


| | |
|---|--|
|  | California Public Utilities Commission <i>Mitigation Monitoring, Compliance, and Reporting Program</i> |
| | East County (ECO) Substation Project Compliance Status Report: 012 September 15, 2013 |

SUMMARY

The California Public Utilities Commission (CPUC) is responsible for overseeing implementation of the mitigation measures set forth in the Final Environmental Impact Report/Environmental Impact Statement (FEIR/EIS) for the East County (ECO) Substation Project. The CPUC has established a third-party monitoring program and adopted a Mitigation Monitoring, Compliance, and Reporting Program (MMCRP) to ensure that measures approved in the FEIR/EIS to mitigate or avoid significant impacts are implemented in the field. This MMCRP status report is intended to provide a description of construction activities on the project, a summary of site inspections conducted by the CPUC’s third-party monitors, the compliance status of mitigation measures required by the MMCRP, and anticipated construction activities. This compliance status report covers construction activities from September 2 to September 15, 2013. No construction activities occurred on Monday, September 2 due to the Labor Day Holiday.

MITIGATION MONITORING, COMPLIANCE, AND REPORTING

Site Inspections/Mitigation Monitoring

A CPUC third-party environmental compliance monitor conducted site observations at the Boulevard Substation Rebuild Site, 138 kV Underground Transmission Line, ECO Substation, Jewell Valley Fly Yard, and at Carrizo Gorge Construction Yards 1 and 2. Areas of active and inactive construction within the project limits were observed to verify implementation of the mitigation measures stipulated in the project’s MMCRP. Daily observations were documented on daily site inspection forms and applicable mitigation measures were reviewed in the field.

Implementation Actions

Boulevard Substation Rebuild Site

Construction activities at the Boulevard Rebuild Site consisted of demolishing and removing building debris from vacant structures located within the project limits. In accordance with MM-HAZ-1d, prior to demolishing buildings asbestos abatement activities were completed by SDG&E in accordance with

Notice to Proceed (NTP) No. 001. Construction crews were also observed removing an existing asphalt roadway, vegetation and trees in accordance with the Tree Replacement Plan (MM-VIS-3M) (see photo 1 – Attachment A).

Erosion control measures including silt fencing and straw wattles were observed being maintained during the reporting period in accordance with the Storm Water Pollution Prevention Plans (SWPPP) and MM-HYD-1.

Fire patrols were observed onsite during construction activities at the Boulevard Rebuild Site to ensure construction equipment and vehicles had the required fire safety equipment and provided ongoing fire patrols in accordance with MM-FF-1 (see photo 2 – Attachment A).

138 kV Underground Transmission Line

Construction crews continued to excavate, place conduit and backfill along the 138 kV Underground Transmission Line between the ECO Substation and Old Highway 80. Construction activities were monitored by biological, archeological and paleontological monitors in accordance with MM-BIO-1C, MM-CUL-1D, and MM-PALEO-1C, respectively.

Excavations associated with the 138 KV Underground Transmission Line were observed being covered at the end of the work day and wildlife escape ramps were installed with a gradient ratio of no greater than two to one to prevent wildlife entrapment in accordance with MM-BIO-7A.

On August 9, 2013, the Bureau of Land Management (BLM) issued NTP No. 002 authorizing construction of Section 3 of the 138 kV Underground Transmission Line on public lands administered by the BLM. In accordance with MM-BIO-1a, SDG&E began to install survey staking to delineate the approved work limits.

ECO Substation

Limited earthwork activities occurred at the 500 kV substation pad site during the week of September 9th as a result of Non-Compliance Report / Temporary Stop Work Order No. 001 issued by the CPUC on Sunday, September 8th. See the “Compliance” section of this report for further discussion regarding Non-Compliance Report / Temporary Stop Work Order No. 001.

Construction activities at the ECO Substation site during the week of September 2nd consisted of rough grading at the 500 kV substation pad and minor grading and fill around the perimeter of the temporary office trailers (see photo 3 – Attachment A). In addition, construction crews began excavations for foundations, creating foundation forms, drilling, and pouring concrete for the 138/230 kV substation pad. In an effort to prevent spills and concrete debris, a concrete washout station has been established at the 138/230 kV substation pad in accordance with the SWPPP and MM-HYD-1 (see photo 4 – Attachment A).

Water trucks were observed alongside graders and scrapers to prevent fugitive dust in accordance with Mitigation Measure BIO-4A and the Dust Control Plan (see photo 5 –Attachment A). Trac-out measures consisting of a rattle plate and rock apron are being maintained at the point of ingress/egress to the ECO Substation along Old Highway 80. In addition, a street sweeper was observed being utilized along Old Highway 80 to remove trac-out.

Water utilized for construction activities is being trucked onsite from the City of San Diego, Jacumba Community Services District and from the Campo Indian Reservation in accordance with MM-HYD-3 and the associated Amended Construction Water Supply Plan (July 2013). Water trucked onsite is stored in a temporary retention basin where it is then transferred into water trucks being utilized for onsite distribution for both dust control and soil compaction purposes (see photo 6 – Attachment A).

Construction Yards

Construction crews continued to mobilize construction materials to the Carrizo Gorge Fly Yard and Jewel Valley Fly Yard during this reporting period. All deliveries were completed within the approved work limits. An environmental monitor was observed inspecting for noxious weed materials on equipment being delivered to the construction yards in accordance with MM-BIO-3A and the Noxious Weeds and Invasive Species Control Plan.

Mitigation Measure Tracking

Mitigation measures applicable to the construction activities were verified in the field and documented in the CPUC's mitigation measure tracking database. A complete list of mitigation measures and applicant proposed measures is included in the FEIR/FEIS for the ECO Substation Project, as adopted by the CPUC on April 19, 2012 (Decision 12-04-022).

Compliance

Non-Compliance Report / Temporary Stop Work Order 001

On Sunday, September 8, the CPUC issued Non-Compliance Report / Temporary Stop Work Order No. 001 to document a Level 3 non-Compliance and Temporary Stop Work Order as a result of SDG&E's failure to effectively implement MM-CUL-1D at the 138/230 and 500 kV substation pad sites. In accordance with Section 4.1.4 of the MMCRP, a Level 3 Non-Compliance is defined as when one or more aspects of a mitigation measure have not been complied with, making the mitigation ineffective and resulting in the potential for minor impacts. The CPUC made a determination that the inadequacies of the SDG&E archeological monitoring program at the 138/230 and 500 kV substation pad sites resulted in MM-CUL-1d to be ineffective.

In accordance with the Non-Compliance Report / Temporary Stop Work Order 001, SDG&E is required to temporarily stop work associated with all ground-disturbing activities at the 138/230 and 500 kV

substation pad site until the CPUC authorizes SDG&E to resume construction activities. In order to resume construction activities at the 138/230 kV and 500 kV substation pad sites, SDG&E is required to complete the following corrective actions; (1) Develop an Archeological Monitoring Plan that will provide steps to be implemented during the day-to-day monitoring program at the ECO substation pad site and (2) Develop an Archeological monitoring Communication and Reporting Protocol that identified all responsible parties for ensuring compliance with archeological measures and the associated chain of command.

See Attachment D – Non-Compliance Report / Temporary Stop Work Order No. 001.

CONSTRUCTION PROGRESS

Boulevard Substation Rebuild Site

All abatement activities at the Boulevard Substation Rebuild Site as authorized by CPUC NTP No. 001 have been completed. Construction crews have begun to demolish existing structures and install security fencing along the perimeter of the Boulevard Substation Rebuild Site as authorized by CPUC NTP No. 008.

ECO Substation Site Construction

SDG&E began clearing, grubbing, and grading activities associated with the ECO Substation site on March 11, 2013. Construction crews have completed fine grading at the 138/230 kV substation pad site and grubbing activities continue at the 500 kV substation pad site.

138 kV Underground Construction

SDG&E continues to excavate the 138 kV Underground Transmission Line duct bank, place conduit and backfill between the ECO Substation and Old Highway 80 as authorized by CPUC NTP No. 006.

Construction Yards

SDG&E has cleared vegetation and installed perimeter fencing at the Carrizo Gorge Yard 1 and 2 and Jewell Valley Fly Yard as authorized by CPUC NTP No. 005.

Geotechnical Investigations

All geotechnical investigations authorized by CPUC NTP No. 003, No. 004, and BLM NTP No. 001 to conduct 24 geotechnical borings were completed as of March 14, 2013.

CONSTRUCTION SCHEDULE

ECO Substation 500 kV and 230/138 kV Yards –SDG&E began construction activities on March 11, 2013 and is anticipated to complete construction in April 2014.

SWPL Loop-In –SDG&E has not initiated any construction activities at this time associated with the SWPL Loop-In.

138 kV Transmission Line –SDG&E initiated construction activities associated with the underground portion of the 138 kV transmission line between Old Highway 80 and the ECO Substation in accordance with NTP No. 006.

Boulevard Substation Rebuild –SDG&E began abatement activities on December 31, 2012 and is anticipated to complete construction in June 2014.

ATTACHMENT A Photos



Photo 1: Construction crews removed the existing asphalt access road to the Boulevard Substation Rebuild site. All work at Boulevard Substation Rebuild site was completed within the approved work limits.



Photo 2: In accordance with Mitigation Measure FF-1, fire patrols are onsite during construction and for 1 hour following construction activities.

ATTACHMENT A (Continued)



Photo 3: Construction activities associated with rough grading of the 500 kV substation pad at the ECO substation site continued during the week of September 2.



Photo 4: A concrete washout basin is established in preparation of pouring concrete foundations at the 138/230 kV pad site in accordance with the SWPPP and MM-HYD-1.

ATTACHMENT A (Continued)



Photo 5: Water trucks are utilized on a regular basis to minimize fugitive dust emissions in accordance with MM-BIO-4A and the Dust Control Plan.



Photo 6: Water trucks deliver water from offsite resources including the City of San Diego, Campo Indian Reservation and Jacumba Community Services District in accordance with MM-HYD-3 and the Amended Construction Water Supply Plan.

ATTACHMENT B Notices to Proceed

| NTP No. | Date Issued | Description | Conditions Included (Y/N) |
|------------|-------------------|--|---------------------------|
| BLM - 001 | February 11, 2013 | A single geotechnical boring to finalize the design of the underground transmission alignments on lands administered by the BLM. | Y |
| CPUC - 001 | November 30, 2012 | Abatement activities at the Boulevard Substation rebuild site. | Y |
| CPUC - 002 | February 1, 2013 | Construction of a new substation (a 500 kV yard and a 230/138 kV yard). | Y |
| CPUC - 003 | February 1, 2013 | Geotechnical Activities. | Y |
| CPUC - 004 | March 4, 2013 | Geotechnical Activities. | Y |
| CPUC - 005 | May 21, 2013 | Construction Yards | Y |
| CPUC-006 | July 2, 2013 | 138 kV Underground Transmission Line along Southern Access Road | Y |
| CPUC-007 | July 30, 2013 | 138 kV Underground Transmission Line within Old Highway 80 and Carrizo Gorge Road | Y |
| CPUC-008 | August 2, 2013 | Construction activities associated with the Boulevard Substation Rebuild | Y |

ATTACHMENT D

*Non-Compliance Report / Temporary Stop Work
Order Report No. 001*

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



September 8, 2013

Mr. Don Houston
Project Manager II, Environmental Services
San Diego Gas and Electric
1010 Tavern Road
Alpine, California 91901

Subject: CPUC Non-Compliance Report / Temporary Stop Work Order 001 - East County Substation Project (Application No. 09-08-003).

Dear Mr. Houston:

Non-Compliance Report / Temporary Stop Work Order #001 is being issued by the California Public Utilities Commission (CPUC) to document a Level 3 Non-Compliance and Temporary Stop Work Order as a result of SDG&E's failure to effectively implement MM-CUL-1D. San Diego Gas & Electric (SDG&E) is to temporarily stop work associated with all ground disturbing activities at the 138/230 and 500 kV substation pad site until the CPUC authorizes SDG&E to resume construction activities.

SDG&E received authorization from the CPUC to commence construction of the East County Substation on February 1, 2013 as identified in Notice to Proceed (NTP) #002. As identified in NTP #002, SDG&E is required to implement all applicable mitigation measures included in the Final EIR/EIS prepared for the East County Substation Project. More specifically SDG&E is required to implement MM-CUL-1D, which states the following;

Prior to issuance of grading permit(s), SDG&E shall retain a qualified archaeologist, in accordance with the Secretary of the Interior's Standards and Guidelines (Secretary's Standards) (36 CFR 61), and Native American observer to monitor ground-disturbing activities in culturally sensitive areas in an effort to identify any unknown resources... All construction activities in environmentally sensitive areas, or any other area of the project deemed sensitive for containing cultural resources, shall be monitored by a qualified archaeologist. Since significant portions of the project site contain sedimentary deposits that have the potential to contain buried cultural resources, then full-time cultural resources monitoring shall be implemented during all phases of ground-disturbing work in these areas.

The CPUC and Bureau of Land Management (BLM) held a meeting onsite with SDG&E and its qualified archeologist (ASM) on September 3, 2013 to discuss inadequacies of the archeological monitoring program at the 138/230 kV and 500 kV substation pads and its failure to meet the requirements identified in MM-CUL-1D. The CPUC and BLM provided direction to SDG&E that

all initial ground disturbance regardless of depth at the 138/230 kV and 500 kV substation pads needs to be closely monitored in accordance with MM-CUL-1D and the frequency of ground observations between earthwork equipment passes needs to increase. The CPUC and BLM also stressed the importance of implementing a monitoring program that increased the ground observations between earthwork equipment passes as a result of the unavoidable new discovery (UND) that had been discovered at deep depths within the 138/230 kV and 500 kV substation pad sites.

SDG&E responded to the concerns presented by CPUC and BLM by stating the monitoring program will be adjusted moving forward to increase the frequency of ground observations between earthwork equipment passes. SDG&E also indicated there may be limits to the effectiveness of the monitoring program to ensure the safety of archeological monitors working in close proximity to heavy construction equipment.

Following the meeting on September 3, 2013, archeological monitoring activities remained unchanged on September 4, 2013 and September 6, 2013. Archeological monitors continued to be located in areas where they were unable to adequately observe initial ground disturbance and ground observations between earthwork equipment passes did not increase.

On September 5, 2013 archeological monitors were directed by Brian Williams with ASM. During the duration of monitoring activities on September 5, 2013, archeological monitoring was completed per the requirements in MM-CUL-1D and addressed concerns presented by CPUC and BLM regarding increasing the ground observations between earthwork equipment passes. The monitoring activities observed on September 5, 2013 suggest SDG&E and its qualified archeologist have the ability to implement a monitoring program that meets the requirements identified in MM-CUL-1D and address concerns presented by CPUC and BLM on September 3, 2013.

In accordance with Section 4.1.4 of the Mitigation Monitoring Compliance Reporting Program (MMCRP), a Level 3 Non-Compliance is defined as when one or more aspects of a mitigation measure have not been complied with, making the mitigation ineffective and resulting in minor impacts. The CPUC has determined that the inadequacies of the archeological monitoring program has resulted in MM-CUL-1D to be ineffective and has resulted in potential minor impacts to archeological resources.

The following actions are required by SDG&E as a result of the Level 3 Non-compliance in order to resume construction activities at the 138/230 kV and 500 kV substation pad sites;

- *ECO Substation Pad Site Archeological Monitoring Plan* – SDG&E shall develop an Archeological Monitoring Plan that will provide steps to be implemented during the day-to-day monitoring program at the ECO Substation pad site. The Archeological Monitoring Plan at a minimum should identify how SDG&E will balance safety concerns while ensuring archeological monitors are able to effectively monitor all initial ground disturbance activities.

- *Archeological Monitoring Communication and Reporting Protocol* – SDG&E shall develop an Archeological Monitoring Communication and Reporting Protocol that identifies all responsible parties for ensuring compliance with archeological measures and the associated chain of command. At a minimum the Archeological Monitoring Communication and Reporting Protocol should include an archeological deliverables distribution list and a field communication protocol.

The CPUC looks forward to working with SDG&E to resolve the Level 3 Non-Compliance in a timely manner.

Sincerely,

/s/ Amy Baker _____

Amy Baker

CPUC Environmental Project Manager

cc: *M. Hale, Dudek*
D. Hochart, Dudek
B. Williams, ASM
N. Morgan, SDG&E
C. Simmons, BLM
J. Sahagun, BLM
B. Paul, BLM