Aspen
Environmental Group

PROJECT MEMORANDUM
PG&E – TRI-VALLEY 2002 CAPACITY INCREASE PROJECT

To: Jensen Uchida, CPUC

From: Vida Strong, Aspen Project Manager

Date: November 10, 2005

Subject: Weekly Report #83: October 30, 2005 – November 5, 2005

CPUC Environmental Monitor (EM): Anne Sweet

Current construction of the PG&E Tri-Valley Project includes the Phase Three portion of the project, including construction of the overhead transmission line, underground alignment, North Dublin Substation, and Transition Station; all roadway and vault pad grading; and preparation of the 0.33-acre and 0.94-acre mitigation areas. Opus Environmental is providing the Environmental Inspectors for PG&E (PG&E EIs). Opus is providing environmental, as well as biological monitoring and oversight, including conducting environmental training of all new crew personnel. Road improvement and installation is being conducted by Granite Construction. The tower work is being conducted by PG&E. The underground construction is being engineered by Wilson Construction and is being completed by Ranger Construction. The substation work is being engineered by Black and Veatch who has subcontracted construction to Granite Construction. PG&E has contracted with, North Valley Construction, to ensure that adequate erosion and sediment controls are installed and maintained project wide, including areas covered by both Ranger Construction and Granite Construction.

Summary of Phase Three Activity:

Weather was mostly clear throughout the subject week with light rain during the evening of November 3rd. During the subject week, the PG&E EIs conducted environmental trainings as new crew members joined the project.

During the previous subject week, the primary focus on the site visits by the CPUC Lead EM was compliance with the Storm Water Pollution Prevention Plan (SWPPP) and the installation of Best Management Practices (BMPs) on the project. The concerns were for the protection of water resources, including sensitive species using the drainages, as well as terrestrial plant species that could be impacted by erosion or sediment during the wet season.

The CPUC EM monitored construction on November 1st, 2nd and 4th, following up on SWPPP and BMP issues noted by the CPUC Lead EM.

Trenching, conduit installation tie-ins, and backfilling continued on the underground sections. Crews worked at the Transition Station and on conduit proofing, mandrill pulling, fiber optic installations, erosion control installation, and barb wire fence installation. The topsoil that was segregated during initial grading operations is being placed back over the right-of-way following the completion of backfilling. On November 2nd, the CPUC EM notified the PG&E EI that some of the hay bale erosion control structure protecting Cayetano Creek at the crossing, located just off of Manning Road (see Figure 1), had been dismantled and that the Ranger Construction crew was conducting backfilling operations at the conduit tie-ins to vault boxes adjacent to the creek. This ground disturbing activity had occurred within the 30-foot buffer established around potential California red-legged frog (CRLF) and California tiger salamander habitat. The conditions in the project USFWS Biological Opinion (BO) stipulate that work within this buffer is prohibited between November 1st and April 30th. The PG&E EI was forth right that he unintentionally overlooked the buffer requirement. Opus immediately notified the USFWS of the work within the potential habitat buffer and the issue was documented in the Non-Compliance Report (NCR) issued by the CPUC EM on November 3rd.

Trenching through Cayetano Creek, in the area parallel to Road 5, has been completed and backfill was finished during the prior week. California red-legged frogs were previously identified in the project right-of-way and surrounding areas of the creek. An approved biologist was at the location monitoring for frogs prior to and during construction. The temporary culvert through the creek was removed prior to October 31st, as required by the California Department of Fish and Game (CDFG) Streambed Alteration Agreement. At the beginning of the subject week, the creek was lined with straw bales at the bank line, but steep side slopes which extend along both sides of the creek lacked adequate erosion controls (see Figure 2). Only one side had been hydro-seeded and neither slope had any water flow dissipating devices or erosion protection as outlined by the PG&E SWPPP BMP procedures. PG&E had previously been notified of the deficiency and the issue was documented in the NCR issued on November 3rd. During the site tour on November 4th, the CPUC EM noted that fiber rolls had been appropriately installed along the slopes and the area had been mulched and hydro-seeded (see Figure 3).

Granite construction continued SWPPP installation and cleanup along Moller Road. Due to construction delays, application of the surface treatment on Moller Road is now scheduled to occur on November 9th. As stated by PG&E, the weather in November is not warm enough or consistent enough to guarantee that the proper installation conditions of chip seal can be met. Placement of ship seal requires a minimum pavement temperature of 80 degrees and a minimum air temperature of 65 degrees. By contrast, asphalt concrete requires a minimum air temperature of only 50 degrees. On November 4, 2005, PG&E submitted Variance Request #18 requesting a variance to change the surface treatment of Moller Road from chip seal to asphalt concrete.

During the tour of Moller Road on November 1st, the CPUC EM noted that a spoil pile located in the staging yard across from the Substation site and adjacent to Tassajara Creek lacked adequate protection (see Figure 4). PG&E had previously been notified of the problem twice and the CPUC EM documented the issue in a Project Memorandum. During the tour on November 2nd, the CPUC EM documented that fiber rolls had been installed around the spoils pile and silt fencing had been extended to further protect the creek.

Granite Construction installed a retaining wall along the MSA Road. Fencing was installed around the mitigation site and a water gauge was installed at the site. A PG&E EI was present during all the work in the area in order to avoid any impact to the Congdon's tarplant. At least two populations of the rare plant were identified adjacent to the mitigation pond site and these areas were fenced off with orange fence for avoidance.

On November 2nd, the CPUC EM toured the site with CH2MHill and the PG&E EI. The CPUC EM noted that at the Tassajara Creek bank stabilization area riprap has been installed by Granite Construction; however, the upslope erosion cloth installation as outlined in the USFWS BO has not yet occurred (see Figure 5). October 31st is the deadline for the bank stabilization work in both the USFWS BO and the CDFG Streambed Alteration Agreement. PG&E had been repeatedly informed of the necessary erosion protection requirements, as well as work deadlines. Opus Environmental notified CDFG that the installation had not met the required deadline. The issue was documented in the November 3rd NCR. During the follow up tour on November 4th, erosion cloth installation, as outlined in the USFWS Biological Opinion (BO), had occurred at the Tassajara Creek bank stabilization area (see Figure 6).

The CPUC EM had previously expressed concerns that existing wetland areas adjacent to the roads could be impacted by the new drain features. These concerns were again reiterated (see Figure 7). CH2MHill responded that their hydrologist has analyzed the site and a report will be submitted to PG&E. The CPUC EM requested that the CPUC and the RWQCB be given copies of the report.

Grading activities continued at the new substation site during the week.

On November 4th, the CPUC EM was informed by Opus Environmental that a large amphibian had been run over and killed by a construction vehicle that morning on Moller Road. Nearby construction was halted until it was determined that the animal was a toad and not a sensitive CRLF or CTS. PG&E/Opus immediately notified the USFWS. The USFWS BO lists resource conservation measures and Opus has worked with USFWS to notify the service of issues and to gain clarifications regarding implementation of the BO measures. The BO states that biological monitors need to clear the roads within 30 feet of suitable CRLF and CTS habitat. The CPUC EM was notified by Opus that due to the amphibian mortality, the USFWS had required that construction vehicles be walked through areas within 200-feet of suitable CRLF and CTS habitat.

Granite Construction continued grading and compaction activities and conducted lime treatment along Access Road 6 during the subject week. The area appeared to be watered frequently to cut down on construction related dust. During the site tour of Road 5 on November 4th, the CPUC EM witnessed that at the end of the work day, the Granite Construction crew proceeded to exit the site via Road 5 without being walked out per the USFWS requirements. The CPUC EM was informed that PG&E informed Granite Construction that they could proceed because the road had just been swept 20 minutes earlier. A Project Memorandum was issued to document that vehicles shall be walked through areas as outlined by the BO and given the verbal requirements set forth by USFWS.

The PG&E tower crews completed work on Towers 1, 6, 10, 12 and 13 on November 1st. The line crews are scheduled to begin stringing work next week.

North Valley Construction, the independent SWPPP contractor, was working on-site on Saturday, November 5th.

ENVIRONMENTAL COMPLIANCE:

One NCR and two Project Memoranda were issued during the subject week.

During the field tour on November 2, 2005, the CPUC EM documented several related compliance problems regarding the lack of appropriate resource erosion protection, as well as work within resource buffers outside of the appropriate time frames established in project agency permits.

On November 2nd, ground disturbance activities occurred within the 30-foot buffer established around potential California red-legged frog and California tiger salamander habitat at Cayetano Creek. The conditions in the project Biological Opinion stipulate that work within this buffer is prohibited between November 1st and April 30th. The PG&E EI was forth right that he unintentionally overlooked the buffer requirement. Opus immediately notified the USFWS of the work within the potential habitat buffer and the issue was documented in the NCR issued by the CPUC EM on November 3rd.

On November 2nd, the CPUC EM noted the lack of adequate erosion controls where the Ranger Construction activities crossed Cayetano Creek just off of Road 5. This is a different area than where work occurred within the 30-foot buffer zone. Erosion controls were installed by November 4th.

At the Tassajara Creek bank stabilization area, the upslope erosion cloth installation as outlined in the USFWS BO had not occurred by October 31st, the deadline for the bank stabilization work in both the USFWS BO and the CDFG Streambed Alteration Agreement. PG&E had been repeatedly informed of the necessary erosion protection requirements, as well as work deadlines. Opus Environmental notified CDFG that the installation had not met the required deadline. The installation was completed by November 4th.

During the tour of Moller Road on November 1st, the CPUC EM noted that a spoil pile located in the staging yard across from the Substation site and adjacent to Tassajara Creek lacked adequate protection. PG&E had previously been notified of the problem twice and the CPUC EM documented the issue in a

Project Memorandum. During the tour on November 2nd, the CPUC EM documented that fiber rolls had been installed around the spoils pile and silt fencing had been extended to further protect the Creek.

During the site tour of Road 5 on November 4th, the CPUC EM witnessed that at the end of the work day, the Granite Construction crew proceeded to exit the site via Road 5 without being walked out. The CPUC EM was informed that PG&E informed Granite that they could proceed because the road had been swept 20 minutes earlier. A Project Memorandum was issued to document that vehicles shall be walked through areas as outlined by the BO and per the verbal requirements set forth by USFWS on November 4th.

Opus issued a number of concerns and non-compliance notifications related to erosion controls and SWPPP implementation parallel to those issued by the CPUC.

The CPUC EM observed that with the exception of the compliance issues noted, all other Phase Three construction activities were in compliance with mitigation measures adopted in the EIR and other permit requirements.

During the previous week, the PG&E EI stationed at Moller Ranch observed at burrowing owl south of the Dublin Substation site. The burrow was identified and exclusion fencing and signs were placed on the access road and work space that were within 160 feet of the burrow. PG&E coordinated with CDFG on mitigation to allow work to continue in the area. The burrow appears to have been established after the current work started in the area. On Wednesday November 2nd, CDFG agreed that equipment associated with paving and wetland restoration activities are permitted within the access road which lies within the 160-ft buffer.

Four NCRs and four Project Memoranda have been issued for the Phase Three portion of the project as of November 5, 2005 (see Table 1).

TABLE 1
ENVIRONMENTAL COMPLIANCE STATUS
(Updated 11-10-05)

Project Memo or NCR	Date Issued	Description	Follow-Up Activities
PHASE THREE			
Project Memorandum	7/20/05	Crews have installed exclusion fencing as well as sediment fencing in areas with potential for spoils to slide in to sensitive areas. Numerous gaps were left in the fencing to allow moving cows. However, no exclusion signs have been installed in the gaps after repeated requests. In addition, the CTS exclusion zone was toured and no sensitive resource or exclusion signs to notify crews of the resource have been installed. Notifications were made to the PG&E EI. On July 14, an operator was not aware of the 500-foot CTS exclusion zone and a 400-foot by 20-foot area was scraped within the zone coming with in 100 feet of the CTS burrow. The site Foreman when he realized what was occurring immediately stopped the operator. Opus notified Mary Hammer of the USFWS in an e-mail.	
NCR	7/26/05	A drainage off Manning Road was bridged by steel plates and the area extending upslope from the bridge had been graded up to and possibly within the drainage without an approved CDFG Streambed Alteration Agreement.	CDFG notification required
NCR	7/26/05	Construction at Pole location 9, 10, 11, and 12 and use of associated access roads were started prior to the CPUC EM verifying that proper flagging and exclusion fencing had been installed as required by Project mitigation measures. Directly upslope of a CTS/CRLF breeding pond burrow clusters were not fenced off and the site was left unmonitored though construction was occurring within 200 feet of the pond. Crews were using new routes which were not previously surveyed or approved.	PG&E must properly flag and fence the work and access areas, and provide maps and survey results. Burrow clusters must be fenced for exclusion.
NCR	7/29/05	Crews graded the other side of the drainage referred to in an NCR issued 7/26/05. Note that a CDFG Streambed Alteration Agreement has not been issued for the site.	CDFG notification required

Project Memo or NCR	Date Issued	Description	Follow-Up Activities
PHASE THREE			
Project Memorandum	8/21/05	Crews placed a dumpster outside of the project area and did not move it for three days.	Dumpster was removed 8/19/05
Project Memorandum	11/1/05	During the tour of Moller road on November 1, the CPUC EM noted that a spoil pile located adjacent to Tassajara Creek lacked adequate protection. PG&E had been notified of the problem twice previously.	November 2, wattles had been installed around the spoils pile and silt fencing extended to further protect the creek.
NCR	11/2/05	During the field tour on November 2, 2005, the CPUC EM documented several related compliance problems regarding the lack of appropriate resource erosion protection as well as work within resource buffers outside of the appropriate time frames established in project agency permits. On November 2, at the Cayetano Creek crossing ground disturbing activity had occurred within the 30-foot buffer established around potential California red-legged frog and California tiger salamander habitat which is prohibited after October 31, as outlined in the project BO. At another area where the Ranger Construction crossed Cayetano Creek, just off of Road 5 the CPUC EM noted a lack of erosion protection. PG&E had been notified of the lack previously. At the Tassajara Creek bank stabilization area, the upslope erosion cloth installation as outlined in the USFWS Biological Opinion (BO) had not occurred by October 31 which is the deadline for the bank stabilization work in both the USFWS BO and the CDFG Streambed Alteration Agreement. PG&E had been repeatedly informed of the necessary erosion protection requirements as well as work deadlines.	PG&E EI was forthright that he unintentionally overlooked the BO buffer requirement. Opus took quick action and notified the USFWS of the work within the potential habitat buffer. Adequate erosion controls were installed by 11/4/05 Opus Environmental notified CDFG that the installation had not met the required deadline. The installation was completed 11/4/04.
Project Memorandum	11/4/05	During the site tour of Road 5 on November 4, the CPUC EM witnessed that at the end of the work day, although the road had been swept 20 minutes earlier by an approved biologist, the Granite crew proceeded to exit the site via Road 5 without being walked out. The CPUC EM was informed that PG&E informed Granite that they could proceed because the road had just been swept. Project Memo documented that vehicles shall be walked through areas as outlined by the BO and given the verbal recommendations set forth by USFWS.	The USFWS has approved the use of ATVs to escort vehicles which should streamline the walk-through process.

NOTICES TO PROCEED (NTP):

Table 2 presents the NTPs issued by the CPUC for the Tri-Valley Project to date. No additional NTPs are anticipated.

TABLE 2
NOTICES TO PROCEED
(Updated 11/10/05)

NTP #	Date Issued	Description
#1	September 12, 2002	Phase One: Construction on of six different sections of the underground portion of the Vineyard Segment, within the City of Pleasanton, City of Livermore, and unincorporated Alameda County.
#2	October 10, 2002	Phase One: Construction of six additional sections of the underground portion of the Vineyard Segment, within the Cities of Pleasanton, Livermore, and unincorporated Alameda County
#3	December 12, 2002	Phase One: Construct the final sections of the Phase One portion Tri-Valley 2002 Capacity Increase Project, within the City of Pleasanton.
#4	May 5, 2003	Phase Two: Construction of the new 5-acre Cayetano Substation located at the intersection of North Livermore Avenue and May School Road.
#5	July 14, 2003	Phase Two: Construction of 2.3 miles of underground transmission line installation extending from the Cayetano Substation to the North Livermore Transition Station to be constructed at the Contra Costa–Newark Transmission Line Corridor
UAD NTP		Phase Two: Allow construction within the exclusion boundary of the May School road cultural resource discovery area.
#6	June 29, 2005	Phase Three: Construction of the overhead transmission line, the transition station, all roadway and vault pad grading, and preparation of 0.33-acre mitigation area.
#7	August 4, 2005	Phase Three: Underground construction and preparation of the 0.94-acre mitigation area.
#8	August 18, 2005	Phase Three: North Dublin Substation.

VARIANCE REQUESTS:

Two Variance Requests were submitted for review during the subject week. Table 3 presents the Phase Three Variance Requests reviewed to date.

On October 25, 2005, PG&E submitted Variance Request #17 requesting a variance from the Area of Potential Effect (APE) analyzed in the Environmental Impact Report (EIR) to grade for a boom truck pad at Tower 1, to install a fence north of the Dublin Substation site, and to place guard structures at three locations in the Collier Canyon Road area. On October 31, 2005, PG&E provided clarification on the disturbance adjacent to Tower 1 and changed the proposed use from a boom truck to a 40-ton crane. The Variance was approved by CPUC on November 4th.

On November 4, 2005, PG&E submitted Variance Request #18 requesting a variance to change the surface treatment of Moller Road from chip seal to asphalt concrete. The variance was approved by CPUC on November 8th.

On November 4, 2005, PG&E submitted Variance Request #19 requesting a variance to resource buffer zones outlined in Applicant Proposed Measures 7.6 and 7.7, deferring to the Project's Agency permit conditions. The variance was approved by CPUC on November 8th.

TABLE 3
VARIANCE REQUEST STATUS
(Updated 11/10/05)

Variance Request #	Date Submitted	Description	Status	CPUC Approval Date
PHASE THREE				
11	7/7/05	Variance to allow travel through homestead archaeological site C-Livermore-1H.	Completed	7/8/05
12	7/15/05	Variance to allow the use of staging areas as outlined in road plan drawings along the Phase 3 alignment.	Completed	7/26/05
13	7/29/05	Variance to use three staging areas. Two are located along the Moller Ranch Road. The last is located adjacent to the Cayetano Substation.	Incorporated into NTP #7	
14	8/12/05	Variance to use three access roads, and a laydown area.	Completed	8/19/05
15	8/19/05	Variance to use two laydown areas and one access road near road 6.	Completed	8/26/05
16	9/15/05	Variance for use of a temporary overland access connector route to access two vault installation sites	Completed	9/19/05
17	10/25/05	Variance for installation of guard structures at Collier Canyon Road and grading a work space for a boom truck near the Dublin Substation.	Completed	11/4/05
18	11/3/05	On November 4, 2005, PG&E submitted Variance Request #18 requesting a variance to change the surface treatment of Moller Road from chip seal to asphalt concrete.	Completed	11/8/05
19	11/3/05	Variance Request #19 requesting a variance to resource buffer zones outlined in Applicant Proposed Measures 7.6 and 7.7, deferring to the Project's Agency permit conditions	Completed	11/8/05

AGENCY PERSONNEL CONTACTS:

On October 31st, Michele Barlow/Opus and Mary Hammer/USFWS discussed BO requirement applications during the rainy season and during precipitation events.

On November 2nd, Opus notified Marcia Grefsrud/CDFG about the lack of erosion controls at the Tassajara Creek bank stabilization area.

On November 2nd, Marcia Grefsrud/CDFG agreed to reduce the 160-ft buffer around the burrowing owl to allow work and transport on the access road which passes within the 160-ft buffer.

On November 3rd, Opus informed USFWS, CDFG, and RWQCB that Granite construction plans to pave Moller Road instead of Chip Seal.

On November 4th, CDFG representatives Marcia Grefsrud and Janis Gan visited the project site and reviewed the Wetland Mitigation Site.

On November 4th, Michele Barlow/Opus notified Mary Hammer/USFWS of the toad mortality and Mary requested that all project vehicles and equipment be escorted by a biologist when operating within 200 feet of suitable habitat.

On November 4th, PG&E responded to an e-mail from Brian Wines/RWQCB, regarding erosion and sediment controls.

During the subject week, Aspen/CPUC responded to comments supplied by Brian Wines/RWQCB concerning information supplied in the Project Weekly Report #82. After discussions with PG&E, the CPUC EM had reported that PG&E had a meeting with a RWQCB hydrologist. This turned out to be incorrect. A CH2MHill hydrologist had visited the site and will be supplying a report regarding two sub drains placed in Moller Road to PG&E and RWQCB.

Photographs

Figure 1 – On November 2nd, at the Cayetano Creek crossing, ground disturbing activity had occurred within the 30-foot buffer established around potential California red-legged frog and California tiger salamander habitat.

Figure 2 – Long slope over Cayetano Creek lacks adequate BMPs to address erosion prevention and sediment control – November 2nd.

Figure 3 – Long slope over Cayetano Creek has installed BMPs for erosion prevention and sediment control.

Figure 4 – Inadequate erosion controls around graded areas and a spoils pile located in a staging area adjacent to Tassajara Creek - November 1st.

Figure 5 – Bank stabilization work in Tassajara Creek - November 2nd. Note the incomplete erosion controls.

Figure 6 – Bank stabilization work in Tassajara Creek - November 4th. Note the complete erosion controls.

Figure 7 – French Drain installation resulting in diverted flow down a drainage channel from a nearby wetland area - November 2nd.