



Santa Barbara County Reliability Project Construction Non-Compliance Report

Incident Date:	9/19/2018	Report No.:	NCR-04
Date Submitted:	9/27/2018	Location:	Segment 3B near Abandonment Construct M5-ST5
Level:	Level 2	Relevant Plan/ Measure:	MM BIO-1
Current Land Use:	Disturbed existing access road undisturbed land	Sensitive Resources:	Plummer's baccharis (<i>Baccharis plummerae</i>)

Description of Incidents:

On September 19, 2018, Southern California Edison (SCE) notified the California Public Utilities Commission (CPUC) that a Henkels and McCoy (H&M) civil crew was conducting tower wreck-out work outside of the disturbance limits and prior to the biological monitor conducting a sweep. The incident occurred on Segment 3B at Construct M5-ST-5. The area affected was surveyed and partially outside approved disturbance limits within a Plummer's baccharis Environmentally Sensitive Area (ESA). Three Plummer's baccharis plants were damaged by being slightly crushed. The damaged plants are expected to survive. ESA signs marking project boundaries and sensitive areas were present and installed correctly.

The area affected is protected under Mitigation Measure (MM) BIO-1. The incident deviated from a mitigation measure, as discussed below, and had minor impacts on environmental resources; therefore, the CPUC has determined that the incident constitutes a Level 2 Non-Compliance.

Pertinent Plans/Permits/Mitigation Measures:

The CPUC approved a Permit to Construct for the SBCRP. As part of this action, the CPUC certified a Final Environmental Impact Report (Final EIR) for the project and adopted the Mitigation Monitoring Plan (MMP) presented in Chapter 10 of the Final EIR. A Mitigation, Monitoring, Compliance, and Reporting Program (MMCRP) was created based on the Final EIR's MMP and serves as a working guide for maintaining environmental compliance for the project. The mitigation measures and applicant proposed measures (APMs) within the MMCRP are required to be followed by SCE, including the following:

MM BIO-1: Limits of Construction Activities: Project Boundaries and Sensitive Areas Clearly Marked. In all locations of the project, construction activities, vehicular traffic (including movement of all equipment), and storage of construction materials will be restricted to approved access roads and established construction areas indicated by flagging, fencing, and/or signage. The applicant will ensure that exclusionary fencing is installed prior to the start of construction activities around laydown/work and staging areas, where necessary, to prevent inadvertent encroachment into the native habitat adjacent to areas of impact. Identified sensitive resources such as hydrologic features, special status plants and natural communities, and known wildlife habitat of special status species (e.g., nests, burrows, dens, middens) will be assigned a buffer as appropriate and clearly marked (e.g., with signs, flagging, ropes, and/or fencing) and avoided unless previously approved. A CPUC-approved qualified biologist will propose a buffer distance if sensitive resources are identified, and the applicant will consult with the CPUC and resource agency (ies) to determine whether the proposed buffer distance is appropriate. The CPUC-approved qualified biologist will perform or supervise flagging and fencing to ensure that these activities are conducted without harm to sensitive species or habitat.

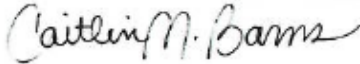

MM BIO-1 requires sensitive areas, including sensitive plants such as Plummer's baccharis, to be clearly marked and limits construction activities from occurring within the sensitive areas. By encroaching into a delineated sensitive area, SCE violated MM BIO-1.

Proposed Resolution:

The biological monitor on site immediately alerted crews to stop work upon realizing that the crews had encroached into the ESA. The crew coordinated with the construction project manager to review the stop work order.

H&M management met with the crew involved to determine the root cause of the incident. It was determined that the H&M civil crew believed that the work was similar to the 11 structure removals (CPUC exempt action) and did not require monitoring. H&M management corrected that assumption and let the crew know that the remaining abandoned facility work is all related to the SBCRP project, and therefore subject to the project mitigation measures. H&M incorporated a management step for approving any "project" vs "non-project" work. This process change was implemented and will prevent future incidents with a similar root cause.

Biological resources were damaged, which violated project mitigation requirements. The CPUC agrees with SCE's response to the incident thus far, but would like to see additional measures taken. Specifically, SCE must ensure that all future work related to this project (e.g., tower wreck-out or application of Natina) are done under the supervision of a biological monitor.

Approvals	Date	Name (print)	Signature	Comments
CPUC Compliance Manager		Caitlin Barns		
CPUC Compliance Monitor (if applicable)				
CPUC Project Manager (if applicable)	9/27/18	Jensen Uchida		
SCE Environmental Compliance Manager (if applicable)				

Prepared by: Caitlin Barns, Fernando Guzman

Date: September 27, 2018

Non-compliance Level	Example
<p>A Level 1 non-compliance incident is an action that deviates from project requirements or results in the partial implementation of the mitigation measures, but has not caused, nor has the potential to cause impacts on environmental resources.</p>	<ul style="list-style-type: none"> i. Failure to implement adequate dust control measures resulting in no impact on resources; ii. Improperly installed, repaired, or maintained erosion or sediment control devices (with no resultant harm to sensitive resources or release of sediment to waters); iii. Inadvertent minor incursion into exclusion area resulting in no harm to sensitive biological or cultural resources; iv. Work outside the approved work limits where the incident is within a previously disturbed area, such as a gravel lot
<p>A Level 2 non-compliance incident is an action that deviates from project requirements or mitigation measures and has caused, or has the potential to cause minor impacts on environmental resources.</p>	<ul style="list-style-type: none"> i. Work without appropriate permit(s) or approval; ii. Failure to properly maintain an erosion or sediment control structure, but the structure remains functional, and results in minor impacts on resources (e.g. water courses); iii. Working outside of approved hours; iv. Repeated documentation of Level 1 incidents
<p>A Level 3 non-compliance incident is an action that deviates from project requirements and has caused, or has the potential to cause major impacts on environmental resources. These actions are not in compliance with the APMs, mitigation measures, permit conditions, approval requirements (e.g. minor project changes, notice to proceed), and/or violates local, state, or federal law.</p>	<ul style="list-style-type: none"> i. Construction activities occurring in an exclusion zone with direct impacts to sensitive or endangered species, cultural resources, human remains, or an archaeological site; ii. Eminent danger or documented impact to a sensitive or T&E species; iii. Repeated deviations from required mitigation measures/requirements that have been documented as Level 2 (Minor Incidents); iv. Improper installation of erosion or sediment control structures resulting in substantial sedimentation or impacts to water quality or putting sensitive resources at risk

Attachment 1

FRED Incident Report

Created By: Mark Bellini (Rincon)
Created Date: 09/20/2018
Report #: 000208



Santa Barbara County Reliability Project - Incident Reporting Form

Incident ID: 000208
Monitor: Mark Bellini (Rincon)
Work Package: 1
Project Component: 3B-T/L
Lead Monitor / SME: Jennifer Turner (Rincon)
Restoration Site ID: N/A
Time: 15:30
Date: 09/19/2018
MMCRP Category: Biological Resources
Regulatory Category: MM BIO-1
Compliance Level: 1

Description:

The biologists observed a H&M Civil crew conducting tower wreck-out work outside of the disturbance limits and prior to the biological monitor conducting a sweep. The incident was observed on Segment 3B at Construct M5-ST5 on 9/19/2018 at 1530 and was not in any listed species habitat. The area affected was surveyed and was partially outside approved disturbance limits within a Plummer's baccharis ESA (FRED Species Event 1053). Three Plummer's baccharis plants were damaged. The plants were slightly crushed but are expected to survive. ESA flagging was present and installed correctly. See attached photos. The incident conflicts with MM-BIO 1: Clearly mark project boundaries and sensitive areas.

UTM (meters): 11N 279522.469098 mE 3806488.73716 mN
Location Name: Construct M5-ST5

Comments/Action:

Observations were made and the lead monitor was notified. The H&M crew was notified of the incident when the biologist arrived on site. Species Event 1053 was updated.

Persons Notified:

Lead Monitors, James Rasico and Leslie Yen (Rincon); Senior Technical Advisor, Jennifer Turner (Rincon); Environmental Compliance Supervisor, John Hindley (Rincon); and Project Manager, Matthew Lake (H&M)

Time Notified:

1630

Incident Category:

Resource Owner: Bio

Contractor: H&M

Status: (X) Open Resolved Closed per Management Disposition Incident Removed

Resolution Comments:

Attachment 2

Photographs from SCE Incident Report



Photo 1: Plummer's baccharus plants damaged.



Photo 2: Mini-excavator outside of approved disturbance limits.