

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



FINAL MITIGATED NEGATIVE DECLARATION

**PACIFIC GAS AND ELECTRIC COMPANY APPLICATION NO. 00-05-035
TO ESTABLISH MARKET VALUE FOR AND SELL ITS RICHMOND-TO-
PITTSBURG FUEL OIL PIPELINE AND HERCULES PUMP STATION**

**SAN PABLO BAY PIPELINE COMPANY APPLICATION NO. 00-12-008
TO OWN AND OPERATE THE RICHMOND-TO-PITTSBURG FUEL OIL
PIPELINE AND HERCULES PUMP STATION AS A COMMON CARRIER**

PROJECT DESCRIPTION

Pacific Gas and Electric Company (PG&E) has submitted an Application (No. 00-05-035) to the California Public Utilities Commission (CPUC) seeking authority under Section 851 of the Public Utilities Code to sell its heated Richmond-to-Pittsburg Fuel Oil Pipeline to a new owner, the San Pablo Bay Pipeline Company (SPBPC), a subsidiary of Tosco Corporation. In a separate application (No. 00-12-008) to the CPUC, SPBPC is seeking authority under Sections 216 and 228 of the code to own and operate the Richmond-to-Pittsburg Fuel Oil Pipeline and Hercules Pump Station as a common carrier pipeline corporation. The proposed sale includes the pipeline from its point of origin in Castro Street (adjacent to General Chemical's facility) in the City of Richmond, to the Pittsburg Power Plant, formerly owned by PG&E, located in the City of Pittsburg and includes the Hercules Pump Station, located in the City of Hercules. The Richmond to Pittsburg Pipeline and Hercules Pump Station would be sold in their current "as-is, where-is, with all faults" condition.

Because the CPUC must now decide whether or not to approve the PG&E and SPBPC applications, the California Environmental Quality Act (CEQA) requires the Commission to be the lead agency and consider the potential environmental impacts that may occur as the result of its decisions and require feasibility mitigation for significant impacts that are identified.

The Richmond to Pittsburg pipeline system and the Hercules Pump Station are "operational" in the regulatory sense, in that PG&E has maintained all the needed permits and approvals and conducted all the maintenance and inspections that are required for an operating system. The pipeline has been approved for the transport of "oil, petroleum, and products thereof" (CPUC Decision No. 84448). PG&E ceased using the system for moving fuel oil to its Pittsburg Power Plant in 1982, though some oil was moved through parts of the system as recently as 1991. A 4,000-foot segment of the pipeline was removed in 1998 to allow construction of a railway station in the City of Martinez. Under an agreement between PG&E and SPBPC, PG&E has

secured the necessary rights of way for a 4,000-foot replacement section in Martinez. If the sale were approved, SPBPC would be responsible for obtaining the requisite permits and approvals and constructing the 4,000-foot replacement section. The construction of the 4,000-foot segment and the resumption of oil movement through the system are a reasonably foreseeable activities that would occur as a result of CPUC approval of the two applications.

The CPUC has reviewed the impacts that would result from approval of the applications, including the sale of the pipeline by PG&E, the reconstruction of the missing 4,000-foot section of the pipeline in Martinez, CA, and the future operation of the pipeline and pump station by SPBPC. The CPUC has concluded that all potential impacts can be mitigated to less than significant levels. PG&E and SPBPC have agreed to incorporate all the proposed mitigation measures into the project, and the CPUC is requiring that these mitigation measures be implemented as a condition of approval of the applications. Approval of the specific divestiture plans by the CPUC is required by the Public Utilities Code Section 851 prior to the transfer of these assets. It is the responsibility of the CPUC to determine whether the proposed divestiture plans “will be adverse to the public interest.”

ENVIRONMENTAL DETERMINATION

The attached Initial Study analyzes the potential impacts to the environment that would result from and proposes mitigation measures for the sale of the pipeline and pump station by PG&E, the construction of the missing 4,000-foot section of pipeline, and operation of the facilities by SPBPC.

Based on the Initial Study, the approval of the two applications would have no impact or less than significant effects in the following areas:

- Agriculture
- Mineral Resources
- Population and Housing
- Recreation
- Utilities and Service Systems

The Initial Study indicates that the approval of the applications would have potentially significant impacts in the areas of:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology
- Land Use and Planning
- Noise
- Public Services

- Transportation and Traffic

Each of the identified impacts can be mitigated to avoid the impact or reduce it to a less than significant level. The mitigation measures, all of which PG&E and SPBPC have agreed to include in the project, are as follows:

Aesthetics

Mitigation Measure I.1

Prior to commencing construction activities, the new owner (SPBPC) of the Richmond to Pittsburg Fuel Oil Pipeline and Hercules Pump Station shall coordinate construction activities affecting parklands and trail systems with the East Bay Regional Park District and the City of Martinez. This shall include submittal of an aesthetic resources plan to the City and the Parks District that addresses the potential for construction activities to have impacts on aesthetics resources, including specific measures that will be taken to restore such resources to pre-construction conditions or to make improvements to these resources in cooperation with the City and the Parks District. The plan shall also include: details of the methods of shielding and placement of new above-ground components, such as valve stations, that would be viewable where no such components currently exist. The plan shall include a discussion of actions taken such that final pipeline alignment and construction activities associated with this project shall not interfere with the implementation of the Martinez Intermodal Project (which includes the new bridge over Alhambra Creek) and the Martinez drainage project. Above ground facilities, such as valve stations, shall not be constructed within EBRPD parkland or within the viewshed of sensitive receptors within EBRPD park or trail corridors. SPBPC shall not commence construction activities along the replacement segment in Martinez until the aesthetics resource plan is reviewed and approved by the East Bay Regional Parks District, the City of Martinez, and the CPUC mitigation monitor. The CPUC’s mitigation monitor shall verify compliance with the aesthetics plan during construction of the replacement section.

This proposed mitigation measure would reduce to a less than significant impact the potential for the project to create potential impact on aesthetics resources as the result of construction activities.

Monitoring Action: SPBPC shall submit documentation to the CPUC verifying that the SPBPC has made a binding commitment to participate in the compilation and implementation of an Aesthetics Resources Plan in coordination with the East Bay Regional Park District and the City of Martinez.

Responsibility: CPUC

Timing: Prior to the transfer of title and submission and certification of construction plans for the 4000-foot pipeline replacement section.

Air Quality

Mitigation Measure III.1

SPBPC shall implement the following fugitive dust control and emissions reduction measures during construction of the 4,000-foot pipeline replacement. These measures are prescribed by BAAQMD to ensure that construction impacts are less than significant, and they include:

- Construction areas, unpaved access roads, and staging areas shall be watered at least twice daily during dry weather, or soil stabilizers shall be applied during active work.
- Trucks hauling soil and other loose material shall either be covered, have at least two feet of freeboard, or be sprayed with water prior to arriving and departing from the construction site.
- Construction vehicles shall use paved roads to access the construction site wherever possible.
- Vehicle speeds shall be limited to 15 mph on unpaved roads and construction areas, or as required to control dust.
- Paved access roads, parking areas, and staging areas at construction sites and streets shall be cleaned daily with water sweepers if excessive soil material is carried onto adjacent public streets.
- A carpooling strategy shall be implemented for construction workers prior to commencing construction (during construction worker orientation and training).
- Vehicles used in construction activities shall be tuned per the manufacturer's recommended maintenance schedule.
- Vehicle idling time shall be minimized whenever possible.

The CPUC mitigation monitor shall monitor compliance with these measures during construction.

<i>Monitoring Action:</i>	SPBPC shall submit documentation to the CPUC that the new owner (SPBPC) has made a binding commitment to participate in BAAQMD prescribed measures and has given notice of such participation to the Planning Director of the BAAQMD.
<i>Responsibility:</i>	CPUC
<i>Timing:</i>	At least 10 days prior to the transfer of title of the Pittsburg-to-Richmond Fuel Oil Pipeline and Hercules Pump Station.

Biological Resources

Mitigation Measure IV.1

Prior to commencing construction activities, SPBPC shall conduct a biological survey of all areas that would be affected by construction of the replacement section in Martinez and submit the

survey for review and approval by the CPUC mitigation monitor. The survey shall include a biological assessment of the potential of construction activities to create an adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. If the survey reveals that such a potential exists, SPBPC shall conduct a formal consulting process with the appropriate resources agencies to address the potential to create a significant impact to listed species.

Based on this consultation process, SPBPC shall implement measures deemed necessary by these agencies to reduce potential impacts to a less than significant level. SPBPC shall inform the CPUC mitigation monitor of the results of the coordination and details of such measures to be implemented. The CPUC mitigation monitor shall monitor compliance with such measures.

Measures that might be required could include those such as the following proposed by PG&E in the Proponents Environmental Assessment:

General

- Environmental training covering protection of biological resources in the 4,000-foot replacement section area shall be given to appropriate project personnel prior to construction.
- Erosion control measures and Best Management Practices shall be installed adjacent to Alhambra Creek, the unnamed drainage, and any associated wetlands to prevent sediment from entering the drainages.

Botanical Resources

- A revegetation plan shall be prepared if native vegetation would be removed.
- Previously vegetated areas that would be cleared during construction activities shall be revegetated with appropriate species, as required.
- Flagging and/or fencing shall be installed around adjacent riparian habitat to prevent incidental impacts to the area.
- If any native vegetation were removed at the replacement section, the affected area shall be revegetated with an appropriate native seed mix.

Wildlife Resources

- Prior to construction, surveys shall be performed for the California red-legged frog to determine presence or absence.
- If the California red-legged frog was onsite, construction would not commence in this area until the U.S. Fish and Wildlife Service and California Department of Fish and Game were notified, and appropriate measures were developed to minimize disturbance to this species.

- Construction shall be timed to avoid the nesting period for raptors.
- If construction would occur during the nesting season of raptors, preconstruction surveys shall be conducted to identify and avoid active raptor nests.
- Construction within one-half mile of an active raptor nest would not begin until the young had fledged from the nest.
- Bentonite released into drainages during construction shall be immediately cleaned up.

Habitat temporarily disturbed as a result of construction shall be restored.

Monitoring Action: SPBPC will provide the CPUC mitigation monitor with the results of the biological assessment. If the survey reveals that the project may potentially impact a listed species, SPBPC shall conduct a formal consulting process with the appropriate resources agencies to address the potential to create a significant impact to listed species.

Based on this consultation process, SPBPC shall implement measures deemed necessary by these agencies to reduce potential impacts to a less than significant level. SPBPC shall inform the CPUC mitigation monitor of the results of the coordination and details of such measures to be implemented. The CPUC mitigation monitor shall monitor compliance with such measures.

Responsibility:

CPUC

Timing:

Prior to the transfer of title and again prior to the certification of the construction plans for the 4000-foot replacement section.

Mitigation Measure IV.2

Prior to commencing construction activities, SPBPC shall contact East Bay Regional Parks District (EBRPD), the sponsor of marsh restoration activities at the Martinez Shoreline Park, to reach agreement on how to coordinate marsh restoration and pipeline installation plans: SPBPC shall avoid or minimize potential conflicts of pipeline replacement activities with marsh restoration plans at the site. Measures to avoid conflicts, such as timing of work, agreements on revegetation or replacement of habitat, would be included in this agreement. The agreement between SPBPC and the EBRPD shall be formalized in writing and submitted to the CPUC staff for review and approval by the CPUC mitigation monitor prior to commencing construction activities that may affect marsh restoration activities.

Monitoring Action: The agreement between SPBPC and the EBRPD shall be formalized in writing and submitted to the CPUC staff for review and approval by the CPUC mitigation monitor prior to commencing construction activities that may affect marsh restoration activities.

Responsibility:

CPUC

Timing:

The appropriate letter should be provided to the CPUC at least 40 days prior to the commencement of construction activities.

Cultural Resources

Mitigation Measure V.1a

SPBPC shall appoint a cultural resources specialist, or specialists, at least 15 days prior to the start of project-related vegetation clearance ground disturbance and grading, site or project mobilization, site preparation or excavation activities, implementation of erosion control measures, or movement or parking of heavy equipment or other vehicles onto or over unpaved or natural areas. SPBPC shall provide the CPUC mitigation monitor with the name(s) and statement of qualifications of its designated cultural resources specialist(s) who will be responsible for implementation of all project-related cultural resources mitigation measures. The statement of qualifications must be sufficient to substantiate that the specialist(s) meets the Secretary of the Interior's proposed Historic Preservation Qualification Standards as published in the Federal Register (United States Department of the Interior 1997).

At least 10 days prior to the start of any project-related activity defined above, SPBPC shall confirm in writing to the CPUC mitigation monitor that the approved designated cultural resources specialist will be available at the start of the project and is prepared to implement the mitigation measures.

At least 10 days prior to the replacement of a designated cultural resources specialist, SPBPC shall obtain the CPUC mitigation monitor's approval of the proposed replacement cultural resources specialist.

<i>Monitoring Action:</i>	CPUC mitigation monitoring approval of SPBPC's proposed archaeological mitigation program and any subsequent implementation reports.
<i>Responsibility:</i>	CPUC
<i>Timing:</i>	At least 10 days prior to the start of any project-related activity defined above, SPBPC shall confirm in writing to the CPUC mitigation monitor that the approved designated cultural resources specialist will be available at the start of the project and is prepared to implement the mitigation measures.

Mitigation Measure V.1b

In the event that previously unidentified historic resources are encountered, the new owner (SPBPC) shall evaluate such resources for California Register of Historical Resources eligibility and conduct data recovery.

The cultural resources specialist shall ensure that the evaluations are supervised by individuals meeting the Secretary of the Interior's proposed Historic Preservation Qualification Standards (United States Department of the Interior 1997) for each particular resource type. An evaluation form shall be submitted to the CPUC mitigation monitor and the California Historical Resources Information Center.

For resources determined to be significant, the cultural resources specialist will prepare a resource-specific Data Recovery Plan to mitigate any significant project-related effects. Upon approval of this plan by the CPUC mitigation monitor, mitigation measures will be implemented prior to any project activities within 100 feet of the resource's boundary.

Monitoring Action: CPUC mitigation monitoring approval of SPBPC's proposed archaeological mitigation program and any subsequent implementation reports. An evaluation form shall be submitted to the CPUC mitigation monitor and the California Historical Resources Information Center.

Responsibility: CPUC

Timing: Approval of the evaluation from the CPUC at least 10 days prior to the start of any project-related activity.

Mitigation Measure V.1c

Prior to the commencement of construction or ground distributing activities, all construction personnel will receive environmental training in a manner that would inform all personal of the possibility of encountering cultural or historical resources.

All construction personnel involved in activities that may uncover prehistoric resources will be trained in the identification of prehistoric resources, which could include flaked stone, projectile points, mortars, pestles, and soil containing shell and bone, or human burials. Historic resources could include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits. Construction personnel involved in activities that may uncover paleontological resources will also be trained in the identification of paleontological resources, which could include true fossils, trace fossils, and/or breas as defined under the above Paleontological Resources subsection. The level of training for construction activities should be sufficient such that the workers would know when to call their supervisors to investigate objects that may be a cultural resource. Supervisors would receive sufficient training to determine when a cultural resources specialist should be contacted to identify any found objects. If cultural resources were encountered during construction, the crew would halt work in the area and not collect or disturb the materials until the cultural resource specialist, appointed under Mitigation Measure V.1a, has evaluated the location and determined an appropriate mode of action.

Monitoring Action: Prior to the commencement of construction or ground distributing activities, all construction personnel will receive environmental training in a manner that would inform all personal of the possibility of encountering cultural or historical resources.

Responsibility: CPUC

Timing: Prior to the commencement of construction or ground distributing activities.

Mitigation Measure V.2

SPBPC shall notify a qualified paleontologist of unanticipated discoveries, made by either the cultural resources monitor or construction personnel responding to their environmental training classes, as required in Mitigation Measures V.1a, V.1b, and V.1c, and document the discovery as

needed. In the event of an unanticipated discovery of a breas, true, and/or trace fossil within the 4000-foot replacement section during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find.

Monitoring Action: Documentation will be submitted to the CPUC indicating that the SPBPC shall notify a qualified paleontologist of unanticipated discoveries, made by either the cultural resources monitor or construction personnel responding to their environmental training classes, as required in Mitigation Measures V.1a, V.1b, and V.1c, and document the discovery as needed.

Responsibility: CPUC

Timing: In the event of an unanticipated discovery of a breas, true, and/or trace fossil within the 4000-foot replacement section during construction.

Mitigation Measure V.3

If human remains are found at any time along the entire pipeline alignment or during project-level vegetation clearance; ground disturbance and grading; site or project mobilization; site preparation or excavation activities; implementation of erosion control measures; or the movement and/or parking of heavy equipment or other vehicles onto or over the project surface, SPBPC and its contractors shall stop all work within 100 feet of the find. The cultural resources specialist will be notified immediately and will, in turn, immediately notify the Contra Costa County coroner, in compliance with Section 7050.5 of the California Health and Safety Code. Upon the completion of compliance with all relevant sections of the California Health and Safety Code, the cultural resources specialist will implement Mitigation Measure V.1b.

If the human remains are determined to be Native American in origin, the Contra Costa County coroner will notify the Native American Heritage Commission within 24 hours of the find. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent of the deceased Native American. The most likely descendent may make recommendations to the SPBPC and its contractors for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. Where conditions A, B, and/or C under Section 15064.5 (e) (2) occur, the landowner or authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

Monitoring Action: Documentation will be submitted to the CPUC indicating that the SPBPC's cultural resources specialist will be notified immediately if human remains are found. In turn, the cultural resource specialist will immediately notify the Contra Costa County coroner, in compliance with Section 7050.5 of the California Health and Safety Code. Upon the completion of compliance with all relevant sections of the California Health and Safety Code, the cultural resources specialist will implement Mitigation Measure V.1b.

Responsibility: CPUC

Timing: Prior to all project-related ground disturbances.

Geology and Soils

Mitigation Measure VI.1

Prior to operation of the pipeline, the new owner (SPBPC) shall perform an evaluation of the effect of tectonic creep on the pipeline at the Hayward and Concord fault crossings. A civil or geotechnical engineer licensed by the State of California, with expertise in seismic design and structural seismic response shall conduct this evaluation. The evaluation shall include a review of available geotechnical, engineering, and construction design and testing information to determine original pipeline bending and compression/elongation capabilities at the fault crossings. Secondly, the evaluation shall include an inspection of the pipeline to determine the degree to which the pipeline has been affected by tectonic creep along the Hayward and Concord fault crossings since installation in the 1970's. This evaluation shall be submitted to the CPUC mitigation monitor. Should this evaluation determine that tectonic creep has rendered the pipeline unable to withstand a major seismic event on the Hayward or Concord fault, or to withstand the further seismic creep expected along the two faults during the expected operating lifetime of the pipeline, SPBPC shall undertake repair or modification of the pipeline accordingly, and submit documentation to the CPUC mitigation monitor showing these repairs or modifications have been completed. In accordance with federal regulation (Title 49, Section 195, et al.), the pipeline will be inspected on a regular basis, and immediately following a seismic event or any other event that may effect the safety of the pipeline system or pump station. The findings of these inspections would be reported to the State Fire Marshall, which in California assumes responsibility for enforcement of the above regulations for the federal Department of Transportation.

Monitoring Action: The SPBPC shall perform an evaluation of the effect of tectonic creep on the pipeline at the Hayward and Concord faults crossings.

Secondly, the evaluation shall include an inspection of the pipeline to determine the degree to which the pipeline has been affected by tectonic creep along the Hayward and Concord fault crossings since installation in the 1970's.

Responsibility: This evaluation shall be submitted to the CPUC mitigation monitor.
CPUC
Timing: Prior to the operation of the pipeline.

Mitigation Measure VI.2

Prior to commencing construction activities, the new owner (SPBPC) shall prepare a geotechnical report for the 4,000-foot replacement route in Martinez that includes an analysis of ground shaking effects, liquefaction potential, earthquake-induced settlement, and other seismic hazards and provide recommendations to reduce these hazards. The geotechnical and seismic evaluation shall be conducted by a California-registered geotechnical engineer and include appropriate evaluation of anticipated ground motion using currently accepted seismic parameters and methods. Subsurface exploration and soil testing, where appropriate, shall be conducted to

assess the soil and bedrock conditions along the proposed pipeline easement. Where applicable, structural and seismic design parameters shall conform to the current Uniform Building Code (UBC) and the API standards. The results of the geotechnical evaluation shall be submitted to the CPUC mitigation monitor. Based on the geotechnical study, recommendations of the geotechnical engineer shall be incorporated into the design and construction of the pipeline segment. In addition to complying with all applicable local, state, and federal policies, codes, and regulations, SPBPC shall submit documentation to the CPUC mitigation monitor showing these recommendations were implemented.

Monitoring Action: The results of SPBPC’s geotechnical evaluation shall be submitted to the CPUC mitigation monitor.
Responsibility: CPUC
Timing: Prior to commencing construction activities for the 4,000-foot replacement section.

Hazards and Human Health

Mitigation Measure VII.1

Prior to construction SPBPC shall conduct a Phase I Environmental Site Assessment along the length of the replacement pipeline route to ascertain the potential for construction activities to encounter impacted soil and/or groundwater, and submit the Phase I Environmental Site Assessment to the CPUC staff for review and approval by the CPUC mitigation monitor. Should the Phase I indicate the pipeline route would likely disturb impacted materials, a Phase II Environmental Site Assessment shall be conducted to quantify levels of contamination along the pipeline route, and establish appropriate measures to protect construction workers and the general public from exposure to impacted materials. SPBPC shall submit the Phase II Environmental Site Assessment to the CPUC mitigation monitor for review and approval. In addition, should Phase I or Phase II activities determine that construction activity will involve trenching or tunneling through potentially impacted areas, SPBPC shall implement the following mitigation measures:

Monitoring Action: SPBPC shall submit the Phase II Environmental Site Assessment to the CPUC mitigation monitor for review and approval.
Responsibility: CPUC
Timing: Within 10 business days prior to transfer of title.

Mitigation Measure VII.1a

An environmental site health and safety plan shall be created to address worker safety hazards that may arise during construction activities.

The contractor shall be required to comply with all applicable OSHA regulations regarding worker safety, consistent with standard City practices. The OSHA-specified method of compliance will be dependent upon the severity of impact to soil or groundwater, as determined by the Phase I and II investigations.

Monitoring Action: SPBPC will provide the CPUC mitigation monitor with a disclosure form signed by the new owner listing documents to accomplish this condition.
Responsibility: CPUC
Timing: At least 3 business days prior to transfer of title.

Mitigation Measure VII.1b

During construction SPBPC shall comply with all applicable regulatory agency requirements including those set forth by Contra Costa County and the California DTSC regulations regarding the storage, and transportation of impacted soil and groundwater.

Impacted soil generated by remediation and construction activities will be contained on-site and sampled prior to disposal at an appropriate facility, or potential re-use at the project site. Impacted groundwater generated during construction dewatering will be contained and transported off-site for disposal at an appropriate facility, or treated prior to discharge into the storm drain or sanitary sewer to levels which are acceptable to the San Francisco Bay Region (RWQCB), or Contra Costa Sanitary District, respectively.

Monitoring Action: SPBPC will provide the CPUC mitigation monitor with a disclosure form signed by the new owner listing documents to accomplish this condition.
Responsibility: CPUC
Timing: At least 3 business days prior to transfer of title.

Hydrology and Water Quality

Mitigation Measure VIII.1

SPBPC shall obtain coverage under the General Construction Activity Storm Water Permit issued by the State Water Resources Control Board and implement measures to prevent erosion and to control sediment and otherwise prevent stormwater pollution. The general construction permit requires the preparation and execution of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must identify appropriate stormwater pollution best management practices to reduce pollutants in stormwater discharges from the construction site both during and after construction. Measures and practices include, but are not limited to, the following:

General Practices

- An environmental training program shall be conducted to communicate appropriate work practices, including spill prevention and response measures. Implementation of work practices should be monitored.
- All storm drains, drainage swales and creeks located along the 4,000-foot pipeline alignment shall be identified. All construction personnel and subcontractors shall be made aware of the locations of drainage pathways to prevent pollutants from entering them.
- Leaks, drips and other spills shall be cleaned up immediately.

- Protect all storm drain inlets using filter fabric cloth or other best management practices to prevent sediments from entering the storm drainage system during construction activities.
- Otherwise protect stormwater runoff from potential pollutant sources.

Erosion Prevention and Sediment Control

- To the extent possible, the area of construction shall be restored to preconstruction conditions.
- Mulching, seeding, and/or other suitable stabilization measures to protect exposed areas shall be implemented, during and after construction.
- Protect drainage courses, creeks, and catch basins with straw bales, silt fences and/or temporary drainage swales.
- Conduct routine inspections of erosion control measures especially before and immediately after rainstorms, and repair if necessary.

General Site Maintenance

- Designate specific areas of the construction site, well away from creeks or storm drain inlets, for auto and equipment parking and routine vehicle and equipment maintenance.
- Accidental releases of drilling mud shall be cleaned up immediately.
- Spill kits shall be maintained on site during the construction project for small spills.

SPBPC shall submit all approved permits to the CPUC mitigation monitor prior to commencing construction of the replacement section. The CPUC mitigation monitor shall monitor compliance with these measures during construction of the replacement section in Martinez.

Monitoring Action: SPBPC shall submit all approved permits to the CPUC mitigation monitor prior to commencing construction of the replacement section. The CPUC mitigation monitor shall monitor compliance with these measures during construction of the replacement section in Martinez.

Responsibility: CPUC

Timing: At least 10 days prior to the start of any project-related activities, SPBPC shall obtain coverage under the General Construction Activity Storm Water Permit issued by the State Water Resources Control Board.

Land Use and Planning

Mitigation Measure IX.2

For all maintenance activities that could disrupt use or enjoyment of the San Francisco Bay Trail, SPBPC shall coordinate such maintenance efforts with the Association of Bay Area Governments (ABAG) and the City of Pinole relevant jurisdiction in which the Pipeline is located. The purchaser shall assure that access to the Bay Trail remains open to the maximum

extent possible, and that if necessary, a clearly marked, comparable alternative route is provided on a temporary basis.

- Monitoring Action:* Provide written assurances to the CPUC mitigation monitor of compliance with this measure.
- Responsibility:* CPUC
- Timing:* Prior to performing maintenance operations that could limit access to the Bay Trail.

Noise

Mitigation Measure XI.1

During construction of the 4,000-foot replacement section in Martinez, the new owner (SPBPC) will implement the following measures:

- Require construction contractors to limit noisy construction activity to the hours of 7:00 a.m. to 7:00 p.m., Monday through ~~Friday Saturday~~, or more restrictive hours required by permits and ordinances as specified by the City of Martinez.
- Obtain an encroachment permit from the City of Martinez specifying how construction would be sequenced to minimize potential construction impacts.
- Conduct regular equipment and maintenance and install mufflers (as appropriate) on all construction equipment to control noise.
- Shield and orient compressors and other small stationary equipment such that equipment exhaust would face away from noise sensitive buildings and land uses.
- Use existing natural and manmade features (e.g., landscaping, fences) to shield construction noise whenever possible.

The CPUC's mitigation monitor shall ensure compliance with the above measures during construction.

- Monitoring Action:* The CPUC's mitigation monitor shall ensure compliance with the measures during construction.
- Responsibility:* CPUC
- Timing:* Require construction contractors to limit noisy construction activity to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday, or as specified by the City of Martinez.

Public Services

Mitigation Measure XIII-1

Implement Mitigation Measures I.1 and IV.2

- Monitoring Action:* See Mitigation Measures I.1 and IV.2 for Monitoring Responsibilities and Timing.

Transportation / Traffic

Mitigation Measure XV.1a

Prior to commencing construction activities, SPBPC shall obtain and comply with local and state road encroachment permits, and railroad encroachment permits. SPBPC shall submit all local and state road encroachment permits obtained for the replacement section in Martinez to the CPUC mitigation monitor for review. The CPUC's mitigation monitor shall monitor compliance with these permits during construction activities.

Monitoring Action: SPBPC shall submit all local and state road encroachment permits obtained for the replacement section in Martinez to the CPUC mitigation monitor for review.

The CPUC's mitigation monitor shall monitor compliance with these permits during construction activities.

Responsibility: CPUC

Timing: Prior to commencing construction activities.

Mitigation Measure XV.1b

Prior to commencing construction activities, the construction contractor shall prepare a traffic control plan in accordance with professional engineering standards prior to construction. As appropriate, traffic control plans shall include the following requirements:

- Identify all roadway locations where special construction techniques (e.g., directional drilling or night construction) would be used to minimize impacts to traffic flow.
- Develop circulation and detour plans to minimize impacts to local street circulation. This may include the use of signing and flagging to guide vehicles through and/or around the construction zone.
- Schedule truck trips outside of peak morning and evening commute hours.
- Limit lane closures during peak hours to the extent possible.
- Use haul routes minimizing truck traffic on local roadways to the extent possible.
- Include detours for bicycles and pedestrians in all areas potentially affected by project construction.
- Open trenches subject to vehicular or pedestrian traffic would be covered at the end of each workday with metal plates capable of accommodating traffic.
- Install traffic control devices as specified in the California Department of Transportation Manual of Traffic Controls for Construction and Maintenance Work Zones.

- Safety fencing would be installed, where needed, to protect pedestrians from construction areas.
- At a minimum, the UPRR safety and engineering guidelines would be maintained when installing pipeline within the railroad right-of-way. All construction crews and project personnel would be trained on UPRR safety guidelines prior to commencing work in the railroad right-of-way.
- Construction vehicles and equipment would not cross the tracks except at established public crossings or as specified by UPRR.
- Develop and implement access plans for highly sensitive land uses such as police and fire stations, transit stations, hospitals and schools. The access plans would be developed with the facility owner or administrator. To minimize disruption of emergency vehicle access, ask affected jurisdictions to identify detours for emergency vehicles, which will then be posted by the contractor. Notify in advance the facility owner or operator of the timing, location, and duration of construction activities and the locations of detours and lane closures.
- Store construction materials only in designated areas.
- Coordinate with local transit agencies for temporary relocation of routes or bus stops in works zones, as necessary.
- All roads disturbed during construction would be restored to their preconstruction condition pursuant to franchise agreements with the City of Martinez.

The traffic control plan shall be submitted to applicable jurisdictions for review and approval.

Monitoring Action: The CPUC’s mitigation monitor shall monitor compliance with the traffic control plan.

Responsibility: CPUC

Timing: The traffic control plan shall be submitted to applicable jurisdictions for review and approval prior to the commencement of construction activities.

Utilities and Service Systems

Mitigation Measure XV.1

SPBPC shall:

- Insure that USA is notified at least 48 hours before initiating construction of the proposed pipeline replacement. USA verifies the location of all existing underground utilities, in order to ensure that they are avoided, and alerts the other utilities to mark their facilities in the area of construction.
- Where the replacement section crosses or is adjacent to live, overhead electric lines, install signs warning equipment operators of the presence of the line.
- Dispose of construction debris at an approved waste disposal site.

- Obtain hydrostatic test water from existing municipal sources. Hydrostatic test water would be discharged into a public-owned treatment works or to upland areas (grasslands) using a dewatering structure that would prevent erosion and movement of soil. Test water would not be directly discharged into any stream or wetland.

Monitoring Action: The SPBPC shall ensure that the USA verifies the location of all existing underground utilities, in order to ensure that they are avoided, and alerts the other utilities to mark their facilities in the area of construction.

Responsibility: CPUC

Timing: The SPBPC will ensure that USA is notified at least 48 hours before initiating construction of the proposed pipeline replacement.

DOCUMENTS AVAILABLE FOR REVIEW

The Commission’s proposed draft and final Mitigated Negative Declaration and Initial Study conducted on the PG&E divestiture application are available for review at the following locations:

Richmond Public Library
325 Civic Center Plaza
Richmond, CA 94804-1659
510-620-6561

Martinez Library
740 Court Street
Martinez, CA 94553-1218
925-646-2898

Pinole Library
2935 Pinole Valley Road
Pinole, CA 94564-1494
510-758-2741

Pittsburg City Library
80 Power Avenue
Pittsburg, CA 94565-3842
925-427-8390

San Pablo Library
1555 International Marketplace
San Pablo, CA 94806-4452
510-374-3998

City of Hercules
City Clerk's Office / Attn: Claudia Wade
111 Civic Drive
Hercules, CA 94547-1771
510-799-8215

The full text of these documents will also be made directly available on the Internet at the following address: <http://www.pgedivest.com>; or by accessing the CPUC’s website at the following address: <http://www.cpuc.ca.gov>. From the CPUC’s home page click on the “Regulated Industries” link. Once there then click on the “Environmental” link and then click on the “Current Projects” link. You may then select this project from the list of projects presented on this “Current Projects” page.

PUBLIC REVIEW PERIOD

This Negative Declaration and Initial Study underwent review process from October 30, 2001, to December 10, 2001. A total of fifteen comments were received and are responded to in Chapter 5.0 of this document. Changes to the draft based on these comments are reflected throughout the

document with ~~strikeout~~ and insert text underlined. Address any additional inquiries on this project to the following address:

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c/o Environmental Science Associates
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Oakland, California 94612-2727

The following document represents the Final Mitigated Negative Declaration for the proposed project. The final step in the CEQA process will occur when the CPUC holds a public hearing and adopts the Mitigate Negative Declaration, allowing for a subsequent decision on the applications