

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN CALIFORNIA EDISON COMPANY (U338E) for a Permit to Construct Electrical Facilities with Voltages between 50kV and 200 kV: Fogarty Substation Project.

Application 07-04-028
(filed April 30, 2007)

In the Matter of the Application of SOUTHERN CALIFORNIA EDISON COMPANY (U338E) for a Permit to Construct Electrical Facilities with Voltages between 50kV and 200 kV: Valley-Ivyglen 115 kV Subtransmission Line Project.

Application 07-01-031
(filed January 16, 2007)

INTERIM DECISION MODIFYING DECISION 10-08-009 AND APPROVE MODIFICATIONS TO THE FOGARTY SUBSTATION PROJECT

Summary

This decision modifies Decision 10-08-009 to authorize Southern California Edison Company to make minor changes to the Fogarty Substation Project, with additional mitigation identified in the Mitigation Monitoring Plan attached to this order. As the lead agency for environmental review of the project, we find that the Addendum to the Environmental Impact Report prepared for this project meets the requirements of the California Environmental Quality Act.

1. Background

Decision (D.) 10-08-009 granted Southern California Edison Company (SCE) a permit to construct the Fogarty Substation Project and Valley-Ivyglen Subtransmission Line Project, using the environmentally superior project

Alternative 5 identified in the Environmental Impact Report prepared for the projects. On March 26, 2014, SCE filed a petition to modify D.10-08-009 to authorize various changes to the projects and moved to bifurcate the proceeding in order to allow the Commission to approve changes specific to the Fogarty Substation Project separate from the requested changes to the Valley-Ivyglen Subtransmission Line Project.¹ Specifically, SCE proposes to install a permanent restroom within Fogarty Substation, a sewer line to connect the restroom to a future sewer line as may become available, and two vaults and associated duct banks for electrical distribution lines and telecommunications lines. There is no opposition to the petition for modification with respect to the requested changes to the Fogarty Substation Project.²

On July 11, 2014, the Commission's Energy Division prepared an Addendum to the Environmental Impact Report (EIR) for the Valley-Ivyglen Subtransmission Line and Fogarty Substation Project (July 2014 Addendum) addressing the proposed modifications to the Fogarty Substation.³

On July 28, 2014, the Administrative Law Judge (ALJ) issued a ruling granting SCE's motion to bifurcate motion to bifurcate the proceeding in order to allow the Commission to issue an interim decision on the petition for modification for the limited purpose of modifying the Fogarty Substation Project,

¹ The ALJ granted the motion to bifurcate on July 28, 2014.

² The Office of Ratepayer Advocates (ORA) filed a response on April 10, 2014, seeking to reserve an opportunity to be heard regarding proposed changes to the Valley-Ivyglen Subtransmission Line Project, and Castle & Cooke Alberhill Ranch, LLC, Castle & Cooke California, Inc., and Castle & Cooke Lake Elsinore West, Inc. collectively filed a response on June 23, 2014, objecting to the petition with respect to the Valley-Ivyglen Subtransmission Line Project.

³ The July 2014 Addendum is hereby marked and received as Reference Exhibit 4.

and a final decision at a later date that would resolve the remaining issues raised by the petition for modification.

2. Environmental Impacts

2.1. Air Quality and Greenhouse Gases

The construction of the new vaults and duct banks will not require additional equipment, disturbance, personnel, or schedule other than those assumed for the EIR. Construction of the restroom and sewer line would result in additional use of a backhoe and crane, and its maintenance would result in additional vehicle trips to the substation during operation to pump the holding tank. The impacts of these activities on air quality and greenhouse gases would be similar to construction and maintenance activities analyzed in the EIR and can be mitigated by the mitigation measures identified in the Mitigation Monitoring Plan and attached to D.10-08-009. There are no mitigation measures with respect to air quality and greenhouse gases previously found to be infeasible that would now be feasible.

2.2. Visual Resources and Land Use

Visual impacts on scenic resources near a state scenic highway, scenic vistas, visual character, and from a new source of light during installation of the restroom and construction of the sewer line, new vaults and duct banks would be short-term and substantially less than those identified for construction of the other components of Fogarty Substation discussed in the EIR. Land use impacts would be similar to those identified for the Fogarty Substation in the EIR. The impacts of the construction and operation of the proposed restroom, sewer line, vaults and duct banks on visual resources and land use can be mitigated by the mitigation measures identified in the Mitigation Monitoring Plan and attached to

D.10-08-009. There are no mitigation measures with respect to visual resources and land use previously found to be infeasible that would now be feasible.

2.3. Biological Resources

The permanent restroom and sewer line would be located within Fogarty Substation property and no previously undisturbed land disturbance, or therefore impacts on biological resources, would occur. Construction of the vaults and duct banks could result in significant impacts to special status plant and wildlife species and habitat, including nesting birds, similar to the impacts identified for Fogarty Substation in the EIR. These impacts can be mitigated by the mitigation measures identified in the Mitigation Monitoring Plan and attached to D.10-08-009. There are no mitigation measures with respect to biological resources previously found to be infeasible that would now be feasible.

2.4. Cultural Resources

The permanent restroom and sewer line would be located within Fogarty Substation property and no previously undisturbed land disturbance, or therefore impacts on cultural resources, would occur.

A cultural and paleontological resources assessment was conducted for a 0.31-acre area surrounding the northern vault and duct bank, which was not previously surveyed in the EIR. No historical or other cultural resources were identified within the surveyed area. Cultural information for the remaining vault and duct bank areas was previously collected as described in the EIR, and no resources were identified. Potential impacts on cultural resources can be mitigated by the mitigation measures identified in the Mitigation Monitoring Plan and attached to D.10-08-009.

The July 2014 Addendum proposes a minor revision to MM CUL-1a, which designates Environmentally Sensitive Areas (ESAs) and requires their avoidance, to additionally require the avoidance of the brick remains of an historic-age structure.⁴ With this exception, there are no mitigation measures with respect to cultural resources previously found to be infeasible that would now be feasible.

2.5. Utilities and Service Systems

The EIR analyzed the impacts of the construction of vaults and duct banks along Kings Highway and Terra Cotta Road on utilities and service systems. Although the locations of the vaults and duct banks proposed in this petition for modification were not identified in the EIR, their impacts on utilities and service systems would not differ from those identified in the EIR.

Sanitary waste during construction of the restroom would be contained in portable toilets and disposed of offsite in accordance with all applicable laws and regulations. Use of the restroom during operations is anticipated to be minimal. Until the sewer line is constructed to connect the restroom to the EVMWD sewer system once it becomes available in the vicinity of the substation, wastewater would be contained in an aboveground holding tank that would be pumped out by a licensed sanitary disposal contractor as needed. SCE estimates that 400 gallons of water would be required annually for the restroom and would be

⁴ The July 2014 Addendum also incorporates information that was inadvertently omitted from the previously adopted Mitigation Monitoring Plan. "APM" labels were added to make the naming of "Applicant Proposed Measures" consistent, the California Department of Fish and Wildlife acronym was updated, the California Joint Utility Traffic Control Manuals' name was corrected, and Applicant Proposed Measures that had been inadvertently omitted from the earlier version have been incorporated.

supplied from an existing entitlement. Construction and operation of the restroom and sewer line would not result in new or substantially more severe effects than were discussed in the EIR.

There are no mitigation measures with respect to utilities and service systems previously found to be infeasible that are now feasible.

2.6. Other Resources

With the mitigation measures identified in the Mitigation Monitoring Plan and attached to D.10-08-009, the proposed modifications would not create new or more severe impacts on geology, soils, or minerals; hazards or hazardous materials; hydrology or water quality; noise; public services; or traffic and transportation than stated in the EIR. The proposed modifications would have no impact on agriculture and forestry resources, population and housing, or recreation.

There are no mitigation measures with respect to these other resources previously found to be infeasible that are now feasible.

3. Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

4. Assignment of Proceeding

Michel Peter Florio is the assigned Commissioner and Hallie Yacknin is the assigned ALJ in this proceeding.

Finding of Fact

1. The proposed modifications to the Fogarty Substation Project will not result in any new significant effects that were not discussed in the EIR, result in

substantially more severe effects, or allow for the implementation of mitigation previously found to be infeasible that would now be feasible.

Conclusions of Law

1. The July 2014 Addendum meets the requirements of California Environmental Quality Act (CEQA), and there is no need to prepare a subsequent EIR pursuant to CEQA Guidelines Section 15162.
2. SCE should be authorized to construct the modifications to the Fogarty Substation Project identified in the July 2014 Addendum to the Final Environmental Impact Report for the Valley-Ivyglen Subtransmission Line and Fogarty Substation Project.
3. Ordering Paragraph 1 of D.10-08-009 should be modified as follows:

“Southern California Edison Company is granted a permit to construct the Valley-Ivyglen 115 kilovolt Subtransmission Line Project and Fogarty Substation Project as Alternative 5, the Warm Springs-Pacific Clay alternative, with the modifications to the Fogarty Substation Project identified in the July 2014 Addendum to the Final Environmental Impact Report for the Valley-Ivyglen Subtransmission Line and Fogarty Substation Project, in conformance with Mitigation and Monitoring Plan which is attached as Attachment A to this decision, and as that Plan has been modified by D.[insert decision number].”
4. Ordering Paragraph 2 of D.10-08-009 should be modified as follows:

“The final Environmental Impact Report (which incorporates the draft Environmental Impact Report) is adopted pursuant to the requirements of the California Environmental Quality Act. certified as having been completed in compliance with the California Environmental Quality Act, reviewed and considered by the Commission prior to approving the project, and reflective of the Commission’s independent judgment.”

5. Ordering Paragraph 3 of D.10-08-009 should be replaced with the following:

“Energy Division may approve requests by Southern California Edison Company for minor project refinements that may be necessary due to final engineering of the Valley-Ivyglen 115 kilovolt Subtransmission Line Project and Fogarty Substation Project so long as such minor project refinements are located within the geographic boundary of the study area of the Environmental Impact Report and do not, without mitigation, result in a new significant impact or a substantial increase in the severity of a previously identified significant impact based on the criteria used in the environmental document; conflict with any mitigation measure or applicable law or policy; or trigger an additional permit requirement. Southern California Edison Company shall seek any other project refinements by a petition to modify this decision.”

6. The Mitigation Monitoring Plan which is attached as Attachment A to D.10-08-009 should be replaced with the Mitigation Monitoring Plan which is attached as Attachment A to this decision.

O R D E R

IT IS ORDERED that:

1. The July 2014 Addendum to the Final Environmental Impact Report for the Valley-Ivyglen Subtransmission Line and Fogarty Substation Project is marked and received as Reference Exhibit 4.

2. Southern California Edison Company is authorized to construct the modifications to the Fogarty Substation Project identified in the July 2014 Addendum to the Final Environmental Impact Report for the Valley-Ivyglen Subtransmission Line and Fogarty Substation Project.

3. Ordering Paragraph 1 of Decision 10-08-009 is modified as follows:

“Southern California Edison Company is granted a permit to construct the Valley-Ivyglen 115 kilovolt Subtransmission Line Project and Fogarty Substation Project as Alternative 5, the Warm Springs-Pacific Clay alternative, with the modifications to the Fogarty Substation Project identified in the July 2014 Addendum to the Final Environmental Impact Report for the Valley-Ivyglen Subtransmission Line and Fogarty Substation Project, in conformance with Mitigation and Monitoring Plan which is attached as Attachment A, and as subsequently amended by D.[insert decision number], to this decision.”

4. Ordering Paragraph 2 of Decision 10-08-009 is modified as follows:

“The final Environmental Impact Report (which incorporates the draft Environmental Impact Report) is adopted pursuant to the requirements of the California Environmental Quality Act, certified as having been completed in compliance with the California Environmental Quality Act, reviewed and considered by the Commission prior to approving the project, and reflective of the Commission’s independent judgment.”

5. Ordering Paragraph 3 of Decision 10-08-009 is replaced with the following:

“Energy Division may approve requests by Southern California Edison Company for minor project refinements that may be necessary due to final engineering of the Valley-Ivyglen 115 kilovolt Subtransmission Line Project and Fogarty Substation Project so long as such minor project refinements are located within the geographic boundary of the study area of the Environmental Impact Report and do not, without mitigation, result in a new significant impact or a substantial increase in the severity of a previously identified significant impact based on the criteria used in the environmental document; conflict with any mitigation measure or applicable law or policy; or trigger an additional permit requirement. Southern California Edison Company shall seek any other project refinements by a petition to modify this decision.”

6. The Mitigation Monitoring Plan which is attached as Attachment A to Decision 10-08-009 is replaced with the Mitigation Monitoring Plan which is attached as Attachment A to this decision.

7. Application (A.) 07-04-028 and A.07-01-031 remain open.

This order is effective today.

Dated _____, at San Francisco, California.

ATTACHMENT A

Mitigation Monitoring Plan for the Fogarty Substation Project

