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FMC SUBSTATION PERMIT TO CONSTRUCT (A-97-11-024) COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT MITIGATED NEGATIVE DECLARATION (SCH#98072026) AND DRAFT INITIAL STUDY

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FMC SUBSTATION PERMIT TO CONSTRUCT (A.97-11-024)

**COMMENTS AND RESPONSES TO COMMENTS ON
THE DRAFT MITIGATED NEGATIVE DECLARATION (SCH#98072026)
AND DRAFT INITIAL STUDY**

1. INTRODUCTION

On July 10, 1998, the California Public Utilities Commission (CPUC) released for public review a Draft Mitigated Negative Declaration and Draft Initial Study for the proposed construction of the FMC Substation Project in San Jose, California, in compliance with the California Environmental Quality Act (CEQA) and Rule 17.1 of the CPUC's Rules of Practice and Procedure. The reports were filed with the State Clearinghouse on that date. A minimum 30-day review and comment period (CEQA Guidelines § 15105) began on that date. The official public review period closed on August 10, 1998. The CPUC is the Lead Agency for the application and is responsible for compliance with CEQA. The CPUC has prepared a response to all comments received during the public review period on the content of the Draft Mitigated Negative Declaration and the appended Initial Study. This document is a compilation of all written comments received by the CPUC on the documents. This document also presents responses to the comments.

Section 2 of this document contains the comment letters. Each comment letter was assigned a letter of the alphabet for tracking, indicated in the upper right hand corner of the letter. Each comment was assigned a number, placed in the margin of the letter, that does not necessarily coincide with the numbering provided by the comment writer. All comment letters have been reproduced in their entirety in this document.

Section 3 of this document presents the responses to the comment letters. Responses are organized by letter in the assigned alphabetical order and keyed to the assigned comment number. Comments stating an individual's or group's position on an issue and comments on whether the project should or should not be approved are noted without additional response

2. COMMENT LETTERS

The following is a list of comment letters received on the Draft Negative Declaration:

- A Antero A. Rivasplata, State of California, Governor's Office of Planning and Research, August 10, 1998
- B Harry Y. Yahata, District Director, State of California, Department of Transportation, August 18, 1998
- C Joseph Horwedel, Deputy Director, Department of Planning, Building and Code Enforcement, City of San Jose, August 6, 1998
- D Frank Ciari, Ciari Plumbing and Heating, Inc., July 28, 1998

Each of the above letters is reproduced in this section.



PETE WILSON
GOVERNOR

PAUL F. MINER
DIRECTOR

State of California

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

1400 TENTH STREET
SACRAMENTO 95814

A

August 10, 1998

MOISES CHAVEZ
CALIFORNIA PUBLIC UTILITIES COMMISSION
225 BUSH STREET, SUITE 1700
SAN FRANCISCO, CA 94104

Subject: PERMIT TO CONSTRUCT THE PG&E FMC SUBSTATION (SAN JOSE)
SCH #: 98072026

Dear MOISES CHAVEZ:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. | 1

Please call Kristen Derscheid at (916) 445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

ANTERO A. RIVASPLATA
Chief, State Clearinghouse

Form A: Notice of Completion

San Jose Area
 BCH # **98072026**

Mail to: State Clearinghouse, 1400 Tom's Street, Sacramento, CA 95814 (916)445-0613

Project Title: PERMIT TO CONSTRUCT THE PG&E FAC SUBSTATION (SAN JOSE)
Lead Agency: CALIFORNIA PUBLIC UTILITIES COMMISSION **Contact Person:** HEISES CHAVEZ
Street Address: 225 BUSH STREET, SUITE 1700 **Phone:** (415) 703-1851
City: SAN FRANCISCO **Zip:** 94104 **County:** SAN FRANCISCO

Project Location
County: SANTA CLARA **City/Nearest Community:** SAN JOSE
Closest Street: NORRIS STREET, SIMON AVENUE **Zip Code:** _____ **Total Acres:** _____
Assessor's Parcel No: _____ **Section:** _____ **TWP:** _____ **Range:** _____ **Base:** _____
Within 2 Miles: **State Hwy #** I-880 **Waterways:** _____
Airports: _____ **Railways:** NEW YORK AIRPORT **Schools:** _____

Document Type
CEQA: NDP Supplement/Subsequent NEPA: NOI **Other:** Joint Document
 Early Cons EIR (Prior SCH No.) EA Final Document
 Neg Dec Other _____ Draft EIS Other _____
 Draft EIR PGMSI

Local Action Type
 General Plan Update Specific Plan Rezoning Association
 General Plan Amendment Master Plan Planned Use Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, Parcel Map, Tract Map, etc.) Other _____

Development Type
 Residential: **Units** _____ **Area** _____ Water Facilities: **Type** _____ **MGD** _____
 Office: **Jobs** _____ **Area** _____ Employment _____ Transportation: **Type** _____
 Commercial: **Jobs** _____ **Area** _____ Employment _____ Mining: **Mineral** _____
 Industrial: **Jobs** _____ **Area** _____ Employment _____ Power: **Type** _____ **MGD** _____
 Educational: _____ Water Treatment: **Type** _____
 Recreational: _____ Hazardous Waste: **Type** _____
 Other _____

Project Issues Discussed in Document
 Aesthetic/Visual Flood Plain/Flooding Screen/Inventories Water Quality
 Agricultural Land Inher. Land Use Hazard Seismic Systems Water Supply/Groundwater
 Air Quality Geologic/Hazards Sewer Capacity Wetland/Riparian
 Archaeological/Historical Minerals Soil Erosion/Compaction/Grading Wildlife
 Coastal Zone Noise Solid Waste Growth Inducing
 Drainage/Absorption Population/Housing Balance Trans/Hazardous Land Use
 Landmarks/Arts Public Services/Utilities Traffic/Circulation Cumulative Effects
 Flood Recreation/Parks Vegetation Other _____

Present Land Use/Zoning/General Plan Use

Project Description
PG&E HAS APPLIED TO THE CALIFORNIA PUBLIC UTILITIES COMMISSION FOR A PERMIT TO CONSTRUCT TO UPDATE THE FAC SUBSTATION AND CONSTRUCT 115KV POWER LINE IN THE CITY OF SAN JOSE, SANTA CLARA COUNTY.

State Clearinghouse Contact: Tony Holtes (916) 445-0613
State Review Began: 7-9-98
Dept. Review to Agency: 7-31
Agency Review to SCH: 8-5
SCH COMPLIANCE: 8-7

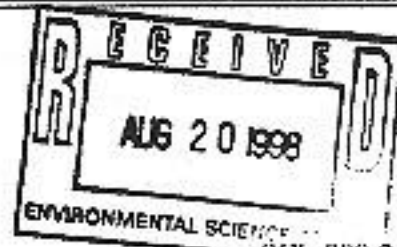
Project Sent to the following State Agencies

<input checked="" type="checkbox"/> Resources	<input type="checkbox"/> State/Cross-mgr Svcs
<input type="checkbox"/> Boating	<input type="checkbox"/> General Services
<input type="checkbox"/> Coastal Comm	<input type="checkbox"/> CalPEPA
<input type="checkbox"/> Coastal Conserv	<input checked="" type="checkbox"/> ARB
<input type="checkbox"/> Colorado Rv Bd	<input type="checkbox"/> CA Waste Mgmt Bd
<input type="checkbox"/> Conservation	<input type="checkbox"/> SWRCB: Grants
<input checked="" type="checkbox"/> Fish & Game # <u>3</u>	<input type="checkbox"/> SWRCB: Delta
<input type="checkbox"/> Delta Protection	<input type="checkbox"/> SWRCB: Wtr Quality
<input type="checkbox"/> Forestry	<input type="checkbox"/> SWRCB: Wtr Rights
<input checked="" type="checkbox"/> Parks & Rec/OHP	<input checked="" type="checkbox"/> Reg. WOQB # <u>2</u>
<input type="checkbox"/> Reclamation	<input type="checkbox"/> HSC/CIC
<input type="checkbox"/> BCDC	<input type="checkbox"/> Yth/AdR Corrections
<input type="checkbox"/> DWR	<input type="checkbox"/> Corrections
<input type="checkbox"/> OES	<input type="checkbox"/> Independent Comm
<input type="checkbox"/> Bus Transp Hous	<input checked="" type="checkbox"/> Energy Comm
<input type="checkbox"/> Aeronautics	<input checked="" type="checkbox"/> NAHC
<input type="checkbox"/> CIIP	<input type="checkbox"/> PUC
<input checked="" type="checkbox"/> Culture # <u>4</u>	<input type="checkbox"/> Santa Mn Mins
<input type="checkbox"/> Trans Planning	<input checked="" type="checkbox"/> State Lands/Casins
<input type="checkbox"/> Housing & Devel	<input type="checkbox"/> Tahoe Rgl Plan
<input type="checkbox"/> Health & Welfare	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Drinking Wtr	
<input type="checkbox"/> Medical Waste	

Please note SCH Number on all Comments
98072026
 Please forward late comments directly to the Lead Agency
 AQMD/ANC 2012 (Resources: 7, 11)

DEPARTMENT OF TRANSPORTATION

BOX 23660
 OAKLAND, CA 94623-0660
 (510) 283-4444
 TDD (510) 296-4454



August 18, 1998

SCL-880-2.67
 SCH#98072026
 SCL880183



Mr. Moises Chavez, CPUC Project Manager
 c/o Environmental Science Associates
 225 Bush Street, Suite 1700
 San Francisco, CA 94104

Dear Mr. Chavez:

Re: PG&E FMC Substation —Initial Study/ Negative Declaration

Thank you for including the California State Department of Transportation (Caltrans) in the environmental review process for the above-referenced proposal. We have received the document on July 23, 1998 and forward the following comments:

Any lane closure within Caltrans right of way and I-880 should be consulted with the Office of Highway Operations before approval of the project. Please note that there is existing Traffic Operations System (TOS) and Ramp Metering equipment along I-880 freeway within the area of the proposed project, which must remain in operation during all stages of the project. | 1

Any work or traffic control done within the State right -of -way will require an encroachment permit. To apply for an encroachment permit, a completed application, environmental documentation and five sets of plans (in Metric Units) should be submitted to the following address: | 2

G.J Battaglini, District Office Chief
 Caltrans, District 4
 Permits
 P. O. 23660
 Oakland, CA 94623-0660

If you have any questions or concerns, please feel free to call Anthony Lee of my staff at 510-286-5583.

Sincerely,

HARRY Y. YAHATA
 District Director

By:

Phillip Badal

PHILLIP BADAL
 District Branch Chief
 IGRUCEQA



CITY OF SAN JOSÉ, CALIFORNIA



DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT
801 NORTH FIRST STREET
SAN JOSE, CALIFORNIA 95110-1795

JAMES R. CERRYBERRY
DIRECTOR

August 6, 1998

Mr. Moises Chavez, CPUC Project Manager
c/o Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, CA 94104

SUBJECT: PG&E FMC SUBSTATION MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY (OA98-07-004)

Dear Mr. Chavez:

Thank you for the opportunity to review the Initial Study and Mitigated Negative Declaration (ND) for the PG&E FMC Substation project located on a site bounded by I-880, Newhall Street, Stockton Avenue and the Union Pacific/CalTrain tracks in the City of San Jose. The City has reviewed this document and has concluded that insufficient analysis was done concerning noise and vibration impacts associated with the substation.

1

The San Jose 2020 General Plan contains noise guidelines that limit interior noise and vibration levels from proposed projects on surrounding properties to 45 dBA Ldn. Upon review of the Initial Study and ND, it appears that insufficient analysis was done to adequately address operational noise and vibration impacts. Because the project is proposing to expand the existing substation, it would be appropriate to thoroughly analyze noise and vibration impacts on all surrounding properties from on-site operational noise sources, including mechanical equipment, to determine the amount of noise attenuation necessary, if any, to maintain an interior noise level of 45 dBA Ldn on all surrounding properties. The City has received several complaints from nearby concerned property owners regarding existing interior noise and vibration impacts on their properties from on-site mechanical equipment from the existing substation (turbines, compressors, transformers, etc.). This project could exacerbate those impacts and the Initial Study needs to adequately address that issue. My staff would appreciate the opportunity to review any subsequent noise/vibration analysis prepared for this project.

2

3

The City would also like the following comments to be addressed:

1. Page 9 of the Environmental Checklist/Initial Study:

Change text: "~~Revoicable Encroachment Permits~~ Utility Excavation Permits would be obtained..."

4

2. Page 6 of the Environmental Checklist/Initial Study:

Construction of a pond with an oil water separator will require connection to the City's storm drain system. (Note: Payment of storm area fees will be required for the entire site.)

5

Mr. Moises Chavez, CPUC Project Manager

August 6, 1998

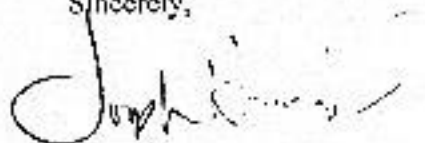
Page 2

It should also be noted that the City of San Jose will require frontage improvements consistent with private development projects as part of the substation expansion. Frontage improvements shall include: new street trees; lighting improvements; removal of unused driveway cuts; replacement of broken curb, gutter and sidewalk; and removal of asphalt concrete from the parkstrip.

6

Thank you again for the opportunity to review and comment on this Initial Study and ND. If you have any questions regarding these comments, please call Julie Caporgno of my staff at (408) 277-4576.

Sincerely,



Joseph Horwedel
Deputy Director

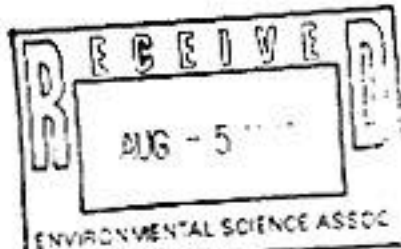
Ciani

Plumbing & Heating Inc.

1054 ELM ST., SAN JOSE, CALIF. 95126 LIC. # 328326
OFF: (408) 286-6010 • FAX: (408) 286-0645

July 28, 1998

Moises Chavez, CPUC Project Manager
c/o Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, CA 94104



D

Re: FMC Substation
Permit to construct the PG & E Substation
San Jose, CA
A.97-11-24
Dated July 10, 1998

Dear Moises Chavez:

I am in receipt of your Notice of Publication of a Negative Declaration for the above project. It is of my opinion and concern with this project that it poses potential significant environmental effects. In particular, noise induced by the newly assembled and, recently tested and/or put into service, Gas Turbines and/or Condensers.

1

We are located at 1054 Elm Street, San Jose, approximately one hundred and twenty plus feet from the most Westerly boundary of the project.

Being our Easterly boundary and the project's Westerly boundary borders Union Pacific/Cal Train right-of-way, I believe that the potential noise problems relating to the grounds West of Union Pacific Railroad/Cal Train right-of-way were overlooked.

2

In reviewing the initial environmental determination the project would have potential significant environmental effects in the areas of Geological Problems, Water, Air Quality and Noise.

3

While the noise problem to the East of the project may be allayed in Phase I development by installing an eight (8) foot high brick sound wall along the Stockton Ave. perimeter, we fear this will further concentrate the noise to the Westerly boundary where our building is located.

4

Ciari
Plumbing & Heating Inc.

1054 ELM ST., SAN JOSE, CALIF. 95126 LIC. # 328326
OFF: (408) 296-6010 • FAX: (408) 296-0645

Letter to: **Moises Chavez, CPUC Project Manager**
7/28/98
Page two

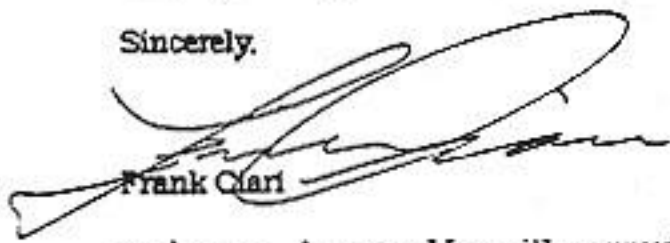
The noise created, now, emits a low frequency vibration causing ear irritation and possibly harm, rattling of windows and doors within our offices and warehouse, making it difficult at best to concentrate.

5

I bring this to your attention in the hope that this oversight will be addressed and corrected.

Thank you for your time and concern.

Sincerely,



Frank Ciari

enclosure: Assessor Map with approximate locations of
Turbine/Condenser Units and our location marked and highlighted

cc: Pacific Gas & Electric
Janis Moore, City of San Jose, Department of City Planning & Building

3. RESPONSES TO COMMENTS BY LETTER

LETTER A

Antero A. Rivasplata,
State of California
Governor's Office of Planning and Research
August 10, 1998

- 1.) Comment noted.

LETTER B

Harry Y. Yahata, District Director,
State of California
Department of Transportation
August 18, 1998

- 1.) No lane closures within Caltrans Right of Way or on I-880 are proposed as a part of the project. There should be no effect on existing Traffic Operations System (TOS) and Ramp Metering equipment along I-880.
- 2.) This statement confirms the permit requirements noted in the Initial Study, page 8.

LETTER C

Joseph Horwedel
Deputy Director,
Department of Planning, Building and Code Enforcement
City of San Jose
August 6, 1998

- 1) The City's conclusions about the sufficiency of the noise and vibration analyses appear to be based on two incorrect premises, namely that the project includes the effects of the existing turbines and compressors on the site, and that no studies were performed to characterize the noise and vibration expected from the project. To answer the first premise, the existing gas turbine generator and synchronous condenser on the site is existing operating equipment, having been in operation for over a year, and is not a part of the FMC Substation proposed in PG&E's application for a Permit to Construct. To answer the second premise, adequate noise studies were conducted to characterize the noise and vibration to be expected from the project. These issues are discussed further in the following responses.

With respect to existing and to future noise levels from operations, PG&E is required to comply with the City's noise ordinances.

The noise analysis in Section X of the Initial Study incorporates by reference a Noise Impact Assessment Report conducted in October, 1997 (Geier & Geier, 1997). The results of that 25-page report were summarized in the text of Section X of the IS/ND. ESA reviewed the Geier & Geier noise report for technical accuracy, validity of assumptions, and appropriateness of assessment criteria, as required under CEQA and the CPUC General Order 131-D process. ESA found the noise analysis presented in the report, including on-site monitoring and an evaluation of the potential for nighttime perceptibility, to be detailed and appropriate. That report is contained in an appendix to the Proponent's Environmental Assessment (PEA) prepared for the project.

- 2) The noise assessment prepared for this project (Geier & Geier, 1997) focused on noise impacts to residences and other land uses that are typically considered sensitive to noise. The City's General Plan noise guidelines limit interior noise and vibration levels from proposed projects to 45 dBA, L_{dn} , for residential uses. Other surrounding land uses are zoned for industrial land uses. The City General Plan also identifies a noise level of 70 dBA, L_{dn} , as satisfactory for industrial land uses. The noise assessment predicts no increase to the existing monitored noise level of 65-67 CNEL (a noise measure roughly equivalent to L_{dn}), as a result of transformer noise. Consequently, noise levels in the project vicinity would remain below 70 dBA, L_{dn} , and would be considered satisfactory for industrial land uses.

The interior noise standard of 45 dBA was first developed as a design standard for residential properties because of the applicability of Title 24 of the California Code of Regulations (relative to apartments, condominiums, or townhouses) to ensure that construction materials and techniques were sufficient to avoid noise impacts. This standard is also commonly used as a goal for construction of new residences in noise

impacted areas. Because of the differences in building construction materials, use of the interior standard is not commonly practiced to assess the impacts of new noise sources on existing dwellings. However, standard, non-specialized construction practices generally achieve a noise reduction of 15 dBA within a structure. Consequently an exterior noise level of 60 dBA will generally result in interior noise levels of 45 dBA or less.

The project site lies within the 65 dBA, L_{dn} noise contour for aircraft noise from San Jose International Airport¹. Monitored noise levels on the project site (Geier & Geier, 1997) indicate a noise level of 65 to 67 CNEL, (the CNEL metric is roughly equivalent to L_{dn}). These data indicate that the land uses surrounding the project site exist in an environment that is a noise-impacted when compared to the standard for residential land uses. Consequently, the approach to the noise analysis was to determine not only if the project would result in a change to the monitored long-term noise levels, but also to determine if transformer noise would be perceptible to surrounding residences during the quieter nighttime hours. It was determined that with construction of the noise barrier, transformer noise would not be perceptible to adjacent residences located within 180 feet of the project site.

- 3) Noise from the existing on-site mechanical equipment is independent of that noise expected to result from the project. Because the gas turbine / synchronous condenser is not a part of the project, the noise from operation of that equipment was not included in the project noise emissions. At present, PG&E is working with a nearby property owner to determine if the existing noise effects of the existing gas turbine / synchronous condenser can be effectively mitigated. PG&E is examining ways to reduce the noise levels inside that building.

The gas turbine / synchronous condenser unit is used to balance deficiencies on the area's power transmission system. Operation of this unit is limited to approximately 1,000 hours per year in synchronous condenser mode and 600 hours per year in the generation mode (primarily during emergency peak loading periods in summer and fall when temperatures exceed 90 degrees). The gas turbine / synchronous condenser unit is not a part of the FMC Substation, which provides 12 kV power to the local electrical distribution system. Removal of the gas turbine / synchronous condenser cannot occur until improvements are made to other San Jose area power transmission system facilities. Currently, PG&E expects to be able to make the necessary system improvements and remove the gas turbine / synchronous condenser unit within three years, well before the time when the FMC project is expected to be completed by the addition of the third transformer bank.

Two of the three planned transformer banks of the FMC Substation are expected be in operation before the gas turbine / synchronous condenser unit could be removed, so there could be times when those two transformers and the gas turbine / synchronous condenser would operate simultaneously. Currently, PG&E expects to remove the gas turbine / synchronous condenser well before all three transformers of the FMC Substation would be in operation.

¹ As stated in the Policy 1 of the General Plan Noise Element, noise objectives established for the City recognize that attainment of exterior noise levels within the environs of the airport will probably not be achieved by 2020.

- 4) The text on page 9 has been changed to reflect the correct name for the Utility Excavation Permit.
- 5) Connection of the system to the City's storm drain system was noted in the text, on page 23 of the Initial Study and elsewhere. The requirement for payment of storm area fees is noted.
- 6) Comment noted.

LETTER D

Frank Ciari
Ciari Plumbing and Heating, Inc.
July 28, 1998

- 1) The gas turbine / synchronous condenser is not a part of the proposed project. This unit is expected to be removed before completion of the new substation. Consequently, the noise analysis, which was based on noise data collected prior to initial operation of the gas turbine / synchronous condenser, was accurate in assessing noise impacts comparing the noise from the existing 115 kV / 12 kV transformer and comparing it to the noise from the three proposed transformers.
- 2) The noise assessment prepared for this project (Geier & Geier, 1997) focused on noise impacts to residences and other land uses that are typically considered sensitive to noise. Land uses on the west side of the railroad right-of-way are zoned for light industrial land uses. The City General Plan identifies a noise level of 70 dBA L_{dn} as satisfactory for industrial land uses. The noise assessment predicts no increase to the existing monitored noise level of 65-67 CNEL (roughly equivalent to L_{dn}), as a result of transformer noise. Consequently, noise levels in the project vicinity would remain below 70 dBA L_{dn} and would be considered satisfactory for industrial land uses.

The existing noise problems were not overlooked. Rather, as stated above, the existing noise from the gas turbine / synchronous condenser is not part of the noise that can be attributed to the proposed project.

- 3) The environmental impacts were less than significant for geological problems, water, air quality and noise. The Negative Declaration includes mitigation measures that have been included as a part of the project to reduce the effects of all stated impacts, so that the residual impacts are not significant.
- 4) The proposed 8-foot sound wall would be located approximately 700 feet west of the adjacent light industrial land use. In theory, the maximum sound reflection by that wall would double the sound energy (a 3 dBA increase) reaching the industrial site. However, given the distance from the wall and the presence of intervening structures, it is unlikely that an increase of more than 1 dBA would occur at the Ciari site. That increase would not be perceptible and would not change the “satisfactory” land use compatibility characterization of the parcel as designated in the General Plan.

A major purpose of the wall is to reduce the potential for transformer noise to be perceptible at adjacent residences during the quieter nighttime hours. During the daytime hours, ambient noise levels are such that transformer noise would not be perceptible at adjacent industrial sites. Because adjacent industrial uses are not typically occupied during the quieter nighttime hours (12:00 a.m. to 5:00 a.m.) the noise levels, including direct and reflected noise, would not present a significant impact.

- 5) The existing low frequency vibration may be caused by the existing gas turbine / synchronous condenser, which is the project site’s noise source closest to the railroad.

This issue has been brought to PG&E's attention and PG&E is actively addressing this matter. As noted previously, PG&E expects to take this unit out of operation before the new FMC Substation is completed.