safety concerns compared to chlorine gas. The Proposed Project includes the construction of storage tanks, feed and delivery mechanisms between the tanks and the treatment facilities, safety features, and associated electrical and instrumentation controls. These facilities will be located within an approximately 0.1-acre Area of Potential Impact (API) adjacent to the existing chlorine building, within areas that are already disturbed or developed. The existing chlorine injection point will be utilized for the proposed hypochlorite system, and the current chlorine building will be repurposed.

NAME OF PUBLIC AGENCY
APPROVING THE PROJECT:

**City of Lakeport
Community Development Department**

NAME OF PERSON OR AGENCY
CARRYING OUT THE PROJECT:

Paul Harris (Applicant)

EXEMPT STATUS: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268)
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption: Sections 15301 and 15302
- ☐ Statutory Exemptions. State Code No. _____

REASONS WHY PROJECT IS
EXEMPT:

The Sodium Hypochlorite Project at the CLMSD Wastewater Treatment Facility qualifies for exemption under CEQA Guidelines §15301 (Class 1: Existing Facilities) because it involves minor alterations to existing publicly owned utility facilities, specifically transitioning from chlorine gas to hypochlorite, without expanding the facility's capacity. It also qualifies under §15302 (Class 2: Replacement or Reconstruction) as it

replaces the existing chlorine gas system with a hypochlorite system on the same site, maintaining the same purpose and capacity, while improving safety and environmental compliance.



Victor Fernandez, Associate Planner
Signed by Lead Agency

June 25, 2025
Date

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project: ☐ Yes ☐ No

Signature: _____ Date: _____ Title: _____

Authority cited: Sections 21083 and 21110, Public Resources Code.

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code

Date received for filing at OPR: _____



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environmental

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Memorandum: CEQA Categorical Exemption Applicability for CLMSD Wastewater Treatment Facility Sodium Hypochlorite Project

September 2024

Introduction

Purpose

The City of Lakeport Municipal Sewer District (CLMSD) is undertaking the Sodium Hypochlorite Project (Proposed Project) at its existing wastewater treatment plant (WWTP) to convert from the use of chlorine gas to hypochlorite for wastewater treatment. This documentation evaluates the California Environmental Quality Act (CEQA) compliance requirements for the Proposed Project and provides: 1) the findings from the CEQA compliance review, detailed below; and 2) recommendations for appropriate CEQA compliance documentation.

Project Description

The Proposed Project will support CLMSD's transition at its existing WWTP from chlorine gas to hypochlorite, which has fewer human and environmental safety concerns compared to chlorine gas. The Proposed Project includes the construction of storage tanks, feed and delivery mechanisms between the tanks and the existing treatment facilities, safety features, and associated electrical and instrumentation controls. These facilities will be located within an approximately 0.1-acre Project Site adjacent to the existing chlorine building, predominantly within areas that are already disturbed or developed, as shown on the figures included in **Attachment A**. The entire Project Site has been previously graded or otherwise disturbed during construction of the WWTP. A portion of the Project Site closest to the building is paved, a portion is covered in gravel, with the balance consisting of grasses. The existing chlorine injection point will be utilized for the proposed hypochlorite system, and the current chlorine building will be repurposed. The CLMSD WWTP is currently regulated by Regional Water Quality Control Board (RWQCB) Waste Discharge Requirements (WDRs) under Order No. R5-2012-0025.

Statutory Authority and Requirements

CEQA Guidelines Article 19 – Categorical Exemptions

The State CEQA Guidelines §15061 indicates that a project may be reviewed to determine if it is exempt from CEQA pursuant to a Categorical Exemption (CE) (see State CEQA Guidelines Article 19, commencing with §15300) and the application of that CE is not barred by one of the exceptions set forth in State CEQA

Guidelines §15300.2. The following CE classes outlined in the CEQA Guidelines Article 19 may be applicable to the Proposed Project subject to the exceptions listed further below.

Class 1: Existing Facilities

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The types of “existing facilities” itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use.

Examples include but are not limited to:

- (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- (b) Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;
- (d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;
- (e) Additions to existing structures provided that the addition will not result in an increase of more than: (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or (2) 10,000 square feet if: (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and (B) The area in which the project is located is not environmentally sensitive.
- (f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices;

Class 2: Replacement or Reconstruction

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site with the same purpose and capacity, including:

- Schools and hospitals rebuilt for earthquake resistance without increasing capacity by more than 50 percent.
- Commercial structures replaced with those of similar size, purpose, and capacity.
- Utility systems replaced or reconstructed with minimal or no capacity expansion.
- Overhead electric utility lines converted to underground, with surface restoration.

Exceptions to Categorical Exemptions

Section 15300.2 of the CEQA Guidelines outlines exceptions to categorical exemptions:

- a) Location: Projects under Classes 3, 4, 5, 6, and 11 that may impact environmental resources of hazardous or critical concern in designated sensitive environments are not eligible for categorical exemptions.
- b) Cumulative Impact: Projects where the cumulative impact of successive projects of the same type in the same location over time is significant are not eligible for categorical exemptions.

- c) Significant Effect: Projects that may have a significant environmental effect due to unusual circumstances are not eligible for categorical exemptions.
- d) Scenic Highways: Projects that may damage scenic resources along officially designated state scenic highways are not eligible for categorical exemptions.
- e) Hazardous Waste Sites: Projects located on sites listed as hazardous waste sites under Section 65962.5 of the Government Code are not eligible for categorical exemptions.
- f) Historical Resources: Projects that may cause substantial adverse changes to historical resources are not eligible for categorical exemptions.

Analysis of Applicability of Categorical Exemption and Exceptions

Class 1 Exemption

The Proposed Project generally falls within the CEQA Guidelines § 15301, CE Class 1 for Existing Facilities, and more specifically within subsections (b), (d), and (e)(2)(B). Subsection (b) covers existing facilities of publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services. While the Proposed Project is not deteriorated or damaged, it is generally covered under subsection (d), which addresses the restoration of facilities or mechanical equipment to meet current public health and safety standards. Subsection (e)(2)(B) exempts additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet (SF) if the area in which the project is located is not environmentally sensitive. The Proposed Project will convert the existing WWTP from chlorine gas to hypochlorite to meet current safety standards and mitigate risks to staff and the community in the event of a chlorine gas leak. Furthermore, the publicly owned facilities, occupying an approximately 0.1-acre (4,356 SF) site, are not located in an environmentally sensitive area, as noted in the discussion below within this memo.

Class 2 Exemption

The Proposed Project generally falls within the CEQA Guidelines § 15302, CE Class 2 for Replacement or Reconstruction, and more specifically within subsection (c) for replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity. The Proposed Project would result in the conversion from chlorine gas to hypochlorite at both the CLMSD water and wastewater treatment plants due to significant safety risks to staff and the surrounding community in the event of a chlorine gas leak. The capacity of the current WWTP will not be expanded, as the existing chlorine building will be repurposed, and the current chlorine injection point will be used for the hypochlorite system.

Analysis for Special Circumstances or Exceptions

Pursuant to CEQA Guidelines § 15300.2, a categorical exemption may not be utilized for a project where certain conditions exist. The assessment below reviews each of the circumstances that would be considered an exception, resulting in the inability of the Class 1 or 2 CE to apply to the Proposed Project. As assessed below, there are no exceptions that apply to the Proposed Project.

(a) Location

The exception under subsection (a) Location does not apply to Categorical Exemption Classes 1 and 2.

(b) Cumulative Impact

The Proposed Project will support CLMSD's transition at its existing WWTP from chlorine gas to hypochlorite. No additional projects of the same type are expected at this same water and WWTP as this is a one-time conversion, so there will be no cumulative impacts from successive projects. Therefore, the exception of "Cumulative Impact" does not apply to the Proposed Project.

(c) Significant Effect

The Proposed Project is not anticipated to result in any unusual circumstances that would lead to significant environmental effects. Therefore, the exception of "Significant Effect" does not apply to the Proposed Project. A discussion of key environmental issue areas considered is provided below:

Air Quality and Greenhouse Gas (GHG) Emissions. Construction and operation would not result in unusual or atypical air quality emissions. Operation of the proposed facility, and the transition from chlorine gas to hypochlorite, will benefit air quality in several ways. Chlorine gas is a hazardous air pollutant (HAP), and its replacement with hypochlorite - a less volatile compound - will reduce airborne chlorine exposure and associated health risks to workers and the surrounding community. Additionally, the new hypochlorite system will address safety concerns associated with chlorine gas leaks, lowering potential air quality impacts from accidental releases. Overall, this transition will improve safety and contribute to better air quality. Additional operational emissions of greenhouse gases from the use of hypochlorite would be comparable to those from the existing chlorine gas system.

Hydrology and Water Quality. The Proposed Project would not have a significant impact on water and hydrology as erosion control measures are included in the design plans to address stormwater during construction. Operation of the Proposed Project will positively impact water quality and hydrology. Switching from chlorine to hypochlorite will help reduce effluent salinity and the formation of trihalomethanes, both of which can negatively impact water quality. This change will improve water quality and decrease the environmental impact on nearby water bodies. Additionally, the new hypochlorite system will improve the facility's ability to comply with discharge requirements set by the RWQCB, including better management of coliform levels and adherence to Basin Plan objectives, which are necessary for protecting groundwater and surface water quality. The system's design also features secondary containment for storage tanks, minimizing the risk of accidental releases. Overall, this transition will contribute to better water quality and more effective compliance with water discharge regulations.

Biological Resources. Queries of the California Natural Diversity Database (CNDDDB) and U.S. Fish and Wildlife Service (USFWS) identified four threatened, endangered, or candidate species with potential to occur in the surrounding area, but found no critical habitats (CDFW, 2024; USFWS, 2024). The Project Site has been previously graded and disturbed during construction of the WWTP, is classified as ruderal/developed habitat, is subject to ongoing WWTP operations that result in noise and high levels of human activity, and the majority is located on the inside of the fence surrounding the WWTP. Therefore, there is a very low potential for native or special-status plants or animals to be present within or near the Project Site. The small drainage north of and adjacent to the Project Site is a managed ditch/spillway of the City's reservoir that stores treated wastewater for irrigation, and does not provide high-quality habitat for special-status reptiles, amphibians, or other species.

Hazardous Materials. Construction and operation would not result in unusual or atypical use of hazardous materials. Compliance with federal laws related to the handling of hazardous materials would avoid any potential construction impacts. Switching from chlorine gas to hypochlorite at the WWTP will enhance

safety and reduce hazards during operations. Chlorine gas poses significant storage and safety concerns, including potential leaks that could endanger both workers and the community. In contrast, hypochlorite, which is a liquid, is less hazardous and easier to store, which significantly reduces the risk of accidental releases. Therefore, the Proposed Project will enhance safety and minimize environmental impacts.

(d) Scenic Highways

The nearest Officially Designated Scenic Highway is Highway (Hwy) 116, located 35 miles west of the Project Site (Caltrans, 2019). Since the Proposed Project is not visible from Hwy 116, it will not damage the scenic resources along this designated Scenic Highway. Therefore, the exception of "Scenic Highways" does not apply to the Proposed Project.

(e) Hazardous Waste Sites

Database searches were conducted for records of hazardous materials and waste, state and federal cleanups, and impacted ground and surface waters near the Project Site. The following databases were reviewed: Department of Toxic Substances Control (DTSC) EnviroStor and the State Water Resources Control Board (SWRCB) GeoTracker. No issues were identified on the Project Site. However, several Leaking Underground Storage Tank (LUST) sites were found in the vicinity, with the closest site located 0.7 mile away. The cleanup status for this site was marked as completed with the case closed on April 9, 1996 (SWRCB GeoTracker, 2024). As such, the Proposed Project will not occur on a hazardous waste site listed under Section 65962.5 of the Government Code. The exception of "Hazardous Waste Sites" does not apply to the Proposed Project.

(f) Historical Resources

An assessment of potential cultural resources within the Project Site was conducted that included a records search, literature review, historic map examination, and an intensive field survey (**Attachment B**). The records search revealed that the Project Site had been previously surveyed, and no cultural resources were found within or adjacent to the Project Site. The literature review and historic maps also showed no precontact or historic settlements or cultural features on the Project Site or nearby. Additionally, a pedestrian survey conducted on August 23, 2024 identified no historic or archaeological resources. Consequently, no cultural resources were found within the Project Site. Therefore, the exception of "Historic Resources" does not apply to the Proposed Project. For a complete assessment, refer to **Attachment B**.

CEQA Compliance Recommendations

As is evidenced by the discussions presented above, the Proposed Project is not barred from the application of a Categorical Exemption, pursuant to State CEQA Guidelines §15300.2, due to unique circumstances or other exceptions. Therefore, it is recommended that CLMSD, as the lead agency, determine that the Proposed Project qualifies as being exempt from CEQA under the following CE categories in Article 19 of the CEQA Guidelines: Class 1 Existing Facilities and Class 2 Replacement or Reconstruction. If it further recommended that the CLMSD file a Notice of Exemption with the Office of Planning and Research and the County Clerk.

References

- Caltrans, 2019. California State Scenic Highways. Available online at: <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>. Accessed September 2024.
- CNDDDB, 2024. California Department of Fish and Wildlife, California Natural Diversity Database: CNDDDB QuickView Tool, Species List. Available online at: <https://apps.wildlife.ca.gov/bios6/?tool=cnddbqv>. Accessed August 2024.
- SWRCB GeoTracker, 2024. Wittman Ford and Mercury (T0603300006). Available online at: https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0603300006. Accessed September 2024.
- USFWS, 2024. IPaC Official Species List for Project Name: Lakeport Chlorine System. Report generated August 22, 2024.

Attachments

Attachment A Project Figures

Attachment B Cultural Reconnaissance Memorandum