

NextEra Energy Transmission West's Proposed Suncrest Dynamic Reactive Power Support Project

Mitigation Monitoring, Compliance, and Reporting Program

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ACRONYMS AND ABBREVIATIONS

APM	Applicant Proposed Measure
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
ECS	Environmental Compliance Supervisor
EM	Environmental Monitor
ECL	Environmental Compliance and Permitting Lead
EI	Environmental Inspector
FEIR	Final Environmental Impact Report
EI	Environmental Investigator
MM	Mitigation Measures
MMCRP	Mitigation Monitoring, Compliance, and Reporting Program
MMRP	Mitigation Monitoring and Reporting Plan
MPR	Minor Project Refinement
NCR	Non-Compliance Report
NEET West	NextEra Energy Transmission West
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
SEAP	Safety and Environmental Awareness Program
SVC	Static Var Compensator
SWPPP	Stormwater Pollution Prevention Plan

SWRCB	State Water Resources Control Board
TEWS	Temporary Extra Work Space
WDID	Waste Discharger Identification

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Chapter 1

Introduction

1.1 Overview and Background

The Suncrest Dynamic Reactive Power Support Project (Proposed Project) will involve construction of a dynamic reactive device and an approximately one-mile-long transmission line interconnecting with the existing Suncrest Substation in San Diego County, near Alpine, California. The dynamic reactive device will provide reactive power support and voltage regulation to the existing substation and transmission system in accordance with the California Independent System Operator's (CAISO's) 2013-2014 Transmission Plan.

The California Public Utilities Commission (CPUC) certified the Final Environmental Impact Report (FEIR) for the Proposed Project and approved NextEra Energy Transmission West, LLC's (NEET West's) application (Application 15-08-027) for a Certificate of Public Convenience and Necessity (CPCN). As the Applicant and proponent of the Proposed Project, NEET West is responsible for implementing all applicable measures, including Applicant Proposed Measures (APMs) and Mitigation Measures (MMs), included in the FEIR, as well as any conditions imposed in any permits or regulations administered by other responsible agencies. Applicable APMs and MMs are outlined in the Proposed Project's Mitigation Monitoring and Reporting Program (MMRP), which is included as Appendix L of the FEIR. As the lead agency for the Proposed Project under the California Environmental Quality Act (CEQA), CPUC is responsible for ensuring the NEET West's implementation of APMs and 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 NEET West's compliance with the MMRP and various other regulatory requirements during Proposed Project construction. The MMCRP process is described further in Section 1.3, Monitoring Program.

1.2 Proposed Project Description

As noted above, the Proposed Project will include two primary components: a static var compensator (SVC) (i.e., dynamic reactive device) facility and an approximately one-mile-long transmission line connecting the SVC facility to the existing Suncrest Substation in San Diego County, California. For the transmission line to enter the existing substation, there would be a short (i.e., approximately 300-foot-long) overhead section of the transmission line. Details regarding the construction processes involved with these components, including work/staging areas, construction workforce, and construction schedule, are provided below. The descriptions below are consistent with what is provided in the FEIR; refer to the FEIR for additional information. Figure 1 shows an overview of the Proposed Project.

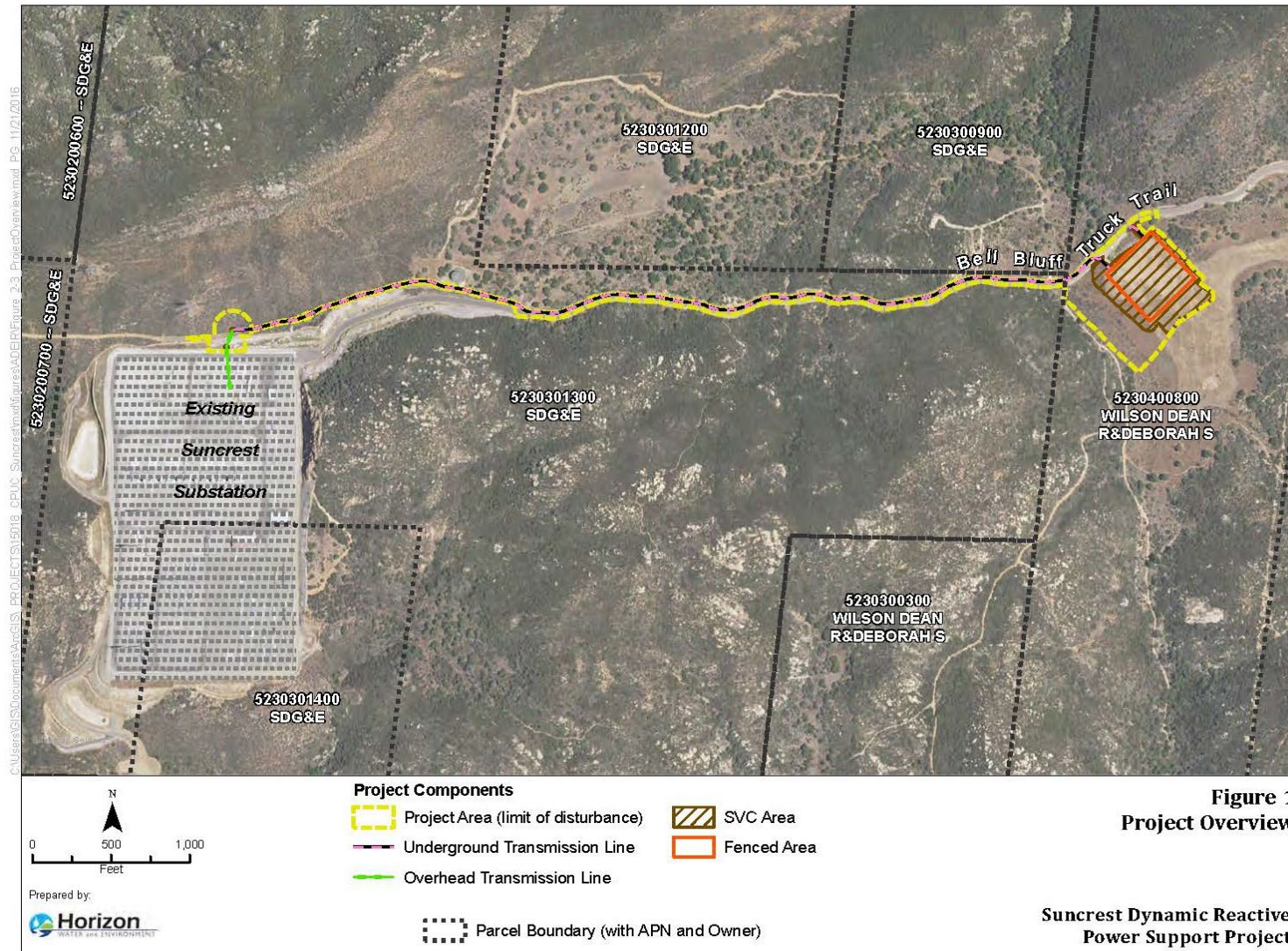


Figure 1. Proposed Project Overview

SVC Facility

Construction of the SVC facility will take place within an approximately 6-acre area located on the Wilson Property (APN 523-040-080), referred to as the Wilson Construction Yard in the FEIR, which was used as a staging/laydown area during the construction of SDG&E's Suncrest Substation in 2012. Figure 1 provides the general location and layout of the SVC facility site; this is shown in more detail in Appendix A, Construction Work Area Drawings. The SVC would include a set of electrical devices, including thyristor-controlled reactors and capacitor banks, designed to provide fast-acting reactive power to the existing transmission system.

In addition to the electrical equipment that NEET West will install at the SVC Facility, the SVC would include the following associated site improvements:

- Two new 20-foot-wide by 95-foot-long access driveways from Bell Bluff Truck Trail to the SVC;
- Stormwater detention basin, sized to capture the runoff from the 85th percentile of a 25-year, 24-hour rain event, and earthen swales to divert run-on stormwater;
- A retaining wall approximately 480 feet long and 15 feet tall at its highest point (an average height of 8 feet) along the east side of the facility;
- Chain link and barbed wire security fencing approximately 7 feet high with secure gates accessible only by NEET West staff and emergency services personnel;
- Transformer oil containment basins designed to contain the oil volume of the transformers plus stormwater from the 25-year, 24-hour storm event;
- A 10,000-gallon water tank for fire suppression outside the Suncrest SVC fence and adjacent to the northeastern driveway, and
- Appropriate signage and lighting.

Construction of the SVC would occur in a phased approach beginning with site preparation (i.e., clearing and grubbing) and grading of the site, followed by installation of the foundations and underground equipment, and finally, installation and testing of the electrical equipment. Prior to clearing and grubbing, all necessary surveys, marking, and installation of stormwater management features (e.g., silt fence, fiber rolls, etc.) would be completed. Excavation methods to establish the foundations for the electrical equipment, retaining wall, and SVC pad will include both conventional practices (e.g., a backhoe) and, potentially, blasting techniques. Conventional excavation practices would be used first to excavate to the location where bedrock is encountered. In areas where shallow bedrock is found, detonation blast holes would be drilled into the bedrock.

Access to the SVC site will be from Bell Bluff Truck Trail and the two driveways described above. Construction at the SVC Facility is scheduled to begin in late January 2019 and is scheduled to be completed by the end of 2019.

Underground Transmission Line

Similar to the SVC, construction of the transmission line will occur in a phased approach beginning with site preparation, followed by trenching, with duct bank and splice vault installation occurring concurrently, and finally, cable pulling, splicing, and termination. Construction of the transmission line is anticipated to require minimal vegetation clearing, as the transmission line will be located primarily within (underneath) the paved surface of Bell Bluff Truck Trail.

Appendix A, Construction Work Area Drawings, provides detail on the location and configuration of work areas associated with the underground and overhead sections of the transmission line. Trenching required for duct bank and vault installation would involve asphalt cutting to expose the soil layer below the paved surface of Bell Bluff Truck Trail, followed by open-cut trenching techniques. The typical trench width for duct bank installation will be approximately 2.5 feet wide by 5 feet deep, while the typical trench width for vault installation would be approximately 9 feet wide by 13 feet deep. Excavation methods for digging the trenches and vaults for the underground alignment will include both conventional practices (e.g., a backhoe) and, potentially, blasting techniques.

Overhead Transmission Line Interconnection

At the termination of the underground transmission line at the western end of Bell Bluff Truck Trail, the transmission line will transition to overhead at a riser pole and turn south for approximately 300 feet before terminating within the existing SDG&E Suncrest Substation. One intermediate pole will be located within this 300-foot overhead span. The work areas for the overhead riser pole and intermediate pole will be located primarily on existing paved surfaces with only minor vegetation removal and grading required to excavate the pole foundations. Temporary work pads may be required to excavate for the foundations or install the poles at either location.

The excavation depths for the poles will be approximately 20 feet deep. Approximately 30 cubic yards of material will be removed from each pole location and re-used onsite or disposed of at an approved off-site location. Following construction of the pole foundations, the riser pole and intermediate pole structures will be installed. Due to the likely presence of rock either at or very near the ground surface, installation of the riser pole and intermediate pole may require localized blasting or other alternative methods, such as micropiles, to install the poles.

Staging Area

A temporary staging area will be established immediately west of SVC Facility on the Wilson Property to facilitate construction of the Proposed Project. Work to prepare the site will entail placing heavy-duty geotextile fabric over an approximately 2.5-acre area, placing rock or gravel on top the fabric, and installing a temporary chain-link fence around the staging area. Equipment and materials to be stored within the staging area will include, but are not limited to, erosion control devices (e.g., straw wattles and silt fencing), construction tools and heavy equipment (e.g., backhoe and bull dozer). The fencing, rock/gravel, and geotextile fabric will be removed once construction activities have been completed and the area restored. Construction of the staging area is scheduled to begin in late January 2019, and will be removed in approximately December 2019 when construction is anticipated to be completed.

Disturbance Areas and Workforce

The estimated area of total land disturbance is approximately 12.59 acres, including approximately 6 acres for the SVC, 2.56 acres for the staging area, and the remaining 4 acres for the underground line and overhead interconnection (Appendix A). Up to 64 construction personnel (peak number) could be present on the Proposed Project site at any given time throughout construction. The FEIR conservatively assumed that the total number of unique construction personnel over the entire construction period would be approximately 120 workers.

Construction Schedule

Overall, the Proposed Project is anticipated to take 11 months to construct (6.5 months for construction; 2.5 months for testing and commissioning; and 2 months for restoration and cleanup) and is targeted to be operational by early 2020. The SVC facility and transmission line would be constructed concurrently. Typically, construction would occur 10 hours per day, 6 days per week, Monday through Saturday, between 7 a.m. and 7 p.m.; however, certain time-sensitive activities and/or activities which are not noise-intensive may occur outside these hours. Currently, construction is anticipated to begin in late January 2019.

Table 1 below describes the phases and respective timing and duration of the construction schedule.

Table 1. Estimated Overall Construction Schedule

Construction Activity	Estimated Duration	Preliminary Schedule
Geotechnical Boring	1 month	2/2019
Staging Area Preparation and Mobilization	11 months	2/2019 – 12/2019
SVC Site Preparation and Grading	2 months	2/2019 – 3/2019
SVC Rock Blasting (if necessary)	5 months	2/2019 – 7/2019
SVC Structure and Equipment Foundation Construction	9 months	3/2019 – 12/2019
Structure Assembly and Erection	5 months	2/2019 – 7/2019
Overhead Line/Wire Stringing	4 months	5/2019 – 9/2019
Mark Out and Install Stormwater Best Management Practices (BMPs)	5 months	2/2019 – 7/2019
Trench and Duct/Vault Installation	5 months	2/2019 – 7/2019
Cabling	3 months	6/2019 – 9/2019
Testing and Commissioning	3 months	9/2019 – 12/2019
Cleanup and Restoration	9 months	3/2019 – 12/2019
Total Construction Period	11 months	-

Notes: Some construction activities will occur concurrently. The actual construction schedule may vary based upon many factors, including the timeline for additional municipal or agency approvals, environmental conditions, and any necessary changes to the project design due to unexpected physical conditions.

Table 2, below, provides a detailed construction schedule by SVC, overhead, and underground segment locations.

Table 2. Detailed Construction Schedule by Segment and Location

Location Description	Activity Name	Estimated Duration	Estimated Start	Estimated Completion
Staging Area	Total Construction Period for Staging Area	12 months	1/2019	12/2019
SVC Site	Total Construction Period for SVC	11 months	2/2019	12/2019
	Site Preparation and Grading	1.5 months	2/2019	3/2019
	Rock Blasting (if necessary)	5 months	2/2019	7/2019
	Drive Way Construction	1.5 months	2/2019	3/2019
	Structure and Equipment Foundation Construction	9 months	3/2019	12/2019
	Structure Assembly and Erection	9 months	3/2019	12/2019
	Wire Stringing	4 months	5/2019	9/2019
	Cleanup and Restoration	9 months	3/2019	12/2019
Overhead Transmission Line Span: from Underground Terminus to SDG&E Suncrest Substation	Total Construction Period for Overhead Span	4 months	5/2019	9/2019
	Intermediate and Permanent Riser Installation	4 months	5/2019	9/2019
	Wire Stringing to SDG&E Suncrest Substation	4 months	5/2019	9/2019
Underground Transmission Line Segment: Bell Bluff Truck Trail between SVC Site and SDG&E Suncrest Substation	Total Construction Period for Segment	9 months	2/2019	9/2019
	Site Preparation and Mobilization	2 months	2/2019	3/2019
	Mark Out (i.e., pre-construction surveys and flagging/fencing of resource areas)	1 month	1/2019	1/2019
	Install Stormwater BMPs	5 months	2/2019	7/2019
	Trenching	5 months	2/2019	7/2019
	Duct Bank and Splice Vault Installation	5 months	2/2019	7/2019
	Trench Backfilling	5 months	2/2019	7/2019
	Riser Pole and Intermediate Pole Construction	4 months	5/2019	9/2019
	Cable Pulling	3 months	6/2019	9/2019
	Splicing	3 months	6/2019	9/2019
	Termination	3 months	6/2019	9/2019
	Cleanup and Restoration	9 months	3/2019	12/2019

Cleanup and Restoration	Revegetation and Restoration	9 months	3/2019	12/2019
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1.3 Monitoring Program

1.3.1 Authority

NEET West is required to implement the APMs and MMs adopted in the FEIR, and to obtain and implement various agency permits applicable to the Proposed Project, as described in the CPUC's Final Decision adopted on October 2, 2018. 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 FEIR pursuant to PRC §21081.6 and Section 15097 of the CEQA Guidelines.

Appendix L of the FEIR included a MMRP that describes a recommended framework for preparing and implementing a MMCRP prior to construction of the Proposed Project. In 2013, the CPUC established a CEQA Citation Program authorizing staff to fine public utilities for non-compliance with Permits to Construct (PTCs) and CPCNs. This MMCRP was prepared pursuant to the framework described in Appendix L of the FEIR, 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.

1.3.2 Purpose

The purpose of the MMCRP is to:

- Summarize the applicable mitigation and reporting requirements identified in the FEIR;
- Organize the requirements by category and implementation phase;
- Describe procedures for NEET West, CPUC, and the contractors to follow, and
- Ensure impacts to the environment addressed in the FEIR are adequately mitigated as required by CEQA.

1.3.3 MMCRP Implementation

Implementation of the MMCRP will end when CPUC determines there is no further need for CPUC monitoring of the Proposed Project. NEET West is required to perform monitoring for the Project to satisfy APM and MM requirements, which are listed in Appendix B, Mitigation Measures Tracking Table. Some requirements will require monitoring for periods of time following Project construction and when the Project is in commercial operation. The CPUC will determine when these such requirements have been continuously satisfied for a sufficient duration, after which CPUC will notify NEET West of the conclusion of the operational monitoring period. However, NEET West will continue to conduct monitoring,

maintain associated records, and provide monitoring results to CPUC for certain operational monitoring criteria (e.g., loss of SF₆) throughout operation of the Proposed Project.

Chapter 2

Scope of the Program

2.1 California Environmental Quality Act Mitigation

The Proposed Project is subject to APMs and MMs identified in the FEIR that are collectively referred to as CEQA mitigation. Appendix B lists all APMs and MMs that are applicable to the approved project. This appendix is a modified version of the table included in Appendix L of the FEIR and is one of the core components of the MMCRP. Appendix B includes the following information:

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

2.2 Permits and Authorizations

State and local agencies have jurisdiction over lands and resources in the Proposed Project area. Potentially applicable permits for the Proposed Project were addressed in the FEIR Project Description and are listed in **Table 3**. In addition to the APM and MM requirements, NEET West is required to obtain permits and/or agency authorizations from state and local agencies.

The Proposed 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. No other federal or state discretionary permits are required for the Proposed Project.

Table 3. Project Permits and Authorizations

Regulatory Agency	Law/Regulation	Permit/Authorization Type	Triggering Action
San Diego Regional Water Quality Control Board	Clean Water Act, Section 402	National Pollutant Discharge Elimination System (NPDES) General Construction Stormwater Permit	Disturbance of more than one acre of land during construction.
County of San Diego, Department of Environmental Health	Unified Program: various laws and regulations related to hazardous waste	Unified Program Facility Permit	Storage of transformer oil, which is classified as a hazardous substance under State law.
County of San Diego, Sheriff's Department	Blasting Permission	Blasting Permit	Potential use of blasting materials during construction

No local discretionary permits are required because the CPUC has preemptive jurisdiction over the construction, maintenance, and operation of transmission facilities in California. NEET West 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 C.

Chapter 3

Roles and Responsibilities

NEET West, including their contractors, are collectively responsible for ensuring environmental impacts addressed in the FEIR are adequately mitigated. NEET West is responsible for implementing and maintaining all MMs and APMs, and for obtaining and complying with all required permits. The CPUC is responsible for monitoring NEET West's compliance by verifying that implementation is completed adequately, and enforcing appropriate corrective actions if the Proposed Project is not in compliance.

This section describes specific NEET West and CPUC roles and responsibilities for the Proposed 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 C. The contact information shall be updated as needed throughout implementation of the MMCRP to reflect personnel changes.

3.1 NEET West Compliance Personnel

3.1.1 NEET West Project Manager

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

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

3.1.2 NEET West Environmental Compliance and Permitting Lead

NEET West is responsible for designating personnel to overseeing the overall compliance and permitting effort for the Proposed Project. The NEET West Environmental Compliance and Permitting Lead (ECL) shall be the lead NEET West representative responsible for assigning personnel responsible for managing compliance with the Project's environmental

requirements and the MMCRP. The ECL is also responsible for implementing environmental requirements and the MMCRP. The NEET West ECL's responsibilities shall include:

- Understanding and planning for Project environmental staffing requirements;
- Coordinating with NEET West's Environmental Permitting Lead (ECL) and ensuring that qualified personnel are available to support the Project;
- Providing leadership to correct environmental compliance incidents, and
- Participating in meetings and communicating with the CPUC Project Manager as needed to support the Project.
- Understanding and planning for Project requirements and construction needs;
- Communicating environmental requirements to the NEET West Compliance Personnel¹ and Construction Leads;
- Communicating with the CPUC Monitoring Team² 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, and

3.1.3 NEET West/SWCA Environmental Compliance Supervisor

NEET West is responsible for designating at least one person to supervise the day-to-day compliance effort. The Environmental Compliance Supervisor (ECS) shall support the role of the NEET West ECL and may perform any duties that are delegated by the NEET West PM and the NEET West ECL.

The Environmental Compliance Supervisor (ECS) will support the NEET West ECL with overall management of environmental compliance and will directly coordinate the activities of the Environmental Inspector, specialty monitors, and other field personnel as necessary. The ECS will be CPUC's main point of contact for compliance related issues. The ECS will also communicate with the ECL, project management and construction personnel to ensure

¹ NEET West Compliance Personnel, as described in MMCRP Section 3.1, includes the collection of NEET West internal and contractor staff that will support the environmental compliance effort for the project.

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

environmental compliance and project adherence to measures contained in the project's MMCRP. In addition to the above, the ECS responsibilities will include but not be limited to:

- Communicating as needed with the NEET West ECL, PM, and CL and other project staff on environmental issues, including noncompliance events;
- Assigning inspection staff for the all construction phases and providing direction on permit, mitigation measures, and plan requirements;
- Communicating environmental responsibilities and requirements, and any safety issues to the onsite EI, specialty monitors, and other personnel;
- Ensuring that EIs and specialty monitors have the proper documents, information and training to maintain project compliance;
- Ensuring that public notification requirements are met during construction;
- Providing QA/QC of EI daily and weekly reports, Specialty Monitoring Reports, Non-compliance Notices, and Noncompliance Resolution Reports for the project;
- Maintaining all project files with proper documentation of construction compliance and variance requests;
- Participating in project meetings with construction management, resource agency representatives, and/or contractor management personnel to ensure the integration of environmental issues and communications into construction.

3.1.4 NEET West/SWCA Environmental Inspector

Several Project requirements entail 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 Safety and Environmental Awareness Program (SEAP) Training. The NEET West EI(s) may perform environmental inspection tasks in conjunction with their other inspection and monitoring duties

NEET West is responsible for designating at least one environmental inspector (EI) who will be present at the Proposed Project site on an as-needed basis to oversee and verify the project compliance effort. The frequency of environmental inspection will be sufficient enough to ensure project compliance. The SWCA EI shall work closely with construction personnel and shall be the primary field employee responsible for verifying and documenting environmental compliance. Multiple SWCA EIs may be needed to effectively monitor compliance during periods of high construction activity or high monitoring demand.

The SWCA EI's responsibilities shall include:

- Understanding environmental Project requirements and construction needs;
- Taking direction from the NEET West ECL and SWCA ECS;
- Communicating construction needs and possible conflicts with environmental requirements to the ECL and ECS;
- 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 ECL and ECS.

3.1.5 NEET West/SWCA Specialty (Subject Matter) Monitors

NEET West 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 (for example, Biological Monitoring or Biological Surveys) if they possess the appropriate qualifications and experience, and have received applicable agency approval. Appendix C lists the designated specialty monitors, their contact information, and dates of agency approval, if applicable.

Specialty Monitors will be assigned as required to protect sensitive resources. Specific responsibilities of the monitors would include but not be limited to:

- Conducting biological surveys prior to construction, as required by the Biological Monitor;
- Monitoring specific construction activities as required by the project's MMRP (for example, monitoring during all construction-related ground-disturbing activities that may impact sensitive biological resources);
- Recording activities and observations; and

- Notifying the EI of any issues and providing field assessments to address unanticipated discoveries of biological, cultural, or other sensitive resources.

3.1.6 NEET West Construction Lead

NEET West shall identify one or more Construction Leads (CLs) for the Project who are responsible for managing Field Construction Advisors (FCAs) and Contract Administrators (CAs) and providing oversight of NEET West's Construction Contractor. CLs shall provide support to the NEET West PM and oversee the activities of construction personnel. CL responsibilities include:

- Implementing contractor compliance with NEET West specifications, construction contracts, and applicable codes;
- Coordinating with NEET West Compliance Personnel regarding implementation of project APMs and 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 NEET West Compliance Personnel;
- Communicating construction needs and schedule changes to the NEET West Compliance Personnel, and
- Regularly facilitating field meetings with construction and environmental staff.

3.1.7 NEET West Construction Contractors

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 SEAP that are applicable to their position. Any questions regarding Project requirements shall be directed towards NEET West CLs, NEET West FCAs and CAs, and/or NEET West 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 NEET West 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 NEET West public affairs staff and address community issues and concerns when they arise;
- Working with the NEET West 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 NEET West 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 NEET West'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 NEET West daily and weekly monitoring reports;
- Preparing MMCRP weekly compliance reports and submitting to the CPUC Monitoring Manager and PM;
- Reviewing NEET West's compliance reports for consistency with field observations and identifying and reconciling any inconsistencies;
- Coordinating all aspects of the Project with the NEET West Compliance Personnel;
- Communicating directly with NEET West 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 NEET West Compliance Personnel to resolve any compliance incidents.

3.2.4 CPUC Environmental Monitors

CPUC EMs shall be identified for the Proposed Project. CPUC EMs shall be the primary field personnel for CPUC and responsible for verifying compliance with Project requirements at the Project site 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, 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 NEET West 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 C. Both CPUC and NEET West 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 C may periodically visit the Project site to verify compliance or to request information from NEET West regarding compliance with laws, regulations, and project permits. NEET West is responsible for responding to requests from jurisdictional agencies and submitting the permits and authorizations to CPUC per Project requirements such as MMs, APMs, and Project plans. NEET West 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, APMs, or Project plans. NEET West shall also 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 NEET West PM or NEET West ECL 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 NEET West seek the requested clarification or invite NEET West 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.

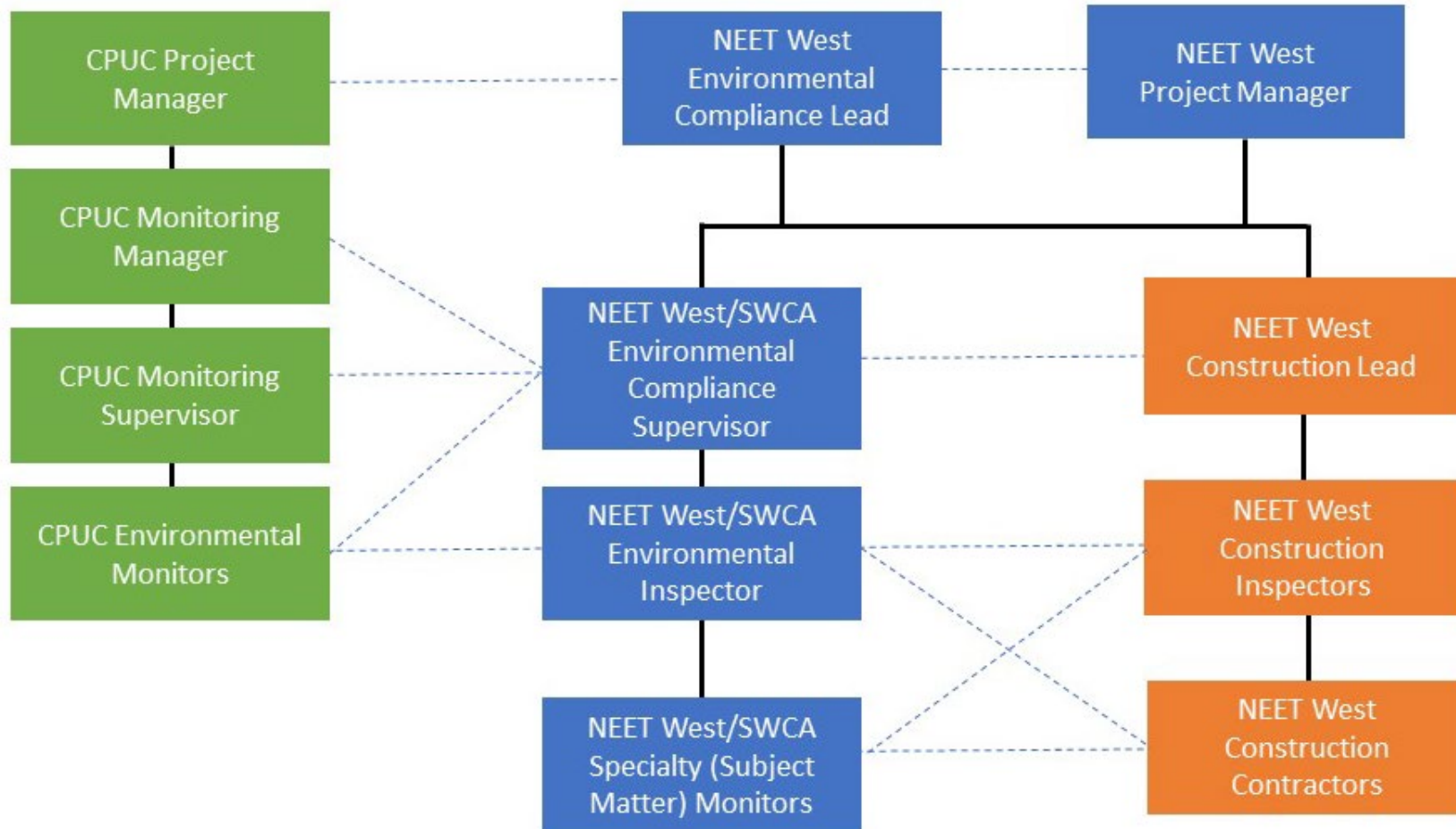


Figure 2. MMCRP Organization and Communication Chart

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, including during Project operation, to facilitate successful implementation and documentation of Proposed 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 NEET West 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 Proposed Project.

4.1.1 Pre-Construction Compliance Coordination

NEET West 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, NEET West will conduct meetings, conference calls, and site visits with technical representatives of the CPUC and other agencies, and NEET West'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 NEET West submittals, and document the status of MMs as they apply to the Proposed 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 NTP authorizations.

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 NEET West, 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, APM, 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, NEET West, 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 C. 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 NEET West's EI. The CPUC EMs will contact NEET West's EI 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 NEET West's LEI, then NEET West's ECS will be contacted to address the problem. Similarly, the CPUC EM will contact NEET West's EI 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 NEET West's Compliance Personnel is present during the discussion. The CPUC EM will contact the designated NEET West 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).

NEET West

NEET West 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. NEET West 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 NEET West ECS. 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 NEET West PM, ECL, ECS, 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 MPR or TEWS requests or corresponding pending approvals will also be discussed.

Site Visit Coordination

Field personnel from both NEET West and CPUC shall coordinate site visits with a designated NEET West EI 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 NEET West 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 NEET West EI 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 NEET West Compliance Team.

4.1.3 Questions and Clarifications

Questions will periodically arise throughout the implementation process. Both NEET West 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 NEET West 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 NEET West 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

NEET West shall inform the CPUC Monitoring Team immediately of any delays in the construction schedule as laid out in the MMCRP that may affect the Project and implementation of the MMCRP.

4.1.6 Dispute Resolution

The following procedure will be observed for dispute resolution between CPUC staff and the applicant:

- Disputes and complaints should be directed to the CPUC's designated 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.

4.2 Pre-Construction Compliance Verification

Plans, surveys, studies, and other documentation required to be completed by NEET West before construction are listed in Appendix B. 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 and APMs 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 and APMs, 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 NEET West's progress as it relates to NEET West's construction plans and Project mitigation and permitting requirements. Based on NEET West'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

NEET West is required to obtain CPUC authorization prior to initiating Project activities through the NTP process. The NTP process involves the NEET West Compliance Personnel submitting an NTP request package to the CPUC Monitoring Team, and the CPUC PM issuing an NTP Authorization Letter. To save time, NEET West 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.

Due to the relatively limited size of the Project footprint and concurrent nature of many of the Project construction activities, it is anticipated that only one NTP will be issued for the Project. The NTP request should include:

- Requested approval date;
- Anticipated start and end date for the proposed actions;
- 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 FEIR 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 NEET West Compliance Personnel. 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 NEET West Compliance Reports and Checklists

NEET West is required to prepare a Weekly Compliance Report and Checklist during construction. The Weekly Compliance Report and Checklist will serve as the core method for NEET West to communicate Project activities to the CPUC and to document the FEIR compliance effort.

A compliance checklist PDF form is located in Appendix D. 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 NEET West 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 NEET West EI(s) and/or LEI 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, APMs, 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 B.

Supplemental information provided by NEET West, 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 1-3 Incidents (see Table 4 for definitions and description) shall be prepared by the observing party (either NEET West or CPUC) and submitted to the alternate party within one business day of the observation. Level 1 Incidents will be reported through a brief email from the observing party. Level 2 Incidents will be reported through a Project Memorandum. 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 NEET West 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 4 below. This section addresses incident categories and procedures for addressing them.

4.5.1 Incident Categories

Incident categories include compliance-level incidents, Occupational Safety and Health Administration (OSHA)-recordable health and safety incidents, vehicle accidents that are related to project traffic closures, and public complaints.

Compliance Level Incidents

NEET West 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 4).

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 4, 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 NEET West Compliance Personnel of such observations in the field. If such events or observations continue to occur following CPUC's field notification to the NEET West 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, a Compliance Deviation or Non-Compliance could result.

Table 4. Compliance Levels

Incident Level, Reporting Term, and Severity	Examples	Action	Follow-Up
Non-Incident			
Level 0: Acceptable Compliant	All project requirements were followed adequately.	None	None
Definition: An event or observation where the project was compliant with all project requirements.	No issues were observed.		
Incident			
Level 1: Minor Problem <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.	An oral warning shall be provided by the CPUC Monitoring Supervisor to NEET West’s ECL (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 non-compliance could result in a significant impact over time.
Level 2: Compliance Deviation <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. Project personnel used an unauthorized overland travel route and previously undisturbed	A verbal notice shall be given to the NEET West LEI or EI, followed immediately by written documentation of the incident in a Project Memorandum sent by the CPUC Monitoring Supervisor to NEET West’s EM (or assigned designee). Corrective action shall begin immediately if feasible.	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 action under the CPUC’s CEQA Citation Program.

Incident Level, Reporting Term, and Severity	Examples	Action	Follow-Up
	<p>turnaround area or access road, but the action did not impact a sensitive resource.</p> <p>A diesel-powered vehicle not in use was observed idling for more than 5 minutes.</p>		
<p>Level 3: Non-Compliance <i>Out of compliance (high severity)</i></p> <hr/> <p>Definition: 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 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>Erosion control BMPs failed during a storm and sediment was discharged into a 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 NEET West LEI or EI, followed immediately by a written NCR from the CPUC Monitoring Manager to NEET West’s ECL (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

NEET West 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 NEET West will be conducted consistent with the "self-identified potential violation" requirements of the CPUC's Safety Citation Program and the Accident Reporting Requirements³. 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 subcontractors⁴.
- Any instances of fraud, sabotage, falsification of records and/or any other instances of deception by NEET West's personnel, contractors, or subcontractors, which caused or could have caused a potential violation, regardless of the outcome⁵.
- 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.

NEET West 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. NEET West will also notify the CPUC about traffic accidents within construction traffic control areas⁶. In addition to the incidents describe above, the CPUC may request that NEET West 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.

³ 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.

⁴ "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).

⁵ 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

⁶ Traffic Control Areas identified in the Traffic Control Plan submitted to the appropriate jurisdictional agency as required by MM TR-2: Minimize Effects of Temporary Roadway Disturbance.

Health and safety incidents will not reflect negatively on NEET West'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 Noise-1 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. NEET West 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 NEET West 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 NEET West Public Affairs Manager and Project Information Line. Complainants who approach field personnel at the Project site will be referred to the Project Information Line.

NEET West shall work with the CPUC on best practices for handling public complaints. NEET West will maintain an electronic complaint log and will allow the CPUC to have real-time access to this electronic complaint log, so CPUC can track public complaints received by NEET West. NEET West will respond to public complaints within 24 hours upon receipt. CPUC shall notify NEET West of public complaints received by the CPUC to facilitate NEET West's timely response to these complaints and NEET West will add these to the electronic complaint log. NEET West shall make every reasonable effort to work with members of the public and correct actions leading to complaints.

NEET West shall also provide weekly summaries of the public complaints and how each complaint was addressed within the Weekly Compliance Report. The CPUC PM will coordinate with the NEET West Public Affairs Manager on the adequacy of corrective actions or additional measures to be implemented.

Public complaints will not reflect negatively on NEET West's environmental compliance record unless a specific Project requirement, permit, or plan requirement was violated.

4.5.2 Identifying Incidents

The NEET West 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 NEET West's compliance reporting.

NEET West 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 NEET West and CPUC.

4.5.3 Notification

NEET West and CPUC shall notify one another of 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. NEET West 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 NEET West to provide those notifications or make those notifications in coordination with NEET West Compliance Personnel.

4.5.4 Stop Work Orders

Provided it is safe to do so, any NEET West 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-4550⁷. 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 Program Refinements

NEET West 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, NEET West is

⁷ docs.cpuc.ca.gov/PublishedDocs/Published/G000/M065/K136/65136746.PDF

required to submit MPR requests to the CPUC Monitoring Team and obtain authorization from the CPUC PM through the process described in this section.

Approval for MPR requests will only be granted if the proposed refinements are consistent with CEQA requirements, and comply with the APMs and 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 Procedure⁸. Proposed 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 FEIR;
- Create a new significant impact or substantial increase in the severity of a previously identified significant impact, based on the thresholds used in the FEIR;
- Trigger additional permit requirements that are not defined in the FEIR or MMCRP;
- Conflict with any APM or 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 FEIR, 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 E 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;

⁸ docs.cpuc.ca.gov/PublishedDocs/Published/G000/M209/K618/209618807.PDF

- A summary list of applicable Project requirements (e.g., APMs, 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 or APM;
- A statement describing if the proposed refinements would conflict with any APM, MM, applicable guideline, ordinance, code, rule, regulation, order, decision, statute, or policy, and
- Evidence of NEET West's consultation with other governmental agencies, to the extent applicable.

The CPUC Monitoring Team shall review MPR requests to ensure the proposed refinements are consistent with the FEIR and final CPUC decision. 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 NEET West 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 NEET West determines a need for a construction TEWS, it must submit such a request to the CPUC, consistent with the communication protocol. NEET West will not be permitted to use a TEWS prior to receiving written authorization from the CPUC. If appropriate, NEET West will also send a copy of the TEWS to affected jurisdictional agencies.

NEET West 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. NEET West 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 NEET West will be required to submit with its TEWS request (see Appendix F 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.

Chapter 5 Records Management

Daily Inspection and Weekly Compliance Reports 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/suncrest/

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