

Chapter 1. Introduction and Summary

This section describes the purpose of the environmental impact report (EIR), the major public involvement activities that the California Public Utilities Commission (CPUC) conducted, and the next steps in the CPUC's decision process. The section also summarizes the major issues that the public identified, provides a brief summary of the CPUC's consideration of those issues, and describes the organization of this document.

PURPOSE OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The CPUC has prepared this final EIR to respond to public agency and general public comments received on the draft EIR for the proposed Lodi Gas Storage project. This document and the draft EIR, which the CPUC circulated previously for public review, constitute the final EIR.

The California Environmental Quality Act (CEQA) requires the CPUC to prepare a draft EIR for agency and public review. CEQA requires the CPUC to consult with and obtain comments from public agencies that have legal jurisdiction over the proposed project and to provide the general public with opportunities to comment on the draft EIR. As described below, the CPUC provided opportunities for agency and public review of the draft EIR in fall 1999. The CPUC, as lead agency under CEQA, is required to respond to significant environmental points raised in the review and consultation process. This document provides those responses.

OPPORTUNITIES FOR PUBLIC REVIEW AND COMMENT

In November 1998, Lodi Gas Storage, LLC (LGS) filed an application with the CPUC for approval to construct and operate a gas storage facility near Lodi, California. The LGS application included a preliminary environmental assessment (PEA) of the potential environmental impacts of the proposed project. The CPUC initiated its review of the project by requiring LGS to notify all property owners within 300 feet of the proposed project and to make the application and PEA available by request.

In March 1999, the CPUC conducted two public meetings and several agency meetings to solicit public and agency comments on the issues to be addressed in the environmental review of the proposed project. The CPUC reviewed the application, considered the public and agency comments, and conducted independent evaluations and additional agency consultation to verify information,

assess potential impacts, and identify appropriate measures to eliminate or reduce (mitigate) potential environmental impacts. The CPUC prepared the draft EIR to describe the results of these analyses and the CPUC's preliminary conclusions about environmental impacts and mitigation.

The CPUC circulated the draft EIR for a 45-day public review period beginning in late September and ending on November 12, 1999. The CPUC placed copies of the draft EIR in local libraries in the project area and circulated approximately 200 copies for review. On October 13 and 14, 1999, the CPUC held two public meetings in Lodi and Isleton to receive comments on the draft EIR. The CPUC also held a public participation hearing in Lodi on October 19. Approximately 175 people attended the two EIR public meetings, and more than 100 people attended the public participation hearing. The CPUC received 66 written comments on the draft EIR; 11 from state, regional, and local agencies; and 55 from other organizations and individuals.

NEXT STEPS IN THE COMMISSION'S DECISION PROCESS

Using the information in the final EIR and the information from testimony in the General Proceeding, the CPUC Administrative Law Judge will prepare and issue a proposed decision for review by the Commissioners and parties to the proceeding. At that time, any Commissioner may propose an alternate decision for consideration.

If the Commission approves the project, the CPUC must also, as lead agency under CEQA, certify that the final EIR was completed in compliance with CEQA and that the CPUC reviewed and considered the information contained in the final EIR. Also, as required, the CPUC will provide a copy of the final EIR to all public agencies at least 10 days before certification of the final EIR, as required by Public Resources Code Section 21092.5[a]. The certification of the EIR and the decision on the proposed project typically occur at the same Commission meeting.

SUMMARY OF MAJOR PUBLIC ISSUES

The CPUC received comments from a diverse range of agencies, organizations, and individuals. Comments on the potential environmental impacts of the project generally addressed four major areas: (1) general concerns about the safety of natural gas facilities, (2) concerns about the location and impacts of the compressor facility, (3) concerns about the preferred route and depth of the proposed pipeline, and (4) concerns about construction impacts. Each of these concerns is summarized below, with a brief description of any CPUC revisions to the draft EIR. The CPUC also received numerous comments about the potential for LGS to use the power of eminent domain if the CPUC approves the project. Although this issue is beyond the scope of the EIR, the CPUC has included a brief discussion of eminent domain in Section 2, "Clarifications to the Draft EIR". Other specific comments are addressed in Chapter 4, "Comments and Responses to Comments."

General Safety

Several commenters expressed concern about the safety of natural gas facilities and the potential for accidents, such as fire and explosion. Local residents were concerned about living near a natural gas pipeline or the compressor facility. Several community members cited past accidents at a nearby Pacific Gas and Electric Company MacDonald Island facility.

The CPUC reviewed safety issues carefully in the draft EIR and reconsidered its review in response to public comments. As described in the draft EIR, the construction and operation of natural gas facilities are tightly regulated by several state and federal agencies. These regulations are specifically designed to minimize the likelihood that a fire or explosion could occur. The regulations also require safety procedures and measures to minimize the effects of an accident if one were to ever occur. Although the CPUC cannot state that there is absolutely no risk from natural gas facilities, the draft EIR documents that the risk is extremely small and that required prevention and protection measures would be in place to protect the public. With all the required safety measures in place, the CPUC believes that this facility could be operated safely and that no additional measures are warranted. See Chapter 2, “Clarification of Major Issues”, of this final EIR for further discussion of general safety concerns.

Compressor Facility

Many comments addressed the compressor facility, including concerns about the safety of locating the facility near or adjacent to the Lind Airport. Local residents were concerned about the compressor facility interfering with take-offs and landings at the airport and with the increased severity of an accident resulting from a plane or parachutist striking the compressor facility. Several commenters also expressed concern about noise from facility operations, particularly from gas venting and about air emissions and the recommended mitigation.

In response to comments about locating the facility near the airport, the CPUC carefully reviewed the applicable federal and state regulations and guidelines. Generally, the CPUC defers to agencies with expertise in airport activities for appropriate guidance. Since the draft EIR was published, the Federal Aviation Administration has determined that the proposed facility would not interfere with flight activities at the airport. The CPUC also examined the potential for more severe airport accidents because of the location of the facility. The CPUC has concluded that the likelihood of a plane or parachutist striking the compressor facility is extremely remote and that if such an accident were to occur, a catastrophic fire or explosion is highly improbable and the safety procedures at the facility would contain most of the damage. The CPUC also examined the compatibility of the proposed facility with the Airport Land Use Plan (ALUP). The CPUC determined that it is not clear to what extent the land use plan applies to the alternate compressor site on airport property. However, the CPUC believes that its conclusion in the draft EIR, that the facility is not entirely consistent with the ALUP, is accurate and that the appropriate way to address this inconsistency is

to defer to the Airport Land Use Commission. That is, The Airport Land Use Commission is the appropriate local agency to review the applicability of the ALUP and the consistency of the compressor facility. Therefore, the CPUC has not revised its recommended mitigation in the draft EIR. See Chapter 2, “Clarification of Major Issues”, of this final EIR for further discussion of this issue.

The CPUC reviewed the noise analysis in the draft EIR and requested additional details from LGS about gas flaring and venting operations. During normal operations, LGS will meet all the requirements of the San Joaquin County Noise Ordinance, and noise levels at the nearest residence are predicted to be nearly imperceptible. Gas flaring would occur in a pit 15 feet deep surrounded by a 10-foot earthen berm. This design would effectively block noise from flaring operations. Emergency gas venting would occur very infrequently (anticipated to be approximately once every 5-10 years) and last for a short period (less than 1 hour). Although the venting sound is louder than normal operations (as loud as 55-60 dBA at the nearest residence), the infrequency and short duration of the noise would not warrant mitigation. In addition, LGS has committed to report all emergency venting activities to the CPUC within 24 hours. If emergency venting occurred more frequently than once every 5 years, LGS would implement actions to reduce the frequency until the CPUC is satisfied that the frequency of events has been reduced.

Several commenters expressed concern about local air emission impacts, including toxic compounds and chemicals that contribute to ground level ozone (ozone precursors). Air emissions are regulated and permitted by the San Joaquin Valley Air Pollution Control District (SJVAPCD). For a facility like the compressor facility, the SJVAPCD establishes safe levels of emissions. As the draft EIR describes, LGS would have to comply with all permit requirements of the SJVAPCD. The CPUC reviewed the health risk analysis in the draft EIR and further examined potential localized impacts of ozone precursors and concluded that the requirements implemented by the SJVAPCD would provide adequate environmental protection and that no additional mitigation is warranted. The responses to individual comments on air quality in Chapter 4, “Comments and Responses to Comments”, describe this analysis.

Pipeline

The CPUC received several comments regarding the route for the pipeline and the planned depth of the pipeline through agricultural fields. The comments regarding the pipeline route generally advocated one of the alternate routes the CPUC evaluated. The comments about the depth of the pipeline generally focused on potential impacts on irrigation and drainage ditches, and the ability to maintain the depth of the pipe during the life of the project, particularly on the Delta islands.

The CPUC carefully reviewed the comments about the depth of the pipeline. In response to these comments, the CPUC has modified the mitigation measure that would specify the depth of the pipeline. The CPUC’s modification adds language that would require LGS to bury the pipeline at

least 2 feet below existing irrigation and drainage ditches. See Chapter 3, “Revisions to the Draft EIR”, for the specific modifications to the mitigation language.

The CPUC also reexamined the potential for soil subsidence to result in pipeline conflicts with existing agricultural operations. As described in the draft EIR, LGS would be required to monitor the pipeline depth and report to the CPUC annually. If at any time the pipeline is not at sufficient depth, LGS would be required to rebury the pipeline within 1 year. This mitigation measure is expected to reduce potential impacts to less-than-significant levels. Several commenters asked how frequently the pipeline would have to be reburied. The CPUC recognizes that it is in everyone’s interest (farmers and LGS) to minimize the number of times that LGS would have to rebury the pipeline. Because the financial incentives exist for LGS to minimize the number of times that the pipeline must be reburied, and because landowners would be compensated for lost production, the CPUC believes that no additional mitigation requirements are necessary.

Construction Impacts

Several comments addressed potential construction impacts, including impacts from noise during well drilling, disturbance of sandhill crane foraging and roosting habitat, potential transfer of agricultural pests, and potential impacts on levee integrity and peat soils from constructing the water crossings.

In response to these comments, the CPUC reviewed the mitigation measures in the draft EIR. The California Department of Conservation’s Division of Oil, Gas, and Geothermal Resources noted that requiring well-drilling activities to stop at night to reduce noise impacts (Mitigation Measure 3.10-2 in the draft EIR) could compromise the safety and integrity of the wells. In response, the CPUC has modified the mitigation measure to allow nighttime construction but require additional noise reduction techniques and require that the noisiest construction activities occur between 7:00 a.m. and 7:00 p.m. only. See Chapter 3, “Revisions to the Draft EIR”, for the specific changes to the mitigation measure.

In response to comments about potential impacts on sandhill crane foraging and roosting areas between September 1 and March 15, the CPUC has modified Mitigation Measure 3.7-6.

In response to comments about the potential to transfer agricultural pests (e.g., between vineyards), the CPUC has modified Mitigation Measure 3.7-2 to require LGS to wash construction vehicles before moving from one vineyard to the next. See Chapter 3, “Revisions to the Draft EIR”, for the specific changes to the mitigation measure.

The CPUC reviewed the potential impacts on levee stability during construction. The draft EIR describes that the State Lands Commission has permitting authority for construction under state-owned waterways and that the local Reclamation Districts must approve any construction affecting levees in their jurisdiction. These permitting and approval processes include detailed

reviews of the geotechnical testing, pipeline design, and construction procedures. The CPUC believes that these agencies will provide an appropriate level of protection and that no additional mitigation is warranted.

FORMAT OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The content and format of this final EIR meet the requirements of CEQA and the State CEQA Guidelines (Section 15132), which require that a final EIR include:

- the draft EIR or a revision of the draft EIR (the draft EIR is incorporated by reference);
- comments and recommendations received on the draft EIR, either verbatim or in summary;
- a list of persons, organizations, and public agencies commenting on the draft EIR;
- the responses of the lead agency to significant environmental points raised in the review and consultation process; and
- any other information added by the lead agency.

In addition to this introduction, this final EIR contains the following sections:

- Chapter 2, “Clarification of Major Issues”, contains the CPUC’s responses to the major issues raised during the public review period. Major issues are defined as issues that were raised in several comments. These major issues are summarized and responded to in this section rather than repeated in responses to individual comments.
- Chapter 3, “Revisions to the Draft EIR”, contains the revisions to the text of the draft EIR to update sections of the original document.
- Chapter 4, “Comments and Responses to Comments”, contains the CPUC’s responses to significant environmental points raised during the public review process on the draft EIR. Each comment letter is included in this chapter, followed by responses to comments contained in the letter. Comments received at the public meetings and environmental comments received at the CPUC’s public participation hearing are addressed at the end of the written comments.
- Chapter 5, “Citations”, contains information on all printed references and personal communications referred to in this final EIR.