



California Environmental Quality Act (CEQA) and Safety



Mary Jo Borak
Program and Project Supervisor
California Public Utilities Commission

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What is CEQA?

- Triggered when a public agency must take discretionary action on a proposed project, e.g.
 - Applications for Certificate of Public Convenience and Necessity (CPCN)
 - Applications for Permit to Construct (PTC)
- Requires evaluation and disclosure to the public regarding the environmental impacts of the project; and avoidance and mitigation of impacts, if feasible

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Environmental Documents

- Negative Declaration (ND)
 - The project creates no significant impacts
- Mitigated Negative Declaration (MND)
 - The project creates significant impacts, but the impacts can be avoided or mitigated
- Environmental Impact Report (EIR)
 - The project may cause significant impacts that cannot be avoided or mitigated to a level that is less than significant
 - Includes alternatives analysis
 - The environmentally superior alternative must be chosen if feasible
 - Cost is not a factor unless economically infeasible

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CEQA Impact Areas

- Aesthetics
- Agricultural Resources
- Air Quality (GHG)
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems

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Joint Federal/State Documents

- The National Environmental Policy Act (NEPA) applies to Federal agencies
- The CPUC frequently produces joint CEQA/NEPA documents with federal agencies
- Memorandums of Understanding define each agency's duties
- Agencies together produce a joint EIR/EIS but only make decisions for projects within their respective jurisdiction

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Agency Coordination

- CA Dept. of Fish and Wildlife
- US Fish and Wildlife Service
- US Forest Service
- Bureau of Land Management
- Caltrans
- Air Quality Management Districts
- CA Coastal Commission
- Army Corps Of Engineers
- Department of Water Resources
- State Historic Preservation Office
- Native American Heritage Commission
- State Water Resources Control Board
- State Lands Commission
- Counties and Municipalities

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CEQA at the CPUC

- The Energy Division does CEQA review for all industries
 - Transmission | Telco | Water/Sewer | Natural Gas Storage and Natural Gas Pipeline| Section 851 Divestitures
- Energy Division typically has 50-60 projects in various stages at any given time
- CEQA Activities
 - Part I: Develop environmental document, including mitigation measures
 - Part II: ALJ formal proceeding results in certification of environmental document and approval/denial of project
 - Part III: Mitigation and monitoring during construction

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Mitigation Monitoring

- Mitigation Monitoring, Compliance and Reporting Program (MMCRP) is adopted with certification of the EIR, includes:
 - Mitigation measures imposed by CPUC
 - Applicant proposed mitigation measures
 - Communication and reporting protocols
- CPUC staff role insures compliance with all permits, plans, mitigation measures
 - Issues Notice to Proceed for each stage of construction
 - Can Issue Stop Work Orders if utility is not in compliance
 - Staff manages construction monitoring through Environmental Monitoring consultants onsite

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Three Case Studies on Safety Issues in Developing CEQA Documents and Construction Monitoring Experience

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Sunrise Powerlink

- In 2006, SDG&E proposed the 150 mile Sunrise Powerlink
 - Imperial County to San Diego County through Anza Borrego Desert State Park
- CPUC developed an 11,000 page joint EIR/EIS with BLM
 - EIR/EIS included extensive public engagement process
 - 27 fully analyzed alternatives, including non-park routes & non-wires
 - The approved project created 52 unmitigated significant impacts and required 127 mitigation measures
- After approval in 2008, staff monitored construction thru 2012
 - Issued 77 notices to proceed, 67 variances
 - Cited SDG&E 11 times for non-Compliance
 - 2 Stop Work Orders Issued – 1 by CPUC and 1 by USFS

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Helicopter Safety Construction Challenges

- Construction in steep terrain
- Helicopter construction for 237 out of 443 towers was required by U S Forest Service
- 15-33 helicopters operating daily –over 30,000 flight segments
- SDG&E operated a helicopter control center
- Two helicopter drop incidents – stop work order issued and renewed training and reporting measures imposed



Sunrise Construction by
Helicopter Video:

<http://www.youtube.com/watch?v=GBWHUdPQCH8>

Dropped tower outside of Plaster City
Construction Yard during tower erection
activities in Imperial County

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Environmental Construction Challenges

- Construction around cultural sites
- Eagle nesting
- Bighorn sheep lambing season



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Wire Installation Construction Activities



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Conventional Tower Assembly in the Desert



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ExteNet State Route 35 Distributed Antenna System Project

- Telecommunications project with an MND that was constructed in 2013 in San Mateo County
- Types of Safety Training required by MND
 - Spill Prevention Contingency Plan
 - Health and Safety Plan
 - Worker Environmental Training Program
- Summary of Safety Incidents
 - **Traffic Control.** Traffic control flaggers miscommunicated during a lane closure and allowed traffic to proceed from both directions in the same lane. No injuries or accidents occurred. In response, communication procedures were corrected and no further issues occurred.

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ExteNet Safety Related Mitigation Measures

- Sample Hazardous Materials, Releases, and Response Measure
 - **APM Hazards-1:** The applicant shall perform the following tasks in order to minimize the potential for hazardous materials contamination through the transport, use, or disposal of hazardous materials:
 - Prepare a Spill Prevention and Control Plan that includes standard operating procedures for spill prevention, hazard assessment, spill prevention and containment, emergency response procedures, and closing the spill incident.
 - Before construction begins, train site workers
 - Construction crews will have an emergency spill kit containing absorbent booms and pads, personal protective equipment, and emergency response guidance.
 - Construction equipment will be maintained and kept in operating condition to reduce the likelihood of line breaks and leakage.
 - Absorbent material or drip pans will be placed underneath vehicles during equipment maintenance or refueling.
 - Refueling will take place only in designated areas. Any fluids drained from equipment will be collected in leak proof containers and taken to an appropriate disposal or recycling facility.

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ExteNet Safety Related Mitigation Measures

- Sample Traffic Control Related Measures
 - The applicant shall take the following measures to reduce the risk of accidental fires, vehicle collisions, and other hazardous situations and events
 - Project traffic control measures will conform to the specifications of Caltrans and San Mateo County. The contractors retained for project construction will follow Caltrans' Standard Plan T13 ("Traffic Control System for Lane Closure On Two-Lane Conventional Highways") to manage traffic during the construction of the Project and to ensure that construction activity will not create unsafe traffic conditions. The Plan will include the use of portable warning signs, flaggers, and cones/barricades that will separate the construction activities from traffic.
 - In the event of an emergency, project activities will be suspended in order to allow through access on SR 35 for emergency vehicles and operations.

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ExteNet Safety Related Mitigation Measures

- Sample Health and Safety Measure
 - The construction contractor will develop and implement a Health and Safety Plan consistent with 29 CFR 1910 (OSHA Standards) and 29 CFR 1926 (OSHA Safety and Health Regulations for Construction). The Health and Safety Plan will identify physical and chemical hazards that could result from proposed operations.
- Sample Safety Training Requirement Measure
 - ExteNet shall require all contractors to train their construction crews in the following safety measures: trenching and excavation safety, work zone safety, cardiopulmonary resuscitation (CPR), spill prevention and control, and driving safety.

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ExteNet Safety Related Mitigation Measures

- Sample Utility Infrastructure Avoidance Safety Measure
 - The applicant shall identify all utility lines within the project alignment prior to any construction activities to reduce the possibility of rupturing, severing, or damaging gas, electric, or sewer lines located in the project region.
- Sample Worker Smoking Measure
 - Project personnel will be required to smoke only in their vehicles and dispose of cigarette butts properly.

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PG&E Crazy Horse Canyon Switching Station

- Switching Station in Prunedale, in foothills of Monterey County (under construction)
- Project approved in 2011 after an MND was prepared
- Types of Safety Training
 - Hazardous Substance Control and Emergency Response Plan
 - Health and Safety Plan
 - Fire Prevention and Response Plan
 - Storm water Pollution and Prevention Plan
 - Erosion Control and Sediment Transport Plan

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Summary of Safety Incidents and Response on PG&E Crazy Horse Canyon Switching Station

- **1. Gun Shot.** The CPUC mitigation monitor heard a gunshot with a bullet that passed overhead. The shot came from a property adjacent to the project site. No injuries occurred. In response, the monitor reported the event to the police and increased communication protocol with PG&E regarding site visits. PG&E increased outreach and communication with neighboring residents.
- **2. Vehicle Accident.** A private vehicle that was not involved with project personnel or activities ran off the road at a blind turn to avoid hitting a project delivery truck entering the switching station access gate. No injuries occurred. In response, emergency services were notified and the private vehicle driver was determined to be at fault. PG&E initiated traffic controls and flaggers from both directions to the access gate.
- **3. Vehicle Accident.** A project water truck rolled down a steep slope during grading of the switching station pad. No injuries or environmental damage occurred. In response, workers were instructed on practices to avoid a repeat of the incident. The vehicle was removed from the site and the accident area was inspected for hazardous material spills. A minor amount of contaminated soil was removed.

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Sample Safety Measures in PG&E Crazy Horse Canyon Switching Station MND

- **Hazardous Substance Control and Emergency Response Plan**
- **Site-specific Health and Safety Plan** to ensure that potential safety hazards would be kept at a minimum. The plan will include elements that establish worker training and emergency response procedures relevant to project activities.
- **Fire Prevention and Response Plan** to the CPUC and to local fire protection authorities for notification at least 30 days prior to construction.
- **An Environmental Training Program** will be established to communicate to all field personnel any environmental concerns and appropriate work practices, including spill prevention and response measures and BMPs
 - The training program will emphasize site specific physical conditions to improve hazard prevention (e.g., identification of flow paths to nearest water bodies) and will include a review of all site specific plans, including but not limited to the project's Hazardous Substances Control and Emergency Response Plan, SWPPP, Erosion Control and Sediment Transport Plan, and Health and Safety Plan.

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Worker Environmental Awareness Program

- Anyone on the project site must first attend a WEAP training.
- Once trained, personnel place stickers on their hard hats to show compliance with WEAP.



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Citation Program

- In 2013, Resolution E-4550 established a citation program to enforce CEQA requirements.
- Staff can issue fines of \$500 per day for the first ten days and \$1,000 per day thereafter, for serious or repeated violations.
- All violations can be appealed through the Commission's standard appeal process.
- Citation Program is an additional tool staff can use to ensure compliance with CEQA requirements and mitigation measures.



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Thank you!
For Additional Information:
www.cpuc.ca.gov

All CPUC CEQA Project Documents are available here:
<http://www.cpuc.ca.gov/PUC/energy/Environment/>

