

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Certifying the Environmental)
Impact Report and Adopting Findings, a) Resolution No. 10001
Statement of Overriding Considerations)
and a Mitigations Monitoring and)
Reporting Program, for "Mt. Diablo)
Resource Recovery Park, AP-10-712.")

The Planning Commission DOES resolve as follows:

Section 1. Background

- A. On August 9, 2010, Contra Costa Waste Services filed Use Permit and Design Review Application No. 10-712 requesting approval a use permit modification in order to bring the solid waste and recycling operations at the Recycling Center and Transfer Station (RCTS), the Mt. Diablo Recycling Facility (MDRF) and the mixed construction and demolition (Mixed C&D) recycling facility under a single entity referred to as the Mt. Diablo Resource Recovery Park (MDRRP). The proposal also included an increase in the total amount of materials processed per day at all three facilities from 2,200 tons per day (TPD), to a total of 5,500 TPD; establishment of a new commercial recycling and organic processing programs for residential and commercial food wastes; construction of a biomass gasification unit to process clean wood waste into energy for on-site use; and as a possible future phase of the project, a rail haul option for waste transportation purposes. The project site includes a total of 37 acres. The western portion of the property is in the IG (General Industrial) District and the eastern portion of the property is within the IL (Limited Industrial) District. Assessor's Parcel Numbers: 073-200-013, -014, -015, -024 and a portion of -023.
- B. The City has discretionary authority over the project and is identified as the lead agency for the project. In accordance with Section 15082 of the State CEQA Guidelines, the City prepared and released a Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) on May 18, 2011. The NOP was circulated to the public, local, state and federal agencies, and other interested parties for 30 days to solicit comments on the project. The NOP and full text of responses to the NOP are presented in Appendix A of the Draft EIR. An Initial Study for the project was prepared and released for public review along with the NOP. Its conclusion supported preparation of an EIR for the project. The Initial Study is also included in Appendix A of the Draft EIR.
- C. The Initial Study for the project preliminarily analyzed the project and its potential impacts. Through this Initial Study, it was determined that the project could potentially have adverse impacts in the areas of air quality, climate change,

hazards and hazardous materials, hydrology and water quality, land use and planning, public services and utilities, transportation and circulation, and biological resources. All other areas of potential environmental impact were determined to have no potential adverse impacts under the project and were eliminated from further analysis. After releasing the NOP, a public scoping session was held on June 2, 2011, to receive additional comments. Concerns raised in response to the NOP were considered during preparation of the Draft EIR.

- D. Prior to the Draft EIR being released for public review the applicant filed a modification to their use permit application on September 9, 2014, in order to relocate an existing truck maintenance facility from its current location east of the project site, across Loveridge Road, to the southernmost portion of the MDRRP site. The relocated facility would require construction of a new 18,000 square foot building identified as the SEG truck maintenance facility, to store and maintain trucks associated with the operation. This additional component of the project was added to the Draft EIR analysis.
- E. In accordance with Public Resources Code (PRC) Section 21080(d), an EIR was prepared to analyze the potential impacts of the project. A Draft EIR for the project was released for a 45-day public and agency review on December 16, 2014, with the review period ending on January 29, 2015. The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts and mitigation measures for impacts found to be potentially significant, and an analysis of project alternatives. The Draft EIR was provided to interested public agencies and the public and was made available for review at City offices and on the City's website. The City received ten comment letters from public agencies, interest groups, and the public regarding the Draft EIR.
- F. The City received comment letters from public agencies, interest groups, and the public regarding the Draft EIR and prepared a Final Environmental Impact Report (Final EIR) dated April 2015. The Final EIR provided responses to all written comments received on the Draft EIR as required by CEQA. The Final EIR also contained minor edits to the Draft EIR. The Draft EIR and the Final EIR are incorporated herein by reference and together constitute the Final Environmental Impact Report for the Mt. Diablo Resource Recovery Park Project, pursuant to CEQA Guidelines Sections 15098 and 15132, which reflects the City's independent judgment and analysis on the potential environmental impacts of the project.
- G. The Final EIR identifies the potential for significant effects on the environment from implementation of the project, most of which can be substantially reduced through the EIR mitigation measures; therefore, approval of the project must include mitigation findings as set forth in Section 3, Part A.1, below. A Mitigation Monitoring and Reporting Program (MMRP), as required by CEQA, is attached as Exhibit D to this resolution and incorporated herein by reference. The MMRP

identifies project mitigation, designation of responsibility for mitigation implementation, and the agency responsible for the monitoring action.

- H. Significant effects related to air quality and transportation/circulation identified in the Final EIR cannot be lessened to a level of less than significant; therefore, approval of the project must include findings regarding alternatives and a Statement of Overriding Considerations as set forth in Section 3, Parts A.2 and A.3, respectively.
- I. On May 14, 2015, the applicant submitted a letter and revised site plan indicating their desire to relocate the proposed Biomass Gasification Unit to the southern portion of the site, the organics processing unit to the center of the site, and the employee parking to an area along Loveridge Road (previously designated for organics processing), in order to address concerns that had been raised by their neighbors to the north, west and east. According to a memo from the environmental consultant, PMC, dated May 15, 2015, the applicant initiated changes would not result in any new environmental impacts not already addressed in the EIR, and therefore no further analysis would be required in order to incorporate the proposed changes.
- J. On April 28, 2015, the Planning Commission held a public meeting and continued the project to May 26, 2015.
- K. On or prior to May 15, 2015, notice of the May 26, 2015, public hearing to consider this application was posted at City Hall, the project site and on the city's website; was delivered to the Pittsburg Library; and was mailed via first class mail or email to the property owner, applicant and all other owners of property within 300 feet of the subject site, to utility companies and other agencies anticipated to provide service to the project, and to all interested parties and individuals and organizations that requested such notice, in accordance with PMC sections 18.14.010 and 18.36.350, Government Code section 65091 and State PRC Sections 21092 and 21092.2.
- L. In accordance with CEQA Guidelines section 15088(b), written responses to public agency comments were provided to those public agencies by April 17, 2015, at least ten days prior to the date of the planned certification of the EIR.
- M. Documents and other materials constituting the record of the proceedings upon which the City's decision and its findings are based, are located at the City of Pittsburg Planning Division, located at 65 Civic Avenue in Pittsburg, in the custody of the Manager of Planning.

Section 2. Certification of the EIR

- A. The Planning Commission certifies that the Final EIR for this project consists of the Draft EIR, dated December 2014, and the Introduction, Comments and

Responses, and Changes to the Draft EIR, dated April 2015.

- B. Based on the evidence and oral and written testimony presented at the public hearings, and based on all the information contained in the Planning Division's files on the project, including but not limited to the Final EIR for the project and the Planning Commission staff report entitled "Mt. Diablo Resource Recovery Park Project," dated May 26, 2015, the Planning Commission does certify, in accordance with Section 15090 of the State CEQA Guidelines, that:
1. The Final EIR for the project was prepared in compliance with Public Resources Code Section 21000 et seq. and State CEQA Guidelines Section 15000 et seq.; and
 2. The Final EIR was presented to the Planning Commission of the City of Pittsburg, and the Planning Commission has reviewed and considered the information contained in the Final EIR prior to approving the project; and
 3. The Final EIR reflects the independent judgment and analysis of the Planning Commission of the City of Pittsburg; and
 4. The Final EIR adequately describes the project, its environmental impacts, reasonable alternatives, and appropriate mitigation measures.

Section 3. Adoption of Findings, Statement of Overriding Considerations, and Mitigation, Monitoring and Reporting Program

- A. The Planning Commission adopts the following with respect to the project:
1. Mitigation Findings Pursuant to CEQA Guidelines Section 15091, as set forth Exhibit "A" to this resolution and incorporated herein by reference.
 2. Findings Concerning Alternatives, as set forth in Exhibit "B" to this resolution and incorporated herein by reference.
 3. Statement of Overriding Considerations, as set forth in Exhibit "C" to this resolution and incorporated herein by reference.
 4. Mitigation Monitoring Reporting Program, attached as Exhibit "D" to this resolution and incorporated herein by reference.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner Fardella, seconded by Commissioner Gargalikis, the foregoing resolution was passed and adopted the 26th day of May 2015, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES: Belleci-Shipe, Fardella, Fogleman, Gargalikis, Kelley

NAYES:

ABSTAIN:

ABSENT: Banales, Ohlson

I hereby certify that the above Resolution No. 10001 was adopted by the Planning Commission of the City of Pittsburg on May 26, 2015.



KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

Mitigation Findings Pursuant to CEQA Guidelines Section 15091

With respect to potentially significant impacts of the project, the Planning Commission makes each of the findings set forth below.

Air Quality

Impact 3.1.1. Short-Term Construction Emissions of Criteria Air Pollutants and Precursors. 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.

Mitigation Measure 3.1.1a. 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 48 hours. The designated City compliance monitoring staff and/or department shall be notified of all complaints received.

Mitigation Measure 3.1.1b. 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.

Mitigation Measure 3.1.1c. To the extent possible, construction of the proposed maintenance building shall utilize pre-coated building materials and low-VOC-content architectural coatings.

Finding: Although the mitigation measure would reduce daily construction-related emissions of reactive organic gases and nitrogen oxide, emissions would not be reduced below applicable Bay Area Air Quality Management District (BAAQMD) significance thresholds. Therefore, even with implementation of the mitigation measure, the impact would remain significant and unavoidable (Draft EIR pages 3.1-23 through -26). No other mitigation measures were recommended to the City during the public comment period for the Draft EIR. The applicant has agreed to all mitigation measures included in the Draft EIR. Specific benefits of the project outweigh these significant impacts, as further set forth in the Statement of Overriding Considerations in Exhibit C, below.

Impact 3.1.2. Long-Term Operational Emissions of Criteria Air Pollutants and Precursors. 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.

Mitigation Measure 3.1.2a. The project applicant will be required to 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.

Mitigation Measure 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 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.

Mitigation Measure 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 calendar days.

Mitigation Measure 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.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less than significant level by reducing operational emissions of criteria air pollutants and precursors to below the applicable BAAQMD threshold (Draft EIR pages 3.1-26 through -30).

Impact 3.1.4. Exposure of Sensitive Receptors to Substantial Concentrations of Toxic Air Contaminants. Implementation of the project could result in incremental increases in risk or hazards at nearby sensitive receptors in the long term that would exceed applicable significant thresholds.

Mitigation Measure 3.1.2a. The project applicant will be required to 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.

Finding: The above feasible mitigation measure will avoid or substantially lessen the significant environmental impact described to a less than significant level by reducing the incremental increases in cancer risk at the maximally impacted receptor to less than 1 in one million, below the BAAQMD's threshold of significant of 10 in one million (Draft EIR pages 3.1-32 through -33).

Impact 3.1.6. Cumulatively Considerable Net Increase of Criteria Air Pollutants and Precursors. 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.

Mitigation Measure 3.1.1a. 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 48 hours. The designated City compliance monitoring staff and/or department shall be notified of all complaints received.

Mitigation Measure 3.1.1b. 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.

Mitigation Measure 3.1.1c. To the extent possible, construction of the proposed maintenance building shall utilize pre-coated building materials and low-VOC-content architectural coatings.

Mitigation Measure 3.1.2a. The project applicant will be required to 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.

Mitigation Measure 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.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less than significant level by reducing operational emissions of criteria air pollutants and precursors to below the applicable BAAQMD threshold (Draft EIR pages 3.1-34 through -35).

Impact 3.1.7. Cumulatively Considerable Contribution to Localized Concentrations of Toxic Air Contaminants. The project, in combination with nearby emission sources, could result in predicted risks or hazards that would exceed applicable significance thresholds at nearby sensitive receptors.

Mitigation Measure 3.1.2a. The project applicant will be required to 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.

Finding: The above feasible mitigation measure will avoid or substantially lessen the significant environmental impact described to a less than cumulatively considerable level by reducing the incremental increases in cancer risk at the maximally impacted receptor (MIR) to less than 1 in one million, below the BAAQMD's threshold of significance of 10 in one million (Draft EIR pages 3.1-35 through -36).

Hazards and Hazardous Materials

Impact 3.3.2. Exposure of Persons to Hazardous Materials During Project Construction. 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.

Mitigation Measure 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.

Mitigation Measure 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 LA Property, DTSC site code number 520024), DOC-2010-0132574-00*, recorded by the Contra Costa County Clerk-Recorder's office on July 1, 2010.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less than significant level by requiring implementation of specific measures to ensure worker health and safety and by requiring compliance with existing land use restrictions for the site (Draft EIR pages 3.3-14 through -15).

Transportation and Circulation

Impact 3.7.1. Exceedance of LOS Thresholds at Study Intersections. Implementation of the proposed project would result in the degradation of operations at two study intersections.

Mitigation Measure 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.

Finding: The above feasible mitigation measure will avoid or substantially lessen the significant environmental impact described to a less than significant level by requiring the applicant to provide funding for improvements to the affected intersection which would improve the level of service to an acceptable level (Draft EIR pages 3.7-20 through -27).

Mitigation Measure 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.

Finding: Although the above mitigation measure would provide partial funding for improvements to increase capacity at the affected intersection, funding for the full improvement is not certain, and it is unlikely that the improvements will be in place before the project is completed. Therefore, even with implementation of the mitigation measure, the impact would remain significant and unavoidable. Specific benefits of the project outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Exhibit C, below (Draft EIR pages 3.7-20 through -29).

Impact 3.7.2. Cumulative Traffic Impacts. Operations at the Pittsburg-Antioch Highway/Loveridge Road intersection are projected to degrade with the addition of project traffic.

Mitigation Measure 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.

Finding: Although the above mitigation measure would provide improvement operations at the intersection to acceptable service levels, widening along Loveridge Road to accommodate an additional northbound lane is constrained due to proximity to the railroad crossing. Therefore, improvements to this portion of Loveridge Road would likely be infeasible, the project's contribution to the impact under maximum permitted conditions would be cumulatively considerable, and the impact would remain significant and unavoidable. No other mitigation measures were recommended to the City during the public comment period for the Draft EIR. The applicant has agreed to all mitigation measures included in the Draft EIR. Specific benefits of the project outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Exhibit C, below (Draft EIR pages 3.7-30 through -35).

Biological Resources

Impact 3.8.1. Substantial Adverse Effects to Special-Status Species. Implementation of project-related activities could result in substantial adverse effects, either directly or through habitat modifications, to special-status species.

Mitigation Measure 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.

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.

Mitigation Measure 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 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.

Mitigation Measure 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.

Mitigation Measure 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 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.

Mitigation Measure 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.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less than significant level by ensuring no birds are present or providing for measures to reduce the potential disturbance to nesting or fledgling birds to ensure impacts are reduced to a less than significant level (Draft EIR pages 3.8-29 through -32).

Impact 3.8.5. Conflict with Policies, Ordinances, or Plans. The proposed project conflict with policies, ordinances, or plans, including the East Contra Costa County HCP/NCCP.

Mitigation Measure 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.

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.

Mitigation Measure 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 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.

Mitigation Measure 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.

Mitigation Measure 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 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.

Mitigation Measure 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.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less than significant level by ensuring no birds are present or providing for measures to reduce the potential disturbance to nesting or fledgling birds. These measures would reduce the project's contribution to impacts to special-status species and sensitive habitats, thereby reducing the proposed project's contribution to the cumulative impact to less than cumulatively considerable (Draft EIR pages 3.8-34 through -35).

Findings Concerning Alternatives

CEQA Guidelines Section 15126.6(a) specifies that the EIR identify alternatives to the project that "would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant environmental effects of the project." "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. In addition, consistent with PRC Section 21002, a project should not be approved if feasible alternatives would substantially lessen the project's significant effects. Significant unavoidable impacts were identified for the project related to air quality and transportation/circulation. The alternatives suggested would have reduced impacts related to air quality and transportation/circulation based on the reduced operational expansion. The following findings determine that the benefits of the project, as proposed, outweigh the impacts and that none of the alternatives would meet the project's goals to increase facility capacities and expand hours of operation to better serve customers and to meet projected solid waste generation rates and to assist the City in reducing greenhouse gas emissions.

Alternative 1: No Project Alternative

The No Project Alternative is described on page 5.0-4 of the Draft EIR and is analyzed on pages 5.0-8 through -14. Under this alternative, the existing Mt. Diablo Recycling Center and Transfer Station would continue to operate under its current permitted capacities and 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 2,200 tons per day (TPD). 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.

Finding: This alternative is infeasible and rejected for the following reasons:

1. The Planning Commission finds that the No Project Alternative is rejected as an alternative because it would not meet any of the objectives identified for the project. Specifically, this alternative would not assist in the further reduction of greenhouse gas emissions and would not respond to any of the requirements of Assembly Bill (AB) 32, as it would not result in the generation of renewable energy, would not increase the solid waste diversion rates of the cities and counties it serves beyond that currently permitted, and would not add a business and multi-family residential recycling program.
2. This alternative would not respond to projected population growth and the associated increased solid waste generation in the facility's service area, expand hours of operation at the facility to better serve customers, or consolidate facilities under one permit.

Alternative 2: Biomass and Solar Alternative

The Biomass and Solar Alternative is described on page 5.0-4 and is analyzed on pages 5.0-8 through -14. This 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 that 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.

Finding: This alternative is infeasible and rejected for the following reasons:

1. The Planning Commission finds that the Biomass and Solar Alternative is rejected as an alternative because it would not meet several of the objectives identified for the project. This alternative would assist in the further reduction of greenhouse gas emissions through solar and biogas electricity generation; however, it would not achieve the same avoided emissions of greenhouse gases that would be realized under the proposed project related to the avoided landfill methane emissions and the emissions avoided by the use of recycled materials. While this alternative would respond to some of the requirements of AB 32 by installing and operating alternative energy systems on-site, it would not increase the solid waste diversion rates of the cities and counties it serves and would not add a business and multi-family residential recycling program. In addition, this alternative would not respond to projected population growth and increased solid waste generation in the facility's service area, would not expand hours of operation at the facility to better serve customers, and would not consolidate facilities under one permit.

Alternative 3: Limited Expansion Alternative

The Limited Expansion Alternative is described on page 5.0-4 and is analyzed on pages 5.0-8 through -14. This 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, but 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 this 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.

Finding: This alternative is infeasible and rejected for the following reasons:

1. The Planning Commission specifically finds that the Limited Expansion Alternative is rejected as an alternative because it would not meet some of the objectives identified for the project. Because this alternative limits the throughput at the facility to a level that is consistent with the current level of throughput relative to the facility's existing permitted capacity, this alternative may not be consistent with the objective related to significantly expanding the facility's capacities and hours of operation

to meet projected population growth and better serve customers and to meet projected solid waste generation rates until the year 2035.

2. It is likely that if the existing facility is not expanded, then another facility would have to be constructed or expanded, resulting in additional environmental impacts in order to accommodate future State-mandated waste diversion goals.

Statement of Overriding Conditions

The project will result in significant and unavoidable individual impacts in the area of air quality and significant and unavoidable individual and cumulative impacts in the area of transportation.

After review of the entire administrative record, including the Final EIR, the Planning Commission staff report, and oral and written testimony and evidence presented at public hearings on the project, the Planning Commission finds that specific economic, legal, social, technological, and other anticipated benefits of the project outweigh the unavoidable adverse impact, and therefore justify the approval of the Mt. Diablo Resource Recovery Park Project. The project would eliminate or substantially lessen all significant effects on the environment, where feasible, and the Planning Commission finds that the remaining significant unavoidable impacts of the project are acceptable because the benefits outweigh the impacts. The Planning Commission finds that each of the overriding considerations set forth below constitute a separate and independent ground for such a finding. The project will result in the following substantial benefits, which justify the project:

1. The project would assist the City of Pittsburg and Contra Costa County in reducing greenhouse gas emissions and complying with the measures of the adopted AB 32 Scoping Plan by 2020 by generating renewable energy, increasing solid waste diversion rates, and expanding programs to provide recycling to businesses and multi-family residences.
2. The project would assist the City of Pittsburg and Contra Costa County in maintaining compliance with AB 939 mandates requiring 50 percent diversion of solid waste from landfills and preparing to accommodate future AB 939 goals and mandates, such as assisting in the statewide recycling goal of a 75 percent recycling rate by 2020, consistent with AB 341.
3. The project would assist the City of Pittsburg and Contra Costa County in implementing the mandatory commercial recycling program required by AB 341.

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.

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MITIGATION MONITORING PLAN

MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and signature)
MM 3.1.1	<p>a. The proposed project shall implement BAAQMD-recommended best management practices for the control of fugitive dust including, but not limited to, the following:</p> <ol style="list-style-type: none"> 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 	Measures shall be added as conditions of approval for all development permits	City of Pittsburg Development Services Department	

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	<p>corrective actions implemented to address the complaint, shall be documented and responded to within 48 hours. The designated City compliance monitoring staff and/or department shall be notified of all complaints received.</p> <p>b. The following measures shall be implemented to reduce construction-generated mobile-source emissions:</p> <ol style="list-style-type: none"> 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. <p>c. To the extent possible, construction of the proposed maintenance building shall utilize pre-coated building materials and low-VOC-content architectural coatings.</p>			
MM 3.1.2a	<p>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.</p>	<p>Prior to operation of new facilities</p>	<p>City of Pittsburg Development Services Department and Department of Environmental Affairs</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

MM 3.1.2b	<p>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 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.</p>	<p>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</p>	<p>City of Pittsburgh Development Services Department and Department of Environmental Affairs</p>	
MM 3.1.2c	<p>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</p>	<p>Annually as described</p>	<p>City of Pittsburgh Development Services Department and Department of Environmental Affairs</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

	any emissions offsets or additional mitigation strategies that have been implemented shall be provided to the City within 30 calendar days.			
MM 3.1.2d	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>Secure emission reduction credits (ERCs) to offset NO_x emissions per BAAQMD Regulations 2-2-215, 302, and 303.</p>	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,	Prior to issuance of grading permits for the 18.5 acre expanded site.	City of Pittsburg Development Services Department	

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	soil watering, hazard awareness training for workers, and/or emergency medical response procedures.			
MM 3.3.2b	The project applicant shall comply with all relevant requirements of the <i>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.</i>	During Site Preparation and Construction	City of Pittsburg Development Services Department	
MM 3.7.1a	<p>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:</p> <ul style="list-style-type: none"> • 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:	Payment of fees shall be included as a condition of	City of Pittsburg Development Services Department	

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	<ul style="list-style-type: none"> • 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. 	approval of a Conditional Use Permit		
MM 3.7.2	<p>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:</p> <ul style="list-style-type: none"> • 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	<p>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</p>	Prior to and during construction activities	City of Pittsburg Planning Department	

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	<p>by owls. During the surveys, all burrows and burrowing owls will be identified and mapped.</p> <p>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.</p> <p>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.</p>			
MM 3.8.1b	<p>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.</p> <p>If occupied nests are documented, project-related activities</p>	Prior to and during construction activities	City of Pittsburg Planning Department	

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	<p>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 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.</p>			
MM 3.8.1c	<p>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.</p>	Prior to and during construction activities	City of Pittsburg Planning Department	
MM 3.8.1d	<p>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</p>	Prior to and during construction activities	City of Pittsburg Planning Department	

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	<p>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).</p> <p>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.</p>			
MM 3.8.1e	<p>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.</p> <p>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</p>	Prior to and during construction activities	City of Pittsburg Planning Department	

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	the East Contra Costa County HCP/NCCP Implementing Entity.			
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