

Decision 98-11-050 November 19, 1998

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U 338-E) for a Permit to Construct Electrical Facilities With Voltages Between 50 kV and 200 kV: Six Flags Power Line and Substation Project.

Application 97-12-049
(Filed December 31, 1997)

**ORDER APPROVING MITIGATED NEGATIVE DECLARATION
AND GRANTING PERMIT TO CONSTRUCT**

In this application, Southern California Edison Company (Edison) seeks permission to construct a power line and substation in Santa Clarita to serve the Six Flags Magic Mountain Amusement Park (Six Flags). In this order, we approve a Mitigated Negative Declaration for this project and grant the requested Permit to Construct.

Background

On December 31, 1997 Edison filed this application, pursuant to General Order 131-D, for a permit to construct electrical facilities with voltages between 50 kilovolts (kV) and 200 kV. It amended its application on March 6, and April 22, 1998, providing additional information needed to complete the environmental analysis of the proposed project. The Energy Division's environmental review staff received letters regarding this application from Katell Valencia Associates (January 22, 1998) and the City of Santa Clarita (January 21, 1998). Greg G. Butts and Contractors Wardrobe, Inc. filed a formal protest on January 28, 1998, but withdrew their protest on July 31, 1998. The environmental review staff deemed the application to be complete on May 22, 1998.

On June 9, 1998, Judith Iklé, project manager for the staff, corresponded with Edison, informing Edison that the application was complete and that the staff would prepare a draft Mitigated Negative Declaration if Edison were to agree to the mitigation measures proposed by the staff. In correspondence dated June 24, 1998, Edison agreed to the proposed mitigation measures with minor revisions.

The staff released its Initial Study and Draft Mitigated Negative Declaration for public review and comment on July 17, 1998, with written comments due no later than August 17, 1998. The staff published a notice of the availability of the Draft Mitigated Negative Declaration and Initial Study in the Newhall Signal on July 17 and 23, 1998. In a letter dated August 20, 1998, the Chief of the State Clearinghouse, Governor's Office of Planning and Research, acknowledged that the documents complied with the State Clearinghouse review requirements, pursuant to the California Environmental Quality Act (CEQA).

No one submitted comments on the Draft Mitigated Negative Declaration. The assigned administrative law judge (ALJ) held a prehearing conference on August 3, 1998 at Santa Clarita City Hall. Other than representatives of Edison and the staff, no one else attended the prehearing conference. At that time, the ALJ requested additional information on issues related to project construction and operation. Edison provided information on these topics in a letter addressed to staff on August 20, 1998 and in a letter addressed to the ALJ on September 29, 1998. The staff released the final Mitigated Negative Declaration on September 30, 1998 after resolution of the issues raised in the prehearing conference.

Project Description

Edison proposes to construct a new substation to serve the Six Flags in Valencia, California. The substation would be situated in a remote portion of a

Six Flags' existing parking lot. Edison would connect the new substation to its existing transmission lines on the other side of Interstate 5 by installing a 66 kV tap line running 6,100 feet. Almost all of the tap line would run through existing dedicated right-of-way. About half of the distance would be covered by hanging a second set of 66 kV wires on existing poles. In total, nine new 75-foot wood poles and three new 85-foot tubular steel poles would be installed. A portion of the work would involve removing existing poles that carry 16 kV conductors, relocating some of the poles, and placing the 16 kV conductors on the new poles installed for the 66 kV conductors.

Mitigated Negative Declaration

Because the entirely new portions of this project will be situated in an existing parking lot and other portions of the project will utilize existing poles or pole replacement, and because of the nature of the project, it can be seen with certainty that the project will have less than a significant impact on aesthetics, air quality, cultural resources, energy resources, mineral resources, geological problems, land use, noise, population, housing, public services, recreation, transportation, circulation, utilities and service systems, and water. In its initial study, the staff found that the proposed project would have potentially significant impacts in the areas of biology and hazards. However, Edison has agreed to employ mitigation measures that would reduce the impacts to a less-than-significant level in each case.

The project site may include habitat for a plant called Peirson's morning-glory. Edison will retain a qualified botanist to survey the area. If the botanist discovers any of these plants in the construction area, Edison will mark the site with a pole and instruct workers to avoid walking, driving, or parking near those sites. A portion of the proposed project is located adjacent to the riparian zone of the Santa Clara River. In order to minimize disturbance with the

use of this area as a migratory corridor by wildlife, Edison will restrict the trimming of trees to the period running from September 30 to March 31. Because the conductors will cross Interstate 5, Edison must arrange for temporary closure of the freeway in early morning hours when it is stringing the conductors. In order to minimize interference with emergency response and action plans, Edison will notify affected state and local agencies at least three weeks in advance and coordinate with those agencies as needed. The Mitigated Negative Declaration includes instructions for steps Edison should take to enable the Commission's staff to monitor the mitigation program.

CEQA allows for the issuance of a Negative Declaration when it is found that a proposed project will not have a significant impact on the environment. Where there are potentially significant impacts, but all such impacts can be reduced to a level of insignificance by the execution of appropriate mitigation measures, then a decision-making agency may issue a Mitigated Negative Declaration, accompanied by a mitigation monitoring program. In either event, the agency need not prepare an environmental impact report, as described in CEQA. Here the staff has appropriately concluded that, so long as Edison complies with the mitigation requirements described above, the project will not have a significant impact on the environment. In addition, the staff has developed an appropriate and adequate mitigated monitoring program. Thus, the Mitigated Negative Declaration prepared by the staff is appropriate and adequate, and should be approved.

Electric and Magnetic Field Reduction Measures

Pursuant to Section X.A. of General Order 131-D, in an application for a Permit to Construct, the utility must describe the measures it has taken or proposes to take to reduce the potential exposure to electric and magnetic fields generated by the proposed facilities. These measures must be in compliance with

prior Commission orders. In Decision (D.) 93-11-013, the Commission concluded that when constructing new projects, a utility should take any no-cost or low-cost steps it can to eliminate any resulting changes to electric and magnetic field (EMF) exposure. "Low-cost" is defined as "in the range of 4% of the total cost of a budgeted project. (D.93-11-013, at 10.)" This is a target and not a cap on EMF-related spending.

Edison included, with its application a description of its proposed mitigation related to EMF exposure. However, at first, Edison inappropriately rejected as "too expensive" the only low-cost mitigation measure it had identified. The sole reason for rejecting the measure was that it would cost more than 4% of the cost of a transmission sub-component of the project. D.93-11-013 is unambiguous in stating that the appropriate comparison is between the cost of EMF mitigation and the total project cost, not the cost of a project sub-component. Later, Edison presented sufficient additional justification for rejecting the mitigation measure. However, we take this opportunity to remind Edison that the approach initially employed by the company to reject the EMF mitigation measure was inconsistent with our prior decision. Edison should revise its EMF guidelines to clearly state that low-cost determinations should be made on the basis of the total project cost, not the cost of a project sub-component.

Permit to Construct

The proposed project will not have a significant impact on the environment and its full cost will be borne by Six Flags, the single customer that stands to benefit from its construction. Thus, we will grant the Permit to Construct.

Findings of Fact

1. The Mitigated Negative Declaration reflects the independent judgment of this Commission.
2. The content of the Mitigated Negative Declaration conforms to the requirements of CEQA.
3. The Mitigated Negative Declaration identified no significant environmental effects of the project that could not be avoided or reduced to non-significant levels by changes to the project that have been accepted by Edison.
4. The full cost of the project will be borne by Six Flags, the single customer that stands to benefit from its construction.
5. In its application, Edison inappropriately considered the relative cost of EMF mitigation, based on its own EMF guidelines.

Conclusions of Law

1. The Mitigated Negative Declaration has been processed in compliance with the requirements of CEQA.
2. The Mitigated Negative Declaration has been completed in compliance with the requirements of CEQA.
3. The Permit to Construct should be granted.
4. Edison should revise its EMF guidelines to make it clear that any low-cost EMF mitigation determinations must be based on the total project cost, not on the cost of a project sub-component.

IT IS ORDERED that:

1. The Mitigated Negative Declaration related to the application in this proceeding is adopted pursuant to the requirements of the California Environmental Quality Act.
2. The mitigation, monitoring, and reporting program prepared by the Energy Division for the project is approved.
3. The Energy Division shall lodge the Mitigated Negative Declaration and mitigation, monitoring, and reporting program with Central Files as part of the record in this proceeding.
4. The Permit to Construct the project addressed in this application is approved.
5. Southern California Edison Company shall revise its electric and magnetic field guidelines in a manner consistent with the discussion in this order.
6. This application is closed.

This order is effective today.

Dated November 19, 1998, at San Francisco, California.

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