



**Mt. Diablo Resource Recovery
Maintenance Facility Project**

Final Initial Study Mitigated Negative
Declaration and Response to
Comments

March 18, 2021

Prepared for:

City of Antioch
Community Development Department
Planning Division
200 H Street
Antioch, CA 94509

Technical Assistance:

Stantec Consulting Services Inc.
1340 Treat Boulevard, Suite 300
Walnut Creek, CA 94597



Table of Contents

1.0	INTRODUCTION.....	1.1
1.1	PURPOSE.....	1.1
1.2	DESCRIPTION OF THE PROJECT.....	1.1
1.3	PROJECT LOCATION.....	1.1
1.4	REQUIRED PERMITS AND APPROVALS.....	1.1
1.5	PUBLIC REVIEW PROCESS.....	1.2
1.6	ORGANIZATION OF THE FINAL IS/MND.....	1.2
2.0	RESPONSE TO COMMENTS.....	2.1
2.1	COMMENTS RECEIVED ON THE DRAFT IS/MND.....	2.1
2.2	COMMENTS AND RESPONSES ON THE DRAFT IS/MND.....	2.1
2.2.1	Letter 1: Response to Comment from Angela Nguyen-Tan, Central Valley Regional Water Quality Control Board.....	2.8
2.2.2	Letter 2: Response to Comment from Gregg Erickson, California Department of Fish and Wildlife.....	2.13
3.0	MINOR REVISIONS TO THE DRAFT IS/MND.....	3.1
	SECTION 3.4: BIOLOGICAL RESOURCES.....	3.1
	Page 3.37, Impact BIO-1, Special-Status Migratory Birds.....	3.1
	Page 3.38, Impact BIO-1, Special-Status Migratory Birds.....	3.2

LIST OF TABLES

Table 2.1-1: List of Commenters.....	2.1
--------------------------------------	-----

LIST OF APPENDICES

Appendix A: Mitigation Monitoring and Reporting Program.....	A.1
--	-----



This page left intentionally blank.



1.0 INTRODUCTION

1.1 PURPOSE

This Final Initial Study (IS) and Mitigated Negative Declaration (MND; together, IS/MND) has been prepared for the Mt. Diablo Resource Recovery Truck Maintenance Facility Project (“proposed project”) in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The City of Antioch (“City”) is acting as the Lead Agency as defined by CEQA for the environmental review of the proposed project.

1.2 DESCRIPTION OF THE PROJECT

Mt. Diablo Resource and Recovery (applicant) is proposing development of the proposed project at 2600 Wilbur Avenue in Antioch, California. The proposed project would be developed in three phases on a 10.28-acre site that is currently developed with a 9,730 square foot metal warehouse building and approximately 10,000 square feet of paved surface parking. Phase 1 would initially use the existing 9,730-square-foot warehouse building as an interim truck repair and maintenance facility and would construct approximately 3.5 acres of truck and employee parking and a truck fueling station. In Phase 2, the proposed project would construct a new metal warehouse building of approximately 18,533 square feet, a vehicle and equipment wash station, and a storage yard. The new 18,533 square foot metal building would dedicate approximately 15,533 square feet to truck service repairs and approximately 3,000 square feet to shop and dispatch offices, restrooms, a break room, locker rooms, and a storage room. Phase 3 would include drainage improvements and grading approximately 1.73 acres in the western portion of the site. This portion of the project site would continue to be used as a storage yard; however, future development is planned and may include construction of a 18,500-square-foot warehouse building that provides truck parking and is similar in design, appearance, and height as the Phase 2 building.

1.3 PROJECT LOCATION

The project site is located approximately 1 mile west of State Route 160 at 2600 Wilbur Avenue in the City of Antioch, California.

1.4 REQUIRED PERMITS AND APPROVALS

This IS/MND would be used by the City as the Lead Agency to evaluate the potential environmental impacts of the proposed project.

For the proposed project to be implemented, a series of actions and approvals would be required from multiple agencies. Anticipated project approvals/actions would include, but are not limited to, the following:

- Use Permit: City of Antioch
- Design Review: City of Antioch



- Adoption of the Mitigated Negative Declaration: City of Antioch

Other ministerial approvals such as building permits, grading permits, and encroachment permits are also anticipated. Additionally, all work related to improvements and project grading would be subject to the City of Antioch Municipal Code, including the Zoning Code, Building Code, and Fire Code.

1.5 PUBLIC REVIEW PROCESS

On January 28, 2021, the City circulated a Notice of Availability of the Draft IS/MND for a 30-day review and comment period by the public and responsible and reviewing agencies. The review period ended on February 26, 2021.

The Final IS/MND and Draft IS/MND are available for review at the City of Antioch, Community Development Department, located at 200 H Street Antioch, CA 94509, Monday through Friday during normal business hours by appointment only, and online at:

<https://www.antiochca.gov/community-development-department/planning-division/environmental-documents/>

1.6 ORGANIZATION OF THE FINAL IS/MND

As required by the State CEQA Guidelines, the Final IS/MND consists of the following elements:

Section 1.0: Introduction. This section introduces the proposed project and describes the purpose and organization of this document.

Section 2.0: Response to Comments. This section contains responses to the comment letters that were received during the 30-day public-comment period.

Section 3.0: Minor Revisions to the Draft IS/MND. This section includes minor modifications and clarifications made to the Draft IS/MND in response to the comments received during the 30-day public-comment period.



2.0 RESPONSE TO COMMENTS

This section contains the comment letters that were received during the 30-day public-comment period addressing the Draft IS/MND. The public comment period started on January 28, 2021 and concluded on February 26, 2021. In accordance with Section 15074(b) of the CEQA Guidelines, when considering whether to approve a project, the Lead Agency must consider the comments received during its consultation and review periods together with the Draft IS/MND. Therefore, these comments and responses are provided along with the Draft IS/MND for consideration by the City Planning Commission and City Council.

2.1 COMMENTS RECEIVED ON THE DRAFT IS/MND

The City received two comment letters during the public-comment period for the Draft IS/MND. Table 2.1-1 indicates the numerical designation for each comment letter, the author and their associated agency, and the date of the comment letter.

Table 2.1-1: List of Commenters

Letter Number	Author and Agency of Comment Letter	Date
1	Angela Nguyen-Tan, Central Valley Regional Water Quality Control Board (RWQCB)	February 23, 2021
2	Gregg Erickson, California Department of Fish and Wildlife (CDFW)	February 25, 2021

2.2 COMMENTS AND RESPONSES ON THE DRAFT IS/MND

The written individual comments received on the Draft IS/MND and the responses to those comments are provided below. All comments are indicated by a line bracket and an identifying number in the margin of the comment letter.



Letter 1



Central Valley Regional Water Quality Control Board

23 February 2021

Jose Cortez
City of Antioch
200 H Street
Antioch, CA 94509
jcortez@antiochca.gov

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, MOUNT DIABLO RESOURCE RECOVERY MAINTENANCE FACILITY PROJECT, SCH#2021010330, CONTRA COSTA COUNTY

Pursuant to the State Clearinghouse's 27 January 2021 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Mount Diablo Resource Recovery Maintenance Facility Project, located in Contra Costa County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER



Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Total Maximum Daily Load – Planning and Assessment

To minimize sediment movement that could trigger algal blooms, the Central Valley Water Board recommends the project activities occur outside of the timeframe of June through September.

Portions of the Delta Waterways (eastern portion) are within the project area are currently on the Clean Water Act Section 303(d) List of Impaired Waters due to [List Pollutants: chlorpyrifos, DDT (dichlorodiphenyltrichloroethane), diazinon, Group A pesticides, invasive species, mercury, and unknown toxicity. Central Valley Water Board staff recommends referencing the most current 303(d) list and requirements contained in existing TMDLs for the Delta waterways (eastern portion) within the Mitigated Negative Declaration discussing any potential short- and long-term effects of these pollutants from project activities or program level impacts, and discussing mitigation measures and/or best management practices to reduce potential effects.

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit



Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.



http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality/certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:



https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>



If you have questions regarding these comments, please contact me at (916) 464-0335 or Angela.Nguyen-Tan@waterboards.ca.gov.



Angela Nguyen-Tan
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento



2.2.1 Letter 1: Response to Comment from Angela Nguyen-Tan, Central Valley Regional Water Quality Control Board

Response 1-1

The comment letter provides general information regarding the Central Valley Regional Water Quality Control Board's regulations, required permits, and compliance with required permits. No specific environmental concerns relating to the Draft IS/MND analysis were provided. As discussed in Section 3.10, Hydrology and Water Quality, of the Draft IS/MND the proposed project would comply with all applicable regulations, required permits, and requirements associated with protecting the quality of groundwater and surface water. Mitigation Measures HYD-1 and HYD-2 were incorporated into the project to address water quality concerns.

MM HYD-1 Prepare and Implement a SWPPP. Coverage shall be obtained for the project under the Construction General Permit (Order No. 2009-009-DWQ, as amended by 2010-0014-DWQ and 20152-006-DWQ). Per the requirements of the State Water Resources Control Board, a SWPPP shall be prepared for the project to reduce the potential for water pollution and sedimentation from proposed project activities. The SWPPP shall address site runoff, assuring that project runoff shall not affect or alter the drainage patterns on the project site. The SWPPP shall comply with the Waste Discharge Requirements of the Central Valley RWQCB Permit.

MM HYD-2 Obtain Industrial General Permit. Prior to operation, the applicant shall obtain coverage under the Industrial General Permit (Order No. 2014-0057-DWQ). Per the requirements of the State Water Resources Control Board, the applicant and facility operators would be required to prepare an operational SWPPP, eliminate unauthorized non-stormwater discharges, and perform monitoring of stormwater discharges and authorized non-stormwater discharges. The post-operational SWPPP shall also include a spill prevention and countermeasure plan that identifies the proper storage, collection, and disposal measures for potential pollutants used onsite, including the use and disposal of petroleum products associated with the onsite truck fueling station. The operational SWPPP shall comply with the City's sewer discharge requirements, as specified in Chapter 6-4, of the Antioch Municipal Code, and the Waste Discharge Requirements of the Central Valley RWQCB Permit.

No further response is required.



Letter 2



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 25, 2021

Mr. Jose Cortez, Associate Planner
City of Antioch
Community Development Department—Planning Division
200 H Street
Antioch, CA 94509
jcortez@antiochca.gov

Subject: Mount Diablo Resource Recovery Maintenance Facility Project,
Mitigated Negative Declaration, SCH No. 2021010330, City of Antioch,
Contra Costa County

Dear Mr. Cortez:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from the City of Antioch (City) for the Mount Diablo Resource Recovery Maintenance Facility Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under CEQA §15386 for commenting on projects that could impact fish, plant or wildlife resources. CDFW is also considered a Responsible Agency if a project requires discretionary approval, such permits issued under the California Endangered Species Act (CESA), the Native Plant Protection Act, Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in “take” of plants or animals listed under CESA, either

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.



during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code section 2080.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW will consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement (or ITP) until it has complied with CEQA as a Responsible Agency.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Antioch

Location: The Project is located approximately one mile west of State Route 160 (SR-160) at 2600 Wilbur Avenue in the City of Antioch, California.

Objective: The Project consists of the development of the Mt. Diablo Resource Recovery Truck Maintenance Facility. The Project will be developed in three phases on a 10.28-acre site that is currently developed with a 9,730-square-foot metal warehouse building and approximately 10,000 square feet of paved surface parking. Phase 1 will initially use the existing warehouse building as an interim truck repair and maintenance facility and would construct approximately 3.5 acres of truck and employee parking and a truck fueling station. In Phase 2, the Project will construct a new metal warehouse building of approximately 18,533 square feet, a vehicle and equipment wash station, and a storage yard. Phase 3 will include drainage improvements and grading approximately 1.73 acres in the western portion of the site. This portion will continue to



be used as a storage yard; however, future development is planned and may include construction of a 18,500 square foot warehouse building similar in design, appearance and height as the Phase 2 building.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

Swainson's hawk

The MND determined that there is the potential for Swainson's hawk to be present within and adjacent to the Project area. CDFW recommends that prior to the initiation of construction activities, the Project proponent should conduct surveys for Swainson's hawk in accordance with the Swainson's Hawk Technical Advisory Committee's (TAC) *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (2000), available on CDFW's webpage at <https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>. Survey methods should be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys should be conducted: 1) within a minimum 0.25-mile radius of the Project area or a larger area, if necessary, to identify potentially impacted active nests, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys should occur annually for the duration of the Project. The qualified biologist should have a minimum of two years of experience implementing the TAC survey methodology. If an active nest is identified, a 0.5-mile buffer should be maintained around the nest until the young fledge. If take of Swainson's hawk cannot be avoided, the Project proponent should be required to obtain a CESA ITP as a condition of Project approval.

If Swainson's hawk activity (foraging, not just nests) is identified on or near the Project site, the Project proponent should mitigate for the permanent loss of foraging habitat at a minimum of a 1:1 mitigation ratio (mitigation: loss). Mitigation lands should be protected in perpetuity under a conservation easement and be managed in perpetuity through an endowment with an appointed land manager. The easement should be held by a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. As the state's trustee for fish and wildlife resources, CDFW should be named as a third-party beneficiary under the conservation easement.



Nesting Bird Surveys

Mitigation measure *MM BIO-1* indicates nesting bird surveys will be conducted no more than 15 days prior to the initiation of construction activities. For many birds, 15 days is more than enough time to establish a nest and begin rearing young. Therefore, CDFW recommends that nesting bird surveys are conducted no more than **5 days** prior to the initiation of construction. If construction activities lapse for a period of 7 days or more during the nesting bird season, another nesting bird survey should be conducted no more than 5 days prior to the re-initiation of construction activities.

ENVIRONMENTAL DATA

CEQA requires that information developed in draft environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form, online field survey form, and contact information for CNDDDB staff can be found at the following link: <https://wildlife.ca.gov/data/CNDDDB/submitting-data>. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Jennifer Rippert, Environmental Scientist, at (707) 428-2069 or via email to Jennifer.Rippert@wildlife.ca.gov; or to Ms. Melissa Farinha, Acting Environmental Program Manager, at (707) 944-5579 or via email to Melissa.Farinha@wildlife.ca.gov.

Sincerely,

DocuSigned by:



BE74D4C83C604EA...

Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse



2.2.2 Letter 2: Response to Comment from Gregg Erickson, California Department of Fish and Wildlife

Response 2-1

The commenter provided introductory remarks to open the letter and acknowledged receipt of the Notice of Intent to Adopt a Mitigated Negative Declaration (MND). No response is required.

Response 2-2

The commenter provided an overview of the California Department of Fish and Wildlife (CDFW) role as a Trustee agency under CEQA and an overview of the regulatory requirements regarding the California Endangered Species Act (CESA), Lake and Streambed Alteration. The commenter also summarized the Project Description and stated that they had some comments and recommendations to offer. No response is required.

Response 2-3

The commenter stated that the IS/MND determined that there is the potential for Swainson's hawk to be present within and adjacent to the Project area and recommended that the Project proponent conduct surveys for Swainson's hawk in accordance with the Swainson's Hawk Technical Advisory Committee's (TAC) *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California Central Valley* (2000). The commenter also recommended that if Swainson's hawk activity (foraging, not just nests) is identified on or near the Project site, that the Project proponent should mitigate for the permanent loss of foraging habitat at a minimum of 1:1 mitigation ratio (mitigation: loss).

The IS/MND determined that there is low potential for Swainson's hawk to be present on the site, however the coast live oaks located at the west end of the project site and the trees adjacent to the project site could be used for nesting. It is unlikely that this hawk species would nest in these trees because of the extent of continual disturbance associated with this industrial site up to and including under the oaks that persist on this site and the absence of hunting habitat adjacent to the project site. Almost all surrounding uses around the project site are industrial with the exception of vineyards south of the railroad corridor. Vines are held up via guide wires which are typically lethal to raptors that are known to break wings on vineyard support cabling. Thus, typically, most raptors will not hunt in vineyards even when other agricultural croplands can be used by raptors.

The Biological Resources Assessment (BRA) prepared for the project (included in the Draft IS/MND as Appendix A) determined that because the project site has been used for decades as an industrial site, has developed or hardpacked graveled parking storage area, thus it provides no foraging or nesting opportunities for Swainson's hawks, there would be no loss of foraging habitat.

The BRA noted that there has been a widespread Swainson's hawk nesting recovery that is documented in CDFW's California Natural Diversity Database (CNDDB), however, this recovery has yet to be incorporated into a current review of the Swainson's hawk status in California, nor



has CDFW's mitigation policy been revised since this hawk was originally listed under the CESA in 1984 (36 years ago). Accordingly, the 1994 Staff report regarding Mitigation for Impacts to Swainson's hawks (*Buteo swainsonii*) in the Central Valley of California, is not geographically appropriate for this proposed project in Contra Costa County (which is not in the Central Valley of California), and does not take into consideration current nest territory expansions of the Swainson's hawk population into east Contra Costa County and elsewhere in the state. The BRA concluded that CDFW's Central Valley Swainson's hawk mitigation guideline was not relevant to the proposed project.

Response 2-4

The commenter states that conducting nesting bird surveys 15 days prior to initiation of construction activities does not provide sufficient protection to nesting birds because some species can establish a nest and begin rearing young within that 15-day window. The commenter recommends conducting the surveys no more than five days prior to the initiation of construction. The commenter also recommends resurveying the site no more than five days prior to the re-initiation of construction if construction activities lapse for a period of seven days or more during the nesting bird season.

Mitigation Measure BIO-1 will be revised so that a qualified biologist conducts a preconstruction nesting survey of the work site within five days of construction activities commencing (if they occur during nesting season) to determine if nesting birds are present. Any active bird nests found will be buffered appropriately and the construction team informed. If there is a pause in construction activities of seven days or more during the nesting season, an additional nesting bird survey will be conducted to ensure that there are no new nests that need buffering.

The revision to Mitigation Measure BIO-1 does not change the significance of the environmental issue conclusions within the Draft IS/MND and does not represent significant new information such that recirculation of the Draft IS/MND is required.

Response 2-5

The commenter provided information on CEQA requirements to incorporate information developed in the preparation of draft CEQA documents into CNDDb. The CNDDb links will be provided to the biological resource consultant Monk & Associates to submit the appropriate data. No further response is required.

Response 2-6

The commenter provided closing remarks and provided contact information for questions and further coordination. The contact information has been noted and no further response is required.



3.0 MINOR REVISIONS TO THE DRAFT IS/MND

The following are minor revisions to the Draft IS/MND. These revisions are minor modifications and clarifications to this document and do not change the significance of any of the environmental issue conclusions within the Draft IS/MND. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

SECTION 3.4: BIOLOGICAL RESOURCES

Page 3.37, Impact BIO-1, Special-Status Migratory Birds

Special-Status Wildlife Species

Special-Status and Migratory Birds

The project site is within an industrial part of the City and is developed with a metal warehouse building and paved surface parking. It was determined that there is low potential for two special-status bird species to occur within the project site: the white-tailed kite (fully protected species under the Fish and Game Code) and Swainson's hawk (state threatened) as these species could nest within the coast live oaks located at the west end of the project site and in trees adjacent to the project site. There are two CNDDDB nesting records for Swainson's hawk located 0.9-mile east of the project site and approximately 1 mile east of the project site. There is extensive industrial development between the nesting records and the project site. There are no old raptor stick nests in these trees. It is unlikely that this hawk species would nest in these trees because of the extent of continual disturbance associated with this industrial site up to and including under the oaks that persist on this site and the absence of hunting habitat adjacent to the project site. Almost all surrounding uses around the project site are industrial with the exception of vineyards south of the railroad corridor. Vines are held up via guide wires which are typically lethal to raptors that are known to break wings on vineyard support cabling. Thus, typically, most raptors will not hunt in vineyards even when other agricultural croplands can be used by raptors.

The coast live oaks could ~~also~~ provide potential foraging and nesting habitat for other migratory bird species protected under the Migratory Bird Treaty Act or California Fish and Game Code. The proposed project would remove the nine coast live oak trees on the west end of the project site. Construction activities during the typical nesting season (February 1 through August 31) may cause direct effects (e.g., tree removal and vegetation clearing) and indirect effects (e.g., noise and vibration) to nesting birds, causing adults to abandon active nests and resulting in nest failure and reduced reproductive success. Prior to construction, the proposed project would implement Mitigation Measure BIO-1, which involves conducting pre-construction nesting bird surveys to document all nests on and adjacent to the project site. Protective buffers would be implemented around all documented nests during construction to minimize disturbance to nesting birds. Therefore, impacts on special-status wildlife and nesting migratory birds would be less than significant with implementation of Mitigation Measure BIO-1.



Page 3.38, Impact BIO-1, Special-Status Migratory Birds

Mitigation Measures

MM BIO-1 Avoid Disturbance of Nesting Birds. If project activities occur during the nesting season for native birds (February 1 to August 31), a nesting survey shall be conducted within 5 ~~45~~ days of starting construction work or tree removal activities. The nesting survey shall include an examination of the entire project site including existing buildings and all trees onsite and within 200 feet of the project site (e.g., within a zone of influence of nesting birds). The zone of influence includes those areas outside of the project site where earth-moving vibrations and/or other construction-related noise could disturb birds. If birds are identified nesting on or within the zone of influence of the proposed project, a qualified biologist shall establish a temporary protective nest buffer around the nest(s). The nest buffer shall be staked with orange construction fencing. The buffer must be of sufficient size to protect the nesting site from construction-related disturbance. Typically, adequate nesting buffers are 50 feet from the nest site or nest tree dripline for small birds and up to 300 feet for sensitive nesting birds that include several raptor species known to the region of the project site but that are not expected to occur on the project site. Upon completion of nesting surveys, if nesting birds are identified on or within a zone of influence of the project site, a qualified biologist shall prescribe adequate nesting buffers to protect the nesting birds from harm while the proposed project is constructed.

If there is a pause in construction activities of seven days or more during the nesting season, an additional nesting bird survey will be conducted to ensure that there are no new nests that need buffering.

No construction or earth-moving activity shall occur within any established nest protection buffer prior to September 1 unless it is determined by a qualified biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones, or that the nesting cycle is otherwise completed. In the region of the project site, most species complete nesting by mid-July. This date can be significantly earlier or later and would have to be determined by the qualified biologist. At the end of the nesting cycle and fledging from the nest by its occupants, as determined by a qualified biologist, temporary nesting buffers may be removed, and construction may commence in established nesting buffers without further regard for the nest site.



**APPENDIX A:
MITIGATION MONITORING AND
REPORTING PROGRAM**



**Mt. Diablo Resource Recovery
Maintenance Facility Project**

Mitigation Monitoring and Reporting
Program

March 18, 2021

Lead Agency:

City of Antioch
Community Development Department
Planning Division
200 H Street
Antioch, CA 94509

Technical Assistance:

Stantec Consulting Services Inc.
1340 Treat Boulevard, Suite 300
Walnut Creek, CA 94597

ACRONYMS AND ABBREVIATIONS

Applicant	Mt. Diablo Resource and Recovery
BAAQMD	Bay Area Air Quality Management District
BMPs	Best Management Practices
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
City	City of Antioch
CRHR	California Register of Historical Resources
DPR	Department of Parks and Recreation
HMBP	Hazardous Materials Business Plan
ISMND	Initial Study Mitigated Negative Declaration
MLD	Most Likely Descendant
MMRP	Mitigation, Monitoring, and Reporting Program
NAHC	Native American Heritage Commission
PRC	Public Resources Code
proposed project	Mt. Diablo Resource Recovery Truck Maintenance Facility Project
RWQCB	Regional Water Quality Control Board
SWPPP	Stormwater Pollution Prevention Program



This page left intentionally blank.



1.0 MITIGATION MONITORING AND REPORTING PROGRAM

The purpose of the Mitigation, Monitoring, and Reporting Program (MMRP) is to provide the City of Antioch Community Development Department (City) with a comprehensive list of the mitigation measures identified in the Initial Study Mitigated Negative Declaration (ISMND) for the Mt. Diablo Resource Recovery Truck Maintenance Facility Project (proposed project).

1.1 INTRODUCTION

The City is acting as the Lead Agency, as defined by the California Environmental Quality Act (CEQA). In accordance with Public Resources Code section 21081.6, a Lead Agency that approves or carries out a project with potentially significant environmental effects shall adopt a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval to mitigate or avoid significant effects on the environment.”

The CEQA Guidelines provide direction for clarifying and managing the complex relationships between a Lead Agency and other agencies with respect to implementing and monitoring mitigation measures. In accordance with CEQA Guidelines section 15097(d), “each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise.” This discretion will be exercised by implementing agencies at the time they consider any of the activities identified in the environmental document.

This MMRP is a working guide to facilitate both the implementation of the mitigation measures and the monitoring, compliance, and reporting activities by the City and any monitors it may designate. If the City adopts the ISMND for the proposed project, it will adopt the MMRP.

1.2 OVERVIEW OF THE MITIGATION MONITORING AND REPORTING PROGRAM

The MMRP is presented in the following table and includes the following components:

- The list of mitigation measures contained in the ISMND, as adopted by the City;
- The party responsible for implementing the mitigation measure;
- The timing for implementation of the mitigation measure;
- The agency responsible for monitoring implementation of the mitigation measure; and
- The monitoring action and frequency.

The City and its contractors will be required to comply with this MMRP in all respects. In any instance where non-compliance occurs, the City-designated environmental monitors will issue a warning to the construction supervisor and the City’s Project Manager. Any decisions to halt work due to non-compliance will be made by the City. The City’s designated environmental monitors will keep records of any incidents on non-compliance with mitigation measures. Copies of these documents will be supplied to the City.



Once construction has begun and is underway, the City will carry out monitoring of the mitigation measures associated with construction. The MMRP will be maintained in the City's files for use in construction and operation of the proposed project.



Mitigation Measures	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
					Action	Date completed with Signature
Section 3.3: Air Quality						
MM AIR-1: Implement Construction Best Management Practices. The applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by the Bay Area Air Quality Management District (BAAQMD) to reduce fugitive dust emissions. Emission reduction measures will include, at a minimum, the following measures. Additional measures may be identified by the BAAQMD or contractor as appropriate: <ul style="list-style-type: none">a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day;b) All haul trucks transporting soil, sand, or other loose material offsite will be covered;c) All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;d) All vehicle speeds on unpaved roads will be limited to 15 miles per hour;e) All roadways, driveways, and sidewalks to be paved will be completed as soon as possible. Building pads will be laid as soon as possible after grading unless seeding or soil binders are used.f) Idling times shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of the California Code of Regulations. Clear signage shall be provided for construction workers at all access points.g) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.h) Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person will respond and take corrective action within 48 hours. The BAAQMD's phone number will also be visible to ensure compliance with applicable regulations.	<ul style="list-style-type: none">Construction Contractor	Prior to issuance of grading permit and during construction.	Monitoring Party: <ul style="list-style-type: none">City of Antioch Community Development Department Monitoring Action: <ul style="list-style-type: none">Confirm BMPs are included in project specifications and Grading Plan.Confirm BMPs are implemented throughout the construction phase.	Prior to issuance of grading permit and throughout construction as needed.		



Mitigation Measures	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
					Action	Date completed with Signature
Section 3.4: Biological Resources						
<p>MM BIO-1: Avoid Disturbance of Nesting Birds. If project activities occur during the nesting season for native birds (February 1 to August 31), a nesting survey shall be conducted within <u>5</u> 45 days of starting construction work or tree removal activities. The nesting survey shall include an examination of the entire project site including existing buildings and all trees onsite and within 200 feet of the project site (e.g., within a zone of influence of nesting birds). The zone of influence includes those areas outside of the project site where earth-moving vibrations and/or other construction-related noise could disturb birds. If birds are identified nesting on or within the zone of influence of the proposed project, a qualified biologist shall establish a temporary protective nest buffer around the nest(s). The nest buffer shall be staked with orange construction fencing. The buffer must be of sufficient size to protect the nesting site from construction-related disturbance. Typically, adequate nesting buffers are 50 feet from the nest site or nest tree dripline for small birds and up to 300 feet for sensitive nesting birds that include several raptor species known to the region of the project site but that are not expected to occur on the project site. Upon completion of nesting surveys, if nesting birds are identified on or within a zone of influence of the project site, a qualified biologist shall prescribe adequate nesting buffers to protect the nesting birds from harm while the proposed project is constructed.</p> <p><u>If there is a pause in construction activities of seven days or more during the nesting season, an additional nesting bird survey will be conducted to ensure that there are no new nests that need buffering.</u></p> <p>No construction or earth-moving activity shall occur within any established nest protection buffer prior to September 1 unless it is determined by a qualified biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones, or that the nesting cycle is</p>	<ul style="list-style-type: none">• Construction Contractor• Qualified Biologist	Nesting survey will be conducted within <u>5</u> 45 days of starting construction work or tree removal activities.	<p>Monitoring Party:</p> <ul style="list-style-type: none">• City of Antioch Community Development Department <p>Monitoring Action:</p> <ul style="list-style-type: none">• Confirm selection of qualified biologist• Confirm nesting bird surveys are conducted within <u>5</u> 45 days of starting construction work or tree removal activities.• Confirm pre-construction clearance by qualified biologist• Confirm pre-construction clearance for work stoppage of seven days or greater during nesting season	Prior to issuance of grading permit and throughout the construction phase as needed.		



Mitigation Measures	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
					Action	Date completed with Signature
otherwise completed. In the region of the project site, most species complete nesting by mid-July. This date can be significantly earlier or later and would have to be determined by the qualified biologist. At the end of the nesting cycle and fledging from the nest by its occupants, as determined by a qualified biologist, temporary nesting buffers may be removed, and construction may commence in established nesting buffers without further regard for the nest site.						
<p>MM BIO-2: Avoid Disturbance of Roosting Bats. Prior to construction and tree removal activities, a qualified biologist shall conduct preconstruction surveys for roosting bats within 14 days of starting work. Tree removal and construction activities shall be conducted during specific seasonal periods of bat activity: between August 31 and October 15, when bats would be able to fly and feed independently, and between March 1 and April 1 to avoid hibernating bats and prior to the formation of maternity colonies. If the qualified biologist finds evidence of bat presence during the surveys, then a plan for removal and exclusion shall be prepared in conjunction with CDFW.</p> <p>If construction activities and tree removal must occur outside of the seasonal activity periods (e.g., between October 16 and February 28-29, or between April 2 and August 30), then a qualified biologist shall conduct preconstruction surveys within 14 days of starting work. If roosts are found, a determination shall be made whether there are young. If a maternity site is found, impacts to the maternity site shall be avoided by establishment of a non-disturbance buffer until the young have reached independence. The size of the buffer zone shall be determined by the qualified biologist at the time of the surveys. If the qualified biologist finds evidence of bat presence during the surveys, then a plan for removal and exclusion when there are not dependent young present shall be prepared in conjunction with CDFW.</p>	<ul style="list-style-type: none">Construction ContractorsQualified Biologist	Preconstruction surveys will be conducted within 14 days of starting work.	<p>Monitoring Party:</p> <ul style="list-style-type: none">City of Antioch Community Development Department <p>Monitoring Action:</p> <ul style="list-style-type: none">Confirm selection of qualified biologistConfirm preconstruction surveys are conducted within 14 days of starting work	Prior to issuance of grading permit and throughout the construction phase as needed.		



Mitigation Measures	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
					Action	Date completed with Signature
Section 3.5: Cultural Resources						
MM CUL-1: Cultural Materials Discovered During Construction. If any cultural resource is encountered during ground disturbance or subsurface construction activities (e.g., trenching, grading), all construction activities within a 50-foot radius of the identified potential historical resource shall cease until an archaeologist who meets the Secretary of the Interior’s Standards and Guidelines for Professional Qualifications in archaeology and/or history evaluates the resource for its potential significance and determines whether the resource requires further study. If the qualified archaeologist determines that the cultural resource does not appear to be eligible for inclusion on the CRHR, it will be appropriately documented on Department of Parks and Recreation (DPR) 523 series forms and project activity may resume. If the qualified archaeologist determines that the cultural resource appears eligible for inclusion on the CRHR, the archaeologist shall make recommendations to the City of Antioch on the measures to be implemented to protect the discovered resources. The measures may include avoidance, preservation in place, data recovery excavation, or other appropriate measures outlined in PRC Section 21083.2. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate DPR forms and evaluated for significance in terms of CEQA criteria. The applicant shall be responsible for the costs of retaining a qualified archaeologist and the recording of resources on DPR forms. No further grading shall occur within a 50-foot radius of the discovery until the City of Antioch approves the measures to protect these resources. Any archaeological artifacts recovered because of mitigation shall be donated to a qualified scientific institution approved by the City where they would be afforded long-term preservation to allow future scientific study.	<ul style="list-style-type: none">• Construction Contractor• Qualified Archaeologist	During the construction phase.	Monitoring Party: <ul style="list-style-type: none">• City of Antioch Community Development Department Monitoring Action: <ul style="list-style-type: none">• Confirm a qualified archaeologist is under contract prior to the start of any ground disturbing activities.• If cultural resources are discovered during construction confirm activities are halted until appropriate treatment measures are implemented.	Prior to issuance of grading permit and throughout the construction phase as needed.		
MM CUL-2: Worker Awareness Training. Prior to the start of any ground disturbance, all field personnel shall receive worker’s environmental awareness training on cultural resources. The training, which may be conducted with other environmental or safety trainings, will provide a description of cultural resources that may	<ul style="list-style-type: none">• Construction Contractor• Qualified Archaeologist	Pre-construction: Prior to ground disturbing activities.	Monitoring Party: <ul style="list-style-type: none">• City of Antioch Community Development Department Monitoring Action:	Prior to issuance of grading permit and throughout the construction phase as needed.		



Mitigation Measures	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
					Action	Date completed with Signature
be encountered during construction and outline the steps to follow in the event that a discovery is made.			<ul style="list-style-type: none">• Confirm a qualified archaeologist is under contract prior to the start of any ground disturbing activities.• Confirm a qualified archaeologist provides worker awareness training prior to start of any ground disturbing activities.			
<p>MM CUL-3: Human Remains Discovered During Construction. If ground-disturbing activities uncover previously unknown human remains, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed:</p> <p>There shall be no further excavation or disturbance of the area where the human remains were found or within 50 feet of the find until the Contra Costa County Coroner and the appropriate City representative are contacted. Duly authorized representatives of the Coroner and the City shall be permitted onto the project site and shall take all actions consistent with Health and Safety Code Section 7050.5 and Government Code Sections 27460, et seq. Excavation or disturbance of the area where the human remains were found or within 50 feet of the find shall not be permitted to re-commence until the Coroner determines that the remains are not subject to the provisions of law concerning investigation of the circumstances, manner, and cause of any death. If the Coroner determines that the remains are Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the most likely descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of the human remains and any associated grave goods with appropriate dignity, as provided in PRC Section 5097.98. If the MLD does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from further disturbance. If the landowner does not accept the MLD’s recommendations, the owner or the MLD may request mediation by NAHC.</p>	<ul style="list-style-type: none">• Construction Contractor• Qualified Archaeologist	During the construction phase.	<p>Monitoring Party:</p> <ul style="list-style-type: none">• City of Antioch Community Development Department <p>Monitoring Action:</p> <ul style="list-style-type: none">• Confirm a qualified archaeologist is under contract prior to the start of any ground disturbing activities.• Confirm a qualified archaeologist is onsite monitoring ground disturbing activities• If human remains are discovered during construction confirm activities are halted until appropriate treatment measures are implemented.	Prior to issuance of grading permit and throughout the construction phase as needed.		



Mitigation Measures	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
					Action	Date completed with Signature
Section 3.7: Geology and Soils						
MM GEO-1: Implement Geotechnical Design Recommendations. Prior to issuance of grading permits, the applicant shall incorporate all design specifications and recommendations contained within the Geotechnical Investigation, dated January 21,2020, into relevant project plans and specifications. These specifications and recommendations pertain to but are not limited to the project’s earthwork activities, foundation support, and pavement design. The project site plans shall be prepared by a civil and structural engineer and submitted to the City for review during the building permit process.	<ul style="list-style-type: none">• Applicant	Prior to issuance of grading permits.	Monitoring Party: <ul style="list-style-type: none">• City of Antioch Community Development Department Monitoring Action: <ul style="list-style-type: none">• Confirm specifications of the geotechnical report are implemented into the project and conform the City requirements.	Once during the City’s review of the project site plans.		
MM GEO-2: Procedures for Paleontological Resources Discovered During Construction. If any paleontological resources are encountered during ground-disturbing or subsurface construction activities (e.g., trenching, grading), all construction activities within a 50-foot radius of the identified resource shall cease and the City shall immediately be notified. The applicant shall retain a qualified paleontologist (as approved by the City) to evaluate the find and recommend appropriate treatment if the inadvertently discovered paleontological resource. The appropriate treatment of an inadvertently discovered paleontological resource shall be implemented to ensure that impacts to the resource is avoided.	<ul style="list-style-type: none">• Construction Contractor• Qualified Paleontologist	During the construction phase.	Monitoring Party: <ul style="list-style-type: none">• City of Antioch Community Development Department Monitoring Action: <ul style="list-style-type: none">• Confirm selection of qualified paleontologist• If paleontological resources are encountered during construction confirm construction activities are halted until appropriate treatment measures are implemented.	Prior to issuance of grading permit and throughout the construction phase as needed.		
Section 3.9: Hazards and Hazardous Materials						
MM HAZ-1: Prepare and Implement a Hazardous Materials Business Plan. The applicant shall prepare a HMBP in accordance with CFR, Title 40. The HMBP shall include inventory of any individual hazardous material or mixture in excess of any of the following quantities: 55 gallons (liquid); 500 pounds (solid); or 200 cubic feet (gases). The HMBP would include measures for safe storage, transportation, use, and handling of hazardous materials. The HMBP shall also include a contingency plan that describes the facility’s response procedures in the event of a hazardous materials release. The HMBP shall be submitted to Contra Costa Health Services prior to occupancy.	<ul style="list-style-type: none">• Applicant	Prior to occupancy.	Monitoring Party: <ul style="list-style-type: none">• City of Antioch Community Development Department Monitoring Action: <ul style="list-style-type: none">• Confirm HMBP was submitted to Contra Costa Health Services	Once prior to occupancy.		
Refer to Mitigation Measures HYD-1 and HYD-2 below.						



Mitigation Measures	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
					Action	Date completed with Signature
Section 3.10: Hydrology and Water Quality						
MM HYD-1: Prepare and Implement a SWPPP. Coverage shall be obtained for the project under the Construction General Permit (Order No. 2009-009-DWQ, as amended by 2010-0014-DWQ and 20152-006-DWQ). Per the requirements of the State Water Resources Control Board, a SWPPP shall be prepared for the project to reduce the potential for water pollution and sedimentation from proposed project activities. The SWPPP shall address site runoff, assuring that project runoff shall not affect or alter the drainage patterns on the project site. The SWPPP shall comply with the Waste Discharge Requirements of the Central Valley RWQCB Permit.	<ul style="list-style-type: none">• Applicant• Construction Contractor	Prior to issuance of grading permits and during construction.	Monitoring Party: <ul style="list-style-type: none">• City of Antioch Community Development Department Monitoring Action: <ul style="list-style-type: none">• Confirm requirements of the approved SWPPP are included in project specifications and implemented throughout the construction phase.	Once at the time of contractor specifications review and throughout the construction phase as needed.		
MM HYD-2: Obtain Industrial General Permit. Prior to operation, the applicant shall obtain coverage under the Industrial General Permit (Order No. 2014-0057-DWQ). Per the requirements of the State Water Resources Control Board, the applicant and facility operators would be required to prepare an operational SWPPP, eliminate unauthorized non-stormwater discharges, and perform monitoring of stormwater discharges and authorized non-stormwater discharges. The post-operational SWPPP shall also include a spill prevention and countermeasure plan that identifies the proper storage, collection, and disposal measures for potential pollutants used onsite, including the use and disposal of petroleum products associated with the onsite truck fueling station. The operational SWPPP shall comply the City’s sewer discharge requirements, as specified in Chapter 6-4, of the Antioch Municipal Code, and the Waste Discharge Requirements of the Central Valley RWQCB Permit.	<ul style="list-style-type: none">• Applicant• Facility Operators	Prior to operation.	Monitoring Party: <ul style="list-style-type: none">• City of Antioch Community Development Department Monitoring Action: <ul style="list-style-type: none">• Confirm requirements are met and implemented prior to operation.	Once prior to operation.		
Section 3.13: Noise						
MM NOI-1: Fixed-Source Noise Attenuation. The noise from all mechanical equipment associated with the proposed project shall comply with Paragraph 11.61.1 “Noise Objective” in the General Plan and Article 19 “Noise Attenuation Requirements” in the Antioch Municipal Code.	<ul style="list-style-type: none">• Applicant	Prior to issuance of grading permits.	Monitoring Party: <ul style="list-style-type: none">• City of Antioch Community Development Department Monitoring Action: <ul style="list-style-type: none">• Confirm fixed noise sources associated with the project conform to the General Plan and City’s Municipal Code requirements.	Once during the City’s review of the project site plans.		



Mitigation Measures	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
					Action	Date completed with Signature
MM NOI-2: Operation Noise Reduction. To reduce worst-case instantaneous operations noise levels from the maintenance buildings to the closest residential receptors, the doors on the south side of the maintenance buildings would need to remain closed. If it is desired to leave the doors open, a qualified acoustical consultant could perform a more detailed noise study of the maintenance buildings taking into account actual measured noise levels from an existing company maintenance building and accounting for the conditions and finishes within the buildings themselves. The detailed noise study may recommend absorptive finishes or shielding inside or outside the building which would allow the doors to remain open.	<ul style="list-style-type: none">• Applicant• Facility Operators	Prior to construction and during operational phase.	Monitoring Party: <ul style="list-style-type: none">• City of Antioch Community Development Department Monitoring Action: <ul style="list-style-type: none">• Confirm implementation of mitigation measure during operation or completion of a noise study with implementation of recommendations.	Once during the City’s site plan review and throughout the operational phase as needed.		
MM NOI-3: Construction Noise Reduction. Follow all construction noise requirements listed in the General Plan and Paragraphs 5.17.04 “Heavy Construction Equipment Noise” and 5.17.05 “Construction Activity Noise” within the Antioch Municipal Code.	<ul style="list-style-type: none">• Construction Contractor	During construction phase.	Monitoring Party: <ul style="list-style-type: none">• City of Antioch Community Development Department Monitoring Action: <ul style="list-style-type: none">• Confirm requirements listed in the General Plan and the City’s Municipal Code are met during construction.	Prior to issuance of grading permit and throughout the construction phase as needed.		
Section 3.18: Tribal Cultural Resources						
Refer to Mitigation Measures CUL-1, CUL-2, and CUL-3 above.						

