SAN FRANCISCO BAY
REGIONAL WATER QUALITY CONTROL BOARD

Site Cleanup Requirements for Phillips 66 Company Line 200 Release

MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)

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Mitigation Monitoring and Reporting Program (MMRP)

1. Introduction

Assembly Bill (AB) 3180, enacted by the California Legislature in 1988, requires lead agencies to prepare and adopt a program to monitor and/or report on all mitigation measures required in conjunction with certification of an Environmental Impact Report (EIR) or adoption of a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA).

A public agency must certify an EIR or adopt a Mitigated Negative Declaration when approving a discretionary project that could significantly affect the environment in an adverse manner. The monitoring or reporting program is intended to ensure the successful implementation of measures that public agencies impose to reduce or avoid the significant adverse impacts identified in an environmental document. Adoption of the monitoring program is to occur when a public agency makes the findings to approve a project requiring an EIR or when adopting a Mitigated Negative Declaration. There is no statutory requirement for a lead agency to circulate a monitoring program for public review prior to adopting the program.

The monitoring program should specify the steps whereby implementation of project mitigation measures can be verified during project construction and operation. Typically, the monitoring program should, for each mitigation measure, identify the entity responsible for implementing the measure and an individual, qualified professional, or agency responsible for ensuring compliance. The monitoring program should also identify: the action or actions required to ensure compliance; when and how frequently monitoring should occur; a mechanism for reporting compliance or non-compliance; and an agency that receives and monitors the reports on compliance. AB 3180, as promulgated in Public Resources Code Section 21081.6, does not require a mitigation monitoring program to include measures imposed to mitigate the environmental effects of less-than-significant impacts.

AB 3180 does not provide State reimbursement for implementing the mitigation monitoring requirements because local agencies have the authority to levy fees sufficient to pay for such programs. Local agencies may recover the monitoring and reporting costs through charging a service fee pursuant to Government Code sections 65104 and 66000 *et seq*.

2. Monitoring Program

The purpose of this Mitigation Monitoring and Reporting Program (MMRP) is to present a thorough approach for monitoring the implementation of the measures required to mitigate the significant and potentially significant impacts identified in the *Site Cleanup Requirements for Phillips 66 Company Line 200 Release Initial Study & Mitigated Negative Declaration* (P66 MND). The P66 MND was prepared by the San Francisco Bay Regional Water Quality Control Board (Water Board), the CEQA Lead Agency for the project. While the project applicant has primary responsibility for implementing the mitigation measures identified in the P66 MND, the Water Board has primary responsibility for monitoring and ensuring their implementation is accordance with the requirements stipulated in the P66MND.

The monitoring program identifies each mitigation measure for a significant or potentially significant impact and specifies the means for verifying successful implementation. Failure to comply with all required mitigation measures will constitute a basis for undertaking enforcement actions.

MMRP Table

The heart of this document is the MMRP table, which identifies the monitoring and reporting requirements for each mitigation measure identified in the Mitigated Negative Declaration. More specifically, the table provides the following information for each mitigation measure:

- **Impact Summary—** a brief one-sentence summary statement of the impact being mitigated.
- **Mitigation Measure—** the verbatim text of the mitigation measure as adopted by the Water Board.
- **Implementation Responsibility—** the entity responsible for implementing the mitigation measure.
- **Monitoring Responsibility—** the person or agency responsible for physically verifying that the mitigation measure has been implemented and for recording the verification in the MMRP table. In some cases, an outside regulatory agency may be involved in determining or ensuring mitigation compliance, but reporting of compliance in the MMRP table is the responsibility of Water Board staff in all cases.
- **Monitoring Activity—** all activities necessary to verify successful implementation of the mitigation measure. Where certain monitoring activities are verified during the normal course of project review and approvals (e.g., verification of compliance with building codes), no further reporting is required.
- **Timing/Frequency of Monitoring—** the phase of the project during which monitoring activities must occur and/or milestone(s) at which single-event monitoring activities must occur followed by how often monitoring activities must occur. Typically, the monitoring occurs once, weekly, or monthly. Because numerous monitoring actions are tied to the issuance of a grading permit for the project, which would be issued by the City of Concord, it is recommended that Water Board staff coordinate with City staff so that they are informed once the grading permit has been issued.
- **Date & Monitor's Initials/Status/Comments—** the initials of the Responsible Monitor verifying that implementation of the mitigation measure has been satisfactorily completed. A notation shall be provided for each required occurrence of monitoring and/or verification, as stipulated in the MMRP table for each mitigation measure. The notation by the proper monitor should be dated and initialed, and should note any irregularities or problems in compliance. When final implementation of a mitigation measure has been verified by the designated monitor, a notation of full and completed implementation shall be made in this space.

Reporting

Reporting shall be satisfied by a written notation in the space provided for each mitigation measure in the MMRP table, as noted above. The MMRP table shall be maintained on file at the offices of the Water Board until, at a minimum, all mitigation measures have been successfully implemented and verified.

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/ Frequency of Monitoring	Date & Monitor's Initials/ Status/Comments
AIR QUALITY					
Impact: Generation of airborne particulate matter (fugitive dust) during project implementation. **Mitigation Measure AQ–1:** *BAAQMD Required Dust Control Measures:* The contractor shall reduce remediation-related air pollutant emissions by implementing BAAQMD's basic fugitive dust control measures, including: • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • 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. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • A publically visible sign shall be posted with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. • Stockpiles and waste containers (e.g. trucks, roll-off bins) shall be covered at all times when not in use. Additionally, any open excavations with impacted soil shall be covered at the end of the day prior to leaving the site. Any exposed non-contaminated soil shall be wetted to prevent fugitive dust. • Perimeter monitoring for fugitive dust shall be performed during all soil moving activities. • If dust from activities on the site is observed, immediate corrective actions shall be taken to	Project Sponsor and Site Cleanup Contractor	Bay Area Air Quality Management District (BAAQMD), San Francisco Bay Regional Water Quality Control Board (Water Board)	Site visits by Water Board staff to verify compliance with requirements. Additional site visits shall be promptly made in response to any complaints received by the Water Board or BAAQMD. Any excessive dust observed shall be discussed with the project sponsor and reported in the MMRP table.	During site cleanup activities/ Monthly and in response to complaints	

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/ Frequency of Monitoring	Date & Monitor's Initials/ Status/Comments
minimize dust generation using the measures listed above and/or the work shall be temporarily halted until more favorable conditions exist.					
Impact: Generation of criteria air pollutants during project implementation. **Mitigation Measure AQ–2:** *BAAQMD Required Basic Exhaust Emissions Reduction Measures:* The contractor shall implement the following measures during excavation to reduce remediation-related exhaust emissions: • 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 California Code of Regulations). Clear signage shall be provided for workers at all access points. • All off-road equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.	Project Sponsor and Site Cleanup Contractor	Bay Area Air Quality Management District (BAAQMD), San Francisco Bay Regional Water Quality Control Board (Water Board)	Site visits by Water Board staff to verify compliance with requirements. Additional site visits shall be promptly made in response to any complaints received by the Water Board or BAAQMD.	During site cleanup activities/ Concurrent with monitoring Mitigation Measure AQ–1 and/or in response to complaints	
Impact: Generation of criteria air pollutants during project implementation. **Mitigation Measure AQ–3:** *BAAQMD Enhanced Exhaust Emissions Reduction Measures:* The contractor shall implement the following measures during excavation to further reduce remediation-related exhaust emissions: All off-road equipment greater than 25 horsepower (hp) and operating for more than 20 total hours over the entire duration of remediation activities shall meet the following requirements: • Where access to alternative sources of power are available, portable diesel engines shall be prohibited; and • All off-road equipment shall have: a) Engines that meet or exceed either USEPA or CARB Tier 2 off-road emission standards, and b) Engines that are retrofitted with a CARB Level 2 Verified Diesel Emissions Control Strategy (VDECS). Acceptable options for reducing emissions include the use of late model	Project Sponsor and Site Cleanup Contractor	Bay Area Air Quality Management District (BAAQMD), San Francisco Bay Regional Water Quality Control Board (Water Board)	Project sponsor shall provide to Water Board staff specifications on all construction equipment to be used, demonstrating compliance with the CARB standards for off-road equipment. Water Board staff shall coordinate with BAAQMD staff, as necessary to verify compliance.	Prior to Grading Work / Once	

Mitigation Monitoring and Reporting Program (MMRP)

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engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such are available.					
Impact: Potential exposure of site cleanup workers to volatile organic compounds (VOCs) and other pollutant concentrations. **Mitigation Measure AQ–4:** *Implement a Health and Safety Plan.* The contractor shall implement an air monitoring program to identify required health and safety procedures, thresholds for action, equipment, and frequency of monitoring. VOC concentrations shall be measured continually during all excavation activities.	Project Sponsor and Site Cleanup Contractor	San Francisco Bay Regional Water Quality Control Board (Water Board)	Water Board staff shall review and approve the required air monitoring plan (AMP). Site visits by Water Board staff during project implementation will verify compliance with requirements for proactive safety precautions.	Verification of AMP Preparation: Prior to Implementation of Work / Once Verification of AMP Implementation: During site cleanup activities/ Monthly	
Impact: Potential exposure of neighboring residents to objectionable odors during project implementation. **Mitigation Measure AQ–5:** *Implement an Odor Control Plan.* The construction contractor shall prepare and implement an odor control plan to identify measures to prevent on- and off-site odor nuisances throughout implementation of the project. At a minimum, required procedures shall include: (a) limiting the area of open excavations and (b) shrouding open excavations with plastic sheeting or other covers. If odors develop and cannot otherwise be controlled, additional means to eliminate odor nuisances would include: (c) direct load-out of soils to trucks for off-site disposal or (d) use of the same technique as employed during the emergency response activities, namely utilizing a high pressure washer with a vapor suppressant (mixture of water, Simple Green, and Sulfree). If nuisance odors are identified during remediation, work shall be halted and the source of odors would be identified and corrected. Work shall not resume until all nuisance odors have been abated.	Project Sponsor and Site Cleanup Contractor	Bay Area Air Quality Management District (BAAQMD), San Francisco Bay Regional Water Quality Control Board (Water Board)	Water Board staff shall review and approve the required odor control plan (OCP). Unscheduled site visits by Water Board staff during project implementation to verify compliance with requirements for proactive odor prevention and control measures.	Verification of OCP Preparation: Prior to Implementation of Work / Once Verification of OCP Implementation: During site cleanup activities/ Monthly	

Mitigation Monitoring and Reporting Program (MMRP)

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BIOLOGICAL RESOURCES					
Impact: Loss of one "protected" California black walnut tree, as defined by the City of Concord Municipal Code. **Mitigation Measure BR–1:** To compensate for the loss of one "protected" California black walnut, in accordance with the Concord Municipal Code, 3, five gallon California black walnuts will be planted on the project site as the smaller size will ensure higher odds of survival at the project site. Additional compensatory mitigation includes that the private property at 330 Holly Drive will be restored to a natural landscape condition. All structures will be removed down to the dirt. The vegetable beds and landscape vegetation will be removed from a drainage swale on this property. In addition, the applicant will implement a native oak woodland planting plan on the western one half of the private property where the structures are being removed. Upon completion of the remediation project the private property at 330 Holly Drive will be preserved in perpetuity via recordation of an open space Perpetual Deed Restriction that is recorded on the title of the private property. The native oak tree restoration project will create a wildlife oasis between residential subdivisions south of the former Residential residence and the CNWS. M&A also confirmed in a meeting with the City of Concord on September 18, 2015 that under the City of Concord Reuse Plan for the CNWS, that the area of the CNWS affected by the proposed remediation project, and significant contiguous acreage to the north of this area will be deeded directly from the U.S. Navy to the East Bay Regional Park District to be managed as open space/park land. Thus, in consideration that an existing conservation easement occurs immediately south of the private property at 330 Holly Drive, and 1.4 acres of the private property at 330 Holly Drive will be permanently protected as open space via the recordation of an open space Perpetual Deed Restriction, the restored and preserved private property will add to a significant regional open space.	Project Sponsor	Biologist San Francisco Bay Regional Water Quality Control Board (Water Board)	The Biologist shall confirm successful establishment of the black walnut trees and successful implementation of the oak woodland planting plan. The biologist shall document the verification in a annual monitoring report to Water Board staff that reports on health and vigor of planted trees and identifies additional mitigation requirements in the event trees don't meet regulatory agency-designated success criteria. Annual reporting and monitoring shall occur for three years following tree planting.	Following completion of replacement tree planting/ Once annually for three years	
Impact: Potential adverse effects on nesting raptors and other birds. **Mitigation Measure BR–2:** In order to avoid impacts to nesting birds, a nesting survey should be conducted 15	Project Sponsor	Biologist San Francisco Bay Regional Water Quality	A copy of the nest survey report shall be provided to Water Board staff. If nesting birds are found, Water Board staff shall receive written verification from the	Verification of bird surveys: Prior to grading / Once	

Mitigation Monitoring and Reporting Program (MMRP)

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days prior to commencing with construction work or tree removal if this work would commence between February 1st and August 31st. The nesting survey should include examination of all trees within 200 feet of the entire project site (i.e., within a zone of influence of nesting birds), not just trees slated for removal. The zone of influence includes those areas off the project site where birds could be disturbed by earth- moving vibrations and/or other construction-related noise. A nest survey report should be prepared upon completion of the survey and provided to the City of Concord with any recommendations required for establishment of protective buffers as necessary to protect nesting birds. If birds are identified nesting on or within the zone of influence of the construction project, a qualified biologist should establish a temporary protective nest buffer around the nest(s). The nest buffer should be staked with orange construction fencing or orange lath staking. The buffer must be of sufficient size to protect the nesting site from construction related disturbance and should be established by a qualified ornithologist or biologist with extensive experience working with nesting birds near and on construction sites. Nesting buffers can be up to 50 feet from the nest site or nest tree dripline for small birds and up to 300 feet for sensitive nesting birds that include several raptor species known from the region of the site. The amount, extent, and timing of disturbance are all relative parameters that must be evaluated by a qualified ornithologist to establish an effective nesting buffer that will prevent harm to the eggs and/or young. Upon completion of nesting surveys, if nesting birds are identified on or within a zone of influence of the site, a qualified ornithologist/biologist that frequently works with nesting birds should prescribe adequate nesting buffers to protect the nesting birds from harm. No construction or earth-moving activity should occur within any established nest protection buffer prior to September 1 unless it is determined by a qualified ornithologist/biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones, or that the nesting cycle is otherwise completed. In the region of the project site, most species complete nesting by mid-July. This date can be significantly earlier or later, and would have to be determined by the qualified biologist. At the end of the nesting cycle, and abandonment of the nest by its		Control Board (Water Board)	biologist that protective fencing is installed to establish an adequate buffer zone, and remains in place for the required time.	Verification of confirmation from Biologist that protective measures were observed during tree removal and/or site cleanup activities: Following removal of buffers/ Once	

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occupants, as determined by a qualified biologist, temporary nest buffers may be removed and construction may commence in established nesting buffers without further regard for the nest site.					
Impact: Potential adverse effects on special-status bat species. **Mitigation Measure BR–3:** In order to avoid impacts to roosting special-status bats, a biologist should survey trees and buildings on the project site 15 days prior to commencing with any removal or demolition. All bat surveys should be conducted by a biologist with known experience surveying for bats. If no special-status bats are found during the surveys, then there would be no further regard for these bat species. If special-status bat species are found on the project site a determination should be if there are young bats present. If young are found roosting in any tree or building, impacts to the tree or building should be avoided until the young have reached independence. A non-disturbance buffer fenced with orange construction fencing should also be established around the maternity site. The size of the buffer zone should be determined by a qualified bat biologist at the time of the surveys. If adults are found roosting in a tree or building on the project site but no maternal sites are found, then the adult bats can be flushed or a one-way eviction door can be placed over the tree cavity (or building access opening) prior to the time the tree or building in question would be removed or disturbed. No other mitigation compensation would be required.	Project Sponsor	Biologist San Francisco Bay Regional Water Quality Control Board (Water Board)	Biologist shall provide written documentation of bat survey results to Water Board staff. If nesting bats are found, Water Board staff shall receive written verification from the biologist that protective fencing is installed to establish an adequate buffer zone, and remains in place until the biologist approves removal at end of nesting cycle	Verification of bat surveys: Prior to implementation of building demolition or soil excavation / Once Verification of confirmation from biologist that protective measures were observed during tree removal and/or site cleanup activities: Following removal of buffers and/or eviction doors/ Once	
Impact: Adverse impacts to wetlands and other Waters of the United States. **Mitigation Measure BR–4:** Based on the Corps confirmed map, jurisdictional 0.20 acre of seasonal wetland and 0.01 acre of ephemeral drainage will be impacted by the project. The applicant is applying for a Corps permit, requesting authorization to use Nationwide Permit (NWP) 20 (Oil Spill Cleanup) and 47 for impacts to 0.21 acre of waters of the U.S./State. NWP 47 authorizes activities required for the inspection, repair, rehabilitation, or replacement of any currently serviceable structure or fill for pipelines that have been identified by the Pipeline and Hazardous Materials Safety Administration's Pipeline	Project Sponsor	Biologist San Francisco Bay Regional Water Quality Control Board (Water Board)	Biologist or Project Sponsor shall provide copy of NWP issued by the Corps to Water Board staff. Biologist shall provide written verification to Water Board staff of successful re-creation of drainage swales and seasonal wetlands in accordance with Mitigation Measure BR–4 requirements. Biologist shall also confirm successful implementation of the oak woodland planting plan. The	Verification of NWP: Prior to implementation of grading / Once Verification of successful re-creation of drainage swales and seasonal wetlands: Following creation of	

Mitigation Monitoring and Reporting Program (MMRP)

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Safety Program (PHP) within the U.S. Department of Transportation as time sensitive and additional maintenance activities done in conjunction with the time sensitive inspection and repair activities. A 401 water quality certification will be required from the Water Board to fill the waters of the State on the project site. There are no wetland conservation banks approved for use by the San Francisco Regulatory District of the Corps and/or the Water Board available for use by the applicant to compensate for impacts to waters of the U.S./State from the initial remediation emergency response. Thus, to mitigate impacts to waters of the U.S. and State the applicant is proposing to re-create seasonal wetlands and other water swales at the project site in the same immediate area where these features were impacted. To mitigate for permanent impacts to 404 square feet (202 linear feet) of ephemeral drainage ("other waters") that occurred during the initial emergency response in 2011-2012, in 2012 the applicant created two new drainage swale features on the CNWS. In addition, a third drainage swale is proposed to be created on the private property at 330 Holly Drive (Sheet 3). The created drainage swale on this property will deliver storm event flows to the re-created seasonal wetlands on the CNWS. The new swales (other waters) total 785 linear feet providing a 3.9:1 mitigation ratio for linear impacts to waters of the U.S./State. In addition, proposed re-created seasonal wetlands on the project site total 10,650 square feet providing a 1.25:1 mitigation ratio for seasonal wetland impacts that occurred during the emergency response. Additional compensatory mitigation includes that the private property at 330 Holly Drive will be restored to a natural landscape condition. All structures will be removed down to the dirt. The vegetable beds and landscape vegetation will be removed from a drainage swale on this property. In addition, the applicant will implement a native oak woodland planting plan on the western one half of the private property where the structures are being removed. Upon completion of the remediation project the private property at 330 Holly Drive will be preserved in perpetuity via recordation of an open space Perpetual Deed Restriction that is recorded on the title of the private property. The native oak tree restoration project will create a wildlife oasis between residential subdivisions south of the former residence and the CNWS. M&A also confirmed in a meeting with the City of Concord on September 18,			biologist shall document the verification in a letter report to Water Board staff. The biologist shall document the verification in an annual monitoring report to Water Board staff that reports on health and vigor of planted trees and the functions of the created mitigation wetlands, and identifies additional mitigation requirements in the event trees or wetlands don't meet regulatory agency-designated success criteria. Annual reporting and monitoring shall occur for three years following tree planting and for five years following re-creation of wetlands.	replacement wetlands and swales/ Once annually for five years Verification of successful implementation of oak woodland planting plan: Following completion of replacement tree planting/ Once annually for three years	

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/ Frequency of Monitoring	Date & Monitor's Initials/ Status/Comments
2015 that under the City of Concord Reuse Plan for the CNWS, that the area of the CNWS affected by the proposed remediation project, and significant contiguous acreage to the north of this area will be deeded directly from the U.S. Navy to the East Bay Regional Park District to be managed as open space/park land. Thus, in consideration that an existing conservation easement occurs immediately south of the private property at 330 Holly Drive, and 1.4 acres of the private property at 330 Holly Drive will be permanently protected as open space via the recordation of an open space Perpetual Deed Restriction, the restored and preserved private property will add to a significant regional open space.					
Impact: Adverse effects on ephemeral drainage under California Department of Fish and Wildlife jurisdiction. **Mitigation Measure BR–5:** Any proposed changes/modifications to the drainage swale on the private property at 330 Holly Drive would require entering into a SBAA with CDFW. The applicant may satisfy this mitigation requirement by providing the City of Concord with a fully executed copy of a SBAA with CDFW for the project. The conditions of the executed SBAA shall become a condition of project approval.	Project Sponsor	Biologist San Francisco Bay Regional Water Quality Control Board (Water Board)	Biologist or Project Sponsor shall provide copy of Streambed Alteration Agreement (SBAA) issued by the California Department of Fish and Wildlife (CDFW) to Water Board staff. Biologist shall confirm successful implementation of any additional mitigation requirements stipulated in the SBAA. The biological monitor shall document the verification in a letter report to Water Board staff.	Verification of SBAA: Prior to grading / Once Verification of confirmation from Biologist that additional requirements stipulated in the SBAA were implemented: Following satisfactory compliance with the additional requirements/ Once	
Impact: Potential adverse effects on California tiger salamander, a Threatened species under the California Endangered Species Act. **Mitigation Measure BR–6:** The USFWS has already provided an incidental take permit for the portion of the project on the CNWS and the work area on the CNWS will not be expanded by the project. In addition, the CNWS is exempt from state laws/regulations. Accordingly, no new incidental take permit is required for proposed remediation work on the CNWS. However, all avoidance measures required by the USFWS's BO must be implemented prior to commencing with remediation work on the CNWS.	Project Sponsor	Biologist San Francisco Bay Regional Water Quality Control Board (Water Board)	Biologist or Project Sponsor shall provide copy of incidental take permits issued by the CDFW and USFWS to Water Board staff. Biologist shall confirm successful establishment of exclusion fencing and its maintenance throughout the site cleanup. The biologist shall monitor the integrity of exclusion fencing on a monthly basis as long as earthmoving is ongoing and shall document the verification in a	Verification of incidental take permits (or verification that new permits are not required): Prior to grading / Once Verification of successful establishment and maintenance	

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/ Frequency of Monitoring	Date & Monitor's Initials/ Status/Comments
Pursuant to Section 2081 of the Fish and Game Code, incidental taking authority must be obtained from the CDFW for impacts to the swale on the private property located at 330 Holly Drive. Similarly, as the USFWS did not cover the private property at 330 Holly Drive with its BO for the emergency project, this agency must also amend its BO (or reissue a BO) for the Corps prior to the time the Corps can issue its permit for the project. The proposed remediation project shall not be allowed to commence until such time that incidental take permits are issued by the CDFW and USFWS, or there is written evidence that these agencies have declined to process incidental take permits for the remediation project. Avoidance measures that must be implemented per the USFWS' last BO include that the project area be excluded from migrating California tiger salamanders via the installation of an exclusion fence. The exclusion fence shall consist of a qualified wildlife exclusion fence material for California tiger salamanders such as silt fence or a commercially available wildlife exclusion fence such as those made by ERTEC Corporation. The project site should be surrounded with silt fencing backed by orange construction fence, or with an orange silt fence. The silt fencing should either be landscape stapled every three inches and/or be buried three inches deep along the bottom edge to prevent animals from slipping under the fence. A qualified biologist should conduct a pre-installation survey of the fence installation area immediately prior to installation and should inspect it daily for the duration of the project.			letter report to Water Board staff.	of wildlife exclusion fencing: Prior to grading/ Once	
Impact: Potential adverse effects on California red-legged frog, a Threatened species under the federal Endangered Species Act. **Mitigation Measure BR–7:** The USFWS has already provided an incidental take permit for the portion of the project on the CNWS and the work area on the CNWS will not be expanded by the project. Accordingly, no new incidental take permit is required for proposed remediation work on the CNWS. However, the USFWS did not cover the private property at 330 Holly Drive and thus, this agency must amend its BO (or reissue a BO) for the Corps prior to the time the Corps can issue its permit for the project. The proposed remediation project shall not be allowed to commence until such time that an incidental take permit is issued by the USFWS for the private	Project Sponsor	Biologist San Francisco Bay Regional Water Quality Control Board (Water Board)	Biologist or Project Sponsor shall provide copy of incidental take permits issued by the CDFW and USFWS to Water Board staff. Biologist shall confirm successful establishment of wildlife exclusion fencing and its maintenance throughout the site cleanup, as well as observance of Best Management Practices (BMPs) stipulated in Mitigation Measure BR–7. The biologist shall monitor the integrity of exclusion fencing and implementation of BMPs on a	Verification of incidental take permits (or verification that new permits are not required): Prior to grading / Once Verification of successful establishment and maintenance of exclusion fencing and	

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/ Frequency of Monitoring	Date & Monitor's Initials/ Status/Comments
property at 330 Holly Drive, or there is written evidence that USFWS has declined to process a new or amended incidental take permit for the remediation project. The project site should be staked and surrounded with silt fencing backed by orange construction fence. The silt fencing should be installed at the bottom edge either via installation of landscape staples and in lieu of landscape staples should be buried three inches deep along the bottom edge to prevent animals from slipping under the fence. A qualified biologist should conduct a pre-installation survey of the fence installation area immediately prior to installation and should inspect it daily for the duration of the project. All construction equipment and work should be limited to the area within the fenceline. This minimizes the project-related disturbance to habitats outside the footprint of the project to the maximum extent possible. A biologist should remain onsite during the remediation work to salvage any California red-legged frog or California tiger salamander should one be encountered over the course of the remediation work. If a federally listed species is encountered then all work should be paused while USFWS is consulted for appropriate next steps. Best Management Practices should be implemented to minimize the potential mortality, injury or other impacts to federally listed species. All trash items should be removed daily from the project site to reduce the potential for attracting predators such as crows and ravens. Any impacted soils and materials that are excavated should be containerized and removed from the site expeditiously to prevent local wildlife and federally listed species from becoming exposed or killed by the effects of petroleum products. All fueling and maintenance of equipment and vehicles, and staging areas should remain at least 20 meters (67 feet) from any drainage feature, or as far away as available space allows at the work area.			monthly basis as long as earthmoving is ongoing and shall document the verification in a letter report to Water Board staff.	BMPs: Prior to grading/ Once	
CULTURAL RESOURCES					
Impact: Potential damage to significant archaeological or historical resources. **Mitigation Measure CR–1:** If any historic or prehistoric cultural artifacts are encountered during site disturbance,	Project Sponsor	Archaeologist San Francisco Bay Regional Water Quality	Water Board staff shall verify that workers are trained to stop work in the event buried archaeological resources are	Site inspections: During grading or ground disturbance/	

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/ Frequency of Monitoring	Date & Monitor's Initials/ Status/Comments
all ground disturbance within 100 feet of the find shall be halted until the San Francisco Bay Regional Water Quality Control Board (Water Board) and the City of Concord are notified, and a qualified archaeologist can identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Indicators of historic resources could include items of ceramic, glass, or metal, and could include building foundations. Prehistoric indicators could include chipped chert and obsidian tools and tool manufacture waste flakes; grinding and hammering implements; or locally darkened soil. The results of any additional archaeological effort required through the implementation of Mitigation Measures CR–1 or CR–2 shall be presented in a professional-quality report to the Water Board, the City of Concord, and the Northwest Information Center at Sonoma State University in Rohnert Park. The project sponsor shall fund and implement the mitigation in accordance with Section 15064.5(c)-(f) of the CEQA Guidelines and Public Resources Code Section 21083.2.		Control Board (Water Board)	encountered during construction, followed by notification to City and Water Board staff for further guidance. If cultural resources are encountered during implementation of the project, Water Board staff shall conduct more frequent site inspections to verify implementation of any mitigation recommended by the archaeologist. Inspections shall continue until mitigation implementation is deemed complete by the archaeologist. Water Board staff shall ensure the find is evaluated by a qualified archaeologist and shall verify submittal of archaeological report.	Monthly Report submittal, if applicable: Within 1 month following completion of archaeological mitigation/ Once	
Impact: Potential damage to buried Native American human remains. **Mitigation Measure CR–2**: In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and a qualified archaeologist shall notify the Coroner's Division of the Contra Costa County Office of the Sheriff and advise that office as to whether the remains are likely to be prehistoric or historic period in date. If determined to be prehistoric, the Coroner's Division will notify the Native American Heritage Commission of the find, which, in turn, will then appoint a "Most Likely Descendant" (MLD). The MLD in consultation with the archaeological consultant and the project sponsor, shall advise and help formulate an appropriate plan for treatment of the remains, which might include recordation, removal, and scientific study of the remains and any associated artifacts. After completion of analysis and preparation of the report of findings, the remains and associated grave goods shall be returned to the MLD for reburial.	Project Sponsor	Archaeologist San Francisco Bay Regional Water Quality Control Board (Water Board)	Water Board staff shall verify that workers are trained to stop work in the event buried archaeological resources are encountered during construction, followed by notification to City and Water Board staff for further guidance. If cultural resources are encountered during implementation of the project, Water Board staff shall conduct more frequent site inspections to verify implementation of any mitigation recommended by the archaeologist. Inspections shall continue until mitigation implementation is deemed complete by the archaeologist. Water Board staff shall ensure the find is evaluated by a qualified archaeologist and shall verify submittal of archaeological report.	Site inspections: During grading or ground disturbance/ Monthly Verification of proper disposition of human remains, if applicable: Within 1 month following return of remains to MLD/ Once	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/ Frequency of Monitoring	Date & Monitor's Initials/ Status/Comments
Impact: Potential damage to paleontological resources. **Mitigation Measure CR–3:** If any paleontological resources are encountered during site grading or other construction activities, all ground disturbance shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources shall be salvaged and deposited in an accredited and permanent scientific institution, such as the University of California Museum of Paleontology (UCMP).	Project Sponsor	Paleontologist San Francisco Bay Regional Water Quality Control Board (Water Board)	Water Board staff shall verify that workers are trained to stop work in the event buried archaeological resources are encountered during construction, followed by notification to City and Water Board staff for further guidance. If cultural resources are encountered during implementation of the project, Water Board staff shall conduct more frequent site inspections to verify implementation of any mitigation recommended by the archaeologist. Inspections shall continue until mitigation implementation is deemed complete by the archaeologist. Water Board staff shall ensure the find is evaluated by a qualified archaeologist and shall verify submittal of archaeological report.	Site inspections: During grading or ground disturbance/ Monthly	
HYDROLOGY AND WATER QUALITY					
Impact: Potential degradation of surface water due to site erosion during construction. **Mitigation Measure WQ–1:** Prior to issuance of a grading permit the project sponsor shall obtain National Pollutant Discharge Elimination System (NPDES) construction coverage as required by Construction General Permit (CGP) No. CAS000002, as modified by State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ. In accordance with the CGP requirements, the project applicant shall electronically file the Permit Registration Documents (PRDs), which include a Notice of Intent (NOI), a risk assessment, site map, signed certification, Stormwater Pollution Prevention Plan (SWPPP), and other site-specific PRDs that may be required. The SWPPP shall be prepared by a Qualified SWPPP Developer who has attended a training course sponsored or approved by the Water Board. At a minimum the SWPPP shall identify Best Management	Project Sponsor/ Site Cleanup Contractor	San Francisco Bay Regional Water Quality Control Board (Water Board)	Prior to grading, Water Board staff shall verify preparation of the SWPPP and confirm its adequacy. During site grading and earthwork, Water Board staff shall conduct monthly (or more frequent) site inspections to verify proper implementation of all required BMPs.	Verification of SWPPP: Prior to grading / Once Monitoring of Construction: During construction/ Monthly, or more frequently	

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/ Frequency of Monitoring	Date & Monitor's Initials/ Status/Comments
Practices (BMPs) for implementation during project construction that are in accordance with the applicable guidance and procedures contained in the California Stormwater Quality Association's California Stormwater Best Management Practices Handbook (2015), or as required by the Contra Costa Clean Water Program. Typical construction BMPs may include hay bales, water bars, covers, sediment fences, sediment ponds, geotextile blankets, fiber rolls, temporary slope drains, mulching of exposed areas vehicle mats in wet areas, and other erosion-reducing features. The remediation contractor shall implement the BMPs identified in the SWPPP throughout the remediation work to help stabilize graded areas and reduce erosion and sedimentation. Structural construction BMPs shall be installed prior to initiation of ground disturbance.					
TRAFFIC AND TRANSPORTATION					
Impact: Potential creation of traffic hazards on Bailey Road by haul trucks. **Mitigation Measure T–1:** (a) The contractor shall widen/pave an area at the CNWS entrance to create a better angle for tractor-trailer trucks to turn in and out of the CNWS site. Figure T–5 shows options for the recommended paving/widening at the access point to improve truck access. **OR** (b) The contractor shall employ flag men/women to halt traffic in both lanes while trucks maneuver out onto Bailey Road. **OR** (c) The contractor shall use smaller roll-off container trucks for hauling. Using smaller trucks would mean more haul trips, but Bailey Road carries relatively low traffic volumes and would be able to accommodate the additional trips that would be generated by using smaller trucks. Therefore, this mitigation measure would not create any significant traffic impacts on Bailey Road.	Project Sponsor/ Site Cleanup Contractor	San Francisco Bay Regional Water Quality Control Board (Water Board)	Prior to project implementation, Project Sponsor shall inform Water Board staff of Mitigation Measure T–1 option selected for the project. Depending on option selected, Water Board staff shall field verify entrance modifications (Option (a)), use of flag persons at Bailey Road entrance during haul operations (Options (b)), or use of smaller roll-off container trucks for hauling (Option (c)).	Verification of entrance modifications: Prior to grading / Once **OR** Verification of use of flag persons at Bailey Road entrance during haul operations: Upon initiation of haul operations/ Once (and during site visits for monitoring of Mitigation Measure AQ–1) **OR** Verification of use of smaller roll-off container trucks for hauling: Upon initiation of haul	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/ Frequency of Monitoring	Date & Monitor's Initials/ Status/Comments
				operations/ Once (and during site visits for monitoring of Mitigation Measure AQ–1)	
Impact: Potential creation of traffic hazards on Bailey Road by haul trucks. **Mitigation Measure T–2**: Once the type of truck to be used has been selected, the contractor shall test the truck to verify that safe turning movements can be made to and from the Concord Naval Weapons Station (CNWS) entrance on Bailey Road. If turning movement difficulties are identified, the contractor shall use smaller roll-off container trucks for hauling.	Project Sponsor/ Site Cleanup Contractor	San Francisco Bay Regional Water Quality Control Board (Water Board)	Water Board staff shall observe initial haul truck entries onto Bailey Road from the CNWS to verify that safe turning movements can be made.	Upon initiation of haul operations/ Once (and during site visits for monitoring of Mitigation Measure AQ–1)	
Impact: Potential creation of traffic hazards on Bailey Road by haul trucks. **Mitigation Measure T–3**: The contractor shall place temporary warning signs on Bailey Road near the Concord Naval Weapons Station (CNWS) access point to warn motorists of truck access.	Project Sponsor/ Site Cleanup Contractor	San Francisco Bay Regional Water Quality Control Board (Water Board)	Water Board staff shall verify placement of temporary warning signs.	Upon initiation of haul operations/ Once	
Impact: Potential creation of traffic hazards on Bailey Road by haul trucks. **Mitigation Measure T–4**: The contractor shall establish safety and precautionary procedures for truckers as set forth in the health and safety plan.	Project Sponsor/ Site Cleanup Contractor	San Francisco Bay Regional Water Quality Control Board (Water Board)	Site visits by Water Board staff during project implementation to verify compliance with requirements for proactive safety precautions.	Verification of safety precautions: During site cleanup activities/ Monthly	
Impact: Potential creation of traffic hazards on Bailey Road by haul trucks. **Mitigation Measure T–5**: The contractor shall require all truckers to test drive the haul route prior to hauling.	Project Sponsor/ Site Cleanup Contractor	San Francisco Bay Regional Water Quality Control Board (Water Board)	Water Board staff shall verify that all truckers test drive the haul route prior to work implementation.	Prior to Work / Once	
Impact: Potential creation of traffic hazards on Bailey Road by haul trucks. **Mitigation Measure T–6**: The contractor shall require truckers to cover haul containers to avoid leaving debris on the roadway during transport, inspect the haul route, and clean up at the end of the day if debris is found.	Project Sponsor/ Site Cleanup Contractor	San Francisco Bay Regional Water Quality Control Board (Water Board)	During site visits, Water Board staff shall verify that haul trucks transporting soil or debris for offsite disposal are covered.	Site inspections: During haul operations/ Monthly	
Impact: Potential creation of traffic hazards on Bailey Road by haul trucks.	Project Sponsor/ Site Cleanup	San Francisco Bay Regional	During site inspections Water Board staff shall verify that	Site inspections: During haul	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/ Frequency of Monitoring	Date & Monitor's Initials/ Status/Comments
Mitigation Measure T–7: The contract for the proposed work shall prohibit truckers from hauling soil or waste on Bailey Road during the peak commute hours. Hauling shall be prohibited between 7:00 a.m. and 8:00 a.m. and between 4:45 p.m. and 5:45 p.m.	Contractor	Water Quality Control Board (Water Board)	hauling is not performed during peak commute hours.	operations/ Monthly	

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