

# **Tie Line 649 Wood-to-Steel Replacement Project**

## **Mitigation Monitoring, Compliance, and Reporting Program**

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**ACRONYMS AND ABBREVIATIONS**

BMPs	best management practices
CA	Contract Administrator
CAISO's	California Independent System Operator's
CEQA	California Environmental Quality Act
CGP	Construction General Permit
CL	Construction Lead
CPCN	Certificate of Public Convenience and Necessity
CPUC	California Public Utilities Commission
ECL	Environmental Compliance Lead
EDM	Environmental Department Manager
EI	Environmental Inspector
EM	Environmental Monitor
EPM	Environmental Project Manager
IS/MND	Initial Study/Mitigated Negative Declaration
MM	Mitigation Measures
MMCRP	Mitigation Monitoring, Compliance, and Reporting Program
MMRP	Mitigation Monitoring and Reporting Plan
MPR	Minor Project Refinement
NCR	Non-Compliance Report
NPDES	National Pollutant Discharge Elimination System
NTP	Notice to Proceed
OSHA	Occupational Safety and Health Administration
PM	Project Manager
PTC	Permit to Construct
SDG&E	San Diego Gas & Electric Company
SEAP	Safety and Environmental Awareness Program
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TEWS	Temporary Extra Work Space
WDID	Waste Discharger Identification

# Chapter 1

## Introduction

### 1.1 Overview and Background

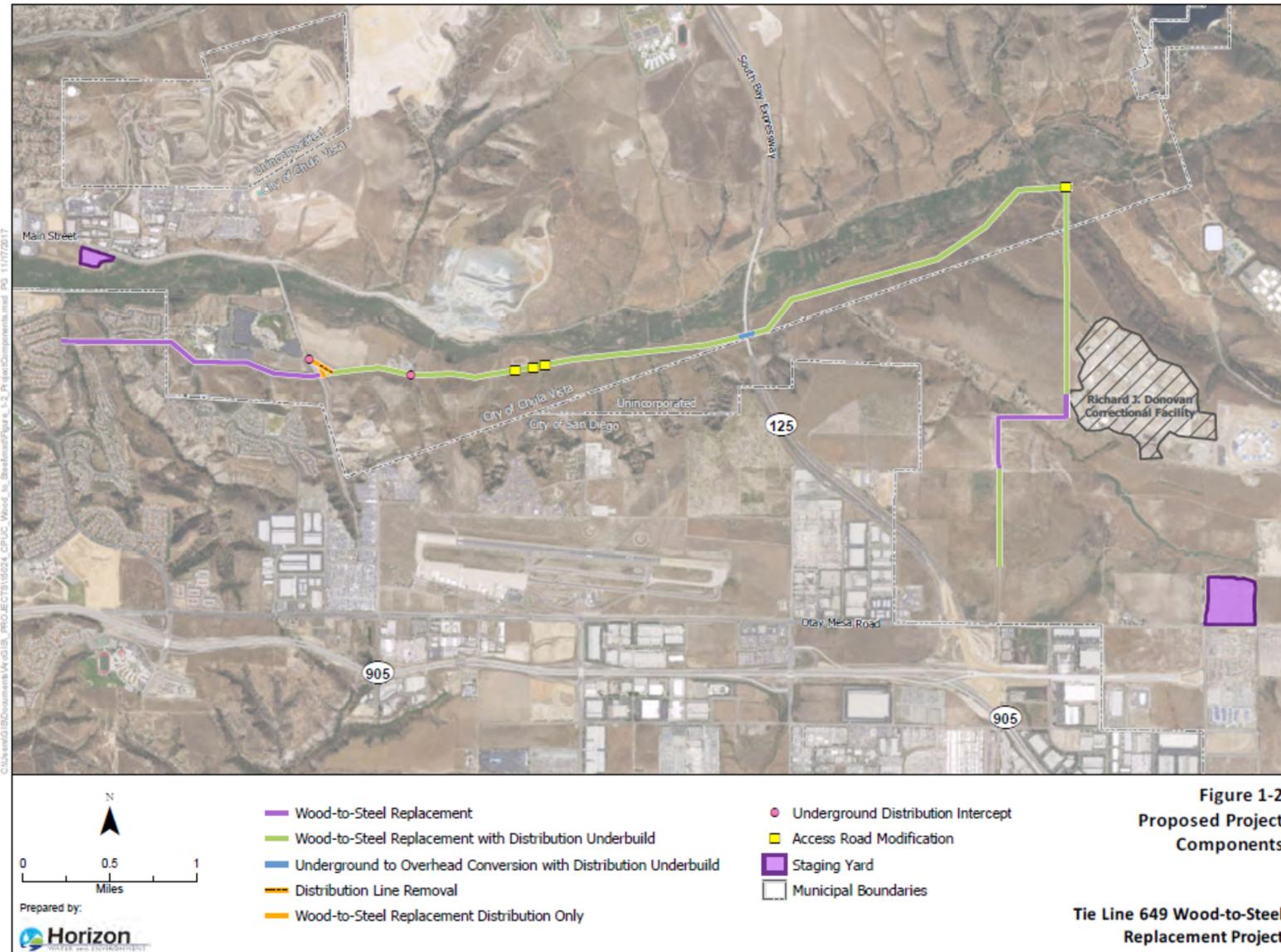
The Tie Line 649 Wood-To-Steel Replacement Project (project) will replace wood poles with steel poles, supporting the power lines of an approximately 7-mile-long portion of an existing 69 kilovolt (kV) single-circuit power line (TL 649). The portion of TL 649 where existing poles will be replaced is in the southeastern portion of San Diego County, California, near the United States–Mexico border.

The California Public Utilities Commission (CPUC) published the Final Initial Study/Mitigated Negative Declaration (IS/MND) for the project and approved San Diego Gas and Electric Company's (SDG&E's) application (Application A.15-08-006) for a Permit to Construct (PTC), as specified in CPUC General Order (G.O.) 131-D. As the applicant and proponent of the project, SDG&E is responsible for implementing all applicable measures, including Mitigation Measures (MMs), included in the Final IS/MND, as well as any conditions imposed in any permits or regulations administered by other responsible agencies. Applicable MMs are outlined in the project's Mitigation Monitoring and Reporting Program (MMRP), which is included as Appendix C of the Final IS/MND. As the lead agency for the project under the California Environmental Quality Act (CEQA), CPUC is responsible for ensuring the SDG&E's implementation of MMs, and monitoring and reporting activities regarding these measures is adequate.

This Mitigation Monitoring Compliance and Reporting Program (MMCRP) serves as the CPUC's blueprint for effectively monitoring and tracking SDG&E's compliance with the MMRP and various other regulatory requirements during project construction. The MMCRP process is described further in Section 1.2, Monitoring Program.

A detailed description of the project is included in **Appendix B. Figure 1** shows an overview of the project's primary components.

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**Figure 1. Project Overview**

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## 1.2 Monitoring Program

### 1.2.1 Authority

SDG&E is required to implement the MMs adopted in the Final IS/MND, and to obtain and implement various agency permits applicable to the project, as described in the CPUC's Final Decision adopted on January 1, 2019. The CPUC is the lead agency under California Environmental Quality Act (CEQA) and is responsible for monitoring and enforcing compliance with these requirements. The CPUC is required to adopt a reporting and/or monitoring program to ensure adequate implementation of and compliance with mitigations adopted in the Final IS/MND pursuant to PRC §21081.6 and Section 15097 of the CEQA Guidelines.

Appendix C of the Final IS/MND included a MMRP that describes a recommended framework for preparing and implementing a MMCRP prior to construction of the project. In 2013, the CPUC established a CEQA Citation Program authorizing staff to fine public utilities for non-compliance with PTCs and Certificate of Public Necessity and Convenience (CPCNs). This MMCRP was prepared pursuant to the framework described in Appendix C of the Final IS/MND, and in accordance with PRC §21081.6 and Section 15097 of the CEQA Guidelines. The MMCRP shall be implemented until the final monitoring and reporting procedures identified in the following sections have been completed to the satisfaction of the CPUC.

### 1.2.2 Purpose

The purpose of the MMCRP is to:

- Summarize the applicable mitigation and reporting requirements identified in the Final IS/MND;
- Organize the requirements by category and implementation phase;
- Describe procedures for SDG&E, CPUC, and the contractors to follow, and
- Ensure impacts to the environment addressed in the Final IS/MND are adequately mitigated as required by CEQA.

### 1.2.3 MMCRP Implementation

Implementation of the MMCRP will end when CPUC determines there is no further need for CPUC monitoring of the project. SDG&E is required to perform monitoring for the project to satisfy MM requirements, which are listed in Appendix C, Mitigation Measures Tracking Table. One requirement, CR-4 will require a report following project construction. Should other post-construction reporting requirements become necessary over the course of project construction, SDG&E will submit applicable reports within their respective due dates to the appropriate agencies and CPUC.

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## Chapter 2

# Scope of the Program

### 2.1 California Environmental Quality Act Mitigation

The project is subject to MMs identified in the Final IS/MND that are collectively referred to as CEQA mitigation. Appendix C lists all MMs that are applicable to the approved project. This appendix is a modified version of the table included in Appendix C of the Final IS/MND and is one of the core components of the MMCRP. Appendix C includes the following information:

- Full text of the MMs;
- The implementation phase(s) (e.g., prior to, during, or following construction) to which the MMs apply;
- Specific monitoring and reporting actions for the respective MMs, including the timing for implementing these actions;
- Sign-off by SDG&E as having completed the requirements of the MMs, and
- Sign-off by CPUC as having reviewed and confirmed adequate and complete implementation of the MM requirements by SDG&E.

### 2.2 Permits and Authorizations

State and local agencies have jurisdiction over lands and resources in the project area. Potentially applicable permits for the project were addressed in the Final IS/MND Project Description and are listed in **Table 1**. In addition to the MM requirements, SDG&E is required to obtain permits and/or agency authorizations from state and local agencies.

The project will involve ground disturbance over greater than 1 acre of land and therefore will require coverage under the Construction General Permit (CGP) for Stormwater Discharges pursuant to Section 402 of the Clean Water Act, National Pollutant Discharge Elimination System requirements. Work that will impact federally protected species or their habitat will be conducted under SDG&E's Low Effect Habitat Conservation Plan (HCP). Work that will affect waters of the U.S. requires a Section 404 of the Clean Water Act permit from the U.S. Army Corps of Engineers. If groundwater dewatering is necessary during the project, waste discharge requirements issued by the San Diego Regional Water Quality Control Board (RWQCB) maybe required. Similarly, dewatering activities that result in a discharge to waters of the State require a discharge permit from the RWQCB. No other federal or state discretionary permits are required for the project.

**Table 1. Project Permits and Regulatory Requirements**

Regulatory Agency	Law/Regulation	Purpose	Permit/Authorization Type
<b>Federal Agencies</b>			
U.S. Fish and Wildlife and National Marine Fisheries Service (USFWS and NMFS)	Federal Endangered Species Act (ESA)	Potential impacts to threatened or endangered species affected by the project.	Low Effect HCP
	Migratory Bird Treaty Act	Prohibits the take of any migratory bird, or the parts, nests, or eggs of such a bird, except under the terms of a valid permit	
<b>State Agencies</b>			
California Department of Fish and Wildlife (CDFW) – South Coast Region			
	Native Plant Protection Act	Prohibits take of endangered or rare native plants without properly notifying CDFW	Compliance with CESA
California Public Utilities Commission	N/A	Overall approval of project	Permit to Construct
State Water Resource Control Board	CWA Section 402	National Pollutant Discharge Elimination System (NPDES) program regulates discharges of pollutants.	NPDES General Permit Construction Permit
San Diego Regional Water Quality Control Board (Region 9)	Porter-Cologne Water Quality Control Act – Waste Discharge Requirements (WDR)	Regulates discharges of materials to land and protection of beneficial uses of waters of the State.	WDRs if dewatering is required beyond limits of established waivers

Regulatory Agency	Law/Regulation	Purpose	Permit/Authorization Type
<b>Local Agencies</b>			
City of Chula Vista	N/A	Lane closure	Traffic Control Permit
	N/A	Construction activities within the Heritage Road right-of-way and construction of facilities over Heritage Road	Encroachment Permit
City of San Diego	N/A	Lane closure	Traffic Control Permit
San Diego County	County Ordinance Section 36.408	Comply with County noise ordinances	SDG&E Maintenance Work (Non-Standard Work Hours) notification form
	N/A	Lane closure	Traffic Control Permit

No local discretionary permits are required because the CPUC has preemptive jurisdiction over the construction, maintenance, and operation of transmission facilities in California. However, SDG&E will obtain all applicable local ministerial permits and provide documentation to CPUC prior to construction. Contact information for applicable jurisdictional agencies is provided in **Appendix D**.

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## Chapter 3

# Roles and Responsibilities

SDG&E, including their contractors, are collectively responsible for ensuring environmental impacts addressed in the Final IS/MND are adequately mitigated. SDG&E is responsible for implementing and maintaining all MMs and for obtaining and complying with all required permits. The CPUC is responsible for monitoring SDG&E's compliance by verifying that implementation is completed adequately, and enforcing appropriate corrective actions if the project is not in compliance.

This section describes specific SDG&E and CPUC roles and responsibilities for the project, and titles that will be assigned to personnel in these roles. A list of designated personnel who will perform these roles, including their organization and contact information, is located in Appendix D. The contact information shall be updated as needed throughout implementation of the MMCRP to reflect personnel changes.

### 3.1 SDG&E Compliance Personnel

#### 3.1.1 SDG&E Project Manager

SDG&E is responsible for designating the project manager (PM) who will provide overall direction, management, leadership, and corporate coordination for the project. The SDG&E PM's responsibilities shall include:

- Coordinating construction, engineering, and SDG&E's environmental personnel;
- Integrating environmental responsibilities into all levels of the project organization;
- Ensuring compliance with all MMs, permit conditions, plan requirements, and the MMCRP, and
- Communicating project activities, schedules, and public relations issues to the project teams.

#### 3.1.2 SDG&E Environmental Project Manager

SDG&E is responsible for designating at least one person to supervise the day-to-day compliance and permitting effort. The Environmental Project Manager (EPM) EPM may perform any duties that are delegated by the SDG&E PM.

The SDG&E EPM will be responsible for the overall management of environmental compliance and will directly coordinate the activities of the SDG&E Environmental

Compliance Lead (ECL), specialty monitors, and other field personnel as necessary. The EPM will be CPUC's main point of contact for compliance related issues. The EPM will also communicate with project management and construction personnel to ensure environmental compliance and project adherence to measures contained in the project's MMCRP. In addition to the above, the EPM responsibilities will include but not be limited to:

- Communicating as needed with the SDG&E PM, and ECL and other project staff on environmental issues, including noncompliance events;
- Understanding and planning for project requirements, environmental staffing needs, and construction needs;
- Coordinating SDG&E's environmental personnel, and ensuring that qualified monitoring personnel are available and informed of the MMCRP responsibilities, and have been approved by CPUC when applicable;
- Communicating environmental requirements to the SDG&E Compliance Personnel<sup>1</sup> and Construction Managers;
- Communicating with the CPUC Monitoring Team<sup>2</sup> regarding environmental requirements, construction needs, construction schedule changes, and MMCRP procedures described in Chapter 4: Procedures;
- Reviewing and confirming compliance with project requirements;
- Reporting the effectiveness of mitigation and regularly submitting required reports and documentation to CPUC;
- Providing leadership to correct any issues with environmental compliance; and
- Participating in meetings and communicating with the CPUC Project Manager as needed to support the project.

### **3.1.3 SDG&E Environmental Compliance Lead**

SDG&E is responsible for designating at least one person to supervise the day-to-day compliance effort. The SDG&E Environmental Compliance Lead (ECL) shall support the role of the SDG&E EPM and may perform any duties that are delegated by the SDG&E PM, and the SDG&E EPM.

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<sup>1</sup> SDG&E Compliance Personnel, as described in MMCRP Section 3.1, includes the collection of SDG&E internal and contractor staff that will support the environmental compliance effort for the project.

<sup>2</sup> The CPUC Monitoring Team, as described in MMCRP Section 3.2, includes the collection of CPUC internal and contractor staff that will oversee the CPUC's responsibilities associated with environmental compliance for the project.

### **3.1.4 SDG&E Lead Environmental Inspector**

SDG&E is responsible for designating at least one lead environmental inspector (LEI) who will be present at the project site on an as-needed basis to oversee and verify the project compliance effort. The SDG&E LEI shall work closely with construction personnel and shall be the primary field employee responsible for verifying and documenting environmental compliance.

The SDG&E LEI's responsibilities shall include:

- Understanding environmental project requirements and construction needs;
- Taking direction from the SDG&E EPM;
- Communicating construction needs and possible conflicts with environmental requirements to the SDG&E EPM;
- Supporting construction staff to promote work being conducted in compliance with environmental requirements;
- Overseeing specialty monitoring activities, or performing such duties when appropriate and approved to do so;
- Implementing communication procedures described in the MMCRP;
- Providing direction to help avoid and/or minimize impacts to resources as specified by all project requirements, and
- Determining the effectiveness of mitigation and reporting whether adjustments need to be made to the SDG&E EPM and ECL.

### **3.1.5 SDG&E Specialty Monitors**

SDG&E is responsible for designating personnel to perform required or as needed specialty monitoring requirements. Agency approval is required for several specialty monitoring roles, as well as minimum qualifications. Environmental Inspectors (EI) may also perform specialty monitoring roles (e.g., biological monitoring or biological surveys) if they possess the appropriate qualifications and experience, and have received applicable agency approval. Appendix D lists the designated specialty monitors, their contact information, and dates of agency approval, if applicable.

### **3.1.6 SDG&E Environmental Inspectors**

Several project requirements require environmental inspection. Environmental inspection can be conducted by any personnel if there are no minimum qualifications or agency approval requirements. Personnel performing these roles shall be provided training specific to the

monitoring responsibility that is more detailed than the minimum worker training requirements included in the Environmental Awareness Program (WEAP) Training. The SDG&E EIs may perform environmental inspection tasks in conjunction with their other inspection and monitoring duties if appropriate.

### **3.1.7 SDG&E Construction Manager**

SDG&E shall identify one or more Construction Managers (CMs) for the project who are responsible for managing Field Construction Advisors (FCAs) and providing oversight of SDG&E's Construction Workers. CMs shall provide support to the SDG&E PM and oversee the activities of construction personnel. CM responsibilities include:

- Implementing contractor compliance with SDG&E specifications, construction contracts, and applicable codes;
- Coordinating with SDG&E Compliance Personnel regarding implementation of project MMs, permit conditions, plan requirements, and MMCRP procedures;
- Planning construction activities around environmental requirements and reporting any potentially infeasible requirements and work area constraints to SDG&E Compliance Personnel;
- Communicating construction needs and schedule changes to the SDG&E Compliance Personnel, and
- Regularly facilitating field meetings with construction and environmental staff.

### **3.1.8 Field Construction Advisor**

At SDG&E's discretion, on-site responsibilities for CMs may be delegated to FCAs. FCAs provide support to CMs and shall be responsible for communicating with CMs, the SDG&E LEI and EIs to ensure day-to-day construction activities are conducted in compliance with all project requirements.

### **3.1.9 SDG&E Construction Workers**

Construction contractors who enter the project site are responsible for following all environmental project requirements. Construction contractors are responsible for attending required environmental trainings addressed in the WEAP that are applicable to their position. Any questions regarding project requirements shall be directed towards SDG&E CMs, SDG&E FCAs, and/or SDG&E LEI and EIs.

## 3.2 CPUC Monitoring Team

### 3.2.1 CPUC Project Manager

The CPUC PM is the lead representative for the CPUC and the sole CPUC employee on the CPUC Monitoring Team. The CPUC PM shall oversee the mitigation monitoring effort and is responsible for making final determinations regarding MMCRP procedures, requirement clarifications, and compliance issues.

### 3.2.2 CPUC Monitoring Manager

CPUC is responsible for designating a Monitoring Manager who will support the CPUC PM and provide oversight to the mitigation monitoring effort. The CPUC Monitoring Manager's responsibilities shall include:

- Reviewing CPUC monitoring reports and discussing non-compliance issues with the CPUC PM;
- Reviewing reports and other documentation provided by SDG&E for MM compliance;
- Reviewing Minor Project Refinement (MPRs) and Temporary Extra Work Space (TEWS) requests and submitting to CPUC PM for approval and sign-off;
- Acting as a project liaison on the CPUC's behalf to work with SDG&E public affairs staff and address community issues and concerns when they arise;
- Working with the SDG&E Compliance Personnel to resolve any issues and incidents, and
- Coordinating with other jurisdictional agencies as needed.

### 3.2.3 CPUC Monitoring Supervisor

CPUC is responsible for designating a Monitoring Supervisor who will support the CPUC PM and CPUC Monitoring Manager by overseeing the day-to-day mitigation monitoring effort. The CPUC Monitoring Supervisor shall perform the delegated duties of the CPUC Monitoring Manager. The responsibilities of the CPUC Monitoring Supervisor include:

- Providing oversight of the CPUC Monitoring Team and conducting routine monitoring activities described in the MMCRP on behalf of the CPUC;
- Implementing CPUC's responsibilities for MMCRP procedures, and verifying SDG&E fulfills their responsibilities;

- Coordinating field personnel for the CPUC Monitoring Team to inspect the project site(s);
- Determining, in coordination with the CPUC Monitoring Manager and PM, the appropriate frequency of site visits for CPUC environmental monitors (EMs);
- Conducting regular site visits at beginning of construction, with frequency adjusted for subsequent phases of construction, as appropriate;
- Verifying and documenting SDG&E's compliance with all project requirements prior to, during, and following construction, and creating an independent record of project compliance;
- Documenting any incidents with compliance, reporting them to the CPUC Monitoring Manager and PM, and tracking the project compliance record;
- Reviewing all CPUC and SDG&E daily and weekly monitoring reports;
- Preparing MMCRP weekly compliance reports and submitting to the CPUC Monitoring Manager and PM;
- Reviewing SDG&E's compliance reports for consistency with field observations and identifying and reconciling any inconsistencies;
- Coordinating all aspects of the project with the SDG&E Compliance Personnel;
- Communicating directly with SDG&E Compliance Management personnel regarding notification of CPUC site visits, schedule updates, MMCRP procedures, and any compliance incidents observed during site inspections, and
- Working with the CPUC Monitoring Team and SDG&E Compliance Personnel to resolve any compliance incidents.

### **3.2.4 CPUC Environmental Monitors**

CPUC EMs shall be identified for the project. CPUC EMs shall be the primary field personnel for CPUC and responsible for verifying compliance with project requirements at the project site(s) as directed by the CPUC Monitoring Team. Additional monitors may be used as needed depending on concurrent construction activities and specific monitoring needs. The responsibilities of the CPUC EMs are:

- Inspecting the project site(s), documenting construction and compliance activities, and reporting any potential compliance incidents, and

- Preparing and submitting daily monitoring reports (for each day monitored) to the CPUC Monitoring Supervisor, and relaying any important information about the project delivered in the field.

### 3.3 Organization Chart

An organizational chart of CPUC and SDG&E project personnel is shown on **Figure 2**. The organizational chart illustrates preliminary lines of communication between project team members. The names of individuals performing the roles shown on Figure 2 and their contact information is listed in Appendix D. Both CPUC and SDG&E are responsible for keeping one another informed of staffing changes and providing contact information.

### 3.4 Jurisdictional Agencies

Personnel from jurisdictional agencies identified in Appendix D may periodically visit the project site to verify compliance or to request information from SDG&E regarding compliance with laws, regulations, and project permits. SDG&E is responsible for responding to requests from jurisdictional agencies and submitting the permits and authorizations to CPUC per project requirements such as MMs and project plans. SDG&E shall provide CPUC with documentation (i.e., email correspondence, letters, and/or memoranda) related to final agency approvals for the project if CPUC is not directly involved with the coordination effort and the agency approval is tied to MMs or project plans. All agency personnel will provide advance notice so that WEAP training can be provided before entering the right-of-way. SDG&E shall provide any copies of permit amendments or modifications to the CPUC and notify the CPUC of any proposed changes in permit conditions. In addition, CPUC may contact jurisdictional agencies at any time regarding the project and to clarify agency requirements, permit conditions, or approvals relating to their jurisdiction. Prior to CPUC communicating with jurisdictional agencies, CPUC will notify the SDG&E PM of the CPUC's questions regarding the jurisdictional agency's requirements, permit or approval and the intention to contact the agency. If appropriate, the CPUC may request that SDG&E seek the requested clarification or invite SDG&E to participate in the discussion in a manner that is mutually convenient with all parties; however, the CPUC retains the authority to coordinate directly with other agencies regarding the project and permit conditions or plan review comments.

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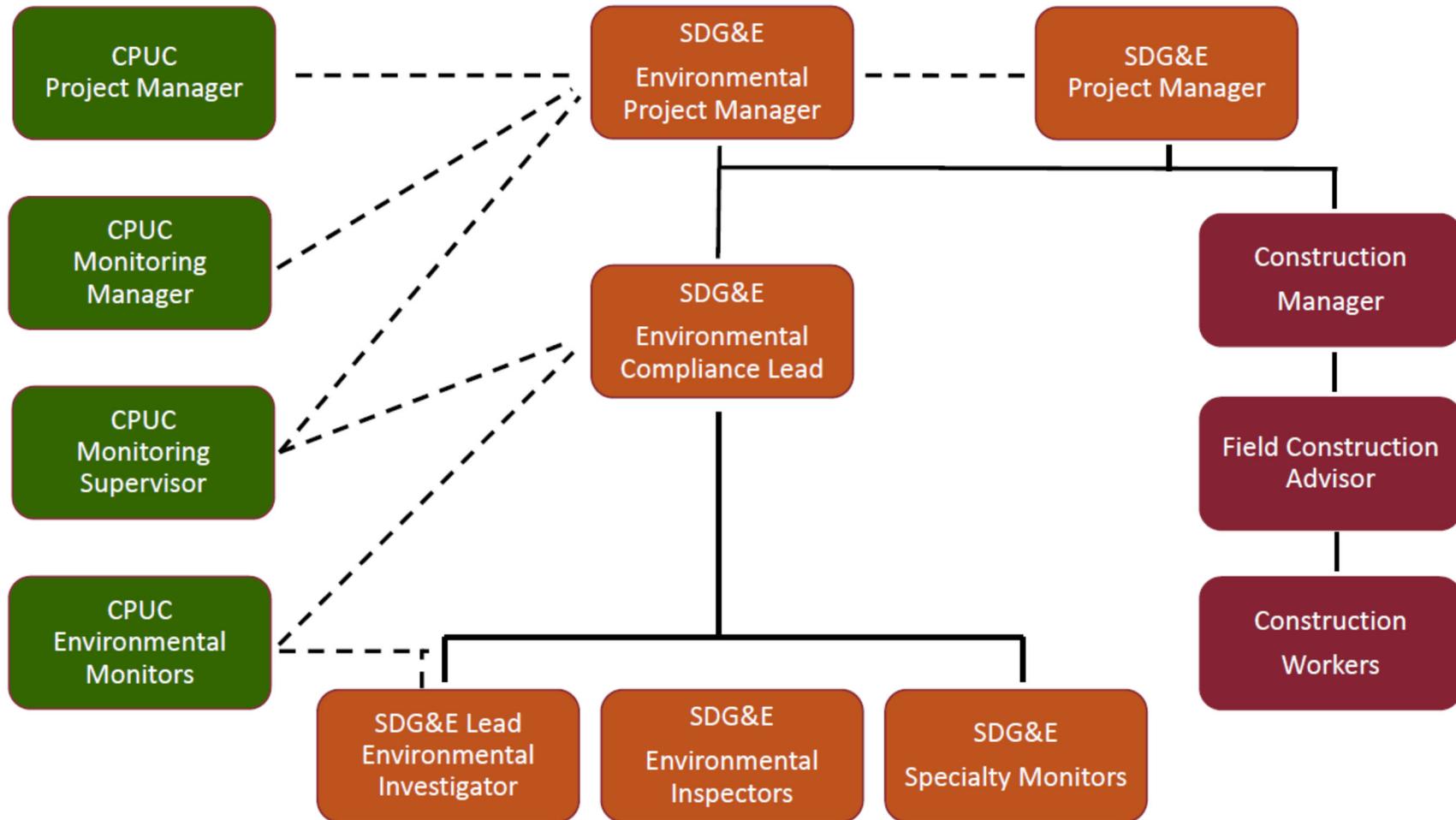


Figure 2. MMCRP Organization and Communication Chart

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## Chapter 4 Procedures

This section addresses MMCRP procedures for personnel identified in Chapter 3. These procedures shall be implemented prior to, during, and following construction to facilitate successful implementation and documentation of project requirements. The procedures described in this chapter include general communication guidelines, standard CPUC practices, and documentation tools developed from experience with past CPUC projects that involved mitigation monitoring oversight.

### 4.1 Communication Guidelines

Clear communication will be critical for successful implementation of the MMCRP and will reduce the likelihood of potential project delays and compliance violations. Environmental and construction personnel must regularly communicate with each other and maintain professional and responsive communications at all times. The SDG&E Compliance Personnel and CPUC Monitoring Team must coordinate closely to clarify questions regarding implementation of the MMCRP, as well as to develop expectations regarding compliance documentation and to resolve any issues in a timely manner. This section addresses general communication procedures for the project.

#### 4.1.1 Pre-Construction<sup>3</sup> Compliance Coordination

SDG&E is required by the terms of the MMs and the permitting requirements of various other regulating agencies to prepare plans and obtain approval of these documents prior to construction. During this pre-construction process, SDG&E will conduct meetings, conference calls, and site visits with technical representatives of the CPUC and other agencies, and SDG&E's environmental representatives, as appropriate. The purpose of the pre-construction coordination process is to discuss document submittal status, document the findings of data reviews and jurisdictional agency approvals, review SDG&E submittals, and document the status of MMs as they apply to the project or phased project segment. The goal of the pre-construction process is to complete all required actions so that the CPUC and any other applicable agencies can issue Notice to Proceed (NTP) authorizations.

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<sup>3</sup> "Construction" is defined as the point in time at which localized ground-breaking occurs at a given location. "Prior to construction" refers to before ground-breaking occurs at an applicable area and is not associated with the issuance of a Notice to Proceed. Spatial phasing of project construction is anticipated given the linear nature of the project and its overall length. In such situations, applicable spatially appropriate "pre-construction" mitigation actions are expected to be phased to occur ahead of localized ground-breaking in order to comply with required mitigation action timeframes (i.e., so many days before construction) as specified in the mitigation measures below.

### **4.1.2 Communication Protocol During Construction**

Many MMs were derived from, or developed in response to agency input. The CPUC Monitoring Manager along with SDG&E, will be responsible for contacting applicable agencies and immediately notifying them of compliance incidents regarding matters under their jurisdiction. CPUC shall be provided copies of all relevant correspondence, approvals, or authorizations from the agencies that facilitate resolution of the compliance incident. If an unresolved compliance conflict with a MM or project plan affects a permit requirement under the jurisdiction of a resource agency, the CPUC Monitoring Manager will contact the agency to discuss resolution.

#### ***Daily Communication During Construction***

Many of the problems that come up during construction can be resolved in the field through regular communication between CPUC EMs, SDG&E, and construction contractors. Field staff will be equipped with cell phones and will be available to receive phone calls at all times during regular construction hours. A project contact list has been included in Appendix D. The organization chart depicted in Section 3.3 (Figure 2) illustrates the lines of communication to be used during construction.

The following provides additional guidelines to ensure effective communication in the field.

#### **CPUC Environmental Monitors**

The CPUC EM's primary point of contact in the field is SDG&E's LEI. The CPUC EMs will contact SDG&E's LEI if an activity is observed that conflicts with one or more of the MMs, so that the situation can be corrected. If the CPUC EM cannot immediately reach SDG&E's LEI, then SDG&E's ECL will be contacted to address the problem. Similarly, the CPUC EM will contact SDG&E's LEI for information on where construction crews are working, the status of MMs, and schedule forecasts. The CPUC EM may discuss construction procedures directly with the construction contractors as long as a representative from SDG&E's Compliance Personnel Team is present during the discussion. The CPUC EM will contact the designated SDG&E representative if a problem is noted that requires action from the contractor. The CPUC EM will not direct the contractor; however, the CPUC EM has the authority to stop work, assuming it is safe to do so, if an activity poses an imminent threat to resources or puts a sensitive resource at undue risk (e.g., stopping a clearing crew from unknowingly disturbing special-status plants or habitat for special-status wildlife in an exclusion area).

#### **SDG&E**

SDG&E will provide the CPUC Monitoring Supervisor and EM with a list of construction monitoring personnel and construction supervisory staff to contact regarding compliance incidents. The contact list will include each person's title, responsibility, contact information, and whether their position is segment-specific. The contact list will be updated as new personnel are assigned to the project. SDG&E will prepare and distribute a Weekly Compliance Report for distribution to key project members, including the CPUC (see Section

4.4.1 below). The CPUC Monitoring Supervisor will review the weekly report to ensure that the status of MMs is consistent with observations in the field. Any questions regarding the status of MMs will be directed to the SDG&E EPM. The Weekly Compliance Report will also be a tool to keep all parties informed of construction progress.

Note that for any days that the CPUC EMs conduct monitoring, they will prepare a Daily Compliance Report. Weekly Compliance Reports will be prepared by the CPUC Monitoring Supervisor as described in Section 4.4.2.

### ***Weekly Progress Meetings During Construction***

The SDG&E PM, EPM, CPUC PM, CPUC Monitoring Manager, CPUC Monitoring Supervisor, and other parties may participate in a weekly or bi-weekly teleconference call. The teleconference calls will be scheduled for an agreed-upon date and time and will be used to identify actual or potential compliance risks and discuss solutions. The conference calls will focus on the MMCRP and project progress. The status of any pending Minor Project Refinement (MPR) or Temporary Extra Work Space (TEWS) requests or corresponding pending approvals will also be discussed.

### ***Site Visit Coordination***

Field personnel from both SDG&E and CPUC shall coordinate site visits with a designated SDG&E EI or LEI who is familiar with authorized construction activities, project requirements, and any restricted areas (i.e., dangerous conditions, unauthorized work areas, or the presence of sensitive resources). Conditions in the field may change rapidly and SDG&E field personnel must ensure that all field personnel are adequately informed of restricted areas, parking locations, communication procedures, and site-specific safety risks.

CPUC EMs and the Monitoring Supervisor shall conduct routine site inspections. At a minimum, CPUC EMs will notify a designated SDG&E EI or LEI prior to visiting the site. If contact cannot be made, CPUC monitoring personnel will inspect open areas of the project site on foot. CPUC field personnel shall at no time enter active construction boundaries unless authorized or escorted by a member of the SDG&E Compliance Team.

### **4.1.3 Questions and Clarifications**

Questions will periodically arise throughout the implementation process that cannot be resolved at the field level. Both SDG&E and CPUC shall submit important questions and clarifications in writing via email. Resolutions and any CPUC determinations shall be documented in compliance and monitoring reports, and/or in email correspondence. Questions and clarifications that take an extended period of time to resolve shall be tracked by the CPUC Monitoring Team until a resolution has been reached.

#### **4.1.4 Requests for Documentation**

The CPUC Monitoring Team may periodically request written documentation and confirmations from the SDG&E Compliance Personnel that will be entered into the project record. Requests for documentation and confirmations shall be submitted via email. If the information will take an extended period of time to gather, both SDG&E and CPUC shall agree upon a timeframe to respond, and the request shall be tracked by the CPUC Monitoring Personnel until a resolution has been reached.

#### **4.1.5 Construction Schedule**

SDG&E shall inform the CPUC Monitoring Team immediately of any delays in the construction schedule that may affect the project and implementation of the MMCRP.

#### **4.1.6 Dispute Resolution**

Disputes or complaints may develop between SDG&E and CPUC if there are conflicting interpretations of project requirements and procedures. It is expected that the MMCRP will reduce or eliminate the potential for disputes; however, disputes may occur even with the best preparation.

Any disputes or complaints shall first be addressed informally at the field level between the CPUC EM and SDG&E EI or LEI, or during project progress meetings. Questions may be directed to other members of the SDG&E Compliance Personnel Team and the CPUC Monitoring Team as needed. The following procedure will be observed for dispute resolution between CPUC staff and the applicant:

- Disputes and complaints should be directed to the CPUC Project Manager for resolution.
- Should this informal process fail, the CPUC Project Manager may initiate enforcement or compliance action to address deviations from the approved project.

Affected parties may also seek CPUC review through existing procedures specified CPUC's Rules of Practice and Procedure for formal and expedited dispute resolution, although a good faith effort should first be made to use the foregoing procedure.

## **4.2 Pre-Construction Compliance Verification**

Plans, surveys, studies, and other documentation required to be completed by SDG&E before construction are listed in Appendix C. Other agencies may review documents prior to or concurrent with the CPUC if required by the MMs or permitting requirements. Compliance with all pre-construction MMs will be verified prior to construction.

The CPUC third-party monitors, Monitoring Manager, Monitoring Supervisor, and technical experts will review all mitigation plans and reports. As required by the MMs, resource agencies will also be involved in the review of applicable plans and reports. For required local and State agency permitting/consultations, the CPUC third-party monitors will track SDG&E's progress as it relates to SDG&E's construction plans and project mitigation and permitting requirements. Based on SDG&E's construction plans, CPUC may authorize construction to begin on a phased basis and the CPUC third-party monitors will handle pre-construction compliance review accordingly.

### 4.3 Notice to Proceed Process

SDG&E is required to obtain CPUC authorization prior to initiating project activities through the NTP process. The NTP process involves the SDG&E Compliance Personnel Team submitting an NTP request package to the CPUC Monitoring Team, and the CPUC PM issuing an NTP Authorization Letter. To save time, SDG&E should identify extra work space needs required for each phase of construction prior to the start of active construction, so that the locations and their use can be included in the NTP.

Project activities may be authorized through one or more NTPs for separate project phases as determined necessary by the SDG&E Compliance Personnel and the CPUC Monitoring Team. At a minimum, the NTP request shall include the following:

- NTP request number;
- Date submitted to CPUC;
- Requested approval date;
- Anticipated start and end date for the proposed actions;
- A detailed description of the proposed actions requested in the NTP;
- A summary list of any previously authorized actions (if applicable) as detailed in NTP Authorization Letters;
- A summary list of any known actions that have not been proposed or authorized that must be included with future NTP requests;
- A summary list of any outstanding requirements and documentation not included with the NTP package, and the anticipated dates they will be provided, and
- Any known Minor Project Refinements or TEWS related to the proposed actions (addressed in Section 4.6).

The CPUC Monitoring Team shall review the NTP request to ensure the proposed actions are consistent with the Final IS/MND and final CPUC decision, and to verify compliance with all

pre-construction requirements. The CPUC Monitoring Team may request additional information during the NTP review process. Once it has been determined that pre-construction requirements have been completed and documented to the satisfaction of CPUC, and/or that outstanding requirements will be completed/documentated within an appropriate timeframe and prior to initiation of construction activities, the CPUC PM will submit an NTP Authorization Letter to the SDG&E Compliance Personnel Team. The NTP Authorization Letter will address any conditions of approval, including completion of outstanding requirements and submittal of additional documentation for the authorized actions.

## 4.4 Compliance Reporting During Construction

### 4.4.1 SDG&E Compliance Reports and Checklists

SDG&E is required to prepare a Weekly Compliance Report in the form of a Checklist during construction. The Weekly Compliance Report and Checklist will serve as the core method for SDG&E to communicate project activities to the CPUC and to document the Final IS/MND compliance effort.

A compliance checklist PDF form is located in **Appendix E**. A checklist form will be submitted with the Weekly Compliance Reports for each weekly reporting period. The checklist form will serve to reduce the written reporting effort and give credit to SDG&E for complying with day-to-day compliance activities that frequently are not described in the Weekly Compliance Report. The Weekly Compliance Report will elaborate on important details described in the checklist but does not need to address every construction or compliance activity, especially if activities are proceeding in an ongoing and continuous manner.

The original checklist PDF form provided with the MMCRP should be copied and updated without changing the format of the PDF (rasterizing or any other conversions) in order to maintain the form's data processing functions.

In addition, day-to-day compliance will be tracked and summarized in daily monitoring reports prepared by the SDG&E's LEI and EIs for the project. These daily monitoring reports will include specific details on construction and compliance activities specific to each applicable requirement. The Weekly Compliance Report will include a summary of the construction and compliance activity details captured in the daily reports.

### 4.4.2 CPUC Compliance Reporting

The CPUC EMs will perform compliance inspections throughout construction to ensure compliance with all applicable MMs, plans, permits, and conditions of approval from CPUC and other agencies. The CPUC EM will document observations in the project area through field notes and digital photography. The photographs will be incorporated into weekly reports and related to a discussion of specific construction or compliance activity. In addition, daily field logs documenting compliance of specific crews, construction activities, or resource

protection measures will be maintained. Field logs will be used to prepare weekly reports and to track and update the status of MMs listed in Appendix C.

Supplemental information provided by SDG&E, including pre-construction submittals, survey reports, weekly reports, and agency correspondence also will be used to verify compliance.

#### **4.4.3 Incident Reports**

Incident Reports for Level 3 Incidents (see **Table 2** for definitions and description) shall be prepared by the observing party (either SDG&E or CPUC) and submitted to the alternate party within one business day of the observation. Level 1 and 2 Incidents will be reported through the weekly compliance reports.. Level 3 Incidents require preparation of a Non-Compliance Report (NCR). At a minimum, Incident Reports must include the following information:

- Incident Category;
- Compliance Level (if applicable);
- Incident Start Date (i.e., date event began, if known, or initial observation date);
- Summary of Incident (i.e., description of the event or observation, personnel present, and actions taken to resolve the issue), and
- Resolution Date (if known).

All incidents (Levels 1-3) shall be addressed in MMCRP reports prepared by both SDG&E and CPUC (e.g., Daily, Weekly, and Post-Construction Reports), and Incident Reports shall be attached to the MMCRP reports for the applicable period.

In addition to Incident Reports, incidents rising to the level of Noncompliance may require preparation of memoranda describing the event in greater detail and corrective actions necessary to bring the project back into compliance.

### **4.5 Incidents and Stop Work Orders**

The goal of this MMCRP is to plan for and avoid any noncompliance and other incidents that could occur during implementation; nonetheless, such incidents may occur due to a variety of factors. For the purposes of this MMCRP, incident levels are defined in Table 2 below. This section addresses incident categories and procedures for addressing them.

#### **4.5.1 Incident Categories**

Incident categories include compliance-level incidents, public health and safety incidents, vehicle accidents that are related to project traffic closures, and public complaints.

### ***Compliance Level Incidents***

SDG&E and CPUC are responsible for evaluating compliance and addressing any implementation inadequacies throughout implementation of the MMCRP. Compliance-level incidents will be documented by assigning one of three severity levels to the incident and following the associated procedures. If all project requirements are observed as being followed adequately, then the project will be at an acceptable compliance level (Level 0: Acceptable) and no further actions are required. If requirements are not being followed adequately, then the project will be at an unacceptable compliance level (Level 1-3) and corrective actions will be required (see Table 2).

When documenting compliance-level incidents, the reporting party shall assign an initial compliance level that accurately represents the severity of the incident based on factors including, but not limited to the following:

- Scope of the deviation or violation;
- Risk of impact to resources;
- Actual impact to resources;
- Number of repeated incidents, and
- How the incident could have been prevented.

Initially reported compliance levels can be changed if the incident level was over- or under-reported. The CPUC PM shall make final determinations regarding the appropriate compliance level for each incident, and the CPUC Monitoring Team shall maintain a record of all incidents for the project. This record will be analyzed in the CPUC Post-Construction and Final Monitoring Reports.

In addition to the levels of compliance described in Table 2, the CPUC may note events or observations that, if left unaddressed, could affect compliance and become a compliance-level incident. The CPUC will typically inform SDG&E Compliance Personnel of such observations in the field. If such events or observations continue to occur following CPUC's field notification to the SDG&E Compliance Personnel, and corrective action is not taken within the stated period, a Project Memorandum (written warning) may be issued by the CPUC. For example, if CPUC observes construction personnel stepping away from their vehicles while idling, but not for more than five minutes, the CPUC may note that if this practice continues and eventually exceeds five minutes, a Compliance Deviation or Non-Compliance could result.

**Table 2. Compliance Levels**

Incident Level, Reporting Term, and Severity	Examples	Action	Follow-Up
<b>Non-Incident</b>			
<b>Level 0: Acceptable Compliant</b>	All project requirements were followed adequately.	None	None
<b>Definition:</b> An event or observation where the project was compliant with all project requirements.	No issues were observed.		
<b>Incident</b>			
<b>Level 1: Minor Problem</b> <i>Out of compliance (low to moderate severity)</i>	Project personnel used an unauthorized turnaround area or access road, but the site was previously disturbed and the action did not put a sensitive resource at risk.  Soil or construction material was placed outside of an approved work area in a non-sensitive area, but the material was removed at the end of the day.  A vehicle not in use was observed idling for more than 5 minutes.	An oral warning shall be provided by the CPUC Monitoring Supervisor to SDG&E’s EPM (or assigned designee). Corrective action shall begin by the next construction day. CPUC Monitoring Supervisor will also briefly document the incident in a follow-up email. A Minor Problem will be documented in the daily report and included in the Weekly Compliance Report.	If corrective action is not begun by the next construction day, the CPUC Monitoring Supervisor will elevate the incident to the CPUC Monitoring Manager who will review courses of action available and will notify the CPUC PM if necessary. If allowed to continue, this Minor Problem could result in a significant impact over time.
<b>Level 2: Compliance Deviation</b> <i>Out of compliance (moderate to high severity)</i>	A fuel tank was stored overnight within specified limits of a water body without secondary containment, but did not result in the release of hazardous materials. Mobilization of equipment or materials to a previously disturbed work site prior to receiving NTP authorization from CPUC.	A verbal notice shall be given to the SDG&E LEI or EI, followed immediately by written documentation of the incident in a Project Memorandum sent by the CPUC Monitoring Supervisor to SDG&E’s EPM (or assigned designee). Corrective action shall begin immediately if feasible. A Compliance Deviation will be documented in the daily report and	If corrective action is not taken immediately or the corrective action is insufficient, the CPUC EM shall notify the CPUC PM, Monitoring Manager, and Monitoring Supervisor, who will review courses of action that are available, potentially including issuance of an NCR, a project stop work order and/or

Incident Level, Reporting Term, and Severity	Examples	Action	Follow-Up
	Project personnel used an unauthorized overland travel route and previously undisturbed turnaround area or access road, but the action did not impact a sensitive resource.	included in the Weekly Compliance Report.	action under the CPUC’s CEQA Citation Program.
<p><b>Level 3: Non-Compliance</b>  <i>Out of compliance (high severity)</i></p> <p><b>Definition:</b> An event or observation that violates project requirements and impacts a resource. Repeated Compliance Deviations left unaddressed may also rise to a Level 3 Incident.</p>	<p>Vegetation clearing and grading of a work site, in which a sensitive resource is impacted, prior to receiving NTP authorization from CPUC.</p> <p>Soil or construction material was placed outside of an approved work area in an environmentally sensitive area.</p> <p>Project vehicles entered a sensitive resource exclusion area and damaged a resource.</p>	<p>A verbal notice shall be given to the SDG&amp;E LEI or EI, followed immediately by a written NCR from the CPUC Monitoring Manager to SDG&amp;E’s EPM (or assigned designee). Corrective action shall begin immediately. Based on the severity of a given infraction or pattern of non-compliant activity, the CPUC may direct that all or some portion of the work be stopped. The CPUC may also exercise the CEQA Citation Program.</p>	<p>If a shutdown of construction or an activity is ordered, the construction or activity shall not resume until authorized by the CPUC PM in writing. If corrective action is not taken immediately or the corrective action is insufficient, the CPUC EM shall notify the CPUC PM, Monitoring Manager, and Monitoring Supervisor, who will review courses of action available, potentially including a project stop work order and/or action under the CPUC’s CEQA Citation Program.</p>

## **Health and Safety Incidents**

SDG&E and CPUC's most important responsibility is maintaining safe working conditions and protecting the public, including workers from exposure to hazards related to the project. Accordingly, health and safety incident reporting by SDG&E will be conducted consistent with the "self-identified potential violation" requirements of the CPUC's Safety Citation Program and the Accident Reporting Requirements<sup>4</sup>. Specific types of health and safety incidents to be reported under these programs are described below:

- A potential violation that poses a significant safety threat to the public and/or utility staff, contractors, or subcontractors<sup>5</sup>.
- Any instances of fraud, sabotage, falsification of records and/or any other instances of deception by SDG&E's personnel, contractors, or subcontractors, which caused or could have caused a potential violation, regardless of the outcome<sup>6</sup>.
- Incidents that (a) result in fatality or personal injury rising to the level of in-patient hospitalization and attributable or allegedly attributable to utility owned facilities; or (b) are the subject of significant public attention or media coverage and are attributable or allegedly attributable to utility facilities; (c) involve damage to property of the utility or others estimated to exceed \$20,000 that are attributable or allegedly attributable to utility owned facilities.

SDG&E will notify the CPUC PM of these types of health and safety incidents within one business day of learning about the incident and provide an incident report with the Weekly Compliance Report for the project unless additional time is needed and the CPUC agrees to an extension for submitting the final incident report. SDG&E will also notify the CPUC about traffic accidents within construction traffic control areas<sup>7</sup>. In addition to the incidents described above, the CPUC may request that SDG&E report on other health and safety incidents that don't fall into one of the above-listed categories if the CPUC determines that such reporting is necessary to ensure construction is completed in a safe manner.

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<sup>4</sup> See Decision 16-09-055, Appendix A at p. 8, Section G.3.b. criteria 1 and 3, [docs.cpuc.ca.gov/PublishedDocs/Published/G000/M167/K781/167781364.PDF](https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M167/K781/167781364.PDF).

<sup>5</sup> "The intention of this criterion is to include any self-identified potential violation that presents such an obvious, immediate, and significant threat to life or limb of the public or utility workers that industry best practice dictates that any responsible utility would correct the condition immediately or as soon as possible. (This footnote is included in the SED Report.)" (Decision 16-09-055, footnote 29 on page 53). This would not include near misses. (Decision, page 84 under Findings of Fact, no. 19).

<sup>6</sup> See Decision 16-09-055 Appendix A at p. 8, Section G.3.b. criteria 3, [docs.cpuc.ca.gov/PublishedDocs/Published/G000/M167/K781/167781364.PDF](https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M167/K781/167781364.PDF)

<sup>7</sup> Traffic Control Areas will be identified in the Circulation and Detour Plan(s) submitted to the appropriate jurisdictional agencies as required by MM TRA-1: Implementation of Construction Traffic BMPs.

Health and safety incidents will not reflect negatively on SDG&E's environmental compliance record unless a specific project requirement, permit, or plan requirement was violated.

### **Public Complaints**

The public may take issue with one or more aspects of the project. MM NOI-3 includes specific requirements for processing noise complaints from the public. All other public complaints that do not relate to noise shall be documented and reported to the CPUC. SDG&E will maintain a Project Information Line during construction and will assign a dedicated Public Affairs Manager to the project that will be responsible for tracking and handling public complaints. Public complaints may be submitted formally to SDG&E or CPUC through email or the Project Information Line. Members of the public that have questions, concerns, or complaints on the project will be directed to the SDG&E Public Affairs Manager and Project Information Line. Complainants who approach field personnel at the project site will be referred to the Project Information Line.

SDG&E shall work with the CPUC on best practices for handling public complaints. SDG&E will maintain an electronic complaint log and will provide the CPUC this complaint log upon request, in accordance with MM NOI-3, so CPUC can track public complaints received by SDG&E.. CPUC shall notify SDG&E of public complaints received by the CPUC to facilitate SDG&E's timely response to these complaints and SDG&E will add these to the electronic complaint log. SDG&E shall make every reasonable effort to work with members of the public and correct actions leading to complaints.

The CPUC PM will coordinate with the SDG&E Public Affairs Manager on the adequacy of corrective actions or additional measures to be implemented.

Public complaints will not reflect negatively on SDG&E's environmental compliance record unless a specific project requirement, permit, or plan requirement was violated.

### **4.5.2 Identifying Incidents**

The SDG&E EI and CPUC EM are primarily responsible for identifying and initially reporting incidents during inspection of the project site; however, compliance incidents may also be observed by other personnel in the field or during review of project reports. The CPUC Monitoring Team may also identify compliance incidents through review of SDG&E's compliance reporting.

SDG&E shall make every attempt to self-report any compliance incidents that occur. Self-reporting compliance incidents and preventing them from repeating demonstrates a commitment to compliance and will foster a relationship of trust between SDG&E and CPUC.

### **4.5.3 Notification**

SDG&E and CPUC shall notify one another of level 3 or higher compliance incidents within one business day of the initial observation. Response procedures do not need to be finalized when initial notification is provided.

Jurisdictional agencies may also require notification if incidents are documented that relate to their jurisdiction over the project. SDG&E shall make all such notifications to each jurisdictional agency and will provide copies to the CPUC of official notifications and submittals provided to other agencies or advise CPUC of notifications that were made to other agencies. If CPUC believes additional notifications are required, the CPUC may direct SDG&E to provide those notifications or make those notifications in coordination with SDG&E Compliance Personnel.

### **4.5.4 Stop Work Orders**

Provided it is safe to do so, any SDG&E Compliance Personnel or the CPUC Monitoring Team Personnel has the authority to issue Stop Work Orders to temporarily halt or redirect project activities if a sensitive resource is put in undue risk beyond previously authorized or permitted levels. In addition, the CPUC Monitoring Team may stop or redirect work if unauthorized project activities are observed, such as use of work area that has not been approved or if significant compliance risks remain unresolved. The CPUC PM will make any final determinations regarding Stop Work Orders for the project.

### **4.5.5 CEQA Citation Program**

CPUC may exercise the CEQA Citation Program adopted by the Commission in Resolution E-4550<sup>8</sup>. The program delegates authority to Commission staff to draft and issue citations and levy fines for non-compliance with a PTC or CPCN. The Resolution allows Commission staff to efficiently issue fines when needed to quickly address non-compliance incidents that are occurring in the field.

## **4.6 Project Changes**

### **4.6.1 Minor Project Refinements**

SDG&E may identify a need to refine one or more aspects of the project following the CPUC's final decision due to final engineering specifications. In such cases, SDG&E is required to submit MPR requests to the CPUC Monitoring Team and obtain authorization from the CPUC PM through the process described in this section.

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<sup>8</sup> [docs.cpuc.ca.gov/PublishedDocs/Published/G000/M065/K136/65136746.PDF](https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M065/K136/65136746.PDF)

Approval for MPR requests will only be granted if the proposed refinements are consistent with CEQA requirements, and comply with the MMs identified in the Final Decision. Requests for project refinements that do not fall within the authority delegated to the CPUC PM, as defined in the CPUC's final decision, must be sought through a Petition for Modification pursuant to Rule 16.4 of CPUC's Rules of Practice and Procedure<sup>9</sup>. project refinements will not be authorized by the CPUC PM through the MPR process if they meet one or more of the following criteria:

- Involve modifications that would be outside the geographic boundary of the study area utilized in the Final IS/MND;
- Create a new significant impact or substantial increase in the severity of a previously identified significant impact, based on the thresholds used in the Final IS/MND;
- Trigger additional permit requirements that are not defined in the Final IS/MND or MMCRP;
- Conflict with any MM, or result in a new conflict with any applicable guideline, ordinance, code, rule, regulation, order, decision, statute, or policy not already identified within the Final IS/MND, or
- Require new conditions for approval, without which the modifications would result in a new significant impact or substantially increase the severity of a previously identified significant impact.

At a minimum, MPR requests must include the following information (see **Appendix F** for form):

- MPR request number;
- Date submitted to CPUC;
- Requested approval date;
- Anticipated start and end date for the proposed actions associated with the refinements;
- A detailed description of the proposed refinements, including an explanation of why the refinements are necessary;

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<sup>9</sup> [docs.cpuc.ca.gov/PublishedDocs/Published/G000/M209/K618/209618807.PDF](https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M209/K618/209618807.PDF)

- A summary list of applicable project requirements (e.g., MMs, etc.) for which the refinements are being requested;
- Supporting photos, maps, and other documentation illustrating the difference between the existing conditions in the area, the approved project, and the proposed refinements;
- The dimensions and area of any additional work areas and land disturbance associated with the proposed refinements;
- A detailed description of potential impacts of the proposed refinements, including a discussion of each environmental issue area that could be affected by the refinements with accompanying verification that there will be no substantial increase in the severity of significant impacts to resources affected by the project and no new significant impacts, after application of previously adopted MM;
- A statement describing if the proposed refinements would conflict with any MM, applicable guideline, ordinance, code, rule, regulation, order, decision, statute, or policy, and
- Evidence of SDG&E's consultation with other governmental agencies, if applicable.

The CPUC Monitoring Team shall review MPR requests to ensure the proposed refinements are consistent with the Final IS/MND. The CPUC Monitoring Team may request additional information during the MPR review process. If the MPR request is approved, then the CPUC PM will authorize the refinements by issuing a MPR Authorization Letter. MPR Authorization Letters will address any conditions of approval, and include applicable documentation, as necessary.

Examples of potential MPRs, depending on their location, may include the following:

- Substituting or replacing a previously authorized work area with an alternate work area that is in a previously disturbed area with no impacts to adjacent sensitive resources or land uses;
- Adjusting the alignment of a project to avoid unanticipated impacts related to cultural artifacts, buried utility infrastructure, hazardous and toxic substances, and other land use impacts including effects on homeowners, so long as the adjustment does not create a new significant impact or a substantial increase in the severity of a previously identified significant impact, or
- Adjusting the alignment of a project to avoid or adapt to conditions on the ground that vary from the conditions that existed at the time of the original environmental analysis, so long as the adjustment does not create a new

significant impact or a substantial increase in the severity of a previously identified significant impact.

#### 4.6.2 Temporary Extra Work Space

For the purposes of this MMCRP, TEWS is defined as a preexisting developed space (i.e., no site preparation is required) that would be used by SDG&E during construction for a period of up to 60 days, and that was not specifically identified and evaluated during the CEQA process. Anything required to be utilized for a period longer than 60 days will require an MPR approval (see Section 4.6.1). If SDG&E determines a need for a construction TEWS, it must submit such a request to the CPUC, consistent with the communication protocol. SDG&E will not be permitted to use a TEWS prior to receiving written authorization from the CPUC. If appropriate, SDG&E will also send a copy of the TEWS to affected jurisdictional agencies.

SDG&E must demonstrate that:

1. The TEWS is located in a disturbed area with no sensitive resources or land uses onsite or within proximity of the proposed work space such that they may be significantly impacted by the work,
2. SDG&E has the permission of the applicable landowner (e.g., municipality or private) to use the work space, and
3. Use of the TEWS will not result in any new significant environmental impacts.

Following is a list of the specific information that SDG&E will be required to submit with its TEWS request (see **Appendix G** for form):

- Date of request;
- Location of the TEWS (detailed description, including maps if required);
- Property owner of TEWS;
- An explanation of the need for the TEWS;
- An analysis that demonstrates no new significant impacts will result from use of the TEWS including: compaction contributing to runoff rates or other stormwater/watershed effects; observed existing impacts to the site, such as the presence of potentially hazardous or polluting substances that could pose a risk to project personnel or the public; abandoned vehicles, equipment, or other materials; or other sensitive resources;
- Biological and botanical surveys, if appropriate;
- Cultural resource survey, if appropriate;

- Duration and dates of expected use of the TEWS, and
- Details of the expected condition of the site after use.

## 4.7 Compliance Tracking

Compliance with mitigation requirements will be tracked by the CPUC. Important project procedures, such as formal requests and approvals, as well as incidents, will also be tracked throughout the project for record keeping and post-project analysis.

CPUC will track other important information for the project record as part of the CPUC-prepared Monthly Monitoring Summary Report, including NTP and MPR requests and approvals, resolutions to important compliance risks that require follow-up, and documented incidents.

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## Chapter 5 Records Management

Daily Inspection and Weekly Compliance Reports prepared by SDG&E or their third-party consultant and the CPUC's third-party consultant will be filed and used by the CPUC Monitoring Supervisor to prepare a Final Environmental Compliance Report following the completion of construction. The Final Report will provide a discussion on how each MM was implemented and include copies of submittals required for compliance. In addition, the success criteria will be evaluated and used for future projects. The public is allowed access to records and reports used to track the monitoring program. Monitoring records and reports will be made available by the CPUC for public inspection on request. In order to facilitate the public's awareness, the CPUC will post this MMCRP document, and also will make Weekly Reports and other pertinent project documents available on the project website, accessible at: [www.cpuc.ca.gov/environment/info/horizonh2o/TL649/index.html](http://www.cpuc.ca.gov/environment/info/horizonh2o/TL649/index.html)

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