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Decision 98-10-022 October 8, 1998

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SFPP, L.P., for Approval to Issue Promissory Notes in an Aggregate Principal Amount Not to Exceed $20 Million, and to Secure Such Notes Under Existing Mortgages or Other Encumbrances of Utility Property.	Application 97-05-019 (Filed May 9, 1997)

O P I N I O N

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1. Summary

This decision approves Application (A.) 97-05-019 of Santa Fe Pacific Pipeline Partners, L.P. (SFPP) to issue promissory notes, with the proceeds to be used to construct new pipeline facilities called the Carson to Norwalk Project (Project) to meet increased demand for liquid petroleum products.

The Final Environmental Impact Report (EIR) is certified for the project.

2. Background

2.1. Applicant

Applicant SFPP, L. P. is a Delaware limited partnership, formerly known as SFPP, L. P. It is qualified to do business in California and is an indirect subsidiary of Kinder Morgan Energy Partners, L.P. (KMEP). Santa Fe Pacific Pipelines, Inc. is SFPP's general partner, owning a 0.5% special limited partnership interest, while a partnership owns the remaining 99.5% general partnership interest. The partners in the partnership are KMEP with a 98.899% limited partnership interest, and Kinder Morgan GP, Inc., the general partner of KMEP, with a 1.101% general partnership interest.

SFPP is a public utility which owns and operates a pipeline system in intrastate and interstate commerce. The pipeline system transports refined petroleum products including gasoline, diesel fuel and jet fuel in liquid form, for integrated petroleum companies, independent refineries, the United States military, and other marketers and distributors of such products. The pipeline system consists of the following common carrier lines:

1. the South Line which transports refined products from the Los Angeles area to Phoenix and from the El Paso area to Tucson and Phoenix and intermediate points;
2. the North Line which transports refined petroleum products among various cities in northern California and western Nevada;

3. the Oregon Line which transports refined petroleum products between Portland and Eugene, Oregon and intermediate points;
4. and the San Diego Line which transports refined petroleum products from the Los Angeles basin area to San Diego and intermediate points.

2.2. Authority Sought

SFPP seeks Commission authority to issue promissory notes in an aggregate principal amount not to exceed $20 million, pursuant to the terms of a proposed credit agreement. The notes would evidence loans made pursuant to the credit agreement and will be secured by certain assets of SFPP. The proceeds from the notes and loans would be used in the construction of the pipeline and related pump station modifications.

SFPP seeks Commission authority under Public Utilities (PU) Code Sections 816, 817, 818, and 851. Sections 816, 817, and 818 deal with issuance of stock and stock certificates or other evidence of interest or ownership and bonds, notes, and other evidence of indebtedness. Section 851 deals with the sale, lease, assignment, mortgage or disposal or encumbrance of utility property.

Applicant also seeks the Commission's determination that it is the lead agency under the California Environmental Quality Act (CEQA) and Rule 17.1 of the Commission's Rules of Practice and Procedure (20 California Code of Regulations § 17.1.).

The proceeds from the proposed notes and related loans would be used to fund the Project.

The applicant requested expedited ex parte action by the Commission to enable it to move forward with the project on favorable credit terms and to avoid possible forfeiture of fees and other costs already incurred. The bases for the ex parte request are that the project would not adversely affect its intrastate customers and no tariff changes would be made.

Before the Commission can make such a determination, it must determine that there are no protests or requests for hearing. There have been none with regard to this application. A hearing is not necessary.

2.3. Jurisdiction

The construction of petroleum products pipelines is not under the jurisdiction of the Commission. Pipeline corporations are defined as public utilities in PU Code Section 216(a), and are subject to Commission jurisdiction under PU Code Section 216(b). However, there is no requirement that a pipeline corporation obtain a certificate of public convenience and necessity since it is not listed as one of those classes of a public utilities which, under Section 1001 of the PU Code, are required to obtain such approval prior to construction and operation of new facilities.

SFPP asked for Commission review of its stock and security transactions under PU Code Section 816 et seq., which involves the review and approval of the plans to construct and operate the Project. The request for a discretionary approval of this type of project invokes consideration under CEQA. Pursuant to Rule 17.1 the Commission is lead agency under CEQA for proceedings directly related to construction of new stationary utility facilities. Also, Section 15051(c) of the CEQA Guidelines, 14 Cal. Code of Regs. § 15000 et seq., specifies that the agency which will act first on the project shall be the lead agency. Since the Commission is the first agency to receive an application concerning the project, that provision also determines that the Commission is the lead agency.

2.4. Procedural History

2.4.1. Initial Application

On May 9, 1997, applicant SFPP filed this application seeking Commission authorization to issue promissory notes in the aggregate

principal amount not to exceed $20 million, pursuant to the terms of a proposed Credit Agreement. The proposed notes would evidence loans made pursuant to the Credit Agreement and secured by SFPP assets. The proceeds would be used to increase the transportation capacity of SFPP's pipeline system between Carson and Colton California from approximately 350,000 barrels per day to approximately 520,000 barrels per day. This increase will be accomplished by constructing 13 miles of new 16 inch diameter steel pipeline and related pump station modifications to supplement the existing which varies in size from 20 to 24 inches. A Proponent's Environmental Assessment (PEA) was included with the application.

2.4.2. First Amendment to the Application

By letter dated June 4, 1997, the Commission's Energy Division informed applicant that the PEA was incomplete and could not be accepted. A completeness review report that identified the deficiencies was attached.

In response, on June 27, 1997, applicant filed an amendment to the application including an amendment to the PEA. The Commission's Energy Division determined that the PEA was now complete.

2.4.3. Second Amendment to the Application

On March 31, 1998, applicant filed a second amendment to the application informing the Commission of a change in counsel and of a change in control, wherein KMEP acquired control of SFFP on March 6, 1998, by Decision (D.) 98-01-047, dated January 21, 1998. This authorized KMEP to acquire control of SFPP on or before June 30, 1998.

SFPP operates as an indirect subsidiary of KMEP. The partners are Santa Fe Pacific Pipelines, Inc. which owns a 0.5% special limited partnership interest, and a new partnership with a 99.5% general partnership

interest. The partners in the new partnership are KMEP, with a 98.899% limited partnership interest, and Kinder Morgan GP, Inc., the general partner of KMEP, with a 1.101% general partnership interest.

3. Environmental Review

The process of preparing the EIR included the following steps, which offered numerous opportunities for public involvement.

- An Initial Study was prepared in August of 1997 that identified potentially significant impacts that could result from construction and operation of the Project, where the California Public Utilities Commission (CPUC) determined that an EIR was required.
- A Notice of Preparation for the EIR was distributed on August 25, 1997, to cities along the proposed route and the alternative routes proposed by SFPP. The Initial Study was attached to the Notice of Preparation.
- Notices of public Scoping Meetings were posted in three newspapers: The Long Beach Press Telegram, The South East Cities Tribune, and The Wave Group on September 11, 12, and 13, 1997, respectively.
- Public Scoping Meetings were held on September 17 and 18, 1997. A scoping report was distributed to affected jurisdictions and attendees of the Scoping Meetings, summarizing the issues raised at the Scoping Meetings and listing attendees.
- In November of 1997, a newsletter was mailed to affected jurisdictions, responsible agencies, and attendees of the Scoping Meetings, explaining the EIR schedule and alternatives selected to date.
- The Draft EIR was released on February 2, 1998. Copies of the Draft EIR were mailed to over 100 public agencies and individuals.
- On February 11, 1998, a Notice of Release of the Draft EIR was sent to the approximately 14,700 property owners and occupants within 300 feet of proposed and alternative route segments (including those in cities of Paramount and Artesia). The Notice of Release was also sent to Los Angeles and San Bernardino County Clerks.

- The Draft EIR was sent to seven public libraries, including the Los Angeles County Library, Paramount Branch, and to the CPUC's Public Advisor's Office in Los Angeles to make it accessible to the public. In addition, the full Draft EIR was made available on the Internet.
- Two public meetings were held during March of 1998: an informal Public Workshop and a Public Participation Hearing (PPH). In addition to being announced in the cover letter accompanying the Draft EIR, notice of these events was published in four newspapers: The Long Beach Press Telegram and the South East Cities Tribune on February 27, 1998; The Wave Group on February 28, 1998; and La Opinion (Spanish language) on March 3, 1998.
- The Final EIR was distributed on May 13, 1998. The Final EIR included responses to 28 written comment letters and 16 speakers who attended the PPH.

3.1. Certification of the Environmental Document

The Final EIR must be certified by the lead agency under CEQA before a project may be approved. Certification consists of two steps. First, the agency must conclude that the document has been completed in compliance with CEQA, and second, the agency must have reviewed and considered the EIR prior to approving the project. Additionally, the lead agency must find that the Final EIR reflects its independent judgment. (Pub. Res. Code Section 21082.1 (c)(3).)

The Commission is designated as lead agency under CEQA and as such has the responsibility to prepare the EIR.[1]

3.2. Draft EIR

The first step in the process of preparing the Final EIR is the preparation of the Draft EIR. The Draft EIR in this instance was prepared by an

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[1] Section 15051(c) of the CEQA Guidelines, 14 Cal. Code of Regs. § 1500 et seq., specifies that the agency which will act first on the project shall be the lead agency.

independent environmental consultant, the Aspen Environmental Group, under the supervision of the Energy Division, and was distributed on February 2, 1998 for public review. It included seven alternatives to portions of the proponent's proposed route to reduce environmental impacts and over 100 mitigation measures to avoid or minimize impacts identified.

3.2.1. Public Comments and Input

Public comments on the Draft EIR were solicited through its distribution, and through an Informational Workshop held on March 5; and through a PPH on March 19, 1998. The latter two were held in Bellflower. Additionally, written comments were accepted through March 25, 1998. The Commission received written comments from 28 parties as well as from the applicant, and 16 people commented verbally at the PPH.

3.3. Final EIR

The Final EIR was issued on May 13, 1998, and consisted of more than 500 pages, including responses to all comments on the Draft EIR. The Final EIR was distributed to all parties who commented on the Draft EIR, as well as to other public agencies, libraries, and the Commission's Public Advisor's Office.

The term Project refers to the new pipeline on a route which has evolved from the proponent's proposed route, to the Draft EIR's recommended environmentally superior route, and finally to the Final EIR's recommended environmentally superior route. This Final EIR recommendation consists of segments of the proponent's proposed route, with segments from each of the Santa Fe, Cherry, Paramount, Bellflower Rail, and Artesia alternatives.

3.3.1. Alternatives Screening Process

CEQA requires an EIR to evaluate alternatives to a proposed project (Guidelines § 15126(d). Between October 1997 and January 1998, numerous alternatives were studied that could meet most of SFPP's project

objectives. The alternatives evaluation process focused on finding alternatives that (1) were feasible, and (2) substantially avoid or lessen the proposed project's significant environmental effects. Analysis of feasibility included consideration of suitability and availability of routes, consistency with local plans and policies, and availability of infrastructure.

3.3.2. Alternatives Eliminated from Full Consideration

Twelve alternatives were evaluated and determined to be either infeasible or not having environmental benefits over the proposed Project. These alternatives eliminated included a variety of other pipeline routes, product transport by train or truck, and use of other existing pipelines. The rationale for eliminating each of these alternatives is explained in detail in the Final EIR.

3.3.3. Alternatives Evaluated in the EIR

No single alternative pipeline route was found that could replace the entire proposed route. However, six segments of the proposed route were identified that have the potential for significant environmental effects that could be reduced or eliminated by changing the route. Route segment alternatives were developed for these portions of the proposed route. In addition to the No Project Alternative, the following route segment alternatives were evaluated in the EIR: Santa Fe, Cherry, Paramount, Bellflower Rail, Alondra , Artesia, and Shoemaker alternatives.

3.3.4. Environmentally Superior Pipeline Route

The Final EIR identified the environmentally superior route which consisted of several segments of the applicant's proposed route and portions of five alternative route segments. The alternative segments were selected because they resulted in fewer environmental impacts than the proposed route. The environmentally superior route is 14.3 miles long, 1.3 miles longer than the applicant's proposed route, and includes portions of the following

alternatives (as identified in Final EIR Figure ES-2): Santa Fe, Cherry, Paramount, Bellflower Rail, and Artesia alternatives.

3.3.5. Adequacy of the Final EIR

The Final EIR must contain specific information according to CEQA Guidelines, Sections 15122 through 15131.

The various elements of the Final EIR satisfy all of the requirements by inclusion of the following material:

1. The document contains a table of contents. (Guidelines, Section 15122.)
2. The document contains a brief summary of the proposed action and its consequences. This summary identifies each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect; areas of controversy known to the Commission, including issues raised by agencies and the public; and issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects. (Guidelines, Section 15123.) This summary is incorporated as the Executive Summary and the Impact Summary Tables.
3. The document contains a project description of both the proposed projects and alternatives which includes:
   a. Appropriate maps, including a regional map and a series of detailed topographic maps;
   b. A statement of the objectives sought by the proposed project;
   c. A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals and supporting public service facilities; and
   d. A statement briefly describing the intended uses of the document. (Guidelines, Section 15124.)

These uses are described principally in Part A of the main document.

4. The document includes a description of the environment in the vicinity of the Project as it now exists, from both a regional and local perspective. (Guidelines, Section 15125.)

5. The document discusses all phases of the Project: planning, acquisition, development, and operation. (Guidelines, Section 15126.) Indeed, the document is quite comprehensive in its consideration of all aspects of the Project's development and operation, even though the application for Project approval literally encompasses only the financing aspects of SFPP's plans.

   Specifically, the document discusses significant environmental effects of the Project; any significant environmental effects which cannot be avoided if the proposal is implemented, including those which can be mitigated but not reduced to a level of insignificance; mitigation measures proposed to minimize significant adverse impacts, for each significant environmental effect; alternatives to the proposed Project (or its location) which would avoid or substantially lessen any of the significant effects; an evaluation of these alternatives, including the "No Project" alternative; the relationship between local short-term use of the environment and enhancement of long-term productivity; any significant irreversible environmental changes; and any growth-inducing impact of the Project.

6. The document contains a brief statement of the reasons that various possible significant effects were determined not to be significant, and were therefore not discussed in detail. (Guidelines, Section 15128.)

7. The document provides the identity of the federal and state agencies and private individuals

consulted, and the persons preparing, the document. (Guidelines, Section 15129.)

8. The document discusses cumulative impacts and their severity and likelihood of occurrence. (Guidelines, Section 15130.)
9. The document includes a discussion of economic and social factors and effects of the Project. (Guidelines, Section 15131.)

The Final EIR consists of the Draft EIR, revised in response to comments and other information received. Part H contains the comments and recommendations received on the draft document, along with responses, identification of the commenters and other information added by the lead agency. (Guidelines, Section 15132.)

3.3.6. Certification of the Final EIR

The Commission must conclude that the Final EIR is in compliance with CEQA before any final approval can be given to the application. The basic purpose of this is to insure that the environmental document is a comprehensive, accurate, and unbiased tool to be used by the lead agency and other decisionmakers in addressing the merits of the project. The document should embody "an interdisciplinary approach that will ensure the integrated use of the natural and social sciences and the consideration of qualitative as well as quantitative factors." (CEQA Guidelines, Section 15142.) It must be prepared in a clear format and in plain language. (CEQA Guidelines Sections 15006 (q) and (r); 15120; 15140.) It must be analytical rather than encyclopedic, and emphasize alternates over unnecessary description of the project. (CEQA Guidelines, Sections 15006, 15141; Pub. Res. Code Section 21003(c)). Most importantly, it must be "organized and written on such a manner that [it] will be meaningful and useful to decisionmakers and the public." (Pub. Res. Code Section 21003 (b).)

We believe that the Final EIR meets these tests. It is a comprehensive, detailed and complete document that discusses clearly the advantages and disadvantages of the various alternative segments compared to the proposed project. The Final EIR recommends certain changes from the Draft EIR in the environmentally superior route, which consider and reflect certain of the extensive written and oral comments on the Draft EIR. We find that the Final EIR is the competent and comprehensive informational tool that CEQA requires it to be. The quality of the information therein is such that we are confident of its accuracy. We have considered that information, along with other information in the record in reaching that decision.

We will certify the Final EIR.

3.4. Environmental Analysis

Although the environmental analysis is fully discussed in the Final EIR, there are certain features that warrant discussion here.

3.4.1. Significant Adverse Impacts

The environmentally superior route, the proposed route, and all other alternatives have significant adverse impacts, varying in severity and in the ability to reduce their impacts. Significantly, however, the No Project alternative is less desirable than either the proposed route or the recommended environmentally superior alternative. This is due to the significantly greater adverse impacts resulting from additional transportation of liquid petroleum products by truck rather than by pipeline, in order to meet customers' demands.

The Commission has identified the environmentally superior alternatives for CEQA purposes. In addition to the summary comparisons of environmental impacts of the alternatives discussed above, the detailed significant environmental impacts and mitigation measures for the environmentally superior alternative and the other alternatives considered are

presented in Sections C and D of the Final EIR. Tables ES-1 through ES-10 in the Executive Summary compare the major environmental issues of the alternative segments with the proposed route.

3.4.2. Mitigation

The mitigation measures for the proposed route and alternative segments are discussed in Section C of the Final EIR.

3.4.3. Mitigation Monitoring

The Final EIR proposes a Mitigation Monitoring, Compliance, and Reporting Program for the mitigation measures proposed for the Project in Section F, Appendix A. The roles and responsibilities of governmental agencies in implementing and enforcing the adopted mitigation measures are discussed therein.

4. Project Approval

4.1. General

While the cause of environmental impacts is the construction and operation of SFPP's new pipeline facilities, the application seeks Commission approval to issue promissory notes and enter into loans in connection with the construction. These financial plans are an integral part of the application, and must be reviewed as part of the project package which creates the necessity for environmental review.

4.2. Project Financing

SFPP intends to borrow funds in the amount of up to $20 million. The borrowings will come from commercial banks which are parties to the Credit Agreement, in the form of revolving loans. SFPP states that on or about July, 1999, the outstanding balance of all revolving loans will automatically convert into a term loan that will mature on about December 31, 2005. Since the

loans will be secured by a first priority lien on substantially all of SFPP's real property, pipelines, pipeline facilities, and other improvements, SFPP seeks Commission authority under PU Code § 851 et seq. to so encumber their property.

SFPP also requests exemption from the Competitive Bidding Rule, citing Exhibit A to Resolution F-616, dated October 1, 1986, which states, "Securities privately placed with specific lenders and bank term loans obviously must be negotiated. Variable interest rate debt is normally completed on a negotiated basis. It is reasonable that these types of debt instruments should be exempt from the Competitive Bidding Rule." SFPP further notes that neither SFPP nor its outstanding debt is rated by any rating agency, which would add to the difficulty of competitive bidding.

4.3. Service and Tariffs

SFPP states that there will be no change in the operations and service offered by the pipeline system which could in any way be adverse to the shipper, and there will be no change in its intrastate tariffs.

4.4. Discussion

In reviewing SFPP's financing plan, the Commission must insure that each component is either in the public interest, or not adverse to the public interest.

There are no protests to the application and no party has requested hearings.

SFPP proposes to finance the Project through various negotiated borrowings from lenders, using equity against any or all of its assets. SFPP notes that the Commission has stated that this type of financing must be negotiated with the lenders and therefore should be exempt from the competitive bidding rule. We agree that this exemption is appropriate for this application.

SFPP proposes this pipeline expansion because of a growing market demand for liquid petroleum products in the Inland Empire area as well as in Arizona and Nevada. That demand must be met by some means, and the Project has the least environmental impact compared to alternative means of meeting the demand, and compared to alternative pipeline routes studied.

5. Significant Environmental Effects of the Project

The environmental review indicates that the construction and operation of the pipeline project will have significant environmental impacts, which are typical of a project of this type and magnitude. There are both beneficial and adverse impacts. Some of the adverse impacts can be mitigated or avoided; others cannot. Although there are significant adverse impacts that cannot be mitigated or avoided, we find that overall there are overriding considerations that make the project worthwhile and cause us to grant approval of the Project.

5.1. Beneficial Impacts (Class IV)

The Final EIR identifies construction employment, sales tax revenues from construction materials, property taxes and franchise revenues to local jurisdictions, and potential clean-up on contaminated sites as beneficial effects of the Project.

5.2. Adverse, But Not Significant Impacts (Class III)

The Final EIR identified several adverse but not significant impacts including short-term air emissions, effects on biological resources, cumulative impacts, and construction impacts on residences, recreational facilities, businesses, and transportation systems. There is no way to avoid these impacts, short of terminating the transporting of petroleum products.

The details of these specific impacts, the Project phase when they will occur and their location, and the relevant mitigation measure for each, are listed in the Impact Summary Tables Class III, Appendix B.

5.3. Significant Impacts That Can be Mitigated To a Level That Is Less Than Significant (Class II Impacts)

The Final EIR identifies several significant environmental effects of the Project that can be mitigated to a level less than significant or avoided. The Final EIR includes a Mitigation Monitoring, Compliance, and Reporting Program to assure that mitigation measures are implemented effectively. The Mitigation Monitoring, Compliance, and Reporting Program set out in Appendix A describes how the following adverse effects will be mitigated or avoided. The program is based on the proposed Project as described in Part B of the Final EIR, as modified by the selection of portions of five alternative route segments: Santa Fe, Cherry, Paramount, Bellflower Rail, and Artesia alternatives.

The following sections describe the significant but mitigable (Class II) impacts identified in the Final EIR, including a description of each impact and the relevant mitigation measures. The impacts and mitigation measures are described in more detail in Section C of the Final EIR.

5.3.1. Air Quality

Construction of the Project would have short-term significant impacts on air quality from dust (particulate emissions). The EIR includes nine mitigation measures (A-1 through A-9) to reduce this impact; these measures require covering stockpiled or trucked soils, speed limits in unpaved areas, and watering of active construction areas.

5.3.2. Biological Resources

Construction of the Project across Compton Creek could create sedimentation and erosion; Mitigation Measure B-1 restricts construction activities to minimize erosion. Raptors nesting or foraging near eucalyptus trees in DeForest Park would be protected by monitoring and surveys required in Mitigation Measures B- 2 and B-3 prior to and during construction. Maintenance

or spill response activities in Compton Creek are identified as potentially significant impacts on vegetation; Mitigation Measures B-4 through B-6 require biological monitoring to ensure minimal disturbance, replacement of topsoil, and revegetation to replace trees removed.

5.3.3. Cultural Resources

Construction could disturb site LAN-389 (remains of seasonal village or campsite) or result in discovery of unrecorded cultural resources. Mitigation Measures C-1 through C-3 establish procedures to protect cultural resources by requiring SFPP to avoid cultural sites or to implement plans for recovery and archiving of any resources found.

5.3.4. Environmental Contamination

Construction through areas with contaminated soils could affect workers or nearby public. Mitigation Measures EC-1 through EC-6 require site evaluation prior to construction so contaminants and their locations are identified. They also require the development of contingency plans that require SFPP to enact specific safety procedures. These plans require approval by the CPUC and the Department of Toxic Substances Control prior to construction. Construction could interfere with abandoned or inactive oil wells, causing oil to be released; Mitigation EC-7 requires SFPP to identify the locations of wells before construction so they can be avoided.

5.3.5. Geology and Soils

Liquefaction of soils could cause pipeline rupture in a large earthquake, resulting in possible environmental damage or injury if an explosion occurs. Mitigation Measure G-2 requires implementation of design measures to reduce the likelihood of pipeline damage, including deeper burial of the pipe, thicker pipe walls, or installation of additional block valves.

5.3.6. Water Resources and Hydrology

Channel scour in Compton Creek could result in pipeline exposure and possible pipeline damage. Mitigation Measures H-3 through H-5 require SFPP to bury the pipeline at a deeper level and use thicker walled pipe, or to bore the pipeline below the creek's scour levels.

5.3.7. Land Use and Public Recreation

Project construction will cause short-term disturbance to sensitive land uses adjacent to the pipeline route due to noise, traffic congestion, and air emissions. Mitigation Measures L-1 through L-3 require that SFPP notify residents and those responsible for other sensitive land uses before the start of construction, and that SFPP designate a public liaison for the construction time period. Mitigation Measure L-5 restricts construction hours adjacent to schools.

5.3.8. Noise

Short-term construction noise could disturb residents adjacent to the pipeline construction. Mitigation Measures N-1 through N-5 include procedures to reduce noise impacts by requiring SFPP to notify residents of construction timing, to implement complaint procedures, and to use noise reduction techniques on construction equipment.

5.3.9. Socioeconomics, Public Services, and Utilities

Short-term construction disturbance could disrupt businesses or impede access to businesses. Mitigation Measure S-1 requires that SFPP coordinate with businesses to develop a Business Impact Mitigation Plan that would reduce this impact by designing site-specific construction schedules or access plans. Mitigation Measure S-2 requires compensation to businesses that clearly document losses due to disruption or displacement from construction or accidents, subject to arbitration by an independent party.

5.3.10. Transportation and Traffic

Project construction would have a short-term impact on transportation and traffic: traffic lanes would be blocked and access to adjacent residences and businesses would be restricted. Mitigation Measures T-1 through T-5 require development of Traffic Control Plans (which would require approval by local jurisdictions), coordination with businesses and local jurisdictions to avoid access problems, notification to businesses and residents, and scheduling to minimize impacts. The EIR also identifies impacts to pedestrian or bicycle traffic, and to emergency response vehicles. Mitigation Measures T-6 and T-7 require SFPP to develop alternate routes and to coordinate with emergency service providers to ensure that they have access to all roads and businesses, if needed. Mitigation Measures T-8 and T-9 require that staging areas be reviewed and that a shuttle bus be provided for workers; these measures would reduce parking and traffic congestion at staging areas. Construction could damage roadways; Mitigation Measure T-12 requires proper restoration of roads. Public transit operations could be disturbed by construction in roadways, and Mitigation Measures T-13 requires coordination with transit providers to minimize disturbance.

5.3.11. Visual Resources

Night construction could disturb motorists, pedestrians, and residents. Mitigation Measure V-2 restricts night construction, and requires control of lighting and notification to adjacent land users.

5.4. Significant Impacts That Cannot Be Mitigated To Insignificant Levels (Class I Impacts)

The Final EIR identifies several significant effects from the construction and operation of the Project that cannot be fully mitigated or avoided. Most of these impacts result from the probability that a pipeline

accident (fuel spill, fire, or explosion) will occur during the lifetime of the Project. Twenty mitigation measures are included in the EIR (Section C.11, System Safety and Risk of Upset) to increase pipeline safety. However, it is not possible to completely eliminate the possibility that a spill will occur since spills can result from large earthquakes or from third-party damage to the pipe; therefore, the possibility that a pipeline accident could occur remains a significant and unmitigable impact. The significant and unmitigable impacts in the EIR are the following:

1. Construction equipment would cause short-term air emissions of nitrous oxides that would exceed the established South Coast Air Quality Management District (SCAQMD) thresholds. Twelve mitigation measures are included in the EIR (Section C.2, Air Quality) to reduce nitrous oxide emissions by limiting concurrent construction activities and scheduling activities to avoid peak emission periods, requiring specific engine maintenance procedures, and prohibition of vehicle idling over ten minutes.
2. A pipeline accident could cause human injury or environmental damage including air emissions in violation of SCAQMD's established thresholds, contamination of surface waters and groundwater, impacts on sensitive biological species at river mouths, disruption of utility services, and damage to pipeline facilities. Mitigation measures reduce the likelihood that an accident will cause serious damage by requiring SFPP to prepare an Urban Spill Response Plan that identifies sensitive land uses, biological resources, and water resources that would require priority protection if a spill occurs. Other mitigation measures require that SFPP install state-of-the-art pipeline monitoring and leak detection systems, use pipeline coatings that reduce corrosion, inspect valves every 6 months, and provide spill response and fire fighting equipment in specific locations along the route. However, even with these measures, a pipeline accident could still occur.

3. A large earthquake on the Newport-Inglewood Fault could cause pipeline rupture. A mitigation measure requires SFPP to implement specific design measures (thicker walled pipe or additional block valves) at the fault crossing to reduce the likelihood of pipeline rupture in an earthquake, but a large earthquake could still cause pipeline damage.

5.5. Environmental Findings and Statement of Overriding Considerations

As required by CEQA, we cannot approve the Project unless we find that the Project has been modified to mitigate or avoid each significant effect on the environment, or that specific considerations make the mitigation measures or alternatives identified in the Final EIR infeasible and specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment. The following paragraphs address (1) significant effects of the project, and (2) alternatives selected to reduce impacts.

As described above, all significant impacts resulting from the Project cannot be avoided or eliminated. However, SFPP has demonstrated the need for the Project and the specific benefits that it would provide. The Project is required because of the increasing demand for petroleum products in Southern Nevada, Arizona, and California's Inland Empire. These areas are served by SFPP's distribution system from its Colton Terminal, which currently can receive 350,000 barrels of fuel per day. The completion of the Project would increase this volume to 520,000 barrels per day.

If the Project is not constructed, the demand for petroleum products will most likely be served by increases in trucking of petroleum fuels from Los Angeles to the Colton Terminal. The EIR evaluated the impacts of trucking in the No Project Alternative, and determined that the impacts would be more

severe than those of the pipeline project. Shipment of petroleum products by pipeline is safer than shipment by truck, where accidents are more frequent and occur in heavily traveled areas. Therefore, the proposed pipeline, as modified, was determined to have environmental advantages over the No Project Alternative.

The significant and unmitigable effects of the Project include short-term nitrous oxide emissions and risk of pipeline accidents. The nitrous oxide emissions are considered to be acceptable due to their relatively short duration, and the implementation of 12 mitigation measures that will reduce emissions to the extent feasible. The risk of pipeline accidents is the most significant unavoidable impact associated with the Project. However, this risk is acceptable because (1) 20 mitigation measures will be implemented to reduce the likelihood and severity of accidents, and (2) the only alternative to pipeline transport of fuels is trucking of fuels, which causes more frequent and severe accidents. Therefore, the significant impacts of the Project are considered to be mitigated to the extent feasible, and the benefits of the pipeline are considered to outweigh the potential impacts.

As described in Section 3.3 above, several alternative route segments were considered in the EIR, and portions of five segments were found to be environmentally superior to the route proposed by SFPP: Santa Fe, Cherry, Paramount, Bellflower Rail, and Artesia alternatives. While these alternative route segments did have environmental advantages to the equivalent segments of the proposed route, they would still have significant and unmitigable impacts associated with Project construction and operation.

5.6. Comments on the Final EIR

Comments on the Final EIR were filed by the cities of Artesia and Paramount. While the CPUC has no procedures requiring consideration of

comments on the Final EIR or requiring response to such comments, we believe it is appropriate to do so in this case, since both cities provided detailed comments and obviously are seriously concerned about certain aspects of the environmentally superior route in their cities. The responses to these comments are attached to this decision as Appendix C.

While we appreciate the concerns of both cities, we believe that in general they are requesting a level of detail in the Final EIR that is not required or envisioned under CEQA, and is not practical. CEQA requires a broad consideration of reasonable alternatives, resulting in selection of an environmentally superior alternative. That alternative of necessity may not be superior in every single aspect at every location. And specific detailed locations of all project facilities cannot be determined at the Final EIR stage. Rather, that must be accomplished in a more detailed manner in cooperation with the local jurisdictions involved.

We conclude that the attached responses adequately respond to the comments of the cities of Artesia and Paramount. Those comments have not altered our conclusion that the Final EIR meets all CEQA requirements.

6. Conclusion

The Commission has carefully reviewed the Draft EIR, comments on it, and the final EIR. While there are environmental impacts that cannot be mitigated to a level that is not significant, the Project overall as modified by route alternatives, has less negative impact on the environment than the No Project alternative. We have carefully considered the extensive comments of the City of Paramount (Paramount) on the Final EIR, wherein Paramount criticizes the document as inadequate to satisfy CEQA, and asks that either the Draft EIR be recirculated for comment, or that a Supplemental Final EIR be issued to incorporate the changes and additions and further detail that it deems necessary.

Except for two minor areas where we agree with their comments (see Appendix C) we disagree with the characterization that the document does not satisfy CEQA.

Paramount obviously would like substantially more detailed environmental study within its city. However, many details remain to be worked out in conjunction with the local jurisdictions, including Paramount. For example, the precise location of the pipeline within the specified streets must be determined with knowledge of all existing facilities that are buried in the street. The local jurisdictions have such information, and the applicant will work out the precise location of the facilities in consultation with the local jurisdictions involved. It is not practical to attempt to define those precise locations in the Draft EIR or in the Final EIR, and that is not envisioned under CEQA.

Paramount also questions the adequacy of the details of the mitigation measures. The Mitigation Monitoring Program adopted in this decision provides identification of procedures that will be followed in its implementation. The Commission will develop an implementation plan that describes in more detail how each measure will be implemented and monitored.

The City of Artesia strongly opposes the Artesia alternative segment, preferring the Alondra alternative segment. The Commission maintains that the Final EIR has adequately considered these alternatives and supports the environmentally superior alternative in all areas including this one.

Artesia requests further study of the consequences of a pipeline accident, and notes that the Project must comply with various safety regulations. We will not require further study, concluding that the Final EIR fully satisfies the letter and intent of CEQA in this regard.

Artesia expresses concern regarding how various mitigation measures will be carried out, especially relating to water mains fire flow, and water wells.

We conclude that the Final EIR satisfies CEQA in these areas and that Artesia's concerns should be alleviated by the mitigation measures and the city's own permit process. The Commission's Executive Director is responsible for assuring the compliance of the construction with the adopted mitigation measures.

We have carefully considered the adequacy of the Final EIR in concluding that it should be certified. We have also considered the financing plans of the applicant, and find that SFPP should be exempt from the Competitive Bidding Rule. We conclude that the financing plan is not adverse to the public interest.

We conclude that the application should be approved under the conditions set forth in the order that follows.

Findings of Fact

1. Applicant SFPP is a corporation organized and existing under the laws of the State of Delaware.

2. Granting the approvals requested by SFPP in this application will enable SFPP to construct and operate a new common carrier liquid petroleum products pipeline between the cities of Carson and Norwalk, and to modify station facilities in the cities of Carson, Norwalk, Industry, and Colton.

3. The Commission is the lead agency under CEQA with respect to the environmental review of the Project and preparation of the Final EIR.

4. The Commission has conducted an environmental review of the Project pursuant to CEQA.

5. The Final EIR consists of the Draft EIR, revised to incorporate comments and responses to comments received by the Commission from the proponent, agencies, and the public.

6. The Final EIR has been completed in accordance with CEQA Guidelines, Sections 15120 through 15132.

7. The Commission has reviewed and considered the information in the Final EIR before approving the Project.

8. The Final EIR identifies significant environmental effects of the Project that can be mitigated or avoided to the extent that they become not significant. The Final EIR describes measures that will so mitigate or avoid such effects.

9. As lead agency under CEQA, the Commission is required to monitor the implementation of mitigation measures adopted for this Project to ensure full compliance with the provisions of the monitoring program.

10. The Mitigation Monitoring, Compliance, and Reporting Plan in Appendix B conforms to the recommendations of the Final EIR for measures required to mitigate or avoid environmental effects of the Project that can be mitigated or avoided.

11. The Commission will develop a detailed implementation plan for the Mitigation Monitoring, Compliance, and Reporting Plan, which will be provided to local jurisdictions for review and input before it is finalized.

12. The Final EIR identifies several significant environmental effects of the Project that cannot be mitigated or avoided, as follows: (a) construction equipment would cause short-term air emissions of nitrous oxides that could exceed the established South Coast Air quality Management District (SCAQMD) thresholds; (b) a pipeline accident could cause human injury or environmental damage including air emissions in violation of SCAQMD's established thresholds, contamination of surface waters and groundwater, impacts on sensitive biological species at river mouths, disruption of utility services, and damage to pipeline facilities; (c) a large earthquake on the Newport-Inglewood Fault could cause pipeline rupture.

13. For significant effects where no feasible mitigation exists to reduce the environmental effects to less than significant, specific overriding economic, legal,

social, technological, or other benefits of the Project outweigh the significant effects on the environment.

14. There is a need for additional petroleum products transportation capacity between Carson and Colton.

15. The Project includes construction and operation of a 16-inch pipeline that would transport up to 190,000 barrels per day of petroleum products, consisting of approximately 56% gasoline, 19% jet fuel, and 25% diesel fuel.

16. The applicant estimates that the Project will cost $22 million to construct.

17. The alternative to construction and operation of the proposed pipeline project is to ship petroleum products by truck and to expand use of existing pipelines.

18. The shipment of petroleum products by truck would result in more accidents and associated environmental damage than shipment by pipeline.

19. The Final EIR identifies five alternative pipeline route segment's including portions of the Santa Fe, Cherry, Paramount, Bellflower Rail, and Artesia alternatives as environmentally superior to the equivalent proposed route segments.

Conclusions of Law

1. The processing of the EIR in this proceeding complies with the requirements of CEQA.

2. The contents of the Final EIR comply with the requirements of CEQA.

3. Responses to comments on the Final EIR should be made as part of the Final EIR.

4. The Final EIR should be certified for the Project in accordance with CEQA.

5. Our approval of the Project pipeline is in the public interest.

6. SFPP's request for approval of its plans to finance the Project as set forth in its amended application, should be approved.

7. SFPP's application should be approved subject to modifications required to incorporate portions of the Santa Fe, Cherry, Paramount, Bellflower Rail, and Artesia alternatives.

O R D E R

IT IS ORDERED that:

1. Application 97-05-019, as amended through and including March 31, 1998, is approved, subject to the terms and conditions set forth herein.

2. Appendix C is hereby made as part of the Final Environmental Impact Report (EIR).

3. The Final EIR is certified as the EIR for the project which is the subject of the application and its amendments (Project), and is certified for use by responsible agencies in considering subsequent approvals for the Project, or for portions thereof.

4. Applicant, Santa Fe Pacific Pipelines, L.P. (SFPP), is authorized to incur evidence of indebtedness pursuant to Public Utilities (PU) Code s 816 et. seq. sufficient to finance the construction of the pipeline and related pump station modifications.

5. SFPP is authorized to issue promissory notes in an aggregate principal amount not to exceed $20 million, pursuant to the proposed credit agreement.

6. SFPP is authorized to encumber utility property pursuant to PU Code § 851, only as necessary with regard to issuing the promissory notes.

7. SFPP is exempt from any provision of law, or any rule, regulation, or order of this Commission, requiring competitive bidding in issuing SFPP's promissory notes.

8. SFPP shall obtain authority from the Commission prior to adopting any ownership structure different than that described in the amended application.

9. SFPP shall, as a condition of approval, comply with all mitigation measures specified in Appendices C of the Final EIR as conformed in Appendix A, attached hereto, as directed by Executive Director.

10. The Executive Director shall supervise and oversee construction of the Project insofar as it relates to monitoring and enforcement of the mitigation conditions described in Appendix A. The Executive Director may delegate his duties to one or more Commission staff members or outside staff. The Executive Director shall track and record direct expenses and time devoted to ascertain the costs of the monitoring mitigation measures to the Commission. The Executive Director is authorized to employ staff independent of the Commission staff to carry out such functions, including, without limitation, the on-site environmental inspection, environmental monitoring, and environmental mitigation supervision of the construction of the Project. Such staff may be individually qualified professional environmental monitors or may be employed by one or more firms or organizations. No person or organization shall be so employed who beneficially owns any security of, or has received during the past five years or is presently entitled to receive at any time in the future more than a de minimis amount of compensation for consulting services from SFPP. In monitoring the implementation of the environmental mitigation measures described in Appendix A, the Executive Director shall attribute the acts and omissions of SFPP's employees, contractors, subcontractors, or other agents to SFPP. SFPP shall comply with all orders and directives of the Executive Director concerning implementation of the environmental mitigation measures described in Appendix A.

11. The Executive Director shall not authorize SFPP to commence actual construction until SFPP shall have entered into a cost reimbursement agreement with the Commission for the recovery of the costs of the mitigation monitoring

program described in Appendix A, including, but not limited to, special studies, outside staff, or Commission staff costs directly attributable to mitigation monitoring. The Executive Director is authorized to enter into an agreement with SFPP that provides for such reimbursement on terms and conditions consistent with this decision in form satisfactory to the Executive Director. The Executive Director shall evidence his approval of such agreement by his Resolution. The terms and conditions of such agreement shall be deemed conditions of approval of the application to the same extent as if they were set forth in full in this decision.

12. Disputes concerning directives of the Executive Director to SFPP during the course of actual construction of the Project shall be determined by the Executive Director, as evidenced by his Resolution. Any person aggrieved by any such Resolution may appeal to the Commission, pursuant to Rule 9(a) and related provisions of the Rules of Practice and Procedure. The Executive director's Resolution shall remain in full force and effect until affirmed, modified or vacated by the Commission.

13. SFPP shall file a written notice with the Commission, served on all parties to this proceeding, of its agreement, executed by an officer of SFPP duly authorized (as evidenced by a resolution of its boards of directors duly authenticated by a secretary or assistant secretary of SFPP to acknowledge SFPP acceptance of the conditions set forth in Ordering Paragraph 9 through 13, inclusive. Failure to file such notice within 45 days of the effective date of this decision shall result in the lapse of the authority granted by this decision.

14. The Executive Director shall file a Notice of Determination for the Project as required by the California Environmental Quality Act and the regulations promulgated pursuant thereto.

15. Upon satisfactory completion of the Project, a notice of completion shall be filed with the Executive Director by the Energy Division.

16. Application 97-05-019 is closed.

This order is effective today.

Dated October 8, 1998, at Laguna Hills, California.

RICHARD A. BILAS
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners

APPENDIX A

PART F. PROPOSED MITIGATION MONITORING, COMPLIANCE, AND REPORTING PLAN

F.1 INTRODUCTION

The purpose of this section is to briefly describe the mitigation monitoring process for this Proposed Project and describe the roles and responsibilities of government agencies in implementing and enforcing the adopted mitigation measures.

This EIR includes a proposed Mitigation Monitoring, Compliance, and Reporting Program for the mitigation measures proposed herein for the Carson to Norwalk Pipeline Project. A Program for the Proposed Project and the alternative segments is provided at the end of each issue area's Environmental Analysis in Part C (C.2 - C.13). The text following this Introduction provides the recommended framework for the implementation of the Program as it would be handled by the CEQA Lead Agency: the California Public Utilities Commission.

The Public Utilities Code in numerous places confers authority upon the California Public Utilities Commission (CPUC) to regulate the terms of service and the safety, practices and equipment of utilities subject to its jurisdiction. It is the standard practice of the CPUC, pursuant to its statutory responsibility to protect the environment, to require that mitigation measures stipulated as conditions of approval be implemented properly, monitored, and reported on. In 1989, this requirement was codified statewide as Section 21081.6 of the Public Resources Code. Section 21081.6 requires a public agency to adopt a Mitigation Monitoring, Compliance, and Reporting Program when it approves a project that is subject to preparation of an EIR and where the EIR for the project identifies significant adverse environmental effects.

The purpose of a Mitigation Monitoring, Compliance, and Reporting Program is to ensure that measures adopted to mitigate or avoid significant impacts are implemented. The CPUC views the Program as a working guide to facilitate not only the implementation of mitigation measures by the project proponent, but also the monitoring, compliance and reporting activities of the CPUC and any monitors it may designate.

The Commission will address its responsibility under Public Resources Code Section 21081.6 when it takes action on the Carson to Norwalk Pipeline application. If the Commission approves the application, it will also adopt a Mitigation Monitoring, Compliance, and Reporting Program which includes the mitigation measures ultimately made a condition of approval by the Commission.

F.2 ORGANIZATION OF THE FINAL MITIGATION MONITORING PLAN

If the project is approved, the Mitigation Monitoring, Compliance, and Reporting Plan (MMCRP) should serve as a self-contained general reference for the Mitigation Monitoring Program adopted by the Commission for the Carson to Norwalk Pipeline Project. To accomplish this, the Final Mitigation

F.3 ROLES AND RESPONSIBILITIES

As the lead agency under CEQA, the CPUC is required to monitor this project to ensure that the required mitigation measures are implemented. The CPUC will be responsible for ensuring full compliance with the provisions of this monitoring program and has primary responsibility for implementation of the monitoring program. The purpose of the monitoring program is to document that the mitigation measures required by the CPUC are implemented and that mitigated environmental impacts are reduced to the level identified in the Program.

Because of the geographic location of the Proposed Project, the CPUC may delegate duties and responsibilities for monitoring to other environmental monitors or consultants as deemed necessary, and some monitoring responsibilities may be assumed by responsible agencies, such as affected jurisdictions and cities, and the California Department of Fish and Game (CDFG). The CPUC will assign at least one environmental monitor to each construction spread to coordinate implementation of the MMCRP for the designated spread. The CPUC or its designee(s), however, will ensure that the person delegated any duties or responsibilities is qualified to monitor compliance.

Any mitigation measure study or plan that requires the approval of the CPUC must allow at least 60 days for adequate review time. When a mitigation measure requires that a mitigation program be developed during the design phase of the project, the Applicant must submit the final program to CPUC for review and approval for at least 60 days before construction begins. Other agencies and jurisdictions may require additional review time. It is the responsibility of the environmental monitor assigned to each spread to insure that appropriate agency reviews and approvals are obtained.

The CPUC or its designee will also ensure that any deviation from the procedures identified under the monitoring program is approved by the CPUC. Any deviation and its correction shall be reported immediately to the CPUC or its designee by the environmental monitor assigned to the construction spread.

F.4 ENFORCEMENT RESPONSIBILITY

The CPUC is responsible for enforcing the procedures adopted for monitoring through the environmental monitor assigned to each construction spread. The environmental monitor shall note problems with monitoring, notify appropriate agencies or individuals about any problems, and report the problems to the CPUC or its designee.

The CPUC has the authority to halt any construction, operation, or maintenance activity associated with the Carson to Norwalk Pipeline Project if the activity is determined to be a deviation from the approved project or adopted mitigation measures. The CPUC may assign this authority to the environmental monitor for each construction spread.

F.7 GENERAL MONITORING PROCEDURES

F.7.1 ENVIRONMENTAL MONITOR

Many of the monitoring procedures will be conducted during the construction phase of the project. The CPUC and the environmental monitor(s) are responsible for integrating the mitigation monitoring procedures into the construction process in coordination with SFPP. To oversee the monitoring procedures and to ensure success, the environmental monitor assigned to each construction spread must be onsite during that portion of construction that has the potential to create a significant environmental impact or other impact for which mitigation is required. The environmental monitor is responsible for ensuring that all procedures specified in the monitoring program are followed.

F.7.2 CONSTRUCTION PERSONNEL

A key feature contributing to the success of mitigation monitoring will be obtaining the full cooperation of construction personnel and supervisors. Many of the mitigation measures require action on the part of the construction supervisors or crews for successful implementation. To ensure success, the following actions, detailed in specific mitigation measures included in the Final Plan, will be taken:

- Procedures to be followed by construction companies hired to do the work will be written into contracts between SFPP and the construction companies. Procedures to be followed by construction crews will be written into a separate agreement that all construction personnel will be asked to sign, denoting agreement.
- One or more preconstruction meetings will be held to inform all and train construction personnel about the requirements of the monitoring program (as detailed in the Final Plan).
- A written summary of mitigation monitoring procedures will be provided to construction supervisors for all mitigation measures requiring their attention.

F.7.3 GENERAL REPORTING PROCEDURES

Site visits and specified monitoring procedures performed by other individuals will be reported to the environmental monitor assigned to the relevant construction spread. A monitoring record form will be submitted to the environmental monitor by the individual conducting the visit or procedure so that details of the visit can be recorded and progress tracked by the environmental monitor. A checklist will be developed and maintained by the environmental monitor to track all procedures required for each mitigation measure and to ensure that the timing specified for the procedures is adhered to. The environmental monitor will note any problems that may occur and take appropriate action to rectify the problems. The Applicant shall provide the CPUC with written quarterly reports of the project, which shall include progress of construction, resulting impacts, mitigation implemented, and all other noteworthy elements of the project.

operations, there would be the same level of operational emissions as what was identified for the proposed route.

C.2.10 NO PROJECT ALTERNATIVE

If the proposed project is not built and demand grows as predicted by SFPP, petroleum products would have to be provided to the Nevada, Arizona, and Inland Empire markets by other methods (either via other pipelines or trucks). The air quality impacts associated with the transporting the product by trucks would be much higher than the operational emissions associated with the proposed project because ongoing trucking emissions greatly exceed those of a pipeline. In addition, the usage of trucks for transporting the product would increase the potential for accidents and subsequent emission releases from the spills. Overall, in comparison to the proposed project, the No Project Alternative would generate more emissions, and therefore, would have a greater likelihood of impacting the local air quality conditions, resulting in a significant (Class I) impact.

C.2.11 MITIGATION MONITORING PROGRAM

Table C.2-21 on the following page presents the Mitigation Monitoring Program for air quality. These measures would be applicable to construction on the proposed route and all alternative route segments.

Impact	Mitigation Measure	Location	Monitoring Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
Construction activities result in exceedance of NO_x threshold (Class I)	A-10 Construction equipment shall be maintained in tune, per manufacturing specifications.	All pipeline and station construction	Review certification from a third-party certified mechanic.	Engine emissions are reduced, Effectiveness cannot be monitored in the field.	CPUC and the SCAQMD	Prior to construction
	A-11 SFPP/contractor shall use catalytic converters on all gasoline equipment.	All pipeline and station construction	Review certification from a third-party certified mechanic.	Engine emissions are reduced, Effectiveness cannot be monitored in the field.	CPUC and the SCAQMD	Prior to construction
	A-12 Retard diesel engine injection timing by two degrees before top center on all construction equipment that was manufactured before 1996, and which does not have an existing IC engine warranty with the manufacturer.	All pipeline and station construction	Review certification from a third-party certified mechanic.	Engine emissions are reduced, Effectiveness cannot be monitored in the field.	CPUC and the SCAQMD	Prior to construction
	A-13 SFPP shall submit an analysis showing available electric equipment and demonstrate their feasibility for this project.	All pipeline and station construction	Review report.	Engine emissions are reduced, Effectiveness cannot be monitored in the field.	CPUC and the SCAQMD	Prior to construction
Construction activities result in exceedance of NO_x threshold (Class I)	A-14 Cease construction during periods of high ambient pollutant concentrations (i.e., Stage 2 smog alerts) near the construction area.	All pipeline and station construction	Review documentation of the date and time of each stage 2 smog alert as announced by the SCAQMD, and the period of time that construction is ceased.	Engine emissions are reduced, Effectiveness cannot be monitored in the field.	CPUC and the SCAQMD	During construction
	A-15 Use high pressure injectors on all diesel engines manufactured before 1996, and which does not have an existing IC engine warranty with the manufacturer.	All pipeline and station construction	Review certification from a third-party certified mechanic stating that all diesel construction equipment engines are utilizing high pressure fuel injectors.	Engine emissions are reduced, Effectiveness cannot be monitored in the field.	CPUC and the SCAQMD	Prior to construction
	A-16 Schedule all material deliveries to the construction spread (e.g., pipe) outside peak traffic hours, and minimize other truck trips during peak traffic hours.	All pipeline and station construction	Construction plan and schedule; monitor construction activities.	Engine emissions are reduced, Effectiveness cannot be monitored in the field.	CPUC and the SCAQMD	Before and during construction

Table C.3-2 Mitigation Monitoring Program for Biological Resources

Impact	Mitigation Measure(s)	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
Increased sedimentation and erosion in Compton Creek (Class II)	B-1 Construction within Compton Creek shall be guided by restrictions to minimize erosion and sedimentation.	Compton Creek Crossing	CPUC and CDFG to approve construction plan for Compton Creek and monitor construction	Plan contains sufficient detail to ensure that impacts to the streambed will be avoided	CPUC, CDFG, L.A. County Dept. of Public Works	Before and during construction
Damage or removal of eucalyptus trees (Class III)	B-2 Monitoring of construction in DeForest Park. B-3 Survey for raptors prior to bore pit excavation.	DeForest Park (Los Angeles River Crossing)	CPUC and USFWS to approve construction plan for bore pit in DeForest Park	Plan contains sufficient detail to ensure no impact to sensitive wildlife	CPUC, USFWS	Prior to construction
Pipeline maintenance or spill response activities post-installation could disturb riparian vegetation in Compton Creek (Class II)	B-4 Biologist shall monitor trenching in Compton Creek. B-5 Soil shall be stockpiled and replaced. B-6 If live trees are impacted, a revegetation or weed eradication plan shall be prepared.	Compton Creek	CPUC and CDFG to approve maintenance plan for Compton Creek prior to start of construction	Plan contains sufficient detail to ensure that impacts to vegetation within the streambed and the streambed itself will be avoided	CPUC, USACB, CDFG, L.A. County Dept. of Public Works	Prior to construction
Pipeline rupture would cause contamination of Los Angeles River, San Gabriel River and Compton Creek, downstream areas, and harbors (Class I)	SS-16 (Section C.11) incorporates the text of B-7 (from Draft EIR) regarding spill response.	Compton Creek and San Gabriel River crossings; downstream harbors	CPUC to approve revised Urban Spill Response Plan	Plan describes habitats and response strategies to minimize impacts on sensitive species	CPUC, CDFG, CSFM, USFWS	Prior to operation

Table C.4-1 Mitigation Monitoring Plan

Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
Trenching could disturb intact deposits from site LAN-389 (Class II). Previously unrecorded cultural resources could be discovered during trenching or excavation (Class II).	C-1 An environmental monitor shall monitor all trenching and excavation activities, and an archaeologist shall be on call. Cultural resources identified shall be avoided. If not feasibly avoided, a Phase 2 significance assessment of the resource shall be conducted (see Mitigation Measure C-2 below). C-2 Complete Phase 2 archaeological testing if a site is found during excavation and resources are not feasibly avoidable. Assess site's significance prior to continuation of excavation. Design test excavations according to parameters in text. Curate all excavated non-burial related artifacts and associated documentation at qualified facility. C-3 Conduct Phase 3 data recovery investigations if Phase 2 investigations determine that a significant site will be affected. Coordinate with appropriate agencies. Design data recovery plan.	Throughout pipeline corridor	CPUC monitor to verify that SFPP archaeologist monitors trenching and excavation activities. Evaluate any unanticipated finds outside of sensitive areas.	Cultural resources are not destroyed during construction; discoveries are recorded properly.	CPUC, relevant jurisdictional agencies	During project construction
Oil spill cleanup activity could impact archaeological resources (Class II).	C-4 is deleted: SS-16 (Section C.11) incorporates C-4 from the Draft EIR.	Throughout pipeline corridor	CPUC monitor to ensure that qualified archaeologist reviews Urban Spill Response Plan to ensure cultural resources avoided or minimized during containment and cleanup.	Spill containment and cleanup does not destroy cultural resources.	CPUC, relevant jurisdictional agencies	Prior to project operation.

Table C.5-4 Mitigation Monitoring Program

Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
Contamination from low impact potential sites could affect workers or public (Class II)	EC-1 Reevaluate low potential sites if construction parameters vary from those defined.	All low potential sites as identified in PEA	Review summary report	Confirm absence or evidence of contamination	CPUC, DTSC, County Environmental Health Department	Prior to Project construction
Contamination from medium impact potential sites could affect workers or public (Class II)	EC-2 Conduct a thorough review of agency records; site specific visual inspection; prepare a summary report.	All medium potential sites as identified in Table C.5-3	Review summary report	Confirm absence or evidence of offsite contamination	CPUC, DTSC, Los Angeles County Environmental Health Department	Prior to Project Construction
Contamination from high impact potential sites could affect workers or public (Class II)	EC-3 Conduct an investigation, including sampling and laboratory analysis, to assess contaminant levels in the surface debris and underlying soil along the alignment	All high potential sites as identified in Table C.5-3	Review environmental contamination report	Compare contaminant levels to appropriate threshold concentration levels and review adequacy of health and safety plan for existing contaminants.	CPUC, DTSC, Los Angeles County Environmental Health Department	Prior to Project Construction
Contamination at Norwalk Station could affect workers or public (Class II)	EC-4 Complete subsurface investigation at Norwalk Station prior to construction.	Norwalk Station	Review test results, DTSC/County Health Dept. Approval	Confirm absence or evidence of contamination affecting construction.	CPUC, DTSC, Los Angeles County Environmental Health Department	Prior to Project Construction
Contamination at Stations could affect workers or public (Class II)	EC-5 Perform records searches for Watson, Industry, and Colton Stations prior to construction; rank findings, and apply appropriate measures as above.	Watson, Industry, Colton Station	Review report for compliance	Confirm absence or evidence of recorded contamination.	CPUC, DTSC, Los Angeles County Environmental Health Department	Prior to Project Construction
Encountering unanticipated contamination could affect workers or public (Class II)	EC-6 Trained personnel shall be present continuously during active trenching to observe visual evidence of contamination and perform monitoring with appropriate testing equipment.	Along entire pipeline route	Coordinate with monitoring personnel to confirm appropriate training and understanding of testing equipment, review weekly reports prepared by monitoring personnel.	Conduct periodic site visits during construction to confirm that proper procedures are being implemented.	CPUC, DTSC, Los Angeles County Environmental Health Depts.	During Project Construction

Table C.8-12 Mitigation Monitoring Plan

Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
Short-term disruption or inconvenience to residents adjacent to the pipeline ROW during construction (Class III)	L-1 Give 14 days advance notice to potentially affected property owners and tenants prior to pipeline construction by 1) mailing notices to properties within 300 feet of the ROW; 2) posting bulletins in local neighborhoods; and 3) placing notices in local newspapers. L-2 Notify residents at least two weeks in advance of lane closures where access to residential areas may be restricted, and develop alternative transportation routes. Restore vehicle access to residential areas at the end of each work day. L-3 Use a public liaison/contact person before, during, and after construction through residential areas as the single-point contact and interface between residents and construction crews.	Along pipeline route within residential areas	Review plan for noticing and schedule for construction in populated areas; ensure appointment of contact person to coordinate construction activities in residential or other sensitive use areas	Notification allows residents to plan to avoid construction impacts, where feasible	CPUC, Local Jurisdictions	Prior to construction
Short-term disturbance to recreational users during pipeline construction (Class III)	L-4 Schedule construction to avoid peak use periods (weekends and holidays) at recreational parks and peak use times/seasons of the adjacent baseball field. Provide onsite notification of recreational access closures at least two weeks in advance	All recreational parks along the ROW	Review construction schedule	Avoidance of restricted or congested access during peak use periods	CPUC, City Parks Departments	Prior to construction
Short-term disturbance to sensitive land uses resulting from pipeline construction (Class II).	L-5 Limit construction hours where construction is located adjacent to a school (see text for details). Construction shall be avoided adjacent to schools during hours of high activity.	Schools located within 1600 feet of the ROW	Review construction schedule and hours; verify school contacts	Avoidance of construction during school hours	CPUC, School Districts	Prior to construction

Table C.10-7 Mitigation Monitoring Program

Impact	Mitigation Measures	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
Construction noise, emissions, and traffic could disrupt businesses (Class II, III)	S-1 Include a business relations coordinator on the Applicant's project construction team; prepare a Business Impact Mitigation Plan; contact affected businesses. Design construction scheduling to minimize business impacts.	Entire pipeline route	Program shall be reviewed and approved by affected jurisdictions.	Avoid business disruption. Ensure acceptable cost recovery system for businesses.	CPUC, Los Angeles County and affected City Planning Departments	Prior to construction
	S-2 Applicant shall compensate any business disrupted, displaced or forced to relocate due to the construction or operation of the developer's project.		Permitting agency should verify that compensation has been paid.			Prior to and during construction
Use of water for dust suppression and hydrotesting could have an impact on water capacity (Class III)	S-3 [Deleted]					
Spill and/or clean-up could disrupt businesses (Class II)	S-4 [Deleted; incorporated into SS-16]					
Accident could cause damage to collocated utilities, resulting in fire, explosion or spill (Class I)	S-5 The Applicant shall set priorities for disaster repair efforts on utility lines and transportation networks.	Entire pipeline route	Assure that a comprehensive Utility Restoration Plan is prepared	Plans approved by Office of Emergency Service in Los Angeles County	CPUC, Los Angeles County and affected City Planning Departments	Prior to construction

Table C.11-7 Mitigation Monitoring Program

Impact	Mitigation Measure	Responsible Agency	Monitoring/Reporting Action	Effectiveness Criteria	Timing
Construction could impact existing utilities (Class III)	SS-1 Structural support shall be provided for underground utilities in and near the construction area during work in the trench and backfilling operations to prevent damage to such facilities during construction activities.	CPUC, OSHA	Observe & ensure that appropriate safety precautions are used	No damage during construction to utilities in and near the construction area	During Project Construction
	SS-2 Hand tools shall be used in utility-intensive areas and within 24 inches of underground structures.	CPUC, CSFM	Observe & ensure that appropriate safety precautions are used	No damage during construction to utilities in and near the construction area	During Project Construction
	SS-3 If an underground utility is damaged during construction, work shall be halted until the utility owner has been contacted and repairs have been made.	CPUC	Document utility damage	No extended damage to utilities	During Project Construction
	SS-4 Have an electrical contractor on-call. Consult with natural gas utility operators and local fire departments regarding response.	CPUC	Verify contractor on-call. Review copies of notifications	No damage to utilities	During Project Construction (48 hours in advance for each utility)
Construction could cause fire in high hazard areas (Class III)	SS-5 A Fire Protection Plan shall be prepared for project construction. Contingency analysis and planning shall be conducted.	CPUC/Fire Departments	Review FPP for adequacy	Approved plan is in place prior to construction	Prior to Project Construction
Spill could cause environmental damage or injury (Class I)	SS-6 SFPP shall develop and implement a program for routine inspection of mainline valves every six months. The valves shall be checked for mechanical integrity. Remotely activated block valves shall be checked to ensure they function automatically and properly within 60 seconds.	CPUC, CSFM	Review and approve proposed maintenance and monitoring programs.	Pipeline leaks are detected as quickly as possible.	Prior to project operation
	SS-7 SFPP shall enhance the existing safety and monitoring systems at all affected pump stations (Watson, Norwalk, City of Industry and Colton) to ensure safety of operations				
	SS-8 Deleted.				
	SS-9 SFPP shall install at least two flammable/combustible hydrocarbon detectors at each remotely operated pump, with a voting system. If two detectors alarm at the same time, the pump shutdown shall occur.		Review construction plans; confirm after construction		
	SS-10 SFPP shall install current state-of-the-art SCADA system (defined as having the ability to detect a leak of 1% of flow in 5 minutes)		Review proposed SCADA system requirements		
Pipeline corrosion could cause pipeline leaking or rupture and result in spill (Class I)	SS-11 Implement internal corrosion techniques including a baseline smart pig run.	Local Fire Department	Provide copies of pigging logs to local fire departments and the CPUC. Report the deficiencies encountered and remedial actions required	No corrosion induced leaks from pipeline	During Project Operation

A.97-05-019 ALJ/BRS/jva

Impact	Mitigation Measure	Responsible Agency	Monitoring/Reporting Action	Effectiveness Criteria	Timing
Operational change could affect risk	SS-23 The proposed pipeline shall be used only as stated in SFPP's project description: for transportation of specified products only (gasoline, jet fuels, and diesel) and at the maximum flow rate of 8,500 barrels per hour (204,000 BPD).	CPUC	Report average daily throughput to CPUC on an annual basis	Throughput does not exceed 204,000 BPD; specified petroleum products only	During operation
Third-party action could damage pipeline	SS-24 Place markers in compliance with Federal and State Standards.	CPUC, CSFM	Provide documentation to local jurisdictions along ROW	Markers prevent third party accidents	Prior to operation

A.97-05-019 ALJ/BRS/jva

Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
Construction could disrupt pedestrian/ bicycle circulation or cause increased accidents (Class II)	T-6 Provide alternative pedestrian and bicycle access routes with appropriate signs and markings, subject to approval by the affected public agency.	All locations where a designated public pedestrian route is obstructed (sidewalks, recreational paths, etc.).	Review documentation of: SFPP coordination with affected public agencies; and SFPP conformation to all required conditions.	If construction activities do not totally block or unreasonably impair pedestrian movements or safety, as determined by the affected public agencies.	CPUC and local jurisdictions.	Prior to and during construction.
Emergency response vehicles could be blocked or impeded by pipeline construction activities (Class II)	T-7 Advance notification and coordination with emergency service providers. Remain prepared to immediately provide emergency access for any property isolated by construction activities.	All locations.	Review SFPP notification and coordination with emergency service providers. Review SFPP demonstration of capability to provide immediate access across excavations, subject to approval by affected police, medical, and fire agencies.	If the construction activities do not totally preclude access to any area emergency vehicles.	CPUC and affected emergency service providers (fire, police, sheriff, CHP and ambulance services).	Prior to and during construction.
Construction worker parking and traffic congestion could result from convergence at staging areas and construction equipment traffic (Class II)	T-8 Submit the location, size, purpose, number of vehicles and construction equipment to be stored, and the duration that each staging area will be used.	To be identified by SFPP.	Review SFPP receipts of approval of the affected local jurisdictions (city or county) for the staging areas.	If construction traffic and parking demand do not create a significant traffic impact on public streets, and if on a weekly basis at least 75% of the construction workers' vehicles are parked at the s.	CPUC and affected jurisdictions.	Prior to and during construction.
	T-9 Provide shuttle buses and off-street parking areas for construction workers.	To be identified by SFPP.	Review SFPP drawing and/or written description of each shuttle bus service staging area.	If construction traffic and parking demand do not create a significant traffic impact on public streets.	CPUC and affected jurisdictions.	Prior to and during construction.
Parking of construction equipment on public roadways could limit available parking (Class III)	T-10 Provide an off-street area for the storage of construction equipment, vehicles, and materials.	To be identified by SFPP.	Review SFPP drawing and/or written description of each off-street storage area and documentation from the responsible jurisdiction (city or county) that the location has been approved by the affected jurisdictions.	If all construction equipment is stored outside the public ROW or within the protected construction zone adjacent to an active construction site, and there are no significant parking impacts associated with the equipment storage.	CPUC and affected jurisdictions.	Prior to and during construction.

Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
An pipeline leak or rupture could cause partial or complete closure of transportation facilities (Class I)	T-15 Deleted; text incorporated into SS-16 (see Section C.11)					
Cumulative impacts of simultaneous construction projects (Class III)	T-16 Maintain coordination with agencies responsible for encroachment permits on each affected roadway and with utility companies which have facilities along the same ROW.	All locations where construction interfaces with transportation facility or utility line.	Review documentation of SFPP coordination with each affected public agency (city, county, Caltrans) and with each affected utility regarding scheduling and routing of the pipeline construction activities; and copies of all applicable encroachment permits.	If cumulative construction impacts do not occur at any location.	CPUC, Caltrans, local agencies, and utility companies.	Prior to construction.
Construction in Alondra Boulevard would disrupt traffic adjacent to Cerritos College (Class II).	T-17 SFPP shall meet with administration officials of Cerritos College and with traffic engineers from the Cities of Cerritos and Norwalk prior to final construction planning to minimize interference with College traffic.	Alondra Boulevard adjacent to Cerritos College.	Review documentation of SFPP correspondence with Cerritos College staff and traffic engineers from the City of Cerritos and Norwalk prior to pipeline operation.	If construction on Alondra Boulevard would not disrupt traffic adjacent to Cerritos College.	CPUC, Cerritos College, City of Cerritos, and City of Norwalk	Prior to construction

Table C.13-1 Mitigation Monitoring Program

Impact	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
Construction activities and equipment would result in visual intrusion to viewers (Class III)	V-1 Confine construction activities and materials storage to within the pipeline ROW and above-ground facility sites, such as existing stations. All food-related trash (wrappers, cans, food scraps, etc.) shall be disposed of in closed containers, and the containers regularly removed from the construction site.	Along the entire route of proposed project and alternative routes	Conduct weekly site inspections during Project Construction to confirm adherence to contract specifications regarding confinement of construction activities and storage of construction materials.	Construction materials and excavated soils are minimally visible from adjacent travel corridors.	CPUC and Los Angeles County and City Building Departments	During construction
Intrusion of construction nighttime lights on motorists, residents, and pedestrians (Class II)	V-2 Night construction lights shall be directed away from the visual field of motorists and pedestrians along the ROW. Prohibit night construction within 500 yards of residences and sensitive receptors. Provide 7 days notice of night construction.	Along the entire route of proposed project and alternative routes	Review construction schedule and local jurisdictions' permits to determine the location and time of occurrence of night time construction	Night construction activities do not occur adjacent to residences	CPUC and Los Angeles County and City Building Departments	Prior to and during project construction

APPENDIX B

Class III Impacts: Adverse, But Not Significant

Issue Area/Project or Alternative[1] /Impact Description	Phase[2]	Mitigation Measure (summarized)
AIR QUALITY		
Operational emissions from powerplants will result from use of electric pumps (C.2-21).	O	none applicable
During an accident, released petroleum products would evaporate leading to potentially high concentrations of gasoline vapors, and release of hydrocarbons may contribute to ozone formation (C.2-21).	A	
Air toxic hydrocarbon compounds (e.g., benzene, toluene, xylene) would be released (below the threshold of significance) (C.2-22).	O	
Cumulative operational impacts could result from powerplant emissions and maintenance vehicles (C.2-24).	O	
BIOLOGICAL RESOURCES		
Removal or damage to eucalyptus trees during construction in DeForest Park could affect winter roosts for raptors (C.3-9 and C.3-10).	C	B-2 SFPP shall monitor construction activity in DeForest Park. B-3 SFPP shall survey for raptors if construction takes place in winter.
Cumulative construction impacts could result if residential, commercial or industrial projects continue to be constructed in areas through which the proposed pipeline will pass (C.3-13).	C	none applicable
CULTURAL RESOURCES		
No Class III Impacts		
ENVIRONMENTAL CONTAMINATION		
Contaminated sites with low potential to contaminate the construction area (C.5-12).	C	none applicable
Clean up of contaminated sites along the pipeline route would add to the regional hazardous material transportation, treatment, and disposal systems (C.5-15).	C	
Future remediation efforts could be limited by the presence of the operational pipeline (C.5-18).	O	
GEOLOGY AND SOILS		
Strong ground shaking could damage above-ground structures (C.6-13).	O	none applicable
WATER RESOURCES AND HYDROLOGY		
Perched groundwater could be encountered during pipeline construction (C.7-9).	C	none applicable
Cumulative impacts from future planned projects could contribute to negative effects on water quality (C.7-13).	O	none applicable

[1] If not otherwise stated, impacts apply to Proposed Project and all pipeline alternative segments.
[2] Project Phases C: Construction, O: Operation, A: Accident, B: Abandonment

Class I: Significant; cannot be mitigated
Class II: Significant; can be mitigated to non significance
Class III: Adverse, not significant Class IV: Beneficial

Issue Area/Project or Alternative[1] /Impact Description	Phase[2]	Mitigation Measure (summarized)
LAND USE AND PUBLIC RECREATION		
Residential land uses would experience increased noise, dust, and odor levels due to construction (C.8-11).	C	L-1 The Applicant shall give ample advance notice (at least 14 days) to potentially affected property owners and tenants prior to construction of the pipeline. L-2 The Applicant shall notify residents at least two weeks in advance of lane closures where access to residential areas may be restricted. L-3 The Applicant shall use a public liaison/contact person before, during, and after construction through residential areas.
Recreational users may be disturbed during pipeline construction (C.8-12).	C	L-4 The Applicant shall schedule construction to avoid peak use periods at recreational parks.
A small amount of agricultural land would be disturbed during pipeline construction (C.8-12).	C	none applicable
Cumulative impacts of pipeline construction with other construction projects could affect adjacent land uses (C.8-15).	C	L-7 The Applicant shall coordinate with affected agencies and proponents of proposed projects within or adjacent to the ROW to minimize cumulative construction effects and avoid preclusion of other planned land uses to the maximum extent feasible. L-8 The Applicant shall disclose all required mitigation measures that may affect the ROW or the adjacent properties.
NOISE		
Workers may be exposed to high noise levels (C.9-15).	C	none applicable
Sensitive land uses would be exposed to noise from vehicles associated with inspection operations and maintenance operations (C.9-17).	O	
Adjacent land uses would be exposed to noise resulting from the product being shipped by tanker trucks (secondary impact in the Inland Empire) (C.9-18).	O	
Cumulative noise impacts would occur if construction on a property near the ROW were to be implemented simultaneously with construction of the proposed pipeline (C.9-18).	C and O	
Adjacent land uses would experience temporary noise levels from modifications to the Watson, Industry, and Colton Stations (C.9-16).	C	
NO PROJECT ALTERNATIVE		
The incremental increase in noise from additional trucks and trains associated with the No Project Alternative (C.9-21).	O	none applicable

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Issue Area/Project or Alternative[1] /Impact Description	Phase[2]	Mitigation Measure (summarized)
SOCIOECONOMICS, PUBLIC SERVICES, AND UTILITIES		
Lane closures and heavy equipment traffic of 1-3 days could impede access to businesses along the project route (C.10-17).	C	[Note: the following mitigation measures are also applied for Class II impacts] S-1 SFPP shall identify a business relations coordinator 60 days before the start of project construction and prepare a Business Impact Mitigation Plan. S-2 SFPP shall meet with individual business owners immediately adjacent to the pipeline ROW; SFPP shall compensate any business disrupted, displaced, or forced to relocate and participate in binding arbitration by neutral arbitrators.
Trench excavation activities will affect solid waste facilities (C.10-18).	C	none applicable
Construction could disrupt utility services within the pipeline corridor; trenching could cause damage to existing utilities (C.10-19).	C	
Construction would require use of water for dust suppression and hydrotesting (C.10-20).	C	
Increased demand for electric service capacity would result from project operation (C.10-22).	O	
SYSTEM SAFETY		
Pipeline construction would pose safety hazards (C.11-23).	O	SS-1 SFPP shall provide structural support for underground utilities. SS-2 SFPP shall coordinate with utility companies and use hand tools in utility intensive areas and within 24 inches of underground structures. SS-3 SFPP shall halt work in the immediate vicinity in the event of inadvertent damage to an underground utility. SS-4 SFPP shall have an electrical contractor on-call at all times during construction near the potentially affected facility.
TRANSPORTATION AND TRAFFIC		
Construction could restrict access and parking for non-sensitive land uses and businesses, residences, and institutions (C.12-11, C.12-14).	C	T-3 SFPP shall identify all land uses along the ROW with access concerns, and install the pipeline in a street location which minimizes access problems. SFPP shall schedule construction to avoid times during which businesses receive the most customers, and avoiding peak traffic times adjacent to residential areas. T-4 SFPP shall give written notification to all landowners, tenants, business operators, and residents along the ROW of the construction schedule.
Construction worker parking and travel to spread could limit local parking availability and increase local traffic congestion (C.12-14, C.12-15).	C	T-8 SFPP shall submit the location of proposed staging area(s) to the CPUC and to appropriate local jurisdictions for review and approval. T-8 As described above. T-9 SFPP shall provide a shuttle bus service for construction workers from convenient off-street parking areas to the work sites to minimize traffic volumes and parking demand at the work sites.

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Issue Area/Project or Alternative[1] /Impact Description	Phase[2]	Mitigation Measure (summarized)
Parking of construction equipment on public roadways could limit available parking (C.12-16).	C	T-10 SFPP shall provide an off-street area for the storage of construction equipment, vehicles, and materials to address the increased demand for construction equipment storage. T-11 SFPP shall ease the temporary loss of parking spaces through advance notification and temporary replacement of parking spaces. T-11a SFPP shall submit the location(s) of staging areas to the CPUC and the appropriate local jurisdiction(s) for review and approval 30 days prior to the start of construction.
Construction could affect rail operations (C.12-18).	C	T-14 SFPP shall coordinate issues of construction compatibility of rail operations with MTA, Port of Long Beach, and other rail operators,
Traffic and roadway damage could result from station modification construction (C.12-19).	C	T-12 Roads disturbed by construction activities or construction vehicles shall be properly restored to ensure long-term protection of road surfaces.
Additional truck trips would result from project operations (secondary impact) (C.12-20).	O	none applicable
Cumulative traffic increases could occur during construction of the Proposed Project (C.12-20).	C	T-16 SFPP shall maintain close coordination with the agencies responsible for encroachment permits on each affected roadway and with the utility companies which have facilities along the same ROW.
NO PROJECT ALTERNATIVE		
Additional truck trips would result from No Action scenario (C.12-23).	O	none applicable
VISUAL RESOURCES		
Construction activities and equipment would result in visual intrusion to viewers along the ROW (C.13-4).	C	V-1 SFPP shall confine construction activities and materials storage to within the specified (50-foot maximum) pipeline ROW, at above-ground facility sites (such as existing stations), and within temporary construction yards.
Construction of waterway crossings would create visual intrusion (Los Angeles River, Compton Creek, and San Gabriel River) (C.13-5).	C	none applicable

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[2] Project Phases C: Construction, O: Operation, A: Accident, B: Abandonment

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(END OF APPENDIX B)

APPENDIX C

APPENDIX C
RESPONSES TO COMMENT LETTERS ON THE FINAL EIR

The Final EIR was issued on May 13, 1998. Two letters were submitted to the CPUC with comments on the Final EIR: the City of Paramount (June 2, 1997) and the City of Artesia (June 23, 1997). This attachment presents the CPUC's responses to those comments.

City of Paramount (letter dated June 2, 1998)

Responses to issues raised by the City of Paramount are presented in three sections:

- The numbered issues in the City's cover letter are addressed in items 1 through 5 below.
- Additional responses to the comments presented by the City on the Draft EIR are presented using the numbering system from the DEIR (10-1 through 10-61).
- Responses to the City's questions on compliance with specific sections of CEQA are presented by the appropriate section of CEQA of CEQA Guidelines.

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1. The City states that the Final EIR makes reference to "a project which is no longer being actively pursued." The project as proposed by SFPP, L.P.[1] has not changed. As required by CEQA, the Draft and Final EIR analyze the project as proposed by SFPP, as well as feasible alternatives. The FEIR's determination that an alternative route is considered to be environmentally superior to the proposed route does not change the definition of the project as proposed by SFPP.

   CEQA case law reinforces the importance that the EIR's Project Description (*see, e.g., County of Inyo v City of Los Angeles* (1977) 71 C.A.3d 185, 197, 199, and several others) be fixed and consistent throughout the EIR. This EIR has done exactly that: presenting a clear and consistent description of the project proposed by SFPP through the scoping process, in the Draft EIR, and in the Final EIR. Because the EIR evaluates the project proposed by SFPP, the CPUC cannot unilaterally change the proposed project based on environmental analysis. The EIR must present an accurate, stable, and finite project description. (*Id.*, 71 C.A.3d at 199.) The defined project, and not a different project, must be the subject of the EIR. (*Id.*) The EIR's discussion of the environmental superiority of the Paramount alternative line segment to the functionally equivalent line segment described in SFPP's proposed project is presented to disclose the comparative impacts to the public and affected jurisdictions, and does not represent a change in the original SFPP project description.

   The City states that a subsequent or supplemental EIR is required. Since the Final EIR had not been certified by the Commission at the time it was issued to the public, the CEQA guidelines addressing subsequent and supplemental EIRs {§15162 and 15163} would not apply. Even if the Final EIR were already certified, Sections 15162 and 15163 would not authorize, let alone require, the preparation of a subsequent or supplemental EIR in this proceeding. Regarding subsequent EIRs, Section 15162 states: "When an EIR has been certified . . . for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines on the basis of substantial evidence ... one or more of the following:"

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[1] Santa Fe Pacific Partners, L.P. was purchased by Kinder Morgan Energy Partners, L.P. in early 1998. The new name of Santa Fe Pacific Pipeline Partners, L.P. is SFPP, L.P. Throughout this document, they will be referred to as "SFPP".

(1) *Substantial changes are proposed in the project which will require major revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial change in the severity of previously identified effects*: The Paramount alternative was discussed in the draft EIR and the public has been given an opportunity to comment. No project changes have been proposed by SFPP during the EIR process either before or after publication of the Final EIR. The discussion of the Paramount alternative, and the conclusion in the EIR that the Paramount alternative is environmentally superior, simply do not amount to changes in the proposed project. If the Commission, as the lead agency, certifies the Final EIR, and approves the project proposed by SFPP as modified by the substitution of the Paramount alternative line segment for the segment described by SFPP in its project description, the fact that the project which may be ultimately approved may incorporate changes from the originally proposed project still would not necessitate a subsequent EIR. The impacts associated with the potential approval of the proposed project as modified by the environmentally superior Paramount alternative are already fully disclosed and properly analyzed in the draft and Final EIR. Since full disclosure of the environmental impacts of such a potential outcome has already occurred, no major revisions to the EIR are required to disclose such impacts.

(2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which require major revisions in the EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects.* Again, no changes with respect to the circumstances under which the project will be undertaken have occurred either before or after publication of the Final EIR. The possibility that the project that may be ultimately approved may differ from the proposed project in that it may incorporate certain environmentally superior line segments does not amount to a change in the circumstances under which the project will be undertaken. And again, the environmental impacts of such a possible outcome have already been disclosed and discussed in the Draft and Final EIRs. Thus, there is no need for major revisions to the EIR due new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(3) *New information of substantial importance which was not known and could not have been known at the time of the previous EIR was certified.* No new information is known now that was not known when the Final EIR was published.

There is no substantial evidence upon which the lead agency could base a determination that: 1) there are substantial changes in the proposed project; 2) there are substantial changes with respect to the circumstances under which the project - if approved - will be undertaken; or 3) there is no information of substantial importance which was not known and could not have been known at the time that the Final EIR was issued to the public, prior to certification. The issuance of a subsequent EIR by the Commission would be contrary to Guideline Section 15162, even if that section were applicable prior to the certification of the EIR.

If, after the EIR is certified, there is substantial evidence of substantial project changes or substantial changes in project circumstances which require major revisions to the EIR due to new or substantially increased environmental effects, or of new and previously unknowable information of substantial importance, then the Commission as lead agency will consider whether a subsequent EIR is required by Section 15162 (a).

Section 15163 allows a lead agency to prepare a supplement to an EIR rather than a subsequent EIR if any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, but only minor changes or additions would be necessary to make the previous EIR adequately apply to the project in the changed situation. A supplement to an EIR augments a previous EIR to the extent

necessary to address conditions described in Section 15162, and to analyze project alternatives and mitigation measures accordingly. In contrast, a subsequent EIR is a complete new EIR addressing conditions described in Section 15162. Section 15163 implicitly only applies when it is necessary to supplement a previously certified EIR. In the current context, Section 15163 does not require the preparation of a supplement to the EIR because: 1) the EIR has not yet been certified, and 2) none of the conditions described in Section 15162 which would require the preparation of a subsequent EIR are present. Since there is no reason to prepare a subsequent EIR, there is no reason to consider choosing to prepare a supplement to the EIR on the grounds that only minor changes would be necessary to make the EIR adequate in light of the changed circumstances. No supplement to an EIR is necessary.

2. The City claims that the EIR uses "deferred analysis and mitigation" which is not acceptable under CEQA. The EIR's use of mitigation and impact analysis is appropriate and consistent with CEQA and CEQA case law in that mitigation is detailed, specific, and implementable. All impacts are properly classified in the EIR as to their significance; these determinations are not deferred. The deferred analysis and mitigation that is not acceptable under CEQA is in situations where impact determinations cannot be made and specific mitigation measures cannot be developed due to lack of available information. This is not the case in this EIR.

   In *Sundstrom v County of Mendocino* (1988) 202 C.A.3d 296, 307 (cited by the City), the court recognizes that environmental review must be performed at the "earliest feasible stage in the planning process." Section 15004(b) of the CEQA Guidelines states "EIRs and Negative Declarations should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design..." This implies that there is substantial detailed project planning that must occur after the EIR process (including preparation of detailed construction plans based on site-specific data).

   This EIR includes close to 100 mitigation measures which are specific and implementable to reduce impacts from construction impacts such as traffic, noise, air emissions, contaminated soils, biological and cultural resources. The City makes reference to a few (Mitigation Measures G-1, G-2, and H-1) which require specific engineering design features to be developed based on site-specific analysis completed prior to project construction. For example, Mitigation Measure G-1 requires that SFPP develop and justify design elements for the fault crossing, including consideration of vibration sensors, thicker-walled pipe, consideration of additional block valves, or other items. The plans defined in these 3 measures (G-1, G-2, and H-1) cannot feasibly be prepared prior to EIR certification because several alternative routes are under consideration in the EIR, and it would be premature to require SFPP to perform the site-specific geotechnical tests in order to prepare detailed pipeline designs for each considered in the EIR. This is not deferred mitigation since it sets out these specific requirements that must be completed prior to starting construction and provides the lead and responsible agencies with criteria with which to evaluate the plans or reports.

   It is also noted that CEQA does not require that an agency conduct every recommended test and perform all recommended research in evaluating impacts (CEQA Guidelines §15125(b), 15143). Two court cases support the approach taken in Mitigation Measures G-1, G-2, and H-1. In *Sacramento Old City Ass'n v City Council* (1991) 229 C.A.3d 1011, the court upheld adoption of a range of mitigation measures to be considered for adoption in a future transportation management plan. In *Laurel Heights Improvement Ass'n v Regents of Univ. of Cal.*, (1988) 47 C.3d 376, the court approved a mitigation measure for noise impacts that required evaluation of specific noise control techniques to ensure compliance with noise performance standards once the ventilation system had been designed. These cases are similar to the approach presented in Mitigation Measures G-1, G-2, and H-1 where a specific

list of engineering techniques is listed, but the choice of those techniques will be defined based on site-specific study carried out before construction.

The process involved in implementing these measures is as follows:

- SFPP will submit to the CPUC and appropriate responsible agencies a study documenting its research into the Newport-Inglewood Fault (G-1), areas of potential liquefaction (G-2), and locations where water wells could be affected by a pipeline accident. The report must include a description of the engineering features that are deemed to be appropriate to increase pipeline safety as a result of the site-specific information found in research.

- The CPUC (and its mitigation monitoring contractor) and responsible agencies will review each report to evaluate whether it presents the comprehensive information as specified in the mitigation measure and whether the stated engineering features are appropriately considered. SFPP's recommendation regarding appropriate engineering will be subject to extensive review.

- An approval letter will be provided to SFPP based on agency review of the report. The report must comply with all the requirements of the mitigation measure, prior to approval of the report.

The CPUC is committed to ensuring full implementation of these mitigation measures.

3. The City states that the Final EIR fails to address specific concerns raised by the City of Paramount. The Final EIR includes detailed responses to all of the concerns raised by the City in its comment letter on the Draft EIR (these response are provided in FEIR Part H), and this document includes additional responses. No comments have been "dismissed outright;" rather, the responses specified where in the EIR the requested information was included or fully explained the methodologies in question. The other specific concerns raised in this comment (related to definition of sensitive land uses) are addressed in responses 10-36, 10-37, and 10-38 below.

4. The City states that the level of analysis provided for the proposed project should now be directed to those alternative alignments which are considered candidates for the project. As stated in response #1 above, the FEIR analyzes the proposed project and alternatives consistent with the requirements of CEQA. The proposed project has not changed from that described in the FEIR. CEQA Guidelines, §15126(d)(3) require that "The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." This EIR complies with this requirement by including equivalent detailed information for the proposed and alternative route segments.

5. The City states that little effort has been made to actively involve the City of Paramount in project scoping and planning. As described in detail in responses to 10-5 through 10-8 below, the City was contacted in November of 1997, and has been involved since the CPUC determined that an alternative could affect the City. The fact that the Paramount Alternative had not been identified prior to scoping did not prevent the City from full involvement in the EIR process. The purpose of an EIR is to provide public agencies and the public with detailed information about the effect a proposed project is likely to have on the environment. Preparation and review of an EIR are intended to serve several major purposes, listed below, along with an explanation of how this EIR complied with those purposes:

   - *Disclosure: An EIR is to identify the significant impacts of a project and alternatives, and present mitigation measures for use by decision-makers, other agencies, and the public.* This EIR discloses significant impacts of the proposed pipeline and alternatives, and presents nearly 100 mitigation measures. This included disclosing potentially significant impacts for the Paramount Alternative.

- *Balancing mechanism: An EIR allows the lead and responsible agencies to consider comments from the public and other agencies and to weigh competing policies and objectives.* This EIR considered and incorporated public input obtained from 28 comment letters from responsible agencies and the public, and 16 speakers at the Public Participation Hearing. As a result of comments, several mitigation measures were modified and baseline information was clarified so the Final EIR would present a clear picture of the proposed project, alternatives, and impacts.

- *Public participation: An EIR gives the public the opportunity to comment on the project and the environmental issues discussed in the EIR.* The CPUC's extensive public participation program carried out after publication of the Draft EIR is detailed in response to 10-10 below. It included mailing of a Notice of Release to over 14,700 property owners, and holding an Informational Workshop and a Public Participation Hearing.

- *Public awareness: An EIR serves to demonstrate that the agency has analyzed and considered the environmental implications of its actions.* This EIR fully demonstrates the careful consideration of impacts in 12 environmental issue areas.

- *Accountability: The EIR process enables the public to determine the environmental values of public officials, so those officials can be held accountable for their actions.* This EIR responds to the comments of local and state public officials regarding the proposed project and possible alternatives, and thus allows the public to determine the environmental values of such officials so they can be held accountable for their statements and actions. As the lead agency, the Commission is the public entity responsible for determining whether the Final EIR should be certified and the proposed project and/or any environmentally superior alternatives should be approved. Thus, the public will have an opportunity to determine the environmental values of the Commission, so that the Commission may be held accountable as well.

- *Environmental protection:* EIRs are the primary means of protecting and enhancing the environmental quality of the State, and must propose mitigation measures and alternatives designed to minimize a project's environmental impacts. This EIR presents nearly 100 specific and implementable mitigation measures to reduce or eliminate impacts that were identified, and the EIR evaluates 7 route segment alternatives and the No Project Alternative. The route segment alternatives were identified in an alternatives screening process that involved identification of the major impacts of the proposed route and development of alternative routes that could minimize these impacts.

Following are additional responses to the City's comments on the Draft EIR.

10-1 The City states that responses to its comments on the DEIR were not adequate. The CPUC believes that the responses to comments on the Draft EIR were adequate. However, additional information is provided below in cases where the responses were not clear to the City.

10-2 CEQA [§21092.5(a)] requires that commenting agencies receive responses to their comments on the Draft EIR or a copy of the Final EIR at least 10 days prior to certification of the FEIR. The CPUC has complied with this requirement by providing the City the FEIR more than 10 days prior to certification (on May 21, 1998, when the FEIR certification will be considered until August 1998). The CPUC has clearly complied with the provisions of §21092.5(a).

10-3 No response required.

10-4 The City states that responses to its comments on the DEIR were not adequate. The CPUC has made every effort to address the City's comments, either by explaining where the analysis was included in the Draft or Final EIR, or by providing clarification to previous comments. The CPUC believes that the responses to comments on the Draft EIR were adequate and consistent with CEQA Guidelines §15088(b) which requires that "The written response shall describe the disposition of significant environmental issues raised ... In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response." The CPUC has complied with this requirement by providing complete responses to the City's DEIR comment letter. Despite the CPUC's knowledge that its responses in the DEIR were complete, additional information is provided below in cases where the responses were not clear to the City.

10-5 The City states that it was not afforded the opportunity to participate early in the scoping process. As described in Part G of the FEIR, the scoping process for the Draft EIR was carried out in September of 1997. At that time, no pipeline route or alternative had been suggested that would affect the City of Paramount. However, notices of Scoping Meetings were published in 3 local newspapers (Long Beach Press Telegram, South East Cities Tribune, The Wave Group).

The City is in disagreement with the Lead Agency's contention that a "concerted effort was made to consult with the City." As soon as the alternative was identified that included the City of Paramount, the City was notified of that fact. Following are actions taken to inform the City of the proposed pipeline and the status of EIR alternatives:

- On November 7, 1997, staff of the CPUC's EIR consultant (Aspen Environmental Group) contacted the City of Paramount's Public Works Department (J. Moreno) to request baseline environmental information relevant to the City. At this time, Aspen staff explained the status of the EIR process and confirmed that name and address of the Community and Economic Development Manager (John Carver), to whom the Notice of Preparation and Scoping Report were subsequently mailed. The contact with Mr. Moreno is documented in both the Draft and Final EIRs, in the Reference, Section C.10.12, Socioeconomics, Public Services, and Utilities.

- On November 25, 1997 both the Notice of Preparation and the Scoping Report were mailed to the City of Paramount's Community and Economic Development Manager, John Carver. These items were accompanied by a cover letter (from Aspen Environmental Group, CPUC consultant for preparation of the DEIR) indicating that the City of Paramount was added to the DEIR project mailing list, and welcoming any questions the City may have about the project.

- In December of 1997, the DEIR newsletter was issued to the project mailing list, which included the City of Paramount.

- In early January of 1998, after screening the feasible alternatives in a process consistent with CEQA Guidelines §15126(d)(2) and (3), the Paramount Alternative Segment was determined to be a feasible alternative for consideration in the DEIR. As a result, on January 7, 1998, another letter was sent to the City of Paramount stating,

  As a result of ongoing input received from businesses, residents, and jurisdictions along the proposed pipeline route, we have added two alternative route segments for EIR evaluation since the publication of the newsletter. One alternative route (the Paramount Alternative Segment) is primarily located within the City of Paramount; therefore, we wanted to inform you of its location. As shown on the attached map, this alternative segment includes . . . The Draft EIR will be issued in early February 1998. You will receive a copy of the document and the schedule for public hearings. We look forward to receiving any comments you might have on the proposed or

alternative routes, and will make sure that you continue to receive all documents related to this EIR. Please feel free to call me if you have any questions (Letter from Susan Lee, Aspen Environmental Group, EIR Project Manager to John Carver, City of Paramount, Community and Economic Development Manager, January 7, 1998).

The City further states that "the Paramount Segment appears to be now part of the project." The project as proposed by SFPP has not changed. The Paramount Alternative Segment was determined in the Draft and Final EIR to be environmentally superior to the proposed project segment, but that determination does not make it "part of the proposed project."

10-6 The City believes that "early consultation with the City" did not occur. As described in the previous response (10-5), the City was consulted immediately after it was determined that an alternative was being considered within the City's jurisdiction: contacts were made on November 7, 1997, November 25, 1997, and January 7, 1998. The City had ample opportunity to contact or provide input to the Lead Agency: (1) beginning in November 1997 for baseline environmental data, (2) information on the Paramount Alternative could have been provided throughout the month of January 1998 (prior to issuance of the Draft EIR), and (3) during the extensive public participation period from February 2 to March 25, 1998.

The City states that SFPP had been in contact with neighboring cities for about 2 years. Actions taken by SFPP have no bearing on the Commission's actions or the adequacy of the EIR.

10-7 The City re-states that it did not have the opportunity to participate in the scoping process. The response to this issue is provided in 10-5 and 10-6 above.

10-8 The City states that information provided to it prior to the issuance of the Draft EIR did not identify the Paramount Alternative Segment "as the preferred alignment for the proposed pipeline." This statement is correct: the environmentally superior alternative is not identified until the environmental analysis is completed as part of the Draft EIR. It would have been premature to identify an environmentally superior alternative without completing the environmental analysis.

The City states that it was not a party to discussions concerning the alignment and was not on the circulation list to receive the Notice of Preparation. The Lead Agency did not hold "discussions concerning the alignment" individually with any local agencies. Rather than holding individual meetings, comments on the proposed route and potential alternative routes were solicited throughout the Draft EIR preparation period.

10-9 The City does not concur with the CPUC's determination that recirculation of the DEIR was not required. Recirculation is required when the addition of significant new information after public notice is given of the availability of the Draft EIR for public review but before certification deprives the public of a meaningful opportunity to comment on substantial adverse project impacts or on feasible mitigation measures or alternatives that are not adopted. In this case, there was no deprivation of opportunity to comment. The CPUC carried out an extensive public participation effort (described in 10-10 below) in order to make sure that the public fully understood the proposed project, the alternatives, and the mitigation measures.

Recirculation of a DEIR is required under CEQA [Guidelines §15088.5(a)] only if one of the following conditions occurs:

(1) *A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.* No new significant impacts were identified after publication of the Draft

EIR and prior to issuance of the Final EIR. The Paramount alternative had already been identified in the Draft EIR.

(2) *A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.* No increase in severity of an impact was identified.

(3) *A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.* No feasible project alternatives were added to the EIR after issuance of the Draft EIR. The Paramount Alternative, to which the City objects, was presented in the Draft EIR for review by the public and all affected agencies.

(4) *The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.* The Draft EIR was adequate and complete; substantial public comment was received during a public review period in which the CPUC actively solicited public involvement, as described in 10-10 below.

As described above, none of the required conditions applied to the Draft EIR for this project. Therefore, the CPUC did not recirculate the Draft EIR.

10-10 The City requested that the CPUC "revisit the scoping process." The CPUC has provided the City of Paramount and affected businesses and residents with opportunities to provide their input on the EIR and the proposed pipeline that go beyond CEQA's requirements. The following actions were taken by the CPUC after issuance of the Draft EIR to ensure that the public and responsible agencies had ample opportunity to learn about the contents of the Draft EIR and to understand the project:

- On February 11, 1998 a Notice of Release of the DEIR was sent to the approximately 14,700 property owners and occupants within 300 feet of proposed and alternative route segments (including those in Bellflower). The Notice of Release was also sent to Los Angeles and San Bernardino County Clerks.

- The Draft EIR was sent to 7 public libraries, including the Los Angeles County Library, Paramount Branch, and at the CPUC's Public Advisor's Office in Los Angeles. In addition, the full Draft EIR was made available on the Internet.

- Two public meetings were held during March of 1998: an informal Public Workshop and a Public Participation Hearing. In addition to being announced in the cover letter accompanying the DEIR, notice of the these events was published in four newspapers: The Long Beach Press Telegram and the South East Cities Tribune on February 27, 1998; The Wave Group on February 28, 1998; and La Opinion (Spanish language) on March 3, 1998.

10-11 The City does not believe that its comments on the Draft EIR were adequately addressed. The CPUC has reviewed its responses and believes that they are adequate; see response to comment 10-4.

10-12 The City states that the "the proposed project . . . does not even consider the Paramount Segment." This is correct, and consistent with CEQA as described in the response to general comment #1 above. The distinction between the proposed project and the alternatives is maintained throughout the EIR, as required by CEQA.

The City states that a layperson, not familiar with the concept of the environmentally superior alternative, would assume the alignment would by-pass Paramount in reading Section B.3. The EIR includes an Executive Summary which provides a simplified and concise summary of the

environmental analysis and findings, including a detailed comparison of the proposed route and alternative route segments. Figure ES-1 identifies the proposed and alternative route segments.

10-13 The City requests that the same degree of attention and consideration be provided to the Paramount Segment that was devoted to the proposed route. As explained in the response to general comment #4 above, alternatives were evaluated in detail consistent with CEQA requirements.

The City states that "the proposed project alignment which appears to have been eliminated, is still characterized as the preferred project in the Final EIR." As required by CEQA (§15126), the EIR describes the proposed project and alternatives, and makes a determination as to the environmentally superior alternative. That determination does not mean that the environmentally superior alternative becomes the proposed project. The Final EIR clearly and separately describes the project as proposed by SFPP, and the environmentally superior pipeline route as determined by the information in the EIR.

10-14 The City is concerned as to whether the methods of construction, operations, and maintenance provided in Section B.5 would also apply to the alternative segments. The City's comment correctly references the relevant statement on page B-52 that "Each alternative would utilize the same type of pipe and construction methods identified for the proposed project (described in Section B.4)." While Sections B.5 (Operation and Maintenance) and B.6 (Abandonment) are not specifically referenced on page B-52, the analysis in the EIR is based on these procedures applying equally to the proposed route and to all alternatives. We therefore reiterate that the pipeline construction and operation procedures described in Sections B.4 (Construction), B.5 (Operation and Maintenance), and B.6 (Abandonment) would apply to any alternative route as well as to the Proposed Project.

10-15 The City states that if information is not available for the Paramount Alternative, the CPUC should undertake a Supplemental or Subsequent EIR. See the response too comment #1 above regarding when preparation of a supplemental or subsequent EIR is required. The CPUC believes that the EIR provides sufficient information to allow analysis of impacts and comparison of alternatives, as required by CEQA. The City's allegation that the EIR defers "both analysis and mitigation" is incorrect. The EIR defers no impact determinations, and all mitigation measures include specific performance criteria. The City references *Sundstrom v County of Mendocino , supra*, as a CEQA case in which the court considered "future study" mitigation to be inadequate. It should be noted that this case was based on a mitigated negative declaration, and not an EIR. Subsequent cases (*Sacramento Old City Ass'n v City Council, supra*, and *Laurel Heights Improvement Ass'n v Regents of Univ. of California, supra*) demonstrate that the courts allow more flexibility in adoption of mitigation measures in an EIR than for mitigation measures in a mitigated negative declaration.

10-16 The City requests that analysis of operations and maintenance for the Paramount Alternative be expanded to include a comparable level of discussion as that provided for the proposed project. As stated in 10-14 above, the operations and maintenance procedures for the Paramount Alternative would be the same as those for the proposed pipeline route. These EIR sections describe construction, operation, and abandonment procedures that would be applied to any alternative route [see EIR Sections B.4 (Construction), B.5 (Operation and Maintenance), and B.6 (Abandonment)].

10-17 The City states that the local businesses and residents were not informed about the potential effects of the Paramount Alternative to the same extent as those residents and businesses located along SFPP's proposed alignment. This statement is not accurate: residents and businesses along both the proposed and alternative alignments received the same information about the Draft EIR in the

Notice of Availability. While the notice did not state which pipeline segments were considered to be environmentally superior, it did include a map showing the proposed and alternative alignments so local businesses and residents could see the potential that a route could be selected on Alondra Boulevard and Garfield Avenue. In addition, as previously stated in the response to 10-10, the CPUC held an informal Public Workshop and a Public Participation Hearing in March of 1998. Notice of the these events was published in four local newspapers.

10-18 No response required.

10-19 The City questions the level of detail provided for air quality impact analysis for both construction emissions and long-term air quality impacts. These impacts are analyzed in the EIR in a manner consistent with the requirements of the South Coast Air Quality Management District (SCAQMD) and using uses their criteria for impact significance. The SCAQMD's criteria are based on the fact that air emissions that occur in any specific location cause chemical reactions that create air pollution that would affect the entire region. The CPUC has provided a copy of the EIR to the SCAQMD for review as a responsible agency. Their comment letter did not question the significance criteria or the approach to analysis.

Regarding construction emissions, the analysis in Section C.2 (Air Quality) defines project emissions as they relate to State and Federal air quality standards. Both nitrous oxide (NOx) emissions and small particulate (PM10) emissions from project construction would exceed SCAQMD criteria, resulting in potentially significant impacts. Site-specific air quality impacts are addressed in Section C.8, where sensitive receptors are listed. Section C.8.2.3 (Land Use and Recreation, Impacts of Pipeline Construction) states that construction would result in " ... daily disturbances of noise, dust, equipment emissions, possible odors ..." Subsequent sections of C.8.2.3 address impacts of these disturbances on residences, sensitive land uses, and recreational land uses.

The City states that the analysis of long-term impacts is very technical in nature. The EIR's discussion of the topic is clearly stated and non-technical (section entitled "Air Toxics" on page C.2-22). This section concludes that the increase in toxic emissions at the Watson facility would be adverse but less than significant (Class III).

10-20 The City states that sensitive receptors, including residential neighborhoods, along the Paramount Alternative Segment are not accurately identified in the air quality analysis. As previously explained, sensitive receptors and land uses are identified in Section C.8 (Land Use) and impacts are characterized in that section.

The methodology used to identify sensitive receptors is addressed in responses 10-36 through 10-40 below. CEQA case law (*San Francisco Ecology Ctr. v City & County of San Francisco* (1975) 48 C.A.3d 584) is clear that disagreements over methodology do not render an EIR inadequate. As stated in *Browning-Ferris Indus. v City Council* (1986) 181 C.A.3d 852, the agency may choose among differing expert opinions as long as the EIR identifies arguments correctly and in a responsive manner.

The SCAQMD CEQA Air Quality Handbook (Section 8.1) referenced by the City lists exactly the types of sensitive receptors that are considered in Section C.8 of the Final EIR (residences, schools, convalescent homes, etc.). However, it should be noted that the SCAQMD CEQA Air Quality Handbook focuses primarily on the evaluation of operational emissions (air toxics, CO, and odorous emissions) in determining potential impacts to sensitive receptors. As described in Section C.2.2.6 of the FEIR, the operational emissions were found to be adverse, but less than

significant (Class III). Most of these emissions would result from the storage tanks at the Watson Station (in Carson), and the indirect emissions associated with the generation of electricity to run the pumps. These emissions would not create any significant impacts on the sensitive receptors in Paramount.

In order to evaluate the potential quality impacts from construction on sensitive receptors and on ambient air quality, the SCAQMD has established daily and quarterly emissions thresholds with which construction emissions are compared. The SCAQMD developed these thresholds based on scientific and factual data that is contained in the Federal and State Clean Air Acts. These thresholds were designed to reduce the potential for degradation of the ambient air quality conditions, and subsequently to protect public health. In Section C.2.2.3 of the EIR, specifically in Tables C.2-14 and C.2-15, project construction emissions are compared with the SCAQMD thresholds for each of 5 types of pollutants. Where the emissions exceed the thresholds, a potentially significant impact is identified. In the case of nitrous oxides (NOx), the construction emissions of the proposed project create a significant air quality impact which cannot be mitigable to a non-significant level. However, these impacts are short-term, occurring during project construction (estimated to take between 6 months and a year, or up to two weeks at any single location)

10-21 The City questions pipeline accident statistics in the EIR based on the number of pipeline ruptures that occurred during the 1991 Northridge earthquake. The only hazardous liquids pipeline that ruptured during the 1991 Northridge earthquake was a crude oil pipeline that was constructed before 1930. This pipeline ruptured in 9 separate places. However, none of the many other newer hazardous liquids pipelines in the San Fernando Valley ruptured or leaked in this earthquake, which caused extraordinarily strong ground shaking.

The City also requests a description of the level of risk "in a more meaningful manner" and questions whether the level of risk determined for the Proposed Project takes into account the potential seismic activity in the area. The DEIR was reviewed by the California State Fire Marshal; that agency, which is responsible for pipeline safety in California, did not question the approach or methodology in the safety analysis; see response to 10-20 above regarding the acceptability of using differing methodologies in preparing an EIR. The approach and conclusion for evaluating pipeline risk is described thoroughly in Sections C.11.3.1 and C.11.3.2; where the conclusion is stated as a probability of leak or rupture somewhere along the pipeline route once every 100 years. This is determined to be a significant and unavoidable (Class I) impact, since even with the best state-of-the-art pipeline design, a major earthquake could cause pipeline rupture. Seismic risk is addressed in detail in Section C.6 of the EIR (Geology and Soils), which also concludes that the pipeline crossing an active fault is a significant and unavoidable impact (Class I).

10-22 The City questions the response to the DEIR comment which referenced Section C.2.2.5 for information on Air Toxics. The response in the FEIR referenced the wrong section: the correct reference should be to Section C.2.2.6, Impacts of Pipeline Operations (page C.2-20 of the FEIR). In the first paragraph of that section, the last sentence states that valves and flanges have the potential to release a small amount of emissions. As stated in the original response to 10-22, these amounts are significantly below thresholds for health risk.

It should also be noted that there would be no valves or flanges within the City of Paramount. The closest valves are (1) on the east side of the Los Angeles River (about 1.5 miles southwest of the city limits), and (2) on the west side of the San Gabriel River (over 2 miles east of the city limits).

10-23 The City requests consideration of impacts on street trees and median improvements. As stated in the response to this comment in the FEIR, no impact on these improvements is expected to result from construction. Consistent with CEQA, the EIR focuses on significant impacts and does not describe impacts that would not be expected to occur as a result of project construction or operation.

10-24 The City questions the cultural resource analysis for the Paramount Alternative Segment. The evaluation process was described in the DEIR (Section C.4) and in the original response to the City's comment on the DEIR. This evaluation process included a study of past surveys of the project area identification of all known cultural resources within one-half mile of the proposed and alternative routes. The data was analyzed to see whether any identified resources could be affected by the proposed or alternative pipeline routes. Mitigation Measures C-1 through C-3 include procedures that SFPP must follow during construction to avoid any impacts to cultural resources, including procedures required in the event that any are discovered. It should be noted that while the City does not agree with the approach taken for analysis of cultural resources, it has not identified any cultural or historic sites that it feels were overlooked in the cultural resources reports.

10-25 The City questions whether the evaluation of cultural resources applies to the Paramount Segment. Section C.4.5 of the Draft and Final EIR clearly states "The environmental setting for the Paramount Alternative segment is included in the area described in Section C.4.1 above." See also the response to comment 10-24. No cultural or historical resources were identified within 1/2 mile of the Paramount Alternative (Alondra Boulevard or Cherry Avenue) segments. Mitigation Measure C-1 requires that SFPP have an environmental monitor observe all trenching activities, and that a qualified archaeologist be on call in the event that a potential artifact is discovered.

10-26 The City questions whether the list of recorded cultural and historic sites on pages C.4-3 and C.4-4 includes the Alondra Boulevard and Garfield Avenue. As stated previously, this list includes the area of the Proposed Project and all alternative route segments, including the Paramount Alternative.

10-27 The City questions whether the list of historic sites (page C.4-4) includes sites within Paramount. As stated previously, this list includes the area of the Proposed Project and all alternative route segments, including the Paramount Alternative. If the City is aware of any sites that could be affected by construction of the Paramount Alternative segment, it is presumed that it would have provided that information in its comments on the DEIR.

10-28 The City questions the methodology used in the Environmental Contamination analysis (Section C.5). See response to 10-20 above regarding the acceptability of using differing methodologies in preparing an EIR. There are numerous databases that list potentially contaminated sites, including the Facilities Index System (FINDS) cited by the City. The data used for the EIR is described in Section C.5.1.1.2, and included data from 10 Federal agencies, 14 California agencies, and two Los Angeles County programs (see Table C.5-2 for a complete list). The complete list of contaminated sites within each jurisdiction was screened and only those with "High" or "Medium" potential to impact project construction are listed in the EIR. This list includes 8 sites within the City of Paramount; other sites may be known but were determined to have minimal potential for impact. The screening procedure used to evaluate the potential for sites to affect the proposed project is described in Section C.5.1.1.2 of the EIR. Many additional potentially contaminated sites along the proposed and alternative routes were determined to have a "Low" potential to impact project construction due to their location or a type of hazardous material that may be used at the site. However, Mitigation Measure EC-1 requires re-evaluation

of these "Low" sites based on actual trench parameters to determine whether any additional protective measures should be implemented.

The City states that the analysis of environmental contamination focused on identification of areas where existing contamination is known to exist. While the EIR did identify sites of known contamination, it specifically addresses the possibility that other, unrecorded contaminated sites could be encountered during construction. Mitigation Measure EC-5 includes specific requirements for construction procedures to be followed in the event that unanticipated contamination is encountered during construction.

10-29 The City states that the EIR does not adequately identify potential liquefaction impacts. The EIR does define areas that are known to have moderate or high liquefaction potential (see Figure C.6-3) along both the proposed and alternative pipeline routes. Liquefaction impacts on a pipeline can be reduced to non-significant levels through implementation of engineering techniques (as required by Mitigation Measure G-2). Therefore, the EIR properly identifies both the potential impact and appropriate mitigation to minimize the effect of the impact.

10-30 The City states that the proximity of the Newport-Inglewood Fault to the City could result in severe ground shaking. As described in Section C.6.2.5.2, strong ground shaking could occur along the entire length of the pipeline due to the seismically active nature of the southern California region. Ground shaking is not considered to present a significant hazard to buried pipelines, because the pipeline moves with the sediments that it is buried in. The adverse but not significant (Class III) impact addressed on page C.6-13 covers only above ground structures (e.g., station buildings), the portions of a pipeline that could be affected by strong shaking. However, compliance with Uniform Building Codes (which have been developed for seismically active areas) would ensure that impacts were adverse, but not significant. Compliance with these codes is the responsibility of the County Building Department.

10-31 The City states that Mitigation Measure G-2 defers mitigation which is not permitted under CEQA. Mitigation Measure G-2 does not defer mitigation; rather, it specifies the manner in which mitigation shall be implemented and it presents a variety of specific engineering techniques that can be applied to ensure that impacts are not significant. The selection of the most appropriate engineering technique(s) cannot feasibly be made at this time, since it is not appropriate to complete detailed geotechnical analyses of all proposed and alternative pipeline routes. The impact (significant but mitigable, Class II) is stated in the text and is unaffected by the studies that would be performed.

10-32 The City implies that Mitigation Measure H-1 and the Wellhead Protection Plan does not adequately protect its water well. The response to this issue in the FEIR acknowledges the possibility that the proposed pipeline could contaminate groundwater, a potentially significant and unmitigable impact (Class I). The FEIR does not claim that Mitigation Measure H-1 can "resolve any constraints or concerns." The purpose of the EIR is to identify potential impacts and to propose feasible mitigation, and the EIR adequately performs these roles for this issue area.

10-33 The City's opposition to the pipeline "in the absence of sufficient mitigation" is acknowledged. It should be noted that the EIR presents 20 mitigation measures relating to pipeline safety (in Section C.11, System Safety and Risk of Upset). However, even with these measures, the risk of a pipeline accident is considered to be significant and unavoidable. The CPUC will prepare a Statement of Overriding Considerations, consistent with CEQA Guidelines §15093, documenting this fact.

10-34 The City requests information about the history of leaks on local pipelines operated by firms other than SFPP. This information is publicly available from the California State Fire Marshal and the City could obtain it by making its own request. However, as explained in the original response to this comment, the methodology used in this EIR to analyze the likelihood of a pipeline accident was based on analysis of international pipeline accident frequency and a widely-accepted study of pipeline accidents (Mastrandrea's "Petroleum Pipeline Leak Detection Study"). CEQA case law (*San Francisco Ecology Ctr. v City & County of San Francisco, supra*) is clear that disagreements over methodology do not render an EIR inadequate. As stated in *Browning-Ferris Indus. v City Council, supra*, the agency may choose among differing expert opinions as long as the EIR identifies arguments correctly and in a responsive manner. The Mastrandrea study provides the information required for a technically-acceptable analysis of pipeline accidents. It should be noted that the conclusion of the pipeline accident discussion is that the risk of a pipeline accident occurring is a significant and unavoidable (Class I) impact, so the use of other data would not make the impact more significant.

10-35 The City requests a discussion of the impacts that could result if a major pipeline rupture corresponds to a period of flooding in the area. This issue is not analyzed in the EIR because this event has a very low likelihood of occurring. The likelihood that the area could be flooded may be once in 50 years for the river as a whole, but the probability that <u>any one location</u> would be flooded is very small. Such a flood could result in a foot or two of water in the area for a day or two. As described in the System Safety Section (C.11.3.2, Pipeline Rupture), there is a probability of pipeline rupture once every 100 years along the entire 13-mile pipeline. There is a probability that a rupture would occur <u>at any one location</u> once every 16,630 years. A rupture would likely last a few minutes before detection, and clean-up would take a day or two. The probability that such a flood would occur on the same day that a rupture occurred (once every 16,630 years) <u>and</u> at the same place as the pipeline rupture, is very low and its occurrence would be considered to be "Extraordinary" (using the Risk Ranking Matrix in Table C.11-4). Therefore, this scenario is not a significant impact that should be evaluated. The FEIR response to this comment stated that the buried pipeline would not be affected by flooding, since floods would be above-ground and the pipeline would be buried below city streets.

10-36 The City questions the adequacy of the land use analysis based on inaccurate characterization of land uses along Alondra Boulevard and Garfield Avenue. The City further states that residential land uses (including mobile home parks, single family homes, and apartment complexes) are not adequately considered in the analysis. As stated in Section C.8.1.1, "Residential use is considered both a land use type and a sensitive use; residential areas are noted on Table C.8-3 [for the proposed route, and Table C.8-6 for the Paramount Alternative]." Table C.8-6 lists individual <u>non-residential</u> sensitive receptors in the 5th column, but it also lists residential land uses (where appropriate) in the 4th column. The EIR correctly states in Section C.8.5 that "Land uses [along the Paramount Alternative] include a mix of industrial, commercial, and single- and multi-family residential." While this description, and the accompanying Table C.8-6 (Land Uses and Sensitive Receptors: Paramount Alternative) do not list every single property along these streets, they do allow adequate characterization of land uses for the purposes of CEQA analysis.

The methodology used to assess and compare impacts to sensitive land uses included the following: (1) identification of general land use types (as listed in Table C.8-6), (2) identification of specific non-residential sensitive receptors, (3) approximation of the numbers of residential units along each proposed and alternative route segment, (4) determination of impacts and development of mitigation measures, (5) summarization and comparison of these figures (see Table C.8-11), and (6) determination regarding which proposed or alternative segment would have the greatest impacts on sensitive land uses (as presented in Section D.2). Again, CEQA case law (*San Francisco*

Ecology Ctr. v City & County of San Francisco, supra) is clear that disagreements over methodology do not render an EIR inadequate.

10-37 The City disagrees with the definition and identification of sensitive land uses. There is no universally accepted definition of sensitive land uses: the methodology used in the EIR is clearly defined in Section C.8.1.1 (and in response 10-36 above) which we believe is acceptable CEQA analysis. The EIR evaluates the potential impacts of the project to churches and schools, considered to be sensitive land uses (Section C.8, Land Use and Public Recreation), and potential project effects on businesses (Section C.10, Socioeconomics and Public Services). The Land Use and Recreation section (Section C.8) presents 7 mitigation measures to reduce impacts on residences, recreation areas, schools, and potential cumulative impacts.

10-38 The City disagrees with the characterization of land uses along Alondra Boulevard and Garfield Avenue and states that an accurate survey should be undertaken to determine the nature and extent of existing development. Consistent with CEQA requirements (§15125, Environmental Setting), the EIR presents baseline information ". . . no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives." Even if the CPUC had used a different methodology or presented additional detail in the description of land uses, this would not result in a change in its findings that the potential for a pipeline accident to occur is a significant and unavoidable (Class I) impact.

10-39 The City states that some residential land uses lie immediately behind commercial uses on Alondra Boulevard. The EIR concludes that the potential for a pipeline accident to occur is a significant and unavoidable (Class I) impact; this is the most significant level of impact under CEQA, so discussion of distances to other residences would not change our finding.

10-40 The City states that the EIR understates sensitive receptors that would be affected by construction noise, and that additional sensitive receptors should be identified. The responses to 10-36, 10-37, and 10-38 explain the methodology used in determining sensitive receptors. The City was provided with the opportunity to provide the CPUC with its comments on any specific sensitive receptors that were overlooked in the DEIR; those receptors would have been added to Table C.8-6.

The City states that mitigation to reduce impacts to sensitive receptors would be superseded by Mitigation Measure T-3. This is incorrect; Mitigation Measure T-3 addresses only the issue of access during construction and requires that SFPP consult with local jurisdictions to determine the exact location of the pipeline within each street in order to minimize access problems during construction. The EIR includes Mitigation Measures L-1 through L-5 to reduce impacts to residences, schools, and recreation areas by requiring notification and restricted construction scheduling. The EIR also includes Mitigation Measures N-1 through N-5 to reduce noise impacts to all sensitive land uses by requiring notification, restricted hours or construction, and provision of a toll-free phone line for complaints.

10-41 The City states that the EIR does not identify existing land uses in the City of Paramount. This is incorrect; Table C.8-6 lists the predominant land uses for each pipeline segment within the City, and lists individual sensitive receptors. In the 4th column of Table C.8-6, land uses are described in increments of a few tenths of a mile, stating for example that between Milepost 0.3 and 0.9 there are Industrial land uses on the west side of Cherry and Single- and Multi-Family Residential lands use on the east side. In addition, Section C.8.5 describes land uses and the approximate number of residences along the Paramount Alternative Segment.

The City states that its original comment on the DEIR, stating the City's noise criteria were omitted from the DEIR, was not addressed. The Final EIR has been revised to include the City's noise criteria (Table C.9-6).

10-42 The City states that existing land uses are not accurately characterized. See response to comment 10-41. As previously stated, a detailed list of each individual property in the project vicinity is not necessary in order to determine project impacts and develop adequate mitigation. Consistent with CEQA requirements (§15125, Environmental Setting), the EIR presents baseline information ". . . no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives."

10-43 The City states that the description of baseline conditions in the Socioeconomics and Public Services Section (Section C.10) is not adequate. Again, the EIR presents baseline information consistent with CEQA Guidelines (§15125) which require that the description be "no longer than necessary." Additional detail is not appropriate if project impacts on these resources would not be significant. With respect to the City's specific concerns:

- Schools: Because schools are primarily addressed in Section C.8 (Land Use) as sensitive receptors, the only purpose to discuss schools in Section C.10 in more detail would be if the project would affect school enrollment. As stated in Section C.10.2.3.3, no such impact would result from this project.
- Fire Stations: The City is correct that the list of fire stations on page C.10-4 inadvertently omitted the one Los Angeles County Fire Station within the City of Paramount. Fire Station 31, located at 7521 Somerset Boulevard, will be added to the list of stations along the proposed and alternative pipeline routes for the mitigation monitoring phase of the project. However, since this station is not located on Garfield Avenue or Alondra Boulevard, it would not be directly affected by pipeline construction or operation and therefore would not be considered a sensitive receptor.
- Waste Disposal: SFPP will dispose of asphalt and concrete by taking it to a construction materials recycler, so there will be no impact on the City's waste disposal capabilities.
- Utilities: The City states that Section C.10.1.1.4 does not mention utilities within the City of Paramount. This is incorrect. Page C.10-9, first full sentence states that "The City of Paramount, Department of Public Works, Water Division provides the City with the majority of its water supply; remaining portions are served by Peerless and Southern California Water Companies." The last paragraph in Section C.10.1.1.4, entitled "Other Utilities" states that in the City of Paramount, Southern California Gas Company provides natural gas service and that General Telephone Company (GTE) serves the City of Paramount.

10-44 The City believes that baseline information for socioeconomics, public services, and utilities along the Paramount Alternative is not at a comparable level of detail as information for the proposed pipeline route. Baseline information for these topics was obtained through contact with Mr. John Moreno of the City's Department of Public Works as noted in the References to Section C.10 (page C.10-32). While CEQA allows description of alternatives to be presented in less detail than the proposed project [§15126(d)(3)], this EIR presents the same level of detail for baseline information for the proposed project and the alternative pipeline routes. Section C.10.1 describes the following baseline information for the proposed project and all pipeline alternatives (including the Paramount Alternative): population, housing, labor force, employment forecasts, emergency services, waste disposal, and utilities. Section C.10.2 addresses Environmental Impacts and Mitigation Measures for the proposed project and for all pipeline alternatives so baseline information is not repeated in this section.

10-45 The City states that Section C.10.1.1.2 does not address "specific dislocation impacts." This is not correct; the EIR addresses potential dislocation of businesses and determines that this impact would not be significant. As stated in Section C.10.2.1, if the project caused permanent dislocation or relocation of a business, this would be considered a significant impact. However, as stated in Section C.10.2.3.2 under "Displacement or Disruption of Businesses," dislocation is not anticipated as a result of the project. The proposed project involves pipeline construction within city streets that would progress at rates of between 200 and 500 feet per day, so construction along Garfield Avenue (approximately 0.5 mile) would take between 5 and 13 days. Construction along Alondra Boulevard (approximately 1.2 miles) would take between and 13 and 32 days. Neither street would be closed during this time (lane closures would allow construction within the streets). Dislocation of businesses from construction of the pipeline was determined to be extremely unlikely, and for that reason, these impacts are determined not to be significant.

The City asked why the Business Impact Plan is not prepared and circulated at this time (this is presumed to mean at the time of issuance of the Draft or Final EIR). The Business Impact Mitigation Plan required in Mitigation Measure S-1 includes site-specific information and requires significant consultation between SFPP and individual jurisdictions and businesses along the pipeline route. The final pipeline route is not selected in the EIR, it only states the environmentally superior alternative. Therefore, it is not appropriate to prepare the plan until after the Lead Agency has certified the EIR and made a final decision regarding selection of the pipeline route.

10-46 The City requests states that the analysis of impacts on utilities is deficient and requests additional details regarding the placement of the pipeline under the grade separation on Alondra Boulevard. The City itself is in the best position to know the best location for the pipeline at this location; no information was provided in its comment letter that this route would be infeasible due to existence of other utilities.

The information provided in the EIR about the streets within which the pipeline would be buried is adequate for analyzing the potential construction and operational impacts. The specific traffic lane that would be affected by construction would not change the level of impact described in the EIR. The impact analysis is based on the assumption that construction will block traffic lanes, and the impact level can be determined without knowing which lane will be blocked.

10-47 The City requests information about other leaks or ruptures on local pipelines operated by firms other than SFPP. This information is publicly available from the California State Fire Marshal and the City could obtain it by making its own request. However, as explained in the original response to this comment, this analysis is specific to the proposed project, and analysis of leaks on other local pipelines would not provide relevant historic or statistical information contributing to this analysis. Other existing pipelines vary widely in age, pipe type, products carried, maintenance procedures, and other factors that have significant bearing on the leak probabilities. The potential for pipeline co-location to result in co-locational accidents is addressed in Section C.10.2.7, where it is determined to be a significant and unavoidable (Class I) impact due to the existence of small natural gas lines in nearly all streets, as well as the hazardous liquid pipelines identified in Figure C.11-1.

10-48 The City states that preparation of the Urban Spill Response Plan (required by Mitigation Measure SS-16) is "deferred mitigation" and that the City cannot know how this plan will resolve its concerns regarding emergency evacuation in the event of an accident. Mitigation Measure SS-16 does not defer mitigation; rather, it specifically defines the contents of a document to be prepared by SFPP for review and approval of responsible agencies, including the California State Fire Marshal, the CPUC, and local jurisdictions. Similarly, the determination of impact significance

is not deferred; the potential for a pipeline accident is stated to be a significant and unavoidable (Class I) impact. In addition, Mitigation Measure SS-22 requires that SFPP prepare a Fire Protection Plan for pipeline operation; this plan and its contents would be approved by the Los Angeles County Fire Department that serves Paramount.

With respect to the City's knowledge of how this plan will resolve its concerns, the Mitigation Measure requires SFPP to provide the Plan to all jurisdictions along the pipeline route for review and comment. Therefore, if it does not adequately address issues of emergency evacuation, the City would have the opportunity to recommend changes. The Plan would also be reviewed by the California State Fire Marshal and the CPUC.

10-49 No response needed.

10-50 No response needed.

10-51 The City asks what properties within the City of Paramount will be affected by traffic impacts (e.g., access restrictions) along the Paramount Alternative. Section C.12.2.3, sub-section entitled "Impacts of Construction on Property Access" (page C.12-11) states that businesses, residences, and institutions adjacent to the pipeline route could be affected by access restrictions. Therefore, properties that could be affected in Paramount are those with driveways or entrances facing the relevant portions of Cherry Avenue or Alondra Boulevard, and those that use streets connecting to Cherry Avenue or Alondra Boulevard. The EIR provides an extensive impact analysis and identifies the following types of traffic impacts: traffic flow, roadway blockage, traffic congestion, property access, pedestrian/bicycle safety, emergency response, traffic volumes, parking, public transit, and rail operations. The EIR also includes 14 mitigation measures to reduce traffic impacts.

10-52 The City requests that additional baseline information be provided to describe traffic and roadway conditions along Alondra Boulevard. The CPUC believes that the traffic impact analysis and mitigation measures are adequate for evaluation of construction impacts that could affect City streets for a total of 18 to 45 days. Again, the EIR thoroughly evaluates traffic impacts by considering potential impacts on traffic flow, roadway blockage, traffic congestion, property access, pedestrian/bicycle safety, emergency response, traffic volumes, parking, public transit, and rail operations. Fourteen mitigation measures are presented to reduce those traffic impacts.

10-53 The City believes that insufficient contact was made with City representatives. As documented more fully in the responses to 10-5 and 10-10 above, the CPUC took the steps listed below to ensure the City's involvement in the EIR process and full compliance with CEQA. The CPUC also held an Informational Workshop and a Public Participation Hearing, which are not required under CEQA for soliciting comments on a Draft EIR.

- November 7, 1997: staff of the CPUC's EIR consultant (Aspen Environmental Group) contacted the City of Paramount's Public Works Department (J. Moreno).
- November 25, 1997: Notice of Preparation and the Scoping Report were mailed to the City of Paramount's Community and Economic Development Manager, John Carver.
- December 1997: DEIR newsletter was issued to the project mailing list, which included the City of Paramount.

- January 7, 1998, another letter was sent to the City of Paramount Community and Economic Development Manager, John Carver, informing him that the alternatives screening process had resulted in the inclusion of the Paramount Alternative in the Draft EIR

- February 11, 1998: Notice of Release of the DEIR was sent to the approximately 14,700 property owners and occupants and to Los Angeles and San Bernardino County Clerks.

- Two public meetings were held during March of 1998: an informal Public Workshop and a Public Participation Hearing.

The CPUC has been open and available to discussion of any additional project and alternatives with the City, but the City never requested such a meeting. It should also be noted that neither of the City's comment letters (on the Draft EIR or Final EIR) suggested additional or modified alternatives or mitigation measures.

10-54 The City states that the process of selecting the "environmentally superior alternative" is simplistic and is based on incorrect information. Section D.2.3 of the Final EIR and especially Table D.2-3 summarize the impacts of the proposed route and the Paramount Alternative Segment, comparing the two routes within each environmental issue area. This comparison was expanded from that in the Draft EIR, with the intention of providing clearer documentation of the alternatives evaluation process. As described in the text in Section D.2.3, the most important difference between the Paramount Alternative and the equivalent segment of the proposed route is that the Paramount Alternative would pass significantly fewer residences (an estimated 150 residences along the Paramount Alternative versus an estimated 500 residences along the equivalent portion of the proposed route).

10-55 The City asks why the Draft EIR states that there are 270 residential units along the Paramount Alternative in Section D and 150 residential units in Section C.9, and the City requests that the EIR indicate the accurate number of housing units along the alignment. This error has been corrected in the Final EIR: the correct number of units estimated to be along the Paramount Alternative is 150.

10-56 The City requests that the definition of sensitive receptors be changed to include large commercial and industrial uses. This change would not be consistent with the methodology used in the EIR, as described in responses to 10-36, 10-37, and 10-38 above. There is no universally accepted definition of sensitive land uses: the methodology used in the EIR is clearly defined in Section C.8.1.1 (and in response 10-36 above) which we believe is adequate under CEQA for assessing the environmental impacts of the proposed project and alternatives. CEQA case law (*San Francisco Ecology Ctr. v City & County of San Francisco*) is clear that disagreements over methodology do not render an EIR inadequate.

As stated in Section C.8.1.1, "Sensitive land uses are identified as such because they may require unique mitigation measures to reduce or avoid adverse impacts. This is not to imply that other uses such as residential or commercial zones are not also sensitive to project disturbances ... Commercial uses are addressed in section C.10.1.1.2 and C.10.2.3.2." The EIR evaluates impacts to churches and schools, considered to be sensitive land uses (Section C.8, Land Use and Public Recreation), and on businesses (Section C.10, Socioeconomics and Public Services).

10-57 The City states that the EIR does not adequately identify potential liquefaction impacts due to the potential for perched aquifers that could exist in Paramount. Mitigation Measure G-2 was modified in the Final EIR in response to this comment from the City of Paramount; this measures now

requires identification of such areas along the selected route in order to develop and implement the appropriate engineering techniques. Perched aquifers could also occur along the Artesia Boulevard portion of the proposed route, and pipeline design can adequately mitigate impacts associated with these features. The EIR does define areas that are known to have moderate or high liquefaction potential (see Figure C.6-3) along both the proposed and alternative pipeline routes.

The EIR properly identifies both the potential liquefaction impact and appropriate mitigation to minimize the effect of the impact. Liquefaction impacts on a pipeline can be reduced to non-significant levels through implementation of engineering techniques required by Mitigation Measure G-2: locating the pipeline below liquefiable soils, use of pipeline densification techniques, or installation of additional block valves to isolate the liquefiable area. The selection of the appropriate technique would be dependent on the specific geotechnical characteristics of the selected route.

10-58 The City is concerned that the mitigation to protect water wells (Wellhead Protection Plan included in Mitigation Measure H-1) will not be known until after the preparation of the plan, and that this plan represents deferred mitigation. Mitigation Measure H-1 requires that specific design measures be developed to minimize the potential for a pipeline accident and groundwater contamination, which includes analysis of the subsurface geology and consideration of appropriate pipeline design features. The EIR clearly identifies the significance of the impact, finding that even with implementation of this mitigation measure, the potential for contamination of groundwater is considered to be significant and unavoidable (Class I). The requirement for preparing a Wellhead Protection Plan is in the regulations of the California State Fire Marshal (California Government Code Sections 51017.1 and 51017.2).

10-59 The City is concerned that it is not identified as a responsible agency in the EIR. Table A.3-1 lists the City of Paramount as an authorizing agency or jurisdiction.

The City states that it has not been requested by the CPUC to prepare and submit a monitoring program applicable to mitigation measures in its jurisdiction. The CPUC would not make such a request until the EIR is certified. If the project is approved, the appropriate affected agencies (depending on the route that is approved) would be contacted.

The City states that it would be directly involved in project monitoring should the Paramount Alternative be selected. The CPUC welcomes the involvement of the City in implementation of mitigation monitoring.

The City states that CEQA requires that the "detailed" Mitigation Monitoring Program be provided to decisionmakers prior to certification. Section 21081.6 of the Public Resources Code (Reporting or Monitoring Programs) requires that the findings include adoption of a reporting or monitoring program and not that the program be included in the EIR itself.

10-60 The City is concerned that its monitoring of mitigation measure implementation may involve a commitment of City resources which are unavailable. The CPUC will undertake a mitigation monitoring program that includes all measures adopted in the CPUC's decision. Funding for this monitoring program will be provided by SFPP through fees imposed, in accordance with CEQA (A.B. 3180). Whether or not the City is able to monitor directly, the CPUC will provide daily, weekly, or monthly reports on construction progress and mitigation measure implementation.

10-61 The City asks at what point it will be involved in the development and monitoring of the mitigation monitoring program. As previously stated, after the CPUC certifies the EIR and a particular route

is selected, the CPUC or its representatives will contact each affected jurisdiction for input into the monitoring process and to explain the monitoring process that the CPUC uses. This will occur no later than 30 days prior to the start of construction.

CEQA Sections and Comments from City of Paramount

Section 15082, Determination of Scope of EIR: The City states that no Notice of Preparation (NOP) was sent to the City of Paramount. This is incorrect. The NOP was issued on August 25, 1997, but the City of Paramount was not included on the mailing list because no part of the proposed project or route alternatives passed through the City's jurisdiction. However, on November 25, 1997 both the Notice of Preparation and the Scoping Report were mailed to the City of Paramount's Community and Economic Development Manager, John Carver.

Section 15082(c), Meetings: The City states that no scoping meeting with the City was held. This section of CEQA does not require that meetings be held, but it states that ". . . the Lead Agency, a responsible Agency, a Trustee Agency, or a project applicant may request one or more meetings between representatives of the agencies involved . . . Such meetings shall be convened by the Lead Agency as soon as possible, but no later than 30 days, after the meetings were requested." No meeting was ever requested by the City of Paramount. However, representatives from the City of Paramount attended both the Informational Workshop and the Public Participation Hearing held by the CPUC regarding the Draft EIR.

Section 15083. Early Public Consultation: The City states that a genuine effort for scoping was not undertaken and that the City of Paramount was not provided an opportunity to comment. As described in Part G of the EIR, a comprehensive scoping effort was undertaken by the CPUC. As also described in the response to the City's comment 10-5 above, the City of Paramount was consulted as early as November 7, 1997, and the City was informed immediately when consideration of a pipeline route affecting the City began. Any comments from the City received prior to publication of the Draft EIR (February 2, 1998) would have been considered as scoping comments; however, none were received. As documented more fully in the responses to 10-5 and 10-10 above, the CPUC took the steps listed below to ensure the City's involvement in the EIR process and full compliance with CEQA.

- November 7, 1997: staff of the CPUC's EIR consultant (Aspen Environmental Group) contacted the City of Paramount's Public Works Department (J. Moreno).
- November 25, 1997: Notice of Preparation and the Scoping Report were mailed to the City of Paramount's Community and Economic Development Manager, John Carver.
- December 1997: DEIR newsletter was issued to the project mailing list, which included the City of Paramount.
- January 7, 1998, another letter was sent to the City of Paramount Community and Economic Development Manager, John Carver, informing him that the alternatives screening process had resulted in the inclusion of the Paramount Alternative in the Draft EIR
- February 11, 1998: Notice of Release of the DEIR was sent to the approximately 14,700 property owners and occupants and to Los Angeles and San Bernardino County Clerks.
- Two public meetings were held during March of 1998: an informal Public Workshop and a Public Participation Hearing.

Section 15086, Consultation Concerning Draft EIR: The City states that "Consultation with the City of Paramount was limited." However, the City was contacted in November and December, 1997 and in

January 1998. The Draft EIR was provided to the City, comments were solicited, and responses to these comments were provided in the Final EIR. See response to 10-5 above for complete documentation of contacts with the City.

Section 15088.5, Recirculation of an EIR Prior to Certification: The City states that this section provides the basis for requiring recirculation of the Draft EIR. The City has highlighted the following portions of this section: "A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review . . . New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate such an effect (including a feasible project alternative) that the project's proponents have declined to implement." As described in the response to 10-9 above, none of these conditions occurred. No significant new information was added to the EIR after issuance of the Draft EIR.

15088, Evaluation of and Response to Comments: The City states that the EIR preparers failed to provide a good faith reasoned analysis in the response to the City's comments. The CPUC has made a good faith effort to respond to the City's comments. The CPUC believes that the Final EIR presents a complete and thorough environmental analysis that addressed the City's concerns. The Final EIR incorporates all of the comments submitted by responsible agencies. This addendum provides additional information and clarification in response to the City's letter commenting on the Final EIR.

15096, Process for a Responsible Agency: The City states that it was not provided an NOP. As stated above, a NOP was mailed to the City of Paramount's Community and Economic Development Manager, John Carver, on November 25, 1997, immediately after determining that the City of Paramount could be impacted by the proposed alternative.

15120, Contents of an EIR, General: The City states that the EIR fails to clearly identify the proposed project. The City is incorrect. Section B of the EIR provides a 40 page description of the project as proposed by the Applicant, and an additional 18 pages describing alternatives to the proposed project (including the Paramount Alternative). The City is confusing the "proposed project" with the "environmentally superior alternative". These are not the same, and the EIR provides a clear distinction between the two.

15120, Contents of an EIR, Informational Document and Section 15124, Project : The City states that the "report fails to inform ... What is the project?" As previously stated, Part B of the EIR clearly defines the proposed project and the alternatives. The Executive Summary and Part D (Comparison of Alternatives) clearly explain the process used to determine the environmentally superior alternative.

15125, Contents of an EIR, Environmental Setting: The City states that the EIR fails to describe the environmental setting as it applies to Paramount. Section 15125 of the CEQA Guidelines states that "the description shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives." The EIR presents a clear and detailed description of the environmental setting in Paramount (particularly as presented in Section C.8.5, Paramount Alternative Segment in the Land Use section) adequate to assess impacts, in accordance with CEQA.

15126, Consideration and Discussion of Environmental Impacts: The City states that significant effects are not sufficiently described, and that the EIR contains mitigation which is general. The EIR provides an extensive analysis of 12 environmental issue areas, in compliance with CEQA Guidelines §15126(a), and analyzes both direct and indirect impacts of the proposed project and alternatives. The EIR also

includes close to 100 detailed mitigation measures to reduce or avoid impacts identified, in compliance with CEQA Guidelines §15126(c).

Comments from the City of Artesia (letter dated June 23, 1998)

Each paragraph and bulleted item in the City's letter has been numbered in sequence; the following numbered responses relate to those numbered comments.

1. The City strongly opposes the proposed pipeline and the Artesia Alternative. The City's opposition to the project is acknowledged.

2. The City supports selection of the Alondra Alternative, and states that this alternative was found to be environmentally superior to the proposed route in the Draft EIR. The CPUC acknowledges the City's support of the Alondra Alternative. However, the Draft EIR (Section 3.2.2 in Executive Summary and Section D.2.2) states that the Artesia Alternative was found to be environmentally superior to both the Alondra Alternative and the proposed project portion along 166th Street. The Final EIR presents the same conclusion (Section D.2.5).

3. The City requests that an Off-site Consequence Analysis study be prepared for the proposed and alternative routes. The CPUC believes that the Study requested by the City is not necessary in order to complete the system safety impact analysis. The EIR analyzes pipeline safety issues in detail in Section C.11, which looks at the probability that an accident could occur, and describes the potential impacts of such an accident. The possibility that a pipeline accident could occur was determined to be a significant and unavoidable (Class I) impact, and 20 mitigation measures are presented to reduce this impact to the extent feasible. Additional technical safety information is presented in Appendix C to the FEIR.

4. The City recommends that the project be in compliance with State and Federal pipeline safety standards. SFPP is required to operate in compliance with these standards; the California State Fire Marshal regulates pipeline safety and is responsible for compliance with pipeline safety standards. It should be noted that 20 mitigation measures are recommended in the System Safety section (Section C.11), several recommend additional pipeline safety features.

5. The City states its agreement with Mitigation Measure A-16, and states that it requires advance notification to potentially affected property owners. Mitigation Measure L-1 requires that 14-day advance notice be given to property owners and residents within 300 feet of the pipeline route.

6. The City states that traffic control plans must be reviewed and approved by the City prior to SFPP obtaining a construction permit. Mitigation Measure T-2 states that "copies of approval letters from each jurisdiction must be provided to the CPUC prior to the start of construction within that jurisdiction."

7. The City states that it will require annual review of future pipeline operational plans. The California State Fire Marshal is responsible for operational pipeline safety reports.

8. The City recommends that determination of compensation due to businesses and payment of that compensation occur without delay. The intent of Mitigation Measure S-2 is that meetings with business prior to the start of construction will allow for development of schedules or procedures that would prevent any damage or loss to business along the route. However, if disruption still results in loss of business, Mitigation Measure S-2 requires that SFPP participate in binding arbitration, if no agreement

regarding compensation can be reached. The CPUC will ensure compliance with this mitigation measure.

The City recommends that the lead agency be responsible for monitoring of mitigation measures to ensure proper compensation and payment. The CPUC is committed to monitoring and implementing the mitigation measures as described in Part F of the EIR. Determination of proper compensation will be the responsibility of the arbitrator assigned to the case.

9. The City states that Artesia Boulevard contains more existing old substructure than other alternative routes. The EIR identified the locations of existing hazardous liquids pipelines based on data obtained from the California State Fire Marshal (see Figure C.11-1 of the EIR), and there are no hazardous liquid pipelines shown in Artesia Boulevard between Studebaker Road and Norwalk Boulevard. However, the EIR acknowledges the potential impacts related to co-locational accidents (Section C.10.2.7) and other safety hazards (Section C.11.3.4), and presents several mitigation measures to reduce these impacts: Mitigation Measures SS-1 through SS-5.

10. The City states that fire flows in the area appear to be substandard and they are concerned about the risk of fire or explosion. The EIR acknowledges that the proposed project poses a significant and unavoidable (Class I) risk of fire or explosion. The Final EIR includes Mitigation Measure SS-22 which requires the preparation of a Fire Protection Plan for the operational phase of the project; this plan must be approved by each fire prevention jurisdiction. The Plan must contain details of fire protection and loss prevention measures that will be implemented by SFPP.

11. The City is concerned that installation of the pipeline in a street where many existing utilities exist will make it more difficult to plan alignments for future water main improvements. Because the exact location of the pipeline within Artesia Boulevard (assuming that this alternative is approved) would be subject to the City's approval, this issue should be addressed prior to pipeline installation.

12. The City states that a water well has been identified along the route and that an EIR mitigation measure recommends that the pipeline be located no closer than 200 feet to an existing well. Mitigation Measure H-1 requires that SFPP locate the pipeline more than 200 feet from existing wells if feasible, that special design features be incorporated to reduce the likelihood that a pipeline accident could affect a well. Mitigation Measure H-1 also requires preparation of a Wellhead Protection Plan. This mitigation measure requires that specific pipeline design measures be developed to minimize the potential for a pipeline accident to contaminate groundwater, including analysis of the subsurface geology and consideration of appropriate pipeline design features.

13. The City states that trenching along Artesia Boulevard will create major traffic disruption and damage the street surface. The EIR presents 17 mitigation measures to reduce traffic impacts, including Mitigation Measure T-12 which requires that roads damaged during construction be properly restored to ensure long-term protection of road surfaces, and that a road maintenance agreement be incorporated into SFPP's agreement with each jurisdiction.

Responses to Mitigation Measures Proposed by City of Artesia

The items below present additional mitigation measures that the City of Artesia would like implemented for this project. The discussions below explain how the impacts related to these measures are addressed in the EIR. If the City determines that additional requirements are necessary, those requirements may be added to the City's permit documents for SFPP construction.

1. The City states that SFPP must construct water main and fire hydrant improvements to ensure adequate fireflow is available. The EIR acknowledges that the proposed project poses a significant and unavoidable (Class I) risk of fire or explosion. Note that Mitigation Measure SS-22 requires preparation of a Fire Protection Plan for the operational phase of the project; this plan must be approved by each fire protection jurisdiction. SFPP must demonstrate the availability of fire fighting capability under this measure.

2. The City states that SFPP should install double-wall pipe to contain possible leaks. This system is not considered technically feasible by pipeline engineers, since double wall pipes greatly increase the likelihood of pipe corrosion (if the two pipes touch each other at any location, the cathodic protection systems will not be able to operate properly), which is one of the most frequent causes of pipeline leaks. Section C.11.4 (Mitigation Measures for System Safety and Risk of Upset) includes Mitigation Measures SS-6 through SS-19, to reduce the size and frequency of spills and enhance leak detection.

3. The City request that the pipe be constructed with flexible connections to allow for a certain amount of movement during an earthquake without a rupture. Steel pipe by its nature is flexible and can accommodate significant movement in an earthquake without rupturing (demonstrated during the Northridge Earthquake, which caused major ground shaking but resulted in rupture of only one oil pipeline that was over 60 years old). Installing any other flexible connectors would reduce the operational safety of the pipeline by adding weak points in the line where leaks or ruptures would occur.

4. The City states that SFPP should locate the pipeline more than 200 feet from water wells. This issue is addressed in Mitigation Measure H-1. This measure requires that the SFPP locate the pipeline more than 200 feet from existing wells if feasible, and that special pipeline design features be incorporated to reduce the likelihood that a pipeline accident could affect groundwater. It also requires preparation of a Wellhead Protection Plan.

5. The City states that construction adjacent to major intersections should be conducted only on Sunday or during evening hours. Mitigation Measures T-1 and N-1 state that determination of time and days of construction is subject to review and approval by the local jurisdictions.

6. The City states that the entire roadways along the selected routes should be rebuilt to the City's satisfaction after construction. The issue of construction impact on road conditions is addressed on pages C.12-16 and C.12-17 of the FEIR. Mitigation Measure T-12 requires that roads damaged during construction be properly restored to ensure long-term protection of road surfaces, and that a road maintenance agreement be incorporated into SFPP's agreement with each jurisdiction.

7. The City requests adequate time to improve existing deficiencies in water line size and fireflow capacity in areas where the pipeline is to be installed. This issue is beyond the CPUC's authority and should be addressed within the context of the City's permitting process for SFPP's construction. Regarding fire fighting capability, Mitigation Measure SS-22 requires preparation of a Fire Protection Plan for the operational phase of the project; this plan must be approved by each jurisdiction.

8. The City requests adequate time to repair/replace any aging infrastructure while the trench is open. This issue is beyond the CPUC's authority and should be addressed within the context of the City's permitting process for SFPP's construction. However, we should point out that the installation of a 16-inch pipeline requires a trench only approximately 30 inches wide (as defined in Section B.4.1.7 of the EIR). It may be infeasible for the City to access other infrastructure from the SFPP trench.

9. The City requests that SFPP be required to facilitate implementation of other infrastructure improvements in accordance with the City Beautification Plan. This issue does not relate to any impacts identified in the EIR, and should be addressed within the context of the City's permitting process for SFPP's construction.

(END OF APPENDIX C)