

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

SOUTHERN CALIFORNIA EDISON'S LAKEVIEW SUBSTATION PROJECT (APPLICATION NO. A.10-09-016)

The California Public Utilities Commission (Commission) issued a Final Environmental Impact Report (EIR) for the Lakeview Substation Project (Project) on August 21, 2012. The Final EIR included a Draft Mitigation Monitoring, Reporting and Compliance Program (MMRCP) as Appendix H.¹ The Project applicant, Southern California Edison (SCE), provided testimony on December 21, 2012, before the Commission considered the Final EIR for certification, regarding the feasibility of certain mitigation measures included in the MMRCP, including Mitigation Measures 4.3-1a, 4.3-1b, 4.4-2, 4.5-2a, 4.5-2b, 4.13-1, or 4.13-4. Commission staff has considered these measures further based in part on SCE's testimony and has revised these measures as set forth below. Amended text is indicated such that words added to a mitigation measure are underlined and deleted words are ~~struck~~.² The MMRCP has been revised to reflect the following revisions and is provided in Exhibit 1.

MITIGATION MEASURE 4.3-1A

Mitigation Measure 4.3-1a (Final EIR, pp. H-13, H-14) is revised to acknowledge that, while the required level of detail included in this mitigation measure will be available before construction begins and will be included in and updated as part of SCE's Exhaust Emissions Control Plan, the required level of detail may not be available 30 days before construction begins. Because the necessary level of detail will be included in the plan before construction begins and will be implemented and updated as part of the plan, Mitigation Measure 4.3-1a, as revised, would avoid or reduce impacts precisely as originally intended. Mitigation Measure 4.3-1a is revised as follows:

Mitigation Measure 4.3-1a: For diesel-fueled off-road construction equipment of more than 50 horsepower, SCE shall make a good faith effort to use available construction equipment that meets the highest USEPA-certified tiered emission standards. SCE shall also make a good faith effort to use 2010 and newer diesel haul trucks. An Exhaust Emissions Control Plan that identifies each off-road unit's certified tier specification, Best Available Control Technology (BACT), and the CARB or SCAQMD operating permit number (if applicable), as well as the model year of all haul trucks to be used on the Project that are under direct control of SCE or its construction contractor shall be

¹ Mitigation Measures are described and discussed throughout the Final EIR. However, for consistency and to avoid potential confusion, this document cites the measures where they appear in proposed final form, i.e., in the MMRCP.

² Because the proposed revisions merely clarify, amplify, or make insignificant modifications to the measures identified and because none of the proposed revisions would result in a new or more significant environmental impact, recirculation of the Final EIR is not required (CEQA Guidelines §15088.5).

submitted to the CPUC for review and approval at least 30 days or as soon as available prior to commencement of construction activities. Construction activities cannot commence until the plan has been approved. For all pieces of equipment that would not meet Tier 3 emission standards, the Exhaust Emissions Control Plan shall include documentation from two local heavy construction equipment rental companies that indicates that the companies do not have access to higher-tiered equipment for the given class of equipment. In the event that 2010 or newer diesel haul trucks are not available for the Project, the Exhaust Emissions Control Plan shall document that a good faith effort to obtain such haul trucks has been made.

During construction of the Lakeview Substation, SCE and/or its construction contractor(s) shall use electricity from the regional power grid where feasible rather than diesel or gasoline power generators. In the event that SCE determines that this would not be feasible, the Exhaust Emissions Control Plan shall include documentation to support the determination.

MITIGATION MEASURE 4.3-1B

Mitigation Measure 4.3-1b (Final EIR, pp. H-14, H-15) would require SCE to achieve compliance with SCAQMD Rule 403. The 11 best available air pollution control measures (BACMs) identified in the measure were determined likely among the full suite of potential BACMs to be applicable to the Project. However, the 11 BACMs are not specifically required: compliance, not the means of compliance, is required by Mitigation Measure 4.3-1b. By its express terms, Mitigation Measure 4.3-1b provides flexibility for SCE to determine that any or all of the recommended 11 BACMs are not applicable and to explain why, and to recommend other BACMs that SCE determines are more applicable or potentially effective in achieving compliance with Rule 403. The inclusion of the word “may” does not affect the flexibility allowed by the measure as drafted. Mitigation Measure 4.3-1b is revised as follows:

Mitigation Measure 4.3-1b: SCE shall develop a Fugitive Dust Control Plan that specifically describes how compliance with each of SCAQMD Rule 403 Best Available Control Measures (BACMs) shall be achieved. If it is determined that any of the BACMs are not applicable to construction of the Project, the plan shall present rational as to why the BACMs are not applicable and would not be implemented. This plan shall be submitted to the CPUC for review and approval and the approved plan shall be distributed to all employees and construction contractors prior to commencement of construction activities.

The Fugitive Dust Control Plan ~~shall~~ may include, but not be limited to, the following specific control measures as applicable:

- Limit soil disturbance to the amounts analyzed in the air quality analysis;
- Cover all trucks hauling dirt, sand, soil, or other loose materials;
- Install wheel washers where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site each trip;

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- Apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more);
 - Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph;
 - Traffic speeds on all unpaved roads shall not exceed 15 mph;
 - Replace ground cover in disturbed areas as quickly as possible;
 - Apply water three times daily, or non-toxic soil stabilizers according to manufacturers' specifications, to all unpaved parking or staging areas or unpaved road surfaces;
 - Sweep streets adjacent to the construction site at the end of the day if visible soil is carried onto adjacent public paved roads (recommend water sweepers with reclaimed water); and
 - Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.

MITIGATION MEASURE 4.4-2

As indicated on page 3-34 of the Final EIR, Impact 4.4-2 was revised (and Mitigation Measure 4.4-2 developed) in response to Comment B2-1 submitted by the United States Fish and Wildlife Service and California Department of Fish and Game (Final EIR, p. 2-179). The agencies' comment requested that the EIR address potential impacts to Los Angeles pocket mouse and other sensitive species in the Project area to the extent that the Project could affect such species in a way that could undermine or interfere with the MSHCP conservation strategy. It was not clear at the time the Final EIR was prepared that SCE would successfully attain coverage under the MSHCP. Now that MSHCP coverage has been achieved, SCE's participation in the MSHCP, including payment of the fee, would reduce effects to MSHCP covered species. Mitigation Measure 4.4-2 (Final EIR, pp. H-16, H-17) is therefore revised as follows:

Mitigation Measure 4.4-2: SCE shall implement measures to reduce Project impacts to Stephens' kangaroo rat and Los Angeles Pocket mouse in the San Jacinto River corridor in accordance with applicable conditions of the MSHCP, which may include the following as follows:

SCE shall implement a Stephens' kangaroo rat and Los Angeles pocket mouse trapping and relocation effort only if approved by the Riverside County Habitat Conservation Agency.

Habitat for Stephens' kangaroo rat and Los Angeles pocket mouse within Project area grasslands (such as those identified in BonTerra, 2011) shall be avoided with the establishment of a non-disturbance buffer zone to be approved by the USFWS and CDFG. SCE shall stake, flag, fence, or otherwise clearly delineate the construction right-of-way that restricts the limits of construction to the minimum necessary to implement the Project that also would avoid and minimize impacts on the Stephens' kangaroo rat.

~~Where avoidance of confirmed Stephens' kangaroo rat precincts is infeasible and unavoidable, and if approved by the Riverside County Habitat Conservation Agency, SCE shall install silt fence or other impermeable barrier to Stephens' kangaroo rat to exclude Stephens' kangaroo rat from entering the active work areas.~~

MITIGATION MEASURES 4.5-2A AND 4.5-2B

Mitigation Measures 4.5-2a and 4.5-2b were developed to mitigate potential impacts to buried, obscured, or otherwise as-yet unknown resources discovered during the implementation of construction activities in the Project area, which was identified as having high sensitivity for prehistoric resources. As disclosed in the Final EIR, Project construction in the areas containing known cultural resources (Fiber Optic Cable Route 3) were withdrawn by SCE and are no longer part of the Project. Mitigation Measures 4.5-2a and 4.5-2b have been revised to acknowledge the reduced potential for impacts, while maintaining necessary protection for unknown cultural resources. In addition, redundancies between measures 4.5-2a and 4.5-2b have been eliminated.

Mitigation Measure 4.5-2a: ~~Prior to issuance of a grading permit, an archaeological monitor and a Native American monitor shall be retained and contracted by SCE and/or its contractors to monitor all ground-disturbing activities, including brush clearance and grubbing. The archaeological monitor shall work under the supervision of a the qualified archaeologist. The Native American monitor shall be selected from the list of Native American groups demonstrating affiliation with the Project area and demonstrating interest in the Project. Initially, all ground-disturbing activities shall be monitored. However, the qualified archaeologist, based on observations of soil stratigraphy or other factors during initial grading, and in consultation with the Native American monitor and the lead agency, may reduce the level of or discontinue monitoring as warranted if the archaeologist determines that the possibility of encountering buried archaeologist deposits is low. In the event that cultural resources are unearthed during ground disturbing activities, the archaeological and Native American monitors shall be empowered to halt or redirect ground disturbing activities away from the vicinity of the find so that the find can be evaluated and appropriate treatment determined. Arrangements for the appropriate curation of any cultural materials encountered during Project implementation shall be made prior to the issuance of grading permits and in coordination with the Native American group selected for monitoring. Contingency funding and time in the construction schedule should be made available to appropriately manage the unanticipated discovery of cultural resources.~~

Mitigation Measure 4.5-2b: If archaeological resources are encountered at any point during Project implementation, SCE and/or its contractors shall cease all activity within 100 feet of the find until the find can be evaluated by a qualified archaeologist and appropriate Native American representatives (if the resources are prehistoric or Native American in nature). Work may continue on other parts of the site while the find is being evaluated. Preservation in place shall be the preferred means of mitigating impacts to cultural resources. If the archaeologist determines that the resources may be significant, and if avoidance is determined to be infeasible, the archaeologist shall notify the lead agency and shall prepare and implement a treatment plan, in consultation with the lead agency and with appropriate Native American representatives.

MITIGATION MEASURE 4.13-1

Mitigation Measure 4.13-1 (Final EIR, p. H-24) is revised to supplement potential outcomes to include a local agency's grant of variance approval. With the revised measure, Project-related construction noise conditions would comply with applicable ordinances either because they would remain within authorized times of day or because exceedance of the requirements would be authorized.

Mitigation Measure 4.13-1: SCE and/or its construction contractors shall require that (a) all construction activities, including material deliveries, that occur within unincorporated Riverside County within 0.25 mile of an inhabited dwelling, be restricted to between 6:00 a.m. and 6:00 p.m. during the months of June through September and between 7:00 a.m. and 6:00 p.m. during the months of October through May, and (b) all construction activities that occur within the City of Moreno Valley be restricted to between the hours of 7:00 a.m. and 8:00 p.m., or, (c) if construction activities could not occur within the hours set forth in (a) and (b), a variance or exception from the ordinance shall be obtained from the applicable agency.

MITIGATION MEASURE 4.13-4

The Draft EIR noise analysis presented a reasonably conservative scenario of equipment operating continuously throughout the workday, acknowledging that such a scenario was unlikely actually to occur (Draft EIR, p. 4.13-16). The Draft EIR significance conclusion of less than significant was based on the more conservative scenario. The impact was determined to be less than significant because the closest residence to construction activity would have been at a distance (i.e., 150 feet) that would have attenuated the noise levels to below 90 dBA. However, in the case of the proposed construction work at the Alessandro Substation, the reasonably conservative scenario includes continual use of a jack hammer for a period of more than one hour at a distance of 25 feet to the closest residence. This would result in an hourly Leq noise level of 94 dBA at the closest residence. Although this conservative scenario may be less likely to occur in practice than one that incorporates an hourly usage factor for worker breaks, etc., it is a reasonably conservative assumption consistent with those used in the Draft EIR noise analysis.

Therefore, as stated on Final EIR page 2-20, Mitigation Measure 4.13-4 was revised to require the development of a Construction Noise Development Plan to ensure that noise levels would not exceed the 90 dBA significance threshold at sensitive receptor locations. The mitigation measure text with revisions underlined inadvertently was omitted from Final EIR Chapter 3, Revisions to the Draft EIR and the MMRCP. The text of revised Mitigation Measure 4.13-4 (Final EIR, p. H-24) is provided as follows:

Mitigation Measure 4.13-4: Implement Mitigation Measure 4.13-1. Further, SCE and/or its contractors shall assure that construction-related noise levels at the Alessandro Substation would not exceed an hourly L_{eq} of 90 dBA at the nearest sensitive receptor, which may require the development and implementation of a Construction Noise Reduction Plan.