CITY OF PITTSBURG
Mt. Diablo Resource Recovery Park 2021 Enhancements Project
INITIAL STUDY AND 2ND EIR ADDENDUM

SCH No. 2011052053

Prepared For:
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

Prepared By:
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June 2021

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1.1 INTRODUCTION

This section provides an overview of the proposed Mt. Diablo Resource Recovery Park (MDRRP) 2021 Enhancements Project and the environmental analysis for same.

1.2 PURPOSE OF ENVIRONMENTAL ANALYSIS

The City of Pittsburg is the lead agency for the proposed MDRRP 2021 Enhancements Project. In accordance with Section 15082 of the California Environmental Quality Act (CEQA) Guidelines, an Environmental Impact Report (EIR) was prepared for the MDRRP Project in December 2014 and was certified by the City of Pittsburg on May 26, 2015. Section 15162 of the CEQA Guidelines outlines the appropriate environmental review for a subsequent project when an EIR has previously been certified. It notes that no subsequent EIR shall be prepared for that project unless the Lead Agency determines, on the basis of substantial evidence in the whole record there have been substantial changes in the project that would require major revisions to the previous EIR, there have been substantial changes with respect to the circumstances under which the project is undertaken, or there is new information indicating that the project could have significant effects not discussed in the EIR.

This Initial Study and 2nd EIR Addendum was prepared as an addition to the 2015 Final EIR, and as such evaluates the proposed MDRRP 2021 Enhancements Project in the context of the certified 2015 EIR to determine if the existing EIR adequately addresses potential environmental impacts or whether subsequent environmental review would be required. It has been prepared in conformance with the provisions of CEQA, California Public Resources Code, Division 13, Environmental Quality and Title 14, California Code of Regulations, Chapter 3, Guidelines for Implementation of CEQA (State CEQA Guidelines).

For purposes of this analysis, the 2011 Initial Study prepared by PMC for the MDRRP Project (which was the basis for the 2015 EIR document) has been utilized herein to help review and compare the current proposal against the 2015 approved project (see Section 3.0 of this document). For additional detail regarding specific environmental impacts, please consult the Section 3.0 of the 2015 Certified EIR. The Initial Study analysis contained in this addendum focuses on the changes in potential impacts that could result from development of the currently proposed MDRRP 2021 Enhancements Project.

1.3 PREVIOUS APPROVALS & BASIS FOR ADDENDUM

The City of Pittsburg certified an EIR for the original facility—which consisted of only the Recycling Center and Transfer Station (RCTS)—on February 21, 1995 (SCH No. 94063017), and then issued the Conditional Use Permit (CUP) on March 6, 1995. The RCTS received a Solid Waste Facility Permit from the City of Pittsburg Solid Waste Management Division to operate a 1,500-tons-per-day (TPD) RCTS. On December 13, 1995, the California Integrated Waste Management Board (the state oversight agency at the time) concurred with the Solid Waste Facility Permit, which has been reviewed every 5 years and has been modified as appropriate to address additional recycling programs. On March 27, 2007, the City of Pittsburg adopted a Negative Declaration and approved a CUP to physically expand the facility and add the Mt. Diablo Recycling Facility (MDRF). On January 12, 2010, the City adopted another Negative Declaration (SCH No. 2009112035) and approved operational changes to the MDRF's CUP to expand its individual facility's capacity to 500 TPD.

On May 26, 2015, the City certified a new EIR (SCH No. 2011052053) for the MDRRP and approved a new CUP to permit operational changes and expand the overall facility's capacity to 5,500 TPD. This 2015 CUP also brought together all components of the facility—the RCTS, the MDRF, and the Organics Processing Facility (a wood chipping and grinding operation)—under just one facility name: "Mt. Diablo Resource Recovery Park." In 2018, the City approved the Initial Study and 1st EIR Addendum and a CUP, which incorporated amendments to the organization of the facility. This included the addition of two bioenergy

gasification units (for a total of three) and additional buildings for 67,405 square feet in addition to the 208,804 square feet originally approved in 2015 for a total of 295,659 square feet.

The applicant has now proposed a revision to its most recently approved project that would include several enhancements to the processing of the waste stream. CEQA Guidelines Section 15162 specifies that, when an EIR has been certified for a project, no subsequent EIR shall be prepared for the project unless the Lead Agency determines, on the basis of substantial evidence in the light of the whole record, that there have been substantial changes in the project or the existing setting or new information of substantial importance becomes available. The purpose of the Initial Study is to determine the appropriate level of environmental review for the current project. Based on the analysis in the attached Initial Study and the Summary of Environmental Impacts, it has been concluded that the 2015 EIR adequately addressed the potential environmental impacts of the proposed MDRRP 2021 Enhancements Project and that an EIR Addendum is the appropriate level of environmental review.

1.4 MDRRP 2021 ENHANCEMENTS PROJECT OVERVIEW

The proposed project consists of an amendment to the existing Use permit (UP) for operational 2021 Enhancements and a reorganization of the previously approved MDRRP on the 36-acre site. The current submittal consists of a Master Plan that sets forth the proposed buildout of the MDRRP over a 20-year period to comply with the above-mentioned increasing regulatory requirements and diversion goals. The total amount of material to be processed at the facility (5,500 TPD) would not change. The most significant change is that these processes would now be carried out within buildings with required air filtering systems to reduce air quality impacts. The 2015 approval permits the development of 295,659 square feet of building. The current request is for a total of 570,580 square feet of development.

The purpose of the Master Plan is to construct the improvements that are necessary to comply with state and federal legislation regarding the handling of waste material. Assembly Bill (AB) 1826 requires that the handling of organic and food waste be carried out within a building by January 2021. Currently, the processing of organic material is carried out of doors and is not combined with food waste. It is expected that increasing regulation will require activities now carried out in open air to be carried out within structures, and therefore the applicant is being proactive in planning for the long-term improvements necessary to meet these requirements.

2.0 PROJECT DESCRIPTION

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2.1 PROJECT LOCATION AND SETTING

PROJECT LOCATION

The project site is located at 1300 Loveridge Road in the city of Pittsburg in north-central Contra Costa County. As shown on **Figure 1**, the site is on the western side of Loveridge Road just north of the Pittsburg-Antioch Highway and State Route 4, and just south of the BNSF Railway and the shoreline of New York Slough. The site encompasses 36 acres and includes assessor's parcel numbers 073-200-013, 073-200-014, 073-200-015, 073-200-027, 073-200-026, 073-200-028, and 073-200-029. The site is located in the Antioch North Quadrangle and within the Los Medanos Land Grant.

EXISTING SETTING

The site for the project is within the MDRRP facility site reviewed and analyzed in the 2015 Certified EIR. The MDRRP facility site consists of approximately 36 acres located in the city of Pittsburg in eastern Contra Costa County. The site of MDRRP encompasses the existing facility improvements (approximately 17.5 acres) designated in the General Plan as Industrial Use (**Figure 2**). The current zoning shown in **Figure 3** includes General Industrial on the eastern portion of the project site and Limited Industrial on the western portion of the project site.

Land uses surrounding the MDRRP are industrial in character (**Figure 4**). Northwest of the MDRRP, across the BNSF Railway, is an industrial facility operated by USS POSCO Industries, which manufactures flat rolled steel sheets. Northeast of the site, also across the BNSF Railway, is an industrial facility operated by Dow Chemical, which manufactures primarily agricultural and pest-control chemicals. East of the site, across Loveridge Road, are the Christenson Recycling Center, a vacant parcel, and two other large industrial facilities. Immediately south of the project site is the Pittsburg-Antioch Highway and a Union Pacific Railroad line beyond. West of the site is a solar energy facility.

2.2 CURRENT OPERATIONS

The portion of the MDRRP site (approximately 17.5 acres) that is currently developed contains the MDRF, the RCTS, the Green Material Processing Operations Area, and the Mixed Construction & Demolition (C&D) Processing Area (collectively referred to as the "existing facility"). The MDRF and RCTS consist of two large interconnected industrial buildings (commonly referred to as the "transfer processing facility") adjacent to Loveridge Road that currently have a total floor area of 190,804 square feet.

Current operations on site include receiving, sorting, processing, recycling, and transporting of municipal solid waste and recyclables, green waste, and C&D waste. The MDRF is operated approximately 20 hours a day, while the RCTS is operated 24 hours a day, seven days a week. Both the Green Material Processing Operations Area and the Mixed C&D Processing Area are operated from 7:00 a.m. to 5:00 p.m. The facility currently has a total of 143 full-time employees and is permitted to receive 31 three-axle semi-trucks with trailers and 26 collection vehicles per day. A detailed summary of the existing on-site facilities and their individual operations is provided below. None of the improvements approved in the 2015 CUP have been constructed to date. The only improvement from the 2018 CUP currently under construction is the Vehicle Maintenance Facility, which has been reduced from 18,000 square feet to 11,750 square feet.

Mt. Diablo Recycling Facility. The MDRF is a recycling facility that sorts and processes a variety of mixed recyclable materials, including newspaper, cardboard, junk mail, and magazines, as well as California Redemption Value (CRV) and non-CRV glass, plastic, and aluminum. Material is dumped onto the tipping floor of the enclosed facility and then pushed onto a conveyor hopper, where it follows along a series of sorting belts and screens. This processing equipment separates the material, after which it is stored in enclosed containers (also known as bunkers) and baled daily for storage and transport. This facility operates approximately 20 hours a day, seven days per week, and has a permitted capacity of 500 TPD.

Figure 1
Project Location

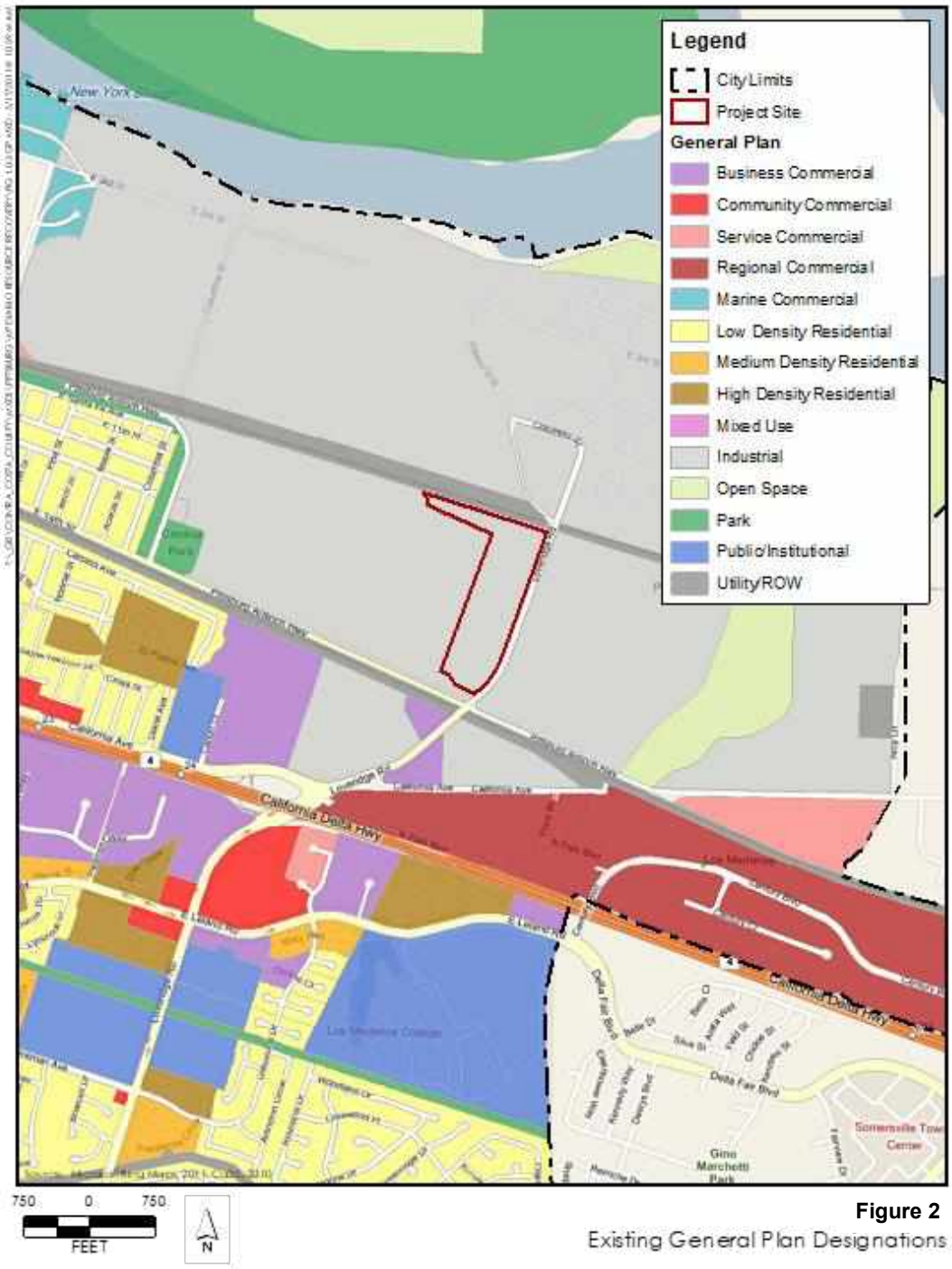

Figure 2
Existing General Plan Designations

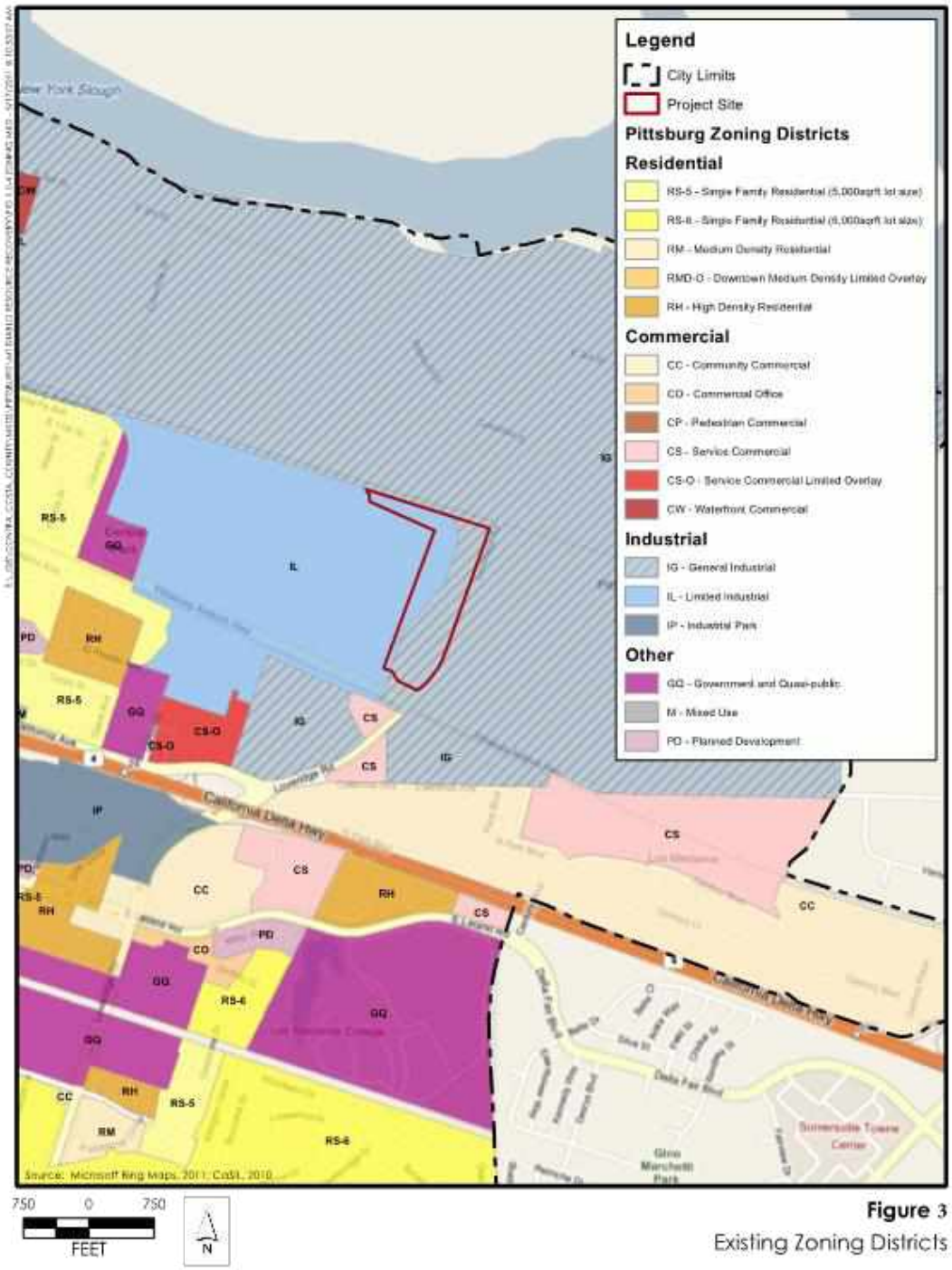

Figure 3
Existing Zoning Districts

Figure 4
Surrounding Uses

Recycling Center and Transfer Station. The RCTS sorts and transfers municipal solid waste, including bulk materials from the public, green waste, wood waste, and mixed C&D debris. The RCTS is the only facility on site that accepts waste directly from the public. Waste materials are weighed at a drive-up scale and are then sorted on the tipping area floor and transferred to the appropriate on-site facility for further sorting, processing, and transport off site for recycling or reuse. Materials that cannot be recycled are stored and then transported to a permitted landfill. This facility receives waste from the general public from 7:00 a.m. to 6:00 p.m., seven days a week, and has a permitted capacity of 1,500 TPD.

Mixed C&D Processing Area. The existing Mixed C&D Processing Area consists of a 9,831-square-foot concrete pad that serves as a base for the C&D processing equipment and provides a stable platform for the loading of materials onto the sorting equipment. The equipment includes a loading hopper, elevated pick-line and walkways, storage bins beneath the pick-line, and shade canopies over the pick-line and workstations. Processing material is delivered to the facility in debris box trucks and commercial vehicles. After being sorted, the residual, non-recyclable wastes are stockpiled and then loaded into transfer vehicles for transport to a permitted landfill for disposal within 48 hours. Recyclable materials are stored, processed, and marketed as recycled productions. Fine materials separated during sorting are used as alternative daily cover at a landfill. This facility currently operates from 7:00 a.m. to 5:00 p.m., seven days a week, and has a permitted capacity of 450 TPD. The material received in this area is included within the 1,500 TPD permitted under the Solid Waste Facility Permit for the RCTS.

Green Material Processing Operations Area. Green materials and wood waste are delivered to the existing Green Material Processing Operations Area from collection vehicles and are stockpiled on storage pads prior to chipping and grinding. The storage pads are constructed with compacted gravel. Processed green materials are loaded onto transfer trailers and transported to a permitted facility for composting, or may be used as alternative daily cover at a landfill. Wood chips are loaded onto transfer trailers and transported to biomass energy facilities. This facility operates from 7:00 a.m. to 5:00 p.m., seven days a week, and has a permitted capacity of 200 TPD.

Remainder of the Project Site. Approximately 18.5 acres of land to the west and south of the existing facility are also included as part of the MDRRP site. Approximately 5 acres of the 18.5-acre area are currently used for parking and storage by the applicant. A portion of this area has been surfaced with compacted gravel. Approximately 13.5 acres of the 18.5-acre area are vacant.

Access & Circulation. The primary access for the site is located off Loveridge Road just south of the transfer processing facility, at roughly the center of the site. This main access roadway continues north along the west side of the existing buildings, providing access to the public scales and scale house and self-haul drop-off area. The BNSF Railway is located on the northwestern border of the project site, and a railroad spur runs into the site west of the RCTS. A second access point from Loveridge Road is located at the northern end of the MDRRP site. This access point is limited to authorized commercial vehicles exiting the site and provides a space for additional parking. A third access point from Loveridge Road, located at the southern end of the site, provides access to the 3.5-acre area to the south and a fire lane that stretches to the western boundary. An approximately 3-acre parcel located on the east side of Loveridge Road at the northern tip of the project site is currently used for truck storage and maintenance purposes. A total of 79 parking spaces are currently provided on the project site.

Landscaping and/or slatted chain-link fencing provide screening along the southern and eastern boundaries of the processing areas, as well as along a portion of the western boundary.

A monument sign is located at the main entrance to the facility, with numerous informational, directional, and cautionary signs throughout the MDRRP site. Pole-mounted lighting is provided along the access road and in the parking area, processing areas, and other outdoor portions of the MDRRP site.

2.3 2015 APPROVED USE PERMIT

On May 26, 2015, the City of Pittsburg approved a UP, which brought the current solid waste and recycling operations at the RCTS, the MDRF, and the Mixed C&D facilities under a single entity referred to as the MDRRP. The 2015 approval increased the total amount of materials to be processed per day at all three facilities from 2,200 TPD to a total of 5,500 TPD. The CUP also designated 18.5 acres to the existing site plan for parking, commodity storage, new commercial recycling, and organics processing programs for residential and commercial food wastes, and relocation of the truck maintenance facility and yard (for "SEG Trucking"), which include an 18,000-square-foot structure in the southeastern portion of the project site (former GWF Power Systems Facility).

The UP also anticipated potential future phases that could include a rail haul option for waste transportation purposes and construction of a single biomass gasification unit (BGU) to process clean wood waste into energy for on-site use. Upon establishment of the BGU, the Organics Processing Facility would be relocated to the site immediately south of the unit and what is now the current organics processing area would be converted to space for commodity, vehicle, and equipment storage space. In addition, after this future relocation, the area immediately west of the new SEG truck maintenance facility driveway would be converted to a materials processing area.

For a more complete project description, please see the 2015 Draft EIR (pages 2.0-1 through 2.0-40).

2.4 2018 APPROVED USE PERMIT

The 2018 approval incorporated all of the improvements in the 2015 UP as well as the following additional items:

- A new high diversion mixed waste/wet organics processing system to refine the previously approved commercial recycling and organics processing programs for residential and commercial food wastes
- An increase in BGUs from one to three
- Construction of a Pole Barn
- SEG Truck Maintenance Facility Reconfiguration
- Additional site modifications necessary to organize the facility's operations

The improvements included an increase in building square footage of 67,405 square feet in four buildings:

- Transfer Processing Facility Building – 43,038 square feet
- Pole Barn – 13,256 square feet
- SEG Truck Maintenance Facility – 25,361 square feet (an increase of 7,361 square feet)
- BGU Control Building – 3,750 square feet

The current application contains several modifications to the UP that was approved in 2018; these uses are no longer considered part of the development program:

- A new high diversion mixed waste/wet organics processing system to refine the previously approved commercial recycling and organics processing programs for residential and commercial food wastes
- Construction of a Pole Barn, which would be replaced by the organics processing building

2.5 CURRENT 2021 ENHANCEMENTS PROJECT

On February 11, 2021, the project proponent submitted an application package to the City of Pittsburg Planning Division for an amendment to its 2018 UP to permit modifications in facility operations—consistent with project components already reviewed and certified in the 2015 EIR—to further aid local jurisdictions in meeting increasing regulatory requirements and diversion goals established pursuant to AB 1826, Senate Bill (SB) 1383, etc. The following discussion summarizes the proposed actions for which that application was submitted. Table 1 summarizes the proposed MDRRP 2021 Master Plan improvements for buildout of the project site. Appendix B contains the Master Plans submitted by the applicant.

The current submittal consists of a Master Plan that sets forth the proposed buildout of the MDRRP over a 20-year period to comply with the above-mentioned increasing regulatory requirements and diversion goals. The total amount of material to be processed at the facility (5,500 TPD) would not change. The most significant change is that these processes would now be carried out within buildings with required air filtering systems to reduce air quality impacts. The 2015 approval permits the development of 295,659 square feet of building. The current request is for a total of 570,580 square feet of development.

The purpose of the Master Plan is to construct the improvements necessary to comply with state and federal legislation regarding the handling of waste material. AB 1826 requires that the handling of organic and food waste be carried out within a building by January 2021. Currently, the processing of organic material is carried out of doors and is not combined with food waste. It is expected that increasing regulation will require activities now carried out in the open air to be carried out within structures, and therefore the applicant is being proactive in planning for the long-term improvements necessary to meet these requirements.

The project will be constructed in eight phases, expected to be completed in 20 years. The applicant has submitted a series of drawings (A-1-A through A-8-A) that show the improvements to be constructed in each of the eight phases of development. Figure 2 (A-8-A) shows the complete buildout of the project site. It should be noted that the currently permitted capacity of 5,500 TPD to be processed on the project site would not change. Appendix A contains a detailed description of the phasing of the proposed improvements, which are expected to be completed in a 20-year period.

The plan submittal also shows the design of the individual buildings. The overall design intent is to create a corporate campus identity through the use of uniform architecture, colors, and materials.

The project also proposes entering into a Development Agreement with the City which would define the long-term responsibilities of the applicant as well as those of the City in implementing the project. This includes the responsibilities of the applicant to fund traffic improvements which are required as mitigation measures upon development of the project.

Table 1: Proposed Building Area

Phase	Proposed Improvements	Sq Ft	Total Sq Ft
Phases 1 & 1a	Vehicle Maintenance Facility	11,750	**11,750**
	Northwest Truck Parking		
Phase 2	North Building (Organics Processing)	81,220	**95,500**
	North Building Offices	6,400	
	North Building Tunnel	1,280	
	Air Filtration Equipment	6,500	
	Kiosk	100	
Phase 3	South Building (C&D Processing)	73,520	**89,100**
	South Building Employee Facilities	6,400	
	South Building Equipment Pad Area	7,750	
	South Building Tunnel	1,280	
	Scalehouse(s)	150	
Phase 4 & 4a	South Building (C&D) Expansion	46,800	**46,800**
	Southeast Employee Parking		
Phase 5	Gasification Operation	97,500	**97,500**
Phase 6	Expansion Tipping & Receiving	23,200	**23,200**
Phase 6a	Mixed Waste Expansion For Processing	19,850	**19,850**
Phase 7	Existing Bale Storage *(removed)*	-34,214	**-69,700**
	Existing Self HAU *(removed)*	-35,480	
Phase 7	Self Haul / Bale Storage Expansion	83,900	**83,900**
Phase 8	AD Expansion	40,000	**40,000**
Phase 8a	AD Dewatering	11,000	**11,000**
		Total Square Footage All New Buildings	***448,900***
Existing Buildings (To Remain)			**Total Sq Ft**
Material Recovery Facility			**88,380**
Tipping Building			**33,300**
		Total Existing	***121,680***
Future Improvements			**Total Sq Ft**
Total Future			**448,900**
Total Building Area			**570,580**

3.0 INITIAL STUDY

3.0 INITIAL STUDY

Pursuant to Public Resources Code, Section 21166, and CEQA Guidelines Sections 15162 and 15164, subdivision (a), the attached Initial Study/Environmental Checklist has been prepared as a supplement to the 2015 Certified Final EIR; it has been determined to be the appropriate CEQA document to prepare and remains sufficient for purposes of the current MDRRP 2021 Enhancements Project, and no supplemental environmental review is required under CEQA.

The attached Initial Study/Environmental Checklist uses the standard environmental checklist that was developed in 2011 for the MDRRP Project and that provided the basis for the 2015 certified EIR, but provides answer columns for evaluation consistent with the considerations listed under CEQA Guidelines Section 15162, subdivision (a), and Section 15164. The purpose of the Initial Study/Environmental Checklist is to evaluate the categories in terms of any "changed condition" (e.g., changed circumstances, project changes, or new information of substantial importance) that would require major revisions to the 2015 certified EIR due to the involvement of new significant effects or a substantial increase in the severity of a previously identified significant effect, and as compared to the findings of the 2015 certified EIR.

A "No" answer to the questions posed in the attached Initial Study/Environmental Checklist does not necessarily mean that there are no potential impacts relative to the environmental category, but rather that there is no change in the condition or status of the impact since it was analyzed and addressed with mitigation measures in the 2015 certified EIR.

3.1 ENVIRONMENTAL CHECKLIST

	Where Impact was Previously Analyzed	Does Proposal Involve New Significant Impacts or Substantially More Severe Impacts?	New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	New Information Available Requiring New Analysis or Verification?	Applicable Prior Mitigation to Address Impacts
1. AESTHETICS. Would the project:					
a) Have a substantial adverse effect on a scenic vista?	2015 EIR Appendix A Page 3.0-1	No	No	No	No prior mitigation was required, and no new mitigation is required
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcrops, and historic buildings within a state scenic highway?	2015 EIR Appendix A Page 3.0-1	No	No	No	No prior mitigation was required, and no new mitigation is required
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	2015 EIR Appendix A Page 3.0-1	No	No	No	No prior mitigation was required, and no new mitigation is required
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	2015 EIR Appendix A Pages 3.0-1 and 3.0-2	No	No	No	No prior mitigation was required, and no new mitigation is required

DISCUSSION OF IMPACTS

a) Scenic vistas in the city include rolling, grassy hills to the south and the Suisun Bay/Sacramento River Delta to the north. These views are considered important visual resources providing identifiable entryways to the city (City of Pittsburg 2001). However, the project site is flat and located out of range of these views. Further, the site is located in an industrial area, and existing views are limited by existing industrial buildings and equipment and vacant parcels containing few natural features. Therefore, implementation of the current project would continue to have no impact on scenic vistas.

b) There are no officially designated or eligible state, county, or city scenic highways or roadways in the vicinity of the project site (Caltrans 2010). Implementation of the current project would continue to have no impact on scenic resources within a scenic highway.

c) The primary change in the current project is that several of the processing units would be contained within buildings as compared to previous plans that called for activities to be conducted outdoors. These activities would include the processing of organic material and C&D debris as now required by state law. In addition, the existing self-haul building (69,700 square feet) would be replaced and expanded. Implementation of the current project would result in the construction and installation of 17 new or modified structures (as summarized in Table 1) comprising 448,900 square feet of new development in addition to 121,680 square feet of existing development (that will remain) on the project site. When the project is completely built out, there will be a total of 570,580 square feet of development. These proposed changes to the project site would be consistent with the existing facilities and operations on the project site as well as with the surrounding uses, which are entirely industrial in nature. The change in operations to enclose the processing units in buildings would improve the visual quality of the project site and unify the operation through an architectural style that defines the identity of the overall project and the use of a consistent range of colors and materials. Furthermore, the project would be subject to design review by the Planning Commission per Pittsburg Municipal Code (PMC) Section 18.36.200. Therefore, implementation of the current project would improve the visual character or quality of the project site beyond what was anticipated in the 2015 EIR, and this impact would remain less than significant.

d) As described in Response 1c above, the current project includes the construction of 17 new structures. Because the site is located in an industrial area of the city and is not adjacent to any residential uses or other sensitive receptors, potential lighting and glare would not adversely affect nighttime or daytime views in the area. Furthermore, the project would be subject to PMC Section 18.82.030, which limits the use of highly reflective glass on building surfaces visible from a street. The current project would also be subject to design review by the Planning Commission per PMC Section 18.36.200. Therefore, there would be no increase in the severity of previously identified impacts and this impact would remain less than significant.

	Where Impact was Previously Analyzed	Does Proposal Involve New Significant Impacts or Substantially More Severe Impacts?	New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	New Information Available Requiring New Analysis or Verification?	Applicable Prior Mitigation to Address Impacts
2. AGRICULTURE AND FOREST RESOURCES. Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	2015 EIR Appendix A Page 3.0-3	No	No	No	No prior mitigation was required, and no new mitigation is required
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	2015 EIR Appendix A Page 3.0-3	No	No	No	No prior mitigation was required, and no new mitigation is required
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	2015 EIR Appendix A Page 3.0-4	No	No	No	No prior mitigation was required, and no new mitigation is required
d) Result in the loss of forest land or conversion of forest land to non-forest use?	2015 EIR Appendix A Page 3.0-4	No	No	No	No prior mitigation was required, and no new mitigation is required
e) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	2015 EIR Appendix A Pages 3.0-3 and 3.0-4	No	No	No	No prior mitigation was required, and no new mitigation is required

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project, and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

DISCUSSION OF IMPACTS

a–b,e) The project site is located in a developed industrial area. The project site is not currently used for any agricultural purposes, nor has it been used for such purposes in the recent past. In addition, the project site has been classified by the Farmland Mapping and Monitoring Program as Urban and Built-Up Land and is zoned for industrial use (NRCS 2008). Furthermore, no adjacent parcels are zoned for agricultural use or subject to a Williamson Act contract. Therefore, implementation of the current project would have no impact on agricultural resources.

c–d,e) The project site and surrounding area are not considered forestland, and there are no active forestry operations in the area. Furthermore, the project site is zoned for industrial use. Therefore, implementation of the current project would have no impact on forestry resources.

	Where Impact was Previously Analyzed	Does Proposal Involve New Significant Impacts or Substantially More Severe Impacts?	New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	New Information Available Requiring New Analysis or Verification?	Applicable Prior Mitigation to Address Impacts
3. AIR QUALITY. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	2015 EIR Pages 3.1-23 to 3.1-30	No	No	No	MM 3.1.1, MM 3.1.2a–d
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	2015 EIR Pages 3.1-23 to 3.1-30	No	No	No	MM 3.1.1, MM 3.1.2a–d
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	2015 EIR Pages 3.1-34 to 3.1-36	No	No	No	MM 3.1.1, MM 3.1.2a–d
d) Expose sensitive receptors to substantial pollutant concentrations?	2015 EIR Pages 3.1-23 to 3.1-33	No	No	No	MM 3.1.1, MM 3.1.2a–d
e) Create objectionable odors affecting a substantial number of people?	2015 EIR Pages 3.1-33 to 3.1-34	No	No	No	No prior mitigation was required, and no new mitigation is required

DISCUSSION OF IMPACTS

a) Implementation of the current project would not conflict with the applicable air quality plan. In meeting state mandated diversion goals under SB 1383 and AB 1826, it would result in a reduction in greenhouse gas (GHG) emissions and increased reductions in fossil fuel usage through the diversion of waste from landfills as well as recycling other materials, and inclusion of solar panels on all buildings.

b) **Impact 3.1.1. Construction-related emissions of criteria air pollutants.** The 2015 EIR determined that the construction-related emissions could violate or contribute substantially to an existing or projected air quality violation, expose sensitive receptors to substantial pollutant concentrations, and/or conflict with air quality planning efforts. Mitigation Measure 3.1.1 was required as part of the Mitigation Monitoring and Reporting Program; however, this impact was defined as Significant and Unavoidable. Illingworth & Rodkin, Inc. evaluated the potential GHG emissions from the current proposal and determined that the current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR. That analysis is included as Appendix H of this report.

Impact 3.1.2. Long-term operational emissions. The 2015 EIR determined that implementation of the project proposed at that time could result in significant impacts to air quality through the construction and operation of a BGU on site, an increase in truck traffic entering and leaving the site, and an increase in the processing and storage of loose materials on site. An air quality study and a health risk assessment were prepared as part of the EIR, and these impacts were identified as potentially significant and unavoidable.

The 2015 EIR identified the potential Long-Term Annual Unmitigated Emissions of Criteria Air Pollutants and Precursors in Table 3.1-10 (page 3.1-27 of the Draft EIR). Table 3.1-10 shows that the potential project would not exceed the Bay Area Air Quality Management District (BAAQMD) significance thresholds for reactive organic gases, inhalable particulate matter (PM_{10}), or fine particulate matter ($PM_{2.5}$). However, nitrogen oxides (NOx) would exceed the threshold for Maximum Annual emissions. The analysis predicted emissions of 49.8 tons per year of NOx, which would exceed the significance threshold (10 tons per year) by 38.5 tons. Of that amount, the one BGU was predicted to contribute 1.1 tons per year.

Aires Clean Energy evaluated the potential emissions for the 2015 project, which included a total of three BGUs, using the feedstock that would be processed as part of the current project. With the current project amendment adding two additional BGUs, for a total of three, the emissions of NOx would increase to 5.61 tons per year, for a potential increase in total NOx emissions of 11 percent above what was predicted in the Draft EIR. This is not considered to be a substantial increase in the severity beyond what was considered in the 2015 EIR.

Mitigation Measures 3.1.2 a, b, c, and d are required as part of the approved 2015 CUP and they include the potential purchase of emission offsets sufficient to limit net increases in operational NOx emissions to no more than 54 pounds per day or 10 tons per year. These mitigations would continue to be applicable; therefore, this impact is considered to have been sufficiently addressed in the 2015 EIR and no new mitigation is required.

Impact 3.1.6. Cumulatively considerable net increase of criteria air pollutants and precursors. The 2015 EIR determined that this impact would be "Less Than Cumulatively Considerable." The current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

Impact 3.1.7. An increase in predicted risks or hazards that would exceed applicable significance thresholds. The 2015 EIR determined that this impact would be "Less Than Cumulatively Considerable." The current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

Impact 3.1.8. Cumulatively considerable increase in odorous emissions that would adversely affect sensitive receptors. The 2015 EIR identified that these impacts would be "Less Than Cumulatively Considerable." The current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

c) **Impact 3.1.4. Incremental Increases in risk or hazards for sensitive receptors.** The current project, in combination with emission sources in the San Francisco Bay Area Air Basin, would result in a cumulatively considerable net increase of criteria air pollutants and precursors. Implementation of the current project amendments would reduce truck traffic, and therefore would reduce this impact from the level identified in the 2015 EIR. With implementation of the proposed mitigation measures, this impact would remain less than significant.

d) **Impact 3.1.3 BAAQMD screening criteria.** The 2015 EIR determined that implementation of the original project would not contribute to traffic volumes at primarily affected intersections that would exceed the BAAQMD's screening criteria. As a result, localized concentrations of mobile-source carbon monoxide were not projected to exceed applicable ambient air quality standards, and this is considered a less-than-significant impact. The current project is expected to generally result in decreased traffic volumes at primarily affected intersections as compared to what was envisioned as part of the original project. Therefore, there would be no increase in the severity of previously identified impacts and this impact would remain less than significant.

e) **Impact 3.1.5 Objectionable odors.** The current project does not propose any different land use activities beyond what was envisioned as part of the original project. The current project would comply with the existing site-specific Odor Impact Minimization Plan, which was previously prepared to minimize odor emissions and prevent nuisances in the surrounding area. Furthermore, the proposed project would continue to be subject to BAAQMD Regulation 7, Odorous Substances, which limits the discharge of odorous substances that may result in nuisance impacts to nearby receptors. Therefore, there would be no increase in the severity of previously identified impacts and this impact would remain less than significant.

	Where Impact was Previously Analyzed	Does Proposal Involve New Significant Impacts or Substantially More Severe Impacts?	New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	New Information Available Requiring New Analysis or Verification?	Applicable Prior Mitigation to Address Impacts
4. BIOLOGICAL RESOURCES. Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	2015 EIR Pages 3.8-1 to 3.8-38	No	No	No	MM3.8.1a MM3.8.1b MM3.8.1c MM3.8.1d MM3.8.1e
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	2015 EIR Pages 3.8-1 to 3.8-38	No	No	No	No prior mitigation was required, and no new mitigation is required
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	2015 EIR Pages 3.8-1 to 3.8-38	No	No	No	No prior mitigation was required, and no new mitigation is required
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	2015 EIR Pages 3.8-1 to 3.8-38	No	No	No	No prior mitigation was required, and no new mitigation is required
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	2015 EIR Page 3.8-1 to 38	No	No	No	No prior mitigation was required, and no new mitigation is required
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	2015 EIR Pages 3.8-1 to 3.8-38	No	No	No	MM3.8.1a MM3.8.1b MM3.8.1c MM3.8.1d MM3.8.1e

DISCUSSION OF IMPACTS

a–d) **Impact 3.8.1. Substantial adverse effects to special-status species.** The 2015 EIR determined that construction of the project could have the potential to impact special-status species, including: burrowing owls, Swainson's hawks, golden eagles, non-covered raptors during the nesting season, and nesting birds. Mitigation Measures are included in the Mitigation Monitoring and Reporting Program to avoid any potential impacts to these species during construction and operation of the project. The current project has the potential for similar impacts; however, there would be no increase in the severity of previously identified impacts. Mitigation Measures 3.8.1a–e would remain applicable and would require avoidance of any potential impacts on any species identified as a candidate, sensitive, or special-status species. Monk and Associates prepared an updated Biological Resource Analysis document in the report dated July 30, 2020 (Appendix E). This report covers the southern portion of the project site (4 acres – the location of the proposed Truck Maintenance Facility that is currently under construction). The report identified potential impacts to nesting birds and to bats during the breeding season. These impacts were identified in the 2015 Draft EIR, and mitigation measures were included in the Mitigation Monitoring Program to reduce these potential impacts to a less-than-significant level. In addition, a wetlands delineation map was submitted to the U.S. Army Corps of Engineers (USACE) for determination of jurisdiction (Appendix F). Correspondence dated October 5, 2020 documents USACE concurrence with the delineation, documenting the following wetlands: Jurisdictional Wetlands (0.247 acre), Non-Jurisdictional Wetlands (0.018 acre), and Non-jurisdictional Other Waters of the United States (0.017 acre), for a total of 0.282 acre (Appendix G). This delineation is consistent with the 2015 EIR, which identified the wetlands NW1 and OW1 as non-jurisdictional. The 0.247 acre adjacent to and south of the project site consists of the Kirker Creek drainage, which would not be impacted by the proposed project. Therefore, the current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

e) As described above, the project site is developed and does not contain any significant biological resources. Implementation of the current project would not conflict with any local policies or ordinances protecting biological resources.

f) The project site is located within the boundaries of the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). However, the land coverage for the site is mapped in the HCP/NCCP as urban and is exempt from the City's adopted implementing ordinance per PMC Section 15.108.030 (ECCCHCPA 2006; City of Pittsburg 2010). The current project would result in similar impacts but would not substantially increase the severity of the impacts beyond what was considered in the 2015 EIR.

	Where Impact was Previously Analyzed	Does Proposal Involve New Significant Impacts or Substantially More Severe Impacts?	New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	New Information Available Requiring New Analysis or Verification?	Applicable Prior Mitigation to Address Impacts
5. CULTURAL RESOURCES. Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	2015 EIR Appendix A Pages 3.0-8 to 3.0-9	No	No	No	No prior mitigation was required, and no new mitigation is required
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	2015 EIR Appendix A Pages 3.0-8 to 3.0-9	No	No	No	No prior mitigation was required, and no new mitigation is required
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	2015 EIR Appendix A Pages 3.0-8 to 3.0-9	No	No	No	No prior mitigation was required, and no new mitigation is required
d) Disturb any human remains, including those interred outside of formal cemeteries?	2015 EIR Appendix A Pages 3.0-8 to 3.0-9	No	No	No	No prior mitigation was required, and no new mitigation is required

DISCUSSION OF IMPACTS

a) The project site does not contain any historical buildings or other known historical resources. The original portion of the RCTS building was built in 1955, over 50 years ago. However, this building is a simple metal warehouse structure that does not exhibit any historical architectural features and is not associated with any significant historical events or activities. Furthermore, the building has been significantly modified and expanded and is substantially different from its original appearance. The MDRF and other structures on the site were built after 1995 and are not historically significant. In addition, the site has been graded and heavily disturbed through the construction of the MDRF and RCTS, paving of roadways and parking areas, landscaping, and the use of heavy equipment; therefore, the site is not likely to contain unknown historical resources. As such, implementation of the current project would have no impact on historical resources.

b) The project site has been heavily disturbed through construction activities and routine facility operations and is not likely to contain unknown archaeological resources. In addition, implementation of the current project would require very limited grading, further limiting the potential for any such resources to be discovered. Furthermore, per Pittsburg General Plan Policy 9-P-41, should any archaeological resources be found during ground-disturbing activities on site, all construction would be halted immediately and an archaeological investigation to collect all valuable remnants would be conducted. Therefore, implementation of the current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

c) The project site has been heavily disturbed through construction activities and routine facility operations and is not likely to contain any undiscovered paleontological resources. In addition, implementation of the current project would require very limited grading, further limiting the potential for any such resources to be discovered. Therefore, implementation of the current project would have no impact on paleontological resources and unique geologic features.

d) The project site does not contain a cemetery. In addition, the project site has been heavily disturbed through construction activities and routine facility operations and is not likely to contain any unknown human remains. Furthermore, pursuant to Section 5097.97 of the State Public Resources Code and Section 70570.5 of the State Health and Safety Code, all work must stop, and the County Coroner must be notified should human remains be discovered during project implementation. Therefore, implementation of the current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

	Where Impact was Previously Analyzed	Does Proposal Involve New Significant Impacts or Substantially More Severe Impacts?	New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	New Information Available Requiring New Analysis or Verification?	Applicable Prior Mitigation to Address Impacts
6. GEOLOGY AND SOILS. Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map, issued by the State Geologist for the area or based on other substantial evidence of a known fault?	2015 EIR Appendix A Pages 3.0-10 to 10-3.0-11	No	No	No	No prior mitigation was required, and no new mitigation is required
ii) Strong seismic ground shaking?	2015 EIR Appendix A Pages 3.0-10 to 3.0-11	No	No	No	No prior mitigation was required, and no new mitigation is required
iii) Seismic-related ground failure, including liquefaction?	2015 EIR Appendix A Pages 3.0-10 to 3.0-11	No	No	No	No prior mitigation was required, and no new mitigation is required
iv) Landslides?	2015 EIR Appendix A Pages 3.0-10 to 3.0-11	No	No	No	No prior mitigation was required, and no new mitigation is required

	Where Impact was Previously Analyzed	Does Proposal Involve New Significant Impacts or Substantially More Severe Impacts?	New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	New Information Available Requiring New Analysis or Verification?	Applicable Prior Mitigation to Address Impacts
b) Result in substantial soil erosion or the loss of topsoil?	2015 EIR Appendix A Pages 3.0-10 to 3.0-11	No	No	No	No prior mitigation was required, and no new mitigation is required
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	2015 EIR Appendix A Pages 3.0-10 to 3.0-11	No	No	No	No prior mitigation was required, and no new mitigation is required
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	2015 EIR Appendix A Pages 3.0-10 to 3.0-11	No	No	No	No prior mitigation was required, and no new mitigation is required
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	2015 EIR Appendix A Pages 3.0-10 to 3.0-11	No	No	No	No prior mitigation was required, and no new mitigation is required

DISCUSSION OF IMPACTS

a) ***(i)*** The project site is not located within an Alquist-Priolo Earthquake Fault Zone (CGS 2011). No known active or potentially active faults cross the project site. Therefore, fault rupture is not likely to occur at the site. The current project would continue to have no impact.

(ii) The project site is located in the San Francisco Bay Area, one of the most seismically active regions in the United States. There are numerous active faults (i.e., a fault with evidence of surface displacement within the past 10,000 years) and potentially active faults (i.e., a fault with evidence of surface displacement within the past 2 million years) in the region including the San Andreas Fault. The closest active fault to the project site is the Clayton-Greenville fault located 3 miles away. The site is included in Seismic Zone 4, the highest seismic risk category presented in the California Building Code. As such, the current project would be required to comply with the most stringent California Building Code standards to minimize property damage and maximize public safety on the site in the event of seismic activity. This impact is less than significant. The current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

(iii) Liquefaction is the transformation of loose saturated silts and sands with less than 15 percent clay-sized particles from a solid state to semi-liquid state. This occurs under vibratory conditions such as those induced by a seismic event.

According to the City's General Plan (2001), the site is within an area of high liquefaction potential (see Figure 10-1, Geologic Hazards, of the Health and Safety Element). However, according to the site-specific geotechnical investigation prepared for the MDRF in 2006 (Hultgren-Tillis Engineers 2006), the potential for liquefaction at the site is low, as site soils are primarily of stiff clay with inter-bedded sand layers. As such, the risk of seismic-related ground failure, settlement, subsidence, lurching, lateral spreading, and liquefaction at the site is low. Furthermore, compliance with the engineering specifications contained in the geotechnical investigation (Hultgren-Tillis Engineers 2006) would ensure that the project site is properly prepared and that the proposed BGU and other site improvements are designed and constructed or installed properly given the site's geologic and soil conditions. These include specifications for site preparation, slabs on grade, surface drainage, and inspection reporting. As such, potential risk to people and structures from seismic-related ground failure such as liquefaction would be minimized. This impact is less than significant. The current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

(iv) The project site and surrounding properties are flat and there is no risk of landslide. Therefore, the current project would continue to have no impact.

b) No soil would be imported or exported to/from the project site, and very limited to no grading would occur as the site is flat and has been compacted from previous use. As such, the potential for soil erosion during project construction would be minimal. The current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

c–d) See Response 6aiii above. According to previous environmental documentation for the project site, the site is underlain by weak soils that possess a high shrink/swell potential (City of Pittsburg 1995). Such soils can cause structural damage if the structures are not properly designed and constructed. Compliance with the engineering specifications contained in the geotechnical investigation previously prepared for the project site (Hultgren-Tillis Engineers 2006) would ensure that the project site is properly prepared and that the proposed BGU and other site improvements are designed and constructed or installed properly given the site's geologic and soil conditions. These include specifications for site preparation, slabs on grade, surface drainage, and inspection reporting. As such, potential risk to people and structures related to unstable and expansive soils would be minimized. This impact is less than significant. The current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

e) Wastewater generated at the project site would enter into the functioning private wastewater system maintained by the property owners. Drainage would be conveyed via a 36-inch pipe to the existing drainage ditch located adjacent to the northwest corner of the project site. This system would meet the applicable standards and would be adequately supported by the underlying soils. Therefore, this impact would be less than significant. The current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

	Where Impact was Previously Analyzed	Does Proposal Involve New Significant Impacts or Substantially More Severe Impacts?	New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	New Information Available Requiring New Analysis or Verification?	Applicable Prior Mitigation to Address Impacts
7. GREENHOUSE GAS EMISSIONS. Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	2015 EIR Pages 3.2-1 to 3.2-22	No	No	No	No prior mitigation was required, and no new mitigation is required
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	2015 EIR Pages 3.2-1 to 3.2-22	No	No	No	No prior mitigation was required, and no new mitigation is required

DISCUSSION OF IMPACTS

a–b) Impact 3.2.1. A net increase in GHG emissions that could potentially conflict with the goals of AB 32 or result in a significant impact on the environment. Implementation of the current project would contribute to increases of GHG emissions that are associated with global climate change. The 2015 EIR concluded that implementation of the 2015 proposed project would result in less-than-cumulatively-considerable impacts related to GHG emissions. Illingworth & Rodkin, Inc. modeled the potential GHG emissions of the current proposal (Appendix H). The current proposal would reduce GHG emissions slightly due to a reduction in long haul truck trips and the processing of food waste that would otherwise be sent to a landfill. The current project would also have beneficial impacts related to GHG emissions as a result of its renewable energy and recycling components. The current project would result in similar impacts but would result in a slight decrease in the severity of the impacts identified in the 2015 EIR.

	Where Impact was Previously Analyzed	Does Proposal Involve New Significant Impacts or Substantially More Severe Impacts?	New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	New Information Available Requiring New Analysis or Verification?	Applicable Prior Mitigation to Address Impacts
8. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	2015 EIR Pages 3.3-1 to 3.3-18	No	No	No	No prior mitigation was required, and no new mitigation is required
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	2015 EIR Pages 3.3-1 to 3.3-18	No	No	No	MM 3.3.2a, MM 3.3.2b
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?	2015 EIR Pages 3.3-1 to 3.3-18	No	No	No	No prior mitigation was required, and no new mitigation is required
d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?	2015 EIR Pages 3.3-1 to 3.3-18	No	No	No	No prior mitigation was required, and no new mitigation is required
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area?	2015 EIR Pages 3.3-1 to 3.3-18	No	No	No	No prior mitigation was required, and no new mitigation is required
f) For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area?	2015 EIR Pages 3.3-1 to 3.3-18	No	No	No	No prior mitigation was required, and no new mitigation is required
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	2015 EIR Pages 3.3-1 to 3.3-18	No	No	No	No prior mitigation was required, and no new mitigation is required
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	2015 EIR Pages 3.3-1 to 3.3-18	No	No	No	No prior mitigation was required, and no new mitigation is required

DISCUSSION OF IMPACTS

a–b) **Impact 3.3.1 Routine transport, use, and disposal of hazardous materials.** The 2015 EIR determined that impacts related to hazardous materials would be less than significant. The current project includes the expansion of existing operations on the project site as well as the construction and operation of three BGUs. These operations would not include the routine transport, use, and storage of hazardous materials. No hazardous, infectious, or liquid wastes are accepted at the facility. A load check program is implemented to screen for such materials in incoming waste loads. Recovered household hazardous wastes are temporarily stored in a designated area and transferred off site for proper disposal in accordance with state regulations. The proposed changes to the project that are part of the current application would not result in new significant impacts because, as noted above, the project would be in compliance with state regulations related to proper storage and disposal of hazardous materials.

Impact 3.3.2. Exposure of construction workers to hazardous materials during site preparation. The 2015 EIR determined that these impacts would be less than significant with the implementation of Mitigation Measure 3.3.2.a. The current project would result in similar impacts but would not increase the severity of the impact beyond what was considered in the 2015 EIR.

Impact 3.3.4. Cumulatively considerable impacts related to hazards and hazardous materials. The 2015 EIR determined that this impact would be less than cumulatively considerable. The current project would result in similar impacts but would not increase the severity of the impact beyond what was considered in the 2015 EIR.

c) There are no schools within ¼ mile of the project site, and as such, there would be no impact to schools related to hazardous materials.

d) ***Refer to Impact 3.3.1 above.*** The project site was occupied by a steel can and metal shearing manufacturing operation from approximately 1954 to 1992 (City of Pittsburg 1995). As a result, soil and groundwater underlying the project site were contaminated. Remediation was completed, and wells are now monitored by the San Francisco Bay Regional Water Quality Control Board (SWRCB 2011). The 2015 EIR determined that, with the implementation of Mitigation Measures 3.3.2a and 3.3.2b and compliance with the land use restrictions for the western portion of the project site, this impact is less than significant. Construction of the improvements as part of the current application would remain subject to Mitigation Measures 3.3.2a and 3.3.2b and would result in similar impacts but would not increase in severity beyond what was considered in the 2015 EIR.

e–f) There are no airports or airstrips, public or private, in the vicinity of the project site (AirNav 2011). Implementation of the current project would have no impact on public safety related to airports.

g) **Impact 3.3.3. Potential to interfere with implementation of the City's Emergency Operations Plan.** The City of Pittsburg Emergency Operations Plan outlines procedures for educating the public about emergency preparedness and also establishes procedures for responding to emergency situations, including management of communication systems, provision of medical assistance, and maintenance of local financing structures and government leadership roles in the aftermath of a significant emergency event. The 2015 EIR concluded that there would be a less-than-significant impact from the project. Implementation of the current project would result in a slight reduction in the number of vehicle trips on local roadways and regional highways evaluated in the EIR; therefore, this potential impact as it relates to the current project would be reduced.

h) The project site is located in a largely developed industrial area that is not in the vicinity of any wildlands. The project site contains no trees or vegetation aside from some ornamental landscaping along its boundaries. There would be no impact as a result of the current project related to public safety and wildland fires.

	Where Impact was Previously Analyzed	Does Proposal Involve New Significant Impacts or Substantially More Severe Impacts?	New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	New Information Available Requiring New Analysis or Verification?	Applicable Prior Mitigation to Address Impacts
9. HYDROLOGY AND WATER QUALITY. Would the project:					
a) Violate any water quality standards or waste discharge requirements?	2015 EIR Pages 3.4-1 to 3.4-18	No	No	No	No prior mitigation was required, and no new mitigation is required
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	2015 EIR Pages 3.4-1 to 3.4-18	No	No	No	No prior mitigation was required, and no new mitigation is required
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on or off site?	2015 EIR Pages 3.4-1 to 3.4-18	No	No	No	No prior mitigation was required, and no new mitigation is required
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff, in a manner that would result in flooding on or off site?	2015 EIR Pages 3.4-1 to 3.4-18	No	No	No	No prior mitigation was required, and no new mitigation is required
e) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	2015 EIR Pages 3.4-1 to 3.4-18	No	No	No	No prior mitigation was required, and no new mitigation is required
f) Otherwise substantially degrade water quality?	2015 EIR Pages 3.4-1 to 3.4-18	No	No	No	No prior mitigation was required, and no new mitigation is required
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?	2015 EIR Pages 3.4-1 to 3.4-18	No	No	No	No prior mitigation was required, and no new mitigation is required

	Where Impact was Previously Analyzed	Does Proposal Involve New Significant Impacts or Substantially More Severe Impacts?	New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	New Information Available Requiring New Analysis or Verification?	Applicable Prior Mitigation to Address Impacts
h) Place within 100-year flood hazard area structures that would impede or redirect flood flows?	2015 EIR Pages 3.4-1 to 3.4-18	No	No	No	No prior mitigation was required, and no new mitigation is required
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	2015 EIR Page 3.4-1	No	No	No	No prior mitigation was required, and no new mitigation is required
j) Cause inundation by seiche, tsunami, or mudflow?	2015 EIR Pages 3.4-1 to 3.4-18	No	No	No	No prior mitigation was required, and no new mitigation is required

DISCUSSION OF IMPACTS

a) **Impact 3.4.1. Violate any water quality standards and waste discharge requirements.** Construction of the proposed BGUs and other improvements would involve soil-disturbing activities, additional impervious surfaces, and increases in stormwater runoff that could result in water quality impacts as well as localized flooding. These impacts were addressed, as they relate to the original project, in the 2015 EIR and were found to be less than significant. The current project would result in similar impacts but would not substantially increase the severity of the impacts beyond what was considered in the 2015 EIR.

b) **Impact 3.4.2. Depletion of groundwater supplies or interference with groundwater recharge.** The 2015 EIR concluded that the City and its wholesale provider would have sufficient water supplies to meet the project's demand, and therefore the potential impact would be less than significant. Domestic water service would be provided to the current project by the City of Pittsburg, which obtains a portion of its water supply from groundwater. The 2015 EIR considered an increase in the MDRRP's total operational water demand from approximately 20,000 gallons per day (gpd) to approximately 40,000 gpd. An increase in operational water demand, beyond that described in the 2015 EIR, is not proposed as part of this project. The project site is not located in an area that significantly contributes to the recharge of the underlying groundwater aquifer (City of Pittsburg 2007). In addition, the current project does not propose to add a significant amount of new impervious surface area. Therefore, potential interference with groundwater recharge is not considered to be a significant impact. The current project would result in similar impacts but would not substantially increase the severity of the impacts beyond what was considered in the 2015 EIR

d) **Impact 3.4.3. Increase in stormwater runoff.** On-site drainage is controlled through the use of drainage ditches and underground pipelines surrounding the perimeter of the existing facility that direct surface water flows toward an outfall along the western edge of the existing facility. The ditches include a landscaped stormwater treatment planter located along the eastern side of the MDRF building and a landscaped stormwater pre-treatment bioswale located along the western edge of the existing facility. These facilities discharge stormwater via the outfall to an existing drainage ditch on the vacant lot to the west. This existing ditch traverses the 15-acre parcel to the west and the vacant lot, flowing east to west away from the existing facility. The existing ditch

conveys the stormwater generated from the existing facility, the 15-acre parcel to the west, and the eastern portions of the vacant lot to an existing 36-inch culvert that then discharges to an existing evaporation basin located near the northern portion of the vacant lot.

The proposed development within the 15-acre western parcel will include placement of impervious surfaces throughout the parcel, as documented in the 2015 EIR. This increase in impervious surface will increase the stormwater peak flows from 9.2 to 15.8 cubic feet per second. The 35-inch pipeline proposed to replace the ditch within this parcel and the downstream ditch and 36-inch culvert to the west have adequate capacity to convey the increased peak flows from the existing site and the fully developed 15 acres.

For the drainage from the 3.5-acre area to the south (the site where the Truck Maintenance Facility is currently under construction), the detention volume required is approximately 0.2 acre-foot. Therefore, on-site stormwater runoff would not exceed the available capacity of the existing drainage system. As a result, this impact was deemed less than significant.

Impact 3.4.4. Construction impacts to downstream surface drainages and groundwater. The 2015 EIR determined that this would be a less-than-significant impact. The current project would result in similar impacts but would not substantially increase the severity of the impacts beyond what was considered in the 2015 EIR.

f) **Impact 3.4.5 Degradation of downstream surface water and underlying groundwater quality.** The 2015 EIR identified this as a less-than-significant impact. The current project would result in similar impacts but would not substantially increase the severity of the impacts beyond what was considered in the 2015 EIR.

Impact 3.4.7. Cumulative degradation of water quality in area surface drainages and groundwater supplies. The 2015 EIR identified this impact as less than cumulatively considerable. The current project would result in similar impacts but would not substantially increase the severity of the impacts beyond what was considered in the 2015 EIR.

g) Although the southern portion of the project site is within a 100-year flood zone, the current project does not include any housing. Therefore, no housing would be placed in an area of potential flooding and there would be no impact.

h) **Impact 3.4.6. Development within a flood zone.** The southern portion of the project site is located within a 100-year flood zone. This portion of the project site would contain the proposed BGUs as well as a second C&D processing line. The 2015 EIR concluded that compliance with existing City standards would minimize potential hazards, and therefore this impact would be less than significant. The current project would comply as well with City standards. The current project would result in similar impacts but would not substantially increase the severity of the impacts beyond what was considered in the 2015 EIR

i–j) **Impact 3.4.8. Cumulative flooding impacts.** The project site is located near the Suisun Bay/Sacramento River Delta and may be subject to flooding as a result of seiche/tsunami or dam or levee failure. In addition, the project site may be affected by sea level rise as a result of climate change. However, the 2015 EIR determined that these potential impacts were less than cumulatively considerable. The project site is flat, as are the surrounding properties, and is not at risk of inundation as a result of mudflow. This impact would be less than cumulatively considerable. The current project would result in similar impacts but would not substantially increase the severity of the impacts beyond what was considered in the 2015 EIR

	Where Impact was Previously Analyzed	Does Proposal Involve New Significant Impacts or Substantially More Severe Impacts?	New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	New Information Available Requiring New Analysis or Verification?	Applicable Prior Mitigation to Address Impacts
10. LAND USE AND PLANNING. Would the project:					
a) Physically divide an established community?	2015 EIR Pages 3.5-1 to 3.5-5	No	No	No	No prior mitigation was required, and no new mitigation is required
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	2015 EIR Pages 3.5-1 to 3.5-5	No	No	No	No prior mitigation was required, and no new mitigation is required
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	2015 EIR Pages 3.5-1 to 3.5-5	No	No	No	No prior mitigation was required, and no new mitigation is required

DISCUSSION OF IMPACTS

a) Division of an established community commonly occurs as a result of development of physical features that constitute a barrier to easy and frequent travel between two or more constituent parts of a community. For example, a large freeway structure with few crossings could effectively split a community. The current project consists of the expansion of existing operations at, and improvements to, an existing solid waste transferring and recycling facility. The current project does not include any features that by design or their nature would divide the existing community. Therefore, implementation of the current project would not physically divide an established community, and there would be no impact.

b) **Impact 3.5.1. Consistency with existing land use designation and zoning.** As described previously, the project site is designated by the City's 2020 General Plan as Industrial, which allows commercial services, industrial processing, and storage uses. Both the existing facility and the current project are uses that are consistent with this designation. The project site is zoned IG (General Industrial), which provides for intense industrial uses. However, large recycling facilities, such as the current project, require a use permit within this zoning district. A use permit was approved for the 2015 application. With consideration and approval of an amendment to the use permit, the current project would be in compliance with the zoning district.

Impact 3.5.2. Cumulative impacts related to the City's Zoning Ordinance. The 2015 EIR determined that the project would have a less-than-cumulatively-considerable impact related to the City's Zoning Ordinance. The current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

c) The project site is located within the boundaries of the East Contra Costa County HCP/NCCP. However, the land coverage for the site is mapped in the HCP/NCCP as urban and is exempt from the City's adopted implementing ordinance per PMC Section 15.108.030 (ECCCHCPA 2006; City of Pittsburg 2010). This impact was identified as less than significant. The current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

	Where Impact was Previously Analyzed	Does Proposal Involve New Significant Impacts or Substantially More Severe Impacts?	New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	New Information Available Requiring New Analysis or Verification?	Applicable Prior Mitigation to Address Impacts
11. MINERAL RESOURCES. Would the project:					
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?	2015 EIR Appendix A Page 3.0-20	No	No	No	No prior mitigation was required, and no new mitigation is required
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	2015 EIR Appendix A Page 3.0-20	No	No	No	No prior mitigation was required, and no new mitigation is required

DISCUSSION OF IMPACTS

a–b) According to the City's General Plan (2001), there are no known significant mineral deposits or active mining operations in the City. Furthermore, previous environmental documentation for the project (City of Pittsburg 1995) described the geology of the site and did not identify any potential mineral resources in the area. The current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

	Where Impact was Previously Analyzed	Does Proposal Involve New Significant Impacts or Substantially More Severe Impacts?	New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	New Information Available Requiring New Analysis or Verification?	Applicable Prior Mitigation to Address Impacts
12. NOISE. Would the project:					
a) Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	2015 EIR Appendix A Pages 3.0-21 to 3.0-24	No	No	No	No prior mitigation was required, and no new mitigation is required
b) Expose persons to or generate excessive groundborne vibration or groundborne noise levels?	2015 EIR Appendix A Pages 3.0-21 to 3.0-24	No	No	No	No prior mitigation was required, and no new mitigation is required
c) Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	2015 EIR Appendix A Pages 3.0-21 to 3.0-24	No	No	No	No prior mitigation was required, and no new mitigation is required
d) Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	2015 EIR Appendix A Pages 3.0-21 to 3.0-24	No	No	No	No prior mitigation was required, and no new mitigation is required
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels?	2015 EIR Appendix A Pages 3.0-21 to 3.0-24	No	No	No	No prior mitigation was required, and no new mitigation is required
f) For a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels?	2015 EIR Appendix A Pages 3.0-21 to 3.0-24	No	No	No	No prior mitigation was required, and no new mitigation is required

DISCUSSION OF IMPACTS

a,c) The proposed expansions to the existing recycling facility would be located in an industrial area of the city, surrounded by other existing industrial uses and road and railroad transportation corridors. A previous noise study prepared for the RCTS (in support of the 1995 EIR – SCH No. 94063017) determined that the worst-case scenario noise level of 70 A-weighted decibels (dBA) at 100 feet

from the open doors of the RCTS would not exceed City standards at the nearest residences (approximately ½ mile west of the site) and would be essentially inaudible over existing typical background noise levels (City of Pittsburg 1995). Since 1995, the MDRF and other operations have been added and the facility's capacity has increased. However, the facility is still in compliance with all applicable noise standards.

The current project would not result in significant increases in traffic-related noise. With the current project amendments, truck traffic would be reduced and would be less than predicted in the 2015 Draft EIR; therefore, there should be a decrease in traffic-related noise and a less-than-significant impact.

The 2015 Draft EIR identified that the addition of facilities, equipment, and truck traffic, described in that document, would result in a permanent increase in ambient noise levels in the project vicinity. In addition, the expansion of hours of operation on the project site would result in the generation of noise during evening and nighttime hours. The current project proposes to construct 17 new buildings so that activities (summarized in Table 1) currently carried out in the open would be contained by building envelopes. This would result in a reduction in the potential noise impacts of the project operation.

Noise generated on the site would not be audible at the nearest residential uses (approximately ½ mile west of the site) and would be consistent with the ambient noise levels at the adjacent properties, which contain similar industrial operations. The current project would result in less noise impacts and would substantially reduce the severity of the impact beyond what was considered in the 2015 EIR.

b) Excessive groundborne vibration and noise are typically caused by activities such as blasting used in mining operations or the use of pile drivers during construction. The current project would not require either blasting or pile driving and is not expected to result in excessive groundborne vibration or noise. This impact is considered less than significant. The current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

d) Project construction would result in a temporary increase in ambient noise levels in the vicinity of the project site. Construction noise typically occurs intermittently and varies depending upon the nature or phase (e.g., land clearing, grading and excavation, erection) of construction. Noise generated by construction equipment—including earthmovers, material handlers, and portable generators—can reach high levels. Typical noise levels for individual pieces of construction equipment are summarized in **Table 2**. As depicted, individual equipment noise levels typically range from approximately 75 to 91 dBA at 50 feet, without noise control. With noise control, individual equipment noise levels typically range from approximately 75 to 80 dBA at 50 feet. Typical operating cycles may involve 2 minutes of full power, followed by 3 to 4 minutes at lower settings. Depending on the activities performed and equipment usage requirements, combined average-hourly noise levels at construction sites typically range from approximately 65 to 89 dBA L_{eq}[1] at 50 feet (EPA 1971).

[1] Leq = energy equivalent noise level, which is the energy mean (average) noise level. The instantaneous noise levels during a specific period of time in dBA are converted to relative energy values. From the sum of the relative energy values, an average energy value (in dBA) is calculated.

Table 2: Typical Construction Equipment Noise Levels

Type of Equipment	Noise Level in dBA at 50 feet	
	Without Feasible Noise Control	With Feasible Noise Control [a]
Dozer or Tractor	80	75
Excavator	88	80
Compactor	82	75
Front-end Loader	79	75
Backhoe	85	75
Grader	85	75
Crane	83	75
Generator	78	75
Truck	91	75

Notes:
[a] Feasible noise control includes the use of intake mufflers, exhaust mufflers, and engine shrouds.

Sources: EPA 1971; FHWA 2006.

The project site is located in an industrial area adjacent to a railroad. The nearest sensitive receptors, a residential neighborhood and a hotel, are located approximately 2,450 feet and 2,600 feet southwest of the site, respectively. The buildout of the Master Plan is anticipated to take place over a 20-year period. Per PMC Chapter 9.44, the use of pile drivers, hammers, and similar equipment is prohibited between the hours of 10:00 p.m. and 7:00 a.m., seven days per week. Furthermore, per the City's General Plan Policy 12-P-9, the generation of loud noises on the site during construction would be limited to between 8:00 a.m. and 5:00 p.m.

Given the distance to the nearest sensitive receptors, the length of the proposed construction period, and the City's existing noise regulations, temporary construction-related noise levels associated with the proposed project are not expected to be significant. Therefore, this impact is less than significant. The current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

e–f) There are no airports or airstrips, public or private, in the vicinity of the project site. Implementation of the current project would have no impact on noise levels related to airports.

	Where Impact was Previously Analyzed	Does Proposal Involve New Significant Impacts or Substantially More Severe Impacts?	New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	New Information Available Requiring New Analysis or Verification?	Applicable Prior Mitigation to Address Impacts
13. POPULATION AND HOUSING. Would the project:					
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	2015 EIR Appendix A Page 3.0-25	No	No	No	No prior mitigation was required, and no new mitigation is required
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	2015 EIR Appendix A Page 3.0-25	No	No	No	No prior mitigation was required, and no new mitigation is required
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	2015 EIR Appendix A Page 3.0-25	No	No	No	No prior mitigation was required, and no new mitigation is required

DISCUSSION OF IMPACTS

a) The current project does not include the construction of any housing or new businesses and would not extend infrastructure to other surrounding properties. The original project was expected to increase the number of employees at the facility from 143 to 185, an increase of 42. With an unemployment rate of 11.2 percent or approximately 58,200 people (January 2011), the county's existing workforce was expected to be sufficient to fill these positions (EDD 2011) without requiring additional employees moving into the city. Accordingly, it was determined that the original project would not directly induce substantial population growth in the city. The current project would increase the number of employees during the peak shift from 46 to 90 which is not a significant increase the number of employees at the site beyond what was analyzed in the 2015 EIR.

However, the current project would increase the capacity of solid waste handling for the cities and unincorporated communities it serves, thereby potentially removing a barrier to future development. (Note: This facility operates under a Solid Waste Facility Permit administered by the City of Pittsburg Local Enforcement Agency. The facility is currently operating at a capacity of 1,500 tpd under the permit agreement approved by the City. It never proceeded to update the permit to permit 5,500 tpd and the intent is to do so when this approval is obtained.) This increase in the facility's capacities, however, would be in response to anticipated growth in the region as projected by the Association of Bay Area Governments. Therefore, the current project would not allow for additional growth beyond current projections; instead, it would accommodate the anticipated growth as it occurs in the future. Under the current project, this impact would continue to be less than significant.

b–c) The project site is developed with industrial uses and does not contain any residences. No housing or people would be displaced through implementation of the current project. Therefore, there would be no impact.

	Where Impact was Previously Analyzed	Does Proposal Involve New Significant Impacts or Substantially More Severe Impacts?	New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	New Information Available Requiring New Analysis or Verification?	Applicable Prior Mitigation to Address Impacts
14. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:					
a) Fire protection?	2015 EIR Appendix A Pages 3.0-26 to 3.0-27	No	No	No	No prior mitigation was required, and no new mitigation is required
b) Police protection?	2015 EIR Appendix A Pages 3.0-26 to 3.0-27	No	No	No	No prior mitigation was required, and no new mitigation is required
c) Schools?	2015 EIR Appendix A Pages 3.0-26 to 3.0-27	No	No	No	No prior mitigation was required, and no new mitigation is required
d) Parks?	2015 EIR Appendix A Pages 3.0-26 to 3.0-27	No	No	No	No prior mitigation was required, and no new mitigation is required
e) Other public facilities?	2015 EIR Appendix A Pages 3.0-26 to 3.0-27	No	No	No	No prior mitigation was required, and no new mitigation is required

DISCUSSION OF IMPACTS

a) **Impact 3.6.1. Increased demand for fire protection services; Impact 3.6.1.2. Emergency Access; and Impact 3.6.1.3 Cumulative demand for fire protection services.** The current project includes the processing of the same amount of waste material (5,500 TPD) as the original project evaluated in the 2015 EIR. The 2015 EIR determined that there could be an increased demand for fire protection services, but concluded that this impact would be less than significant. The current project would result in a similar demand for fire protection services but would not increase the severity of the impact beyond what was considered in the 2015 EIR.

b) The current project includes construction of a new facility, installation of new equipment, and expansion of services and programs at an existing industrial facility. The project in its entirety would increase the number of employees during a peak shift at the facility from approximately 46 to 90. However, the facility would function in a manner similar to current operations and is not anticipated to be subject to greater security risks. Therefore, a significant increase in demand for law

enforcement services is not expected. The current project would result in similar impacts but would not increase the severity of the impact beyond what was considered in the 2015 EIR.

c) The current project does not include the construction of any housing and would not result in population growth or associated new school enrollments. Regardless, in accordance with SB 50, the project applicant would be required to pay school impact fees to help fund the construction of new public school facilities, fully mitigating any potential impact on schools. This impact is less than significant. The current project would result in similar impacts but would not increase the severity of the impact beyond what was considered in the 2015 EIR.

d) See Section 15, Recreation, below. The current project would not directly induce substantial population growth in the city. The project in its entirety would increase the facilities' total number of employees by approximately 42. These additional employees may utilize local parks during work breaks or after work. However, this minor increase in demand for parks and other recreational facilities is not considered significant and would not result in substantial adverse physical impacts. Further, the project does not include or require the construction or expansion of any park facilities. The project would have a less-than-significant impact on parks and recreation. The current project would result in similar impacts but would not increase the severity of the impact beyond what was considered in the 2015 EIR.

e) The current project consists of improvements to an existing private recycling facility as well as expansion of its capacities. It is not anticipated that the project would adversely impact any existing public facilities or require the construction of new public facilities. There would be no impact.

	Where Impact was Previously Analyzed	Does Proposal Involve New Significant Impacts or Substantially More Severe Impacts?	New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	New Information Available Requiring New Analysis or Verification?	Applicable Prior Mitigation to Address Impacts
15. RECREATION. Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?	2015 EIR Appendix A Pages 3.0-26 to 3.0-27	No	No	No	No prior mitigation was required, and no new mitigation is required
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	2015 EIR Appendix A Pages 3.0-26 to 3.0-27	No	No	No	No prior mitigation was required, and no new mitigation is required

DISCUSSION OF IMPACTS

a) The current project consists of the expansion of operations at an existing industrial facility. As described in Response 13a above, the current project would not directly or indirectly induce substantial population growth. The project in its entirety would increase total employment at the facility by approximately 42 employees. While these additional employees may utilize local parks

during work breaks or after work, this minor increase in use is not considered significant and would not result in substantial physical deterioration of any such facilities. Therefore, the project would have a less-than-significant impact on the use of existing neighborhood and regional parks and recreational facilities. The current project would result in similar impacts but would not substantially increase the severity of the impact that was evaluated in the 2015 EIR.

b) The current project does not include any parks or recreational facilities and would not require the construction or expansion of any parks or recreational facilities, pursuant to the requirements of the PMC. There would be no impact.

	Where Impact was Previously Analyzed	Does Proposal Involve New Significant Impacts or Substantially More Severe Impacts?	New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	New Information Available Requiring New Analysis or Verification?	Applicable Prior Mitigation to Address Impacts
16. TRANSPORTATION AND TRAFFIC. Would the project:					
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	2015 EIR Pages 3.4-1 to 3.4-18	No	No	No	MM 3.7.1a,b,c
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	2015 EIR Pages 3.4-1 to 3.4-18	No	No	No	MM 3.7.1 a,
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	2015 EIR Pages 3.4-1 to 3.4-18	No	No	No	No
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	2015 EIR Pages 3.4-1 to 3.4-18	No	No	No	No
e) Result in inadequate emergency access?	2015 EIR Pages 3.4-1 to 3.4-18	No	No	No	No
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	2015 EIR Pages 3.4-1 to 3.4-18	No	No	No	No

DISCUSSION OF IMPACTS

a–b) **Impact 3.7.1. Degradation of operations at two study intersections.** The 2015 Draft EIR identified two potential significant impacts resulting from increased truck traffic entering and leaving the project site and utilizing regional highways. With the implementation of Mitigation Measures 3.7.1a–c, these impacts would still be significant and unavoidable.

For the current project, an analysis of the vehicle miles traveled was prepared by Edgar & Associates (Appendix I). According to that report, the current project amendment would reduce long haul trips related to municipal solid waste from 52,156 miles to 41,496 miles, a reduction of approximately 20 percent, which would therefore reduce the potential impact on local roads and regional highways. However, for the current project, this impact would remain significant and unavoidable.

Impact 3.7.2. Operations of the Pittsburg-Antioch Highway/Loveridge Road intersection are projected to degrade with project traffic. The 2015 EIR identified this impact as significant. The current project would have similar impacts. Mitigation Measures 3.7.1a–c are intended to reduce this impact somewhat, but it still would remain significant and unavoidable.

The current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

c) There are no airports or airstrips, public or private, in the vicinity of the project site. Implementation of the current project would have no impact on air traffic patterns.

d–e) The current site plan would be reviewed by the Contra Costa County Fire Protection District to ensure adequate emergency access. The current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

f) The current project does not include any off-site improvements that could decrease the performance or safety of existing public transit, bicycle, or pedestrian facilities. A sidewalk is provided along a portion of the site's frontage, and an access point is provided from this sidewalk to the site's parking area and building entrance. However, members of the public would not likely utilize public transit or pedestrian/bicycle facilities to access the project site, as a personal vehicle would be necessary to haul solid waste to the facility. Therefore, the current project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. There would be no impact.

	Where Impact was Previously Analyzed	Does Proposal Involve New Significant Impacts or Substantially More Severe Impacts?	New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	New Information Available Requiring New Analysis or Verification?	Applicable Prior Mitigation to Address Impacts
17. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	2015 EIR Pages 3.6-1 to 3.6-19	No	No	No	No prior mitigation was required, and no new mitigation is required
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	2015 EIR Pages 3.6-1 to 3.6-19	No	No	No	No prior mitigation was required, and no new mitigation is required
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	2015 EIR Pages 3.6-1 to 3.6-19	No	No	No	No prior mitigation was required, and no new mitigation is required
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	2015 EIR Pages 3.6-1 to 3.6-19	No	No	No	No prior mitigation was required, and no new mitigation is required
e) Result in a determination by the wastewater treatment provider that serves, or may serve, the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	2015 EIR Pages 3.6-1 to 3.6-19	No	No	No	No prior mitigation was required, and no new mitigation is required
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	2015 EIR Pages 3.6-1 to 3.6-19	No	No	No	No prior mitigation was required, and no new mitigation is required
g) Comply with federal, state, and local statutes and regulations related to solid waste?	2015 EIR Pages 3.6-1 to 3.6-19	No	No	No	No prior mitigation was required, and no new mitigation is required

DISCUSSION OF IMPACTS

a) In the past, the existing facility used water for dust control purposes and to support employees, thus only generating "domestic sewage" as defined by the PMC, which is not subject to an industrial waste discharge permit. Under the current project, some water would also be used for operation of the proposed BGU and organics processing system. However, the current project would not result in increased generation of wastewater that could exceed the capacity of the existing wastewater system. MDRRP has submitted plans for improvements to the lift station upgrade which is the initial phase of the upgrades required for the project and has received approval from Delta Diablo. These improvements have been completed. The next phase will be to upgrade the north lift station during a future phase of the project. Therefore, the current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

b) See Responses 9b and 17a. The City of Pittsburg would treat and supply domestic water to the current project while water for fire suppression purposes would be provided via a private water supply. The 2015 EIR concluded that the City and its wholesale provider would have sufficient water supplies to meet the original project's demand; therefore, the potential impact would be less than significant. As described above, the current project would not result in increased generation of wastewater that could exceed the capacity of the existing wastewater system. Therefore, the current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

c) The original project included improvements expected to result in increased stormwater runoff that could require the expansion of existing or the construction of new drainage facilities on and/or off site. On-site drainage is controlled through the use of drainage ditches and underground pipelines surrounding the perimeter of the existing facility that direct surface water flows toward an outfall along the western edge of the existing facility. The ditches include a landscaped stormwater treatment planter located along the eastern side of the MDRF building and a landscaped stormwater pre-treatment bioswale located along the western edge of the existing facility. These facilities discharge stormwater via the outfall into an existing drainage ditch on a vacant lot to the west. The original project included the replacement of the existing open ditch along the 15-acre parcel with a 36-inch-diameter pipeline. The existing ditch conveys the stormwater generated from the existing facility, the 15-acre parcel to the west, and the eastern portions of the vacant lot to an existing 36-inch culvert that then discharges to an existing evaporation basin located near the northern portion of the vacant lot. The 2015 EIR determined that the 36-inch pipeline, the downstream existing ditch, and 36-inch culvert have adequate capacity to convey the increased peak flows from the existing site and the fully developed 15-acre area.

The 3.5-acre former GWF site is almost entirely located in a separate watershed from the remainder of the MDRRP site and drains to Kirker Creek located along the southern boundary of this area. An existing on-site drainage system consists of concrete swales, inlets, and pipelines. This system conveys the on-site drainage from most of the 3.5-acre area into Kirker Creek via two separate outfalls, one located on the western side and the other located on the eastern side of the property. A small portion of this area in the northwest corner drains overland to the remainder of the MDRRP site.

The applicant has submitted a Preliminary Stormwater Control Plan (Appendix C). This plan would maximize the use of surface drainage to drain stormwater into bio retention basins throughout the site. The proposed site drains to an existing retention basis located at the northwest corner of the project site, where stormwater would be detained until it is able to evaporate. No connections to the public storm drain system are proposed. This was considered a less-than-significant impact. The current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

d) **Impact 3.6.2.21. Increase in water demand; Impact 3.6.2.2. Cumulative increase in demand for potable water.** See Response 9b above. The City of Pittsburg would supply domestic water to the current project, while water for fire suppression purposes would be provided via a private water supply. Implementation of the original project was anticipated to increase the facility's total water demand from approximately 20,000 gpd to 40,000 gpd. The 2015 EIR concluded that the City and its wholesale provider would have sufficient water supplies to meet the project's demand; therefore, the potential impact of the original project was deemed to be less than significant. The current project does not increase the facility's potential water demand. Accordingly, this project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

e) **Impact 3.6.3.1. Potential to exceed wastewater treatment requirements; Impact 3.6.3.2. Require the construction of new wastewater treatment facilities.** As described above, the approved project would result in increased generation of wastewater that could exceed the capacity of the existing on-site wastewater system. The 2015 EIR determined that this impact would be less than significant. The current application would be evaluated by the local wastewater treatment provider to ensure that there is adequate capacity to handle the project's wastewater generation and the adequacy of the on-site wastewater system. This impact would remain less than significant. The current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

f) The project is part of a solid waste transferring and recycling facility that contracts with multiple landfills and recyclers based, in part, on their available capacities. The current project would not contract with a landfill unless it has adequate capacity. Therefore, the current project would be served by a landfill with sufficient permitted capacity to accommodate its disposal needs. This impact is less than significant. Therefore, the current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

g) The existing facility is a solid waste transferring and recycling facility that is permitted by Cal Recycle under a Solid Waste Facility Permit. The current project includes revisions to this permit in order to include additional facilities and to ensure compliance with all applicable statutes and regulations. This impact would remain less than significant.

	Where Impact was Previously Analyzed	Does Proposal Involve New Significant Impacts or Substantially More Severe Impacts?	New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	New Information Available Requiring New Analysis or Verification?	Applicable Prior Mitigation to Address Impacts
18. MANDATORY FINDINGS OF SIGNIFICANCE. Would the project:					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	2015 EIR Chapter 3 and Appendix A	No	No	No	Refer to Individual Topic Areas
b) Have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	2015 EIR Chapter 3 and Appendix A	No	No	No	Refer to Individual Topic Area
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	2015 EIR Chapter 3 and Appendix A	No	No	No	Refer to individual topic areas

DISCUSSION OF IMPACTS

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

a) As described in the preceding sections, it was determined that the current project would have a less-than-significant impact or no impact on the following areas: Aesthetics, Agriculture and Forestry Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, and Utilities/Service Systems. Significant impacts could be reduced to a less-than-significant impact through the implementation of mitigation measures for the following areas: Construction-related Air Quality impacts, Hazardous Materials (construction phase), and Biological Resources. The project was evaluated to determine if there would be a substantial change that would result in a significant impact. As described, the project would not result in any impacts that exceed the thresholds of significance for the above listed resource areas. The current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

b–c) The 2015 EIR identified significant unavoidable impacts on Air Quality and on Transportation and Circulation. Mitigation measures were adopted as part of the Mitigation Monitoring and Reporting Program to reduce these impacts to the extent possible; however, they would still remain significant and unavoidable. The current project would result in similar impacts but would not substantially increase the severity of the impact beyond what was considered in the 2015 EIR.

As described in the preceding responses, the current project was evaluated to determine if a subsequent EIR would need to be prepared. Section 15162 of the CEQA Guidelines outlines the appropriate environmental review for a project when an EIR has been certified. It notes that no subsequent EIR shall be prepared for a project unless the Lead Agency determines, on the basis of substantial evidence in the whole record, that there have been substantial changes in the project that would require major revisions to the previous EIR, there have been substantial changes with respect to the circumstances under which the project is undertaken, or there is new information indicating that the project could have significant effects not discussed in the EIR. Based on this Initial Study, it has been determined that no subsequent EIR needs to be prepared and that an Addendum to the 2105 EIR is the appropriate level of environmental review for this project.

The Mitigation Monitoring and Reporting Program is attached as Appendix D and would apply to this project as a Condition of Approval.

4.0 REFERENCES

4.0 REFERENCES

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APPENDIX A.
MOUNT DIABLO RESOURCE RECOVERY PARK
2021 ENHANCEMENTS PROJECT,
PROJECT PHASING DESCRIPTION

Phase **Description**

Phase 1: ***1600 Loveridge Road improvements including vehicle/equipment maintenance building and graveled lot to west (future gasification area)***

Perimeter road - graveled road (along entire west boundary of 1300 Loveridge and south side of 1600 Loveridge) with access via northeast gate of 1300 Loveridge Rd., up along north side of Parcel 3 of 1300 Loveridge to west boundary

Install fire hydrant locations on perimeter road as needed; final confirmations needed from MDRR engineering consultant.

Gravel future parking area for tractors and transfer trailer parking in northwest corner of Parcel 3.

Gravel area between transfer trailer gravel parking area and existing sloped drive aisle west of existing Tipping Building. This area can be used for staging/laydown activities and for parking for drivers and staging for tractor trailers.

Phase 2: ***1300 Loveridge Rd. improvements (existing Transfer Station (TS) and MRF complex) – North Building***

- **Rough grade of entire site, apart from existing C&D operations.**
- **Construct North Building (permanent organics processing operation), in one phase, inclusive of a two-story employee break room and staff offices (upstairs). Upstairs area will have an education center/viewing room that can double as meeting space. When Phase 3 is constructed, there will be a connecting bridge from the 2nd floor of the office building in the North Building to the second story of office building in the South Building for use by tour groups to view operations. An approximate 7,200 SF covered equipment area on the west will also be included. Total building footprint of 93,600 SF. This building will have a partially below grade, drive-through loadout area (top-load) on the south side of the building. Actual tenant improvements within the office building may be completed in a subsequent phase.**

  Transfer trailers for organics would enter via northeast gate of 1300 Loveridge Rd and proceed along the perimeter access road and make a left turn (eastbound) to enter the drive through loadout area. Trailers will be parked on a scale in the loadout area and thus won't require scaling out when leaving the loadout area.
- **Pave perimeter access road** from end of pavement near existing transfer trailer parking to point in which transfer trailers need to access loadout port for new North Building and also further along west side of Parcel 2 boundary connecting to the access road on west side of Parcel A (Phase 5). Complete related traffic improvements such as striping, stop signs, curbs, etc.
- **Pave portion of east side of North Building** to allow commercial organics vehicles to maneuver (exit) out of building
- Once the North Building is operable, public green/wood waste vehicles will utilize the existing scale complex (for the outdoor C&D and green/wood waste operations) and proceed

Phase **Description**

northwest towards the west perimeter road and turn right and proceed to the North Building entrance. Public vehicles will exit the North Building and reverse course along the west perimeter road and back to the scales to weigh out. The actual traffic flow pattern will change at the existing scale as inbound public vehicles will use the current outbound scales to weigh in and the current inbound scales will be used for weighing out. Vehicles will also ingress and egress through the main entrance intersection. The traffic pattern for the residential and commercial organics route trucks is described below.

- **Construct scale complex shown near west side of Phase 6A of Transfer Station expansion footprint for mixed waste processing**. The inbound scale will be used by residential and commercial organics route trucks and rolloff trucks once the North Building is operable. Commercial vehicles will enter and exit on the east side of the North Building. The northeast gate of the facility will be the site entry and exit point for the commercial vehicles.
  This inbound scale will eventually be used by the commercial C&D trucks once the C&D operations are moved into the South Building during Phase 3. The outbound scale can be used, if necessary, for weighing out (confirming weights) transfer trailers loaded out from the North and South Buildings.
- During the construction phase of the North Building, the existing traffic flow patterns for the public and commercial C&D and green/wood waste and transfer trailers will remain the same. All vehicles will use the current scales. Once construction is completed, the vehicle traffic patterns for the green/wood waste customers will change to what is noted in the previous two bullets.
- The public and commercial C&D customers will continue to utilize the existing scales as is during the construction of the North Building as no changes will be made to the outdoor C&D operations. The same is true for transfer trailers.

  Once the North Building is operable, though, the public C&D vehicles will utilize a similar traffic pattern as the public green/wood waste customers as described above. The only difference is once the public C&D customers proceed northwest to the west perimeter road they will turn left and proceed south to the outdoor C&D operations. These vehicles will reverse course along the west perimeter road and then make a right turn and rejoin with the public green/wood waste customers and proceed to the outbound scales to weigh out.

  Clean wood customers will tip at the existing C&D operation until a South Building is constructed.

- **Pave future parking area for tractors and transfer trailer parking in northwest corner of Parcel 3.**
- **Install parking spaces on east side of building for accessing office entry.**
- **Install water storage tank near loadout for water capture and reuse.**
- **Install fire hydrant locations on perimeter of building as needed; final confirmations needed from MDRR engineering consultant.**

Phase **Description**

Operational Assumptions:

Use the footprint for future South Building expansion (Phase 3 and part of Phase 4 C&D operation) and area north of proposed north building (Phase 8 Digestion operation) as lay down areas for construction of the North Building.

Move existing employee parking and rolloff storage, displaced by construction of the North Building, to the graveled lot on the 1600 Loveridge property (Phase 5 area).

Modular building(s) for employee breakrooms to support staff at green waste and C&D ops. will be needed.

Green/wood waste and C&D operations continue as is, but with changes to the traffic patterns as previously described.

Once the North Building is complete, then shut down of the outdoor green/wood waste operation will occur and move into the building. Grinding will continue to occur outdoors either at the C&D operation and/or in an area to the south of the North Building.

If applicable, eliminate any modular employee break room for green waste employees as they will use break room on 1st floor of new office area in North Building.

Relocate staff from existing Recycling and Self-Haul buildings to new offices on 2nd floor of office building in new North Building.

Once North Building is complete, start using northwest gravel lot for tractor and transfer trailer parking.

Phase 2A: ***1300 Loveridge improvements (existing TS and MRF complex) – Installation of Pre-Processing Equipment into North Building***

- **Install organics pre-processing equipment for residential and/or commercially collected materials to meet compost market specs.**
- **Install air infiltration equipment area.**
- **Install potential water storage tank west of the future Phase 8A to allow for location of water truck filling.**

Operational Assumptions:

Keep temporary employee parking on the 1600 Loveridge property. Keep rolloff storage in graveled lot on 1600 Loveridge property.

Use future Phase 8A (AD operation) area for staging/laydown for construction.

Use of future Phase 6A can also be used for parking for drivers and staging for tractor trailers.

Phase 3: ***1300 Loveridge improvements (existing TS and MRF complex) - South Building***

- **Construct South Building (C&D), inclusive of a two-story employee break room and education center viewing room (2nd floor); total building footprint of 130,400 SF. This**

Phase	Description

building will have a partially below grade, drive-through loadout area (top-load) on the north side of the building. Transfer trailers for C&D would enter via northeast gate of 1300 Loveridge Rd. and proceed along the perimeter access road and make a left turn (eastbound) to enter the drive through loadout area. Trailers will be parked on a scale in the loadout area and thus won't require scaling out when leaving the loadout area.

- **Pave portions of access roads between building and west perimeter access road** allow for two -way traffic for public C&D customers and for transfer trailer access to loadout port for C&D building. Complete related traffic improvements such as striping, stop signs, curbs, etc. along west perimeter road.
- **Construct new public scale complex for organics and C&D self haul customers with two inbound and two outbound lanes.** This will further constrain the footprint for the existing, outdoor C&D operation, however, if needed this operation can be relocated to the previous location of the outdoor green waste operation. This may also need to be the case if self haul customers delivering brushy or woody materials are tipped near the C&D operation so the material can be ground; this would be an alternative to bringing such customers inside the North Building. To the extent feasible, existing onsite 70' scales (at existing scale complex and outbound transfer trailer scale) will be repurposed and used in this permanent scale complex.
- **Make improvements (add new inbound and outbound scale) to main scale complex for solid waste customers.**
- **Gravel lot for future new employee parking lot near main entrance.**
- **Construct small information kiosk in traffic island between inbound and outbound lanes at main entrance.** A traffic director will be assigned here to address customer directional questions.
- **Install air infiltration equipment area.**
- **Install water storage tank for water capture and reuse.**
- **Install parking spaces on east side of building for accessing office entry and providing a bus parking area for visiting educational tours.**
- **Install fire hydrant locations on perimeter of building as needed; final confirmations needed from MDRR engineering consultant.**

Operational Assumptions:

Use footprint for future Phase 5 (1600 Loveridge Road) or Phase 8A of North Building as lay down area for construction of the South Building. These areas can also be used for parking for drivers and staging for tractor trailers.

Keep temporary employee parking on the 1600 Loveridge property. Keep rolloff storage in graveled lot on 1600 Loveridge property.

Continue C&D operations as is, including customers (self haul, and commercial) using temporary scale complex scales, during construction of the South Building.

Move the C&D operations into the South Building once complete.

Phase **Description**

Remove modular building for employee breakroom to support C&D ops. once the C&D operation is relocated into the South Building. At this point will need an electric powered processing system for grinding and screening wood waste materials in the South Building.

Use existing temp. scale house complex in drive aisle along west side of South Building for public C&D customers until the new public scale complex for organics and C&D is completed.

Phase 3A: ***1300 Loveridge improvements (existing TS and MRF complex) – Install New C&D Processing Equipment***

- **Install new C&D processing equipment into the South building.**
- **Install water tanks in transfer trailer parking area and at main facility entrance.** Water tank (stainless steel) at main entrance would also be wrapped with facility name/logo.
- **Consider installing a fuel island in the northwest corner of paved truck parking lot.**
- **Construct new employee parking lot near main entrance**. Ideally access for this parking lot would be thru 1600 Loveridge and not the main entrance.

Operational Assumptions:

Keep temporary employee parking and rolloff storage on the 1600 Loveridge property graveled lot until the new employee parking lot is completed.

Remove existing C&D processing equipment to make way for new equipment. Wood waste could be processed in the North Building if an electric grinder is available.

Use future Phase 4A (South Building expansion) area for staging/laydown for construction. This area can also be used for parking for drivers and staging for tractor trailers if needed.

Phase 4: ***1300 Loveridge improvements (existing TS and MRF complex) – South Building Equipment expansion (for C&D processing operations)***

- **Retrofit new C&D processing equipment if needed for expanded volumes.**

Operational Assumptions:

Use future Phase 8A (AD operation) area, or future Phase 5 (Gasification operation) area for staging/laydown for construction.

Move rolloff storage to future Phase 8A area.

Modify C&D processing operations if conducting a retrofit.

Phase 5: ***1300 Loveridge improvements (existing TS and MRF complex) – Install Gasification Operation***

- **Install gasification equipment and test operation.**
- **Consider installing new fuel island and/or potential charging stations if transfer fleet is electrified.**

Phase **Description**

Operational Assumptions:

May have to temporarily relocate some tractor trailers to other parking places onsite while paving of lot occurs.

Staging and laydown for the installation of the gasification system will have to occur in close proximity to the operation.

Phase 6: ***1300 Loveridge improvements (existing TS and MRF complex) – Transfer Station Tipping Area Initial Expansion***

- **Construct initial phase of Transfer Station Building expansion for tipping only**. This includes construction of the back-in tunnel and loadout port on the north side of the expansion.
- **Install pavement on south side of expansion**.

Operational Assumptions:

Use future Phase 6A and gravel area between transfer trailer parking area and existing sloped drive aisle west of existing Tipping Building for staging/laydown activities. Future Phase 8A area may also be used for staging/laydown. These areas can also be used for parking for drivers and staging for tractor trailers.

Some solid waste route trucks may be temporarily redirected to the self-haul tipping area.

Once gasification operation is fully operation then processed wood waste materials will be hauled/transferred from the South Building to this new operation.

Phase 6A: ***1300 Loveridge improvements (existing TS and MRF complex) – Transfer Station Tipping Area Final Expansion***

- **Construct second phase of Transfer Station Building expansion for future installation of mixed waste processing equipment.**

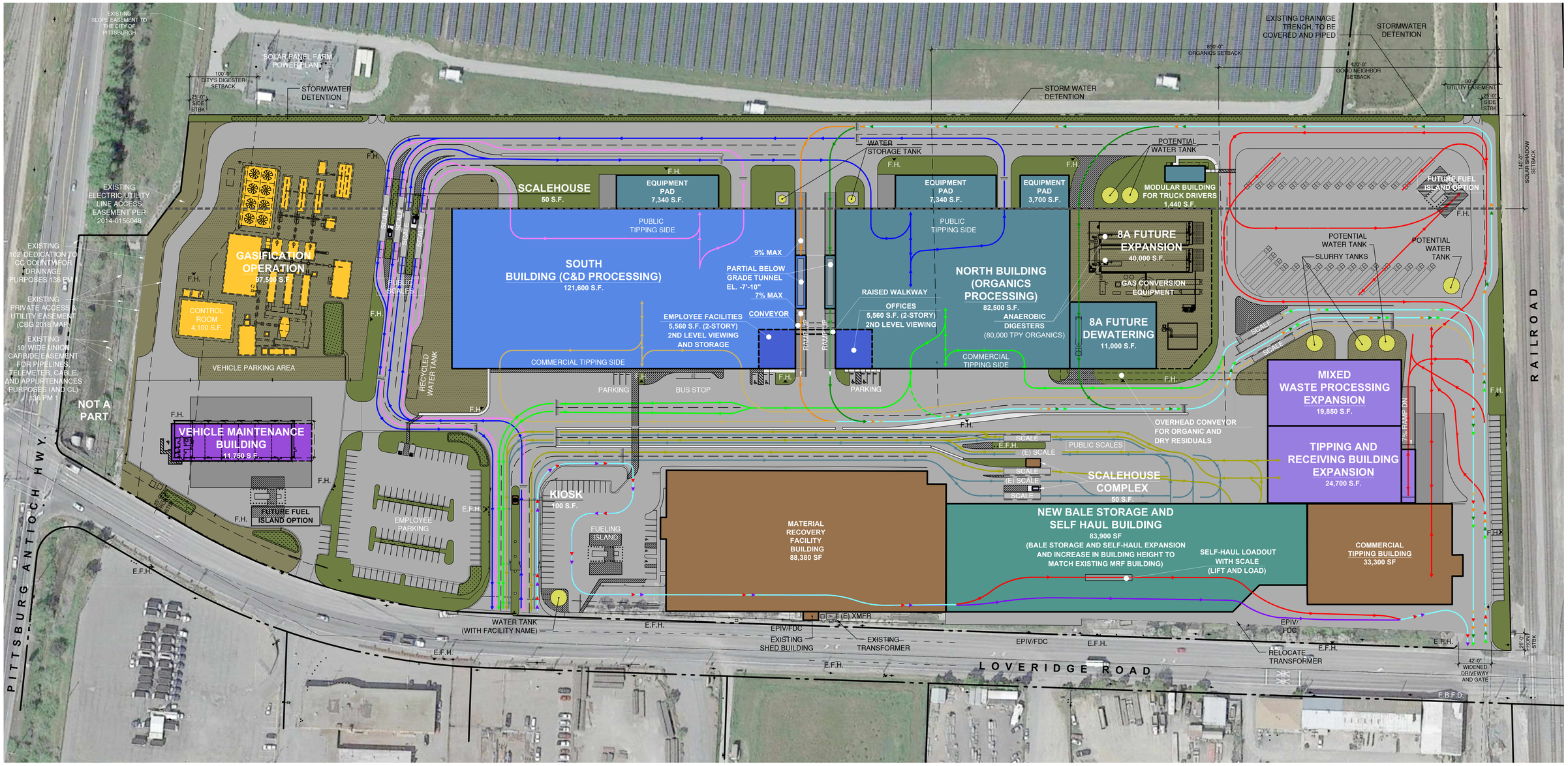
Operational Assumptions:

Use gravel area for Phase 8A for staging/laydown. This area can also be used for parking for drivers and staging for tractor trailers.

Phase 7: ***1300 Loveridge improvements (existing TS and MRF complex) – Bale Storage and Self Haul Building***

Construct new building, or phased construction of a building, to house bale storage area and expanded self haul tipping area. New building will be same clear height as MRF processing building. Construction will also include adding a new self-haul loadout area (lift and load) off the back side (east) of the building. For example, the bale storage portion of the building may be constructed first and possibly included as part of an earlier phase such as Phase 2.

APPENDIX B.
PROJECT PLANS



LEGEND

- EXISTING BUILDING
- MAINTENANCE BUILDING
- ORGANICS PROCESSING BUILDING
- C & D PROCESSING BUILDING
- PROPOSED GASIFICATION OPERATION
- PROPOSED TIPPING AND RECEIVING BUILDING
- PROPOSED BALE STORAGE AND SELF HAUL EXPANSION
- SCALEHOUSE
- LANDSCAPING
- WATER RETENTION
- DECOMPOSED GRANITE
- GRAVEL
- STRIPING
- VEHICULAR PAVING & DRIVE AISLE
- PROPOSED CONCRETE LOADOUT RAMP

SYMBOLS

- EXISTING PROPERTY LINE
- EXISTING RETAINING WALL
- EXISTING CHAINLINK FENCE
- EXISTING WROUGHT IRON FENCE
- STRIPING PER CITY STANDARDS
- EXISTING ACCESSIBLE PARKING STALL SYMBOL
- F.H. PROPOSED FIRE HYDRANT
- E.F.H. EXISTING FIRE HYDRANT
- E.L. EXISTING LIGHT
- E.B. EXISTING BOLLARDS
- E.P.P. EXISTING POWER POLE
- (E) XMFR EXISTING TRANSFORMER

CIRCULATION LEGEND

- PUBLIC SOLID WASTE
- COMMERCIAL SOLID WASTE
- PUBLIC ORGANICS
- COMMERCIAL ORGANICS
- PUBLIC CONSTRUCTION & DEMOLITION (C & D)
- COMMERCIAL C & D
- TRANSFER TRAILER - SOLID WASTE
- TRANSFER TRAILER - ORGANICS
- TRANSFER TRAILER - C & D
- COMMERCIAL RECYCLABLES
- COMMON ROUTE

BUILDING AREA

PROPOSED IMPROVEMENTS		
PHASE 1	VEHICLE MAINTENANCE FACILITY	11,750 S.F.
PHASE 2	NORTH BUILDING (ORGANICS PROCESSING) (INCLUDING 2-STORY OFFICE AND EQUIPMENT PAD)	95,400 S.F.
PHASE 3 & 4	SOUTH BUILDING (C&D PROCESSING) (INCLUDING 2-STORY OFFICE AND EQUIPMENT PAD)	134,500 S.F.
PHASE 5	GASIFICATION OPERATION	97,500 S.F.
PHASE 6	EXPANSION TIPPING & RECEIVING (INCLUDING LOADOUT)	24,700 S.F.
PHASE 6A	MIXED WASTE EXPANSION FOR PROCESSING	19,850 S.F.
PHASE 7	EXISTING BALE STORAGE EXPANSION (REMOVED)	-34,214 S.F.
	EXISTING SELF HAU (REMOVED)	-35,480 S.F.
	SELF HAUL / BALE STORAGE EXPANSION	83,900 S.F.
PHASE 8	AD EXPANSION I-SHAPED	51,000 S.F.
	TOTAL SQUARE FOOTAGE ALL NEW BUILDINGS	440,900 S.F.
EXISTING BUILDINGS (TO REMAIN)		
	MATERIAL RECOVERY FACILITY	88,380 S.F.
	TIPPING BUILDING	33,300 S.F.
	TOTAL EXISTING	121,680 S.F.
FUTURE IMPROVEMENTS		
	TOTAL FUTURE	448,900 S.F.
	TOTAL BUILDING AREA	570,580 S.F.

SITE INFORMATION

ADDRESS:
1300 LOVERIDGE ROAD
PITTSBURG, CA 94565

APN(S):
073-200-013, 014, 015, 027, 028, 029

SITE AREA:
36.11 ACRES

GEN. PLAN / ZONING: IG - INDUSTRIAL BUSINESS PARK

NEW IMPERVIOUS SURFACES: 16.8 ACRES

VICINITY MAP

JRMA ARCHITECTS ENGINEERS

Mt. Diablo Resource Recovery Park
reduce • reuse • recycle • respect • recover
A Garaventa Company

SCALE: 1"=60'-0"
0' 30' 60' 120' 240'

PROJECT NORTH
TRUE NORTH

MASTER SITE PLAN

MDRRP
MATERIAL RECOVERY FACILITY AND TRANSFER STATION
1300 Loveridge Rd, Pittsburg, CA 94565

Job No. 5552
08.16.2021

MP

Phase **Description**

Operational Assumptions:

New building construction will have to be phased to limit impact to existing bale storage and self-haul tipping operations. For example, one half of the building can be constructed (e.g., the bale storage area) at a time. When the first half of the building is completed, operations can be flipped from the old area into the new area. Likely will require some outdoor storage of bales and/or placement of trailers for temp. storage of bales. Bales can also be tarped.

Some self haul loads may require tipping in the commercial tipping area of the expanded Transfer Station.

Future Phase 8A area will be the primary area used for staging/laydown for construction.

Phase 8: ***1300 Loveridge improvements (existing TS and MRF complex) - Install Mixed Waste Processing Equipment***

- **Installation of mixed waste processing equipment in the designated area of the expanded transfer station.**

Operational Assumptions:

There may be limited staging and laydown area in the immediate vicinity of the operation.

Phase 8A: ***1300 Loveridge improvements (existing TS and MRF complex) – Install Anaerobic Digestion (AD) System and Pre-Processing Equipment***

- **Installation of anaerobic digesters, up to two, and necessary pre-processing equipment to produce slurry.** The existing organics pre-processing system will likely be modified (e.g., add shredders, slurry tanks, etc.) as necessary to handle source separated organic materials and organics recovered from the mixed waste processing system. An overhead conveyor system will also be added to move the recovered organics materials (from the mixed waste processing system) to the North Building pre-processing system area. An eco- wall, 30-ft' high will also be constructed around the operation to shield the operations; the operation will not be covered per code requirements.

Operational Assumptions:

Construction staging and laydown will have to occur in the immediate vicinity of the operation.

Phase 8A – Alternate: ***1300 Loveridge improvements (existing TS and MRF complex) – Additional Expansion of the North Building***

- **This alternative assumes the AD system is not installed. The North Building would simply be expanded with some potential for modifications to the existing pre-processing system if needed for compost processors.**

Operational Assumptions:

Construction staging and laydown will have to occur in the immediate vicinity of the operation.

APPENDIX C.
MT. DIABLO RESOURCE RECOVERY PARK DRAFT EIR – EXECUTIVE SUMMARY OF IMPACTS AND MITIGATION MEASURES, 2015

This section provides an overview of the proposed Mt. Diablo Resource Recovery Park project (project; proposed project) and the environmental analysis. For additional detail regarding specific issues, please consult the appropriate section (3.1 through 3.8) in Chapter 3, Environmental Analysis, of this Draft Environmental Impact Report (Draft EIR; DEIR).

The City of Pittsburg was identified as the lead agency for the proposed project. In accordance with Section 15082 of the California Environmental Quality Act (CEQA) Guidelines, the City prepared and distributed a Notice of Preparation (NOP) of an EIR on May 18, 2011 (SCH# 2011052053). This notice was circulated to the public, local, state, and federal agencies, and other interested parties to solicit comments on the proposed project. The NOP is presented in **Appendix A**. In addition, an Initial Study was prepared for the project and released for public review at the same time as the NOP. The Initial Study is also included in **Appendix A**. The City filed a Notice of Completion with the State Clearinghouse for the Draft EIR on December 16, 2014, concurrently kicking off a 45-day public review period for the Draft EIR document and associated technical appendices. The public review period on the Draft EIR ends on January 30, 2015, after which the City will respond in writing to all environmental comments received and incorporate those into a Final Environmental Impact Report (FEIR) for consideration by the City of Pittsburg City Council.

ES1 PURPOSE AND SCOPE OF THE ENVIRONMENTAL IMPACT REPORT

This Draft EIR provides an analysis of the potential environmental effects associated with the approval of the proposed project, pursuant to CEQA (California Public Resources Code Section 21000, et seq.) and the State CEQA Guidelines (14 California Code of Regulations, Section 15000, et seq.). For a complete description of the project, see Section 2.0, Project Description, of this DEIR.

The DEIR analysis focuses on potential impacts that could result from development of the proposed project. Where appropriate, some impacts are analyzed under future conditions, which assume buildout of reasonably foreseeable projects in the area as appropriate under cumulative analysis conditions. All project-specific impacts are measured against the conditions that existed at the time of release of the Notice of Preparation (May 2011).

ES2 PROJECT CHARACTERISTICS

The proposed project consists of a Conditional Use Permit (CUP) to expand the capacity, operations, and land area of the existing Mt. Diablo Recycling Facility (MDRF) and the Recycling Center and Transfer Station (RCTS). The expanded facility will be called the Mt. Diablo Resource Recovery Park (MDRRP). The MDRRP will consist of the Mt. Diablo Recycling Facility, Transfer/Processing Facility, Mixed Construction and Demolition (C&D) Processing Facility, and Organics Processing Facility (currently known as the Green Material Processing Operations Area), which are existing facilities proposed for operational expansion. The project also includes a proposal for a new Biomass Gasification Unit, the addition of a 15-acre parcel adjacent to and west of the existing site for vehicle and equipment storage, and the addition of the 3.5-acre parcel located south of the existing site for a new truck maintenance facility and yard that would be relocated from a site east of the MDRRP across Loveridge Road. Concurrently, the solid waste permit is being revised to reflect the proposed project components. A summary of the proposed operational and physical changes to the facility is provided below.

MT. DIABLO RECYCLING FACILITY

The proposed project would result in the following changes to the existing Mt. Diablo Recycling Facility:

- Increase the permitted tonnage from 500 tons per day (TPD) to 1,000 TPD.
- Add a second processing line for commercial material consistent with AB 341, which requires a commercial recycling program.
- Include additional commingled recyclable materials for processing.
- Add solar panels to the rooftop to generate 800 kilowatts of energy.
- Expand area to provide additional parking and commodity and equipment storage.

TRANSFER/PROCESSING FACILITY

The proposed project would result in the following changes to the existing RCTS:

- Increase the permitted tonnage of municipal solid waste transferred and processed at the facility from 1,500 to 2,700 TPD.
- Add commercial and residential food waste processing capacity within the building to produce up to 480 TPD of compost and/or anaerobic digestion feedstock.
- Add solar panels to the rooftop to generate 800 kilowatts-hours of energy (combined output with the panels on the roof of the MDRF).
- Expand area to provide additional parking and commodity and equipment storage.

ORGANICS PROCESSING FACILITY

The project proposes the following changes to the existing Green Material Processing Area:

- Allow the processing of co-collected green material and food material from residential sources.
- Increase permitted tonnage from 200 to 800 TPD with up to 10,000 cubic yards of storage.
- Increase the permitted operating hours from 7 a.m. to 6 p.m. to 24 hours per day.
- Add a second grinder.

MIXED C&D PROCESSING FACILITY

The project proposes the following changes to the existing Mixed C&D Processing Facility:

- Add additional bays to the existing processing line.
- Add a second similar processing line.

- Increase the permitted tonnage from 450 to 1,000 TPD.
- Add additional processing for dry commercial recyclables and self-haul wastes.
- Expand areas for storage of commodities and equipment, and parking.
- Increase the operating hours from 7 a.m. to 5 p.m. to 4 a.m. to 10 p.m.

BIOMASS GASIFICATION UNIT

The project proposes to construct and operate a Biomass Gasification Unit (BGU) on a currently undeveloped site located at the northwestern corner of the project site. The proposed BGU portion of the project would include the following:

- Construct and operate a BGU.
- Allow 24-hour operation and maintenance of the unit.
- Utilize 40 TPD of clean wood chips processed at the on-site Organics Processing Facility or the Material Processing Area as the fuel source for the BGU.
- Generate 1 megawatt per hour of renewable energy primarily for use for on-site operations.
- Install transmission lines to power the Mt. Diablo Recycling Facility and the Mixed C&D Processing Facility and to sell excess electricity to Pacific Gas and Electric (PG&E).

TRUCK MAINTENANCE FACILITY AND YARD

The project proposes to construct and operate a Truck Maintenance Facility and Yard on an approximate 3.5 acre area located at the southeastern portion of the site (former GWF site). The proposed facility would replace an existing facility currently located east of the project site across Loveridge Road. The proposed Truck Maintenance Facility and Yard would include the following:

- Construct and operate an 18,000 square foot building, comprised of a 15,600 square foot shop and a 2,400 square foot office/storage area, with 2,000 square feet of open air canopies.
- Relocate the existing truck fueling island from the MDRF main parking area.

ADDITIONAL LAND

The project proposes to add land to accomplish the following:

- Add 15 acres along the westerly border for vehicle and equipment storage, and containerized commodity storage.
- Add the 3.5-acres along the southerly border for the truck maintenance facility and yard discussed above.

ES3 PROJECT ALTERNATIVES SUMMARY

The CEQA Guidelines Section 15126.6 requires that an EIR describe a range of reasonable alternatives to the project that could feasibly attain the basic objectives of the project and reduce the degree of environmental impact. Section 5.0, Alternatives to the Project, provides a qualitative analysis of alternatives as compared to the proposed project. Alternatives identified for the proposed project include the following:

Alternative 1—No Project Alternative. Alternative 1, the no project alternative, assumes the existing Mt. Diablo Recycling Center and Transfer Station would continue to operate under its current permitted capacities and that no physical improvements would be made at the project site. This alternative also assumes that no revisions would be made to the facility's current Solid Waste Facility Permit issued by the California Department of Resources Recycling and Recovery (CalRecycle). The facility is currently permitted to process a throughput of 2,650 tons per day (TPD).[1] The facility currently processes less than its permitted capacity, approximately 1,181 TPD. This alternative assumes that the facility would ultimately increase operations to the permitted levels (a 125 percent increase from existing operations), with a proportionate increase in the number of truck and vehicle trips entering and leaving the site. The current permitted capacity is less than the total capacity requested for the proposed project, which is 5,500 TPD.

Alternative 2—Biomass and Solar Alternative. Alternative 2, the biomass and solar alternative, assumes that the facility's permitted capacities would not be increased and no new programs would be added to the Mt. Diablo Recycling Facility, Transfer/Processing Facility, Mixed Construction and Demolition (C&D) Processing Facility, or Organics Processing Facility, with the exception of the 40 tons per day increase in clean wood chips to fuel the biomass plant. This alternative assumes only the construction of the Biomass Gasification Unit on approximately 3.5 acres of expansion land and installation of the solar panels would move forward. Because the facility's capacities would not be substantially increased, no revisions to the facility's Solid Waste Facility Permit would be requested and the proposed addition of sort lines, bays, and other equipment would not be required.

Alternative 3—Limited Expansion Alternative (Typical Operating Conditions). Alternative 3, the limited expansion alternative, assumes that there would be increases at the Mt. Diablo Recycling Facility, Transfer/Processing Facility, Mixed Construction and Demolition (C&D) Processing Facility, or Organics Processing Facility. The existing facility has historically operated below the facility's permitted levels. While the DEIR analysis assumes that the expanded facility under the proposed project would operate every day at the maximum permitted level currently requested, the limited expansion alternative assumes the permit would seek an expansion to only 55 percent of the requested permit level of the proposed project. Therefore, the operating condition of the facility under the limited expansion alternative (operating at 55 percent of the maximum permitted level under the proposed project) would be 3,050 tons per day (TPD), compared to 5,500 TPD for the proposed project. This alternative was analyzed as "typical operating conditions" in the traffic impact study and in Section 3.7, Transportation and Circulation of this DEIR.

ES4 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

Comments received on the NOP are included in **Appendix A** of this Draft EIR. Comments that are related to the scope of the environmental analysis are summarized in Section 1.0, Introduction, and include issues such as traffic operations, solid waste operations, odor and wastewater service. Additional comments were received that did not concern the adequacy or scope of the environmental analysis under CEQA.

Concerns raised in response to the NOP were considered during the preparation of the Draft EIR.

ES5 SUMMARY OF ENVIRONMENTAL IMPACTS

Table ES-1 displays a summary of project impacts and proposed mitigation measures that would avoid or minimize potential impacts. In the table, the level of significance is indicated both before and after the implementation of each mitigation measure. For detailed discussions of project impacts and mitigation measures, the reader is referred to the technical environmental analysis in Sections 3.1 through 3.8 in this Draft EIR.

Of the potential environmental impacts discussed in the Draft EIR, the following air quality and traffic impacts are considered significant and unavoidable. CEQA Guidelines Section 15126.2(b) requires an EIR to discuss unavoidable significant environmental effects, including those that can be mitigated but not reduced to a level of insignificance.

The significant and unavoidable project impacts are in the following air quality and traffic topic areas. The traffic topic areas are further identified as "typical operating conditions" at approximately 55 percent of permitted capacity and "maximum permitted operating conditions" at 100 percent permitted capacity (see Section 3.7, Transportation and Circulation, of this Draft EIR for further discussion of typical and maximum operating conditions):

- Short-Term Construction Emissions (Impact 3.1.1). Mitigation identified for the project, which include measures to reduce fugitive dust, area-source, and mobile-source emissions, would reduce maximum daily construction emissions but not below the BAAQMD's significance threshold of 54 lbs/day for each pollutant. Therefore, short-term construction emissions remain significant and unavoidable.

- Project-Specific Traffic Impacts (Impact 3.7.1). Mitigation identified for the project, which includes payment of Capital Improvement Program (CIP) fees, would improve level of service at impacted intersections to less than significant. However, while the improvements are listed in the CIP, there is no funding plan identified. Since funding for the full improvement is not certain, this impact remains significant and unavoidable.

  - *Typical Operating Conditions*—Based on Contra Costa Transportation Authority (CCTA) methodology, the Pittsburg-Antioch Highway/Loveridge Road intersection would degrade from level of service (LOS) B to LOS high-D during the AM peak hour and would degrade from LOS E to LOS F (an increase in the volume-to-capacity ratio (V/C) of more than 0.01) during the PM peak hour.

  - *Maximum Permitted Operating Conditions*—Based on CCTA methodology, the SR 4 Eastbound Ramps/Loveridge Road intersection would degrade to LOS high-D (V/C of 0.85 to 0.90) during the PM peak hour, thus resulting in a significant impact. Additionally, the Pittsburg-Antioch Highway/Loveridge Road intersection would degrade from LOS B to LOS F during the AM peak hour and would degrade from LOS

E to LOS F (an increase in V/C of more than 0.01) during the PM peak hour. Based on the Highway Capacity Manual (HCM) methodology, both the SR 4 Eastbound Ramps/Loveridge Road and Pittsburg-Antioch Highway/Loveridge Road intersections would operate at LOS F during at least one of the peak hours.

- Cumulative Traffic Impacts (Impact 3.7.2. While most intersections studied in the DEIR would operate acceptably under cumulative conditions, the addition of project-generated traffic to projected future traffic would result in unacceptable conditions under typical operating conditions or maximum permitted operating conditions. The traffic study determined that widening along Loveridge Road to accommodate an additional northbound lane may be infeasible due to the railroad crossing and right-of-way constraints. Therefore, the operating conditions at this intersection remain significant and unavoidable.

  - *Typical Operating Conditions*—Based on the HCM methodology, the Pittsburg-Antioch Highway/Loveridge Road intersection would operate at LOS F during both AM and PM peak hours with the addition of project traffic under typical operating conditions.

  - Maximum Permitted Operating Conditions—Based on CCTA methodology, the Pittsburg-Antioch Highway/Loveridge Road intersection would degrade to LOS D during the AM peak hour and to LOS E during the PM peak hour. Based on the HCM methodology, the Pittsburg-Antioch Highway/Loveridge Road intersection would operate at LOS F during both AM and PM peak hours with the addition of project traffic.

TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact		Level of Significance Without Mitigation	Mitigation Measure		Resulting Level of Significance
3.1 Air Quality					
Impact 3.1.1	Construction-related emissions of criteria air pollutants and precursors could violate or contribute substantially to an existing or projected air quality violation, expose sensitive receptors to substantial pollutant concentrations, and/or conflict with air quality planning efforts.	PS	**MM 3.1.1**	a. The proposed project shall implement BAAQMD-recommended best management practices for the control of fugitive dust including, but not limited to, the following: 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved areas of vehicle travel) shall be watered two times per day. 2. 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. 3. All vehicle speeds on on-site unpaved areas shall be limited to a maximum of 15 miles per hour. 4. All parking areas, equipment pads, and driveways shall be paved as soon as possible. Equipment pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 5. Where applicable, plant vegetative ground cover (fast-germinating native grass seed) in disturbed areas as soon as possible.	SU

LS – Less than Significant PS – Potentially Significant S – Significant SU – Significant and Unavoidable
LCC – Less than Cumulatively Considerable CC – Cumulatively Considerable

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
		6. A publicly visible sign shall be posted at the site entrance identifying the telephone number and name of the person to contact at the construction site regarding dust complaints. The phone number of the City contact person and/or department shall also be posted to ensure compliance. All complaints, including any necessary corrective actions implemented to address the complaint, shall be documented and responded to within 48 hours. Designated City compliance monitoring staff and/or department shall be notified of all complaints received. b. The following measures shall be implemented to reduce construction-generated mobile-source emissions: 1. 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 Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. 2. All construction 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.	

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
		3. Heavy-duty (i.e., 25 horsepower or greater) off-road construction equipment shall, at a minimum, meet Tier 3 emission standards. c. The above measures or any additional or modified measures listed by the Bay Area Air Quality Management District at the time of construction shall be implemented to the degree mandated by the discretion of the City at the time of issuance of any development permits. Timing/Implementation: Measures shall be added as conditions of approval for all development permits Enforcement/Monitoring: City of Pittsburg Development Services Department	
Impact 3.1.2 Long-term operational emissions of criteria air pollutants and precursors could violate or contribute substantially to an existing or projected air quality violation, expose sensitive receptors to substantial pollutant concentrations, and/or conflict with air quality planning efforts.	PS	**MM 3.1.2a** The project applicant shall demonstrate that all heavy-duty off-road equipment (i.e., 25 hp or greater) used at the project site meets, at a minimum, CARB's Tier 4i emission standards. Timing/Implementation: Prior to operation of new facilities Enforcement/Monitoring: City of Pittsburg Development Services Department and Department of Environmental Affairs **MM 3.1.2b** The operator shall provide a report on the throughput tonnage processed at the facility that would result in operational emissions of NO_x at 90% of the allowable threshold of 54 pounds per day and 10 tons per year (i.e., 48.6 pounds of NO_x per day or nine tons of NO_x per year).	LS

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
		The report shall be included as a condition of approval of the use permit and shall be completed by a qualified air quality professional within one year of approval of the use permit for the expansion. Project-generated tonnages and estimated emissions based on the report shall be evaluated commencing at the five-year state permit review and each year thereafter as tonnage reports are submitted to the City Department of Environmental Affairs and Development Services Department. Once the throughput tonnages reach the amount determined in the report to result in 48.6 pounds of NO_x daily or nine or more tons of NO_x annually, the operator shall prepare and submit project-generated emissions reports, as described in MM 3.1.2c. Timing/Implementation: Completion of the report shall be a condition of approval of the use permit and shall be completed prior to issuance of the Solid Waste Facility Permit. Enforcement/Monitoring: City of Pittsburg Development Services Department and Department of Environmental Affairs. **MM 3.1.2c** Once the project receives a tonnage throughput resulting in 90% of assumed Nox emissions (48.6 pounds of NOx per day or nine tons of NOx per year) as indicated by annual tonnage reports submitted to the City's Department of Environmental Affairs and Development	

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
		Services Department, the operator shall obtain the services of a qualified specialist, approved by the City Development Services Department in conjunction with the Department of Environmental Affairs, to prepare and submit an annual air quality report showing project-generated NOx emissions. The annual emissions evaluation shall identify project-generated increases in emissions over those existing at the time of the approval of the use permit, any emission reduction strategies that have been implemented (i.e., use of cleaner equipment, etc.), and any emissions offsets or additional mitigation measures, as described in MM 3.1.2d, that will be implemented sufficient to achieve the threshold of 54 pounds of NOx per day or 10 tons of NOx per year. Emissions analyses shall be submitted to the City by April 1 of the following year. Upon approval of the annual air quality report by the City, documentation of any emissions offsets or additional mitigation strategies that have been implemented shall be provided to the City within 30 calendar days. Timing/Implementation: Annually as described Enforcement/Monitoring: City of Pittsburg Development Services Department and Department of Environmental Affairs **MM 3.1.2d** Based on the information provided in the annual report described in MM 3.1.2c, the proposed project shall implement on-	

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
		site control measures and/or purchase emissions offsets sufficient to limit net increases (as defined) in operational NOx emissions to no more than 54 pounds per day or 10 tons of NOx per year. Measures shall be implemented on an ongoing basis corresponding to increases in operational activities. Measures to be implemented to reduce operational NOx emissions may include, but are not limited to, the following: • Use of alternatively fueled vehicles and off-road equipment • Electrification of on-site equipment. • Reductions in the number of pieces of motorized equipment and/or hours of use. • Replacement/conversion of existing off-road equipment sufficient to meet, at a minimum, ARB's Tier 4i emission standards, or equivalent. • Secure emission reduction credits (ERCs) to offset NOx emissions per BAAQMD Regulations 2-2-215, 302, and 303. Timing/Implementation: Annually as described Enforcement/Monitoring: City of Pittsburg Development Services Department and Department of Environmental Affairs	
Impact 3.1.3 Implementation of the proposed project would not contribute to traffic volumes at primarily affected intersections that would exceed BAAQMD's screening criteria. As a result, localized concentrations of mobile-	LS	None required.	LS

Impact		Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
	source CO are not projected to exceed applicable ambient air quality standards.			
Impact 3.1.4	Implementation of the proposed project would not result in incremental increases in risk or hazards at nearby sensitive receptors that would exceed applicable significance thresholds.	LS	Implement mitigation measure MM 3.1.2a	LS
Impact 3.1.5	Subsequent land use activities associated with implementation of the proposed project would not create objectionable odors affecting a substantial number of people due to compliance with an Operations and Odor Impact Minimization Plan submitted with the proposed land use application.	LS	None required.	LS
Impact 3.1.6	The proposed project, in combination with emission sources in the San Francisco Bay Area Air Basin, would result in a cumulatively considerable net increase of criteria air pollutants and precursors.	LCC	Implement mitigation measures MM 3.1.1 and MM 3.1.2a through d.	LCC
Impact 3.1.7	The proposed project, in combination with nearby emission sources, would not result in predicted risks or hazards that would exceed applicable significance thresholds at nearby sensitive receptors.	LCC	Implement mitigation measure MM 3.1.2a	LCC
Impact 3.1.8	Implementation of the proposed project would not result in a cumulatively considerable increase of odorous emissions that would adversely impact nearby sensitive receptors.	LCC	None required.	LCC

Impact		Level of Significance Without Mitigation	Mitigation Measure		Resulting Level of Significance
3.2 Climate Change and Greenhouse Gases					
Impact 3.2.1	Implementation of the proposed project would not result in a net increase in greenhouse gas emissions that could potentially conflict with the goals of AB 32 or result in a significant impact on the environment.	LCC	*None required.*		LCC
3.3 Hazards and Hazardous Materials					
Impact 3.3.1	Implementation of the proposed project would result in the routine transport, use, and disposal of hazardous materials during both construction and operation that could pose a potential hazard to the public and the environment. However, federal, state, and local regulations provide a comprehensive regulatory system for handling, using, and transporting hazardous materials in a manner that protects human health and the environment	LS	None required.		LS
Impact 3.3.2	Construction workers could be exposed to hazardous materials during site preparation. However, compliance with existing applicable worker health and safety laws and regulations would minimize potential for exposure.	LS	**MM 3.3.2a**	The project applicant shall either update the existing facility's Construction Worker Site Health and Safety Plan or prepare a new plan to include the entire current project site and proposed site preparation and construction activities. The completed plan shall be implemented during all project construction activities. The plan shall address the potential for workers to be exposed to contaminated soils and shall provide specific measures to be implemented to ensure worker health and safety. These measures may include site controls, use of protective clothing, soil watering, hazard awareness training for workers, and/or emergency medical response procedures.	LS

Impact		Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
			Timing/Implementation: Prior to issuance of grading permits for the 18.5 acre expanded site Enforcement/Monitoring: City of Pittsburg Development Services Department/Department of Toxic Substances Control (DTSC)	
			MM 3.3.2b The project applicant shall comply with all relevant requirements of the Covenant to Restrict Use of Property, Environmental Restriction (Re: A limited portion of County of Contra Costa APN 073-200-021 UPI Pittsburg Facility Site L-A Property, DTSC site code number 520024), DOC-2010-0132574-00 recorded by the Contra Costa County Clerk-Recorder's office on July 1, 2010. Timing/Implementation: During Site Preparation and Construction Enforcement/Monitoring: City of Pittsburg Development Services Department/DTSC	
Impact 3.3.3	Construction and operation of the proposed project would not interfere with implementation of the City's Emergency Operations Plan (EOP).	LS	None required.	LS
Impact 3.3.4	Implementation of the proposed project, along with other proposed, planned, approved, and reasonably foreseeable projects in the area, would have a less than cumulatively considerable impacts related to hazards and hazardous materials.	LCC	None required.	LCC

Impact		Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
3.4 Hydrology and Water Quality				
Impact 3.4.1	On-site drainage is treated by existing on-site water quality measures to minimize pollutant load. Wastewater generated on-site is treated at the Delta Diablo Sanitation District Wastewater Treatment Plant, which is in compliance with all applicable water quality standards and waste discharge requirements.	LS	None required.	LS
Impact 3.4.2	Implementation of the proposed project would not result in the depletion of groundwater supplies or interference with groundwater recharge.	LS	None required.	LS
Impact 3.4.3	Implementation of the proposed project would result in a slight increase in on-site stormwater runoff. However, the existing on-site drainage system has adequate capacity to accept, treat, and convey increased flows. In the case that the 3.5 acre area to the south is rerouted to the ditch, a 0.2 acre detention system would be constructed to not exceed the available capacity of the downstream ditch.	LS	None required.	LS
Impact 3.4.4	Construction activities could introduce pollutants and sediments into stormwater runoff on the project site, potentially degrading downstream surface drainages and groundwater.	LS	None required.	LS
Impact 3.4.5	Operation of the proposed project would introduce sediments and other contaminants typically associated with commercial development into stormwater runoff, potentially resulting in the degradation of downstream surface water and underlying groundwater quality.	LS	None required.	LS

Impact		Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
Impact 3.4.6	A portion of the project site proposed for development is located within a flood zone. In addition, the project site is located in proximity to the Suisun Bay/Sacramento River Delta and may be at risk of flooding as a result of seiche/tsunami waves. However, compliance with existing City standards would minimize potential hazards.	LS	None required.	LS
Impact 3.4.7	The proposed project, in combination with approved, proposed, and other reasonably foreseeable projects in the cumulative setting area, would not contribute significantly to degradation of water quality in area surface drainages and groundwater supplies.	LCC	None required.	LCC
Impact 3.4.8	The proposed project, in combination with approved, proposed, and other reasonably foreseeable projects in the cumulative setting area, would place structures within a flood zone. However, compliance with existing City standards would minimize potential hazards.	LCC	None required.	LCC
3.5 Land Use				
Impact 3.5.1	The proposed project is consistent with the existing land use designation and zoning district for the site and requires a Use Permit.	LS	None required.	LS
Impact 3.5.2	The proposed project, in combination with other approved, proposed, and reasonably foreseeable projects in the cumulative study area, could conflict with the City's Zoning Ordinance.	LCC	None required.	LCC

Impact		Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
3.6 Public Services and Utilities				
Impact 3.6.1.1	Implementation of the proposed project could result in an increased demand for fire protection services, requiring new or expanded CCCFPD facilities or equipment.	LS	None required.	LS
Impact 3.6.1.2	The project proposes modifications to the layout of the facilities and operations on the project site that may result in inadequate access for emergency vehicles and personnel in the event of a fire or other emergency situation.	LS	*None required.*	LS
Impact 3.6.1.3	The project would contribute to cumulative demand for fire protection and emergency medical services.	LCC	None required.	LCC
Impact 3.6.2.1	Implementation of the proposed project would substantially increase the facility's water demands. However, the City and its wholesale provider would have sufficient water supplies available to meet the project's demand.	LS	None required.	LS
Impact 3.6.2.2	The proposed project, in combination with other cumulative development, would increase demand for potable water.	LCC	None required.	LCC
Impact 3.6.3.1	The proposed project could exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.	LS	None required.	LS
Impact 3.6.3.2	Implementation of the proposed project could require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	LS	None required.	LS

Impact		Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
Impact 3.6.3.3	Implementation of the proposed project could result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	LS	None required.	LS
Impact 3.6.3.4	The proposed project, combined with other cumulative development, would increase demand for wastewater treatment facilities.	LCC	None required.	LCC
3.7 Transportation and Circulation				
Impact 3.7.1	Implementation of the proposed project would result in the degradation of operations at two study intersections.	S	**MM 3.7.1a** The proposed project shall contribute their fair share to implement the SR 4 widening project, which would result in improvements at the SR 4 Eastbound Ramps/Loveridge Road intersection that would increase capacity. These improvements include: • Convert the existing configuration from a "T" intersection to a four-leg intersection. • Modify eastbound approach from its current configuration which provides one shared left-turn/through lane and one right-turn lane to provide two left-turn lanes and one right-turn lane. • Modify southbound approach from its current configuration which provides one through lane and one shared through/right-turn lane to provide two left-turn lanes and two through lanes. • Modify northbound approach from its current configuration which provides one through lane and one shared through/right-turn lane to provide two through lanes and one right-turn lane.	SU

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
		Timing/Implementation: Payment of fees shall be included as a condition of approval of a Conditional Use Permit Enforcement/Monitoring: City of Pittsburg Development Services Department **MM 3.7.1b** The proposed project shall contribute their fair share to implement the following measures at the Pittsburg-Antioch Highway/Loveridge Road intersection: • Install a dedicated eastbound right-turn lane on Pittsburg-Antioch Highway. • Install a second westbound left-turn lane on Pittsburg-Antioch Highway. • Upgrade existing traffic signal equipment to accommodate the changed intersection lane configurations. Timing/Implementation: Payment of fees shall be included as a condition of approval of a Conditional Use Permit Enforcement/Monitoring: City of Pittsburg Development Services Department	
Impact 3.7.2 Operations at the Pittsburg-Antioch Highway/Loveridge Road intersection are projected to degrade with the addition of project traffic.	CC	**MM 3.7.2** The project applicant shall pay the project's fair share of the cost to implement the following measures at the Pittsburg-Antioch Highway/Loveridge Road intersection: • Install an additional left-turn lane on the westbound Pittsburg-Antioch Highway approach. • Install a dedicated left-turn lane on the northbound Loveridge Road approach. • Convert the existing shared left-	CC SU

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
		turn/through lane on the northbound Loveridge Road approach to be a through-only lane. • Modify signal phasing in the north/south direction from split phase to having protected left-turns. • Upgrade existing traffic signal equipment to accommodate the recommended intersection lane configurations. Timing/Implementation: Payment of fees shall be included as a condition of approval of a Conditional Use Permit Enforcement/Monitoring: City of Pittsburg Development Services Department	
Impact 3.8.1 Implementation of project-related activities could result in substantial adverse effects, either directly or through habitat modifications, to special-status species.	LS	**MM 3.8.1a** Burrowing Owl. Prior to any ground disturbance, a qualified biologist shall conduct a preconstruction survey for burrowing owls on and adjacent to the project site. Surveys shall be conducted in accordance with the CDFS's *Staff Report on Burrowing Owl Mitigation (Staff Report)*, published March 7, 2012. Surveys shall take place no more than 30 days prior to construction and will establish the presence or absence of burrowing owl and/or habitat features and evaluate habitat use by owls. During the surveys, all burrows and burrowing owls will be identified and mapped. If burrowing owls are found during the breeding season (February 1-August 31), the project proponent shall avoid all nest sites for the remainder of the breeding season or while the nest site is occupied by adults or young. Avoidance measures will include	LS

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
		establishment of a 250-foot no disturbance buffer zone surrounding the nest burrow. If site-specific conditions or the nature of the covered activity indicate that a smaller buffer could be used, the HCP/NCCP Implementing Entity will coordinate with the CDFW and the USFWS to determine the appropriate buffer size. Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation or that the juveniles from the occupied burrows have fledged. During the non-breeding season (September 1-January 31), the project proponent shall avoid the owls and the burrows they are using through establishment of a 160-foot protective buffer zone surrounding the active burrow. If avoidance is not possible, passive relocation of occupied burrows shall be implemented outside the breeding season. Owls should be excluded from burrows by installing 1-way doors in burrow entrances. These doors should be in place for no less than 48 hours prior to excavation and the project area shall be monitored daily by a qualified biologist for one week to confirm that the owl has abandoned the burrow. Timing/Implementation: Prior to and during construction activities Enforcement/Monitoring: City of Pittsburg Development Services Department **MM 3.8.1b** Swainson's Hawk. Prior to any ground disturbance that occurs during the nesting season (March 15-September 15), a qualified	

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
		biologist will conduct a preconstruction survey no more than one month prior to construction, to determine if occupied Swainson's hawk nests are present within 1,000 feet of the project site. If occupied nests are documented, project-related activities within 1,000 feet of an occupied nest site shall be prohibited to prevent nest abandonment. Project-related activities can proceed normally if a qualified biologist determines that young have fledged prior to September 15. If site-specific conditions or the nature of the covered activity indicate that a smaller buffer could be used, the HCP/NCCP Implementing Entity will coordinate with the CDFW and the USFWS to determine the appropriate buffer size. Furthermore, if the active nest site is shielded from view and noise from the project site by other development, topography, or other features (including off-site features), the applicant can apply to the HCP/NCCP Implementing Entity for a waiver of this avoidance measure. Waivers must also be approved by the USFWS and CDFW. While the nest is occupied, project-related activities outside the 1,000 foot buffer can take place. Timing/Implementation: Prior to and during construction activities Enforcement/Monitoring: City of Pittsburg Development Services Department **MM 3.8.1c** Golden Eagle. Prior to any ground disturbance that occurs during the nesting season (January 1 – August 31), a qualified biologist shall conduct a preconstruction survey not more	

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
		than one month prior to construction, to determine whether active golden eagle nests are present within 0.5 mile of the project site. If active nests are present within 0.5 mile of the project site, project-related activities within 0.5 mile of the nest is prohibited to prevent nest abandonment. If site-specific conditions or the nature of the covered activity indicate that a smaller buffer could be used, the HCP/NCCP Implementing Entity will coordinate with the CDFW and the USFWS to determine the appropriate buffer size. Project-related disturbance may proceed once a qualified biological monitor determines that the nest has failed or that the young birds have fledged. Timing/Implementation: Prior to and during construction activities Enforcement/Monitoring: City of Pittsburg Development Services Department **MM 3.8.1d** Non-covered Raptor Surveys. If clearing and/or construction activities will occur during the raptor nesting season (January 15–August 15), preconstruction surveys to identify active raptor nests shall be conducted by a qualified biologist within 30 days of construction initiation. Focused surveys must be performed by a qualified biologist for the purpose of determining presence/absence of active nest sites within the proposed impact area, and a 500-foot buffer (if feasible). If active nest sites are identified within 500 feet of project activities, the applicant shall impose a limited operating period (LOP) for all active nest sites prior to commencement of any project construction activities to avoid	

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
		construction-related disturbances to nesting raptors. An LOP constitutes a period during which project-related activities (i.e., vegetation removal, earth moving, and construction) will not occur and will be imposed within 250 feet of any active nest sites until the nest is deemed inactive by a qualified biologist. Activities permitted within and the size (i.e., 250 feet) of LOPs may be adjusted through consultation with the CDFW and/or East Contra Costa County HCP/NCCP Implementing Entity. Timing/Implementation: Prior to and during construction activities Enforcement/Monitoring: City of Pittsburg Planning Department **MM 3.8.1e** Nesting Bird Surveys. If clearing and/or construction activities will occur during the migratory bird nesting season (February 15–August 15), preconstruction surveys to identify active migratory bird nests shall be conducted by a qualified biologist within 30 days of construction initiation. Focused surveys must be performed by a qualified biologist for the purpose of determining presence/absence of active nest sites within the proposed impact area, including a 200-foot buffer. If active nest sites are identified within 200 feet of project activities, the applicant shall impose a limited operating period (LOP) for all active nest sites prior to commencement of any project construction activities to avoid construction-related disturbances to migratory bird nesting activities. An LOP constitutes a period during which project-related activities (i.e., vegetation removal, earth moving, and	

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
		construction) will not occur and will be imposed within 100 feet of any active nest sites until the nest is deemed inactive by a qualified biologist. Activities permitted within and the size (i.e., 100 feet) of LOPs may be adjusted through consultation with the CDFW and/or East Contra Costa County HCP/NCCP Implementing Entity. Timing/Implementation: Prior to and during construction activities Enforcement/Monitoring: City of Pittsburg Planning Department	
Impact 3.8.2 Implementation of project-related activities may result in substantial adverse effects, either directly or through habitat modifications, to riparian habitat or sensitive natural communities.	LS	None required.	LS
Impact 3.8.3 Implementation of project-related activities would not result in substantial adverse effects to federally protected wetlands.	NI	None required.	NI
Impact 3.8.4 Implementation of project-related activities would not result in substantial adverse effects to wildlife movement.	NI	None required.	NI
Impact 3.8.5 The proposed project would not conflict with any policies, ordinances or plans, including the East Contra Costa County HCP/NCCP.	LS	Implement mitigation measures **MM 3.8.1a** through **MM 3.8.1e**.	LS
Impact 3.8.6 The proposed project, in combination with other reasonably foreseeable projects, could result in mortality and loss of habitat for special-status species and sensitive habitat. However, the ECCC HCP/NCCP addresses and mitigates regional biological resource impacts.	LCC	Implement mitigation measures **MM 3.8.1a** through **MM 3.8.1e**.	LCC

APPENDIX D.
MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

The California Environmental Quality Act (CEQA) Guidelines, Section 15091(d), requires public agencies, as part of the certification of an environmental impact report, to adopt a mitigation monitoring and reporting program to ensure that changes made to the project as conditions of project approval to mitigate or avoid significant environmental effects are implemented. The Mitigation Monitoring and Reporting Program (MMRP) contained herein is intended to satisfy the requirements of CEQA as they relate to the Mt. Diablo Resource Recovery Park Project (project) in the City of Pittsburg (City). The MMRP is intended to be used by City staff and mitigation monitoring personnel during implementation of the project.

The MMRP will provide for monitoring of construction activities as necessary, in-the-field identification and resolution of environmental concerns, and reporting to City staff. The MMRP will consist of the components described below.

COMPLIANCE CHECKLIST

The table below contains a compliance-monitoring checklist that identifies the newly adopted mitigation measures, identification of agencies responsible for enforcement and monitoring, and timing of implementation.

MITIGATION MONITORING PLAN

MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and signature)
MM 3.1.1	a. The proposed project shall implement BAAQMD-recommended best management practices for the control of fugitive dust including, but not limited to, the following: 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved areas of vehicle travel) shall be watered two times per day. 2. 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. 3. All vehicle speeds on on-site unpaved areas shall be limited to a maximum of 15 miles per hour. 4. All parking areas, equipment pads, and driveways shall be paved as soon as possible. Equipment pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 5. Where applicable, vegetative ground cover (fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible. 6. A publicly visible sign shall be posted at the site entrance identifying the telephone number and name of the person to contact at the construction site regarding dust complaints. The phone number of the City contact person and/or department shall also be posted to ensure compliance. All complaints, including any necessary corrective actions implemented to address the complaint, shall be documented and responded to within	Measures shall be added as conditions of approval for all development permits	City of Pittsburg Development Services Department	

	48 hours. The designated City compliance monitoring staff and/or department shall be notified of all complaints received. b. The following measures shall be implemented to reduce construction-generated mobile-source emissions: 1. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by Title 13, Section 2485 of the California Code of Regulations). Clear signage shall be provided for construction workers at all access points. 2. All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 3. Heavy-duty (i.e., 25 horsepower or greater) off-road construction equipment shall, at a minimum, meet Tier 3 emission standards. c. To the extent possible, construction of the proposed maintenance building shall utilize pre-coated building materials and low-VOC-content architectural coatings.			
MM 3.1.2a	The project applicant shall demonstrate that all heavy-duty off-road equipment (i.e., 25 hp or greater) used at the project site meets, at a minimum, CARB's Tier 4i emission standards.	Prior to operation of new facilities	City of Pittsburg Development Services Department and Department of Environmental Affairs	
MM 3.1.2b	The operator shall provide a report on the throughput tonnage processed at the facility that would result in operational	Completion of the report shall	City of Pittsburg Development	

	emissions of NO_X at 90 percent of the allowable threshold of 54 pounds per day and 10 tons per year (i.e., 48.6 pounds of NO_X per day or 9 tons of NO_X per year). The report shall be included as a condition of approval of the use permit and shall be completed by a qualified air quality professional within one year of approval of the use permit for the expansion. Project-generated tonnages and estimated emissions based on the report shall be evaluated commencing at the five-year state permit review and each year thereafter as tonnage reports are submitted to the City Department of Environmental Affairs and Development Services Department. Once the throughput tonnages reach the amount determined in the report to result in 48.6 pounds of NO_X daily or 9 or more tons of NO_X annually, the operator shall prepare and submit project-generated emissions reports, as described in mitigation measure MM 3.1.2c.	be a condition of approval of the use permit and shall be completed prior to issuance of the Solid Waste Facility Permit	Services Department and Department of Environmental Affairs	
MM 3.1.2c	Once the project receives a tonnage throughput resulting in 90 percent of assumed NO_X emissions (48.6 pounds of NO_X per day or 9 tons of NO_X per year) as indicated by annual tonnage reports submitted to the City's Department of Environmental Affairs and Development Services Department, the operator shall obtain the services of a qualified specialist, approved by the City Development Services Department in conjunction with the Department of Environmental Affairs, to prepare and submit an annual air quality report showing project-generated NO_X emissions. The annual emissions evaluation shall identify project-generated increases in emissions over those existing at the time of the approval of the use permit, any emission reduction strategies that have been implemented (i.e., use of cleaner equipment, etc.), and any emissions offsets or additional mitigation measures, as described in mitigation measure MM 3.1.2d, that will be implemented sufficient to achieve the threshold of 54 pounds of NO_X per day or 10 tons of NO_X per year. Emissions analyses shall be submitted to the City by April 1 of the following year. Upon the City's approval of the annual air quality report, documentation of any emissions offsets or additional mitigation strategies that have been implemented shall be provided to the City within 30	Annually as described	City of Pittsburg Development Services Department and Department of Environmental Affairs	

	calendar days.			
MM 3.1.2d	Based on the information provided in the annual report described in mitigation measure MM 3.1.2c, the proposed project shall implement on-site control measures and/or purchase emissions offsets sufficient to limit net increases (as defined) in operational NO_X emissions to no more than 54 pounds per day or 10 tons of NO_X per year. Measures shall be implemented on an ongoing basis corresponding to increases in operational activities. Measures to be implemented to reduce operational NO_X emissions may include, but are not limited to, the following: • Use of alternatively fueled vehicles and off-road equipment. • Electrification of on-site equipment. • Reduction in the number of pieces of motorized equipment and/or hours of use. • Replacement/conversion of existing off-road equipment sufficient to meet, at a minimum, CARB's Tier 4i emission standards, or equivalent. Secure emission reduction credits (ERCs) to offset NO_X emissions per BAAQMD Regulations 2-2-215, 302, and 303.	Annually as described	City of Pittsburg Development Services Department and Department of Environmental Affairs	
MM 3.3.2a	The project applicant shall either update the existing facility's Construction Worker Site Health and Safety Plan or prepare a new plan to include the entire current project site and proposed site preparation and construction activities. The completed plan shall be implemented during all project construction activities. The plan shall address the potential for workers to be exposed to contaminated soils and shall provide specific measures to be implemented to ensure worker health and safety. These measures may include site controls, use of protective clothing, soil watering, hazard awareness training for workers, and/or emergency medical response procedures.	Prior to issuance of grading permits for the 18.5 acre expanded site.	City of Pittsburg Development Services Department	

MM 3.3.2b	The project applicant shall comply with all relevant requirements of the *Covenant to Restrict Use of Property, Environmental Restriction (Re: A limited portion of County of Contra Costa APN 073-200-021 UPI Pittsburg Facility Site L-A Property, DTSC site code number 520024), DOC-2010-0132574-00 recorded by the Contra Costa County Clerk-Recorder's office on July 1, 2010.*	During Site Preparation and Construction	City of Pittsburg Development Services Department	
MM 3.7.1a	The proposed project shall contribute their fair share to implement the SR 4 widening project, which would result in improvements at the SR 4 Eastbound Ramps/Loveridge Road intersection that would increase capacity. These improvements include: • Convert the existing configuration from a "T" intersection to a four-leg intersection. • Modify eastbound approach from its current configuration which provides one shared left-turn/through lane and one right-turn lane to provide two left-turn lanes and one right-turn lane. • Modify southbound approach from its current configuration which provides one through lane and one shared through/right-turn lane to provide two left-turn lanes and two through lanes. • Modify northbound approach from its current configuration which provides one through lane and one shared through/right-turn lane to provide two through lanes and one right-turn lane.	Payment of fees shall be included as a condition of approval of a Conditional Use Permit	City of Pittsburg Development Services Department	
MM 3.7.1b	The proposed project shall contribute their fair share to implement the following measures at the Pittsburg-Antioch Highway/Loveridge Road intersection: • Install a dedicated eastbound right-turn lane on Pittsburg-Antioch Highway.	Payment of fees shall be included as a condition of approval of a Conditional Use	City of Pittsburg Development Services Department	

	• Install a second westbound left-turn lane on Pittsburg-Antioch Highway. • Upgrade existing traffic signal equipment to accommodate the changed intersection lane configurations.	Permit		
MM 3.7.2	The project applicant shall pay the project's fair share of the cost to implement the following measures at the Pittsburg-Antioch Highway/Loveridge Road intersection: • Install an additional left-turn lane on the westbound Pittsburg-Antioch Highway approach. • Install a dedicated left-turn lane on the northbound Loveridge Road approach. • Convert the existing shared left-turn/through lane on the northbound Loveridge Road approach to be a through-only lane. • Modify signal phasing in the north/south direction from split phase to having protected left-turns. • Upgrade existing traffic signal equipment to accommodate the recommended intersection lane configurations.	Payment of fees shall be included as a condition of approval of a Conditional Use Permit	City of Pittsburg Development Services Department	
MM 3.8.1a	**Burrowing Owl.** Prior to any ground disturbance, a qualified biologist shall conduct a preconstruction survey for burrowing owls on and adjacent to the project site. Surveys shall be conducted in accordance with the CDFW's Staff Report on Burrowing Owl Mitigation (Staff Report), published March 7, 2012. Surveys shall take place no more than 30 days prior to construction and will establish the presence or absence of burrowing owl and/or habitat features and evaluate habitat use by owls. During the surveys, all burrows and burrowing owls will be identified and mapped.	Prior to and during construction activities	City of Pittsburg Planning Department	

	If burrowing owls are found during the breeding season (February 1–August 31), the project applicant shall avoid all nest sites for the remainder of the breeding season or while the nest site is occupied by adults or young. Avoidance measures will include establishment of a 250-foot no disturbance buffer zone surrounding the nest burrow. If site-specific conditions or the nature of the covered activity indicate that a smaller buffer could be used, the HCP/NCCP Implementing Entity will coordinate with the CDFW and the USFWS to determine the appropriate buffer size. Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation or that the juveniles from the occupied burrows have fledged. During the non-breeding season (September 1–January 31), the project applicant shall avoid the owls and the burrows they are using through establishment of a 160-foot protective buffer zone surrounding the active burrow. If avoidance is not possible, passive relocation of occupied burrows shall be implemented outside the breeding season. Owls should be excluded from burrows by installing one-way doors in burrow entrances. These doors should be in place for no less than 48 hours prior to excavation, and the project area shall be monitored daily by a qualified biologist for one week to confirm that the owl has abandoned the burrow.			
MM 3.8.1b	**Swainson's Hawk.** Prior to any ground disturbance that occurs during the nesting season (March 15–September 15), a qualified biologist will conduct a preconstruction survey no more than one month prior to construction to determine if occupied Swainson's hawk nests are present within 1,000 feet of the project site. If occupied nests are documented, project-related activities within 1,000 feet of an occupied nest site shall be prohibited to prevent nest abandonment. Project-related activities can proceed normally if a qualified biologist determines that young	Prior to and during construction activities	City of Pittsburg Planning Department	

	have fledged prior to September 15. If site-specific conditions or the nature of the covered activity indicate that a smaller buffer could be used, the HCP/NCCP Implementing Entity will coordinate with the CDFW and the USFWS to determine the appropriate buffer size. Furthermore, if the active nest site is shielded from view and noise from the project site by other development, topography, or other features (including off-site features), the project applicant can apply to the HCP/NCCP Implementing Entity for a waiver of this avoidance measure. Waivers must also be approved by the USFWS and the CDFW. While the nest is occupied, project-related activities outside the 1,000-foot buffer can take place.			
MM 3.8.1c	**Golden Eagle.** Prior to any ground disturbance that occurs during the nesting season (January 1–August 31), a qualified biologist shall conduct a preconstruction survey not more than one month prior to construction to determine whether active golden eagle nests are present within 0.5 mile of the project site. If active nests are present within 0.5 mile of the project site, project-related activities within 0.5 mile of the nest are prohibited to prevent nest abandonment. If site-specific conditions or the nature of the covered activity indicate that a smaller buffer could be used, the HCP/NCCP Implementing Entity will coordinate with the CDFW and the USFWS to determine the appropriate buffer size. Project-related disturbance may proceed once a qualified biological monitor determines that the nest has failed or that the young birds have fledged.	Prior to and during construction activities	City of Pittsburg Planning Department	
MM 3.8.1d	**Non-Covered Raptor Surveys.** If clearing and/or construction activities will occur during the raptor nesting season (January 15–August 15), preconstruction surveys to identify active raptor nests shall be conducted by a qualified biologist within 30 days of construction initiation. Focused surveys must be performed by a qualified biologist for the purpose of determining presence/absence of active nest sites within the proposed	Prior to and during construction activities	City of Pittsburg Planning Department	

	impact area and a 500-foot buffer (if feasible). If active nest sites are identified within 500 feet of project activities, the project applicant shall impose a limited operating period (LOP) for all active nest sites prior to commencement of any project construction activities to avoid construction-related disturbances to nesting raptors. An LOP constitutes a period during which project-related activities (i.e., vegetation removal, earth moving, and construction) will not occur and will be imposed within 250 feet of any active nest sites until the nest is deemed inactive by a qualified biologist. Activities permitted within and the size (i.e., 250 feet) of LOPs may be adjusted through consultation with the CDFW and/or the East Contra Costa County HCP/NCCP Implementing Entity.			
MM 3.8.1e	**Nesting Bird Surveys.** If clearing and/or construction activities will occur during the migratory bird nesting season (February 15–August 15), preconstruction surveys to identify active migratory bird nests shall be conducted by a qualified biologist within 30 days of construction initiation. Focused surveys must be performed by a qualified biologist for the purpose of determining presence/absence of active nest sites within the proposed impact area, including a 200-foot buffer. If active nest sites are identified within 200 feet of project activities, the project applicant shall impose a limited operating period (LOP) for all active nest sites prior to commencement of any project construction activities to avoid construction-related disturbances to migratory bird nesting activities. An LOP constitutes a period during which project-related activities (i.e., vegetation removal, earth moving, and construction) will not occur and will be imposed within 100 feet of any active nest sites until the nest is deemed inactive by a qualified biologist. Activities permitted within and the size (i.e., 100 feet) of LOPs may be adjusted through consultation with the CDFW and/or the East Contra Costa County HCP/NCCP Implementing Entity.	Prior to and during construction activities	City of Pittsburg Planning Department	

APPENDIX E.
BIOLOGICAL RESOURCES ANALYSIS
MONK & ASSOCIATES, INC.
JULY 30, 2020

BIOLOGICAL RESOURCES ANALYSIS
MT DIABLO RESOURCES RECOVERY PROJECT
CITY OF PITTSBURG, CALIFORNIA
APN: 073-200-013

July 30, 2020

Prepared for

Mt. Diablo Resource Recovery
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1. INTRODUCTION AND PROJECT BACKGROUND

Monk & Associates, Inc. (M&A) has prepared a biological resources analysis report for the proposed Mt. Diablo Resource Recovery Project site located at 1600 Loveridge Road in the City of Pittsburg, Contra Costa County, California (hereinafter referred to as the project site). The purpose of our analysis is to provide a description of existing biological resources on the project site and to identify potentially significant impacts that could occur to sensitive biological resources from the construction of a proposed vehicle maintenance building and associated entrance road.

Biological resources include common plant and animal species, and special-status plants and animals as designated by the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), National Marine Fisheries Service (NMFS), and other resource organizations including the California Native Plant Society (CNPS). Biological resources also include waters of the United States and State, as regulated by the U.S. Army Corps of Engineers (Corps), California Regional Water Quality Control Board (RWQCB), and the CDFW.

This biological resource analysis includes identification of "potentially significant" and "significant impacts" as defined by the California Environmental Quality Act (CEQA) that could occur to sensitive biological resources. Mitigation measures have been developed for all identified "potentially significant" and "significant" impacts, and upon implementation would reduce the effects of such impacts to levels regarded as less than significant pursuant to the CEQA.

2. SETTING/PROJECT SITE DESCRIPTION

The approximately 4-acre project site is located at 1600 Loveridge Road in the City of Pittsburg, Contra Costa County, California, (Figures 1 and 2). The project site is bordered to the east by Loveridge Road, to the south by the Pittsburg-Antioch Highway, to the west by a field of ruderal herbaceous vegetation, with industrial development located further west. The existing Mt. Diablo Resource Recovery Center is located directly to the north of the project site at 1300 Loveridge Road.

The northern portion of project site is entirely disturbed by gravel impregnated fill material; no natural substrate remains. A building once occupied the approximate center of the project site. A recycled-water tank used by the recycling center trucks for dust control is located in the former building location. In each corner of the parking lot there is a man-made, gravel-impregnated depression in the ground associated with past trash collection. A solar panel is located in the southeastern corner of the project site.

Running along the southern project site boundary is a channelized reach of Kirker Creek. Kirker Creek is mapped on the U.S. Geological Survey (USGS) 7.5 minute Antioch North quadrangle as an intermittent drainage; this creek receives enough urban runoff that the reach along the project site boundary is 100 percent vegetated with wetland vegetation. This creek flows west to east into Dowest Slough to New York Slough and down into Suisun Bay. The Pittsburg-Antioch Highway runs directly parallel with Kirker Creek south of the project site.

3. PROPOSED PROJECT

At this time, the proposed project is the construction of a new road extending from Loveridge Road. This entrance from Loveridge continues to a parking lot for a proposed vehicle maintenance building that will be constructed on the project site that will be approximately 10,500 square feet. From the proposed vehicle maintenance building, the road continues along the northern boundary of the top of bank of Kirker Creek to the west, turns northern on the eastern boundary of the project site, and then continues north to the 1300 Loveridge Road property. There are future intended phases of this project.

4. ANALYSIS METHODS

Prior to preparing this biological resource analysis report, M&A researched the most recent version of the CDFW Natural Diversity Database, RareFind 5 application (CNDDB 2020) for historical and recent records of special-status plant and animal species (that is, threatened, endangered, rare) known to occur within 3 miles of the project site. All special-status species records were compiled in tables. M&A reviewed all known records and any available biological survey reports to determine if special-status species could occur on the project site or within an area of effect of the development project.

4.1 M&A Site Surveys

M&A biologists, Ms. Sarah Lynch and Ms. Monica Matthews, conducted a survey of the project site on June 23, 2020. M&A's site evaluation included a thorough examination of the site to document potential habitats on or adjacent to the project site that could support special-status species and/or waters of the U.S. and State. The survey involved searching all habitats on the site and recording all plant and wildlife species observed. M&A cross-referenced the habitats found on the project site against the habitat requirements of local or regionally known special-status species to determine if the proposed project could directly or indirectly impact such species.

4.2 Special-Status Plant Surveys

M&A biologists Ms. Lynch and Ms. Matthews conducted a special-status (that is, rare, threatened, or endangered) plant survey on June 23, 2020, on the project site for late-flowering species such as tarweeds (*Centromadia, Hemizonia,* and *Blepharizonia* spps.).

4.3 Wetland Delineation

On June 23, 2020, M&A biologists, Ms. Lynch and Ms. Matthews, conducted a wetland delineation of the project site using criteria prescribed in the Corps' 1987 Wetland Delineation Manual (Corps 1987) and the Corps' Regional Supplement for the Arid West Region (Corps 2008). The draft wetland delineation map is provided as Sheet 1 (attached).

5. PROJECT SITE ANALYSIS

5.1 Project Site Topography and Hydrology

The majority of the project site is level, with the exception of the man-made, gravel impregnated depressions in the project site corners.

Kirker Creek is an intermittent drainage on the USGS Antioch North quadrangle that runs along the southern project site boundary (Figure 3). This creek is channelized with steep banks that are reinforced with rock rip-rap along the project site's reach. A hard-packed gravel flood control road runs along the northern creek bank. This creek exits the project site's southeastern corner via twin 12-foot diameter corrugated metal pipes that discharge water under Loveridge Road when the creek is flowing, carrying water northeast to Dowest Slough, to New York Slough and out to the San Joaquin River and eventually to Suisun Bay.

5.2 Plant Communities and Associated Wildlife Habitats

A complete list of plant species observed on the project site is presented in Table 1. Nomenclature used for plant names follows *The Jepson Manual, 2nd edition* (Baldwin 2012) and changes made to this manual as published on the Jepson Interchange Project website. Table 2 is a list of wildlife species observed on the project site. Nomenclature for wildlife follows CDFW's *Complete list of amphibian, reptile, bird, and mammal species in California* (CDFW 2016) and any changes made to species nomenclature as published in scientific journals since the publication of CDFW's list.

The gravel-impregnated project site just north of Kirker Creek supports an extremely sparse covering of ruderal (weedy) herbaceous plants. Kirker Creek supports riparian vegetation with a broken riparian canopy (Sheet 1). A row of blue gum trees (*Eucalyptus* sp.) grow along the northern project site boundary. The three plant communities observed on the project site are discussed below.

5.2.1 RUDERAL HERBACEOUS

Most of the project site is barren due to the hard-pack graveled surface. Where it is vegetated though outside of the creek channel it is dominated by ruderal (weedy) herbaceous vegetation such as black mustard (*Brassica nigra*), Medusahead (*Elymus caput-medusae*), prickly lettuce (*Lactuca serriola*), bristly ox tongue (*Helminthotheca echioides*), willow herb (*Epilobium brachycarpum*), and horseweed (*Erigeron canadensis*) . There is also one beach sheoak (*Casuarina equisetifolia*) and one Mexican fan palm (*Washingtonia robusta*) tree located in the southeastern project site corner north of Kirker Creek.

5.2.2 KIRKER CREEK/WETLAND

Kirker Creek, an intermittent drainage with wetland vegetation, runs along the project site's southern boundary. This creek receives urban runoff contributions in addition to traditional seasonal flows. As such, it supports both emergent wetland vegetation and riparian vegetation. The riparian canopy is broken and dominated by Fremont cottonwoods (*Populus fremontii*), red willows (*Salix laevigata*), and castor bean (*Ricinus communis*) trees, with an occasional black walnut (*Juglans nigra*), Oregon ash (*Fraxinus latifolia*), and blue gum (*Eucalyptus* sp.) tree. The

channel is one hundred percent (100%) vegetated with wetland vegetation including knotgrass (*Paspalum distichum*), barnyard grass (*Echinochloa crus-galli*), cocklebur (*Xanthium strumarium*), curly dock (*Rumex crispus*), and mugwort (*Artemisia douglasiana*). Additional species that were present included Harding grass (*Phalaris aquatica*), smilo grass (*Stipa miliacea*), and umbrella sedge (*Cyperus eragrostis*). The creek's banks within the project site boundaries are heavily rock rip-rapped and do not support herbaceous or woody vegetation. Kirker Creek is typical of an urban creek with its uniform, channelized design and its accumulation of urban debris.

5.3 Wildlife Corridors

Wildlife corridors are linear and/or regional habitats that provide connectivity to other natural vegetation communities within a landscape fractured by urbanization and other development. Wildlife corridors have several functions: 1) they provide avenues along which wide-ranging animals can travel, migrate, and breed, allowing genetic interchange to occur; 2) populations can move in response to environmental changes and natural disasters; and 3) individuals can recolonize habitats from which populations have been locally extirpated (Beier and Loe 1992). All three of these functions can be met if both regional and local wildlife corridors are accessible to wildlife. Regional wildlife corridors provide foraging, breeding, and retreat areas for migrating, dispersing, immigrating, and emigrating wildlife populations. Local wildlife corridors also provide access routes to food, cover, and water resources within restricted habitats.

The proposed project will not interfere with the movement of native wildlife. Kirker Creek at the southern project site boundary provides a valuable east/west wildlife corridor with suitable cover, foraging, water resources, and migration pathways that lead to other natural habitats. This broad creek channel allows medium-sized mammals such as racoons (*Procyon lotor*), Columbian black-tailed deer (*Odocoileus hemionus columbianus*), striped skunks (*Mephitis mephitis*), among others, to move through the area without getting struck by cars or going through development. The project as currently proposed would not impact wildlife movement corridors since, as mentioned, there are no impacts to Kirker Creek currently proposed with this project.

Kirker Creek provides low-quality avian habitat that is used seasonally by migrants and year-round by resident birds; it is low-quality avian habitat because it is heavily disturbed by the constant traffic on both Loveridge Road and the Pittsburg-Antioch Highway. These functions will also remain unaffected as nesting bird surveys will be conducted prior to commencement of construction.

In addition, prior to the commencement of construction, orange construction fence will be installed along the norther perimeter of Kirker Creek to prevent mammals migrating along this creek from entering the project site. Kirker Creek is the only wildlife corridor in proximity to the project site and this function will be unaffected by the proposed development project and will continue to serve its function as a wildlife corridor.

6. SPECIAL-STATUS SPECIES

Special-status species are those plants and animals that meet the definition of endangered, rare, or threatened under the CEQA (14 CCR §15380) and those species protected pursuant to the California or Federal Endangered Species Acts (CESA and FESA, respectively). Potential impacts to special-status species known from the area of the project site are assessed below.

6.1 Potential Special-Status Plant Species on the Project Site

Figure 4A provides a graphical illustration of the known records for special-status plant species within three miles of the project site and helps readers visually understand the number of sensitive species that occur near the project site. According to the CDFW's CNDDB, a total of 12 special-status plant species are known to occur in the region of the project site (Table 3). However, all of these plants occur in specialized habitats that do not occur on the project site such as marshes and swamps, valley and foothill grassland, dune, and scrub/chaparral. The project site outside of Kirker Creek consists of hard-packed, gravel surfaces that do not support native or natural vegetation communities. Additionally, Kirker Creek in the region of the project site is an urban channel, 100% vegetated with non-native grasses and forbs (broad-leaved plants) and does not provide suitable habitat for any of the plants listed in Table 3. Therefore, M&A believes that the project site, with its absence of natural habitats, does not provide "suitable" habitat for the special-status plant species known to occur within three miles of the project site. M&A conducted two surveys of the project site: one in June and one in July 2020, and no late-blooming special-status plants were observed on the project site. Due to an absence of suitable habitats, none are expected to occur.

6.2 Special-Status Wildlife Species

Figure 4B provides a graphical illustration of the known records for special-status wildlife species within three miles of the project site and helps readers visually understand the number of sensitive species that occur in the vicinity of the project site. According to the CDFW's CNDDB, a total of 19 special-status wildlife species are known to occur in the region of the project site (Table 4). Of these 19 species, M&A believes that only one of these wildlife species has any potential to occur on or adjacent to the project site: the western red bat (*Lasiurus blossevillii*). While the highly disturbed project site and the urban reach of Kirker Creek do not provide habitat for any other special-status species, due to the sensitivity of one federally listed species known from the county, the California red-legged frog (*Rana draytonii*), this species is discussed further below. An explanation for dismissal of the remaining 16 wildlife species is provided in Table 4.

6.2.1 California Red-Legged Frog

The California red-legged frog is a federally listed threatened species and California species of special concern. This species occurs in lowlands and foothills in deep pools and streams, requiring 11-20 weeks of permanent water for larval development. Water typically must be present through the month of July or August for larvae to reach metamorphosis. The hard-packed, formerly developed surfaces of the project site and the seasonally dry reach of Kirker Creek that runs along the project site's southern boundary do not meet these criteria for suitable California red-legged frog habitat; however, the possibility of this creek being used as seasonal

dispersal corridor during the winter months could not be dismissed from possibility without further research.

A review of the CNDDB RareFind records revealed that the closest CNDDB record for this frog to the project site is located 1.9 miles southeast of the project site in Markley Canyon Creek (Occurrence No. 531). In July 2002, 4 adult California red-legged frogs were observed in this perennial creek. This record is south of Highway 4 from the project site (Figure 4B). There are no records for California red-legged frog north of Highway 4 or in the same watershed as the project site. M&A has conducted numerous California red-legged frog surveys in Kirker Creek for the City of Pittsburg as part of their creek clean-up/Streambed Alteration Agreement requirements as authorized by the CDFW pursuant to Section 1602 of California Fish and Game Code. During multiple surveys of Kirker Creek conducted in 2000, 2001, 2002, and 2003, in the vicinity of the project site (that is, on the north side of Highway 4 and within a mile or two of the current project site), no California red-legged frogs were ever observed.

On June 23, 2020, July 2, 2020, and July 27, 2020, M&A federally permitted California red-legged frog biologist, Ms. Lynch and herpetologist, Ms. Matthews, conducted surveys of Kirker Creek to assess the likelihood of California red-legged frogs using Kirker Creek as dispersal habitat, and to search for adult California red-legged frogs. On all three dates that the creek was surveyed, the portion of Kirker Creek located on the project site was entirely dry, with no pools of water, no running water and no saturated soil, and thus, no breeding or dispersal habitat. During the July 27, 2020 survey, M&A also walked well outside the project site boundaries, searching upstream approximately 900 feet and downstream of the project site approximately 300 feet looking for pooled water and frogs. Neither was found. No amphibians of any kind were observed.

The portion of Kirker Creek that is on the project site and downstream of the project site is heavily disturbed by homeless activity, including an active homeless encampment that has resulted in the accumulation of large amounts of clothing, furniture, and bedding debris in the creek (M&A pers. observations and pers. comm. with Bob Hammons of Mt. Diablo Resource Recovery) (see also Attachment A, photographs of Kirker Creek). Based on M&A's past surveys in Kirker Creek with negative findings, and given the lack of water noted in Kirker Creek within the project site boundaries and well up and downstream of the project site, and the amount of human disturbance in the creek, M&A has concluded that Kirker Creek in the vicinity does not provide suitable California red-legged frog breeding, larval development habitat or dispersal habitat. No impacts to the California red-legged frog are expected from project implementation.

6.2.2 SPECIAL-STATUS BATS

The western red bat is a California species of special concern (Pierson 2006). It has no federal status. This bat roosts primarily in trees, 2 to 40 feet above the ground, from sea level to approximately 7,000 feet in elevation. It prefers habitat edges and mosaics with trees that are protected from above and open below with open areas for foraging.

The closest CNDDB record for this species has an unknown exact location. It is noted that on June 24, 1998, in the city of Antioch, California, western red bats were observed somewhere in

the city (CNDDB Occurrence No. 66). This is the only occurrence of this species in all of Contra Costa County.

The only potential bat roosting habitat on the project site are the blue gum eucalyptus trees along the northern boundary and the riparian trees along Kirker Creek. A focused survey for bat roosts and maternity sites should be conducted prior to any project site tree removal or disturbance. This would prevent potential impacts to roosting bats.

7. REGULATORY FRAMEWORK FOR NATIVE WILDLIFE, FISH, AND PLANTS

This section provides a discussion of the laws and regulations that are in place to protect native wildlife and plants. Under each law we discuss their pertinence to the project site.

7.1 Federal Endangered Species Act (FESA)

The FESA forms the basis for the federal protection of threatened or endangered plants, insects, fish and wildlife. Responsible Agency FESA gives regulatory authority to the USFWS for federally-listed terrestrial species and non-anadromous fish. The National Marine Fisheries Service (NMFS) has regulatory authority over federally-listed marine mammals and anadromous fish. FESA contains four main elements, they are as follows:

Section 4 (16 USCA §1533): Species listing, Critical Habitat Designation, and Recovery Planning: outlines the procedure for listing endangered plants and wildlife.

Section 7 (§1536): Federal Consultation Requirement: imposes limits on the actions of federal agencies that might impact listed species.

Section 9 (§1538): Prohibition on Take: prohibits the "taking" of a listed species by anyone, including private individuals, and State and local agencies.

Section 10: Exceptions to the Take Prohibition: non-federal agencies can obtain an incidental take permit through approval of a HCP.

In the case of saltwater fish and other marine organisms, the requirements of FESA are administered by the NMFS. The USFWS enforces all other cases. Below, Sections 9, 7, and 10 of FESA are discussed since they are the sections most relevant to the proposed project.

Section 9 of FESA as amended, prohibits the "take" of any fish or wildlife species listed under FESA as endangered. Under federal regulation, "take" of fish or wildlife species listed as threatened is also prohibited unless otherwise specifically authorized by regulation. "Take," as defined by FESA, means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." "Harm" includes not only the direct taking of a species itself, but the destruction or modification of the species' habitat resulting in the potential injury of the species. As such, "harm" is further defined to mean "an act which actually kills or injures wildlife; such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering" (50 CFR 17.3). A December 2001 decision by the 9th

Circuit Court of Appeals (Arizona Cattle Growers' Association, Jeff Menges, vs. the U.S. Fish and Wildlife Service and Bureau of Land Management, and the Southwest Center for Biological Diversity) ruled that the USFWS must show that a threatened or endangered species is present on a project site and that it would be taken by the project activities. According to this ruling, the USFWS can no longer require mitigation based on the probability that the species could use the site; rather, they must show that it is actually present.

Section 9 applies to any person, corporation, federal agency, or any local or State agency. If "take" of a listed species is necessary to complete an otherwise lawful activity, this triggers the need to obtain an "incidental take permit" either through a Section 7 Consultation as discussed further below (for federal actions or private actions that are permitted or funded by a federal agency such as the Corps), or through Section 10 of FESA which requires preparation of a HCP (for state and local agencies, or individuals, and projects without a federal "nexus"; for example, projects that do not need a Corps permit).

Section 7(a)(2) of the Act requires that each federal agency consult with the USFWS to ensure that any action authorized, funded or carried out by such agency is not likely to jeopardize the continued existence of an endangered or threatened species or result in the destruction or adverse modification of critical habitat for listed species. Critical habitat designations mean: (1) specific areas within a geographic region currently occupied by a listed species, on which are found those physical or biological features that are essential to the conservation of a listed species and that may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by a listed species that are determined essential for the conservation of the species.

The Section 7 consultation process only applies to actions taken by federal agencies that are considering authorizing discretionary projects. Section 7 is by and between the NMFS and/or the USFWS and the federal agency contemplating a discretionary approval (that is, the "federal nexus agency," for example, the Corps or the Federal Highway Administration). Private parties, cities, counties, etc. (i.e., applicants) may participate in the Section 7 consultation at the discretion of the federal agencies conducting the Section 7 consultation. The Section 7 consultation process is triggered by a determination of the "action agency" – that is, the federal agency that is carrying out, funding, or approving a project - that the project "may affect" a listed species or critical habitat. If an action is likely to adversely affect a listed species or designated critical habitat, formal consultation between the nexus agency and the USFWS/NMFS is required. As part of the formal consultation, the USFWS/NMFS may resolve any issues informally with the nexus agency or may prepare a formal Biological Opinion assessing whether the proposed action would be likely to result in "jeopardy" to a listed species or if it could adversely modify designated critical habitat. If the USFWS/NMFS prepares a Biological Opinion, it will contain either a "jeopardy" or "non-jeopardy" decision. If the USFWS/NMFS concludes that a proposed project would result in adverse modification of critical habitat or would jeopardize the continued existence of a federally-listed species (that is, it will issue a jeopardy decision), the nexus federal agency would be most unlikely to authorize its discretionary permit. If the USFWS/NMFS prepares a "non-jeopardy" Biological Opinion, the nexus federal agency may authorize the discretionary permit making all conditions of the

Biological Opinion conditions of its discretionary permit. A non-jeopardy Biological Opinion constitutes an "incidental take" permit that allows applicants to "take" federally-listed species while otherwise carrying out legally sanctioned projects.

For non-federal entities, for example private parties, cities, counties that are considering a discretionary permit, Section 10 provides the mechanism for obtaining take authorization. Under Section 10 of FESA, for the applicant to obtain an "incidental take permit," the applicant is required to submit a "conservation plan" to the USFWS or NMFS that specifies the impacts that are likely to result to federally-listed species, and the measures the applicant will undertake to minimize and mitigate such impacts, and the funding that will be available to implement those steps. Conservation plans under FESA have come to be known as "habitat conservation plans" or "HCPs" for short. The terms incidental take permit, Section 10 permit, and Section 10(a)(1)(B) permit are used interchangeably by the USFWS. Section 10(a)(2)(B) of FESA provides statutory criteria that must be satisfied before an incidental take permit can be issued.

7.1.1 APPLICABILITY TO THE PROPOSED PROJECT

The project site is a highly disturbed parcel that does not support any natural or naturalized habitats that could support federally-listed plants, wildlife, or fish. Kirker Creek is located on the southern project site boundary and provides channelized wetland habitat. M&A considered the possibility that the federally listed California red-legged frog could use this creek. However, after M&A's thorough database research, a review of our past years of survey results in Kirker Creek, and our recent surveys of the Kirker Creek channel, M&A has determined that Kirker Creek does not function as suitable breeding habitat and does not currently provide dispersal habitat due to an absence of California red-legged frogs in this watershed and continual human disturbance in the creek.

7.2 Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 (16 U.S.C. §§ 703-712, July 3, 1918, as amended in 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989) makes it unlawful to "take" (kill, harm, harass, shoot, etc.) any migratory bird listed in Title 50 of the Code of Federal Regulations, Section 10.13, including their nests, eggs, or young. Migratory birds include geese, ducks, shorebirds, raptors, songbirds, wading birds, seabirds, and passerine birds (such as warblers, flycatchers, swallows, etc.).

Birds of prey such as the white-tailed kite, Coopers hawk (*Accipiter cooperii*), red-tailed hawk (*Buteo jamaicensis*), and red-shouldered hawk (*Buteo lineatus*), could nest on or immediately adjacent to the project site. Similarly, many common passerine bird species could nest on or immediately adjacent to the project site. All raptors (birds of prey) are subject to the Migratory Bird Treaty Act. Also, common songbirds and wading birds are also protected pursuant to this Act.

7.2.1 APPLICABILITY TO THE PROPOSED PROJECT

Prior to development of the project site, preconstruction surveys would have to be conducted for nesting birds if work would be conducted during the nesting season (February 1 through August 31) to ensure that there is no direct take of these birds, including their eggs or young. As long as

there is no direct mortality to species protected pursuant to this Act caused by development of the project site, there should be no constraints. While adult birds can typically fly out of harm's way, nesting birds, their eggs, and young are more prone to being impacted by construction projects.

To comply with the Migratory Bird Treaty Act, all active nest sites would have to be avoided while birds were nesting. If nesting birds are found, provided it is not a golden eagle nest (not likely possible), the protective buffer could be removed after the young have fledged and reached independence of the nest site, and development of the project site could commence as otherwise planned. M&A believes there is a moderate chance for a bird to nest in the eucalyptus trees on the project site or in the riparian vegetation along Kirker Creek. If construction was started before February 1 or after August 31, there would be no requirements for nesting birds.

7.3 California Endangered Species Act (CESA)

In 1984, California legislated the CESA (Fish and Game Code §2050). The basic policy of CESA is to conserve and enhance endangered species and their habitats. State agencies will not approve private or public projects under their jurisdiction that would impact threatened or endangered species if reasonable and prudent alternatives are available. Because CESA does not have a provision for "harm" (see discussion of FESA, above), CDFW considerations pursuant to CESA are limited to those actions that would result in the direct take (killing) of a listed species.

If proposed projects would result in take of a state-listed species, a project applicant may secure an "incidental take" permit pursuant to §2081 of the Fish and Game Code CDFW will issue an incidental take permit only if:

1) The authorized take is incidental to an otherwise lawful activity;

2) the impacts of the authorized take are minimized and fully mitigated;

3) measures required to minimize and fully mitigate the impacts of the authorized take:
   a) are roughly proportional in extent to the impact of the taking on the species;
   b) maintain the project applicant's objectives to the greatest extent possible; and,
   c) capable of successful implementation; and,

4) adequate funding is provided to implement the required minimization and mitigation measures and to monitor compliance with, and the effectiveness of, the measures.

If an applicant is preparing a HCP as part of the federal 10(a) permit process, the HCP might be incorporated into the §2081 permit if it meets the substantive criteria of §2081(b). To ensure that an HCP meets the mitigation and monitoring standards in Section 2081(b), an applicant should involve CDFW staff in development of the HCP. If a final Biological Opinion (federal action) has been issued for the project pursuant to Section 7 of the FESA, it might also be incorporated into the §2081 permit if it meets the standards of §2081(b).

No §2081 permit may authorize the take of a species for which the Legislature has imposed strict prohibitions on all forms of "take." These species are listed in several statutes that identify "fully protected" species and "specified birds." See Fish and Game Code §§ 3505, 3511, 4700, 5050, 5515, and 5517. If a project is planned in an area where a "fully protected" species or a "specified bird" occurs, an applicant must design the project to avoid all take.

Fish and Game Code §2081 allows an applicant who has obtained a "non-jeopardy" federal Biological Opinion pursuant to Section 7 of the FESA, or who has received a federal 10(a) permit (federal incidental take permit) pursuant to the FESA, to submit the federal opinion or permit to CDFW for a determination as to whether the federal document is "consistent" with CESA. If after 30 days CDFW determines that the federal incidental take permit is consistent with state law, and that all state-listed species under consideration have been considered in the federal Biological Opinion, then no further permit or consultation is required under CESA for the project. However, if CDFW determines that the federal opinion or permit is not consistent with CESA, or that there are state-listed species that were not considered in the federal Biological Opinion, then the applicant must apply for a state CESA permit under Section 2081(b). Section 2081(b) is of no use if an affected species is state-listed, but not federally-listed.

7.3.1 APPLICABILITY TO THE PROPOSED PROJECT

Kirker Creek is an intermittent creek that is dry in the summer months. Hence, the project site does not provide fisheries habitat. There would be no impacts to state-listed from project implementation. No suitable habitat for state-listed plant species occurs on the project site; consequently, no state-listed plant species would likely be impacted by proposed development of the project site (Table 3). There is also no suitable habitat for any state-listed wildlife species; therefore, no state-listed wildlife species would likely be impacted by proposed development of the project site (Table 4).

7.4 California Fish and Game Code § 3503, 3503.5, 3511, and 3513

California Fish and Game Code §3503, 3503.5, 3511, and 3513 prohibit the "take, possession, or destruction of birds, their nests or eggs." Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered "take." All raptors (that is, hawks, eagles, owls), their nests, eggs, and young are protected under California Fish and Game Code (§3503.5). Additionally, "fully protected" birds, such as the white-tailed kite, are protected under California Fish and Game Code (§3511). "Fully protected" birds may not be taken or possessed (that is, kept in captivity) at any time.

7.4.1 APPLICABILITY TO THE PROPOSED PROJECT

Tree nesting raptors that are known to nest in the region of the project site include white-tailed kite (*Elanus caeruleus*), barn owl (*Tyto alba*), red-tailed hawk (*Buteo jamaicensis*), and red-shouldered hawk (*Buteo lineatus*), among others. It should be noted that although there is a riparian canopy along Kirker Creek, none of the trees appear to be large enough to physically support a raptor nest and thus, it would be unlikely that the trees in the riparian corridor along Kirker Creek would be used as raptor nesting trees. Similarly, the blue gum trees on the project

site are not large enough at this time to support nesting raptors. However, passerine birds (perching birds) such as finches, mockingbird, scrub jays, etc. would possibly nest in these trees or along Kirker Creek. To ensure that nesting birds are not impacted by construction activity, a preconstruction nesting survey would have to be conducted for nesting birds on the project site and within a zone of disturbance if work would take place between February 1 and August 31 to ensure that there is no direct take of these birds, including their eggs or young, during development of the project site. Any active nests that are found during preconstruction surveys would have to be avoided by the proposed project. Suitable non-disturbance buffers would be established around nest sites until the nesting cycle is complete. Once complete there would be no further impediments to development. The size of the non-disturbance buffer would have to be determined by a qualified biologist. See the Impacts and Mitigations section for details.

8. REGULATORY REQUIREMENTS FOR WATERS OF THE U.S./STATE

8.1 U.S. Army Corps of Engineers Jurisdiction and General Permitting

8.1.1 SECTION 404 OF THE CLEAN WATER ACT

Congress enacted the Clean Water Act "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters" (33 U.S.C. §1251(a)). Pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), the U.S. Army Corps of Engineers (Corps) regulates the disposal of dredged or fill material into "waters of the United States" (33 CFR Parts 328 through 330). This requires project applicants to obtain authorization from the Corps prior to discharging dredged or fill materials into any water of the United States.

8.1.1.1 Navigable Waters Protection Rule

On April 21, 2020, the U.S. Environmental Protection Agency (EPA) and the Corps (together, ''the agencies'') published the Navigable Waters Protection Rule re-defining the scope of waters subject to federal regulation under the Clean Water Act (CWA or the Act), in light of the U.S. Supreme Court cases in *United States* v. *Riverside Bayview Homes* (*Riverside Bayview*), *Solid Waste Agency of Northern Cook County* v. *United States* (*SWANCC*), and *Rapanos* v. *United States* (*Rapanos*), and consistent with Executive Order 13778, signed on February 28, 2017, entitled ''Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule.'' This Final Rule became effective on June 22, 2020 (Corps 2020).

In this final rule, the agencies interpret the term ''waters of the United States'' to encompass:

1. The territorial seas and traditional navigable waters;
2. perennial and intermittent tributaries that contribute surface water flow to such waters;
3. certain lakes, ponds, and impoundments of jurisdictional waters; and,
4. wetlands adjacent to other jurisdictional waters.

Paragraph (a) of the final rule identifies four categories of waters that are ''waters of the United States.'' These waters are referred to as ''jurisdictional.''

Section 404 jurisdiction in "other waters" such as lakes, ponds, and streams, extends to the upward limit of the ordinary high water mark (OHWM) or the upward extent of any adjacent wetland. The OHWM on a non-tidal water is:

- the "line on shore established by the fluctuations of water and indicated by physical characteristics such as a clear natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter or debris; or other appropriate means that consider the characteristics of the surrounding areas" (33 CFR Section 328.3[7]).

8.1.2 Clean Water Act Defined Wetlands

Wetlands are defined as: "...those areas that are inundated or saturated by surface or ground water at a frequency and duration to support a prevalence of vegetation adapted for life in saturated soil conditions" (33 CFR Section 328.3 [16]). Wetlands usually must possess hydrophytic vegetation (i.e., plants adapted to inundated or saturated conditions), wetland hydrology (e.g., topographic low areas, exposed water tables, stream channels), and hydric soils (i.e., soils that are periodically or permanently saturated, inundated or flooded and that exhibit properties that typically include redoximorphic chemical changes to the soil properties indicative of periodic saturation or inundation, and, thus that meet the hydric soil criterion). All three parameters must be present to be regarded as a Clean Water Act defined wetland. Wetlands may or may not be regulated by the Corps pursuant to the Clean Water Act depending on whether they occur as part of a navigable water or have direct adjacency to a navigable waters, as defined above.

8.1.2.1 Permitting Corps Jurisdictional Areas

To remain in compliance with Section 404 of the Clean Water Act, project proponents and property owners (applicants) are required to be permitted by the Corps prior to discharging or otherwise impacting waters of the U.S. In many cases, the Corps must visit a proposed project area (to conduct a "jurisdictional determination") to confirm the extent of area falling under their jurisdiction prior to authorizing any permit for that project area. Typically, at the time the jurisdictional determination is conducted, applicants (or their representative) will discuss the appropriate permit application that would be filed with the Corps for permitting the proposed impact(s) to "waters of the United States."

Pursuant to Section 404, the Corps normally provides two alternatives for permitting impacts to the type of waters of the U.S. found in the project area. The first alternative would be to use Nationwide Permit(s) (NWP). The second alternative is to apply to the Corps for an Individual Permit (33 CFR Section 235.5(2)(b)). The application process for Individual Permits is extensive and includes public interest review procedures (i.e., public notice and receipt of public comments) and must contain an "alternatives analysis" that is prepared pursuant to Section 404(b) of the Clean Water Act (33 U.S.C. 1344(b)). The alternatives analysis is also typically reviewed by the federal EPA and thus brings another resource agency into the permitting framework. Both the Corps and EPA take the initial viewpoint that there are practical alternatives to the proposed project if there would be impacts to waters of the U.S., and the proposed permitted action is not a water dependent project (e.g., a pier or a dredging project).

Alternative analyses therefore must provide convincing reasons that the proposed permitted impacts are unavoidable. Individual Permits may be available for use in the event that discharges into regulated waters fail to meet conditions of NWP(s).

NWPs are a type of general permit administered by the Corps and issued on a nationwide basis that authorize minor activities that affect Corps regulated waters. Under NWP, if certain conditions are met, the specified activities can take place without the need for an individual or regional permit from the Corps (33 CFR, Section 235.5[c][2]). In order to use NWP(s), a project must meet 27 general nationwide permit conditions, and all specific conditions pertaining to the NWP being used (as presented at 33 CFR Section 330, Appendices A and C). It is also important to note that pursuant to 33 CFR Section 330.4(e), there may be special regional conditions or modifications to NWPs that could have relevance to individual proposed projects. Finally, pursuant to 33 CFR Section 330.6(a), Nationwide permittees may, and in some cases must, request from the Corps confirmation that an activity complies with the terms and conditions of the NWP intended for use (*i.e.,* must receive "verification" from the Corps).

Prior to finalizing design plans, the applicant needs to be aware that the Corps maintains a policy of "no net loss" of wetlands (waters of the U.S.) from project area development. Therefore, it is incumbent upon applicants that propose to impact Corps regulated areas to submit a mitigation plan that demonstrates that impacted regulated areas would be recreated (*i.e.,* impacts would be mitigated). Typically, the Corps requires mitigation to be "in-kind" (i.e., seasonal wetlands would be filled, mitigation would include seasonal wetland mitigation), and at a minimum of a 1:1 replacement ratio (i.e., one acre or fraction there of recreated for each acre or fraction thereof lost). Often a 2:1 replacement ratio is required if the Permittee is responsible for the mitigation. In some cases, the Corps allows "out-of-kind" mitigation if the compensation site has greater value than the impacted site. Finally, there are many Corps approved wetland mitigation banks where wetland mitigation credits can be purchased by applicants to meet mitigation compensation requirements. Mitigation banks have defined service areas and the Corps may only allow their use when a project would have minimal impacts to wetlands.

8.1.3 APPLICABILITY TO THE PROPOSED PROJECT

M&A completed a delineation of waters of the United States on the project site on June 23, 2020 and July 7, 2020. This delineation was prepared for a reverification of a previously Approved Jurisdictional Determination prepared on March 20, 2013 that expired on March 20, 2018. M&A submitted this reverification request to the Corps on July 15, 2020. On M&A's wetland delineation, only one potential water of the United States was mapped onsite: Kirker Creek (Sheet 1). The project as proposed would not impact Kirker Creek (that is, no outfall structures are proposed, no bridges with footings in the creek are proposed). All project site runoff is being directed north, away from this creek, and will be directed to an existing offsite detention basin (B. Hammons, Mt. Diablo Resource Recovery, pers. comm. with S. Lynch of M&A). If the plans for the proposed project change and could result in any impacts to Kirker Creek, a Section 404 permit from the Corps may be required.

8.2 California Regional Water Quality Control Board (RWQCB)

8.2.1 Section 401 of the Clean Water Act

The State Water Resources Control Board (SWRCB) and RWQCB regulate activities in "waters of the State" (which includes wetlands) through Section 401 of the CWA. While the Corps administers a permitting program that authorizes impacts to waters of the U.S., including wetlands and other waters, any Corps permit authorized for a proposed project would be inoperative unless it is a NWP that has been certified for use in California by the SWRCB, or if the RWQCB has issued a project specific certification of water quality. Certification of NWPs requires a finding by the SWRCB that the activities permitted by the NWP will not violate water quality standards individually or cumulatively over the term of the permit (the term is typically for five years). Certification must be consistent with the requirements of the federal CWA, the California Environmental Quality Act, the California Endangered Species Act, and the SWRCB's mandate to protect beneficial uses of waters of the State. Any denied (i.e., not certified) NWPs, and all Individual Corps permits, would require a project specific RWQCB certification of water quality. Where a project will result in dredge or fill of non-federal waters of the State, the RWQCB will authorize those fills through waste discharge requirements issued under the Porter Cologne Water Quality Control Act.

On April 2, 2019, the SWRCB adopted a state-level definition of "wetlands,' which definition is broader than the federal definition in that unvegetated areas may be considered a wetland water of the State. As a part of the same policy, the Water Board adopted permit procedures and standards governing the discharge of dredged or fill material into wetlands and other waters of the State. The policy includes, among other things, requirements for analyses to identify the least environmentally damaging practicable alternative (LEDPA) and compensatory mitigation standards including a minimum 1:1 ratio for wetlands and streams, and full functional replacement of all waters on top of this minimum where applicable. The policy, which will govern both Section 401 certifications and WDRs, is scheduled to become effective nine months following the completion of review by the California Office of Administrative Law.

8.2.2 Applicability to the Proposed Project

Based on a wetland delineation completed by M&A in June 2020, and pending confirmation from the Corps, there is only one potential water of the State on the project site: Kirker Creek. The project as proposed would not impact Kirker Creek (that is, no outfall structures are proposed, no bridges with footings in the creek are proposed). All project site runoff is being directed north, away from this creek, and will be directed to an existing offsite detention basin. If the plans for the proposed project change and could result in any impacts to Kirker Creek, a Clean Water Act Section 401 Certification may be required.

8.3 State Water Resources Control Board (SWRCB)

The uncontrolled discharge of pollutants into impaired water bodies is considered particularly detrimental. According to the EPA, sediment is one of the most widespread pollutants contaminating U.S. rivers and streams. Sediment runoff from construction sites is 10 to 20 times greater than from agricultural lands and 1,000 to 2,000 times greater than from forest lands.

Consequently, the discharge of stormwater from large construction sites is regulated by the RWQCB under the federal CWA and California's Porter-Cologne Water Quality Control Act.

The Porter-Cologne Water Quality Control Act, Water Code § 13260, requires that "any person discharging waste, or proposing to discharge waste, that could affect the waters of the State to file a report of discharge" with the RWQCB through an application for waste discharge (Water Code Section 13260(a)(1). The term "waters of the State" is defined as any surface water or groundwater, including saline waters, within the boundaries of the State (Water Code § 13050(e)). It should be noted that pursuant to the Porter-Cologne Water Quality Control Act, the RWQCB also regulates "isolated wetlands," or those wetlands considered to be outside of the Corps' jurisdiction pursuant to the SWANCC decision (see Corps Section above).

The RWQCB generally considers filling in waters of the State to constitute "pollution." Pollution is defined as an alteration of the quality of the waters of the State by waste that unreasonably affects its beneficial uses (Water Code §13050(1)). The RWQCB litmus test for determining if a project should be regulated pursuant to the Porter-Cologne Water Quality Control Act is if the action could result in any "threat" to water quality.

The RWQCB requires complete pre- and post-development Best Management Practices (BMPs) for any portion of the project site that is developed. This means that a water quality treatment plan for the pre- and post-developed project site must be prepared and implemented. Preconstruction requirements must be consistent with the requirements of the National Pollutant Discharge Elimination System (NPDES). That is, a *Stormwater Pollution Prevention Plan* (SWPPP) must be developed prior to the time that a site is graded (see NPDES section below). In addition, a post construction BMPs plan, or a Stormwater Management Plan (SWMP) must be developed and incorporated into any site development plan.

8.3.1 Applicability to The Proposed Project

As the proposed project is currently planning to discharge all surface runoff north, off-site from the proposed project site, to an existing detention basin, the proposed project does not currently have impacts that would be regulated under California's Porter-Cologne Water Quality Control Act. If the plans for the proposed project change and would result in any proposed discharge impacts to a water of the State (see Sheet 1), a Notice of Applicability and an application for Waste Discharge Requirements under the Porter-Cologne Water Quality Control Act will be required. Additionally, measures must be taken to ensure that adequate pre-and post-construction BMPs are incorporated into the project implementation plans and are in-place pre- and post-construction.

9. CITY OF PITTSBURG GENERAL PLAN BIOLOGICAL RESOURCES POLICIES

Below we provide language from the portions of the City's General Plan that pertain to biological resources. Chapter 9 of the 2001 City of Pittsburg General Plan is entitled the "Biological Resources Objective" and addresses Biological Resources Policies, including:

a. Ensure that development does not substantially affect special status species, as required by State and federal agencies. Conduct assessments of biological resources as required by CEQA

prior to approval of development within habitat areas of identified special status species. Development located in or adjacent to these ecologically sensitive areas must complete a site-specific assessment of biological resources as part of the development review process. The City's environmental review process would be used to impose appropriate mitigation measures as required by State and federal agencies to reduce impacts on sensitive habitat and special status species.

b. Establish creek setbacks along riparian corridors, extending a minimum of 50 to 150 feet laterally on each side of the creek bed. Setback buffers for habitat areas of identified special status species and wetlands may be expanded as needed to preserve ecological resources.

c. Prohibit development within creek setback areas, except as part of greenway enhancement (for example, trails and bikeways). Encourage developers to reserve space outside of the creek setbacks where endangered species habitat makes trail development inappropriate.

d. Ensure that riparian corridor characteristics are retained. Encourage the retention and/or reestablishment of creeks in the design of new development.

e. Protect and restore threatened natural resources, such as estuaries, tidal zones, marine life, wetlands, and waterfowl habitat. While much of the marshland and mudflats in the Planning Area are intact, potential for reclamation exists in areas where these have been destroyed, especially along the industrial waterfronts. Potential for this reclamation may exist as some of these sites are converted to other uses. A potential way to promote the value of Pittsburg's natural resources is through education. The City could heighten public awareness of the importance of local marshlands for roosting and nesting sites for migrating waterfowl by creating interpretive facilities with educational displays along the marshlands when possible.

f.Ensure that special-status species and sensitive habitat areas are preserved, as required by State and federal agencies, during redevelopment and intensification of industrial properties along the Suisun Bay waterfront. Limit dredging and filling of wetlands and marshlands, particularly adjacent to Browns Island Preserve.

g. Minimize the runoff and erosion caused by earth movement by requiring development to use best construction management practices (BMPs).

h. Preserve and enhance Pittsburg's creeks for their value in providing visual amenity, drainage capacity, and habitat value.

i. Minimize the runoff and erosion caused by earth movement by requiring development to use best construction management practices (BMPs).

j. Preserve and enhance Pittsburg's creeks for their value in providing visual amenity, drainage capacity, and habitat value.

k. Additional flood control mitigation may include intermixing areas of pavement with the naturally vegetated infiltration sites to reduce the concentration of stormwater runoff from pavement and structures.

l. Require an encroachment permit from Contra Costa Water District (CCWD) for any storm drain facility crossing or encroaching onto Contra Costa Canal rights-of-way. Require all crossings to be constructed in accordance with CCWD standards and requirements.

m. As part of the City's Zoning Ordinance, establish regulations for the preservation of mature trees. Include measures for the replacement of all mature trees removed. Trees are valuable along creeks and watersheds because their root systems help stabilize topsoil and reduce erosion.

n. As part of project review and approval, establish maintenance districts to ensure uniform maintenance for selected channels and creeks.

o. As part of project review and CEQA documentation, require an assessment of downstream drainage (creeks and channels) and City storm-water facilities impacted by potential project runoff. Calculate potential sedimentation and runoff based on the maximum storm event and determine necessary capacity of the downstream drainage system. If the project presents potential downstream sedimentation, runoff or flooding issues, require additional mitigation including but not limited to limitations on grading, construction only in dry seasons.

9.1.1 Applicability to the Proposed Project

The proposed project is the construction of one building and a road on an existing, hard-packed graveled surface that was previously developed. The proposed building would be a minimum of 50 feet from Kirker Creek's top-of-bank. The associated road would be a minimum of 30 feet from the creek's centerline. Kirker Creek's riparian vegetation would remain unaffected by the proposed project (Attachment B, Site Plan). In order to protect Kirker Creek and downstream waters, BMPs such as silt fencing and wildlife friendly hay wattles (that is, no monofilament netting) would be installed prior to grading or construction. There are no special-status species on the project site and thus, there would be no impacts to any state or federally-protected species.

9.2 California Department of Fish and Wildlife Protections

9.2.1 Section 1602 of California Fish and Game Code

Pursuant to Section 1602 of the California Fish and Game Code: "An entity may not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, unless all of the following occur:

(1) CDFW receives written notification regarding the activity in the manner prescribed by CDFW. The notification shall include, but is not limited to, all of the following:
(A) A detailed description of the project's location and a map.
(B) The name, if any, of the river, stream, or lake affected.

(C) A detailed project description, including, but not limited to, construction plans and drawings, if applicable.
(D) A copy of any document prepared pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code.
(E) A copy of any other applicable local, State, or federal permit or agreement already issued.
(F) Any other information required by CDFW" (Fish & Game Code 2014).

Please see Section 1602 of the current California Fish and Game Code for further details.

Please also note that while not stated in the regulations above, the CDFW typically considers its jurisdiction to include riparian vegetation (that is, the trees and bushes growing along the stream). Thus, any proposed activity in a natural stream channel that would substantially adversely affect an existing fish and/or wildlife resource, including its riparian vegetation, would require entering into a Streambed Alteration Agreement (SBAA) with the CDFW prior to commencing with work in the stream. However, prior to authorizing such permits, the CDFW typically reviews an analysis of the expected biological impacts, any proposed mitigation plans that would be implemented to offset biological impacts and engineering and erosion control plans.

9.2.2 Applicability to The Proposed Project

Kirker Creek is an intermittent drainage as shown on the USGS Antioch North 7.5 minute quadrangle. If the proposed project would impact Kirker Creek or its riparian vegetation, a Section 1602 Agreement (Streambed Alteration Agreement) would be required by the CDFW prior to initiating the work. Impacts to the riparian vegetation or the creek itself would likely require mitigation in the form of tree planting and monitoring and would become conditions of the Streambed Alteration Agreement.

10. IMPACTS ANALYSIS

Below the criteria used in assessing impacts to Biological Resources is presented.

10.1 Significance Criteria

A significant impact is determined using CEQA and CEQA Guidelines. Pursuant to CEQA §21068, a significant effect on the environment means a substantial, or potentially substantial, adverse change in the environment. Pursuant to CEQA Guideline §15382, a significant effect on the environment is further defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. Other Federal, State, and local agencies' considerations and regulations are also used in the evaluation of significance of proposed actions.

Direct and indirect adverse impacts to biological resources are classified as "significant," "potentially significant," or "less than significant." Biological resources are broken down into four categories: vegetation, wildlife, threatened and endangered species, and regulated "waters of the United States" and/or stream channels.

10.1.1 THRESHOLDS OF SIGNIFICANCE

10.1.1.1 Plants, Wildlife, Waters

In accordance with Appendix G (Environmental Checklist Form) of the CEQA Guidelines, implementing the project would have a significant biological impact if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS.

- Have a substantial adverse effect on federally protected "wetlands" as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

10.1.1.2 Waters of the United States and State.

Pursuant to Section 404 of the CWA (33 U.S.C. 1344), the Corps regulates the discharge of dredged or fill material into waters of the United States, which includes wetlands, as discussed in the bulleted item above, and also includes "other waters" (stream channels, rivers) (33 CFR Parts 328 through 330). Substantial impacts to Corps regulated areas on a project site would be considered a significant adverse impact. Similarly, pursuant to Section 401 of the CWA, and to the Porter-Cologne Water Quality Control Act, the RWQCB regulates impacts to waters of the state. Thus, if there were substantial impacts to RWQCB regulated areas to a project site, there would also be considered a significant adverse impact.

10.1.1.3 Stream Channels

Pursuant to Section 1602 of the California Fish and Game Code, CDFW regulates activities that divert, obstruct, or alter stream flow, or substantially modify the bed, channel, or bank of a stream which CDFW typically considers to include riparian vegetation. Any proposed activity that would result in substantial modifications to a natural stream channel would be considered a significant adverse impact.

11. IMPACT ASSESSMENT AND PROPOSED MITIGATION

This Impact Assessment is based on an April 30, 2020 Site Plan prepared by JRMA Architects and Engineers (attached). In this section we discuss potential impacts to sensitive biological resources. We follow each impact with a mitigation prescription that when implemented would reduce impacts to the greatest extent possible.

11.1 Impact BIO-1. Development of the Project Would Have a Potentially Significant Adverse Impact on Nesting Birds (Potentially Significant)

Common bird species, typically those well adapted to man's activities, could nest in the riparian trees along Kirker Creek and in the blue gum trees on the project site. Other birds could nest on the ground. Nesting birds are protected under the Migratory Bird Treaty Act (50 CFR 10.13) and their eggs and young are protected under California Fish and Game Code Sections 3503, 3503.5. Any project-related impacts to these species would be considered a significant adverse impact. Potential impacts to these species from the proposed project include disturbance to nesting birds and possibly death of adults and/or young.

Impacts to nesting birds, their eggs, and/or young caused by implementation of the proposed project would be regarded as potentially significant pursuant to the CEQA. Mitigation could be implemented to reduce these impacts to levels regarded as less than significant pursuant to the CEQA.

11.2 Mitigation Measure BIO-1. Nesting Birds

To avoid impacts to nesting birds, a nesting survey shall be conducted within 15 days of commencing with construction work or tree removal if this work would commence between February 1st and August 31st. The nesting survey should include an examination of the entire project site including all riparian habitat and all trees and shrubs onsite and within 200 feet of the project site (i.e., within a zone of influence of nesting birds). The zone of influence includes those areas outside the project site where birds could be disturbed by earth-moving vibrations and/or other construction-related noise.

If birds are identified nesting on or within the zone of influence of the construction project, a qualified biologist shall establish a temporary protective nest buffer around the nest(s). The nest buffer should be staked with orange construction fencing. The buffer must be of sufficient size to protect the nesting site from construction-related disturbance and shall be established by a qualified ornithologist or biologist with extensive experience working with nesting birds near and on construction sites. Typically, adequate nesting buffers are 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 in the region of the project site but that are not expected to occur on the project site.

No construction or earth-moving activity shall 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. At the end of the nesting

cycle, as determined by a qualified biologist, temporary nesting buffers may be removed, and construction may commence in established nesting buffers without further regard for the nest site. ***Implementation of these mitigation measures would reduce impacts to nesting birds to a level regarded as less than significant pursuant to CEQA.***

11.3 Impact BIO-2. Bats –Tree Removal and Site Development May Have a Potentially Significant Impact on Western Red Bat (Potentially Significant)

The trees onsite may provide roosting and maternity habitat for the special-status western red bat. This bat species is designated by the State as a "species of special concern." In accordance with the CEQA Guidelines (Section 15380) which protects "rare" and "endangered" species as defined by CEQA (species of special concern meet this CEQA definition), impacts to this bat species would be considered a **potentially significant adverse impact**. Potential impacts to special-status bats from the proposed project include loss of maternity and/or roosting habitat, death of individual adult bats and/or young. This impact could be mitigated to a less than significant level.

11.4 Mitigation Measure BIO-2. Special-Status Bats

In order to avoid impacts to roosting western red bat or other special-status bats, tree removal should only be conducted during seasonal periods of bat activity: between August 31 and October 15, when bats would be able to fly and feed independently, and between March 1 and April 1st to avoid hibernating bats, and prior to the formation of maternity colonies. Then a qualified biologist, one with at least two years of experience surveying for bats, should do preconstruction surveys for roosting bats within 14 days of starting work. If the qualified biologist finds evidence of bat presence during the surveys, then he/she should develop a plan for removal and exclusion, in conjunction with the CDFW.

If tree removal must occur outside of the seasonal activity periods mentioned above (i.e., between October 16 and February 28/29, or between April 2 and August 30), then a qualified biologist, one with at least two years of experience surveying for bats, should do preconstruction surveys within 14 days of starting work. If roosts are found, a determination should be made whether there are young. If a maternity site is found, impacts to the maternity site will be avoided by establishment of a non-disturbance buffer until the young have reached independence. The size of the buffer zone should be determined by the qualified bat biologist at the time of the surveys. If the qualified biologist finds evidence of bat presence during the surveys, then he/she should develop a plan for removal and exclusion, when there are not dependent young present, in conjunction with the CDFW.

This mitigation measure would reduce the project's impact to special-status bats to a level considered less than significant.

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Figure 1. 1600 Loveridge Avenue Project Site
Regional Map
Pittsburg, California

County: Contra Costa
Map Preparation Date: July 13, 2020

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Figure 2. 1600 Loveridge Avenue Project Site
Location Map
Pittsburg, California

38.018351 -121.859246
Land Grant
7.5-Minute Antioch North quadrangle
Aerial Photograph Source: ESRI
Map Preparation Date: July 13, 2020

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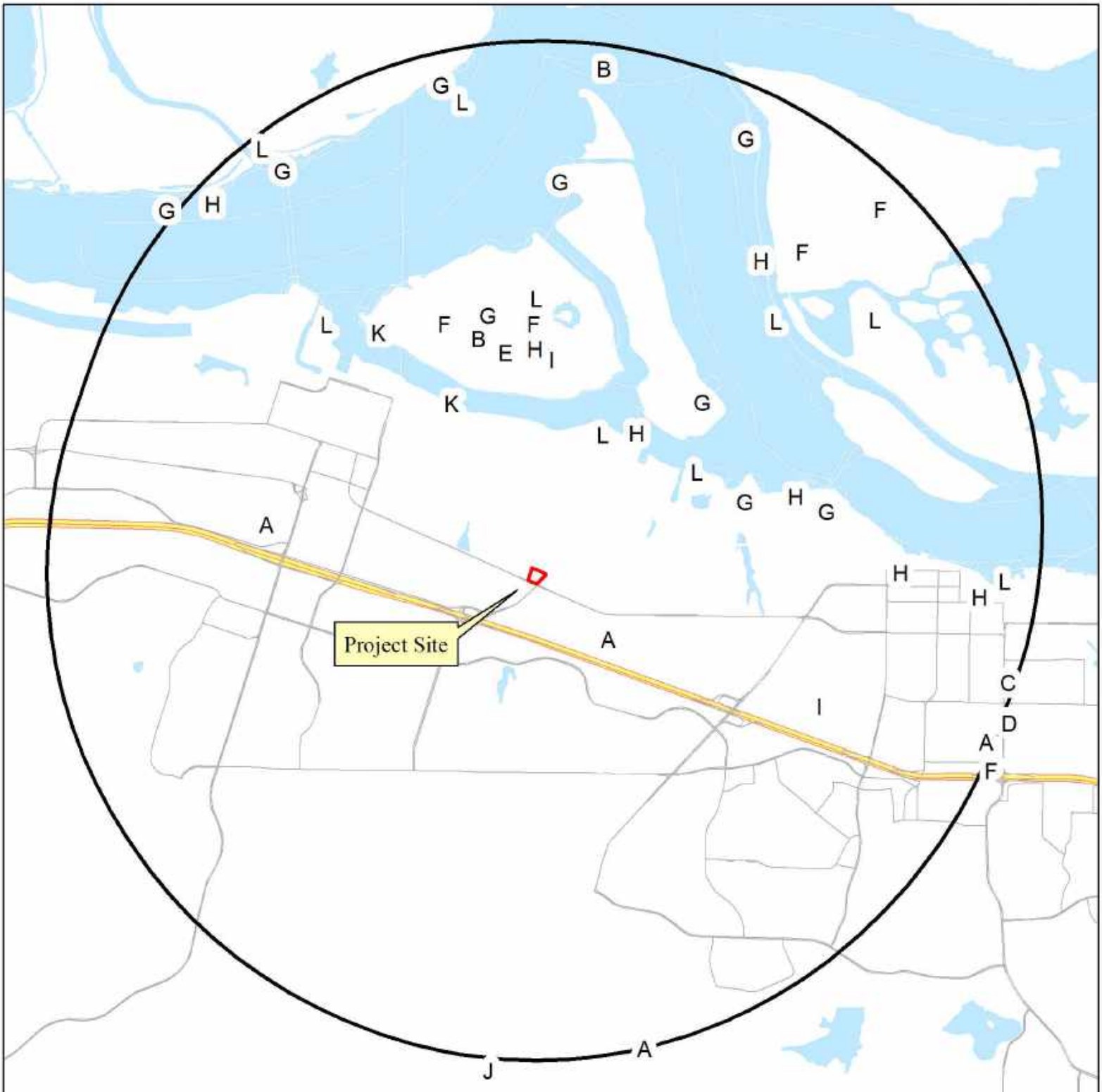
Figure 3. Aerial Photograph of the
1600 Loveridge Avenue Project Site
Pittsburg, California

Aerial Photograph Source: ESRI
Map Preparation Date: July 13, 2020



A	*Blepharizonia plumosa*	E	*Erysimum capitatum var. angustatum*	I	*Limosella australis*
B	*Cicuta maculata var. bolanderi*	F	*Lasthenia conjugens*	J	*Madia radiata*
C	*Cryptantha hooveri*	G	*Lathyrus jepsonii var. jepsonii*	K	*Oenothera deltoides ssp. howellii*
D	*Eriogonum truncatum*	H	*Lilaeopsis masonii*	L	*Symphyotrichum lentum*

0 0.5 1 2 3 Miles

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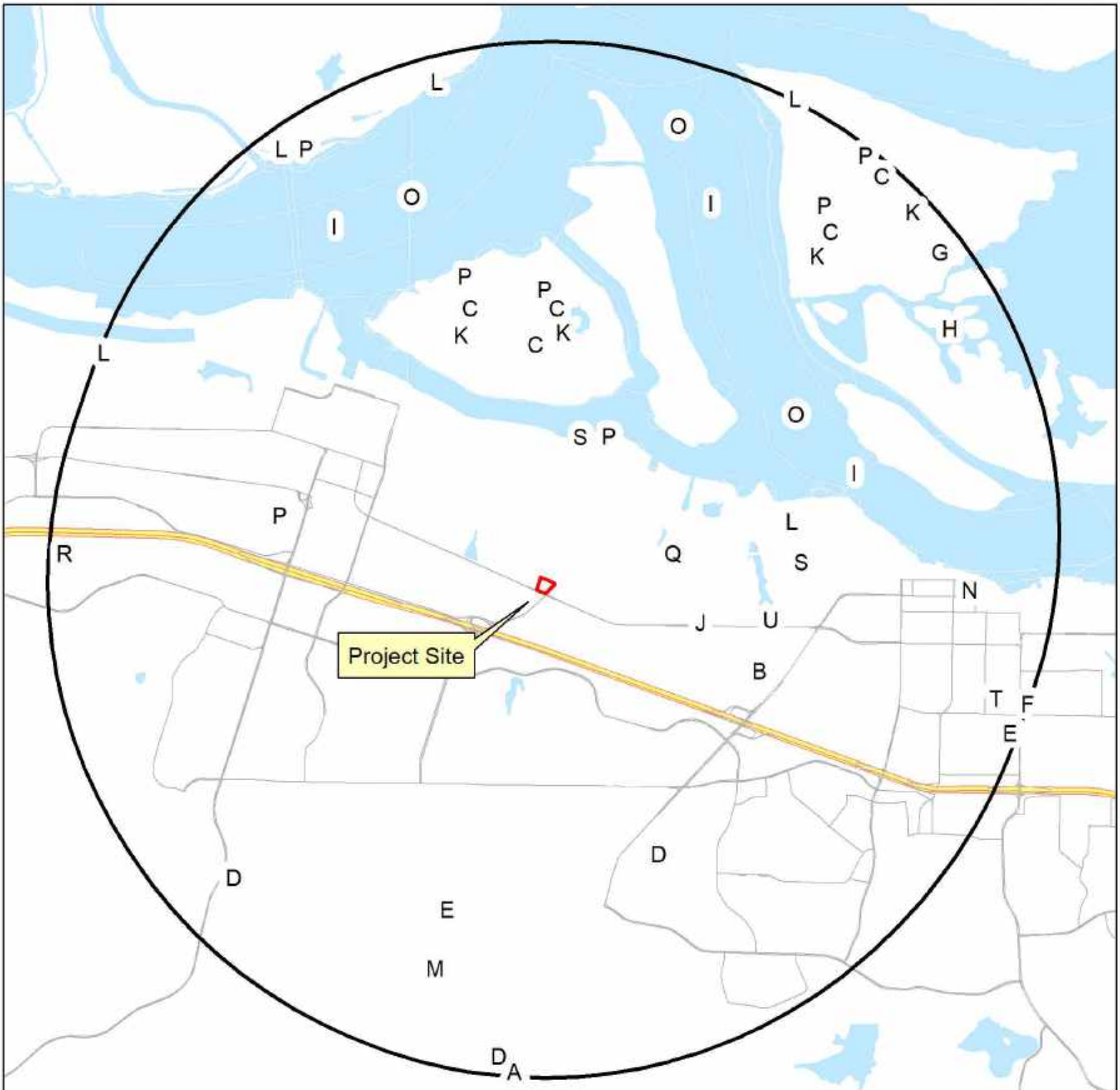
Figure 4A. Known CNDDB Records for Special-Status Plant Species Within 3 Miles of the 1600 Loveridge Avenue Project Site

Map Preparation Date:
July 13, 2020
3-Mile Radius
Source: CDFW, California Natural Diversity Data Base, 2020



A	Alameda whipsnake	H	Lange's metalmark butterfly	O	Steelhead - Central Valley DPS
B	Burrowing owl	I	Longfin smelt	P	Suisun song sparrow
C	California black rail	J	Northern California legless lizard	Q	Vernal pool fairy shrimp
D	California red-legged frog	K	Saltmarsh common yellowthroat	R	Western bumble bee
E	California tiger salamander	L	Salt-marsh harvest mouse	S	Western pond turtle
F	Crotch bumble bee	M	San Joaquin kit fox	T	Western red bat
G	Delta smelt	N	Song sparrow (""Modesto"" population)	U	White-tailed kite

0 0.5 1 2 3 Miles

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Figure 4B. Known CNDDB Records for Special-Status Wildlife Species Within 3 Miles of the 1600 Loveridge Avenue Project Site

Map Preparation Date:
July 13, 2020
3-Mile Radius
Source: CDFW, California Natural Diversity Data Base, 2020

Table 1

Plant Species Observed on the Mt. Diablo Resource Recovery Project Site

Angiosperms - Dicots

Anacardiaceae	
**Pistacia atlantica*	Atlantic pistachio
Apiaceae	
**Foeniculum vulgare*	Sweet fennel
Apocynaceae	
Asclepias fascicularis	Narrow-leaf milkweed
Asteraceae	
Artemisia douglasiana	California mugwort
Baccharis pilularis subsp. consanguinea	Coyote brush
**Carduus pycnocephalus subsp. pycnocephalus*	Italian thistle
**Cynara cardunculus*	Artichoke thistle
**Dittrichia graveolens*	Stinkwort
**Helminthotheca echioides*	Bristly ox-tongue
**Sonchus oleraceus*	Common sow-thistle
Xanthium strumarium	Cocklebur
Boraginaceae	
Amsinckia intermedia	Common fiddleneck
Brassicaceae	
**Brassica nigra*	Black mustard
**Lepidium latifolium*	Broadleaf pepperweed
Convolvulaceae	
**Convolvulus arvensis*	Bindweed
Fabaceae	
**Vicia benghalensis*	Purple vetch
Juglandaceae	
**Juglans nigra*	Black walnut
Malvaceae	
Malvella leprosa	Alkali mallow
Myrtaceae	
**Eucalyptus sp.*	Eucalyptus
Oleaceae	
Fraxinus anomala	Single-leaf ash
Fraxinus latifolia	Oregon ash
Onagraceae	
Epilobium brachycarpum	Summer cottonweed
Polygonaceae	
**Rumex crispus*	Curly dock
Salicaceae	
Populus fremontii subsp. fremontii	Fremont cottonwood

* Indicates a non-native species

Table 1

Plant Species Observed on the Mt. Diablo Resource Recovery Project Site

Salix laevigata	Red willow
Solanaceae	
**Datura sp.*	Thornapple
Angiosperms -Monocots	
Cyperaceae	
Cyperus eragrostis	Tall flatsedge
Poaceae	
**Avena barbata*	Slender wild oat
**Avena fatua*	Wild oat
**Bromus diandrus*	Ripgut grass
**Echinochloa crus-galli*	Barnyard grass
Elymus glaucus	Blue wildrye
**Festuca perennis*	perennial ryegrass
**Hordeum murinum subsp. leporinum*	Hare barley
**Phalaris aquatica*	Harding grass
**Stipa miliacea var. miliacea*	Smilo grass

* Indicates a non-native species

Table 2
Wildlife Observed on the Mt. Diablo Resources Recovery Project Site

Birds	
Rock pigeon	*Columba livia*
Mourning dove	*Zenaida macroura*
Tree swallow	*Tachycineta bicolor*
Barn swallow	*Hirundo rustica*
Northern mockingbird	*Mimus polyglottos*
House finch	*Haemorhous mexicanus*
Mammals	
Raccoon (scat)	*Procyon lotor*
Virginia opossum	*Didelphis virginiana*

Table 3

Special-Status Plant Species Known to Occur within 3 Miles of the Mt Diablo Resources Recovery Project Site

Family Taxon Common Name	Status*	Flowering Period	Habitat	Area Locations	Probability on Project Site
Apiaceae					
Cicuta maculata bolanderi Bolander's waterhemlock	Fed: - State: - CNPS: Rank 2B.1	July-September	Marshes and swamps (coastal, fresh, or brackish). 0 to 200 meters.	Closest known record is approximately 1.0 mile N of the project site (Occurrence No. 2).	None. Not observed in Kirker Creek in June and July 2020. No suitable habitat. No impacts expected.
Lilaeopsis masonii Mason's lilaeopsis	Fed: - State: CR CNPS: Rank 1B.1	April-October	Marshes and swamps (brackish or freshwater); riparian scrub.	Closest known record is approximately 0.92-mile N of the project site (Occurrence No. 21).	None. Not observed in Kirker Creek in June or July 2020. No suitable habitat. No impacts expected.
Asteraceae					
Blepharizonia plumosa Big tarplant	Fed: - State: - CNPS: Rank 1B.1	July-October	Valley and foothill grassland.	Closest known record overlaps the project site (Occurrence No. 1).	None. No grasslands located on the project site. No suitable habitat. Not observed in June or July 2020. No impacts expected.
Lasthenia conjugens Contra Costa goldfields	Fed: FE State: - CNPS: Rank 1B.1	March-June	Valley and foothill grassland (mesic); vernal pools.	Closest known record is approximately 2.3 miles ESE of the project site (Occurrence No. 8).	None. No grasslands or vernal pools located on the project site. No suitable habitat. No impacts expected.
Madia radiata Showy golden madia	Fed: - State: - CNPS: Rank 1B.1	March-May	Cismontane woodland; valley and foothill grassland.	Closest known record is approximately 2.55 miles S of the project site (Occurrence No. 27).	None. No woodland or grassland located on the project site. No suitable habitat. No impacts expected.
Symphyotrichum lentum Suisun Marsh aster	Fed: - State: - CNPS: Rank 1B.2	August-November	Marshes and swamps (brackish and fresh water)	Closest known record is approximately 0.89 miles NE of the project site (Occurrence No. 48).	None. Not observed in Kirker Creek in June or July 2020. No suitable habitat. No impacts expected.

Table 3

Special-Status Plant Species Known to Occur within 3 Miles of the Mt Diablo Resources Recovery Project Site

Family Taxon Common Name	Status*	Flowering Period	Habitat	Area Locations	Probability on Project Site
Boraginaceae					
Cryptantha hooveri Hoover's cryptantha	Fed: - State: - CNPS: Rank 1A	April-May	Valley and foothill grassland (sandy).	Closest known record is approximately 2.9 miles ESE of the project site (Occurrence No. 4).	None. No grasslands located on the project site. No suitable habitat. No impacts expected.
Brassicaceae					
Erysimum capitatum angustatum Contra Costa wallflower	Fed: FE State: CE CNPS: Rank 1B.1	March-July	Inland dunes.	Closest known record is approximately 1.0 mile N of the project site (Occurrence No. 4).	None. No inland dunes located on the project site. No suitable habitat. No impacts expected.
Fabaceae					
Lathyrus jepsonii jepsonii Delta tule pea	Fed: - State: - CNPS: Rank 1B.2	May-September	Marshes and swamps (freshwater and brackish).	Closest known record is approximately 0.92-mile N of the project site (Occurrence No. 1).	None. No marshes or swamps located on the project site. No suitable habitat. No impacts expected.
Onagraceae					
Oenothera deltoides howellii Antioch dunes evening-primrose	Fed: FE State: CE CNPS: Rank 1B.1	March-September	Interior dunes.	Closest known record is approximately 1.11 miles NW of the project site (Occurrence No. 7).	None. No interiror dunes located on the project site. No suitable habitat. No impacts expected.
Polygonaceae					
Eriogonum truncatum Mount Diablo buckwheat	Fed: - State: - CNPS: Rank 1B.1	April-September	Chaparral; coastal scrub; valley and foothill grassland; [sandy].	Closest known record is approximately 2.3 miles ESE of the project site (Occurrence No. 4).	None. No chaparral, coastal scrub or grasslands located on the project site. No suitable habitat. No impacts expected.

Table 3

Special-Status Plant Species Known to Occur within 3 Miles of the Mt Diablo Resources Recovery Project Site

Family Taxon Common Name	Status*	Flowering Period	Habitat	Area Locations	Probability on Project Site
Scrophulariaceae					
Limosella australis Delta mudwort	Fed: - State: - CNPS: Rank 2.1	May-August	Marshes and swamps; intertidal mudflats.	Closest known record is approximately 1.22 miles ENE of the project site (Occurrence No. 39).	None. Not observed in Kirker Creek in June or July 2020. No suitable habitat. No impacts expected.

***Status**

Federal:
FE - Federal Endangered
FT - Federal Threatened
FPE - Federal Proposed Endangered
FPT - Federal Proposed Threatened
FC - Federal Candidate

State:
CE - California Endangered
CT - California Threatened
CR - California Rare
CC - California Candidate
CSC - California Species of Special Concern

CNPS:
Rank 1A - Presumed extinct in California
Rank 1B - Plants rare, threatened, or endangered in California and elsewhere
Rank 1B.1 - Seriously endangered in California (over 80% occurrences threatened/ high degree and immediacy of threat)
Rank 1B.2 - Fairly endangered in California (20-80% occurrences threatened)
Rank 1B.3 - Not very endangered in California (<20% of occurrences threatened or no current threats known)

CNPS Continued:
Rank 2 - Plants rare, threatened, or endangered in California, but more common elsewhere
Rank 2A - Extirpated in California, common elsewhere
Rank 2B.1 - Seriously endangered in California, but more common elsewhere
Rank 2B.2 - Fairly endangered in California, but more common elsewhere
Rank 2B.3 - Not very endangered in California, but more common elsewhere
Rank 3 - Plants about which we need more information (Review List)
Rank 3.1 - Plants about which we need more information (Review List) Seriously endangered in California
Rank 3.2 - Plants about which we need more information (Review List) Fairly endangered in California
Rank 4 - Plants of limited distribution - a watch list

Table 4

Special-Status Wildlife Species Known to Occur within 3 Miles of the Mt Diablo Resources Recovery Project Site

Species	*Status	Habitat	Closest Locations	Probability on Project Site
Invertebrates				
Vernal pool fairy shrimp *Branchinecta lynchi*	Fed: FT State: - Other:	Endemic to the grasslands of the Central Valley, central coast mountains, and south coast mountains. Inhabit static rain-filled/vernal pools, small, clear water sandstone-depression pools and grassed swale, earth slump, or basalt-flow depression pools.	Closest known record is approximately 0.64-mile E of the project site (Occurrence No. 212).	None. No suitable habitat. No pools, swales or slumps on the project site. No impact expected.
Insects				
Western bumble bee *Bombus occidentalis*	Fed: State: CC Other:	Inhabits grassland with select food plants: Melilotus, Cirsium, Trifolium, Centaurea, Chrysothamnus, and Eriogonum. Typically nests underground in abandoned rodent burrows or other cavities.	Closest known record is approximately 3.0 miles W of the project site (Occurrence No. 212).	None. Site is disturbed, hard-packed ground. No burrowing opportunities. No impact expected.
Crotch bumble bee *Bombus crotchii*	Fed: State: CC Other:	Inhabits grassland and scrub areas, with select food plants: Antirrhinum, Phacelia, Clarkia, Dendromecon, Eschscholzia, and Eriogum. Nests underground, often in abandoned rodent dens.	Closest known record is approximately 2.3 miles SSW of the project site (Occurrence No. 14).	None. No suitable habitat. No food plants present on project site. No impact expected.
Lange's metalmark butterfly *Apodemia mormo langei*	Fed: FE State: - Other:	Found in stabilized sand dunes along the San Joaquin River at Antioch (Contra Costa County). Buckwheat (Eriogonum nudum var. auriculatum) is the host plant. Nectars on other wildflowers as well as the buckwheat.	Closest known record overlaps with the project site (Occurrence No. 1).	None. No suitable habitat. No sand dunes or host plants on the project site. No impact expected.
Fish				
Steelhead - California Central Valley ESU *Oncorhynchus mykiss*	Fed: FT State: - Other:	Found in the Sacramento and San Joaquin Rivers and their tributaries. Migrates through the estuary to spawning grounds. Eggs are laid in small and medium gravel and need a good water flow to survive.	Closest known record is approximately 1.55 miles NW of the project site (Occurrence No. 27).	None. No suitable habitat. No river or suitable tributary on the project site. No impact expected.

Table 4

Special-Status Wildlife Species Known to Occur within 3 Miles of the Mt Diablo Resources Recovery Project Site

Species	*Status	Habitat	Closest Locations	Probability on Project Site
Longfin smelt *Spirinichus thaleichthys*	Fed: -- State: CT Other:	Endemic to the Sacramento-San Joaquin River system. Inhabits open waters in the Delta and Suisun Bay. After spawning, larvae are carried downstream to brackish nursery areas.	Closest known record is approximately 0.85-mile NE of the project site (Occurrence No. 17).	None. No suitable habitat. No open waters or brackish water on the project site. No impact expected.
Amphibians				
California tiger salamander (Cnt Vly DPS) *Ambystoma californiense*	Fed: FT State: CT Other:	Found in grassland habitats of the valleys and foothills. Requires burrows for aestivation and standing water until late spring (May) for larvae to metamorphose.	Closest known record is approximately 2.1 miles SSW of the project site (Occurrence No. 814).	None. No suitable habitat. No grassland habitat on project site, no vernal pool habitat. No impact expected.
California red-legged frog *Rana draytonii*	Fed: FT State: CSC Other:	Occurs in lowlands and foothills in deeper pools and streams, usually with emergent wetland vegetation. Requires 11-20 weeks of permanent water for larval development.	Closest known record is approximately 1.9 miles SSE of the project site (Occurrence No. 531).	None. No records north of Highway 4. Kirker Creek in vicinity not suitable, heavily distubed, garbage in creek, dry in summer and fall. See text. No impact expected.
Reptiles				
Western pond turtle *Emys marmorata*	Fed: - State: CSC Other:	Uncommon to common in suitable aquatic habitat throughout CA, west of the Sierra-Cascade crest and absent from desert regions, except the Mojave River. Associated with permanent or nearly permanent water in a wide variety of habitat types.	Closest known record is approximately 0.8-mile NE of the project site (Occurrence No. 144).	None. No suitable habitat. No water present on the project site. No impact expected.
Northern California legless lizard *Anniella pulchra*	Fed: - State: CSC Other:	Occurs from the southern edge of the San Joaquin River in northern Contra Costa County south to Ventura County. Inhabit sandy soil/dune area with bush lupine and mock heather as dominant plants. Moist soil is essential.	Closest known record is approximately 0.37-miles SE of the project site (Occurrence No. 381).	None. No suitable habitat. No sand soil or dunes on the project site. No impact expected.
Alameda Whipsnake *Masticophis lateralis euryxanthus*	Fed: FT State: CT Other:	Coastal scrub and chaparral habitats of Contra Costa and Alameda Counties. Prefers south-facing slopes with a mosaic of shrubs, trees, and grassland.	Closest known record is approximately 2.9 miles S of the project site (Occurrence No. 87).	None. No suitable habitat. No coastal scrub or chaparral habitat on the project site. No impact expected.

Table 4

Special-Status Wildlife Species Known to Occur within 3 Miles of the Mt Diablo Resources Recovery Project Site

Species	*Status	Habitat	Closest Locations	Probability on Project Site
Birds				
Song Sparrow (Modesto Population) *Melospiza melodia mailliardi*	Fed: State: CSC Other:	Endemic to California, residing only in the north-central portion of the Central Valley. Inhabits emergent freshwater marsh. vegetated irragation canals and levees dominated by tules/cattails, and blackberry. Nests in riparian willows and valley oak.	Closest known record is approximately 1.6 miles E of the project site (Occurrence No. 91).	None. No suitable habitat. No marshes located on the project site. No impact expected.
White-tailed kite *Elanus leucurus*	Fed: State: FP Other:	Found in lower foothills and valley margins with scattered oaks and along river bottomlands or marshes adjacent to oak woodlands. Nests in trees with dense tops.	Closest known record is approximately 1.31 miles ESE of the project site (Occurrence No. 17).	None. Riparian habitat is extremely disturbed because it is channelized, and because it is adjacent to the Pittsburg-Antioch Highway. The canopy is sparse and incomplete. No suitable habitat. No impact expected.
California black rail *Laterallus jamaicensis coturniculus*	Fed: -- State: CT Other:	Inhabits salt marshes bordering larger bays. Prefers tidal salt marshes of pickleweed.	Closest known record is approximately 1.4 miles N of the project site (Occurrence No. 136).	None. No suitable habitat. No salt marshes on the project site. No impact expected.
Western burrowing owl *Athene cunicularia hypugaea*	Fed: -- State: CSC Other:	Found in open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Closest known record is approximately 1.5 miles SE of the project site (Occurrence No. 1153).	None. No suitable habitat. No grassland and no burrowing animals noted on the project site. No impact expected.
Suisun song sparrow *Melospiza melodia maxillaris*	Fed: -- State: CSC Other:	Resident of brackish marshes surrounding Suisun Bay. Prefers riparian areas, cattails, tules, sedges, and pickleweed. Also found in tangles bordering sloughs.	Closest known record is approximately 0.7-mile W of the project site (Occurrence No. 39).	None. No suitable habitat. No brackish marsh on the project site. No impact expected.
Mammals				
Western red bat *Lasiurus blossevillii*	Fed: State: CSC Other:	Prefers riparian areas where they roost in tree foliage. This bat is occasionally captured in riparian habitats dominated by cottonwoods, oaks, sycamores, and walnuts and is rarely found in desert habitats.	Closest known record is approximately 2.3 miles SE of the project site (Occurrence No. 66).	Low. Possible rookery and nursery trees are located along a Pittsburg-Antioch Highway, which would heavily disturb this habitat - see text.

Table 4

Special-Status Wildlife Species Known to Occur within 3 Miles of the Mt Diablo Resources Recovery Project Site

Species	*Status	Habitat	Closest Locations	Probability on Project Site
Salt marsh harvest mouse *Reithrodontomys raviventris*	Fed: FE State: CE Other:	Inhabits saline marshes in the San Francisco Estuary. Prefers pickleweed marshes. Requires higher areas for escaping high water.	Closest known record is approximately 0.95-mile E of the project site (Occurrence No. 66).	None. No suitable habitat. No salt marshes located on the projec site. No impact expected.
San Joaquin kit fox *Vulpes macrotis mutica*	Fed: FE State: CT Other:	Inhabits open grasslands with scattered shrubs. Needs loose-textured sand soils for burrowing.	Closest known record is approximately 2.5 miles SSW of the project site (Occurrence No. 554).	None. No suitable habitat. No grasslands or sandy soils on the project site. No impact expected.

***Status**

Federal:
- FE - Federal Endangered
- FT - Federal Threatened
- FPE - Federal Proposed Endangered
- FPT - Federal Proposed Threatened
- FC - Federal Candidate
- FPD - Federally Proposed for delisting

State:
- CE - California Endangered
- CT - California Threatened
- CR - California Rare
- CC - California Candidate
- CSC - California Species of Special Concern
- FP - Fully Protected
- WL - Watch List. Not protected pursuant to CEQA

** This frog is listed as “endangered” in the Southern Sierra, central, and southern California coasts and “threatened” in the Northern Sierra and Feather River. This frog is not protected pursuant to CESA on the northern coast of California.

Mt. Diablo Resource Recovery Center
Kirker Creek Site Representative Photographs July 2020

Figure 1. Accumulated trash in Kirker Creek, east of the the project site.

Mt. Diablo Resource Recovery Center
Kirker Creek Site Representative Photographs July 2020

Figure 2. Kirker Creek, east of the project site, looking west.

Mt. Diablo Resource Recovery Center
Kirker Creek Site Representative Photographs July 2020

Figure 3. Kirker Creek east of the project site, looking east.

Mt. Diablo Resource Recovery Center
Kirker Creek Site Representative Photographs July 2020

Figure 4. Kirker Creek, approximately 300 feet west of the project facing west, showing the only water throughout the section of Kirker Creek that was surveyed.

Mt. Diablo Resource Recovery Center
Kirker Creek Site Representative Photographs July 2020

LEGEND

- EXISTING BUILDING
- PHASE I - 40-FT WIDE ACCESS ROAD

SYMBOLS

- EXISTING PROPERTY LINE
- EXISTING RETAINING WALL
- EXISTING CHAINLINK FENCE
- EXISTING WROUGHT IRON FENCE
- ACCESSIBLE PATH OF TRAVEL
- STRIPING PER CITY STANDARDS
- EXISTING ACCESSIBLE PARKING STALL SYMBOL
- E.F.H. — EXISTING FIRE HYDRANT
- E.L. — EXISTING LIGHT
- E.B. — EXISTING BOLLARDS
- E.P.P. — EXISTING POWER POLE
- (E) XMFR — EXISTING TRANSFORMER

VICINITY MAP

JRMA ARCHITECTS ENGINEERS

Mt. Diablo Resource Recovery
reduce • reuse • recycle • respect • recover
A Garaventa Company

SCALE: 1"=60'-0"
0' 30' 60' 120' 240'

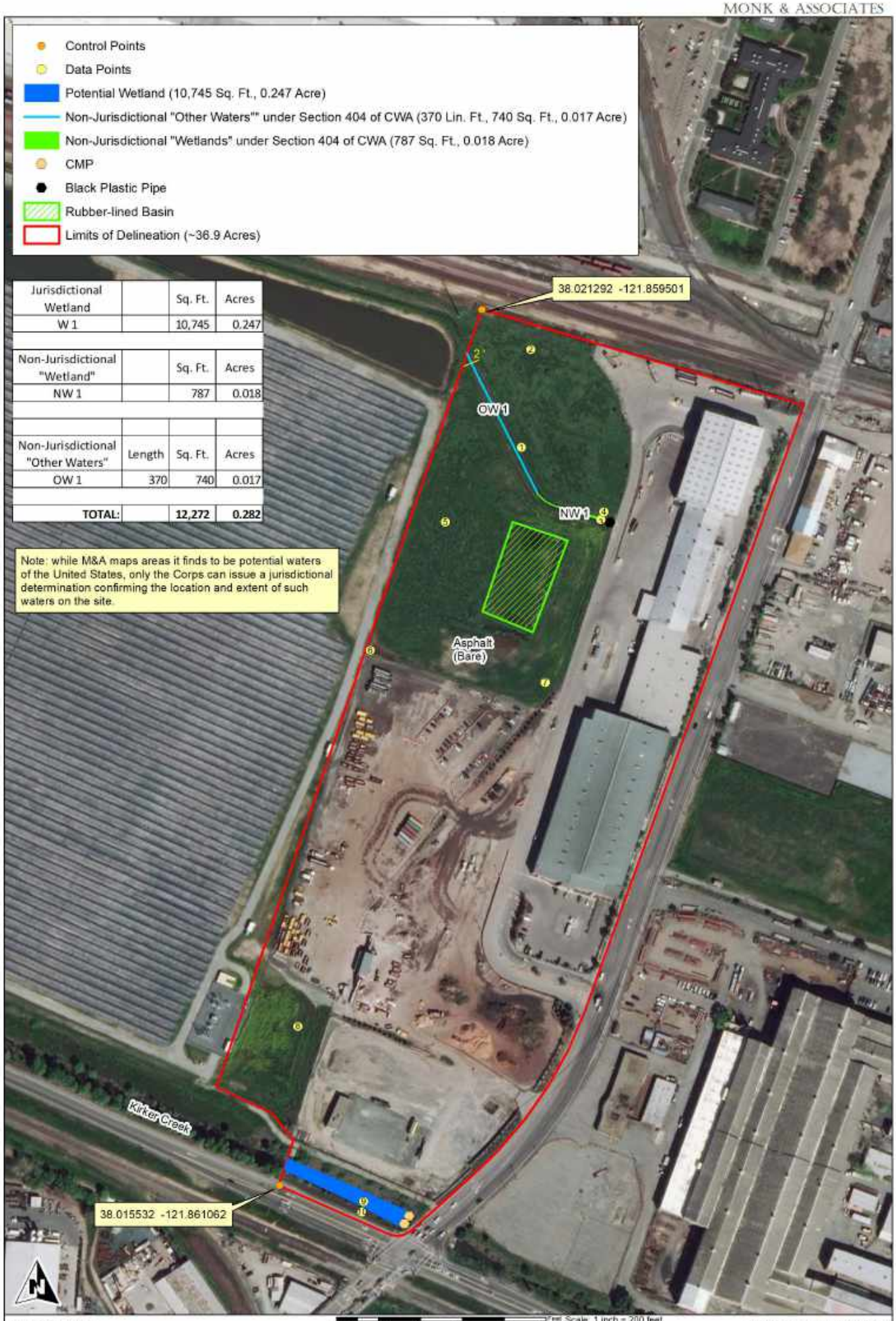
PROJECT NORTH | TRUE NORTH

SITE PLAN

MDRRP
Material Recovery Facility and Transfer Station
1300 Loveridge Rd, Pittsburg, CA 94565

Job No. 5552
04.30.2020

A1.1



Jurisdictional Wetland		Sq. Ft.	Acres
W 1		10,745	0.247

Non-Jurisdictional "Wetland"		Sq. Ft.	Acres
NW 1		787	0.018

Non-Jurisdictional "Other Waters"	Length	Sq. Ft.	Acres
OW 1	370	740	0.017
TOTAL:		**12,272**	**0.282**

Note: while M&A maps areas it finds to be potential waters of the United States, only the Corps can issue a jurisdictional determination confirming the location and extent of such waters on the site.

Scale: 1 inch = 200 feet

Monk & Associates
Environmental Consultants
1136 Saranap Avenue, Suite Q
Walnut Creek, California 94595
(925) 947-4867

Sheet 1. Draft Aquatic Resources Delineation Map
Mt. Diablo Resource Recovery Park Project
1300 and 1600 Loveridge Road, Pittsburg, California

Delineation Date: June 23, 2020
Delineation Conducted by:
Sarah Lynch & Monica Matthews
Aerial Photograph Source: ESRI
Map Preparation Date: July 6, 2020

APPENDIX F.
DRAFT AQUATIC RESOURCES MAP
MONK & ASSOCIATES, INC.
JULY 30, 2020

Jurisdictional Wetland		Sq. Ft.	Acres
W 1		10,745	0.247
Non-Jurisdictional "Wetland"		Sq. Ft.	Acres
NW 1		787	0.018
Non-Jurisdictional "Other Waters"	Length	Sq. Ft.	Acres
OW 1	370	740	0.017
TOTAL:		**12,272**	**0.282**

Note: while M&A maps areas it finds to be potential waters of the United States, only the Corps can issue a jurisdictional determination confirming the location and extent of such waters on the site.

U.S. Army Corps of Engineers
San Francisco District
Regulatory Division

Extent of U.S. Army Corps of Engineers' Jurisdiction
Pursuant to Section 404 Clean Water Act

Mt. Diablo Resource Recovery Center
Pittsburg, Contra Costa County, California
(APN: 073-200-013, -014, -015, -027, -028, -029)

Study Area Boundary

Wetland/Water of the U.S.

Non-Jurisdictional Feature

File ID. **2013-000335** Date: **October 5, 2020** 1 Sheet

Scale: 1 inch = 200 feet

Monk & Associates
Environmental Consultants
1136 Saranap Avenue, Suite Q
Walnut Creek, California 94595
(925) 947-4867

Sheet 1. Draft Aquatic Resources Delineation Map
Mt. Diablo Resource Recovery Park Project
1300 and 1600 Loveridge Road, Pittsburg, California

Delineation Date: June 23, 2020
Delineation Conducted by:
Sarah Lynch & Monica Matthews
Aerial Photograph Source: ESRI
Map Preparation Date: July 6, 2020

APPENDIX G.
CORRESPONDENCE WITH US ARMY CORPS OF ENGINEERS WITH APPROVED JURISDICTIONAL DETERMINATION FORM, OCTOBER 20, 2020

U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 05-OCT-2020
ORM Number: SPN-2013-00033
Associated JDs: N/A
Review Area Location[1]:
State/Territory: CA City: Pittsburg County/Parish/Borough: Contra Costa County
Center Coordinates of Review Area: Latitude 38.018571 Longitude -121.859321

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- ☒ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)[2]

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)[3]

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
See a4 below	N/A	N/A	N/A

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
SPN-2013-00033 W1 (Kirker Creek)	330 feet	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Within Kirker Creek which flows to New York Slough

[1] Map(s)/Figure(s) are attached to the AJD provided to the requestor.
[2] If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.
[3] A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.
[4] Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.
[5] Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))[4]:

Exclusion Name	Exclusion Size	Exclusion[5]	Rationale for Exclusion Determination
SPN-2013-00033 NW1 (wetland ditch) and OW1	625 feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year	Ditch drains to wetland depression with no apparent outlet or surface connection to other waters

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

_x_ Information submitted by, or on behalf of, the applicant/consultant: *Request for a Jurisdictional Determination Reverification: Mt. Diablo Resources Recovery Center* (Monk & Associates, July 13, 2020)
This information *is* sufficient for purposes of this AJD.
Rationale: *N/A*

___ Data sheets prepared by the Corps:

_x_ Photographs: (*aerial) recent Google Earth imagery accessed 9/9/2020*

_x_ Corps Site visit(s) conducted on: *1/25/2013 (for previous JD)*

_x_ Previous Jurisdictional Determinations (AJDs or PJDs): *5/14/2013 (same file #)*

___ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

_x_ USDA NRCS Soil Survey: *Web Soil Survey for 1300 & 1600 Loveridge Rd, generated 6/24/2020*

_x_ USFWS NWI maps: *ORM2 mapping accessed 9/9/2020*

_x_ USGS topographic maps: *ORM2 mapping accessed 9/9/2020*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: Larger 115-acre site was originally field verified by Corps in 2013, including portion of current 37-acre site with excluded wetland ditch.

[1] Map(s)/Figure(s) are attached to the AJD provided to the requestor.
[2] If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.
[3] A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.
[4] Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.
[5] Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.

APPENDIX H.
AIR POLLUTANT AND GREENHOUSE GAS EMISSIONS ANALYSIS – ILLINGWORTH & RODKIN, INC., APRIL 13, 2021

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality
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Date: April 13, 2021

To: Joan Lamphier, Principal
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From: James A. Reyff
Illingworth & Rodkin, Inc.
429 E. Cotati Ave
Cotati, CA 94931

RE: Mt. Diablo Resource Recovery Park in Pittsburg, CA
SUBJECT: Air Pollutant and Greenhouse Gas Emissions Analysis

The Mt. Diablo Resource Recovery Park (MDRRP) project proposes to construct 570,580 square feet (sf) of new buildings to support the MDRRP Enhancements Project that was the subject of an Environmental Impact Report that was prepared was certified by the City of Pittsburg in 2015 with an Addendum that was adopted XXXX[1,2]. The project is proposed to be modified by adding building structures to support the facilities and operations previously approved by the City. These include the construction of the new buildings, parking and infrastructure.

Analysis

The Proposed Project would construct new buildings to support the approved operations. This construction may include demolition and regrading to the project site to facilitate this construction. Emissions from construction activity would be a new impact that was not studied under the previous environmental analysis. In addition, operation of the buildings, in terms of energy usage was not evaluated. The analysis presented here addresses construction related emissions as well as new emissions caused by operation of the buildings. Traffic and equipment operation associated with future facility operation were previously addressed in the 2015 DEI and 2018 EIR Addendum.

Project Description

Mt Diablo Resource Recovery Park operates a Recycling and Transfer Station, Recycling and Waste processing center at 1300 Loveridge Road in Pittsburg, CA. The existing facility includes three buildings totaling 133,430 sf, parking lots, and infrastructure on an approximate 36-acre site.

[1] City of Pittsburg. 2014. *Mt. Diablo Resource Recovery Park Draft Environmental Impact Report*. December.
[2] City of Pittsburg. 2018. *Mt. Diablo Resource Recovery Park Initial Study and EIR Addendum*. November.

The proposed project proposes to construct 17 new industrial buildings, totaling 570,580 sf, with parking and driveway modifications that include 16.8 acres of new impervious surfaces.

Methodology

The California Emissions Estimator Model (CalEEMod) Version 2016.3.2 was used to estimate emissions from on-site construction activity, construction vehicle trips, and evaporative emissions.

The project land use types and size, and anticipated construction schedule were input to CalEEMod using CalEEMod default values. The applicant provided construction information for each phase of construction. This information was provided in terms of anticipated schedule, equipment activity and truck hauling volumes. This information was then entered in the CalEEMod model to estimate annual emissions from construction activity.

Most operational emissions associated with the proposed facility expansion were addressed in the 2015 DEIR and subsequent 2018 Addendum. Since these are industrial buildings that support the approved operations of the project expansion, the only new operational emissions would be associated with lighting, water usage and solid waste generation. The proposed project modifications would not increase traffic or any other industrial-related emissions. The CalEEMod model computed annual emissions each of the proposed project buildings.

Construction of the various buildings would occur at various times over an approximate 10-year period. A total of 13 CalEEMod model runs were developed to model emissions from construction of the proposed building, infrastructure and parking lots. Annual emissions for each construction project were divided by the estimated number of construction days to estimate the average daily emissions that are reported in Table 1. Average daily emissions in any year would not exceed any thresholds recommended by the Bay Area Air Quality Management District (BAAQMD).

Table 1. Uncontrolled Average Daily Construction and Annual GHG Emissions

	Construction Emissions (pounds/day)				Metric tons per Year
Year	**ROG**	**NOx**	**PM10***	**PM2.5***	**CO2e**
2020	0.9	10.3	0.46	0.42	36
2021	4.3	12.2	0.49	0.45	48
2022	7.9	5.3	0.16	0.15	76
2023	0.8	9.4	0.30	0.28	78
2024	12.6	11.3	0.38	0.36	185
2025	10.4	2.8	0.07	0.06	47
2026	2.6	5.5	0.19	0.18	91
2027	0.2	1.7	0.06	0.06	12
2028	2.4	8.0	0.31	0.29	112
2029	4.1	4.2	0.15	0.14	127
2030	6.6	2.2	0.03	0.03	43
BAAQMD Recommended Significance Thresholds	*54*	*54*	*82*	*54*	*none*

*Exhaust component only. Fugitive dust emissions are evaluated based on application of best management practices.

Operational emissions from building operation were also modeled. Since the buildings would support equipment and traffic that are part of the project, only emissions associated with electricity usage, water usage and solid waste generation were included in the modeling. Since these are industrial buildings that house equipment, only the lighting energy emissions were computed.

Air pollutant emissions based on the CalEEMod modeling are negligible and not reported in this assessment. There would be GHG emissions that total 855 metric tons of equivalent carbon dioxide (MTCO2e) per year at full build out of the project, assumed to be about year 2030.

The 2015 DEIR found that with the inclusion of amortized construction-generated GHG emissions, implementation of the proposed project would result in increased emissions from on-site stationary sources and nonstationary sources totaling approximately 25,450 MTCO2e per year. However, these increases in GHG emissions would be more than offset by avoided emissions that would result with project implementation, including reductions in energy production emissions and avoided landfill emissions. As a result, the proposed 2015 project would result in the avoidance of 154,692 MTCO2e annually by the year 2020 and 213,697 MTCO2e annually by the year 2035.

Modifications to the project that were approved in a 2018 EIR Addendum found that the 2018 project would further reduce GHG emissions slightly due to a reduction in long haul truck travel and the processing of food waste that would otherwise be sent to a landfill. The current project would also have beneficial impacts related to greenhouse gas emissions because of its renewable energy and recycling components.

Therefore, the current proposed project would result in similar impacts and would not result in a new significant impact that was not identified in the 2015 EIR.

APPENDIX I.
VEHICLE MILES TRAVELED COMPARISON
EDGAR AND ASSOCIATES,
JUNE 2018

Exhibit 2

Vehicle Miles Traveled Comparison

Mount Diablo Resource Recovery Park

Mt. Diablo Resource Recovery

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A Garaventa Company

Edgar & Associates
1822 21st Street
Sacramento, CA 95811

June 2018

Edgar & Associates

Edgar & Associates, Inc. is an environmental engineering company and lobbying firm based in Sacramento and specializing in solid waste management, recycling, composting, and renewable energy issues. Edgar & Associates, Inc. acts as technical adviser and consultant to companies involved with all aspects of materials management services including collection, hauling, processing, recycling, composting, and landfilling. Edgar & Associates, Inc. assists in the deployment of technologies and in obtaining grant funding to commercialize low carbon systems. Since its inception, we have assisted companies and their franchise cities and jurisdictions prepare for greater levels of waste diversion and the lowest carbon footprint possible.

Edgar and Associates regularly calculates vehicle miles traveled, emission, and greenhouse gas analyses for California waste haulers and jurisdictions. Edgar and Associates relies upon the most up-to-date emissions factors provided by the California Air Resources Board, the United States Environmental Protection Agency, and geographic information from Google Maps.

Vehicle Miles Traveled and Emissions Analysis

Mt. Diablo Resource Recovery Park

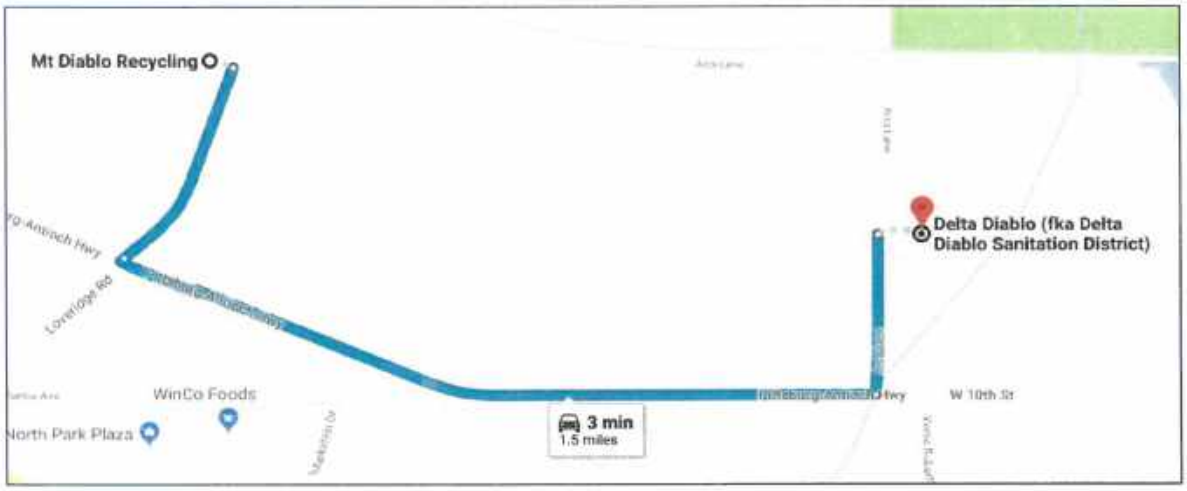
Current Mixed Solid Waste Operation

Currently, 339 TPD of Mixed Solid Waste ["MSW"] are being sent from MDRRP to Keller Canyon Landfill ["KCL"], Monday through Friday (260 operating days per year). It takes 17 trips per day of 20-ton payload transfer trucks in order to deliver the aforementioned volume of MSW to KCL. KCL is located approximately 5.9 miles away from MDRRP, which means that each delivery covers approximately 11.8 miles roundtrip.

Route Changes

With the use of the High Diversion Mixed Waste/Wet Organics Processing System, MSW would be manually and mechanically processed to separate out the wet fraction of organic matter in the waste stream (or food waste slurry), additional recyclables, and the inorganic refuse fraction. The wet fraction yield is expected to be approximately 114 TPD. The inorganic refuse fraction is expected to be approximately 225 TPD.

The 225 TPD of inorganic refuse fraction will be sent to KCL for disposal. At 20 tons per load, it would take 12 truck trips per day to deliver 225 TPD to KCL for disposal (260 days per year). For the purpose of this analysis, the 114 TPD of wet fraction would be sent to Delta Diablo instead of going to KCL for disposal. At 20 tons per load, it would take approximately 6 truck trips per day to deliver 114 TPD to Delta Diablo for anaerobic digestion. Delta Diablo is less than 1.5 miles away from MDRRP, which means that each delivery will cover approximately 3 miles roundtrip.



Vehicle Miles Traveled and Emissions

Given the roundtrip distances and trip frequency, the two routing scenarios can be compared with respect to the number of vehicle miles traveled annually. The California Air Resources Board's EMFAC Emission Rates model was used to determine emissions under current MSW operation and under the new High Diversion Material Split (the factors used are the 2018 emissions year, T7 tractor, running off of diesel fuel, for trucks model year 2014).[1]

These emissions, annualized are compared side by side in the table below.

	Current MSW Operation	High Diversion Material Split	Difference
Vehicle Miles Traveled	**52,156**	**41,496**	**10,660**
Diesel Gallons	**6,014**	**4,785**	**1,229**

Annual Emissions (Metric Tons)			
ROG	0.004	0.003	0.001
TOG	0.004	0.003	0.001
CO	0.022	0.018	0.004
NOx	0.068	0.054	0.014
PM10	0.00025	0.00020	0.00005
PM2.5	0.00024	0.00019	0.00005
CO_2e	82.6	65.7	16.9

As there is no difference in the vehicle types used for this study, the emissions are directly based off of the mileage traveled, which is approximately 20% lower in the High Diversion Material Split scenario than the current MSW operation. The modeling demonstrates a reduction of between 18-25% (21% on average) of the emissions analyzed in the High Diversion Material Split scenario than the current MSW operation.

[1] The Greenhouse Gas impacts are based on the assumption that fleets will be using diesel as described in the low carbon fuel standard as Diesel from the California Air Resources Board. This fuel efficiency, is 102.01 g CO2e/MJ and can be found on page 66. http://www.arb.ca.gov/regact/2015/lcfs2015/lcfsfinalregorder.pdf

Exhibit 3

Vehicle Miles Traveled Comparison: Woodchips Management

Mt. Diablo Resource Recovery Park

Mt. Diablo Resource Recovery

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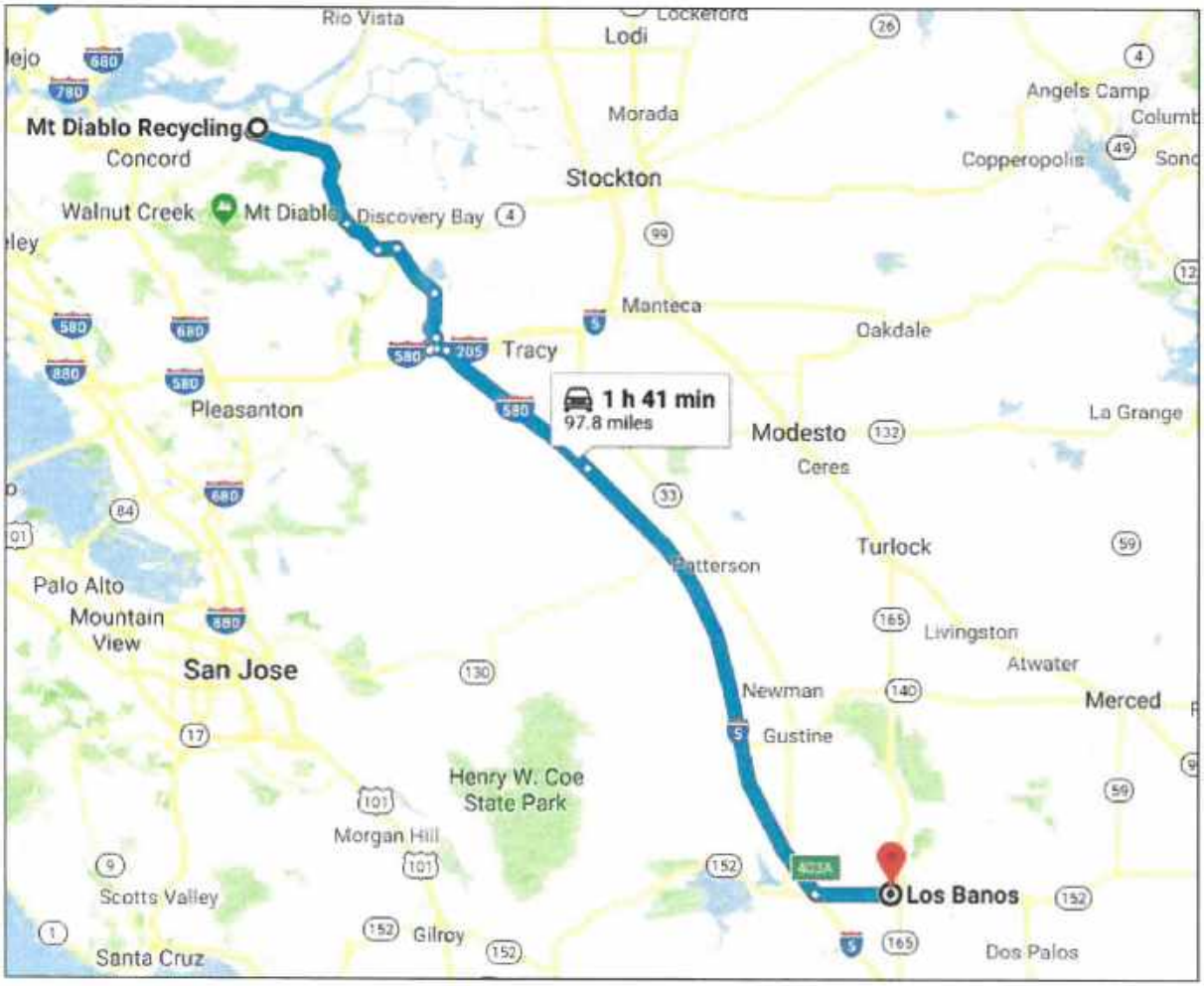
Edgar and Associates regularly calculates vehicle miles traveled, emission, and greenhouse gas analyses for California waste haulers and jurisdictions. Edgar and Associates relies upon the most up-to-date emissions factors provided by the California Air Resources Board, the United States Environmental Protection Agency, and geographic information from Google Maps.

Mt. Diablo Resource Recovery Vehicle Miles Traveled for Woodchips Management

Vehicle Miles Saved – On Site Utilization of Woodchips

This analysis evaluates the amount of vehicle miles traveled, diesel fuel, and greenhouse gases that are saved by utilizing woodchips onsite at Mt.t Diablo Resource Recovery Park (MDRRP). This scenario is modeled against the current conditions in which, on average, approximately 13,000 tons of woodchips material are managed each year by being sent 97.8 miles to the Los Baños Area of California for use in composting or bioenergy facilities. Onsite management of woodchips at MDRRP would effectively eliminate the trek down to Los Baños, depicted on the map below. Annually, the round-trip mileage from MDRRP to Los Baños is approximately 105,950 miles.



Greenhouse Gas Reductions

This is a transportation analysis only and as such the end of life management of the woodchips materials is considered identical in both scenarios. The table below outlines the calculation.

Vehicle Miles Traveled Savings - Woodchips	
Average tons of Woodchips Managed Annually	13,000
Capacity of Transfer Trailer (tons)	24
Trips Required	542
Distance from MDRRP to Los Baños (one-way)	97.8
Fuel Consumption GPM (loaded)	0.17
Fuel Consumption GPM (empty)	0.11
Fuel Consumption GPM per round trip	28
Annual Fuel Consumption	15,283
GHG/Gallon Diesel	0.013732936
Annual $MTCO_2e$ avoided	**210**

A total of **210 $MTCO_2e$** are saved each year by utilizing woodchips onsite at MDRRP.

Criteria Pollutants Savings

In addition to reducing GHGs and traffic impacts, the elimination of the trip to Los Baños also reduces the amount of criteria pollutants that the transportation of the wood material would produce. These savings, in metric tons per year, are summarized in the table below.

Annual Criteria Pollutants (MT/year)	
Annual Miles	**105,950**
ROG	0.007587
TOG	0.008638
CO	0.044802
NOx	0.139149
PM10	0.000511
PM 2.5	0.000489

References

The calculations for the above table are based on the following input information.

- Mileage is based on Google™ Maps travel distances between the Mt. Diablo facility and Los Baños California
- The Capacity of a transfer trailer is based on industry experience, which anticipates the payload of such a trailer is 24 tons.
- The fuel consumption per mile is based on Oak Ridge National Laboratory's 2011 study "Effect of Weight and Roadway Grade on the Fuel Economy of Class-8 Freight Trucks". https://digital.library.unt.edu/ark:/67531/metadc837814/m2/1/high_res_d/1029954.pdf
- The greenhouse gas impacts of diesel fuel usage are based on the following calculation, which uses emission factors from the California Air Resource's Board Low-Carbon Fuel Standard found on page 66 at http://www.arb.ca.gov/regact/2015/lcfs2015/lcfsfinalregorder.pdf.

$MTCO_2e$/Gallon		
Annual Total Fuel:	1	Gallons
Conversion:	127,500	Btu/gallon
Total energy:	127,500	btus
Conversion:	0.001056	MJ/btu
Total energy:	135	MJ
Carbon Intensity:	102.01	g CO_2e / MJ
$MTCO_2e$ Total:	**0.0137**	**$MTCO_2e$/Gallon**

- The Criteria Pollutants Estimations are based off of the California Air Resources Board's EMFAC model (EMFAC2014) (v1.0.7) Emission Rates with the following inputs:
    - Region: Bay Area
    - Calendar Year 2018
    - Model Year 2014
    - Diesel Fuel
    - T7 tractor vehicle class.