

# **APPENDIX D**

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## **Mitigation Monitoring Reporting Program**

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**PHILLIPS 66 PROPANE RECOVERY PROJECT  
MITIGATION MONITORING REPORTING PROGRAM, COUNTY FILE #LP12-2073  
FROM THE RECIRCULATED DRAFT EIR**

Abbreviations: Bay Area Air Quality Management District (BAAQMD)      Nitrogen Oxides (NOx)  
California Environmental Quality Act (CEQA)

Environmental Impact	Mitigation Measures	Implementing Action	Timing of Implementation	Responsible Department or Agency	Related Conditions of Approval	Compliance Verification
<b>Air Quality</b>						
<p><b>Impact 4.1-1:</b> The Project would result in short-term construction emissions of criteria pollutants that could contribute to existing air quality violations.</p>	<p><b>Mitigation Measure 4.1-1:</b> Phillips 66 and its construction contractors shall implement the following applicable BAAQMD basic control measures, as listed in a) through h) below. In addition, measure i), although not considered by BAAQMD as a basic control measure, has been requested by BAAQMD for the Project as a means to limit the emissions of diesel particulate matter, a toxic air contaminant (TAC) that poses potential carcinogenic and chronic health risks (BAAQMD, 2014e).</p> <ul style="list-style-type: none"> <li>a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. However, measures should be taken to ensure that the soil materials are not washed into storm drains without acceptable BMPs in place.</li> <li>b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).</li> <li>c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or more if needed. The use of dry power sweeping is prohibited.</li> <li>d) Limit vehicle speeds on unpaved roads to 15 miles per hour.</li> <li>e) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>f) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points.</li> <li>g) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> <li>h) Post a publicly visible sign with the telephone number and person to contact at the County regarding dust complaints. This person shall respond and require Phillips 66 to take corrective action within 48 hours. The telephone numbers of contacts at the BAAQMD shall also be visible.</li> <li>i) Use Tier 3 or better equipment for all construction equipment greater than 50 horsepower that will be used an aggregate of 40 or more hours during any portion of Project construction. If Tier 3 equipment is unavailable for a specific piece of construction equipment, then for that equipment use equipment that meets the Tier 2 emission standards with installed Level 3 diesel particulate filters.</li> </ul>	<p>Contractor to comply with basic BAAQMD measures</p>	<p>During duration of construction activities</p>	<p>Department of Conservation and Development Zoning Administrator</p>		

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<b>Geology and Soils</b>						
<b>Impact 4.4-1:</b> Project facilities could be damaged by seismically induced ground shaking.	<b>Mitigation Measure 4.4-1:</b> Prior to issuance of any building or grading permits, a design-level geotechnical investigation shall be performed for each proposed Project component site area. Each investigation shall include an analysis of expected ground motions at the site from known active faults. The analyses must be in accordance with applicable County ordinances and policies and consistent with the most recent version of the CBC, which requires structural design that can accommodate ground accelerations expected from known active faults. The investigations shall determine final design parameters for the earthwork, foundations, foundation slabs, and any surrounding related improvements (utilities, roadways, parking lots and sidewalks). The investigations shall be reviewed and approved by the County's geologist, a California certified engineering geologist.	Prior to issuance of any permits.	Prior to issuance of any permits.	Department of Conservation and Development Zoning Administrator County Geologist		

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Abbreviations: California Environmental Quality Act (CEQA)      Most Likely Descendent (MLD)  
California Native American Heritage Commission (NAHC)

Environmental Impact	Mitigation Measures	Implementing Action	Timing of Implementation	Responsible Department or Agency	Related Conditions of Approval	Compliance Verification
<b>Cultural Resources</b>						
<b>Impact 4.5-1:</b> Inadvertent discovery of a historical resource.	<b>Mitigation Measure 4.5-1:</b> Pursuant to CEQA Guidelines Section 15064.5(f), “provisions for historical or unique archaeological resources accidentally discovered during construction” shall be instituted. In the event that any prehistoric or historic-period subsurface cultural resources are discovered during ground-disturbing activities, all work within 100 feet of the find shall be halted and Phillips 66 shall consult with the County and a qualified archaeologist (as approved by the County) to assess the significance of the find per CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives of the County and the qualified archaeologist would meet to determine the appropriate course of action.  Avoidance is always the preferred course of action for archaeological sites. In considering any suggestion proposed by the consulting archaeologist to reduce impacts to historical resources or unique archaeological resources, the County would determine whether avoidance is feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery, interpretation of finds in a public venue) would be instituted. Work may proceed on other parts of the Project site while mitigation for historical resources or unique archaeological resources is carried out.  All significant cultural materials recovered shall be, at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documented according to current professional standards.	Contractor to cease activities in archeological resources are found. Resources to be evaluated by resource specialist.	Contractor to contact Project sponsor immediately after finding archeological resources	Department of Conservation and Development Zoning Administrator Archeological specialist at the discretion of DCD		
<b>Impact 4.5-2:</b> Inadvertent discovery of a unique archaeological resource.	Implement Mitigation Measure 4.5-1.	Contractor to cease activities in archeological resources are found. Resources to be evaluated by resource specialist.	Contractor to contact Project sponsor immediately after finding archeological resources.	Department of Conservation and Development Zoning Administrator Archeological specialist at the discretion of DCD		
<b>Impact 4.5-3:</b> Inadvertent discovery of a unique paleontological resource or site or unique geological feature.	<b>Mitigation Measure 4.5-3:</b> Phillips 66 shall notify both a qualified paleontologist (as approved by the County) and the County of unanticipated discoveries. The qualified paleontologist, under contract to Phillips 66, shall subsequently document the discovery. In the event of an unanticipated discovery of a fossil or fossilized deposit during construction, excavations within 100 feet of the find shall be temporarily halted or diverted until a qualified paleontologist examines the discovery. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. The paleontologist shall oversee implementation of these procedures once they have been determined.	Contractor to halt construction activities within 100 feet of the find until qualified paleontologist provided assessment	Immediately after the find	Department of Conservation and Development Zoning Administrator Paleontologist specialist at the discretion of DCD		

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<b>Cultural Resources (cont.)</b>						
<p><b>Impact 4.5-4:</b> Inadvertent Discovery of Human Remains located at the proposed Project sites.</p>	<p><b>Mitigation Measure 4.5-4:</b> In the event that any prehistoric or historic subsurface human remains are discovered during ground disturbing activities, all work within 100 feet of the resources shall be halted and Phillips 66 shall consult with the County and a qualified archaeologist (as approved by the County) to assess the significance of the find per CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives of the County and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate mitigation. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the County would determine whether avoidance is feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the project site while mitigation is carried out. All significant cultural materials recovered shall be, at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documented according to current professional standards. CEQA Guidelines Section 15064.5(e)(1), below, shall also be followed:</p> <p>(e) In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:</p> <p>(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <p>(A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and</p> <p>(B) If the coroner determines the remains to be Native American:</p> <ol style="list-style-type: none"> <li>1. The coroner shall contact the Native American Heritage Commission within 24 hours;</li> <li>2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American;</li> <li>3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or</li> </ol>	<p>Contract to provide immediate notification to the County coroner</p>	<p>Immediately after the find</p>	<p>Department of Conservation and Development Zoning Administrator County Coroner</p>		

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<b>Cultural Resources (cont.)</b>						
<b>Impact 4.5-4 (cont.)</b>	<p>(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:</p> <p>(A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the Commission;</p> <p>(B) The identified descendant fails to make a recommendation; or</p> <p>(C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</p>					
<b>Noise</b>						
<b>Impact 4.13-1:</b> Project construction activities could result in exposure of persons to noise levels in excess of standards established by Contra Costa County.	<p><b>Mitigation Measure 4.13-1a:</b> The applicant shall implement the following construction noise nuisance control measures for the duration of construction:</p> <ul style="list-style-type: none"> <li>• Ensure that construction equipment and trucks are well tuned and maintained according to the manufacturer's specifications, and that the equipment's standard noise reduction devices are in good working order;</li> <li>• Place construction equipment at locations to maximize the distance to the nearest residences; and</li> <li>• Notify nearby residents along Old County Road of the planned construction schedule at least one month prior to construction. Notification shall include the shift hours and include contact information of a designated construction noise coordinator who will maintain communication with affected residences throughout the construction period.</li> </ul> <p><b>Mitigation Measure 4.13-1b:</b> The applicant shall coordinate with Contra Costa County to establish a daytime construction shift limited to between 7:00 a.m. and 5:30 p.m. as a Project-specific condition of approval.</p>	<p>Contractor to observe noise control measures</p> <p>Contractor to obey construction hours restrictions</p>	During construction period	Department of Conservation and Development Zoning Administrator		
<b>Impact 4.13-4:</b> Project construction activities could result in exposure of persons to a temporary increase in ambient noise levels.	Implement Mitigation Measures 4.13-1a and 4.13-1b.	<p>Contractor to observe noise control measures</p> <p>Contractor to obey construction hours restrictions</p>	During construction period	Department of Conservation and Development Zoning Administrator		

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Transportation/Traffic						
<p><b>Impact 4.17-2:</b> Traffic generated by the Project could contribute to pavement wear-and-tear on area roadways.</p>	<p><b>Mitigation Measure 4.17-2a:</b> Prior to Project construction, Phillips 66 shall document road conditions for all routes that will be used by Project-related vehicles. Phillips 66 shall also document road conditions after Project construction is completed. The pre- and post-construction conditions of the haul routes shall be reviewed by Public Works Department staff. Phillips 66 shall enter into an agreement prior to construction that will detail the pre-construction conditions and the post-construction requirements of a rehabilitation program. Roads damaged by construction would be repaired to a structural condition equal to that which existed prior to construction activity. A cash bond/deposit to finance damage to County roadways shall be required. An encroachment permit may be required from the County and a transportation/haul permit may be also required for any extra-legal loads used during construction. A pavement monitoring plan that describes measures that will be implemented to revitalize pavement along the proposed haul route(s) deteriorated by Project-related construction traffic shall also be included and be submitted for review by the Public Works Department prior to the commencement of any construction on-site.</p> <p><b>Mitigation Measure 4.17-2b:</b> Access and hauling routes shall be specified to minimize traffic impact to the area wide roadways. Construction traffic should not deviate from this route, except in the event that the route is rendered impassable due to accidents or other unanticipated road closures. In such instances, Phillips 66 shall submit a traffic control plan to the Public Works Department staff for review.</p>	<p>Project sponsor to document pre and post construction roadways.</p> <p>Provide cash/bond</p> <p>Roads to be repaired if applicable</p>	<p>Documentation to be provided prior and after construction.</p> <p>Bond to be provided prior to issuance of grading/building permits</p>	<p>Department of Conservation and Development</p> <p>Zoning Administrator</p> <p>Public Works Engineering/Traffic</p>		