

Decision 00-05-035 May 18, 2000

Central  
file

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of San Diego Gas & Electric Company (U 902-E) for a Permit to Construct the Valley Center Substation

Application 99-09-016  
(Filed September 3, 1999)

**OPINION**

**1. Summary**

San Diego Gas & Electric Company (SDG&E) seeks a permit to construct an electrical substation in the community of Valley Center in north-central San Diego County. The substation would provide additional electricity to meet expected growth in the area and ensure reliability. The Commission's staff has conducted an environmental review and proposed a Mitigated Negative Declaration that would permit work to begin. Our order today approves the Mitigated Negative Declaration and authorizes the construction.

**2. Background**

SDG&E provides electrical power service in the Valley Center area, operating two substations, referred to as the Lilac Substation and the Rincon Substation. According to the utility, both of those substations will be overloaded by the year 2001. The proposed Valley Center Station is required to meet anticipated electrical load growth and to prevent potential outages for SDG&E customers in the area. Local government figures show the population of the area has grown 20% in the last eight years, to 15,500, and is expected to grow to 30,000 by the year 2020.

On September 3, 1999, SDG&E applied for a Permit to Construct the Valley Center Substation. Pursuant to the California Environmental Quality Act (CEQA), Pub. Resources Code §§ 21000-21176, the utility also submitted a Proponent's Environmental Assessment (PEA), which evaluates the potential environmental impact of the project. The findings of the PEA indicate that if proper mitigation measures are in place, the project will not create significant adverse effects on the environment.

There have been no protests to the application.

The Commission's environmental staff, with the help of environmental consultant Dudek & Associates, Inc. conducted on-site inspections and reviewed the utility's PEA. In January 2000, staff issued for comment a Draft Mitigated Negative Declaration in compliance with CEQA, Rule 17.1(f) of the Rules of Practice and Procedure, and General Order 131-D. The document was sent to federal, state and county agencies and to 11 owners of property located within 300 feet of the project site. Public review began on February 3, 2000, and ended on March 3, 2000. The Commission received four comment letters, three from other state agencies and one from the Valley Center Municipal Water District. While none of the letters were deemed to have raised significant CEQA concerns, our environmental staff added a requirement to its Mitigation Monitoring Program to deal with the Water District's concern about possible communications interference. Meanwhile, SDG&E representatives met with neighbors in the area to answer their questions about the project.

In the absence of changes to the Draft Mitigated Negative Declaration, the document was deemed to be the Final Mitigated Negative Declaration for presentation to this Commission.

### **3. Overview of the Project**

SDG&E proposes to construct a distribution substation which at full buildout will have a capacity of 112 MVA (megavolt-amperes), with four 28 MVA transformers and 16 circuits of 12 kV (kilovolt) each. A 10-foot high wall will enclose the substation area (approximately 200 x 260 feet), and landscaping will be established from the beginning of the work. Construction of the substation is scheduled to begin in August 2000, with an in-service date of June 2001. Initially, and for the first few years, the substation will have a capacity of about 30 MVA.

The project site occupies part of 13.07 acres in an open area bordered by Vesper Road to the north and Valley Center Road to the west and south. Residences and undeveloped land exist to the west and east. Agricultural uses exist to the north and south. The Valley Center Municipal Water District offices are located to the northwest. The closest residence is located 450 feet to the east and is not visible from the site because of a hill. The closest commercial use (the Valley Center Municipal Water District) is about 400 feet across Vesper Road to the north. Only the north half of the parcel (approximately 3 acres) would be used for the substation.

One of the main requirements in siting the proposed substation was a requirement that it be within a one-mile radius of the projected load center (near the intersection of Valley Center Road and Cole Grade Road). In 1974, SDG&E performed a site selection study and purchased a 6.77-acre site located east of the current site. When SDG&E proposed a substation on the earlier site in 1997, the Valley Center Community Planning Group opposed the location and asked that SDG&E look at alternative sites.

SDG&E performed a new site study, working with the Community Planning Group and Design Review Board. The study produced 15 potential

sites which were reviewed by a subcommittee of the Community Planning Group. In December 1998, the utility presented the results of the site selection study to the board of the Valley Center Community Planning Group, which by a 14-1 vote approved SDG&E's proposed site.

SDG&E states that, when completed, the substation will be unmanned, and electric equipment in the substation will be controlled remotely from the utility's central operations facilities. Entry to the substation will be restricted to authorized SDG&E personnel. Maintenance will be conducted about four times a year, although a single technician will make regular inspections of the facility. While the facility will have six 300-watt lamps, SDG&E states that these would not be used more than once a year. Otherwise, the only night lighting will be a 100-watt yellow floodlight installed at the entry gate.

#### **4. Environmental Review**

CEQA requires the Commission, as the designated lead agency, to assess the potential environmental impact of a project like the one proposed here. The objective is to avoid or mitigate adverse effects and to preserve, restore or enhance environmental quality. Rule 17.1 of the Commission's Rules of Practice and Procedure requires the proponent of any such project to submit with its application an environmental assessment, or PEA. The PEA is used by the Commission to focus on environmental impacts and to prepare an initial study to determine whether the project will need a Negative Declaration or an Environmental Impact Report.

A Negative Declaration does not require that the Commission analyze alternative sites. However, as noted, a site selection study was done, and the proposed site was approved by the Valley Center Community Planning Group and the Valley Center Design Review Board. Based on this, and based on

Commission staff's Initial Study, staff concluded that a Mitigated Negative Declaration would ensure compliance with CEQA.

As provided in CEQA Guidelines § 21064.5, a Mitigated Negative Declaration may be prepared when an Initial Study identifies potentially significant effects on the environment that can be avoided or reduced to less than significant through mitigation efforts.

### **5. Commission's Mitigated Negative Declaration**

The Commission's environmental staff in its Initial Study determined that applicant's project will not have a significant impact on the environment provided that specific mitigation measures are implemented in the construction and operation of the project. The Mitigated Negative Declaration contains the mitigation measures, which will be reviewed as part of a Mitigation Monitoring Program administered by our staff and staff consultants. Because of its volume, the final document is not made part of this decision, but a summary of some of its provisions is provided below. (The Final Mitigated Negative Declaration will be posted on the Commission's web site at [www.cpuc.ca.gov](http://www.cpuc.ca.gov), under CPUC Environmental Materials, Current Projects. Those unable to examine the document electronically may obtain information by calling Ms. Beth Shipley in the Commission's Energy Division.)

Applicant has agreed to comply with and incorporate the mitigation measures as part of its project.

### **6. Mitigation Measures**

The mitigation measures required by the Final Mitigated Negative Declaration are designed to protect resource categories such as biology, hydrology and water quality, geology, cultural, air quality, visual aspects, noise and traffic impacts. A Mitigation Monitoring Plan calls for oversight inspection

of all construction activities by an environmental project manager appointed by this Commission.

Among mitigation measures set forth in the Final Mitigated Negative Declaration are the following:

- Before beginning construction, SDG&E will submit its construction and grading plans for approval to the San Diego Department of Planning and Land Use, Building Inspection and Department of Public Works.
- All cut and fill slopes will be landscaped and erosion control will be employed during construction. The project design will meet or exceed earthquake design standards.
- Project plans submitted to the county will include a plan for drainage, identifying the manner in which storm flows will be accommodated.
- Applicant will comply with the San Diego Air Pollution Control District rules and regulations to reduce dust. Approach routes to construction sites will be cleaned daily of construction-related dirt in dry weather.
- Applicant will complete a habitat assessment to reduce impact on coastal sage scrub and sensitive species and will prepare a habitat conservation plan if the quino checkerspot butterfly is found on the site.
- The substation perimeter wall will be 10 feet high and designed to screen transformers, distribution circuits and other equipment from view.
- The site will be landscaped, with landscaping subject to the approval of the Valley Center Design Review Board.
- A county-certified paleontologist will review grading procedures and establish rules for surveillance and halting or redirection of work.

- All construction activities will comply with the county's allowable construction limits of 7 a.m. to 7 p.m., Monday through Saturday, and SDG&E will comply with the county's traffic control and encroachment requirements.
- Prior to start of construction, residences within 300 feet of the project site will be notified of the expected times and duration of construction.

In order to ensure that the mitigation measures are fulfilled, the Commission's agents will periodically review the project and follow up with local jurisdictions. A formal complaint procedure has been established, and the Commission reserves its right to halt construction if environmental infractions occur.

Based on its environmental review, the Commission's staff has concluded that applicant's proposed project will not have significant effects on the environment, provided applicant carries out the mitigation measures outlined in the Mitigated Negative Declaration.

## **7. Public Hearing**

A public hearing on the application was conducted on February 25, 2000, in San Diego. No property owners appeared, but SDG&E engineers responded to questions posed by the administrative law judge both at the hearing and during a visit to the site.

## **8. Commission Analysis**

We will receive as the official record in this proceeding the following:

Exhibit 1 – Application by SDG&E for a permit to construct the Valley Center Substation.

Exhibit 2 – Applicant's PEA.

Exhibit 3 – Mitigated Negative Declaration and Initial Study, dated January 2000.

Exhibit 4 – Mitigation Monitoring Plan.

Exhibit 5 – Letter from Dudek & Associates, Inc., dated March 17, 2000, regarding comments to the Mitigated Negative Declaration.

We note that the California Office of Planning and Research on March 3, 2000, issued a Notice of Completion indicating that the Commission has complied with the State Clearinghouse review requirements for draft documents, pursuant to CEQA. The project's State Clearinghouse number is 2000011104.

In view of the recommendations of our environmental staff, as well as by applicant's response to the comments of neighbors and other interested persons, we will grant applicant's request for a permit to construct the Valley Center Substation. We also approve the Final Mitigated Negative Declaration.

In Resolution ALJ 176-3023, dated September 16, 1999, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that evidentiary hearings were necessary. While a public hearing was conducted, our order today changes the preliminary determination and concludes that evidentiary hearings are not necessary.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is waived.

### **Findings of Fact**

1. Applicant filed Application 99-09-016 on September 3, 1999, for a Permit to Construct the Valley Center Substation.
2. Applicant seeks Commission approval under CEQA of the Valley Center Substation project.
3. The Valley Center Substation, a distribution facility with 112 MVA ultimate capacity, would provide additional electricity to meet expected growth in the Valley Center area and ensure reliability.



4. There have been no protests to the application.
5. The Commission's environmental staff conducted a review of applicant's project and issued a Draft Mitigated Negative Declaration and Initial Study.
6. Following comments, the Commission's staff issued a Final Mitigated Negative Declaration.
7. Applicant has agreed to mitigation measures set forth in the Final Mitigated Negative Declaration.
8. No objections to the project were raised at a public hearing on this application conducted on February 25, 2000, in San Diego.

**Conclusions of Law**

1. An evidentiary hearing is not required.
2. The application should be granted, subject to the environmental requirements set forth in the Final Mitigated Negative Declaration.

**ORDER**

**IT IS ORDERED** that:

1. The application of San Diego Gas & Electric Company for a Permit to Construct the Valley Center Substation is granted.
2. The Final Mitigated Negative Declaration identified in the formal record as Exhibit 3 is adopted by this Commission.
3. The determination in Resolution ALJ 176-3023 with respect to this application is amended to determine that no evidentiary hearings are necessary.
4. Applicant shall fully implement the mitigation measures described in Exhibit 3.
5. Applicant shall enter into a cost reimbursement agreement with the Commission for expenses accrued from implementing the mitigation and

monitoring plan as described in Exhibit 4. Compliance with this agreement is a condition of approval of this decision.

6. The Environmental Projects Unit of the Energy Division shall supervise and oversee construction of the Valley Center Substation project insofar as it relates to monitoring and enforcement of the mitigation measures described in Exhibits 3 and 4. The Energy Division may designate outside staff to perform on-site monitoring tasks. The Commission project manager (Energy Division, Environmental Projects Unit) shall have the authority to issue a Stop Work Order on the entire project, or portions thereof, for the purpose of insuring compliance with the mitigation measures described in Exhibits 3 and 4. Construction may not resume without a Notice to Proceed issued by the Environmental Projects Unit of the Energy Division.

7. Applicant shall provide electro-magnetic force calculations to the Commission's Energy Division for any changes, modifications or additions to the facility that are not set forth in the application.

8. Applicant shall send a copy of this decision to concerned local permitting agencies not later than 30 days from the date of this order.

9. Application 99-09-016 is closed.

This order becomes effective 30 days from today.

Dated May 18, 2000, at San Francisco, California.

LORETTA M. LYNCH  
President  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
RICHARD A. BILAS  
CARL W. WOOD  
Commissioners