

# Letter I37

VIA TELEFAX 415-291-8943

Judith Ikle  
CPUC Project Manager  
c/o Public Affairs management  
101 The Embarcadero  
Suite 210  
San Francisco, CA 94105

RE: LODI GAS STORAGE PROJECT

Ms. Ikle:

Please accept the following comments regarding the EIR for the above named project.

I have reviewed Figure 2-4. It appears that the well hole is concrete cased to a depth of 2200', however, I can not tell for sure. Is it all the way down? It should be all the way down to prohibit water contamination of domestic wells at shallower depths.

I37-1

It appears the EIR is deficit in an area. It fails to provide any meaningful information on water injection wells identified on Figure 2-2. In terms of construction, typical cross section nor operation. Please expand this area and/or advise me where this information is located if it is within the document. What is potential for domestic water contamination?

I37-2

Table 5-1 under Groundwater Quality as stated in the document, as an affected property owner, I want my water tested. It states that LGS will implement a monitoring program at locations recommended by a qualified geologist and by mutual agreement with affected landowners. LGS will sample and analyze groundwater prior to drilling any injection/withdrawal or observation wells to establish baseline conditions. LGS will sample and analyze groundwater 30 days after the completion of the drilling of injection/withdrawal or observation wells and every 6 months thereafter. LGS will provide sampling containers to landowners for biannual independent laboratory testing. LGS will pay all costs associated with sampling containers, laboratory analysis, and shipping. Result of all groundwater monitoring analyses will be mailed directly from the laboratory to the affected landowners and the CPUC.

I am not in support of this project. This project should be under the same level of restrictions, if not more than, a project which was starting from scratch. I believe that once this project is underway, there will be total disregard for the safety of area residents. Any changes in the groundwater will be fought by LGS as being blameless and or hold harmless. They will shun responsibility for any negative impacts which occur to the groundwater unless absolutely proven that they were the only source for the downturn in the quality of water (and even if proven, it will most likely be years and millions of dollars later). I insist that my groundwater be tested as part of this mitigation measure. Although I am outside of the immediate area which technically is not affected by this project, this project still has many unknowns. I believe it is unknown if there is or could be any impact to my groundwater based on any aspect of the proposed project. Unless LGS is willing to state that they will be totally responsible for any downgrading of the quality of my groundwater, period; I want my water to be tested and utilized in the mitigation measure.

I37-3

This will ensure that if any changes occur, I will know immediately, and LGS will be held responsible. This will lessen the concerns and fears I have if this project is approved. Please advise me on the steps necessary for me to take to be included in this mitigation measure.

(cont'd)

Thank you for your attention to my questions and concerns.

~~Inez Villa~~ Property Owner  
9848 E. Jahant Road  
Acampo, CA 95220  
(209) 339-4842

## **Responses to Comments from Inez Villa**

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I37-1. As shown of Figure 2-4 of the draft EIR, the well will be cased in concrete from the top of the storage formation to the ground surface.

I37-2. As described on page 2-18 of the draft EIR, all wells will be drilled using conventional techniques in accordance with the California Code of Regulations. Page 2-12 of the draft EIR outlines the California Division of Oil, Gas, and Geothermal Resources role in supervising the development, operation, and abandonment of gas injection, production, and storage projects. Although not shown in the draft EIR, the Applicant's PEA provides typical diagrams for observation and water injection wells, both of which will be completed in a manner similar to the injection/withdrawal wells.

Impact 3.4-3 on page 3.4-19 of the draft EIR identifies that there is potential for cross contamination of aquifers. The CPUC believes that developing or abandoning wells in compliance with the Department of Conservation's Division of Oil, Gas, and Geothermal Resources rules and regulations reduces this potential impact to a less-than-significant level.

I37-3. Based on your mailing address it appears that your property overlies the Lodi Gas Field, consequently your well may be a candidate for water quality monitoring. Depending on the depth of the well and the screened interval, however, a neighbor's well may be better suited for monitoring than yours. A registered geologist or hydrogeologist will recommend wells for water quality monitoring based on well drilling information and other geological information. Because of the continuous nature of the groundwater aquifer, however, similar results would be expected at the same depth from any well within a given area. Therefore, monitoring of every well is not required to obtain the needed information.



# Letter I38

09 Nov. 1999

From:  
Roger Ward, affected property owner  
25302 N. Pearl Rd.  
Acampo CA 95220  
209-365-1100  
Voice mail 408-289-3941

To:  
Judith Ikle', CPUC Project Manager  
C/o Public Affairs Management  
101 The Embarcadero, suite 210  
San Francisco, CA 94105  
Fax: 415-291-8943  
Email: cpuc-gas-lodi@pamsf.com

Comments on:  
Lodi Gas Storage, LLC's Application for Certification of Public Convenience and Necessity for Construction and Operation of Gas Storage Facilities Application 98-11-012  
Draft Environmental Impact Report (SCH#99022065) September 1999.

### 1. Summary

These comments are exclusively on section 3.10 Noise and Appendix D. Noise Technical Appendix. The analysis of noise impact and the proposed mitigation measures are technically inadequate and are improperly biased in favor of the Applicant. Technical information is selectively used when in when it will minimize the need for mitigation and ignored when it demonstrates the need for more costly mitigation measures. Furthermore, the analysis provides a vehicle for LGS bypass the proposed mitigation effort by obtaining releases from far fewer residences than will be impacted by the noise. These comments will be provided to the CPUC Project manager by email and by fax.

### 2. Conclusion

The EIR (1) identifies that the night time background noise level is as quiet as 33.3 dBA L10, which is equivalent to the rustling of leaves at 65 ft (2). The proposed mitigation measures for compressor and separation facility night operation would not protect the environment in the immediate area and would also allow a much larger area to be impacted than is acknowledged in the EIR. The analysis does not address well known atmospheric conditions that result in noise pollution at a substantially greater distance than indicated in section 3.10. As a result of this insufficient and specious analysis, the mitigation measures are inadequate to protect the environment of a much greater number of residences than are acknowledged by the EIR.

I38-1

The EIR completely ignores the impacts of short duration noise sources, such as venting operations mentioned in EIR section 2.4.4 and as discussed in the 12 Oct. 1999 Public Meeting on Draft EIR, Lodi CA. The venting operations will produce sound levels comparable to a jet engine that will be audible at much greater distances than steady state operation noise.

I38-2

The analysis of noise and proposed mitigation efforts should be rejected until these substantial deficiencies are addressed and effective mitigation measures are proposed.

### 3. Deficiencies In impact assessment and mitigation measures

3.1 Impact 3.10-2: Exposure of Noise-Sensitive Land uses to Noise from Well Drilling Activities. This section incorrectly states that only 50 residences within 2000 ft of well pads will be subjected to a substantial increase in noise level. The deficiency here is that the analysis does not consider well known atmospheric conditions that cause sound to be much louder than the "square law" attenuation would

I38-3

predict. This sound reinforcement is results from sound that is initially directed to the upper atmosphere but is refracted or "bent" back to earth by temperature inversion or by wind gradients (3) (4).

Well drilling is proposed to be conducted on a 24-hour basis. The night time temperature inversion will refract sound back down to ground level causing the noise from this night time activity to be insufficiently attenuated at a much longer distance than the 2000 ft. stated by the EIR.

Notwithstanding the atmospheric effects, this section understates the radius of impact by the Well drilling operation. The ambient noise values quoted in this paragraph are inconsistent with the data presented in Appendix D (4). The ambient noise value that should be used for the separation site and thus the well drilling sites is 33 dBA L10 to 42 dBA L90, not the 35-45 dBA Leq as stated in this paragraph. The analysis in this paragraph inappropriately uses upper end of the Leq ambient noise range. The Leq measurement is the equivalent continuous average sound level over a period of time. This value is meaningless to the human ear which dynamically adjusts its sensitivity to sound based upon sound levels preceding a noise event. The ear of the listener at separation site, were the night time L10 measurement was 33.3 dBA, would be for something less than 10% of the time sensitized to be able to hear the sound of leaves rustling at 65 ft.

I38-3  
(cont'd)

For analysis of night time impact of noise on residences, the use of the Leq measurement as the value of background noise is incorrect. The L10 limit should be used because the human ear is most sensitive when there is an absence of competing noise sources. In this case there is an absence of forward masking and the tympani muscles in the middle ear are fully relaxed allowing stimulus to be passed on to the inner ear (5). Using the 5 dBA criteria for significance criteria as indicated by Section 3.10.3, the L10 value of the ambient range, and the ambient range listed in Appendix D, then 38 dBA should be the evaluation criteria, not 45 dBA as used in this section. Using Table 3.10-5, the radius of impact is between 4000 and 5000 ft.

Considering these two defects together, and estimating that there is +3 dBA of sound reinforcement from refraction, then the radius of impact is well over a mile. This is substantially more than 50 residences.

3.2 Mitigation Measure 3.10-2: Restrict the hours of construction, install noise-reducing barriers around drilling sites, and employ other noise-reducing "best management practices" to reduce drilling noise

These mitigation measures are based upon a defective impact analysis and must be revised after reanalysis of the impact.

I38-4

The section states that the Applicant may obtain releases from residences within 2000 feet of the well pad if noise will be produced in excess of that permitted by the mitigation measures. This is must not be allowed. This would allow the Applicant to make agreements with a small group of residences in order to have operations that impact residences in an area that is 6 times as large.

3.3 Impact 3.10-3: Exposure of Noise-Sensitive Land Uses to Noise from Operation of the Separator Facility.

This section makes a reference to the "most recent analysis provided by the Applicant and reviewed by the Commission". This information is presumed to be the Appendix D: H&K Report No. 1431 titled: Lodi Gas Storage Project Noise Impact Analyses of the proposed Gas storage Facility and Separation Station.

I38-5

This section does not exclude 24 hour operation and there fore provides conflicting ambient noise levels in comparison to Appendix D (1). The night time ambient noise for the separation site is 33 dBA L10 to 42 dBA L90.

This section provides the false statements contending that the "recent analysis" predicts 37 dBA at the nearest receptor for release of gas, which is lower than the 45 dBA Leq ambient, there fore no mitigation is required. This is a blatant misrepresentation of the H&K report, which clearly states in paragraph 3.4

describing Table D, that the spreadsheet analysis includes the estimated noise reduction associated with any anticipated and/or recommended noise mitigation measures. The report goes on to recommend mitigation measures in paragraph 5.0 and subparagraphs to it.

I38-5

This misrepresentation of the analysis provided by the Applicant casts suspicion on the entire EIR. The central issue is that the EIR does not specify the specific noise control measures to be applied to the separation facility in section 2.4.3. The text of section 'Impact 3.10-3' does not state that any noise control measures will be used and goes on to state that 'no mitigation is required'. Although the H&K report states several noise mitigation measures, the applicant is in no way committed to act on the H&K recommendations.

(cont'd)

#### 3.4 Impact 3.10-3: Exposure of Noise-Sensitive land Uses to Noise from Operation of the Separator Facility.

This section makes a reference to the "most recent analysis provided by the Applicant and reviewed by the Commission". This information is presumed to be the Appendix D: H&K Report No. 1431 titled: Lodi Gas Storage Project Noise Impact Analyses of the proposed Gas storage Facility and Separation Station.

This impact is deficient in that it makes no reference to venting operations for maintenance as described in section 2.4.4 as 24 inch in diameter and 12 ft high. This is a significant omission in that pressure and geometry's are present to produce jet engine like sound pressure levels.

I38-6

The claim that there are no mitigation measures is false because all significant noise sources have not been considered.

#### 3.5 Impact 3.10-5, 3.10-6, and 3.10.6 and associated mitigation measures

Deficiencies identified previously are to be found in these impacts and mitigation measures.

A significant new deficiency associated with these is the selective recognition of wind as an atmospheric factor in propagation of noise. What is specious and self serving about this is that the discussion only recognizes the wind shadow effect in the area upwind but does not acknowledge or consider the effect of sound reinforcement downwind from the noise source. The claim that noise sensitive areas upwind (west) of the noise source would have reduced impact is valid. What is intellectually dishonest is that there is no corresponding assessment of the increased noise level down wind of the source.

I38-7

Also completely absent is a consideration of sound reinforcement due the thermal inversions.

#### 4 Reference:

- (1) Appendix D: H&K Report No. 1422, Paragraph 4.4
  - (2) Crocker, M., Noise and Noise Control, Volume 1, 1975, fig 1.14, CRC Press
  - (3) Rudnick, I., Handbook of Noise Control, McGraw-Hill, 1957, Chap. 3
  - (4) Kurze, V. and Beranek, L., Noise and Vibration Control, McGraw-Hill, 1971, chap. 7
- Rudnick, I., Handbook of Noise Control, McGraw-Hill, 1957, Chap. 3

#### 5 Experience in the field

I have a BS degree in electronics engineering from Cal-Poly and have experience in acoustic signature management for military tracked vehicles.

## **Responses to Comments from Roger Ward**

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- I38-1. The CPUC believes that the analysis is appropriate and adequately describes the noise environment and the potential noise-related impacts of the proposed project. While it is true that certain specific and transient atmospheric conditions (e.g., inversions) can result in an increase in the distance that noise events are perceived, such events are extremely difficult to predict and to model over an extended period of time. Therefore such conditions are not typically considered in EIR assessments. In addition, there are also times when other specific and transient atmospheric conditions (e.g., winds, rain) would tend to dampen the noise effects predicted through noise modeling. The draft EIR analyses did not attempt to take such conditions into account. In summary, the draft EIR analyses used the best available information and industry-wide modeling approaches to predicting noise impacts of the proposed project.
- I38-2. See Chapter 2, “Clarification of Major Issues”, of this final EIR for a discussion of venting. The project Applicant has provided additional project design details that indicate that noise levels from use of the emergency relief valves will be reduced to less-than-significant levels. In addition, such emergency releases would occur only very infrequently.
- I38-3. See response to comment I38-1 above. The Leq measurement is typically used in EIR assessments and is considered the standard measure of noise conditions. For example, the San Joaquin County Noise Ordinance uses Leq to derive noise standards. This commenter also appears to have incorrectly cited information contained in Appendix D of the draft EIR. Page 5 of the Hoover & Keith Inc. report in Appendix D indicates that the L10 sound measurement at the separation facility is 42.4 dBA (not 33 dBA), while the L90 sound measurement is 33 dBA (not 42 dBA). Given that noise conditions change on a frequent and continuous basis and the well field covers a large area and includes residences adjacent to local roadways as well as residences located away from roadways, the 35-45 dBA Leq is an appropriate approximation of existing noise conditions near the separation facility. It should be noted that the measured Leq at the separation facility actually ranged from about 46 dBA to 54 dBA; therefore, use of a 35-45 dBA Leq range to approximate existing conditions is considered conservative.

It is also important to note that should the project be approved, well drilling activities will temporarily become part of the background noise environment. Drilling will not be suddenly “switched on”; as stated by the commenter, it will be a continuous process and, as such, will not be contrasted to non-drilling conditions on a regular basis.

- I38-4. The CPUC believes that the noise impact analysis is valid. Mitigation Measure 3.10-2 has been revised based on comments from the California Division of Oil, Gas, and Geothermal Resources. See Chapter 3, “Revisions to the Draft EIR”, of this final EIR for these changes.
- I38-5. Section 2.4.13 of the draft EIR states on page 2-45 that the separator and compressor facilities will be designed and operated in such a manner as to comply with the San Joaquin

County Noise Ordinance. The analyses in the draft EIR assumed implementation of the mitigation measures recommended in the Hoover & Keith report, or similar measures, as those measures were required to bring the facility in compliance with the San Joaquin County Noise Ordinance as committed to by the Applicant. The CPUC will require the Applicant to demonstrate that compliance with the San Joaquin County Noise Ordinance can be achieved as a condition of approval, should the project be approved, and project operation.

I38-6. See response to comment 38-2 above.

I38-7. It is important to note that the noise analysis did not take into account prevailing wind conditions in determining that impacts to the nearest sensitive receptor would be less than significant. The purpose in qualitatively describing the fact that areas upwind of the alternate compressor site in Sections 3.10.5 and 3.10.6 would likely experience somewhat reduced noise levels as compared to predicted noise levels because of prevailing wind conditions, is related to the fact that the only nearby sensitive receptor identified for this location is located northwest of the alternate compressor site. Although it is true that the same conditions would result in increased noise levels downwind of the site, no sensitive receptors are located to the east that could be affected by the alternate compressor facility. Residences located to the east are relatively close to Highway 99 and ambient sound levels at those locations are higher as a result. The alternate compressor facility would therefore not result in perceptible noise increases at these locations, even when prevailing wind conditions are taken into account.



# Letter I39

TERESA E. WILLIAMS  
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(209) 369-2589

NOVEMBER 4, 1999

CA PUBLIC UTILITIES COMMISSION  
c/o PUBLIC AFFAIRS MANAGEMENT  
101 THE EMBARCADERO, SUITE 210  
SAN FRANCISCO, CA 94105

## COMMENTS ON THE DRAFT EIR

I APPRECIATE ALJ JANET ECONOMY, JUDITH IKLE, AND DICK BILAS SEEKING AN UNBIASED OPINION IN DETERMINING THE ADVISABILITY OF LGS, LLC BEING GIVEN THE RIGHT TO PUT IN THIS PIPELINE, STORAGE AND IT'S ACCOMPANING FACILITIES. HOWEVER, I HAVE SOME QUESTIONS CONCERNS REGARDING THIS ISSUE AND THE INTEGRITY OF THIS COMPANY.

IN JUNE, LGS, LLC TOLD WE LAND OWNERS THAT "THEY HAD BOUGHT CREDITS. WITH THESE CREDITS ALL 300 ANNUAL TONS OF POLLUTION WOULD BE TAKEN CARE OF BY THE WIND BLOWING IT AWAY. MEASURES TO TAKE CARE OF THE POLLUTION WOULD BE TOO EXPENSIVE!" THIS IS ONLY ONE OF THE FLAGRANT DISCREPANCIES TO THEIR PLAN, AND OUR AREA NEED.

I39-1

FOLLOWING ARE SOME QUESTIONS I HAVE REGARDING THIS PLAN.

## THREAT OF EMINENT DOMAIN

1. WHY WAS THIS COMPANY FOR PROFIT ABLE TO PROCEED SIGNING CONTRACTS USING THE THREAT OF EMINENT DOMAIN BEFORE THE VALIDITY OF THEIR PLAN AND THEIR INTENTIONS FOR OUR COMMUNITY ESTABLISHED? - THE GOOD OF INDIVIDUAL LAND OWNERS? - NEED OF STATE ECOLOGY? - LOCAL RESIDENTS AND BUSINESS NEEDS?

I39-2

IS "COMMUNITY CONSENT WITH COHERSION OKAY WITH THE CPUC BOARD? WHAT WILL BE THE OUTCOME IF THIS COMPANY, WHO HAS LOST THEIR CREDIBILITY, IS ALLOWED TO PROCEED? HOW MUCH ILL WILL CAN WE LIVE WITH?

2. HOW VALID IS THE EIR REPORT. IN ALL DUE RESPECT, JUDITH ILKE CAN DO ONLY SO MUCH WITH THE INFORMATION GIVEN HER. HOW DID ALL THE TESTING & MEASUREMENTS FOR THE EIR REPORT TAKE PLACE? WHO PAID FOR THEM? WHY WAS THIS INFORMATION TAKEN WITHOUT LANDOWNER KNOWLEDGE OF PERMISSION? (THE ACCURACY OF DECIBEL REPORT IS ALREADY IN QUESTION - LACKING SCIENTIFIC CONTROLS) WHY WAS COMPRESSOR VENTING OMITTED? WHAT OTHER PERTINENT FACTS HAVE BEEN OMITTED?

I39-3

WHAT HAPPENS TO PLANT PRODUCTION, ANIMAL WELFARE AND PEOPLE WELFARE WHO LIVE OVER, CLOSE TO 24", 30" PIPELINE, COMPRESSOR? IT IS A KNOWN FACT THAT PLANTS UNDER HIGH VOLTAGE LINES DO NOT FARE AS WELL AND NEED A MAGNET STRATEGICLY PLACED TO INCREASE PRODUCTION.

IS THIS A "BOUGHT" PUBLICATION?"

I39-4

COMPRESSOR - SITE - POLLUTION - PIPELINE - page ES-3

CPUC 10/99 "THE COMPRESSOR STATION WILL PUMP GAS INTO AND OUT OF THE BELOW-GROUND STORAGE RESERVOIRS AND FURTHER DRY THE GAS". THE COMPRESSOR NEEDS TO BE LOCATED ON SITE NEAR THE WELLS - BY THE PEOPLE WHO WILL PROFIT - RENTING

THEIR UNDERGROUND TO LGS, LLC. LIBERTY ROAD IS A BETTER EXIT - LESS POPULATED AREA.

I39-4

1. TOO MANY PEOPLE ON THE DOME? - EITHER BUY SOMEONE OUT OR PERHAPS THAT IS THE VERY REASON THIS PROJECT IS IN THE WRONG PLACE.

(cont'd)

2. WHY IS IT BEING LOCATED BY THE 99 FREEWAY RATHER THAN ON THE DOME NEAR THE WELLS? WHAT DOES 99 HIGHWAY HAVE TO DO WITH LGS, LLC AND THEIR PROJECT OTHER THAN TRYING TO HIDE BEHIND THE SKIRTS OF THE FREEWAY? NOT ACCEPTING THEIR RESPONSIBILITY FOR WHAT THEY ARE DOING TO OUR COMMUNITY IN TERMS OF POLLUTION, SMELL AND NOISE. WHY SHOULD THEY THUMB THEIR NOSE AT THE FEDERAL POLLUTION STANDARDS. IS OUR CLEAN AIR ANY LESS VALUABLE THAN THE DOMES UNDERGROUND SPACE? LODI NEWS SENTINEL 11/8/99 STATES "SAN JOAQUIN VALLEY CURRENTLY VIOLATES SMOG RULES. - FUTURE MEASURES WILL BE TAKEN TO CORRECT THIS PROBLEM" HOW DOES THIS PROJECT FIT IN WITH THIS INFORMATION?

I39-5

UNLIKE THE PEOPLE OF THE DOME, NO COMPENSATION HAS BEEN DISCUSSED WITH THOSE WHO LIVE NEARBY, SHARING THE SAME AIR SPACE. INDEED, IT IS EVEN MORE VALUABLE BECAUSE POLLUTED AIR ULTIMATELY EFFECTS OUR HEALTH AND QUALITY OF LIFE.

3. HOW IS A COSMETIC CHANGE OF THE COMPRESSOR, ETC. A GREAT DEAL? IT IS PROJECTED TO PUT OUT AN ANNUAL POLLUTION RATE OF 75 TONS+, NOISE AND SMELL IN THE FACE OF THE PEOPLE WHO LIVE NEARBY. A BLACK WIDOW IN A TUTU IS STILL A BLACK WIDOW.

I39-6

FARMERS MUST CALL TO SEE IF IT IS A BURN DAY BEFORE BURNING - NO CREDITS CAN BE BOUGHT. WHY CAN THIS COMPANY BUY CREDITS AND PROCEED REGARDLESS OF BURN RESTRICTIONS? VIOLATING THE INTENT OF THE FEDERAL MEASURE.

4. TABLE ES-1 - 3.1-4 CRITERIA WAS DEEMED "NOT SIGNIFICANT" WHO MAKES THAT JUDGEMENT? I DOUBT ANY CLOSE NEIGHBOR WOULD AGREE.

I39-7

3.1-7 CONSISTENCY WITH PROPOSED LAND USES - LESS THAN SIGNIFICANT". HOW CAN INDUSTRIAL REFINING WHICH IS NOT CURRENTLY NOT IN THE AREA, BE CONSISTENT WITH THE AREA AND BE LESS THAN SIGNIFICANT?

TABLE ES-1 PAGE 5 - HYDROLOGY SECTION - WHAT HAPPENS TO POLLUTED WATER DISPLACED AS GAS IS PUMPED INTO THE WELLS?

I39-8

ZONE CHANGE

1. WHY CAN A COMPANY WHO HAS LOTS OF MONEY MAKE A ZONING CHANGE THAT EFFECTS MANY CLOSE NEIGHBORS (800 HOMES, 3 SCHOOLS AND THEIR OCCUPANTS) WHEN A HUMANITARIAN NEED SUCH AS MY PARENTS HAD , COULD NOT MAKE A CHANGE. (THEY WANTED TO DIVIDE THEIR LAND SO A FAMILY MEMBER COULD BUILD AND LIVE NEARBY ASSISTING THEM IN THEIR DAILY LIFE?

I39-9

PROPERTY DEVALUATION AND COMPENSATION

1. WHAT HAPPENS TO PROPERTY OWNER WHOS PROPERTY VALUES DEPRECIATE AND THE VALUE OF THEIR LIFE HAS BEEN DEPRECIATED BY THIS PROJECT? WILL THEREBE AN HONEST, WILLING COMPENSATION? OR WILL IT BE A HASSLE - TAKING AS MUCH AS THEY CAN FOR AS LITTLE AS THEY CAN GET BY WITH? LODI NEWS SENTIENEL 10/4/99 QUOTES LGS, LLC AS SAYING "THEIR PROJECTED INCOME WILL BE APPROXIMATELY \$20,000,000. THEY DO NOT NEED TO MAKE THEIR MILLIONS ON THE BACKS OF THE ADJACENT LANDOWNERS NOR THE LANDOWNERS WHO WILL BE EFFECTED BECAUSE THEY LIVE IN THE AREA.

I39-10

*Lorena E. Williams*

## **Responses to Comments from Teresa Williams (November 4, 1999)**

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- I39-1. The Applicant has proposed additional pollution control technologies and will purchase emission offsets if required by the San Joaquin Valley Unified Air Pollution Control District.
- I39-2. The CPUC has no jurisdiction or authority over the negotiations that have occurred between LGS and landowners. It is important to note that LGS does not currently have eminent domain authority and will not receive it unless the CPUC approves the project and grants eminent domain powers through the SB 177 process. See Chapter 2, “Clarification of Major Issues”, of this final EIR for a general discussion of the eminent domain process.
- I39-3. Information in the draft EIR was derived from information submitted by the Applicant and by independent analysis conducted by consultants under contract to the CPUC. Much of the information was derived from review of aerial photographs of the project area. Noise measurements were typically taken from publicly accessible locations. Venting of the compressor was briefly discussed in Section 2.4 of the draft EIR. Based on comments received, additional information is included in Chapter 2, “Clarification of Major Issues” of this final EIR.
- I39-4. There is no evidence that implementation of the proposed project would have any measurable effect on plant production and animal welfare. The pipeline would be inert and would not carry any electrical current. Safety issues related to the proposed project are discussed in Section 3.9 of the draft EIR.

Locating the compressor at the well field site would result in substantially greater land use inconsistencies than would occur at either of the two sites addressed in detail in the draft EIR. This alternative was therefore not considered further.

- I39-5. This comment concerns the location of the compressor facility adjacent to Highway 99, applicable federal air quality standards, and the potential reclassification of the San Joaquin Air Basin as a severe nonattainment area for ozone. As discussed in Section 2.2.4, “Project-Specific Location Alternatives”, the original concept was to place the compressor as close as possible to the well field. Because the compression equipment generates noise, siting of the compressor adjacent to the well field was determined by the Applicant to be incompatible with surrounding residential land uses. Given the technical feasibility of operating the compressor facility apart from other project facilities, alternate compressor sites that have higher background noise levels were evaluated. The results of the initial screening of alternate compressor locations, which included an evaluation of noise sensitivity, presence of biological resources, compatibility with existing land uses, and other criteria are presented in Table 2-1 of the draft EIR. The compressor site locations northeast of Highway 99 and Peltier Road and southwest of Lind Airport were determined by the Applicant to meet all initial evaluation criteria. The environmental impacts of siting the compressor facility at these locations is evaluated in the draft EIR. All other potential compressor sites failed to

than significant and no mitigation is required. Noise levels associated with infrequent venting of the compressor are discussed in Chapter 2, “Clarification of Major Issues”, of this final EIR. Air quality impacts associated with the operation of the compressor are disclosed in Section 3.5, “Air Quality”, of the draft EIR. As discussed in the response to comment I39-5, air quality impacts associated with operation of the compressor require the incorporation of best available control technologies to reduce emissions and offsets are required for emissions that exceed specified trigger levels.

- I39-7. The criteria discussed under Impact 3.1-4, “Compatibility with Surrounding Land Uses”, were developed based on professional judgment and review of relevant information. The commenters disagreement with these criteria is noted.
- I39-8. The CPUC is unaware that polluted water exists in the gas storage formations. The storage formations, as described on page 3.4-6 of the draft EIR, contain saline water that is not suitable for agricultural, industrial, or domestic uses. This water would remain in the deep aquifers and would move in and out of the storage formations depending on the amount of gas being stored. The concrete and steel well casing will prevent the water from moving upwards into the aquifers that are suitable for the previously mentioned uses.
- I39-9. No zoning changes would be required to implement the proposed project. Such facilities are considered potentially consistent uses within the agricultural zone, as a conditionally permitted use with an approved Site Approval application. See Chapter 2, “Clarification of Major Issues”, of this final EIR, for a detailed discussion.
- I39-10. The commenters concern regarding reduction in property values is noted. Although the CPUC is concerned about property values in the area, effects on property values are not typically considered an environmental issue and, as such, are not addressed in an EIR. Eminent domain issues are discussed in Chapter 2, “Clarification of Major Issues”, of this final EIR.

# Letter I40

TERESA E. WILLIAMS  
21658 N. RAY ROAD  
LODI, CA 95242

OCTOBER 19, 1999

DICK BILAS  
PRESIDENT, CALIFORNIA PUBLIC UTILITIES COMMISSION  
505 VAN NESS AVE.  
SAN FRANCISCO, CA 94102-3298

DEAR MR BILAS:

IN JUNE WE WENT TO A MEETING SPONSORED BY LODI GAS STORAGE, LIMITED LIABILITY CO. THEY SAID AT THAT TIME THEY HAD BOUGHT CREDITS AND THEY WERE GOING TO LET THE TRADE WINDS BLOW THE POLLUTION AWAY. THE ANNUAL POLLUTION WAS LISTED THEN AT 305 TONS ANNUALLY - ALMOST A TON A DAY. AT THAT MOMENT I DETERMINED THIS COMPANY WAS NOT REPUTABLE. THEY DO NOT HAVE THE GOOD OF OUR COMMUNITY AT HEART. THEIR EXCUSE WAS "IT COST TOO MUCH MONEY TO TAKE CARE OF THE POLLUTION. EVERY CONSESSION THEY HAVE GIVEN HAS BEEN GRUDGINGLY.

I JUST FOUND OUT ABOUT THE COMPRESSOR VENTING. LGS, LLC SAID, "WE DON'T VENT REGULARLY". WHAT HAPPENS WHEN AT THAT IRREGULAR TIME IT VENTS A PARACUTIST OR AN ULTRA LIGHT JUST HAPPENS TO BE IN THE WAY? | I40-1

WHEN CONFRONTED WITH THE UGLINESS OF THEIR 5 STORY HIGH COMPRESSOR, THEY REDREW THE PLAN TO BE 2 STORIES WITH VEGETATION AROUND IT. PURELY COSMETIC. OH YES, THEY NOW HAVE THE TOXIN TONAGE DOWN TO APPROXIMATELY 75 TONS ANNUALLY. THE NEW HOME, JUST 1,500 FEET AWAY GETS FULL BENEFIT OF ALL 75 TONS. THE HOME ONLY 1,000 FEET AWAY, LGS, LLC DID NOT EVEN HAVE TO TALK WITH THEM BECAUSE THEIR PROPERTY LINE WAS 45 FEET AWAY FROM BEING ADJACENT. YET THE COMPANY WAS ON THEIR PROPERTY WITHOUT PERMISSION TAKING SOME OF THEIR TESTS.

MY QUESTION IS WHAT HAPPENS TO ALL THE PEOPLE WHOSE LIFE STYLE WILL BE EFFECTED BY THE COMPRESSOR? IS THAT THEIR DONATION TO THIS COMPANIES MILLIONS OF DOLLARS OF PROFIT? WHAT ABOUT THE PEOPLE ALL ALONG THE ROUTE WHEN THEY COME TO SELL AND FIND FHA WILL NOT LOAN MONEY BECAUSE A PRESSURIZED GAS PIPELINE IS TOO CLOSE. WHAT HAPPENS WHEN INSURANCE SKYROCKETS BECAUSE A FACILITY IS TOO CLOSE? | I40-2

IT MAKES A PERSON ANGRY TO HEAR FROM INDIVIDUALS WHO HAVE BEEN STRONG ARMED WITH THE THREAT OF IMMINENT DOMAIN. AND I KNOW ALL OVER AGAIN THIS COMPANY IS BUILDING THEIR FACILITY BY USING THE PEOPLE OF OUR COMMUNITY TO ENHANCE THEIR OWN POCKET BOOK ONLY.

IF LGS, LLC HAD COME IN AND TOLD US THIS IS WHAT WE WOULD LIKE TO DO. THESE ARE THE BENEFITS. HOW CAN WE MAKE IT WORK. PERHAPS A PLAN COULD HAVE BEEN MADE THAT WOULD MAKE IT WORK. HOWEVER, I FEEL THERE ARE TOO MANY PEOPLE BEING PUT AT RISK EITHER FINANCIALLY OR PHYSICALLY.

VERY TRULY,

TERESA E. WILLIAMS

ENCLOSED PETTITIONS WITH OVER 1,700 SIGNATURES AGAINST THIS PROJECT

CC: DAVIS, POMBO, PASCETTI, JOHNSON, SEIGLOCK, CABRAL, IKLE, *Econome*

# Letter I40

TERESA E. WILLIAMS  
21658 N. RAY ROAD  
LODI, CA 95242

OCTOBER 19, 1999

DICK BILAS  
PRESIDENT, CALIFORNIA PUBLIC UTILITIES COMMISSION  
505 VAN NESS AVE.  
SAN FRANCISCO, CA 94102-3298

DEAR MR BILAS:

IN JUNE WE WENT TO A MEETING SPONSORED BY LODI GAS STORAGE, LIMITED LIABILITY CO. THEY SAID AT THAT TIME THEY HAD BOUGHT CREDITS AND THEY WERE GOING TO LET THE TRADE WINDS BLOW THE POLLUTION AWAY. THE ANNUAL POLLUTION WAS LISTED THEN AT 305 TONS ANNUALLY - ALMOST A TON A DAY. AT THAT MOMENT I DETERMINED THIS COMPANY WAS NOT REPUTABLE. THEY DO NOT HAVE THE GOOD OF OUR COMMUNITY AT HEART. THEIR EXCUSE WAS "IT COST TOO MUCH MONEY TO TAKE CARE OF THE POLLUTION. EVERY CONSESSION THEY HAVE GIVEN HAS BEEN GRUDGINGLY.

I JUST FOUND OUT ABOUT THE COMPRESSOR VENTING. LGS, LLC SAID, "WE DON'T VENT REGULARLY". WHAT HAPPENS WHEN AT THAT IRREGULAR TIME IT VENTS A PARACUTIST OR AN ULTRA LIGHT JUST HAPPENS TO BE IN THE WAY? | I40-1

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MY QUESTION IS WHAT HAPPENS TO ALL THE PEOPLE WHOSE LIFE STYLE WILL BE EFFECTED BY THE COMPRESSOR? IS THAT THEIR DONATION TO THIS COMPANIES MILLIONS OF DOLLARS OF PROFIT? WHAT ABOUT THE PEOPLE ALL ALONG THE ROUTE WHEN THEY COME TO SELL AND FIND FHA WILL NOT LOAN MONEY BECAUSE A PRESSURIZED GAS PIPELINE IS TOO CLOSE. WHAT HAPPENS WHEN INSURANCE SKYROCKETS BECAUSE A FACILITY IS TOO CLOSE? | I40-2

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IF LGS, LLC HAD COME IN AND TOLD US THIS IS WHAT WE WOULD LIKE TO DO. THESE ARE THE BENEFITS. HOW CAN WE MAKE IT WORK. PERHAPS A PLAN COULD HAVE BEEN MADE THAT WOULD MAKE IT WORK. HOWEVER, I FEEL THERE ARE TOO MANY PEOPLE BEING PUT AT RISK EITHER FINANCIALLY OR PHYSICALLY.

VERY TRULY,

TERESA E. WILLIAMS

ENCLOSED PETITIONS WITH OVER 1,700 SIGNATURES AGAINST THIS PROJECT

CC: DAVIS, POMBO, PASCETTI, JOHNSON, SEIGLOCK, CABRAL, IKLE, *Econome*

## **Responses to Comments from Teresa Williams (October 19, 1999)**

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- I40-1. Based on observations at the parachute center it appears that the parafoil style parachutes used by most parachutists are highly maneuverable and can be controlled to avoid the proposed project facilities. When observed during preparation of the draft EIR, most parachutists landed within 100 feet of the parachute center, which is a multi-story building. The compressor facility would be approximately 35 feet tall and would be screened by trees; therefore it is likely that an ultralight pilot would be able to see the facility from some distance and would be able to safely avoid it. Venting would take place in 10-foot-deep, bermed pits that would be easily visible and should also be avoided by parachutists.
- I40-2. The commenters concern regarding reduction in property values is noted. Although the CPUC is concerned about property values in the area, effects on property values are not typically considered an environmental issue and, as such, are not addressed in an EIR. Eminent domain issues are discussed in Chapter 2, "Clarification of Major Issues", of this final EIR.

# Attachment to Letter I41

TERESA E. WILLIAMS  
21658 N. RAY ROAD  
LODI, CA 95242  
AUGUST 6, 1999

CALIFORNIA PUBLIC UTILITIES COMMISSION  
ALJ JANET A ECONOME  
505 VAN NESS AVENUE  
SAN FRANCISCO, CALIFORNIA 94102

DEAR ALJ JANET A. ECONOME,

RE: - WESTERN HUB/LODI GAS STORAGE LLC - GAS LINE PROJECT  
- LODI GAS STORAGE LLC PROJECT REPORT & MAPS - FILED AT LODI PUBLIC LIBRARY

WHEN WESTERN HUB/LODI GAS STORAGE LLC SHARED THEIR PLANS TO THE LODI/ACAMPO LAND OWNERS IT WAS EVIDENT THERE WERE MANY SERIOUS FLAWS. I AM LISTING A FEW. IF YOU WANT TO DISCUSS FURTHER PLEASE CALL ME AT 209-369-2589.

1. IN THE LODI GAS STORAGE, LLC REPORT IT STATES THIS FACILITY WILL BE LOCATED IN A SPARSELY POPULATED AND ECONOMICALLY DEPRESSED AREA. (GRAPE LAND WEST OF HIGHWAY 99 IS SELLING FOR APPROXIMATELY 15,000 OR ABOVE) IT ALSO STATES THE MULTI STORY COMPRESSOR AND 18,000 H.P. MOTOR, WILL BE LOCATED BY THE 99 FREEWAY. AND STATES THE YEARLY OUT PUT OF TOXINS WILL BE 305 TONS AT ONLY 40% USAGE. TOXINS LISTED ARE BENZENE, TOLUENE, XYLENE, ETHYLBENZENE, POLYCYCLIC AROMATIC HYDROCARBONS, ACETALDEHYDE, FORMALDEHYDE, CARBON MONOXIDE, NITROGEN OXIDES, AND SULFUR DIOXIDE.

WESTERN HUB/LGS,LLC TOLD THE LAND OWNERS THE SITE WAS CHOSEN BECAUSE THE FREEWAY WOULD MASK THE NOISE AND POLLUTION. THEY ALSO SAID SCRUBBERS WILL NOT BE INSTALLED, INSTEAD THEY HAVE PURCHASED "CREDITS" FROM OTHER COMPANIES, INDICATING THE POLLUTION WOULD BE ALL RIGHT. THEY STATED THE PREVAILING WIND WOULD BLOW THE POLLUTION AWAY. THEY DID NOT INDICATE WHERE THE TOXINS WOULD GO, NOR WHAT HAPPENS ON ATMOSPHERIC INVERSION DAYS.

2. TWO COMPRESSOR SITES ARE ON THE MAP, THE FIRST SITE IS DIRECTLY IN THE FLIGHT PATTERN OF LIND AIRPORT. THE CHOSEN SITE IS ON THE WEST SIDE OF 99 FREEWAY BESIDE LIND AIRPORT. VINEYARDS ARE ADJACENT TO THE PROPERTY LINE, HOMES BEGIN AT 1,000 FT. THERE ARE 800 HOMES, 3 SCHOOLS AND MANY SMALL BUSINESSES WITHIN A 5 MILE RADIUS. MANY NEW HOMES ARE IN THE CONSTRUCTION PHASE NEARBY.

WESTERN HUB WOULD HAVE LIMITED LIABILITY IN CASE OF A DISASTER. IF AN ACCIDENT SHOULD TAKE PLACE IT COULD BE CATASTROPHIC. FIRE CHIEF, MICHAEL W. KIRKLE, STATED IN HIS LETTER TO CALIFORNIA FARM BUREAU, CONCERNS OF HANDLING HAZARDOUS MATERIALS ON-SITE SUCH AS METHYL MERCAPTAIN. ALSO, POTENTIAL RELEASES OF OTHER TOXIC AIR CONTAMINANTS POSE DIFFERENT EMERGENCY ACTIONS AND HAZARDS FOR RESPONDING PERSONNEL. THIS WILL REQUIRE THE PURCHASE OF EXPENSIVE SPECIALIZED EQUIPMENT.

3. SINCE THIS IS ONLY A STORAGE COMPANY THEY CANNOT PROMISE THIS GAS WILL BE SOLD IN THIS AREA NOR EVEN A RATE REDUCTION.



PAGE 2

RE: WESTERN HUB/LGS, LLC - GAS LINE PROJECT

*Why were they given the right to use the threat of eminent domain before a workable plan was made? Isn't that community consent by coercion?*

4. WESTERN HUB/LGS, LLC, A COMPANY FOR PROFIT, IS REQUESTING THE UTILITIES COMMISSION GIVE THEM THE RIGHT OF EMINENT DOMAIN.

- THEY ARE A COMPANY FOR PROFIT. THIS WOULD BE A DANGEROUS PRECEDENCE.
- BECAUSE THERE ARE SO MANY FLAWS THROUGHOUT THIS PROJECT THEY SHOULD NOT BE GIVEN EMINENT DOMAIN.
- ENCLOSED IS A COPY OF A LETTER BY CHARLES F. HAMMOND, REAL ESTATE APPRAISAL. HE STATES THE DECREASE IN VALUE OF THE LAND WILL BE 10% - 50%. IN SOME INSTANCES MORE.
- AN INSURANCE AGENT SAID CERTAIN PROPERTIES WOULD NOT BE ABLE TO OBTAIN AFFORDABLE INSURANCE.

WESTERN HUB/LGS, LLC HAS STATED THERE WILL BE NO DEVALUATION OF PROPERTIES, THEREBY, LIMITING THEIR LIABILITY IN THIS PROJECT.

PLEASE SUPPORT SENATE BILL 177. PLEASE USE YOUR INFLUENCE AGAINST THE CURRENT PLANS FOR THIS 31 MI. PIPELAND ACROSS PRIME FARMLAND, SENSITIVE WETLANDS, AND ACCOMPANING FACILITIES ADJACENT TO RURAL RESIDENTIAL PROPERTIES.

SINCERELY

TERESA E. WILLIAMS

CC: GOVERNOR GRAY DAVIS

U S REP RICHARD POMBO

SENATOR PATRICK JOHNSTON

CA STATE ASSEMBLY REP ANTHONY PES CETTI

SAN JOAQUIN CO. BOARD OF SUP. JACK SIEGLOCK

## Charles F. Hammond

Real Estate Appraisal

9610 E. Peitler Road  
Acampo, CA 95220  
Phone: (209) 368-7888  
Fax: (209) 368-7888

April 20, 1999

Concerned Citizens  
Acampo Gas Storage Facility

This letter is written for informational purposes regarding land and vineyard values, replacement costs of vineyards and the impact the large pumping station (injection station) may have on property values.

There have been many vineyard sales in the immediate and general area that clearly indicate a value of between \$15,000 and \$22,000+ per acre for economically producing vineyards. The value of a vineyard considers the variety, production capacity, age, rootstock, grape marketing agreement and other characteristics of the particular property.

Bareland prices for large, agricultural properties in the area between Interstate-5 and the proposed Acampo storage field are between \$6,500 and \$14,000 depending on location, soil, water availability, size, drainage and other characteristics.

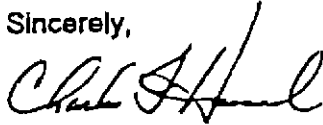
The direct cost of replacing a vineyard is estimated at between \$9,000 and \$10,000 per acre. This cost is above the estimate reported in the 1995 study completed jointly by the U. C. Extension Service and the Lodi District Grape Growers. Since this study was in 1995 there has been a 25%+ increase in the minimum wage and several of the other inputs have increased such as trellis systems, plants and equipment. The direct cost of planting and cultivating a vineyard is only a portion of the total development cost. Indirect costs include cost of capital, opportunity costs, taxes, arranging market agreements, profit and other costs that are estimated at an additional 45% to 85%. This figure is confirmed by market evidence from the various pieces of current market data. The real direct and indirect costs to establish a vineyard are estimated at \$13,000 to \$18,500 per acre, not including land cost.

It is understood that a large pumping (injection) station will be built in the Acampo area and is planned to be five stories high and house 18,000-horse power in pumping units. The noise and air pollution produced by this unit along with the detracting esthetics is anticipated to negatively impact property values in the general area and more seriously in the immediate vicinity of this unit. The esthetics of vineyard property is very important to the land owners and the industry. It should

also be understood that much of the area is more residential in character than agricultural. I would anticipate market value decreases caused by this plant to range from 10% to 50% and in cases of rural residential property the decrease may be more.

I hope this clarifies the various questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles F. Hammond".

Charles F. Hammond  
Appraiser Number: AG002043  
Certified General Real Estate Appraiser

## **Responses to Comments from Teresa Williams (October 13, 1999)**

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- I41-1. Safety issues are addressed in Section 3.9, “Public Health and Safety”, of the draft EIR.
- I41-2. The commenter objects to the project’s emissions of air pollutants. The Applicant would be required to comply with all applicable federal, state, and local air quality regulations. These regulations require the incorporation of best available control technologies (BACT) into the project design to minimize emissions. For emissions of air pollutants in exceedance of specified trigger levels, the Applicant is required to purchase offset credits.
- I41-3. See Chapter 2, “Clarification of Major Issues”, in this final EIR for additional information regarding venting of the compressor facilities.
- I41-4. There is considerable uncertainty regarding the interpretation of the Airport Land Use Plan. Potential conflicts with the plan are fully disclosed in Section 3.1 of the draft EIR. Since publication of the draft EIR, the Applicant has received a letter from the Federal Aviation Administration indicating that the proposed project did not conflict with the those elements of airport safety under the jurisdiction of the FAA. See Chapter 2, “Clarification of Major Issues”, of this final EIR for more information.
- I41-5. The commenters concern regarding reduction in property values is noted. Although the CPUC is concerned about property values in the area, effects on property values are not typically considered environmental in nature and, as such, are not addressed in an EIR. See Chapter 2, “Clarification of Major Issues”, of this final EIR for a discussion of eminent domain issues.

# Letter I42

Dear, Judge Econome

My name is Todd Williams. I am a landowner who is very opposed to the LGS project. Some of the reasons I am opposed to this project include, but are not limited to:

- 1. LGS indicates how dangerous they are to our community in that they are only a LIMITED LIABILITY COMPANY located in Texas. I42-1
- 2. Even though LGS has stated in the local newspaper that they do not want to use eminent domain to acquire property needed for this project, they have threatened me and other landowners in the community with condemnation of our property if we do not sign an easement agreement with LGS. I42-2
- 3. I believe this company to be dangerous and irresponsible in their proposed placement of the compressor station and alternate compressor site. I42-3
- 4. We don't need another gas storage facility in our community, we have MC Donald Island's Natural gas facility already located in San Joaquin County. I42-4

When I heard of the place where LGS wanted to put the compressor facility, I could not believe my ears that they wanted to put it directly in the flight path of the airport. When I read this in the proposal, I asked myself, is LGS stupid enough to think that this wasn't a dangerous location? With this placement they are willing to risk their equipment, the lives of their employees, the lives of the pilots, and the lives and property of the residences living in the area?

In questioning LGS representatives about this, their comments were quote " A plane won't hit it. Aren't you worried about a plane hitting your house?" I replied yes I am, but there is a big difference between my house and this facility. My house doesn't have four huge engines, glycol reboilers and generators which will be putting hot exhaust gasses into the air which will cause turbulence for the planes flying through it as well as a visual distraction for pilots. If a plane does hit this facility it probably has a 1000 times more chance of a bigger explosion than my house. Their only reply to this was " Do Not worry. A plane will not hit it ". I42-5

In making a few phone calls, I found out that LGS would not be able to build the compressor facility there because it conflicts with the airport land use plan and that it was unsafe for planes to fly over it. So I ask you [CPUC] how safe can this company be? In their haste to get a proposal to you [CPUC], they don't research the safest possible location for the compressor site? Which raises another question, what other safety issues is LGS willing to overlook in building this project? Not only in building this project but also in the operation of this project when it will have large quantities of natural gas running through it, and be potentially more dangerous? I42-6

When it became apparent that they needed another site for the compressor facility, their next site, which is called their preferred site in the EIR, is closer to the runway than before. It now is only 1150 feet from the main runway. How can this be the best solution? I ask you [CPUC] does moving it closer to the runway safer. Does this preferred site, which is in conflict with the airport land use plan on five different points instead of four, make it safer? Does it make it safer for the pilots, skydivers, and residents in the area for a privately owned, limited liability company, to come in change the airport land use plan? I42-7

[I quote from the Airport Land Use Plan. Section 4, Airport Land Use Restrictions] " These guidelines are necessary to ensure that no new land use that results in a hazard to aircraft or to the health or safety of persons on the ground is permitted within any part of an airport's area of influence.

"It must also be emphasized that airport land use guidelines cannot be construed to permit any land use which is prohibited by zoning or other non-airport related land use standards which may be applicable to any area." I42-8

LGS aware of these restrictions and conflicts associated with the airport land use plan, still says that this is their preferred site. OBVIOUSLY, LGS does not give a damm about the hazards, which will occur by this project being in violation of five land uses at the airport!

In researching the EIR the mitigation measure for these conflicts is for LGS to request, that the Airport Land Use Commission amends the airport land use plan. How can this be an acceptable mitigation to the CPUC?

According to the Public Utilities Code, the Airport Land Use Commission is to: I quote "Formulate a comprehensive land use plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the Commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general."

I42-8  
(cont'd)

I will ask you again how amending the Airport Land Use Plan, which is set up to safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general reduces the hazards?

Chapter 2 of the EIR - Project and Alternatives Description, page 2-7, first paragraph beneath Table-1 states:

'The compressor site locations northeast of Highway 99 and Peltier Road and southwest of Lind Airport were determined by the Applicant to meet all initial Evaluation criteria. All other potential compressor sites failed to meet at least two of the initial evaluation criteria and were eliminated from further evaluation.'

Table 2-1 shows the results of the criteria being: SENSITIVE NOISE RECEPTORS; BIOLOGICAL RESOURCES; LAND USE; LAND AVAILABILITY PIPELINE DISTANCE; ELECTRICAL SERVICES; AND ACCESS.

I42-9

This is obviously a blatant lie. If LGS knew about the conflicting land uses within the Airport Land Use Plan, what else have they lied about to the CPUC and our community?

If LGS supplied all of the data for the Air Quality Chapter in the EIR how can we trust them to be accurate?

I42-10

In the same chapter there is a table 3.5-5 NATURAL GAS FIRED EQUIPMENT- TOXIC AIR POLLUTANTS EMISSIONS the emissions from glycol reboilers were based on fax from Ron Richards, Western Hub Properties, how accurate are these numbers? Did the CPUC research this with other comparable facilities?

LGS has stated that they will use emanate domain if you [CPUC] grant them their permit. Giving that power to a privately owned limited liability company should not be done. Especially if you consider the fact that they plan to pollute our community with the construction and operation of this facility. LGS is required to buy offsets because this project will not meet air quality standers for the San Jauquin Valley. In doing so, this does not reduce the pollutants. However, in the EIR it says it reduces it to be insignificant.

Are people insignificant? Am I insignificant? Is my soon to be born child insignificant? Are you insignificant? Just for profit, this company wants to endanger our health. The engineer for LGS stated that he would want to live next to the compressor facility, why should my children be subjected to the pollutants that they intend to produce. They state that this facility could be run with electric compressors, which would reduce the pollutants to within San Joaquin Air Quality Regulations. They state in the EIR that it would cost too much money in the long run. Is their profit margin more important than my child's health? In my eyes, LGS is worse than the tobacco companies in that we have a choice if we smoke but if you [CPUC] permit them to build this facility the way they have proposed we will not have a choice!

I42-11

In reviewing this project I hope you seriously consider what you will be subjecting not only my family to but ever family within 2 mile radius of this facility. I would ask you to put you and your families in the house next to this compressor facility as you make your recommendation and decision about this project?

In doing research on the placement of the compressor station I have found that it conflicts with the airport land use report on several different zones. The following are in conflict with the Airport Land Use Plan:

1. Their proposed site for the compressor is located in the inner approached climbout zone of the approach surface of the airport.
2. 1000 feet of the pipeline would be under the inner approach and climbout zone as well. This zone prohibits any natural gas pipelines as well as natural gas switching facilities to be located in this zone; it also prohibits using this zone as chemical storage. In the EIR, LGS has stated they will be storing chemicals at the compressor facility.
3. 1200 feet of the pipeline would be under the transitional zone. This transitional zone prohibits natural gas generation & switching, natural gas & petroleum pipelines, and petroleum and chemical storage.
4. The pipeline would also pass within 2300 feet of the end of the runway.

The preferred compressor site, which it is referred to by LGS in the E.I.R., still violates the airport land use plan on five different points instead of four:

1. Half an acre of the compressor facility is located in the transitional zone.
2. 1750 feet of the pipeline would run under the transitional zone.  
[The transitional zone prohibits natural gas generating & switching, natural gas pipelines, petroleum and chemical storage and land uses which would present visual distractions to pilots]
3. 1200 feet of the pipeline would run under the inner approach and climbout zone.  
[The inner approach and climbout zone prohibits natural gas generation & switching, gases extraction, natural gas pipelines, petroleum and chemical storage]
4. The pipeline would pass within 1700 feet of the runway centerline.
5. The compressor facility would be 1150 feet from the runway centerline.

In comparing the two sites, you can see that it did not get any better - it just got closer.

In applying for this permit from the C.P.U.C., with the proposed site in mind, LGS was made aware that this site conflicted with the airport land use plan. Therefore, LGS submitted an amendment to the C.P.U.C., which showed the alternate compressor site, and is referred to in the E.I.R. as being the preferred site.

Knowing about these conflicts, LGS submitted this anyway showing me that this company had no concern for the safety of the pilots flying over and around this facility, the safety of the surrounding community, and the safety of the skydivers that use this airport.

This facility will be emitting hot exhaust gasses from the four compressor engines, two glycol reboilers, and the routine venting of natural gas which would occur during pressure buildup, facility maintenance, and emergency situations.

The compressor exhaust gases will be exiting at 66.7 meters per second at the temperature of 721 degrees Kelvin, which is equivalent to 838.13 degrees Fahrenheit.

The glycol reboiler's exhaust will be exiting at 1 meter per second at 810 Kelvin, which is equivalent to 998.33 degrees Fahrenheit.

In looking at these figures, this would be a hazard for pilots on their final approach at the proposed location.

I42-12

LGS's best solution to this problem was to move the compressor facility out of the proposed site to the alternate site CLOSER to the airport so that it is located on airport property itself. I believe this preferred location, as LGS calls it in the E.I.R., is more hazardous in that it endangers more people.

The airplanes are still flying over this new location on their downwind leg instead of their final approach but now cropdusters are prone to fly over it as they leave.

I42-12

(cont'd)

This preferred location, as LGS calls it, would now involve every skydiver that uses this airport as a recreational area.

This is the largest skydiving center in the West Coast, which attracts enough skydivers to use a DC-3 and two other smaller airplanes as transports.

Even with all of the high tech parachutes, these skydivers still have limited control on where they will land at times. I have seen them land 10 feet from my house. I have seen them land on every possible location in the field where LGS wants to put the compressor facility. I've seen them land on the Frontage Road, on Peltier Rd., on Jahant Rd. and on Woodson Rd. I've seen them land up to two miles away from the airport. I have seen them land on the runway. I have seen them land in the vineyard and I have seen them land in the trees. With these experiences, it is only a matter of time before a skydiver falls too close to these exhaust gasses that are coming out of this facility and is seriously hurt or killed.

In addition to having the largest skydiving center in the West Coast this airport is the most active in the county with approximately 150,000 arrivals and departures annually, this is even more than the Stockton metro airport.

I42-13

Other activities include 24-hour fuel, aircraft maintenance, charter plane services, business flights, and the launching of hot air balloons. In addition to all of this activity, there is a flight instruction school and a number of ultralights flying in and out of the airport with a school located there to learn how to fly ultralights. Ultralights are unique in that there is no pilot's license required to fly these aircraft.

All of these activities involve a great number of people; some are experienced pilots and some are inexperienced pilots. Some people who are skydivers, some who are spectators and all of the people who reside within a two-mile radius of this compressor facility.

The noise, the smell, the pollution, and the potential danger of human error or mechanical malfunction, which would cause a catastrophic event at this facility, will directly affect these people.

The conflicts with the airport land use plan, which I mentioned earlier, should not be taken lightly which I'm afraid might happen with the way the mitigation measures read in the E.I.R. It states:

The applicant should request that the airport land use commission, review the proposed project and determine whether the project is consistent with the airport land use plan. If it is determined to be inconsistent, the applicant should request that the airport land use commission amend the plan to allow the project. If the proposed project is found to be inconsistent with the airport land use plan and the airport land use commission determines that the plan should not be amended to allow the proposed project, the project facilities should be relocated to another site that is compatible with the airport land use plan. Required relocation of these facilities would require a review of the revised project under CEQA by the CPUC, possibly leading to an addendum to this EIR or a supplemental EIR.

This airport land use states:

These guidelines are necessary to ensure that no new land use that results in a hazard to aircraft or to the health or safety of persons on the ground is permitted within any part of an airport's area of influence.



Guidelines are also needed to ensure that lands needed for airport facilities and airport-related land uses are reserved of those uses.

It must also be emphasized that airport land use guidelines cannot be construed to permit any land use, which is prohibited by zoning, or other non-airport related land use, which may be applicable to any area. Airport land use guidelines control both the heights of structures and type of land uses.

Guidelines controlling the type of land uses are set for each of the defined subareas. Nothing in either height or use, guidelines can be construed to authorize any land use, which violates the other set of guidelines

As testified to by LGS engineer, Mr. Berquist, LGS was aware that the proposed and alternate compressor facility sites are in conflict with the Airport Land Use Plan. These actions clearly show me that LGS is dangerous to our community. Why then is the CPUC even considering either of these proposed sites?

This compressor facility is dangerous in and of itself due to the potential for human error or mechanical failure, venting of gas, air pollution, and the noise (which will be an added nuisance). Nevertheless, placing this compressor facility only 1150 feet from the busiest airport runway in San Joaquin County, is absolutely and completely ludicrous. I am appealing to you that you recommend that LGS seeks out a safer location for their compressor facility – a location that does not impose so many inherent risks to the public as the lives and safety of each and every human being should not be deemed as "insignificant".

I42-14

Sincerely, Mr. Williams

## **Responses to Comments from Todd Williams**

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- I42-1. The comment concerns the fact that LGS is a limited liability company. This comment is outside the scope of the draft EIR and therefore no response is required.
- I42-2. Although the eminent domain process is outside the scope of the draft EIR, the CPUC is very concerned about this issue. As of now, LGS has no eminent domain authority and will not unless the project is approved. Even if the project were approved, the recently enacted SB 177 changes the authority of private utilities to exercise eminent domain. Chapter 2, “Clarification of Major Issues”, in this final EIR for a general discussion of the eminent domain process.
- I42-3. The commenter contends that siting the compressor facility at either the proposed site or the alternate site is irresponsible. Section 3.9, “Public Health and Safety”, of the draft EIR analyzes the potential safety impacts associated with the compressor facility. This analysis concluded that although the alternate compressor site would place the compressor near an airport, where there is a risk of aviation-related or skydiving-related accidents, the safety factors designed into the project, including automated shutdown equipment would minimize the severity of these accidents. These same safety factors would also serve to minimize the severity of accidents if the compressor were located adjacent to Highway 99.
- I42-4. While there are numerous gas fields throughout the state, there are very few natural gas storage facilities such as is being proposed by LGS. The overall need for additional gas storage facilities in California is described in Section 1.2.1 on page 1-2 of the draft EIR.
- I42-5. Since publication of the draft EIR, the Applicant has received a determination from the FAA that the alternate compressor site would not interfere with general aviation activities. During preparation of the draft EIR, the CPUC reviewed the Airport Land Use Plan (ALUP). The CPUC understands that the ALUP was developed to limit new aboveground facilities that would be a hazard to aviation (i.e., obstruct view or encroaches into the Federal Aviation Administration [FAA] mandated control surfaces) or that would be a hazard to surrounding land uses in the event of a crash. The ALUP does not regulate land uses that existed within the plan area (i.e., propane distribution facility at SR 99 and Peltier Road, aboveground or underground fuel storage tanks, existing PG&E natural gas distribution lines, etc.) before the plan was formulated.

Although a portion of the proposed and alternative pipeline facilities would cross the runway approach zones, the alternate compressor facility would not be located within the approach zones. Furthermore, since publication of the draft EIR, the Applicant has received a determination from the FAA that the alternate compressor site would not interfere with general aviation activities.

Although, the ALUP specifically prohibits new natural gas pipelines, the CPUC could not determine if that prohibition related to only aboveground pipelines or all pipelines. Because

the ALUP provides procedures for the Airport Land Use Commission to review proposed projects and amend the plan and provisions for the County Board of Supervisors to override the ALUP. Given the air traffic (mainly light aircraft) at Lodi Airport and the minimum pipeline burial depth of 4 feet, the pipeline would be safe from aircraft crash damage. The Airport Land Use Commission would be the appropriate local agency to address the policy conflict.

- I42-6. The Applicant would be required to conform with the safety programs and regulations of various federal, state, and local agencies if the project is approved. These agencies would be responsible for enforcing their regulations and ensuring that safety precautions are not overlooked.
- I42-7. See response to Comment I42-5. Moving the compressor facility closer to the airport, although contrary to intuition, would be safer than the originally proposed site because the facility would be located outside the flight path to the side of the runway rather than at the end of the runway.
- I42-8. There is considerable uncertainty regarding the interpretation of the Airport Land Use Plan. Potential conflicts with the plan are fully disclosed in Section 3.1 of the draft EIR. Since publication of the draft EIR, the Applicant has received a letter from the Federal Aviation Administration indicating that the proposed project does not conflict with the those elements of airport safety under the jurisdiction of the FAA.
- I42-9. See response to comment I42-8 above.
- I42-10. This comment concerns the reliability of the air quality data as supplied by the Applicant. The comment concerns the validity of the air quality data supplied by the Applicant. The CPUC reviewed the toxic air pollutant emissions and associated emission factors prior to incorporating them into the draft EIR. They were found to be consistent with recommended toxic air pollutant emission factors published by the U.S. EPA.
- I42-11. See response to comment I42-2 above, as well as, Chapter 2, “Clarification of Major Issues”, in this final EIR, for an expanded discussion of eminent domain with regard to offsets, the Applicant has proposed additional pollution control technologies and will purchase emission offsets if required by the San Joaquin Valley Unified Air Pollution Control District.
- I42-12. The commenter identifies various concerns about the proposed location of the compressor facility. The response to comment I42-6 addresses the issue of consistency with the Airport Land Use Plan, which is also discussed in Chapter 2, “Clarification of Major Issues”, of this final EIR. The alternate compressor facility site was proposed in response to comments from the public and in an attempt to reduce noise impacts on surrounding land uses. Only 0.5 acre of the 10 acre alternate compressor site would be located in the transitional zone. The site is large enough to accommodate the planned facility without locating any project facilities in this zone. As shown on Figure 2-13, the facilities are oriented to avoid the northeast corner of the parcel that is under the transitional zone.

I42-13. The commenter identifies concerns regarding the safety of parachutists and pilots near the compressor facility. Based on observations at the parachute center, it appears that the parafoil style parachutes used by most parachutists are highly maneuverable and can be controlled to avoid the proposed project facilities. When observed during preparation of the draft EIR, most parachutists landed within a 100 feet of the parachute center, which is a multi-story building. Sky diving in unsafe conditions (i.e. strong winds), however, may cause participants to land in unintended areas.

The compressor facility would be approximately 35 feet tall and would be screened by trees; it is therefore likely that an ultralight pilot would be able to see the facility from some distance and would be able to safely avoid it. Venting would take place in a 10-foot-deep, bermed pit that could be easily seen and avoided by parachutists.

I42-14. The commenter summarizes concerns elaborated elsewhere in the letter concerning the safety of the compressor facility's location and operation. As described in response to these individual comments, the compressor facility is subject to numerous regulations, safety programs, and inspections to ensure that it is operated and maintained safely. In response to these concerns and those of other commenters, additional information has been provided (see Chapter 2, "Clarification of Major Issues", of this final EIR) regarding the venting process and the venting facilities have been redesigned to reduce noise and odor. More information has also been provided in Chapter 2 of this final EIR about the compatibility of the compressor facility's location with the Airport Land Use Plan and the potential for revisions to that plan to address local concerns.

Please note that the term "less than significant" as used in the draft EIR is a technical term relating to the ability of the project to meet certain identified criteria. It is in no way intended to discount or downplay the concerns or importance of affected parties or individuals.

Letter I43



California Public Utilities Commission

October 13, 1999  
Lodi

Comments on the Draft EIR

NAME: JUDY WILSON

ADDRESS: 8231 E. JAHANT RD.  
ACAMPO, CA. 95220

TELEPHONE (OPTIONAL): \_\_\_\_\_

Comments are due by November 10, 1999, and may be submitted tonight or mailed to:  
CA Public Utilities Commission  
c/o Public Affairs Management  
101 The Embarcadero, Suite 210  
San Francisco, CA 94105  
Fax: 415-291-8943  
Email: cpuc-gas-odi@pamsf.com

COMMENT: \_\_\_\_\_

*Unable to locate in EIR any discussion of noise for Separator, Valves and Wells. please discuss and/or eliminate any noise.*

I43-1

*Location of separator facilities should be set back from JAHANT Rd. a minimum of 300'-350' ft to preserve neighborhood, country living conditions. Landscaping & other means should be used to reduce visual impact.*

I43-2

Please use the reverse side or attach any additional pages.



QUESTIONS?

CONTACT THE INFORMATION LINE AT 415/989-1446, EXTENSION 85

CHECK OUT THE PROJECT WEBSITE [WWW.CPUC.CA.GOV/DIVISIONS/ENERGY/ENVIRONMENTAL/INFO/LODI-GAS.HTM](http://WWW.CPUC.CA.GOV/DIVISIONS/ENERGY/ENVIRONMENTAL/INFO/LODI-GAS.HTM)



## **Responses to Comments from Judy Wilson**

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I43-1. Noise from the operation of the separation facility is discussed in Impact 3.10-3, “Exposure of Noise-Sensitive Land Uses to Noise from the Operation of the Separator Facility”, of the draft EIR. Noise from this facility at the nearest sensitive receptor is expected to be 37 A-weighted decibels (dBA), which is below the ambient noise levels measured at the existing site and is in compliance with San Joaquin County Noise ordinance standards for stationary sources. For these reasons this impact was determined to be less than significant and no mitigation is required.

Noise from the construction of the wells is discussed in Impact 3.10-2, “Exposure of Noise-Sensitive Land Uses from Well Drilling Activities”, of the draft EIR. This analysis found that noise from well-drilling activities could exceed 50 dBA within 2,000 feet of a well site and that approximately 50 residences are located within this distance. As discussed in Chapter 3, “Revisions to the Draft EIR” Mitigation Measure 3.10-2 has been revised to restrict the noisiest activities associated with well-drilling operations and to require the installation of a hay wall around the perimeter of each well site and a sound wall around the drill floor. Please refer to Chapter 3, “Revisions to the Draft EIR”, of this final EIR for a complete description of this revised mitigation measure.

I43-2. As depicted in Figure 3.12-1 of the draft EIR, the separation facility would be set back approximately 175 feet from Jahant Road. Additionally, as discussed in Impact 3.12-1, “Potential to Degrade the Existing Visual Character of the Site”, the design of this facility includes the use of non-glare materials and earth tone colors to reduce the visibility of structures. Mitigation Measure 3.12-1 requires that a detailed landscape plan be developed for the separator to effectively screen this facility from view.



Letter I44



California Public Utilities Commission

October 13, 1999  
Lodi

Comments on the Draft EIR

NAME Phillip C Wirtz

ADDRESS 7200 E JAHANT Rd  
Acampo, CA 95220

TELEPHONE (OPTIONAL): 209-334-0480

Comments are due by November 10, 1999, and may be submitted tonight or mailed to:  
CA Public Utilities Commission  
c/o Public Affairs Management  
101 The Embarcadero, Suite 210  
San Francisco, CA 94105  
Fax: 415-291-8943  
Email: cpuc-gas-iodi@pamsf.com

COMMENT: Please include the following  
statement in the "Comments on the Draft EIR"

Thank you

Phillip C Wirtz

Please use the reverse side or attach any additional pages.



QUESTIONS?

CONTACT THE INFORMATION LINE AT 415/989-1446, EXTENSION 85

CHECK OUT THE PROJECT WEBSITE [WWW.CPUC.CA.GOV/DIVISIONS/ENERGY/ENVIRONMENTAL/INFO/LODI-GAS.HTM](http://WWW.CPUC.CA.GOV/DIVISIONS/ENERGY/ENVIRONMENTAL/INFO/LODI-GAS.HTM)



I was taught as a child that there was an all powerful being whose purpose was to protect me and those I loved if I beleived in and prayed to him. That childish belief was buried with my mother when I was 12 years old.

I was taught as a child and a young adult that it was honorable to fight for your country, that it was honorable to take another life for your country. I learned in Southeast Asia that to take a life or lives for your country is NOT an honorable thing. That to forfit your own life for someone elses political belief is NOT an honorable thing.

As a child I was taught that as an American I had certain rights and these rights would be protected by my government. As a young adult I became less certain of government and its power or desire to protect me. I have reached a point in my life where I am almost positive that my life means nothing to my elected represenatives and my government.

The projected natural gas pipeline is another chip off the crumbling foundation of my beliefs.

While my land is bare with nothing but weeds growing on it the same basic rule apples to my land as it does to those who have spent hundereds of hours to improve their property. We should be able to stand and say "This is mine, look what I have done, this is my legacy, I have made a small mark on the world, I have grown crops to clothe, feed, and made products for the enjoyment of others."

Now a very small group of very rich and very powerful men and women have come, knocked on the door of my house and said to me that unless I give or sell to them a portion of my land they will see to it that my land is deemed worthless and take it from me by force if they decide it is necessary.

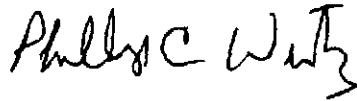
I44-1

The pipeline is uwanted by the property owners whose land,like mine it will pass through, it is unneeded by people for miles around whose lives and values of their property will be affected by noise pollution, by hundereds of tons of pollution pumped into the air by compression and purification statlons attached to this project. This project is only wanted by a small group of wealthy and powerful men and women looking to increase their wealth over the protests of a much larger group of less wealthy and less powerful. Our protests seem to fall on deaf ears.

I44-2



**This project can be easily be stopped with a simple two letter word from the California Public Utilities Commission. The CPUC can stop it in its tracks before it can go any further. I urge the CPUC to say NO to Lodi Gas Storage, HUB, and its parent companies.**



**Phillip C Wirtz  
7200 E. Jahant Rd.  
Acampo, Ca. 95220**

## **Responses to Comments from Phillip Wirtz**

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I44-1. California state law governs the exercise of eminent domain. In addition, the recently enacted Senate Bill 177 revises the granting of eminent domain authority to private utilities. In any case, under state law entities exercising eminent domain authority must pay the fair market value of any property or easement acquired through that process. See Chapter 2, “Clarification of Major Issues”, of this final EIR for a detailed discussion of eminent domain and SB177.

I44-2. The commenter’s objection to the proposed project is noted.