APPENDIX C

EXAMPLES OF CEQA MITIGATION MONITORING PLANS:

CHEVRON AND CITY OF RICHMOND (January 24, 1994), &
TOSCO (NOW ULTRAMAR) AND CONTRA COSTA COUNTY
(November 29, 1994)

Community Development

Contra Costa County

CONTRA COSTA COUNTY PLANNING COMMISSION
TUESDAY, NOVEMBER 29, 1994 - 7:30 P.M.

I. INTRODUCTION

TOSCO REFINING COMPANY (Applicant & Owner), County File #2033-93: The applicant requests approval of a land use permit for the Tosco Clean Fuels Project. If approved, the project would involve changes to Tracts 1, 2, 3, & 6 of the Tosco

east of the City of Martinez and north of the City of Concord. The refinery property is bounded on the west by Pacheco Slough, on the north by Suisun Bay, on the south

by Arnold Industrial Way, and on the east by Mallard Reservoir. If approved, the

III. DISCUSSION

The project information and staff analysis was provided in the staff report prepared for the November 15, 1994 meeting. The applicant and the County Public Works Department staff have been discussing possible changes to Conditions #36.B through 36.E. The Public Works Department may propose changes to these conditions at the November 29, 1994 hearing. Conditions of Approval #39.C., which was inadvertently omitted, has been added.

The Zoning Administrator's Resolution recommending the certification of the EIR, the Proposed Mitigation Monitoring Program and the Draft Findings are attached.

CK/aa
LUPXXXXV/2033-94A.CK
11/21/94

CONDITIONS OF APPROVAL FOR LAND USE PERMIT #2033-93 (TOSCO REFINING COMPANY - CLEAN FUELS PROJECT)

GENERAL CONDITIONS

1. Development shall be based on the following documents except as modified by the conditions herein:

   A. "Land Use Permit Application" dated received by the County Community Development Department on July 1, 1993.

   B. Submittals completing and/or clarifying the land use permit application dated September 24, 1993; March 23, 1994 and April 13, 1994.

   C. Project development and operation as further described in the Final EIR.

2. Prior to the commencement of grading or construction, the applicant shall submit to the Zoning Administrator for review and approval a Site Development Plan. The Plan shall:

   A. Identify the phasing of the project construction on a quarterly basis. The purpose of this condition is to provide an updated construction schedule which identifies for each major project component, the expected start and completion dates for site preparation and for construction.

   B. Identify the schedule for submitting the Hazard and Operability Studies.

3. An updated copy of the approved Site Development Plan (refer to Condition 2 A/B) shall be submitted to the Zoning Administrator every six months during the duration of the construction period.

4. The applicant shall submit to the Zoning Administrator for review and approval, an annual report detailing the facility's compliance with the conditions of approval and the Mitigation Monitoring Program. The report shall include supporting information from other regulatory agencies as applicable. For each mitigation measure, the report shall identify the compliance with the measure, the procedures or standards used to judge the compliance as applicable, times and dates of the monitoring as applicable and whether further action is required.

NOTE: "MM" refers to the Mitigation Measure in the Final EIR.

5. The Zoning Administrator shall hold a public hearing at a frequency of once each year during the first three years and every three years thereafter to review the applicant's compliance with the land use permit conditions herein. The applicant shall submit a letter to the Zoning Administrator requesting that a hearing be held, and shall pay a fee to cover the hearing costs.

GEOLOGY: SLOPE STABILITY AND EROSION CONTROL

6. At least 20 days prior to the issuance of grading permits, the applicant shall submit to the Zoning Administrator for review and approval an Erosion and Sedimentation Control Plan. The plan shall identify interim measures to prevent erosion and sedimentation during project construction. The measures shall include, but not be limited to the following:(MM 5-3)

   A. Grading to minimize areas of exposed, erodible material, and to avoid over-concentration of rapidly-flowing runoff in unprotected, erodible areas;

   B. Temporary culverts and swales;

   C. Mulch and jute netting blankets on exposed slopes;

   D. Spray slopes with soil stabilizing compounds; and

   E. Sediment traps and/or silt fences.

   The Plan shall also identify measures to prevent long-term erosion during construction activities, including but not limited to the following:

   F. Construction of drainage ditches on cut and fill slopes, and integration of the ditches with the existing or planned storm sewer system;

   G. Erosion control measures such as erosion control fabric, soil stabilizing compounds application, or retaining walls should be used on open cut and fill slopes; and

   H. Periodic inspection and maintenance, as necessary, of cut and fill slopes and sedimentation control facilities during the winter rainy season.

7. Fill used during the construction of the Clean Fuels Project should be properly designed with keyways and subsurface drainage, and adequately compacted (i.e., minimum 90 percent relative compaction as defined by American Society for Testing and Materials (ASTM D1557) to significantly reduce fill settlement). (MM 5-5c)

GEOLOGY: SEISMIC SAFETY

8. At least 20 days prior to the issuance of grading permits or the commencement of construction on any segment of the project, the applicant shall submit to the Zoning Administrator for review and approval a seismic safety report prepared by a California Certified Engineering Geologist or a Geotechnical Engineer. The report shall detail compliance with the following requirements:

A. Grading and design of project elements shall conform to the California Uniform Building Code and the Contra Costa County Code requirements to reduce the secondary effects of ground shaking on structures and infrastructures. (MM 5-5a)

B. The design level investigation shall evaluate subsurface site conditions for each planned improvement. Any areas susceptible to liquefaction, lateral spreading, lurch cracking or differential settlement shall be subject to ground improvement techniques, or other equally effective measures. (MM 5-5b/5-6)

C. The report shall provide settlement estimates for foundations as well as for aboveground and underground utilities. Structures located astride the cut/fill boundary shall be designed to accommodate estimated settlement without failure. (MM 5-5d/5-6)

9. Prior to the issuance of building permits or the commencement of construction for any new structures (foundation and equipment supports), the applicant shall submit to the Zoning Administrator for review and approval satisfactory evidence that the design of the structure has been reviewed by and conforms with the recommendations of the geotechnical engineer/engineering geologist and the structural engineer and meets the following requirements:

A. Modern seismic design shall be used in construction for resistance to strong ground shaking, especially lateral forces. The minimum seismic-resistant design standards for all new project elements shall conform to the California Uniform Building Code Seismic Zone 4 Standards and the Contra Costa County Code requirements

B. Additional seismic-resistant earthwork and construction design criteria shall be incorporated in the project based on the site-specific recommendations of a California Certified Engineering Geologist or Geotechnical Engineer in consultation with the California registered structural engineering professionals. (MM 5-5a)

10. Final design of the proposed improvements shall be consistent with the approved seismic safety report. (MM 5-5e/5-6)

11. Prior to the issuance of grading permits or the commencement of construction for project elements located within the Alquist-Priolo Earthquake Fault Zone, a site-specific fault investigation report shall be completed by a California Certified Engineering Geologist and submitted to the County Zoning Administrator for review and approval. If evidence of a fault trace is found, the report shall recommend foundation design measures, appropriate setbacks, or the relocation of the improvement. (MM 5-4)

WATER QUALITY/CONSERVATION:

12. Prior to the operation of the Light Naphtha Hydrotreater or the Fluid Catalytic Cracking Unit Heart-Cut Naphtha Hydrotreater, or the modification of the Nos. 2 OR 3 Hydrodesulfurizer Units), Tosco shall submit evidence to the satisfaction of the Zoning Administrator that the following requirements have been met:

    A. Design a study to investigate techniques to optimize the clarifier in the wastewater treatment plant for selenium removal.

    B. Submit this study design to the Regional Water Quality Control Board for review and comment. The study design shall include at least the following:

        - Options to be evaluated.
        - Evaluation and monitoring techniques.
        - Reporting schedule.

    C. Submit the final report summarizing the results of the study to the Regional Water Quality Control Board, indicating:

        - Selenium removal efficiencies.
        - Impacts on other characteristics of the wastewater discharge.
        - Reliability of the removal techniques.
        - Recommended future changes in operation of the clarifier.
        - Schedule for subsequent changes in operation of the clarifier.

    D. Identify and implement those changes in the final report which has been approved by the Regional Water Quality Control Board (MM 6-9)

13. The applicant shall use 90 to 100 percent non-potable water for tank testing which substantially reduces construction water demand. Prior to individual tank testing, the applicant shall inform the County Zoning Administrator which of the following measure(s) will be used:

    A. Use of salt water;

    If the Contra Costa Water District develops a supply of reclaimed water that meets the industrial water quality requirements of the Avon Refinery, then Tosco shall take the following actions necessary to accommodate the use of reclaimed water at the facility. (MM 18-10):

1) Prepare an engineering report pursuant to Section 13552.8(a) (4) of the California Water Code, as amended by SB 365 (Statutes of 1993); and

2) Substitute reclaimed water for Contra Costa Canal water for cooling purposes at the Avon Refinery, if it becomes available, is economically feasible and meets the water quality requirements for use at this facility.

B. Use of effluent water and/or fire water;

C. Reuse of test water between tank tests; and

D. Recycling test water for cooling tower make-up water.

14. Tosco shall implement its Spill Prevention, Control, and Countermeasure Plan if a spill of crude oil or gasoline occurs. This plan includes spill containment procedures for the Avon/Amorco Terminals. (MM 7-10)

AIR QUALITY:

15. During project construction, the applicant shall implement the following requirements to reduce fugitive dust (MM 8-1b):

A. All trucks hauling dirt, sand, soil, or other loose materials must be covered and shall maintain at least six inches of freeboard (i.e., minimum required space between top of the load and top of the trailer);

B. Water active sites at least twice daily;

C. Water sites or suspend grading and/or excavating activities when wind speeds (as instantaneous gusts) exceed 25 miles per hour;

D. Water or apply approved chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas, to unpaved road surfaces, and to inactive construction areas;

E. Replace ground cover in disturbed areas as quickly as possible, if it existed previously;

F. Enclose, cover, water twice daily, or apply approved soil binders, according to manufacturers' specifications to exposed stock piles (e.g. gravel, sand, dirt);

G. Establish a wheel washing station at the construction site exit(s) to prevent entrained dust from leaving the site; and

H. Traffic speeds on all unpaved road surfaces shall be maintained at 15 mph or less.

The Zoning Administrator may waive the requirement to comply with one or more of the above measures upon the finding that the applicant has submitted satisfactory evidence that compliance is not feasible because of associated safety hazards.

16. Prior to the issuance of grading permits or the construction of project elements (e.g. tanks), the applicant shall submit to the Zoning Administrator for review and approval evidence that construction access roads have been paved at least 100 feet on the site from any public roads. (MM 8-1b(c))

17. Prior to the issuance of grading permits or the construction of project elements, the applicant shall submit to the Zoning Administrator for review and approval evidence that construction roads that may have a traffic volume of more than 50 daily trips for all vehicles have been paved. The Zoning Administrator may allow the paving of construction roads to occur at a later time within the construction period based on adequate evidence that construction road use will not exceed the thresholds specified in this condition prior to the completion of the required paving. (MM 8-1b(b)).

18. During construction, the applicant shall implement the following measures to reduce emissions of construction equipment combustion by-products (volatile organic compounds, nitrogen oxide, sulfur oxide, and carbon monoxide). (MM 8-1c)

    A. Prevent trucks from idling longer than two minutes to the extent feasible;

    B. Use electricity from power plants (e.g., power poles) rather than temporary diesel or gasoline power generators to the extent feasible;

    C. Use methanol or natural gas-powered on-site mobile equipment instead of diesel to the extent feasible. Use propane or butane-powered on-site mobile equipment instead of gasoline to the extent feasible;

    D. Use low sulfur fuel (0.05% sulfur content) in diesel powered construction equipment; and

    E. Use low emission on-site mobile equipment:

        - On-road diesel engines, to the extent feasible.
        - Turbochargers and aftercookers, to the extent feasible.
        - Maximum fuel injection timing retard adjustment for equipment without on-road diesel engines.
        - Electric versions of equipment, to the extent feasible.

19. Prior to project operation, the applicant shall provide evidence to the Zoning Administrator for review and approval that one of the following measures has been adopted to ensure that project emissions of carbon monoxide will be mitigated to levels below 100 tons per year and below 500 pounds per day:

A. Do not build the proposed Boiler Plant;

B. Build the proposed Boiler Plant with sufficiently low carbon monoxide emissions such that the project emissions will be less than 100 tons per year and 500 pounds per day;

C. Evaluate emissions of carbon monoxide from the existing refinery and identify and implement additional controls on existing combustion sources; or

D. Substantiate sufficient reductions in the project vicinity due to Tosco's market share of the use of reformulated fuels.

20. Prior to project operation, the applicant shall cease burning coke in the No. 6 boiler and shall only burn fuel oil in the No. 6 boiler as necessary to ensure a reliable supply of fuel during gas interruptions.

21. The applicant shall comply with BAAQMD Regulation 9, Rule 9 for the Alky Gas Turbine by January 1, 1996.

22. Prior to the issuance of building permits or the commencement of construction, the applicant shall provide evidence to the satisfaction of the Zoning Administrator that all contracts with companies involved in the construction of the project include the requirement that daily average vehicle ridership equal not less than 1.15 (BAAQMD) goal for Contra Costa County, 1994). The average daily ridership shall be calculated based upon the definition for construction in BAAQMD Regulation 13, Rule 2. If this average vehicle ridership cannot be achieved, construction companies may propose to Contra Costa County an alternative vehicle ridership plan for implementation. Any alternative vehicle ridership plan must reflect all feasible measures to increase average ridership. (MM 8-1a)

RISK OF UPSET:

23. Prior to the operation of any project element, the applicant shall provide evidence to the satisfaction of the Zoning Administrator that the Emergency Response Plan has been updated to adequately address the new project element.

24. At least 30 days prior to the start-up of the Naphtha HDS Unit, the Ammonia Storage Tank, Tank B, and the Pentane/Butane Sphere, a Hazard and Operability (Hazop) study and accident consequence analysis shall be completed and made available by the applicant for review by the County Health Services Department and for the review and approval of the County Zoning Administrator. The study shall follow the criteria established in American Petroleum Institute Recommended Practice 750 and significance criteria identified in the project EIR. The applicant shall implement specific changes identified by the Hazop study to reduce the severity or probability of significant accidents (MM 11-1/11-2/11-4/11-6)

25. Prior to start-up of the project elements identified in Condition # 24 herein, the applicant shall demonstrate to the satisfaction of the County Health Services Department that the measures detailed in the approved study(ies) have been implemented.

26. Prior to the operation of any project elements which require amendment of the Risk Management and Prevention Plan (RMPP), the applicant shall submit to the County Health Services Department for review and acceptance the revised RMPP.

27. After the project is in operation, but prior to the commencement of any construction to modify any portion of the Clean Fuels Project which has the potential to generate an off-site hazard from a release of acutely hazardous materials, the applicant shall provide written notice to the County Health Services Department and to the County Zoning Administrator and obtain a determination as to whether the change requires a new Hazard and Operability Study.

28. Prior to the start-up for each project element which involves the use of hazardous materials, the applicant shall update the Hazardous Materials Business Plan on file with the County Health Services Department.

29. The applicant shall comply with the applicable requirements of Cal-OSHA to protect employee health and safety.

30. The applicant shall, upon the request of the County, participate with the county and with other industrial businesses in establishing an emergency medical response van which may be used during hazardous materials incidents. The participation may include providing financial assistance to establish the medical response van.

CONSTRUCTION/OPERATION NOISE AND LIGHTING:

31. Noise generating construction activities (e.g., demolition, grading) shall be limited to the hours of 7:00 A.M. to 6:00 P.M., Monday through Saturday, and shall be prohibited on State and Federal holidays which coincide with local building trades holidays. Project construction that occurs during "turnarounds" is not subject to this time and day restriction. Concrete pours begun during the allowed construction period may continue until completion. The unloading of equipment is allowed outside of the specified construction period. However, the Zoning Administrator may, after receipt of complaints from neighboring property owners, restrict unloading activities to 7:00 A.M. to 6:00 P.M., Monday through Saturday. Noise generating construction activities may be allowed on Sundays following written approval by the Zoning Administrator. If the Zoning Administrator allows noise construction activities to occur on a Sunday and holidays, the applicant shall notice property owners within 2000 feet of the construction site.

32. At least one week prior to commencement of grading, the applicant shall mail to the owners of property within 500 feet of the exterior boundary of the refinery notice that construction work will commence. Notice shall also be given to the Pacheco MAC, the Clyde Civic Improvement Association, the East Vine Hill Improvement Association, and

the facility Community Advisory Panel. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall also be included. The list shall be kept current at all times and shall consist of persons with authority to implement corrective action in their area of responsibility. The names of the individual responsible for noise and litter control shall be expressly identified in the notice. The notice shall be reissued with each phase of major grading or major construction activity.

33. The project sponsor shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition.

34. The applicant shall adopt a noise performance standard to ensure that noise levels generated by Tosco Clean Fuels Project equipment, individually or in combination with existing equipment, will not exceed 80 DBA (Leq), when measured five feet above the ground and 100 feet from the equipment. However, where existing equipment noise levels already approach, equal, or exceed 80 DBA at the monitoring points, the total noise level including noise generated by the Tosco Clean Fuels project equipment shall not increase by more than 3 DBA. (MM 10-3a)

35. After Clean Fuels Project equipment is brought on-line, Tosco shall include this equipment in the noise monitoring program. A set of noise maps shall be generated as part of the noise monitoring program. The noise maps concentrate on noise levels within operating units. These data will need to be supplemented with measurements outside of the operating units. The intent is to conduct the measurements 100 feet from the major vertical planes of the operating units or from a major ancillary noise source. If the new equipment adjoins, or is a modification to existing equipment, the measurement shall be made outside of the boundaries created by the new and existing equipment together. Within ninety (90) days of start-up of individual project units, Tosco shall submit to the Zoning Administrator for review and approval, a report which includes the standard noise maps and supplementary data, identifying the Clean Fuels Project equipment and demonstrating that the equipment noise does not exceed the limits specified in Condition #34. This analysis shall be performed by an individual who is a registered engineer or a member of the Institute of Noise Control Engineering and who has at least five years experience in noise control engineering. If noise from any Clean Fuels Project equipment exceeds the allowable levels, Tosco shall describe the remedial noise control treatments which will be implemented in order to meet the limit or provide evidence that the exceedance does not result in a change in the total plant noise at the fence line. (MM 10-3b)

ROAD AND DRAINAGE CONSIDERATIONS

36. A. General Requirements:

1) Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all public improvements required by the Ordinance Code for the conditions

of approval of this development. These plans shall include any necessary traffic signage and striping plans for review by the Transportation Engineering Division.

This development shall conform to the requirements of Division 914 (Drainage) of the County Ordinance Code. The following requirements must conform with Divison 914.

2) This development shall comply with the requirements of Title 9 and Title 10 of the County Ordinance Code. Any exceptions therefrom must be specifically listed in this conditional approval statement.

B. Roadway Improvements (Frontage):

1) The applicant shall construct curb and necessary pavement widening along the Arnold Industrial Way frontage and through the curb return at the Solano Way intersection. The face of curb shall be constructed 30 feet from the road centerline.

2) The applicant shall widen the existing pavement on Solano Way along the project frontage as necessary to attain a 32-foot pavement width, with additional width as necessary to provide left-turn lanes where needed, and on Waterfront Road along the project frontage as necessary to attain a 32-foot pavement width from the existing bridge to the Solano Way/Waterfront Road intersection.

If Solano Way is closed to public access in the future, the road improvements will not be required. Accordingly, the applicant may execute a Deferred Improvement Agreement (DIA) requiring the owner of the property to construct the subject pavement widening. If the Board of Supervisors determines that Solano Way will remain open, the DIA will be called up at that time. If Solano Way is closed, the applicant will be released from the DIA.

The pavement width may be reduced along those sections of Waterfront Road and Solano Way where widening to a 32-foot half-width is infeasible (i.e., where conflicts with existing facilities cannot be resolved). A sketch plan shall be submitted to the Public Works Department, Engineering Services Division, for review showing all public road improvements prior to starting work on the improvement plans. The sketch alignment plan shall be to scale and show proposed edge of pavement lines, lane striping details, lighting, cross-sections, and any conflicts which may render the proposed pavement widening infeasible. The sketch plan shall extend a minimum of 150-feet beyond the limits of the proposed work. The sketch alignment plan shall also include sufficient information to show that adequate sight distance has been provided.

C. Roadway Improvements (EIR Mitigation Measures):

1) Monitoring, Traffic Demand Management and Traffic Controls

a. When the construction work force has reached 100 workers, a monitoring program of the Arnold Industrial Way/State Route 4 Westbound Ramps intersection shall commence. Monitoring shall be performed by a transportation consulting firm under the direction of the County Department of Public Works. Monitoring shall be monthly until the peak work force has been attained, after which the monitoring program may reduce to a quarterly status. Monitoring reports shall be provided to the Department of Public Works. The purpose of the monitoring will be to ensure the intersection is operating safely and that excessive queues which could interfere with State Route 4 or construction parking lot operations do not occur. The monitoring should include morning and afternoon peak period traffic counts and observation.

b. Tosco shall implement Travel Demand Management (TDM) measures to discourage peak hour drive-alone travel. TDM measures shall include, but shall not be limited to, shuttle bus service for construction workers, subsidies for transit passes, provision of preferred parking for carpools and vanpools, and provision of on-site bicycle lock-up areas to encourage bicycling to the job site. If TDM measures do not mitigate the impact as identified in the monitoring reports, Tosco shall implement EIR Mitigation Measure 12-2c.

c. Should the monitoring reports indicate that excessive queues (15 or more vehicles on the off-ramp) or unsafe conditions are present, Tosco shall institute qualified manual traffic control of the intersection during the construction hours (6:00-7:00 a.m. and 5:00-6:00 p.m.).

(EIR Mitigation Measure 12-2)

2) Contribute this project's fair share toward pavement rehabilitation on the following roads:

Solano Way, north of Arnold Industrial Place,

Waterfront Road, between Solano Way and the Interstate 680 ramps,

Arnold Industrial Way, between Laura Alice Way and Solano Way, and

Arnold Industrial Place, between Peralta Road and Solano Way.

The fair share amount shall be based on the number of construction truck trips generated by the project versus the total number of truck trips along the subject road segments (estimated between 5% and 9% of the total cost of the pavement rehabilitation project).

(EIR Mitigation Measure 12-3(a))

3) Perform necessary structural pavement repair to damage caused by construction vehicles, subject to the review and approval of the Public Works Department. The County shall perform visual inspections of the structural condition of pavement along the Tosco frontage to determine if base failure and pothole repairs are necessary. If necessary, Tosco shall be responsible for the cost of any structural pavement repair along its frontage, based on the visual inspections, to restore the pavement to its pre-construction conditions.

(EIR Mitigation Measure 12-3(b))

4) Prepare a preliminary plan for the layout of the proposed parking lot for the review and approval of the Public Works Department. The plan shall show the internal circulation, location of entry/exit points, and the on-site location of the shuttle stop. The plan shall have sufficient information to show that adequate sight distance will be provided, and that truck turning movements can be accommodated.

(EIR Mitigation Measure 12-4)

D. Road Dedications:

1) With the exception of those portions which are in conflict with existing facilities, the applicant shall convey to the County, by Offer of Dedication, the right of way necessary for the planned future width of 68 feet along the frontage of Solano Way.

2) With the exception of those portions which are in conflict with existing facilities, the applicant shall convey to the County, by Offer of Dedication, the right of way necessary for the planned future width of 100 feet along the frontage of Waterfront Road.

E. Street Lights:

Application for annexation to CSA L-100 Lighting District shall be submitted prior to issuance of building permits.

F. Drainage Improvements:

1) Division 914 of the Ordinance Code requires that all storm waters entering or originating within the subject property shall be conveyed, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage facility which conveys the storm waters to a natural watercourse.

2) The applicant shall install within a dedicated drainage easement any portion of the drainage system which conveys run-off from public streets.

OTHER REQUIREMENTS:

37. The applicant (including any agent thereof) shall defend, indemnify, and hold harmless the Contra Cosa County Planning Agency and its agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees to attack, set aside, void, or annul, the Agency's approval concerning this land use permit application. The County will promptly notify the applicant of any such claim, action, or proceeding and cooperate fully in the defense.

38. Tosco may not use the proposed Cardox Pond laydown area located in the northeast corner of Tract 6 for any construction equipment, supplies, or crew. The Zoning Administrator may approve alternate and additional locations for laydown areas within the delineated area of developed habitats or non-native grassland shown on Figure 7-1 of the project EIR. (MM 7-3)

39. Comply with the following archaeological resource requirements:

A. The applicant shall ensure that a qualified archaeologist is present on the site during any grading or excavation associated with the construction of Tank D, the Butane Isomerization Unit, the No. 3 HDS expansion, the No. 2 Hydrogen Plant expansion, and the No. 3 Reformer. The archaeologist shall monitor the activity to ensure that any archaeological resources which might be present are identified and appropriately managed as described in Condition #39.B./C./D.

B. If any significant cultural materials such as artifacts, human burials, or the like are encountered during construction operations, such operations shall cease within 100 feet of the find, the Community Development Department shall be notified within 24-hours and a qualified archaeologist contacted and retained for further recommendations. A qualified archaeologist is one who is certified by the Society of Professional Archaeology (SOPA). Significant cultural materials include, but are not limited to, aboriginal human remains, chipped stone, groundstone, shell and bone artifacts, concentrations of fire cracked rock, ash, charcoal, shell, bone, and historic features such as privies or building foundations.

C. In the event of discovery or recognition of any human remains on the site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the corner of Contra Costa County has been contacted, per Section 7050.5 of the California Health and Safety Code.

D. Appropriate mitigation of the cultural resources may include monitoring of further construction and/or systematic excavation of the resources. Any artifacts or samples collected as part of the initial discovery, monitoring or mitigation phases shall be properly conserved, catalogued, analyzed, evaluated and curated along with associated documentation in a professional manner consistent with current archaeological standards.

40. Within six months of the effective date of the land use permit, the applicant shall submit to the Zoning Administrator for review and approval a Landscaping Plan prepared by a Certified Landscape Architect to add trees in the Clyde community to reduce the visibility of the refinery. The Landscaping Plan shall provide for:

A. The use of evergreen trees;

B. The planting of at least 350 trees;

C. A schedule for Plan implementation;

D. Ongoing maintenance designed to achieve a 90 to 95 percent success rate; and

E. The prompt replacement of vegetation that dies.

Prior to submittal to the County, the applicant shall submit the Plan to the Clyde Civic Improvement Association for their review and comment.

41. The applicant shall be allowed to located construction trailers on the refinery site during each of the Clean Fuels Project construction phases, and for an additional two months for each phase to allow for construction preparation and takedown.

42. The applicant shall provide the Clyde Civic Improvement Association, the Vine Hill Improvement Association, Pacheco Municipal Advisory Council and the facility Community Advisory Panel with quarterly newsletters informing the community of the project status and other relevant information.

43. The applicant shall advise neighboring community organizations (e.g. the Clyde Civic Improvement Association) of any employment opportunities that may develop during the project development.

44. The applicant shall work with the Contra Costa building trades to develop a hiring outreach program for existing apprentices from the Clyde, Pacheco, Martinez and Concord area.

45. The applicant shall, to the extent feasible, divert demolition debris and construction waste from the waste stream. Prior to the commencement of demolition or construction, the applicant shall meet with the Community Development Department Resource Recovery staff to identify opportunities for the diversion of materials.

46. Within 120 days of the effective date of this permit, the applicant shall submit an application for a general plan amendment or a rezoning to resolve the general plan and zoning inconsistency for the eastern portion of Tracts 1 and 7, and for the Cardox Pond area which is located on the border of Tracts 6 and 7.

47. Tosco shall coordinate scheduling with Southern Pacific to ensure that the additional rail car crossings at Waterfront Road and Solano Avenue. (MM 12-7)

    A. Take place outside the peak hours of vehicular traffic on these roadways (7:15-8:15 a.m. and 4:30-5:30 p.m.); or

    B. Are added to trains already using these crossings outside the peak hours.

ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL, ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

A. The applicant will be required to comply with the requirements of the Building Inspection Department. Building permits may be required prior to the construction of structures.

B. This project may be subject to the requirements of the Department of Fish & Game. The applicant should notify the Department of Fish & Game, P.O. Box 47, Yountville, California 94599, of any proposed construction within the development that may affect and fish and wildlife resources, per the Fish and Game Code.

C. This project may be subject to the requirements of the United States Army Corps of Engineers. The applicant should notify the appropriate district of the Corps of Engineers to determine if a permit is required.

D. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Central County Area of Benefit as adopted by the Board of Supervisors.

E. The applicant will be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) permit for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board or any of its Regional Water Quality Control Boards (San Francisco Bay-Regional II or Central Valley-Region V).

F. The Building Inspection Department will require building permits and compliance with Title 24 requirements for construction trailers which are larger than single wide, or which are occupied by clerical, project management or engineering personnel.

G. The applicant may be required to comply with the requirements of the Federal Aviation Administration prior to the commencement of construction of any of the structures.

H. The project lies within the 100-year flood boundary as designated on the Federal Emergency Flood Rate Maps. The applicant shall be aware of the requirements of the

(Ordinance No. 90-18) as they pertain to future construction of any structures on this property.