

Decision 99-06-045 June 10, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of San Diego Gas & Electric
Company For a Permit to Construct an Electric
Facility: Friars Substation Project

Application 98-10-011
(Filed October 5, 1998)

**ORDER ADOPTING MITIGATED NEGATIVE DECLARATION AND
GRANTING A PERMIT TO CONSTRUCT**

In this application, San Diego Gas & Electric Company (SDG&E) seeks permission to construct a substation in the Mission Valley Heights Subdivision in the Mission Valley area of the City of San Diego. The substation is needed to meet anticipated customer-driven electrical load growth and to prevent potential outages. In this order, we adopt the Mitigated Negative Declaration for this project and grant the Permit to Construct.

Background

On October 5, 1998, SDG&E filed this application, pursuant to California Public Utilities Commission (CPUC) General Order 131-D, for a Permit to Construct a Substation Facility planned to be 120 MVA with four MVA transformers and sixteen 12 kV circuits. No comments on the initial application were filed with the Commission. SDG&E supplemented its application on February 19, 1999, providing additional information needed to complete the environmental review of the proposed project. The Energy Division's environmental review staff deemed the application to be complete on November 23, 1998.

The Energy Division staff released its Initial Study and Mitigated Negative Declaration for public comment and review on January 6, 1999, with written

comments due no later than February 8, 1999. SDG&E's application identified mitigation measures to be adopted. The staff did not impose any additional mitigation measures. The staff published a notice of the availability of the Draft Mitigated Negative Declaration and Initial Study in the San Diego Tribune on January 6, 1999. In a letter dated February 10, 1999, Terry Roberts, Senior Planner with the State Clearinghouse, Governor's Office of Planning and Research, acknowledged that these documents complied with the State Clearinghouse review requirements, pursuant to the California Environmental Quality Act (CEQA).

In Resolution ALJ 176-3002 dated October 22, 1998, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were necessary. No comments were received on the Draft Mitigated Negative Declaration. The Administrative Law Judge (ALJ) held a prehearing conference on January 15, 1999, at the CPUC office in San Diego. Aside from SDG&E and staff, no one else attended the prehearing conference. During the prehearing conference, the ALJ requested additional information on SDG&E's electric and magnetic field (EMF) reduction measures. SDG&E provided this information in a letter addressed to the ALJ and staff on February 10, 1999. Therefore, we have determined that no hearings are necessary in this matter.

Project Description

SDG&E proposes to construct a new substation to serve the Mission Valley area in the City of San Diego. The substation would be situated in Mission Valley Heights Subdivision, four miles northeast of the San Diego metropolitan area. Mission Valley Heights is bounded on the east by Mission Center on Friars

Road and on the west by State Route 163. The project site is bounded by Mission Valley Road to the southwest and Mission Center Road to the east.

The site is immediately adjacent to a major SDG&E transmission corridor which presently contains two 230 kV lines, one 138 kV line and one 69 kV line. Land uses in the vicinity of the proposed project are primarily office buildings, one hotel, a shopping center, fast food restaurants and gas stations. The nearest residences are located 250 feet vertically from the site by a 120-foot tall landscaped bank.

Mitigated Negative Declaration

In the application, SDG&E identified that the proposed project would have potentially significant impacts in the areas of geotechnical, water, air quality, biological resources, hazards, noise and visual resources.

The following mitigation measures will be adopted by SDG&E. Prior to the substation development, SDG&E will submit a project construction and grading plan to the City of San Diego Development Services Division. Appropriate grading and construction standards will be incorporated. Measures to control sediment and erosion will be implemented. SDG&E will comply with the Regional Water Quality Control Boards' NPDES permit No. Ca 0108758. SDG&E will comply with APCD Rules and Regulations and the City of San Diego's Land Development Ordinance to reduce fugitive dust emissions. SDG&E will also comply with the City's noise ordinance. The substation will be constructed to conform to architectural guidelines of the Mission Valley Heights Master Concept Plan Design Guidelines. The project will comply with California Title 22 and Federal Title 40 requirements.

An isolated wetland area covering approximately 0.06 acre is located on the western edge of the site. This wetland area will be protected from damage

during project construction. The landscape plan will be modified to protect the wetlands.

CEQA allows for the issuance of a Mitigated 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, as long as SDG&E complies with the mitigated requirements described above, the project will not have a significant impact on the environment. Thus, the Mitigated Negative Declaration prepared by the staff is appropriate and should be adopted.

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 (EMF) generated by the proposed facilities. These measures must be in compliance with prior commission orders. In Decision 93-11-013, the Commission concluded that when constructing new projects, a utility should implement, at a minimum, all no-cost steps it can to reduce any resulting changes to EMF exposure.

On January 7, 1999, SDG&E provided staff with a copy of their Magnetic Field Management Plan. On January 15, 1999, at the prehearing conference, the ALJ requested that SDG&E clarify the information contained in the EMF Design

Guidelines and the Magnetic Field Management Plan. Specifically, the ALJ requested clarification on how SDG&E planned to meet the no-cost and low-cost reduction measures outlined in the EMF Design Guidelines and why SDG&E opted for the no-cost and low-cost measures listed in the Magnetic Field Management Plan. On February 10, 1999, SDG&E provided the ALJ and staff with a letter clarifying these issues. On February 19, 1999, SDG&E amended its application to include the Magnetic Field Management Plan and the February 10th letter.

Permit to Construct

The proposed project will not have a significant impact on the environment, thus, we will grant the Permit to Construct.

Comments on Draft Decision

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 being waived.

Findings of Fact

1. The Mitigated Negative Declaration reflects the independent judgment of this Commission.
2. The content of the Mitigated Negative Declaration complies with 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 SDG&E.

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.

O R D E R

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 and the mitigation measures described therein are made conditions of project approval.

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 for the proposed project in this application is approved and granted.

5. No hearings are necessary in this matter and the preliminary determination made in Resolution ALJ 176-3002 shall be so modified.

6. The application and related proceeding is closed.

This order becomes effective in 30 days from today.

Dated June 10, 1999, at San Francisco, California.

RICHARD A. BILAS

President

HENRY M. DUQUE

JOSIAH L. NEEPER

LORETTA M. LYNCH

JOEL Z. HYATT

Commissioners